

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD

BFS BRANDS, L.L.C

and

BRIDGESTONE/FIRESTONE  
NORTH AMERICAN TIRE, L.L.C.

Opposers

v.

ORTECK INTERNATIONAL, INC.

Applicant

\* \* \* \* \*

03-28-2003

U.S. Patent & TMOrc/TM Mail Rcpt Dt. #30

Opposition No.: 154,661  
Application Ser. No.: 76/369,339  
Mark: MILESTONE ROAMER

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

TO Assistant Commissioner of Trademarks  
2900 Crystal Drive  
Arlington, VA. 22202  
BOX TTAB-No Fee

cc. Peter G. Mack  
Geoffrey M. McNutt  
Foley & Larder  
3000 K Street, N.W.  
Suite 500  
Washington, D.C. 20007  
(Attorneys for Opposers)

Sir:

Orteck International, Inc., having a business address at 7917 G&H Cessna Avenue,  
and Applicant in the above-captioned proceeding, pleads as follows in Answer to the Notice

of Opposition as served by BFS Brands, L.L.C. and Bridgestone/Firestone North American Tire, L.L.C..

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1 of the Opposition, and therefore denies the same.

2. Admitted.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3 of the Opposition, and therefore denies the same.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4 of the Opposition, and therefore denies the same.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 5 of the Opposition, and therefore denies the same.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 6 of the Opposition, and therefore denies the same.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 7 of the Opposition, and therefore denies the same.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 8 of the Opposition, and therefore denies the same.

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 8 of the Opposition, and therefore denies the same.

10. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 10 of the Opposition, and therefore denies the same.

11. Denied.

12. Applicant denies that Applicant's "tires for vehicle wheels" identified by Applicants "MILESTONE ROAMER" and the "rubber tires" identified by Opposer's FIRESTONE marks and names and by the Bridgestone/Firestone name are identical. Applicant is without sufficient information to either admit or deny the remaining averments in paragraph 12 and therefore deny the same.

13. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 13 of the Opposition, and therefore denies the same.

14. Denied.

15. Denied.

16. Applicant denies that its MILESTONE ROAMER mark causes and will cause dilution of the distinctive quality of Opposer's famous FIRESTONE mark and name and of

the Bridgestone/Firestone name, all to further damage of Opposers. Applicant is without sufficient information to either admit or deny the remaining averments in paragraph 16 and therefore deny the same.

17. Admitted.

18. Denied.

19. Denied.

#### AFFIRMATIVE DEFENSE

As separate affirmative defenses to the Notice of Opposition, Applicant pleads as follows:

20. Opposer is barred by the doctrine(s) of laches and/or estoppel.

21. Opposer lacks standing to maintain this Opposition proceeding.

#### RESERVATION

Applicant expressly reserves the right to allege any additional affirmative defenses and/or counterclaims as may be appropriate based on further pleading or discovery.

Wherefore, Applicant prays:

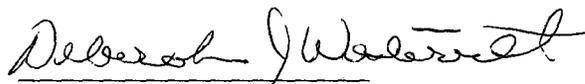
1. That all requested relief by Opposer be denied.

2. That Application Serial No. 76/369,339 for the Mark: MILSETONE ROAMER be registered in due course.
3. That Applicant has such other and further relief as the board determines is appropriate under the circumstances.

\* \* \* \* \*

DATED this 31 day of March, 2003.

Respectfully submitted,



Deborah J. Westervelt  
Royal W. Craig  
Law Offices of Royal W. Craig  
10 North Calvert Street  
Suite 153  
Baltimore, Maryland 21202  
Telephone: (410)385-2383

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Applicant's Answer to Opposition were sent by First Class Mail postage pre-paid, on March 31, 2003, upon the following Attorneys for Opposer:

Peter G. Mack  
Geoffrey M. McNutt  
Foley & Larder  
3000 K Street, N.W.  
Suite 500  
Washington, D.C. 20007

Date: March 31, 2003

  
Deborah J. Westervelt  
The Law Offices of Royal W. Craig  
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TTAB

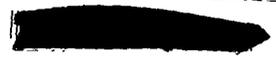
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L.L.C. (*Opposers*) v. Orteck International, Inc. (*Applicant*).

LAW  
BUSINESS  
TECHNOLOGY

Dear Sir:

Enclosed please find the following documents:

1. Applicant's Answer to Notice of Opposition (6 pp).
2. This post card (please date stamp and return).

Thank you for your cooperation and assistance.

Respectfully submitted,

March 31, 2003  
Date

Deborah J. Westervelt  
Attorney for Applicant

I HEREBY CERTIFY that on March 31, 2003, one copy of the above-referenced documents were deposited with the United States Postal Service for delivery by Express Mail to the Trademark Trial And Appeal Board at BOX TTAB, located at 2900 Crystal Drive, Arlington, VA 22202-3513.

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