

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

PORTOBELLO S/A,
Opposer,

Opposition No. 156,037
Serial No. 76/428,939

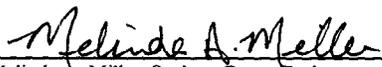
v.

Certificate of Mailing

MANSFIELD PLUMBING PRODUCTS, L.L.C.,

I hereby certify that this correspondence was deposited with the United States Postal Service as first class mail in an envelope addressed to: Box TTAB, No Fee, Commissioner of Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 on this 30th day of May, 2003.

Applicant.


Melinda A. Miller, Sec'y to Reese Taylor

Box TTAB, No Fee
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513



06-02-2003

U.S. Patent & TMOs/TM Mail Rpt Dt. #39

ANSWER TO NOTICE OF OPPOSITION

Applicant, Mansfield Plumbing Products, L.L.C. ("Applicant"), by its attorneys, hereby

Answers The Notice of Opposition as follows:

As to the Introductory Paragraph of the Notice of Opposition, admits the allegation that the mark PORTOBELLO is the subject of Application Serial No. 76/428,939 published in the Official Gazette on February 11, 2003; denies the allegation that Opposer, Portobello S/A ("Opposer"), will be damaged by registration of the mark PORTOBELLO; and denies the balance of the allegations found therein as to Opposer as Applicant is without knowledge or information

sufficient to form a belief as to their truth.

As to the numbered Paragraphs of the Notice of Opposition, Applicant Answers as follows:

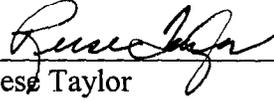
1. Denies the allegations of Paragraph 1 of the Notice of Opposition as Applicant is without knowledge or information sufficient to form a belief as to their truth.
2. Admits the existence of U.S. Registration No. 1,406,743 for the mark PORTOBELLO (and design) for ceramic tiles as alleged in Paragraph 2 of the Notice of Opposition, but denies the balance of the allegations found therein as Applicant is without knowledge or information sufficient to form a belief as to their truth.
3. Denies the allegations of Paragraph 3 of the Notice of Opposition as to the use of Opposer's ceramic tiles as Applicant is without knowledge or information sufficient to form a belief as to their truth.
4. Admits the allegations of Paragraph 4 of the Notice of Opposition.
5. Denies the allegations of Paragraph 5 of the Notice of Opposition as Applicant is without knowledge or information sufficient to form a belief as to their truth.
6. Denies the allegations of Paragraph 6 of the Notice of Opposition.
7. Denies the allegations of Paragraph 7 of the Notice of Opposition.
8. Denies the allegations of Paragraph 8 of the Notice of Opposition..
Denies the allegations of the Prayer for Relief of the Notice of Opposition.
Denies any and all allegations found in the Notice of Opposition not expressly admitted herein.

AFFIRMATIVE DEFENSES

1. Applicant's mark PORTOBELLO mark is distinctly different from Opposer's pled mark in appearance, connotation and commercial impression.
2. The goods in connection with which the parties' use their respective marks differ.
3. The channels of trade through which the goods of the parties travel differ.
4. The classes of purchasers to which the goods of the parties are sold or offered for sale differ.
5. There is no likelihood of confusion, mistake or deception of the purchasing public between Applicant's mark and Opposer's mark when the marks and the goods with which they are used are considered in their entireties.
6. The goods of the parties are neither inexpensive nor likely to be purchased upon impulse negating any likelihood of confusion among the purchasing public as to the source of origin of the goods.
7. The purchasing public does not recognize the PORTOBELLO component feature of Opposer's pled mark as indicative of a common origin of the goods.
8. Opposer's rights in its pled mark are of narrow scope and entitled to only a limited range of protection in view of third party registrations and uses of marks which include the component feature PORTOBELLO for goods which are the same as or related to the goods described in Opposer's pled trademark registrations.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed in its entirety, and that registration issue to Applicant for its PORTOBELLO mark.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing

Answer to Notice of Opposition was served upon the following counsel of record:

TO: Susan Upton Douglass
FROSS ZELNICK LEHRMAN & ZISSU
866 United Nations Plaza
New York, NY 10017

by U.S. mail, first class, postage pre-paid on this 30th day of May, 2003.



Reese Taylor

TTAB

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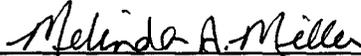
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Melinda A. Miller, Sec'y to Reese Taylor

TRANSMITTAL SHEET



06-02-2003

U.S. Patent & TMD/TM Mail RcptDt. #39

Enclosed are the following documents:

Answer to Notice of Opposition (in triplicate)

Return Receipt Postcard

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 18-0987. If a withdrawal is required from Deposit Account No. 18-0987, the undersigned attorney respectfully requests that the Commissioner of Patents and Trademarks cite Attorney Docket Number MSF.T.US0036 for billing purposes.

Respectfully submitted,


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Attorney Docket No: MSF.T.US0036