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

Proceeding	91164847
Party	Defendant Conair Corporation Conair Corporation One Cummings Point Road Stamford, CT 06902
Correspondence Address	Conair Corporation One Cummings Point Road Stamford, CT 06902
Submission	Answer
Filer's Name	William C. Wright
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Signature	/William C. Wright/
Date	05/23/2005
Attachments	pureefs.pdf (4 pages)

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

In the matter of U.S. Application Ser. No. 78/284,830
Mark: PURE

-----X	:	
JOHNSON & JOHNSON,	:	
	:	
Opposer,	:	
	:	Opposition No. 91164847
v.	:	
	:	
CONAIR CORPORATION,	:	
	:	
Applicant.	:	
-----X	:	

ANSWER

Applicant, Conair Corporation, by its undersigned attorneys, hereby answers the Notice of Opposition directed to the numbered paragraphs as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 1 of the Notice of Opposition and therefore denies the same.
2. Applicant denies the allegations of Paragraph 2 of the Notice of Opposition.
3. Applicant was not required by the U.S. Patent and Trademark Office to claim or demonstrate that its PURE trademark acquired distinctiveness.
4. Applicant is without knowledge as to how third party businesses use the term "pure", if at all, and denies the remaining allegations of Paragraph 4 of the Notice of Opposition.

5. Applicant denies the allegations of Paragraph 5 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Opposer has failed to state a claim upon which relief would be granted.

SECOND AFFIRMATIVE DEFENSE

Opposer is not and will not be damaged by Applicant's PURE mark.

THIRD AFFIRMATIVE DEFENSE

Opposer claims the term PURE is descriptive or generic, yet it uses the terms PUR (the French equivalent of the term PURE) and PURITY alone or as part of registered trademarks.

FOURTH AFFIRMATIVE DEFENSE

Opposer's use of the term "pure" exhibited in Exhibit A to the Notice of Opposition and elsewhere is evidence that the term "pure" is not "generic."

FIFTH AFFIRMATIVE DEFENSE

Opposer's claims are barred by the doctrine of unclean hands.

SIXTH AFFIRMATIVE DEFENSE

In the unlikely event that Applicant's PURE mark is held to be descriptive, as used by Applicant the mark has acquired distinctiveness as applied to its goods.

SEVENTH AFFIRMATIVE DEFENSE

Opposer has acquiesced to the registration and use of numerous marks incorporating the term "PURE" in connection with personal care products.

Respectfully submitted,

**EPSTEIN DRANGEL BAZERMAN
& JAMES, LLP**

Attorneys for Applicant

Dated: May 23, 2005

By: _____

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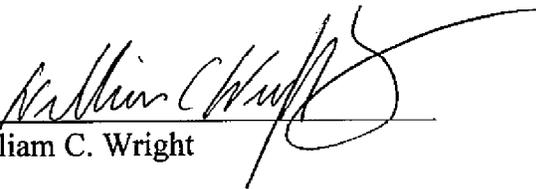
Fax: (212) 292-5391

Our Ref.: 2037-003

CERTIFICATE OF SERVICE

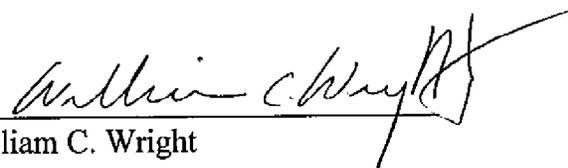
I hereby certify that a true and complete copy of the foregoing ANSWER was served by First Class Mail, with sufficient postage prepaid, on this 23rd day of May, 2005, upon Opposer's attorney:

Norm D. St. Landau
Christen M. English
Drinker Biddle & Reath LLP
1500 K Street, N.W., Suite 1100
Washington, DC 20005-1209

By: 
William C. Wright

CERTIFICATE OF MAILING

I hereby certify that the foregoing ANSWER is being filed electronically with the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513, on May 23, 2005

By: 
William C. Wright