

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

TTAB

AGC, Inc.,

Opposition No. 91166799

Opposers,

v.

Serial No. 78/392851

Renhard, Dji.

Mark: ROSE DESIGN

Applicant.



11-16-2005

U.S. Patent & TMO/TM Mail Rcpt Dt #22

ANSWER TO NOTICE OF OPPOSITION

Applicant Dji Renhard answers the Notice of Opposition of AGC, Inc. as follows. Paragraph numbers in the Answer correspond to the paragraph numbers used in the Notice of Opposition.

NON-NUMBERED PARAGRAPH ON PAGE THREE

Applicant admits that it filed on March 29, 2004 in International Classes 18, 25, and 35 a trademark application for the ROSE DESIGN mark in the United States Patent and Trademark Office ("PTO"), Serial No. 78392851 that was published in the Official Gazette of the PTO on June 7, 2005. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation as to Opposer's entity formation, or principal place of doing business and therefore denies the same. Applicant denies the remaining allegations of this paragraph.

NUMBERED PARAGRAPHS

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained and therefore denies the same.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained and therefore denies the same.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained and therefore denies the same.

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

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

6. Denied.

7. Denied.

8. Denied.

1. AFFIRMATIVE DEFENSES

1. Opposer fails to state a claim upon which relief can be granted.

2. Opposer comes before the Board with unclean hands due to its knowledge that Opposer would not be damaged or injured if Applicant were permitted to register the ROSE DESIGN mark.

REQUESTED RELIEF

WHEREFORE, Applicant, having answered the Notice of Opposition, requests that:

1. Opposer's Notice of Opposition is dismissed with prejudice.

2. Applicant is issued an unrestricted registration on the Principal Register for its mark.

3. Applicant is granted such other relief as the Board deems just and equitable under the circumstances.

RESPECTFULLY SUBMITTED this 16th day of November, 2005.


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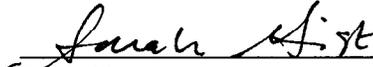
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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of November, 2005, a true copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was served via First Class U.S Mail, addressed as follows:

Stephen L. Scharf
AGC, Inc.
One American Road
Cleveland, OH 44144

EXECUTED on November 16th, 2005.



Sarah Gist