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

Proceeding	91167303
Party	Defendant Johnson & Johnson Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 089337001
Correspondence Address	Laurence S. Rickles JOHNSON AND JOHNSON CORP 1 JOHNSON AND JOHNSON PLZ NEW BRUNSWICK, NJ 08933-0002 LRICKLE@CORUS.JNJ.com
Submission	Answer
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Date	03/15/2006
Attachments	COMFORTGLIDE.pdf (3 pages)

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

PLAYTEX PRODUCTS, INC.,	:	
Opposer,	:	
v.	:	Opposition No. 91-167303
JOHNSON & JOHNSON,	:	
Applicant.	:	

ANSWER

JOHNSON & JOHNSON, a New Jersey corporation having a principal place of business at One Johnson & Johnson Plaza, New Brunswick, New Jersey 08933-7001 ("Applicant"), without waiving any right due to any insufficiency in the statement of the grounds of the opposition, and saving to itself all defenses in law and equity, in answer to Opposer's Notice of Opposition states:

1. Applicant admits paragraph 1.
2. Applicant admits the portion of paragraph 2 relating to Opposer's ownership of the listed registrations so far as they accurately reflect the records of the United States Patent and Trademark Office ("PTO"). Applicant is without knowledge regarding Opposer's actual use of the listed marks and therefore, denies the allegations of use contained in paragraph 2.
3. Applicant admits that the listed registrations appear to be valid and subsisting according to the records of the PTO. Applicant admits the meaning of incontestability under Section 15 of the Lanham Act.
4. Applicant admits that it filed an application for COMFORT GLIDE in April 2004 based on intent to use. Applicant is without knowledge regarding Opposer's actual use of the listed marks and therefore, denies the allegations of Opposer's use contained in paragraph 4.

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5. Applicant is without knowledge of the allegations in paragraph 5, and therefore, denies the same.

6. Applicant denies the allegations in paragraphs 7-10.

AFFIRMATIVE DEFENSES

7. The marks of the Opposer and of the Applicant are sufficiently different when properly considered in their entireties to avoid any likelihood of confusion, mistake or deception, as applied to the respective goods of the Opposer and the Applicant. While Opposer refers to its marks as "COMFORT/GLIDE Marks," Opposer does not allege use or ownership of the mark COMFORT GLIDE, or any mark which incorporates both the words "comfort" and "glide."

8. Opposer's rights in the Opposer's marks are narrowly restricted to the specific mark and goods identified in its registrations because the terms "comfort" and "glide" are in common use for goods in the relevant field, entitling each user to only a narrow scope of protection.

WHEREFORE, Applicant prays that the Opposition be dismissed with prejudice, and that it be accorded such further relief as provided for by law and the rules of practice in trademark cases.

Respectfully submitted,

JOHNSON & JOHNSON

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing ANSWER was served on counsel for Opposer, at the following address of record, by first class mail, postage prepaid, this 15th day of March 2006:

Rose Auslander, Esq.
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