

76616001

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

OMS Investments, Inc.,

Opposition Number 91168824

Opposer,

v.

Josephine Fermanian

Applicant

**APPLICANTS ANSWER TO NOTICE OF OPPOSITION  
AND AFFIRMATIVE DEFENSES**

Commissioner for Trademarks  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Dear Sir or Madam:

Applicant, Josephine Fermanian ("Applicant") believes that no damage will be caused to OMS Investments Inc. (hereinafter "Opposer") by registration of the mark "**Germes Begone**" as shown in Application Serial no. 76616001 and hereby answers the Notice of Opposition filed by OMS Investments ("Opposer") as follows:

1. Answering Paragraph 1, Applicant does not have sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in paragraph 1 and accordingly denies each and every allegation therein.
2. Answering Paragraph 2, Applicant does not have sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in paragraph 2 and accordingly denies each and every allegation therein.
3. Answering Paragraph 3, Applicant does not have sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in paragraph 3 and accordingly denies each and every allegation therein.



03-03-2006

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4. Answering Paragraph 4, Applicant admits there is a United States Trademark Registration No. 76/616,001 identifying the goods as All Natural Cleaning products. Applicant denies the allegation that the use of GERMS BEGONE will be confusingly similar to Opposer's Marks. Opposer, OMS Investments Inc. is not in the business of natural cleaning products. Applicant denies the allegations that the minds of the public will be confused or lead prospective purchasers to believe that Applicants goods are those of Opposer or are endorsed, sponsored or otherwise affiliated or connected to Opposer. Applicant will be using its mark only in connection with the Applicants all natural cleaning product line and there is no implied or expressed connection with the Opposer's service. Furthermore, there are numerous registrations with the Begone trademarks not affiliated with OMS Investments, Inc. being used presently.

Applicant submits examples of **Begone** registrations:

**Smells Begone** registration number 1509853

**Bugs B Gone** registration number 3039842

**Blemish Begone** registration number 2651877

**Spyware Begone** registration number 2966125

**Popup Begone** registration number 2857748

**Bird B Gone** registration number 2658355

**Stinky Be Gone** registration number 2056693

5. Answering Paragraph 5, Applicant accordingly denies each and every allegation therein.
6. Answering Paragraph 6, Applicant does not have sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in paragraph 6 and accordingly denies each and every allegation therein.
7. Answering Paragraph 7, Applicant does not have sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in paragraph 7 and accordingly denies each and every allegation therein.

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8. Answering Paragraph 8, Applicant denies each and every allegation in paragraph 8.
9. Answering Paragraph 9, Applicant denies each and every allegation in paragraph 9.
10. Answering Paragraph 10, Applicant denies each and every allegation in paragraph 10 and should be allowed to register the mark GERMS BEGONE for all goods for which it has made application.

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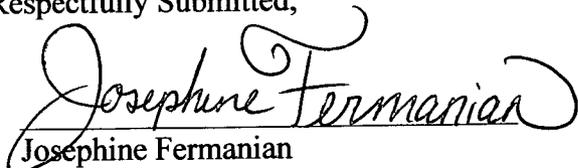
11. Answering Paragraph 11, Applicant denies each and every allegation therein.

Wherefore, Applicant prays that this Response to the Notice of Opposition be acknowledged and we kindly request that Opposition #91168824 be dismissed and that the registration of Germs Begone application number 76616001 be granted.

Please address all communications to:

Fermani Corp.  
Attn: Josephine Fermanian  
P.O. Box 296  
Walled Lake, MI 48390  
Telephone: 248-421-8326

Respectfully Submitted,



Josephine Fermanian

Fermani Corp.  
P.O. Box 296  
Walled Lake, MI 48390  
Telephone: 248-421-8326

Date: 2/27/06

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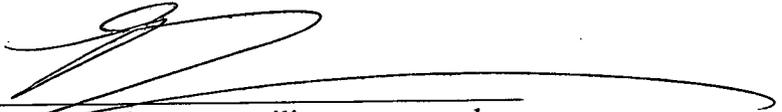
Serial no. 76616001

**Certificate of Mailing**

I hereby certify that a true copy of the foregoing Applicant's Answer is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Cory M. Amron  
Vorys, Sater, Seymour and Pease LLP  
1828 L. Street, NW 11<sup>th</sup> floor  
Washington DC 20036  
United States  
Attn: William Oldach

2/27/06



Signature of person mailing correspondence

Bedros Fermanian  
Printed name of the mailing person