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Filing date: **07/13/2006**

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

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|------------------------|---|
| Proceeding | 91171224 |
| Party | Plaintiff Warner-Lambert Company LLC |
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| Submission | Opposition/Response to Motion |
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Warner-Lambert Company LLC,

Opposer,

v.

Quality Brands LLC,

Applicant.

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Opposition No. 91171224

OPPOSER'S RESPONSE TO APPLICANT'S MOTION TO STRIKE

Opposer, Warner-Lambert Company LLC, respectfully requests the Board to deny Applicant's Motion to Strike paragraphs 10 and 11 of the Notice of Opposition.

It is Opposer's belief that Applicant did not have the requisite *bona fide* intention to use the alleged mark LISTEREX at the time the application in question was filed. This allegation is set forth in paragraph 18 of the Notice of Opposition. Paragraphs 10 and 11 form, in part, the basis for Opposer's belief that there was no *bona fide* intention by Applicant to use the LISTEREX mark, and therefore are proper allegations with respect to an issue that may properly be presented to the Board in a Notice of Opposition.

The diverse products covered by the various applications which have recently been filed by Applicant with the Patent and Trademark Office, and the differing business requirements and expertise needed to produce and/or market such products, makes it a very reasonable possibility that Applicant did not have the *bona fide* intent to use the LISTEREX mark, or any of the other marks for which it has recently filed, for the described goods. Rather, it appears Applicant may only be putting itself in a position where it might become a broker of the marks to other

organizations. Opposer believes that these circumstances raise a genuine issue as to the bona fide intention to use the LISTEREX marks, as required under Section 1(b) of the Trademark Act.

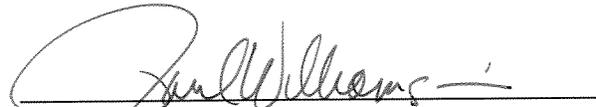
Therefore, the Applicant's Motion to Strike is improper and should be denied.

Respectfully submitted,

WARNER-LAMBERT COMPANY LLC

Date: 7-13-06

By:



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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing "OPPOSER'S RESPONSE TO APPLICANT'S MOTION TO STRIKE" (Opposition No. 91171224) was served on Applicant by First Class Mail, postage prepaid, on this 13 day of July, 2006:

Mary K. Dremonas
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Abigail Shunfenthal