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

In the Matter of Trademark Application Serial No. 78/549688
Published in the *Official Gazette* on 04/18/2006

Warner-Lambert Company LLC)	
)	Opposition No. 91171224
Opposer,)	
)	
v.)	
)	
Quality Brands, LLC,)	
)	
Applicant.)	

ANSWER

Applicant, Quality Brands LLC, answers this Notice of Opposition filed by Warner-Lambert Company LLC as follows:

1. Applicant is without sufficient facts or information upon which 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 is without sufficient facts or information upon which to form a belief as to the truth of the allegations of paragraph 2 of the Notice of Opposition, and therefore denies the same.
3. Applicant is without sufficient facts or information upon which to form a belief as to the truth of the allegations of paragraph 3 of the Notice of Opposition, and therefore denies the same.
4. Applicant admits the allegations contained in paragraph 4 of the Notice of Opposition insofar as they assert that the trademark LISTERINE is currently in use in commerce for antiseptic mouthwash and breath fresheners and such use predates Applicant's filing on January 3, 2005; applicant denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 4, and therefore denies the same.
5. Applicant is without sufficient facts or information upon which to form a belief as to the truth of the allegations of paragraph 5 of the Notice of Opposition, and therefore denies the same.



6. Applicant is without sufficient facts or information upon which to form a belief as to the truth of the allegations of paragraph 6 of the Notice of Opposition, and therefore denies the same.

7. Applicant is without sufficient facts or information upon which to form a belief as to the truth of the allegations of paragraph 7 of the Notice of Opposition, and therefore denies the same.

8. Applicant admits the allegations contained in paragraph 8 of the Notice of Opposition.

9. Applicant admits the allegations contained in paragraph 9 of the Notice of Opposition.

10. Applicant states that it has filed contemporaneously herewith a motion to strike paragraph 10 of the Notice of Opposition and therefore no statement is required.

11. Applicant states that it has filed contemporaneously herewith a motion to strike paragraph 11 of the Notice of Opposition and therefore no statement is required.

12. Applicant admits the allegations contained in paragraph 12 of the Notice of Opposition insofar as they allege Applicant's subject trademark is identical to Opposer's now-expired registration; applicant denies the remaining allegations contained in paragraph 12 of the Notice of Opposition.

13. Applicant admits the allegations contained in paragraph 13 of the Notice of Opposition.

14. Applicant denies the allegations contained in paragraph 14 of the Notice of Opposition.

15. Applicant denies the allegations contained in paragraph 15 of the Notice of Opposition.

16. Applicant denies the allegations contained in paragraph 16 of the Notice of Opposition.

17. Applicant denies the allegations contained in paragraph 17 of the Notice of Opposition.

18. Applicant denies the allegations contained in paragraph 18 of the Notice of Opposition.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed with prejudice, together with such other and further relief that the Board deems just and proper.

Dated: July 5, 2006

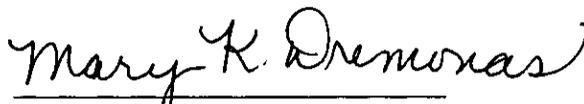
Quality Brands LLC

By: Mary K. Dremonas
Mary K. Dremonas
Member of Applicant
P.O. Box 363
Carmel, IN 46082-0363
(317) 414-3425

CERTIFICATE OF SERVICE

I certify that a true and complete copy of the foregoing Answer to Notice of Opposition was served on the attorney for Opposer this 5th day of July, 2006, by depositing the same with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to:

J. Paul Williamson
Fulbright & Jaworski LLP
801 Pennsylvania Avenue, NW
Washington, DC 2004



Mary K. Dremonas

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail on July 5, 2006 in an envelop addressed to:

Commissioner of Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514



Mary K. Dremonas

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Applicant.)	

MOTION TO STRIKE

Applicant, Quality Brands LLC, files this motion to strike contemporaneously with its Answer to Notice of Opposition filed by Warner-Lambert Company LLC.

1. Applicant requests that paragraphs 10 and 11 of the Notice of Opposition be stricken from the notice. These matters are clearly immaterial, impertinent and have no bearing upon the issues in this case.
2. Further, the allegations contained in the subject paragraphs are designed to prejudice Applicant before the Board and the inclusion of such paragraphs does not serve the purpose of a notice of opposition, which is to provide fuller notice of the basis of the claim. (See TBMP Section 506.01)
3. The allegations contained in paragraph 10 state that Applicant has no contracts or arrangements in place with others. Even if true, which it is not, many applicants file new trademark applications in anticipation of starting a new business without having such contracts and arrangements. The allegations therefore have no bearing upon the issues in this case.
4. The allegations contained in paragraph 11 state that Applicant has filed applications for other marks for various goods. This is completely immaterial and impertinent, especially here where there is no claim that Opposer is being harmed by such other applications. In the absence of any allegation that Opposer is being harmed by such other applications, it is hard for Applicant to understand why Opposer would raise such issues with the Board, except perhaps to prejudice Applicant before the Board. See also McCormick & Co, v. Hygrade Food Products Corp, 124 USPQ 16 (TTAB 1959) (recital of evidentiary material, namely list in defendant's pleading of asserted third-party

registrants and users stricken.) Similarly, recital of this evidentiary material should be stricken.

WHEREFORE, Applicant prays that paragraphs 10 and 11 of the Notice of Opposition be stricken therefrom, together with such other and further relief that the Board deems just and proper.

Dated: July 5, 2006

Quality Brands LLC

By: Mary K. Dremonas
Mary K. Dremonas
Member of Applicant
P.O. Box 363
Carmel, IN 46082-0363
(317) 414-3425

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I certify that a true and complete copy of the foregoing Motion to Strike was served on the attorney for Opposer this 5th day of July, 2006, by depositing the same with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to:

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