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Filing date: **05/30/2007**

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

Proceeding	91176843
Party	Defendant Johnson & Johnson Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 089337001
Correspondence Address	LAURENCE S. RICKLES JOHNSON & JOHNSON ONE JOHNSON & JOHNSON PLAZA NEW BRUNSWICK, NJ 08933-7001 UNITED STATES
Submission	Other Motions/Papers
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Signature	/Norm D. St. Landau/
Date	05/30/2007
Attachments	31138MOTION.pdf (6 pages)(188442 bytes)

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

LRC PRODUCTS LTD., :
Opposer, :
v. : Opposition No. 91/176,843
JOHNSON & JOHNSON, :

Applicant. :

MOTION TO ACCEPT LATE FILING OF ANSWER

Applicant, Johnson & Johnson, respectfully moves the Board to accept its late-filed answer in the above-captioned proceeding. The answer is submitted herewith.

Applicant's answer was due on May 29, 2007. Counsel for Applicant prepared the answer for filing and served a copy on counsel for Opposer. However, the answer was inadvertently not filed with the Trademark Trial and Appeal Board.

Applicant's error was inadvertent and unintentional. In addition, the acceptance of the late-filed answer does not prejudice the Opposer in any way.

For the foregoing reasons, Applicant respectfully requests the Board to accept the late-filed answer in this proceeding.

Respectfully submitted,

JOHNSON & JOHNSON

By: _____

Norm D. St. Landau
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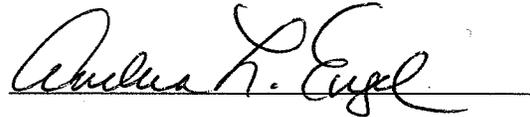
FILED ELECTRONICALLY
May 30, 2007



CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing MOTION TO ACCEPT LATE FILING OF ANSWER was served on counsel for Opposer, at the following address of record, by first class mail, postage prepaid, this 30th day of May 2007:

Nicole McLaughlin, Esq.
Duane Morris LLP
30 South 17th Street
Philadelphia, PA 19103

A handwritten signature in black ink, appearing to read "Andrew R. Engel", is written over a horizontal line.

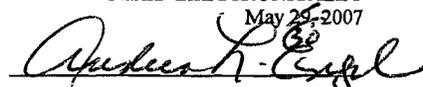
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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LRC PRODUCTS LTD., :
Opposer, :
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JOHNSON & JOHNSON, :
Applicant. :

ANSWER

Johnson & Johnson, a New Jersey corporation, having an address 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 opposition, and saving to itself all defenses in law and equity, in answer to the Notice of Opposition of LRC Products Ltd. ("Opposer"), states:

1. In answer to the preamble of the Opposition, Applicant specifically denies that Opposer will be damaged by the registration of Ser. No. 78/932,990 – 2-IN-1 TINGLING. After reasonable investigation, Applicant is without knowledge or information sufficient to permit it to form a belief as to the truth of remaining allegations contained in the preamble.
2. Applicant admits paragraphs 1-4.
3. After reasonable investigation, Applicant is without knowledge or information sufficient to permit it to form a belief as to the truth of the allegations contained in paragraph 5.



First Ground for Relief

(Descriptiveness)

4. Applicant hereby incorporates by reference its answers to paragraphs 1 through 5 of the Notice of Opposition set forth above as if same are fully set forth herein.

5. Applicant admits in paragraph 7 only that the goods and services for which Applicant seeks to register 2-IN-1 TINGLING is "massage oils and personal lubricants." The remaining allegations of paragraph 7 are denied.

6. Applicant admits in paragraph 8 only that the term "tingling" is a merely descriptive one. The remaining allegations of paragraph 8 are denied.

7. Applicant denies paragraphs 9 and 10.

8. Applicant admits in paragraph 11 only that the term "tingling" is used by third parties on a variety of products. The remaining allegations of paragraph 11 are denied.

9. Applicant denies paragraphs 12 and 13

Second Ground for Relief

(Likelihood of Confusion)

10. Applicant hereby incorporates by reference its answers to paragraphs 1 through 13 of the Notice of Opposition set forth above as if same are fully set forth herein.

11. After reasonable investigation, Applicant is without knowledge or information sufficient to permit it to form a belief as to the truth of the allegations contained in paragraphs 15-18.

12. Applicant denies paragraphs 19 and 20.

13. Applicant admits in paragraph 20 only that if its 2-IN-1 TINGLING mark is registered, such registration constitutes a *prima facie* exclusive right to use the mark. The remaining allegations of paragraph 20 are denied.

AFFIRMATIVE DEFENSES

14. The marks of the Opposer and of the Applicant are sufficiently different when 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.

15. The marks of the Opposer are so aptly descriptive and laudatory as to be incapable of exclusive appropriation for Opposer's goods and therefore are generic, or, at best, merely descriptive of the goods they identify.

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

By:



Norm D. St. Landau

Theodore F. Haussman, Jr.

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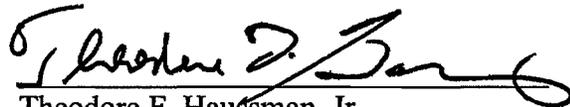
Fax: 202-842-8465

Attorneys for Applicant.

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 29th day of
May 2007:

Nicole McLaughlin, Esq.
DUANE MORRIS LLP
30 South 17th Street
Philadelphia, PA 19103


Theodore F. Haussman, Jr.