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FOLEY & LARDNER LLP

June 25, 2007

TTAB

VIA FACSIMILE

Mr. Chad Welechenko
Director of Marketing
998232 Alberta Ltd.
5923 3rd Street SE
Calgary TSH1K3 Alberta
CANADA

Re: Alberto-Culver International, Inc. v. 998232 Alberta Ltd.
Opposition No. 91177215 (T.T.A.B. filed May 9, 2007)

Dear Chad:

This will acknowledge your facsimile communication dated June 22, 2007 (a copy of which is enclosed for ease of reference) respecting the above identified proceeding pending before the Trademark Trial and Appeal Board (hereinafter "T.T.A.B." or "Board") of the United States Patent and Trademark Office. We understand that you intend this communication to be your "answer" or responsive pleading to the Notice of Opposition served upon 998232 Alberta Ltd.. If we are correct in our understanding, we must draw your attention to the fact that in addition to serving this office with a copy, you are obligated to file the document with the Board. For your convenience, the Board's address is:

United States Patent and Trademark Office
Trademark Trial and Appeal Board
Post Office Box 1451
Alexandria, Virginia 22313-1451
UNITED STATES OF AMERICA

We further note for your future reference that, although we appreciate receiving facsimile communications, facsimile transmissions do not constitute a recognized form of service under Rule 2.119(b) of the Trademark Rules of Practice.

Thank you for your attention to this matter.

Cordially,

Charles

CRM:ecd
enclosure

cc: Ms. Ann Linnehan
Interlocutory Attorney
Office G/T.T.A.B.

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Attn: Charles R. Mandly, Jr.

RE: Likely confusion of marks between 998232 Alberta Ltd. and Alberto Culver International, Inc. (collectively "Alberto")

Dear Charles,

I would like to thank you for your time in providing me with your latest package, as well as for your patience in waiting for my response.

In regards to the matter at hand, the challenge of trademark number 78/904,064, registered for by 998232 Alberta Ltd and challenged by Alberto, 998232 Alberta Ltd. stands firmly behind it's position that no confusion will occur between our current mark, and the make of Alberto, VO5. Please allow me to outline our position.

1. As you can see in the upper right portion of this document, our mark is not 3vo. It is in fact the number 3 in a special font, interlinked with another number 3 of the same font. The second number 3 however is backwards, representing an E. The "VO" follows these two characters, giving the logo the actual representation of 3EVO. There is no similarity between our current mark of 3EVO & VO5.
2. Bullet number 1 in your statement claim that Alberto, either directly or through related companies has been in the business of *manufacturing and selling a wide variety of personal care products, including hair care preparations and skin care preparations*. 998232 Alberta Ltd. has no intentions, and has not registered for the aforementioned wares listed by Alberto.
3. Bullet number 5 then proceeds to claim that 998232 Alberta Ltd is *engaged, or intends to engage, in the business of selling personal care products, namely skin care preparations comprising, for the most part, lotions, gels and creams*. Once again, the aforementioned wares have not been registered for by 998232 Alberta Ltd.

Please note that the wares registered for by 998232 Alberta Ltd. are as follows:

Skin gels for accelerating, enhancing or extending tans; Sun block; Sun block preparations; Sun care lotions; Sun Creams; Sun Screen; Sun screen preparations; Sun tan gel; Sun tan lotion; Sun tan oil; Sun-block lotions; Tanning creams.

These would be indoor tanning products, which are to be sold in indoor tanning salons, which are to be applied topically prior to entering a tanning bed, emitting UV light. The remainder of our wares are to be used as products for sun burn prevention.

Based on the above information, not only are the marks between 998232 Alberta Ltd & Alberto dissimilar, but our wares are also of a different nature, being offered through different distribution channels.

In summary, 998232 Alberta Ltd. stands by it's original statement that there would be no confusion between the marks of 998232 Alberta Ltd. and Alberto Culver International, Inc.

Thank you for your time,



Chad Welechenko
Director of Marketing
998232 Alberta Ltd.