

ESTTA Tracking number: **ESTTA176961**

Filing date: **11/27/2007**

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

Proceeding	91177234
Party	Defendant Alaris Group, Inc., The
Correspondence Address	Kristine M. Boylan Merchant & Gould P.C. 80 South Eighth Street, Ste 3200 Minneapolis, MN 55402-2215 UNITED STATES kboylan@merchantgould.com, misaacson@merchantgould.com, dockmpls@merchantgould.com, kandresen@bssda.com
Submission	Answer
Filer's Name	Kristine Boylan
Filer's e-mail	kboylan@merchantgould.com, misaacson@merchantgould.com, dockmpls@merchantgould.com, kandresen@bssda.com
Signature	/Kristine Boylan/
Date	11/27/2007
Attachments	2007 11 27 Answer to Amended Opposition Notices.pdf (4 pages)(104778 bytes)

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

- | | | |
|------------------------------|---|---------------------------|
| 1. CARDINAL HEALTH 303, INC. | : | |
| | : | |
| Opposer | : | |
| | : | |
| v. | : | Opposition No. 91-177,234 |
| | : | |
| THE ALARIS GROUP, INC. | : | |
| | : | |
| Applicant | : | |
| | : | |
| 2. CARDINAL HEALTH 303, INC. | : | |
| | : | |
| Opposer | : | |
| | : | |
| v. | : | Opposition No. 91-177,365 |
| | : | |
| THE ALARIS GROUP, INC. | : | |
| | : | |
| Applicant | : | |
| | : | |
| 3. CARDINAL HEALTH 303, INC. | : | |
| | : | |
| Opposer | : | |
| | : | |
| v. | : | Opposition No. 91-177,366 |
| | : | |
| THE ALARIS GROUP, INC. | : | |
| | : | |
| Applicant | : | |
| | : | |
| 4. CARDINAL HEALTH 303, INC. | : | |
| | : | |
| Opposer | : | |
| | : | |
| v. | : | Opposition No. 91-177,367 |
| | : | |
| THE ALARIS GROUP, INC. | : | |
| | : | |
| Applicant | : | |

5. CARDINAL HEALTH 303, INC.	:	
	:	
Petitioner	:	
	:	
v.	:	Cancellation No. 92-048,172
	:	
THE ALARIS GROUP, INC.	:	
	:	
Registrant	:	

ANSWER TO AMENDED NOTICES OF OPPOSITION

Applicant, The Alaris Group, Inc., by and through its attorneys, hereby answers the Amended Opposition filed by Cardinal Health 303, Inc.

1. Applicant is without information to admit or deny the allegations contained in Paragraph 1 of the Amended Notices of Opposition.

2. Applicant is without information to admit or deny the allegations contained in Paragraph 2 of the Amended Notices of Opposition. To the extent that Paragraph 2 states a legal conclusion, no response is required.

3. Exhibit A to Opposer’s Amended Notices of Opposition speaks for itself. Paragraph 3 otherwise states a legal conclusion to which no response is required.

4. Exhibit B to Opposer’s Amended Notices of Opposition speaks for itself. Paragraph 4 otherwise states a legal conclusion to which no response is required.

5. Paragraph 5 states a legal conclusion to which no response is required. To the extent any of the allegations warrant a response, they are denied.

6. Paragraph 6 states a legal conclusion to which no response is required. To the extent any of the allegations warrant a response, they are denied.

7. Paragraph 7 states a legal conclusion to which no response is required. To the extent any of the allegations warrant a response, they are denied.

8. Paragraph 8 states a legal conclusion to which no response is required. To the extent any of the allegations warrant a response, they are denied.

9. Paragraph 9 states a legal conclusion to which no response is required. To the extent any of the allegations warrant a response, they are denied.

10. Paragraph 10 states a legal conclusion to which no response is required. To the extent any of the allegations warrant a response, they are denied.

11. Paragraph 11 states a legal conclusion to which no response is required. To the extent any of the allegations warrant a response, they are denied.

AFFIRMATIVE DEFENSES

12. The Opposition fails to state a claim.

13. The Opposition should be denied based on the doctrines of laches, acquiescence and estoppel.

WHEREFORE, Applicant prays that this Opposition be dismissed and that Applicant's mark be allowed to proceed to registration.

Respectfully submitted,
The Alaris Group, Inc.
By its Attorneys,

November 27, 2007

Date

s/ Kristine Boylan
Kristine M. Boylan
Samuel T. Lockner
MERCHANT & GOULD P.C.
80 South Eighth Street, Suite 3200
Minneapolis, MN 55402-2215
Telephone: (612) 332-5300

Attorneys for the Applicant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing APPLICANT'S ANSWER TO AMENDED NOTICES OF OPPOSITION has been served on counsel for Applicant by first class mail, postage prepaid, this 27th day of November, 2007 as follows:

Joseph R. Dreitler
Bricker & Eckler LLP
100 S. Third Street
Columbus, OH 43215-4291
jdreitler@bricker.com

Date: 11/27/07



Miriam Sindt

CERTIFICATE OF FILING

I hereby certify that the foregoing APPLICANT'S ANSWER TO AMENDED NOTICES OF OPPOSITION is being filed electronically with the United States Patent and Trademark Office's Electronic System for Trademark Trials and Appeals (ESTTA) on this 27th day of November, 2007.

Date: 11/27/07



Kristine M. Boylan