

ESTTA Tracking number: **ESTTA285541**

Filing date: **05/22/2009**

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

Proceeding	91188120
Party	Defendant PURE Bioscience
Correspondence Address	Jennifer Lee Taylor Morrison & Foerster LLP 425 Market Street San Francisco, CA 94105-2482 UNITED STATES jtaylor@mofo.com, mmcdaniel@mofo.com
Submission	Answer
Filer's Name	Jennifer Lee Taylor
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Signature	/jlt2/
Date	05/22/2009
Attachments	Document.pdf (4 pages)(122727 bytes)

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

DrugTech Corporation,

Opposer,

v.

PURE Bioscience,

Applicant.

Opposition No.: 91188120

Application No.: 77/498,929

ANSWER TO NOTICE OF OPPOSITION

BOX TTAB NO FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir or Madam:

Applicant PURE Bioscience hereby answers the Notice of Opposition filed by Opposer DrugTech Corporation:

1. Responding to Paragraph 1 of the Notice of Opposition, Applicant admits the allegations therein.

2. Responding to Paragraph 2 of the Notice of Opposition, Applicant admits the allegations therein.

3. Responding to Paragraph 3 of the Notice of Opposition, Applicant admits the allegations therein.

4. Responding to Paragraph 4 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis denies the allegations therein.

5. Responding to Paragraph 5 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis denies the allegations therein.

6. Responding to Paragraph 6 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis denies the allegations therein.

7. Responding to Paragraph 7 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis denies the allegations therein.

8. Responding to Paragraph 8 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis denies the allegations therein.

9. Responding to Paragraph 9 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis denies the allegations therein.

10. Responding to Paragraph 10 of the Notice of Opposition, Applicant denies the allegations therein.

11. Responding to Paragraph 11 of the Notice of Opposition, Applicant denies the allegations therein.

12. Responding to Paragraph 12 of the Notice of Opposition, Applicant denies the allegations therein.

13. Responding to Paragraph 13 of the Notice of Opposition, Applicant denies the allegations therein.

14. Responding to Paragraph 14 of the Notice of Opposition, Applicant denies the allegations therein.

15. Responding to Paragraph 15 of the Notice of Opposition, Applicant denies the allegations therein.

WHEREFORE, Applicant prays:

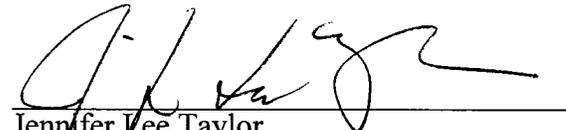
1. That Opposer's Notice of Opposition be dismissed with prejudice.
2. That Applicant's Application Serial No. 77,498,929 be allowed to proceed to allowance; and
3. That any such further relief be granted Applicant as may be deemed appropriate.

It is believed that no fee is due. If this is incorrect, the Commissioner is hereby authorized to charge any fees which may be required to **Deposit Account No. 03-1952** (**Reference No. 63134-6001.501**).

Respectfully submitted,

Dated: May 22, 2009

By:


Jennifer Lee Taylor
Attorney for Applicant
PURE Bioscience

Morrison & Foerster LLP
425 Market Street
San Francisco, California 94105-2482
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Facsimile: (415) 268-7522

PROOF OF SERVICE BY MAIL

I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California, 94105; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on May 22, 2009, I served a copy of:

ANSWER TO NOTICE OF OPPOSITION

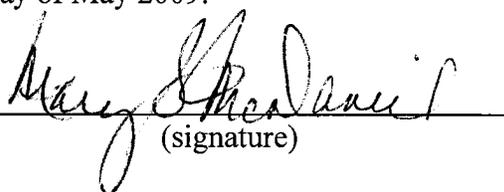
on the following by placing true copies thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California, 94105, in accordance with Morrison & Foerster's ordinary business practices:

Bryce J. Maynard
Buchanan Ingersoll & Rooney
P.O. Box 1404
Alexandria, VA 22313-1404

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed at San Francisco, California, this 22nd day of May 2009.

Mary S. McDaniel
(typed)


(signature)