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

Proceeding	91193508
Party	Defendant Perfection Mighty Industrial Co., Ltd.
Correspondence Address	C. DAVID PAI PAI PATENT & TRADEMARK LAW FIRM 1001 4TH AVE STE 3200 SEATTLE, WA 98154-1003  dpai@pailaw.com
Submission	Answer
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Date	03/03/2010
Attachments	Answer 91193508-OPP.pdf ( 5 pages )(13919 bytes )

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

Miller Waste Mills, Inc. d/b/a	)	
RTP Company,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91193508
	)	
Perfection Mighty Industrial Co., Ltd.,	)	
	)	
Applicant.	)	

**APPLICANT’S ANSWER TO NOTICE OF OPPOSITION**

Applicant, by its attorney of record, hereby submits its Answer to the Notice of Opposition, as follows:

1. Answering paragraph 1 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

2. Answering paragraph 2 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

3. Answering paragraph 3 of the Notice of Opposition, Applicant admits the allegations contained therein.

4. Answering paragraph 4 of the Notice of Opposition, Applicant admits the allegations contained therein.

5. Answering paragraph 5 of the Notice of Opposition, Applicant admits the allegations, except that Applicant denies Opposer's prior use of and rights in the RTP for lack of knowledge or information to form a belief as to such allegations.

6. Answering paragraph 6 of the Notice of Opposition, Applicant admits the allegations contained therein.

7. Answering paragraph 7 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

8. Answering paragraph 8 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations, except that Applicant admits that the U.S. Registration No. 1,361,268 is owned by Opposer.

9. Answering paragraph 9 of the Notice of Opposition, Applicant denies the allegations contained therein.

10. Answering paragraph 10 of the Notice of Opposition, Applicant denies the allegations contained therein.

11. Answering paragraph 11 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

12. Answering paragraph 12 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

13. Answering paragraph 13 (which is mistakenly labeled as 8.) of the Notice of Opposition, Applicant denies the allegations contained therein.

#### AFFIRMATIVE DEFENSES

14. There is no likelihood of confusion, mistake or deception because, *inter alia*, Applicant's mark and the cited marks of Opposer are not confusingly similar.

15. There is no likelihood of confusion, mistake or deception because, *inter alia*, Applicant's mark is not confusingly similar to the cited marks of Opposer for the following distinctions: compared to Applicant's mark, Opposer's cited marks do not have a hyphen between the letter "R" and the letter "T" or an ending "U"; nor is the leading "R" of the cited marks in a stylish font as is Applicant's mark; Opposer's cited registered mark has a rectangular multiple frame-like background design, whereas Applicant's mark does not have a background design; Opposer's cited registered mark has an ending "Co."; etc.

16. There is no likelihood of confusion, mistake or deception because, *inter alia*, due to the many distinctions between Applicant's mark and Opposer's cited marks, consumers are not likely to believe that Applicant would be licensed, sponsored, or connected in any way with Opposer. In fact, it is not likely for any consumers to believe that the owner of the cited marks would want to license, sponsor or be connected with any companies using a distinct mark like Applicant's mark instead of the same marks.

17. There is no likelihood of confusion, mistake or deception because, *inter alia*, Applicant's mark is intended to be used on different goods, many in different

International Classes (i.e. 18 and 24), and in different markets from Opposer's cited marks.

Wherefore, Applicant contends that this opposition is groundless and prays that the Notice of Opposition be dismissed in its entirety and that registration be issued to Applicant for its mark.

Respectfully submitted,

Date: March 3, 2010

PAI PATENT & TRADEMARK LAW FIRM

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## CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing ANSWER TO NOTICE OF OPPOSITION has been served on Ms. Margaret M. Duncan and Ms. Rita J. Yoon, Attorneys for Opposer, by mailing said copy on March 3, 2010, via First Class Certified Mail, postage prepaid, to:

Ms. Margaret M. Duncan  
and/or Ms. Rita J. Yoon  
McDermott Will & Emery LLP  
227 W. Monroe Street, Suite 4400  
Chicago, Illinois 60606-5096

/C. David Pai/  
C. David Pai  
*Attorney for Applicant*