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

Proceeding	91194218
Party	Defendant Meridian Bioscience, Inc.
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Submission	Answer
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Date	12/22/2010
Attachments	Amended Answer - ILLUMIPRO.pdf (5 pages)(566476 bytes)

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

ILLUMINA, INC., Opposer, v. MERIDIAN BIOSCIENCE, INC., Applicant.	Opposition No. 91194218 (parent) Opposition No. 91194219 Serial No.: 77/768176 Mark: ILLUMIPRO

AMENDED ANSWER OF APPLICANT

Meridian Bioscience, Inc. ("Applicant"), an Ohio Corporation, hereby answers each of the allegations of the Amended Notice of Opposition filed by Illumina, Inc. ("Opposer").

1. Admitted.

2. Admitted.

3. Applicant is without knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 3 and therefore denies the same.

4. Applicant notes that, contrary to Opposer's Motion For Leave to File Amended Notices of Opposition and the reasons stated therein in support thereof, Opposer has alleged, for the first time in its Amended Notice of Opposition, that Opposer uses its marks in the "clinical diagnostics" field and, further, that it owns an "ILLUMI Family of Marks." Notwithstanding the foregoing, Applicant is without knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 4 and therefore denies the same.

5. Admitted.

6. Applicant is without knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 6 and therefore denies the same.

7. Applicant notes that, contrary to Opposer's Motion For Leave to File Amended Notices of Opposition and the reasons stated therein in support thereof, Opposer has alleged, for the first time in its Amended Notice of Opposition, that Opposer uses its ILLUMINA CONNECT mark "for clinical diagnostics." Notwithstanding the foregoing, Applicant is without knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 7 and therefore denies the same.

8. Applicant is without knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 8 and therefore denies the same.

9. Applicant notes that, contrary to Opposer's Motion For Leave to File Amended Notices of Opposition and the reasons stated therein in support thereof, Opposer has alleged, for the first time in its Amended Notice of Opposition, that Opposer uses its marks "for diagnostic purposes" and, further, that it owns an "ILLUMI Family of Marks." Notwithstanding the foregoing, Applicant is without knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 9 and therefore denies the same.

10. Applicant notes that, contrary to Opposer's Motion For Leave to File Amended Notices of Opposition and the reasons stated therein in support thereof, Opposer has alleged, for the first time in its Amended Notice of Opposition, that Opposer owns an "ILLUMI Family of Marks." Notwithstanding the foregoing, Opposer's allegations are denied.

11. Denied. Opposer's Amended Notice of Opposition contains two (2) Paragraph 11's. Applicant's response in this first Paragraph 11 is meant to respond to the allegations contained in Applicant's first Paragraph 11. In addition, Applicant notes that, contrary to Opposer's Motion For Leave to File Amended Notices of Opposition and the reasons stated therein in support thereof, Opposer has alleged, for the first time in its Amended Notice of Opposition, that Opposer owns an "ILLUMI Family of Marks."

11. Denied. Opposer's Amended Notice of Opposition contains two (2) Paragraph 11's. Applicant's response in this second Paragraph 11 is meant to respond to the allegations

contained in Applicant's second Paragraph 11. In addition, Applicant notes that, contrary to Opposer's Motion For Leave to File Amended Notices of Opposition and the reasons stated therein in support thereof, Opposer has alleged, for the first time in its Amended Notice of Opposition, that Opposer owns an "ILLUMI Family of Marks."

12. Applicant notes that, contrary to Opposer's Motion For Leave to File Amended Notices of Opposition and the reasons stated therein in support thereof, Opposer has alleged, for the first time in its Amended Notice of Opposition, that Opposer owns an "ILLUMI Family of Marks." Notwithstanding the foregoing, Applicant is without knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 12 and therefore denies the same.

13. Applicant notes that, contrary to Opposer's Motion For Leave to File Amended Notices of Opposition and the reasons stated therein in support thereof, Opposer has alleged, for the first time in its Amended Notice of Opposition, that Opposer owns an "ILLUMI Family of Marks." Notwithstanding the foregoing, Applicant is without knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 13 and therefore denies the same.

14. Applicant is without knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 14 and therefore denies the same.

15. Applicant notes that, contrary to Opposer's Motion For Leave to File Amended Notices of Opposition and the reasons stated therein in support thereof, Opposer has alleged, for the first time in its Amended Notice of Opposition, that Opposer owns an "ILLUMI Family of Marks." Notwithstanding the foregoing, Opposer's allegations are denied.

16. Denied.

WHEREFORE, having made full answer to the Amended Notice of Opposition, Applicant therefore prays that the Opposition be dismissed with prejudice.

Applicant authorizes the Board to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 500735.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing Amended Answer of Applicant was served by first class mail, postage prepaid, on December 22, 2010, upon counsel for Applicant:

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