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

| | |
|------------------------|---|
| Proceeding | 91194706 |
| Party | Defendant UVCleaning Systems, Inc. dba Puralytics Corporation |
| Correspondence Address | DAVID P PETERSEN KLARQUIST SPARKMAN LLP 121 SW SALMON ST STE 1600 PORTLAND, OR 97204-2927 UNITED STATES ptotmdocket@klarquist.com, salumeh.loesch@klarquist.com |
| Submission | Defendant's Notice of Reliance |
| Filer's Name | Salumeh R. Loesch |
| Filer's e-mail | ptotmdocket@klarquist.com, salumeh.loesch@klarquist.com |
| Signature | /Salumeh R. Loesch/ |
| Date | 01/08/2013 |
| Attachments | Exhibit 2 - Opposer RFAResponse02.pdf (82 pages)(24774235 bytes) Exhibit 3 - Oppose RogResponse01 (1-31).pdf (23 pages)(6066562 bytes) Exhibit 1 - Oppose RFAResponse01 (1-74).pdf (29 pages)(1123889 bytes) Applicants Notice of Reliance - 1.pdf (3 pages)(602235 bytes) |

EXHIBIT 2
to
Applicant's Notice of Reliance

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

| | | |
|--|---|--------------------------|
| 1047406 Ontario Ltd. and |) | |
| Purifics ES, INC, |) | |
| |) | |
| Opposers |) | Opposition No.: 91194706 |
| |) | |
| v. |) | |
| |) | |
| UVCleaning Systems, Inc., dba Puralytics |) | |
| Corporation, |) | |
| |) | |
| Applicant. |) | |
| |) | |

**OPPOSERS' OBJECTIONS AND RESPONSES TO APPLICANT'S
SECOND SET OF REQUESTS FOR ADMISSION NOS. 75-181**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and 37 C.F.R. §§2.116 and 2.120, Opposers 1047406 Ontario Ltd. and Purifics ES, Inc. ("Opposers") provide the following objections and responses to Applicant UVCleaning Systems, Inc., dba Puralytics Corporation's ("Applicant") Second Set of Requests for Admissions (75-181) ("Requests for Admissions"). Opposers' objections and responses to these Second Set of Requests for Admission are based on information and documents that have been discovered to date. These responses are subject to such additional and/or different information and documents that further investigation and discovery may disclose. Opposers reserve the right to present evidence of any subsequently discovered information and documents pursuant to Fed. R. Civ. P. 26(e).

GENERAL OBJECTIONS

Each of the following General Objections are applicable to each of Opposers' responses unless otherwise indicated. To the extent that specific General Objections are cited in a specific response, those specific citations are provided because they are believed to be particularly applicable to the specific Requests for Admission and are not to be construed as a waiver of any other General Objection applicable to information falling within the scope of the Requests for Admission.

1. Opposers object to each Request for Admissions to the extent that it seeks information that is not reasonably calculated to lead to the discovery of admissible evidence.

2. Opposers object to each Request for Admissions to the extent that it seeks information or documents that are protected by the attorney-client privilege or the attorney work product doctrine. Such information shall not be provided and any inadvertent production thereof shall not be deemed a waiver of any privilege regarding such information or of any attorney-client privilege or any attorney work product doctrine that may apply. Opposers further object to Applicant's instructions regarding information protected by the attorney-client privilege or attorney work product doctrine to the extent that it conflicts with Federal Rule of Civil Procedure 26(b)(5).

3. Opposers object to each Request for Admissions to the extent that it is overly broad and unduly burdensome. Opposers are willing, however, to confer with Applicant in an effort to resolve any disagreements between the parties regarding the scope, breadth and relevancy of Applicant's Requests.

4. Opposers object to the Requests for Admission to the extent that they seek to impose a burden beyond that allowed by the Federal Rules of Civil Procedure or the rules and regulations of the Trademark Trial and Appeal Board (the "Board"). Opposers will respond as required by the Federal Rules of Civil Procedure or as otherwise directed by the Board.

5. Opposers object to the Requests for Admission as vague and ambiguous to the extent that they use undefined terms capable of various meanings or interpretations.

6. Opposers object to Applicant's Instructions and Definitions to the extent they are inconsistent with the appropriate Federal Rules of Civil Procedure such as Rules 26, 33 and 34, and the Board's rules and regulations. Opposers will rely upon the Federal Rules of Civil Procedure, the Board's rules and regulations and governing case law regarding the subject definitions and responses.

7. Opposers object to Applicant's Instructions and Definitions Nos. 2, 3, 4, 5, 10, 12, 15, 19, 20, 21, 22, 23, 24 and 29 as overly broad, unduly burdensome and/or requesting information beyond the possession, custody or control of Opposers.

8. Opposers object to Applicant's Instructions and Definitions Nos. 2, 3, 4, 5, 10, 11, 12, 15, 19, 20, 21, 22, 23, 24 and 29 to the extent they are inconsistent with Federal Rule of Civil Procedure 33 or are outside the scope of Opposers' obligations pursuant to the Federal Rules of Civil Procedure and the Board's rules and regulations.

9. Opposers object to Applicant's Instructions and Definitions Nos. 4, 5 and 12 to the extent that they conflict with Federal Rule of Civil Procedure 26(b)(5).

Subject to and without waiving the foregoing General Objections, each of which is hereby incorporated in the specific responses to the Requests for Admissions, Opposers respond and further object to Applicant's Second Set of Requests for Admission as follows:

**OPPOSERS' RESPONSES AND OBJECTIONS TO APPLICANT'S SECOND
SET OF REQUESTS FOR ADMISSION 75-181**

REQUEST FOR ADMISSION NO. 75:

Please admit that Opposers have never used the mark PURICA.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PURICA is a mark or offered with goods or services. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term "used" is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 76:

Please admit that Opposers have never challenged a third party's use or registration of the mark PURICA.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence as to whether PURICA is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are

offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term “challenge” is undefined, vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term “use” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 77:

Please admit that Opposers are not aware of any person who has been confused as to whether the services offered under the mark PURICA were provided by Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PURICA is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under the alleged mark of PURICA at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 78:

Please admit that Opposers have never used the mark PUROCLEAN.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PUROCLEAN is a mark or offered with goods or services. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term "used" is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 79:

Please admit that Opposers have never challenged a third party's use or registration of the mark PUROCLEAN.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts

not in evidence as to whether PUROCLEAN is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term "challenge" is undefined, vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term "use" is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 80:

Please admit that Opposers are not aware of any person who has been confused as to whether the services offered under the mark PUROCLEAN were provided by Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PUROCLEAN is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because

it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under the alleged mark of PUROCLEAN at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 81:

Please admit that Opposers have never used the mark PURETEK.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PURETEK is a mark or offered with goods or services. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term “used” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 82:

Please admit that Opposers have never challenged a third party's use or registration of the mark PURETEK.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence as to whether PURETEK is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term “challenge” is undefined, vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term “use” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 83:

Please admit that Opposers are not aware of any person who has been confused as to whether the services offered under the mark PURETEK were provided by Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PURETEK is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has

no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under the alleged mark of PURETEK at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 84:

Please admit that Opposers have never used the mark PURICORE.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PURICORE is a mark or offered with goods or services. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term “used” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 85:

Please admit that Opposers have never challenged a third party's use or registration of the mark PURICORE.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence as to whether PURICORE is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term "challenge" is undefined, vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term "use" is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 86:

Please admit that Opposers are not aware of any person who has been confused as to whether the services offered under the mark PURICORE were provided by Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PURICORE is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under the alleged mark of PURICORE at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 87:

Please admit that Opposers have never used the mark PUROSERVE.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PUROSERVE is a mark or offered with goods or services. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term “used” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome

because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 88:

Please admit that Opposers have never challenged a third party's use or registration of the mark PUROSERVE.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence as to whether PUROSERVE is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term "challenge" is undefined, vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term "use" is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 89:

Please admit that Opposers are not aware of any person who has been confused as to whether the services offered under the mark PUROSERVE were provided by Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PUROSERVE is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under the alleged mark of PUROSERVE at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 90:

Please admit that Opposers have never used the mark PURIFEX.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PURIFEX is a mark or offered with goods or services. Opposers further object to

this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term “used” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 91:

Please admit that Opposers have never challenged a third party's use or registration of the mark PURIFEX.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence as to whether PURIFEX is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term “challenge” is undefined, vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term “use” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly

burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 92:

Please admit that Opposers are not aware of any person who has been confused as to whether a product marked with the mark PURIFEX was from Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PURIFEX is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under the alleged mark of PURIFEX at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 93:

Please admit that Opposers have never used the mark PURIFICA.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PURIFICA is a mark or offered with goods or services. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term “used” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 94:

Please admit that Opposers have never challenged a third party's use or registration of the mark PURIFICA.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence as to whether PURIFICA is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term “challenge” is undefined,

vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term “use” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 95:

Please admit that Opposers are not aware of any person who has been confused as to whether a product marked with the mark PURIFICA was from Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PURIFICA is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under the alleged mark of PURIFICA at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 96:

Please admit that Opposers have never used the mark PURIFITE.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PURIFITE is a mark or offered with goods or services. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term "used" is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 97:

Please admit that Opposers have never challenged a third party's use or registration of the mark PURIFITE.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence as to whether PURIFITE is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered

or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term “challenge” is undefined, vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term “use” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 98:

Please admit that Opposers are not aware of any person who has been confused as to whether a product marked with the mark PURIFITE was from Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PURIFITE is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under

the alleged mark of PURIFITE at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 99:

Please admit that Opposers have never used the mark PURA.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PURA is a mark or offered with goods or services. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term "used" is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 100:

Please admit that Opposers have never challenged a third party's use or registration of the mark PURA.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence as to whether PURA is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered

with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term “challenge” is undefined, vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term “use” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 101:

Please admit that Opposers are not aware of any person who has been confused as to whether a product marked with the mark PURA was from Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PURA is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under the alleged mark of PURA at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 102:

Please admit that Opposers have never used the mark PUR.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PUR is a mark or offered with goods or services. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term “used” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 103:

Please admit that Opposers have never challenged a third party's use or registration of the mark PUR.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts

not in evidence as to whether PUR is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term “challenge” is undefined, vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term “use” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 104:

Please admit that Opposers are not aware of any person who has been confused as to whether a product marked with the mark PUR was from Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PUR is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because

it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under the alleged mark of PUR at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 105:

Please admit that Opposers have never used the mark PURATIVE.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PURATIVE is a mark or offered with goods or services. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term "used" is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 106:

Please admit that Opposers have never challenged a third party's use or registration of the mark PURATIVE.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence as to whether PURATIVE is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term “challenge” is undefined, vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term “use” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 107:

Please admit that Opposers are not aware of any person who has been confused as to whether a product marked with the mark PURATIVE was from Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PURATIVE is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has

no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under the alleged mark of PURATIVE at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 108:

Please admit that Opposers have never used the mark PURA-TECH.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PURA-TECH is a mark or offered with goods or services. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term “used” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 109:

Please admit that Opposers have never challenged a third party's use or registration of the mark PURA-TECH.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence as to whether PURA-TECH is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term "challenge" is undefined, vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term "use" is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 110:

Please admit that Opposers are not aware of any person who has been confused as to whether a product marked with the mark PURA-TECH was from Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PURA-TECH is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under the alleged mark of PURA-TECH at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 111:

Pease admit that Opposers have never used the mark PURITAP.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PURITAP is a mark or offered with goods or services. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term "used" is vague and ambiguous as it is not limited to particular goods and/or

services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 112:

Please admit that Opposers have never challenged a third party's use or registration of the mark PURITAP.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence as to whether PURITAP is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term "challenge" is undefined, vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term "use" is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 113:

Please admit that Opposers are not aware of any person who has been confused as to whether a product marked with the mark PURITAP was from Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PURITAP is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under the alleged mark of PURITAP at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 114:

Please admit that Opposers have never used the mark PURAFLO.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PURAFLO is a mark or offered with goods or services. Opposers further object to

this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term “used” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 115:

Please admit that Opposers have never challenged a third party's use or registration of the mark PURAFLO.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence as to whether PURAFLO is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term “challenge” is undefined, vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term “use” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly

burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 116:

Please admit that Opposers are not aware of any person who has been confused as to whether a product marked with the mark PURAFLO was from Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PURAFLO is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under the alleged mark of PURAFLO at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 117:

Please admit that Opposers have never used the mark PURICLEAN.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PURICLEAN is a mark or offered with goods or services. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term “used” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 118:

Please admit that Opposers have never challenged a third party's use or registration of the mark PURICLEAN.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence as to whether PURICLEAN is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term “challenge” is undefined,

vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term “use” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 119:

Please admit that Opposers are not aware of any person who has been confused as to whether a product marked with the mark PURICLEAN was from Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PURICLEAN is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under the alleged mark of PURICLEAN at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 120:

Please admit that Opposers have never used the mark PUROCIDE.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PUROCIDE is a mark or offered with goods or services. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term "used" is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 121:

Please admit that Opposers have never challenged a third party's use or registration of the mark PUROCIDE.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence as to whether PUROCIDE is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered

or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term “challenge” is undefined, vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term “use” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted,

REQUEST FOR ADMISSION NO. 122:

Please admit that Opposers are not aware of any person who has been confused as to whether a product marked with the mark PUROCIDE was from Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PUROCIDE is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under

the alleged mark of PUROCIDE at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 123:

Please admit that Opposers have never used the mark PURWATER.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PURWATER is a mark or offered with goods or services. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term “used” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 124:

Please admit that Opposers have never challenged a third party's use or registration of the mark PURWATER.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence as to whether PURWATER is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are

offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term “challenge” is undefined, vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term “use” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 125:

Please admit that Opposers are not aware of any person who has been confused as to whether a product marked with the mark PURWATER was from Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PURWATER is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under the alleged mark of PURWATER at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 126:

Please admit that Opposers have never used the mark PURI5.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PURI5 is a mark or offered with goods or services. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term "used" is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 127:

Please admit that Opposers have never challenged a third party's use or registration of the mark PURI5.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts

not in evidence as to whether PURI5 is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term “challenge” is undefined, vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term “use” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 128:

Please admit that Opposers are not aware of any person who has been confused as to whether a product marked with the mark PURI5 was from Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PURI5 is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because

it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under the alleged mark of PURI5 at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 129:

Please admit that Opposers have never used the mark PURONICS.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PURONICS is a mark or offered with goods or services. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term “used” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 130:

Please admit that Opposers have never challenged a third party's use or registration of the mark PURONICS.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence as to whether PURONICS is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term “challenge” is undefined, vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term “use” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 131:

Please admit that Opposers are not aware of any person who has been confused as to whether a product marked with the mark PURONICS was from Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PURONICS is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has

no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under the alleged mark of PURONICS at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 132:

Please admit that Opposers have never used the mark PURERON.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PURERON is a mark or offered with goods or services. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term “used” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 133:

Please admit that Opposers have never challenged a third party's use or registration of the mark PURERON.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence as to whether PURERON is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term "challenge" is undefined, vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term "use" is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 134:

Please admit that Opposers are not aware of any person who has been confused as to whether a product marked with the mark PURERON was from Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PURERON is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under the alleged mark of PURERON at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 135

Please admit that Opposers have never used the mark PURAMAX.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PURAMAX is a mark or offered with goods or services. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term "used" is vague and ambiguous as it is not limited to particular goods

and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 136:

Please admit that Opposers have never challenged a third party's use or registration of the mark PURAMAX.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence as to whether PURAMAX is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term "challenge" is undefined, vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term "use" is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 137:

Please admit that Opposers are not aware of any person who has been confused as to whether a product marked with the mark PURAMAX was from Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PURAMAX is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under the alleged mark of PURAMAX at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 138:

Please admit that Opposers have never used the mark PURIFIRE.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PURIFIRE is a mark or offered with goods or services. Opposers further object to

this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term “used” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 139:

Please admit that Opposers have never challenged a third party's use or registration of the mark PURIFIRE.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence as to whether PURIFIRE is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term “challenge” is undefined, vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term “use” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly

burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 140:

Please admit that Opposers are not aware of any person who has been confused as to whether a product marked with the mark PURIFIRE was from Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PURIFIRE is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under the alleged mark of PURIFIRE at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 141:

Please admit that Opposers have never used the mark PUREFACTA.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PUREFECTA is a mark or offered with goods or services. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term “used” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 142:

Please admit that Opposers have never challenged a third party's use or registration of the mark PUREFECTA.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence as to whether PUREFECTA is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term “challenge” is undefined,

vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term “use” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 142:

Please admit that Opposers are not aware of any person who has been confused as to whether a product marked with the mark PUREFECTA was from Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PUREFECTA is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under the alleged mark of PUREFECTA at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 143:

Please admit that Opposers have never used the mark PURE.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PURE is a mark or offered with goods or services. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term "used" is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 144:

Please admit that Opposers have never challenged a third party's use or registration of the mark PURE.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence as to whether PURE is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered or even

attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term “challenge” is undefined, vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term “use” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 145:

Please admit that Opposers are not aware of any person who has been confused as to whether a product marked with the mark PURE was from Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PURE is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under

the alleged mark of PURE at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 146:

Please admit that Opposers have never used the mark PURLOGIX.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PURLOGIX is a mark or offered with goods or services. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term "used" is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 147:

Please admit that Opposers have never challenged a third party's use or registration of the mark PURLOGIX.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence as to whether PURLOGIX is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are

offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term “challenge” is undefined, vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term “use” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 148:

Please admit that Opposers are not aware of any person who has been confused as to whether a product marked with the mark PURLOGIX was from Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PURLOGIX is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under the alleged mark of PURLOGIX at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 149:

Please admit that Opposers have never used the mark PURIFICARE.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PURIFICARE is a mark or offered with goods or services. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term “used” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 150:

Please admit that Opposers have never challenged a third party's use or registration of the mark PURIFICARE.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts

not in evidence as to whether PURIFICARE is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term “challenge” is undefined, vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term “use” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 151:

Please admit that Opposers are not aware of any person who has been confused as to whether a product marked with the mark PURIFICARE was from Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PURIFICARE is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because

it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under the alleged mark of PURIFICARE at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 152:

Please admit that Opposers have never used the mark PURICOM.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PURICOM is a mark or offered with goods or services. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term "used" is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 153:

Please admit that Opposers have never challenged a third party's use or registration of the mark PURICOM.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence as to whether PURICOM is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term “challenge” is undefined, vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term “use” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 154:

Please admit that Opposers are not aware of any person who has been confused as to whether a product marked with the mark PURICOM was from Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PURICOM is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has

no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under the alleged mark of PURICOM at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 155:

Please admit that Opposers have never used the mark PURAC.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PURAC is a mark or offered with goods or services. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term “used” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 156:

Please admit that Opposers have never challenged a third party's use or registration of the mark PURAC.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence as to whether PURAC is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term "challenge" is undefined, vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term "use" is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 157:

Please admit that Opposers are not aware of any person who has been confused as to whether a product marked with the mark PURAC was from Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PURAC is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under the alleged mark of PURAC at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 158:

Please admit that Opposers have never used the mark PURIFICUP.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PURIFICUP is a mark or offered with goods or services. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term “used” is vague and ambiguous as it is not limited to particular goods

and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 159:

Please admit that Opposers have never challenged a third party's use or registration of the mark PURIFICUP.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence as to whether PURIFICUP is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term "challenge" is undefined, vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term "use" is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 160:

Please admit that Opposers are not aware of any person who has been confused as to whether a product marked with the mark PURIFICUP was from Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PURIFICUP is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under the alleged mark of PURIFICUP at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 161:

Please admit that Opposers have never used the mark PURATRON.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PURATRON is a mark or offered with goods or services. Opposers further object

to this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term “used” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 162:

Please admit that Opposers have never challenged a third party's use or registration of the mark PURATRON.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence as to whether PURATRON is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term “challenge” is undefined, vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term “use” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly

burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 163:

Please admit that Opposers are not aware of any person who has been confused as to whether a product marked with the mark PURATRON was from Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PURATRON is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under the alleged mark of PURATRON at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 164:

Please admit that Opposers have never used the mark PURONICS.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PURONICS is a mark or offered with goods or services. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term “used” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 165:

Please admit that Opposers have never challenged a third party's use or registration of the mark PURONICS.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence as to whether PURONICS is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term “challenge” is undefined,

vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term “use” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 166:

Please admit that Opposers are not aware of any person who has been confused as to whether a product marked with the mark PURONICS was from Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PURONICS is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under the alleged mark of PURONICS at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 167:

Please admit that Opposers have never used the mark PUREFIT.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PUREFIT is a mark or offered with goods or services. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term "used" is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 168:

Please admit that Opposers have never challenged a third party's use or registration of the mark PUREFIT.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence as to whether PUREFIT is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered

or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term “challenge” is undefined, vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term “use” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 169:

Please admit that Opposers are not aware of any person who has been confused as to whether a product marked with the mark PUREFIT was from Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PUREFIT is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under

the alleged mark of PUREFIT at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 170:

Please admit that Opposers have never used the mark PURIHOME.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PURIHOME is a mark or offered with goods or services. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term “used” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO.171:

Please admit that Opposers have never challenged a third party's use or registration of the mark PURIHOME.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence as to whether PURIHOME is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are

offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term “challenge” is undefined, vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term “use” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 172:

Please admit that Opposers are not aware of any person who has been confused as to whether a product marked with the mark PURIHOME was from Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PURIHOME is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under the alleged mark of PURIHOME at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 173:

Please admit that Opposers have never used the mark PURAM.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PURAM is a mark or offered with goods or services. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term “used” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 174:

Please admit that Opposers have never challenged a third party's use or registration of the mark PURAM.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts

not in evidence as to whether PURAM is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term "challenge" is undefined, vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term "use" is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 175:

Please admit that Opposers are not aware of any person who has been confused as to whether a product marked with the mark PURAM was from Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PURAM is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because

it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under the alleged mark of PURAM at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 176:

Please admit that Opposers have never used the mark PURICORE.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PURICORE is a mark or offered with goods or services. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term “used” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 177:

Please admit that Opposers have never challenged a third party's use or registration of the mark PURICORE.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence as to whether PURICORE is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term “challenge” is undefined, vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term “use” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 178:

Please admit that Opposers are not aware of any person who has been confused as to whether a product marked with the mark PURICORE was from Opposers.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PURICORE is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has

no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under the alleged mark of PURICORE at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

REQUEST FOR ADMISSION NO. 179:

Please admit that Opposers have never used the mark PURITAN.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers object that this request assumes facts not in evidence that PURITAN is a mark or offered with goods or services. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, and what good or services are offered with this alleged mark. Opposers also object to this Request because the term “used” is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 180:

Please admit that Opposers have never challenged a third party's use or registration of the mark PURITAN.

RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence as to whether PURITAN is a mark, has ever been used as a mark, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used, whether this mark was registered or even attempted to be registered, and finally, what good or services are offered with this alleged mark. Opposers further object to this Request because the term "challenge" is undefined, vague, ambiguous and without any limitation on time or manner of action. Opposers also object to this Request because the term "use" is vague and ambiguous as it is not limited to particular goods and/or services. Opposers further object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Admitted.

REQUEST FOR ADMISSION NO. 181:

Please admit that Opposers are not aware of any person who has been confused as to whether a product marked with the mark PURITAN was from Opposers.

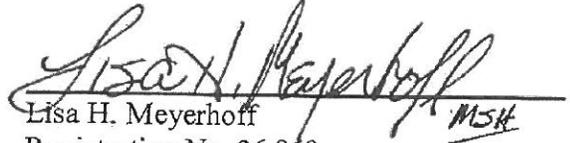
RESPONSE:

Opposers object to this Request to the extent that it is not relevant and not likely to lead to the discovery of admissible evidence. Opposers further object that this request assumes facts not in evidence that PURITAN is a mark, or that any goods or services are in fact offered or were ever offered with this alleged mark. Opposers further object to this request as Opposer has no personal knowledge of whether this mark has ever been used. Opposers further object to this Request to the extent that it implies that actual confusion is required to show a likelihood of confusion. Opposers also object to this Request as overly broad and unduly burdensome because it is not limited to any specific period of time. Subject to the foregoing general and specific objections, Opposers respond as follows:

Finally, Opposers admit that they are not aware of a person actually confused, let alone a likelihood of confusion with respect to Opposer providing some type of good or service under the alleged mark of PURITAN at some undefined point in time. Opposers otherwise deny this Request and reserve the right to amend this response as discovery continues.

Dated: June 22, 2012

Respectfully submitted,


Lisa H. Meyerhoff
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ATTORNEYS FOR OPPOSERS
1047406 ONTARIO LTD. AND
PURIFICS ES, INC.

CERTIFICATE OF SERVICE

I hereby certify that on June 22, 2012 a copy of the attached "Opposers' Objections and Responses to Applicant's Second of Requests for Admission Nos. 75-181" was served via U.S. Mail, First Class, on Applicant's counsel of record as follows:

Saluneh R. Loesch
Email: saluneh.loesch@klarquist.com
David P. Petersen
Email: david.petersen@klarquist.com
Klarquist Sparkman, LLP
One World Trade Center, Suite 1600
121 SW Salmon Street
Portland, Oregon 97204

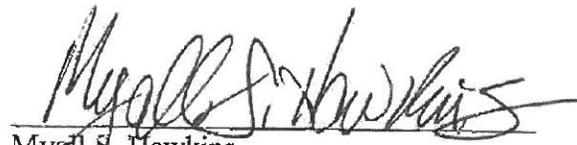

Myall S. Hawkins

EXHIBIT 3
to
Applicant's Notice of Reliance

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

| | | |
|---------------------------|---|--------------------------|
| 1047406 ONTARIO LTD. and |) | |
| PURIFICS ES, INC., |) | |
| |) | |
| Opposers, |) | |
| |) | |
| v. |) | Opposition. No. 91194706 |
| |) | |
| UVCLEANING SYSTEMS, INC., |) | |
| |) | |
| Applicant. |) | |

OPPOSERS’ ANSWERS TO APPLICANT’S FIRST SET OF INTERROGATORIES

In accordance with Rule 33 of the Federal Rules of Civil Procedure, and Rule 2.120 of the Trademark Rules of Practice, Opposers respond to Applicant’s First Set of Interrogatories as set forth below, subject to the following objections.

General Objections

Nothing in these answers shall be construed as waiving rights or objections that otherwise may be available to Opposers, nor should Opposers’ answers to any of the interrogatories in Applicant’s First of Set of Interrogatories be deemed to be an admission of relevancy, materiality, or admissibility in evidence of either the interrogatories or the answers thereto. The present answers are based upon and reflect only Opposers’ present knowledge, information, and belief. The answers may be subject to change, correction, or amplification on the basis of further facts, information, or circumstances that may come to Opposers’ attention.

1. Opposers object to each and every interrogatory to the extent it is inconsistent with or attempts to impose obligations beyond, in addition to, or different from those imposed by the Federal Rules of Civil Procedure or the Trademark Rules of Practice.

2. Opposers object to the Definitions and Instruction as set forth in Applicant's First Set of Interrogatories to the extent they are inconsistent with or attempt to impose obligations beyond, in addition to, or different from those imposed by the Federal Rules of Civil Procedure or the Trademark Rules of Practice. Opposers further object to these definitions to the extent that they purport to alter the plain meaning and/or scope of any specific interrogatory on the ground that such alteration renders the request vague, ambiguous, unduly broad, and uncertain.

3. Opposers object to each of Applicant's interrogatories to the extent that they seek disclosure of information protected by the attorney-client privilege, information that constitutes attorney work product, and/or information that is subject to any other applicable privilege or doctrine.

4. In light of the parties' negotiations to revise the protective order in this proceeding, Opposers object to each and every interrogatory to the extent it seeks confidential or proprietary information. Opposers will produce any confidential and proprietary information requested by Applicant's interrogatories after an agreed-upon, modified protective order has been entered by the Board.

INTERROGATORY NO. 1

Recite in detail all communications known to Opposers referring to any opinion by any person concerning whether Applicant's use of the PURALYTICS Mark of the '438 Application is likely to cause confusion or has caused confusion with Opposers and/or the PURIFICS Mark and/or referring to any opinion that the respective marks are similar, and identify such person or persons.

ANSWER

Opposers object to this interrogatory as overly broad and unduly burdensome in seeking "all communications" known to Opposers referring to confusion between the marks PURIFICS and PURALYTICS. Opposers further object to this interrogatory to the extent it seeks

information subject to the attorney-client privilege and/or work product doctrine. Subject to and without waiving the foregoing general and specific objections, Opposers will produce representative, relevant, responsive documents in response to this interrogatory.

INTERROGATORY NO. 2

Recite in detail all communications known to Opposers referring to Applicant and/or the PURALYTICS Mark of the '438 Application.

ANSWER

Opposers object to this interrogatory as overly broad and unduly burdensome in seeking "all communications" known to Opposers referring to Applicant and/or the PURALYTICS mark. Opposers further object to this interrogatory to the extent it seeks information subject to the attorney-client privilege and/or work product doctrine. Subject to and without waiving the foregoing general and specific objections, Opposers will produce representative, relevant, responsive documents in response to this interrogatory.

INTERROGATORY NO. 3

Describe all instances or occurrences known to Opposers in which anyone has indicated any confusion or mistake as to whether any entity's goods or services are affiliated, connected, or associated with, or sponsored or endorsed by Opposers and/or the PURIFICS Mark.

ANSWER

Opposers object to this interrogatory as overly broad and unduly burdensome in seeking "all instances or occurrences" known to Opposers in which anyone has indicated confusion or mistake between Opposers or their PURIFICS mark and Applicant or its PURALYTICS mark. Subject to and without waiving the foregoing general and specific objections, Opposers state that, having not yet taken full discovery, Opposers are not aware of any instances of actual

confusion at this time; however, Opposers reserve their right to supplement this response as discovery continues.

INTERROGATORY NO. 4

State what investigatory actions, if any, Opposers took to investigate its alleged claims against Applicant before filings its opposition to the Opposed Application.

ANSWER

After Opposers' consultant identified Applicants' use of the PURALYTICS mark and brought such use to Opposers' attention, Opposers' investigated their claims in this proceeding by identifying Applicant's application to register the PURALYTICS mark and conducting Internet research of Applicant's website to determine the goods and services Applicant purports to offer. Opposers searched NSF International's records to determine whether Applicant was certified by that organization, finding no record of NSF certification. Opposers also compared Applicant's applied-for mark, goods, and services to Opposers' PURIFICS mark and the goods and services Opposers offer in connection with the PURIFICS mark to conclude that Applicant's PURALYTICS mark was likely to create confusion when used in connection with the products Applicant purports to offer.

INTERROGATORY NO. 5

Identify every licensee of Opposers alleged PURIFICS Mark, including the services and/or goods provided by each licensee, or any contractual agreement entered into by Opposers regarding the PURIFICS Mark, including without limitation, settlement or coexistence agreements and/or licenses or other authorizations, and provide the date, subject matter, substance, and name of each party to such agreements.

ANSWER

Opposers object to this interrogatory as overly broad and unduly burdensome in seeking “every licensee” of Opposers’ PURIFICS mark. Opposers further object to this interrogatory to the extent it seeks confidential or proprietary information. Subject to and without waiving the foregoing general and specific objections, Opposers state that Opposer Purifics ES, Inc. is the licensee of the PURIFICS mark, having received a license from the owner of U.S. Registration No. 2,062,935, Opposer 1047406 Ontario Ltd. Opposers authorize their U.S. representative / consultant, Ben Buchsieb of Water Consultants, LLC, to use business cards bearing Opposers’ PURIFICS mark.

INTERROGATORY NO. 6

Identify the persons most knowledgeable about the goods and services offered under the PURIFICS mark.

ANSWER

Opposers identify the following individuals as having knowledge about the goods and services offered under the PURIFICS mark:

1. Brian Butters, President, 1047406 Ontario Ltd. and Purifics ES, Inc.; and
2. Tony Powell, Applications Manager, Purifics ES, Inc.

Messrs. Butters and Powell may be contacted only through Opposers’ undersigned counsel.

INTERROGATORY NO. 7

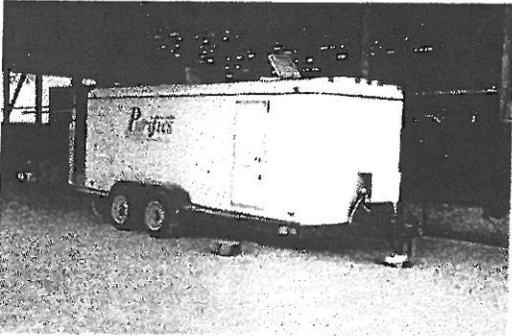
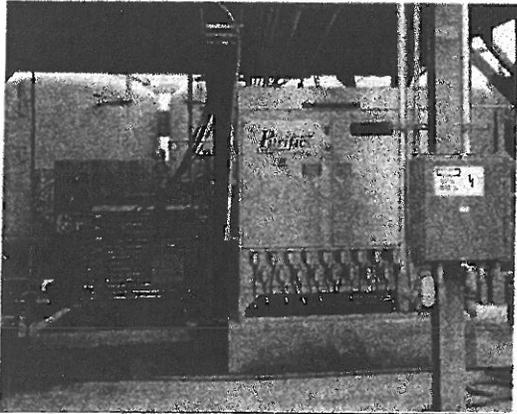
Describe with specificity each service and/or good offered by Opposers in connection with the PURIFICS mark including, pricing, purpose and/or use of service or good, and first sale of each such service or good.

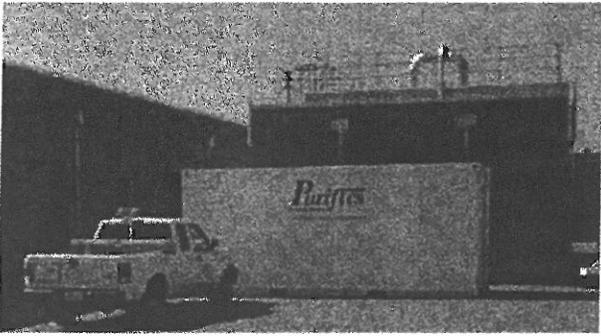
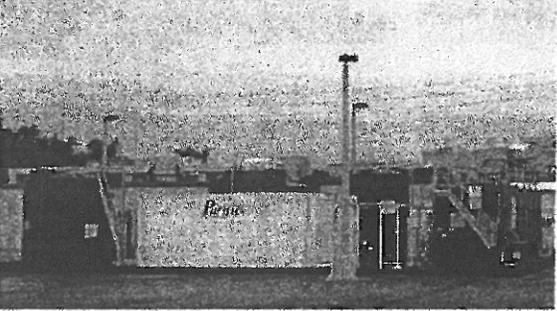
ANSWER

Opposers object to this interrogatory as overly broad and unduly burdensome in seeking “each service and/or good” offered by Opposers in connection with the PURIFICS mark.

Opposers further object to this interrogatory to the extent it seeks confidential or proprietary information. Subject to and without waiving the foregoing general and specific objections,

Opposers state that the following is a list of representative products and services, along with purpose, dates of first use and locations.

| Product / Service | Date of 1 st Use | Product Purpose | Location |
|---|-----------------------------|---|----------|
| Environmental remediation services, i.e., soil, waste, and water treatment and air pollution services  | 1994 | Pilot test for verification of Purifics PHOTO-CAT systems. | Illinois |
| Purifics Equipment PHOTO-CAT  | Bid in 1994; Installed 1995 | Multi Barrier; Water Purification utilizing TiO ₂ Photocatalysis | Texas |

| | | | |
|---|-------------|--|-------------------|
| <p>Purifics Service Pilot test for DeWRS</p>  | <p>2007</p> | <p>Pilot test for verification of Purifics DeWRS (Dewatering and Water Recovery System). This pilot is for a drinking water treatment application.</p> | <p>California</p> |
| <p>Purifics Service Pilot test for CFFeR</p>  | <p>2007</p> | <p>Pilot test for verification of Purifics CFFeR (Chemical Free Iron Removal). This pilot is for a groundwater remediation application.</p> | <p>Florida</p> |

INTERROGATORY NO. 8

Identify the demographics of customers who have purchased or who have been solicited to purchase each service and/or good offered for sale under the PURIFICS Mark.

ANSWER

Opposers object to this interrogatory to the extent it seeks confidential or proprietary information. Subject to and without waiving the foregoing general and specific objections, Opposers state that they have sold goods and services in connection with the PURIFICS mark to corporate and governmental (both municipal and federal) customers in the following sectors:

government, defense, aerospace, nuclear, pharmaceutical, manufacturing, marine, petrochemical, and academic.

INTERROGATORY NO. 9

Identify Opposers' past, current, and planned business plans for each service and/or good offered for sale under the PURIFICS Mark.

ANSWER

Opposers object to this interrogatory to the extent it seeks confidential or proprietary information, especially in seeking information regarding Opposers' future business plans for each good and service offered in connection with the PURIFICS marks. Subject to and without waiving the foregoing general and specific objections, Opposers state that they have offered for sale and offer for sale in the United States the goods and services identified in Opposers' answer to Interrogatory No. 7 to the classes of customers identified in Opposers' answer to Interrogatory No. 8.

INTERROGATORY NO. 10

Identify all current and planned used (sic) of Opposers' services and/or sales of goods in the United States, including identify each service and/or good.

ANSWER

Opposers object to this interrogatory as overly broad and unduly burdensome in seeking "all" current and planned uses of Opposers' PURIFICS mark in the United States. Opposers further object to this interrogatory to the extent it seeks confidential or proprietary information. Opposers also object to this interrogatory as being duplicative of the information sought in Interrogatory No. 7. Subject to and without waiving the foregoing general and specific

objections, Opposers state that they have sold each of the goods and services identified in their answer to Interrogatory No. 7 in the United States.

INTERROGATORY NO. 11

Identify any waste water purification units, water purification and filtration apparatus, and water purification units used or sold or intended to be used or intended to be sold by Opposers.

ANSWER

Opposers object to this interrogatory to the extent it seeks confidential or proprietary information. Opposers further object to this interrogatory as being duplicative of the information sought in Interrogatory No. 7. Subject to and without waiving the foregoing general and specific objections, Opposers state that they have sold the waste water purification units, water purification and filtration apparatus, and water purification units identified as being offered and/or sold in the United States in their answer to Interrogatory No. 7.

INTERROGATORY NO. 12

Describe with specificity the classes of customers for Opposers services offered under the PURIFICS Mark.

ANSWER

Opposers object to this interrogatory to the extent it seeks confidential or proprietary information. Opposers also object to this interrogatory as being duplicative of the information sought in Interrogatory No. 8. Subject to and without waiving the foregoing general and specific objections, Opposers state that they have sold goods and services in connection with the PURIFICS mark to consumers in the following sectors: government, defense, aerospace, nuclear, pharmaceutical, manufacturing, marine, agricultural, petrochemical, and academic.

INTERROGATORY NO. 13

Describe with specificity the channels of trade in which Opposers offers (sic) their services under the PURIFICS Mark.

ANSWER

Opposers object to this interrogatory to the extent it seeks confidential or proprietary information. Subject to and without waiving the foregoing general and specific objections, Opposers state that they offer their services through the following representative channels of trade: Internet, trade shows, in-person consultations and presentations to potential customers, presentation of technical papers at conferences, sponsorship of industry events, representative and distributor contact with potential customers, and applied research. Opposers further state that they have ongoing relationships with the following consultants and manufacturers representatives who market Opposers' PURIFICS goods and services in the United States:

1. Ben Buchsieb, Water Consultants, LLC, 16415 South 34th Way, Phoenix, Arizona 85048;
2. Sam Gutridge, EnviroSales of Florida, Inc., 1101 U.S. 27 South, Sebring, Florida 33870;
3. Steve Holt, WWaterTech Inc., 3104 Washington Street, Waller, Texas 77484;
4. Pat Kennedy, California Environmental Controls, 6739 South Washington Avenue, Whittier, California 90608-0469;
5. Chuck Reading, REACO Associates, LLC, 18011 West Marshall Court, Litchfield Park, Arizona 85340; and
6. Kent Troup, Troup Environmental Alternatives LLC, 79 West 12th Street, Suite 15D, New York, New York 10011.

INTERROGATORY NO. 14

Identify each mark in the United States Patent and Trademark Office known to Opposers that has been used by a third party and that comprises of or starts with PUR in the water and/or water purification fields.

ANSWER

Opposers object to this interrogatory as overly broad and unduly burdensome in seeking “each mark” about which Opposers have knowledge that has been used by a third party and that comprises of or starts with PUR in the water and/or water purification fields. Subject to and without waiving the foregoing general and specific objections, Opposers state that they have not conducted comprehensive trademark searches and use investigations that would reveal the requested information.

INTERROGATORY NO. 15

Describe with specificity the marks and uses upon which Opposers based their Opposition No. 91194706. In the event that Opposers based their Opposition No. 91194706 in any part on any use not included within the scope of the PURIFICS registration, describe in detail the marks, parties, and alleged common law usage that serves as such grounds.

ANSWER

Opposers base their opposition against Applicant’s application to register the PURALYTICS mark on Opposers’ trademark rights in the United States in the mark PURIFICS. Opposers own U.S. Registration No. 2,062,935 for the mark PURIFICS, and have used the PURIFICS mark in the United States in connection with the goods and services identified as being offered and/or sold in the United States in Opposers’ answer to Interrogatory No. 7 since at least as early as the dates specified therein.

INTERROGATORY NO. 16

Describe with specificity any instance in which Opposers have offered waste water purification units, water purification and filtration apparatus, and water purification units to their customers under the PURIFICS Mark.

ANSWER

Opposers object to this interrogatory as overly broad and unduly burdensome in seeking information regarding “any instance” in which Opposers have offered waste water purification units, water purification and filtration apparatus, and water purification units to their customers under the PURIFICS mark. Opposers further object to this interrogatory to the extent it seeks confidential or proprietary information. Opposers also object to this interrogatory as being duplicative of the information sought in Interrogatory No. 7. Subject to and without waiving the foregoing general and specific objections, Opposers state that they have sold the waste water purification units, water purification and filtration apparatus, and water purification units identified in their answer to Interrogatory No. 7 in the United States.

INTERROGATORY NO. 17

Identify each person against whom Opposers have asserted their alleged PURIFICS Mark.

ANSWER

Opposers object to this interrogatory on the grounds that the phrase “have asserted their PURIFICS Mark” is unclear, vague, and ambiguous. Opposers also object to this interrogatory to the extent it seeks information subject to the attorney-client privilege and/or work product doctrine. Subject to and without waiving the foregoing general and specific objections, Opposers state that they have taken enforcement actions concerning their PURIFICS mark against the following entities:

1. Global Water-Aquacell, Inc.; and
2. Purificwater Solutions, LLC d/b/a Purific Water Solutions.

INTERROGATORY NO. 18

State whether and why Opposers believe that the PURALYTICS Mark would be likely to cause confusion with or damages Opposers alleged PURIFICS Mark if Applicant's Goods were sold in commerce by a person not authorized by Opposers to do so.

ANSWER

Applicant's use of the PURALYTICS mark in connection with goods Opposers sell and that are directly related to the services for which Opposers have registered the PURIFICS mark is likely to result in confusion, mistake, or deception with Opposers' PURIFICS mark or PURIFICS products or services, or in the belief that Applicant or Applicant's goods are in some way legitimately connected with, licensed, or approved by Opposers in violation of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

INTERROGATORY NO. 19

State whether Opposers have has ever sent or received a cease and desist letter relating in any way to the PURIFICS Registration. If so, please identify the person or entity to which the letter was sent or from whom the letter was received, the date of the correspondence, and provide a summary of the contents of the letter. In addition, please identify any and all additional or subsequent correspondence between the parties relating to each such matter.

ANSWER

Opposers have never received such an objection but have sent cease and desist letters relating to their PURIFICS mark and registration to Global Water-Aquacell, Inc. and Purificwater Solutions, LLC d/b/a Purific Water Solutions.

INTERROGATORY NO. 20

Describe Opposers' alleged ownership rights in the PURIFICS Mark.

ANSWER

Opposers own trademark, service mark and trade name rights in the United States in the mark PURIFICS based upon their ownership of U.S. Registration No. 2,062,935, their continued use of the PURIFICS mark, and the continued use of a trade name based on "Purifics" in the United States in connection with the goods and services identified in Opposers' answer to Interrogatory No. 7 since at least as early as 1994.

INTERROGATORY NO. 21

Describe with specificity any communications by a consumer to Opposers referring to or related to Applicant or Applicant's PURALYTICS Mark.

ANSWER

Opposers object to this interrogatory as overly broad and unduly burdensome in seeking "any communications" by a consumer to Opposers referring to or related to Applicant or Applicant's PURALYTICS mark. Subject to and without waiving the foregoing general and specific objections, Opposers state that, having not yet taken full discovery, Opposers are not aware at this time of any communications by their consumers referring or relating to Applicant or Applicant's PURALYTICS; however, Opposers reserve their right to supplement this response as discovery continues.

INTERROGATORY NO. 22

Describe Opposers' alleged use of the PURIFICS Mark in the United States, including all services performed in the United States and all goods sold in the United States under the PURIFICS Mark.

ANSWER

Opposers object to this interrogatory as overly broad and unduly burdensome in seeking information regarding “all services” Opposers performed in the United States and “all goods” Opposers sold in the United States under the PURIFICS mark. Opposers further object to this interrogatory to the extent it seeks confidential or proprietary information. Opposers also object to this interrogatory as being duplicative of the information sought in Interrogatory No. 7. Subject to and without waiving the foregoing general and specific objections, Opposers state that they have performed each of the services and sold each of the goods in the United States identified in their answer to Interrogatory No. 7.

INTERROGATORY NO. 23

Describe with specificity the substance and results of any surveys, marketing analyses, expert reports and/or opinions relating to the potential for or the existence of a likelihood of consumer confusion between the PURIFICS mark and any other mark, including the mark of Applicant’s ‘438 Application.

ANSWER

Opposers object to this interrogatory as overly broad and unduly burdensome in seeking information regarding “any surveys, marketing analyses, expert reports and/or opinions” relating to the potential for or existence of a likelihood of confusion between the PURIFICS and PURALYTICS marks. Opposers further object to this interrogatory to the extent it seeks information subject to the attorney-client privilege and/or work product doctrine. Subject to and without waiving the foregoing general and specific objections, Opposers will produce representative, relevant, responsive documents in response to this interrogatory, to the extent that such documents exist.

INTERROGATORY NO. 24

Describe with specificity the circumstances surrounding Opposers' first knowledge Applicant's use of the PURALYTICS Mark in connection with the goods of the '438 Application.

ANSWER

Opposers first became aware of Applicant and its PURALYTICS mark on or around March 5, 2010, when one of Opposers' U.S. consultants identified Applicant, the technology Applicant purports to use in its products, Applicant's efforts generate funding, and Applicant's performance in a water technology competition, and relayed such information to Opposers. Opposers filed the instant opposition proceeding on April 30, 2010, after subsequent research and Internet investigation revealed that Applicant had applied to register the PURALYTICS mark with the United States Patent and Trademark Office.

INTERROGATORY NO. 25

State the customers to whom Opposers sell or offer to sell goods marked with the PURIFICS Mark.

ANSWER

Opposers object to this interrogatory to the extent it seeks confidential or proprietary information. Subject to and without waiving the foregoing general and specific objections, Opposers state that they have offered to sell and sold goods in connection with the PURIFICS mark to customers comprising federal and local governmental entities and commercial companies, across sectors of defense, aerospace, nuclear, pharmaceutical, manufacturing, marine, agricultural, petrochemical, and academic.

INTERROGATORY NO. 26

State the customers to whom Opposers provide or offer to provide services under the PURIFICS Mark.

ANSWER

Opposers object to this interrogatory to the extent it seeks confidential or proprietary information. Subject to and without waiving the foregoing general and specific objections, Opposers state that they have offered to sell and sold services in connection with the PURIFICS mark to customers in the following sectors: government, defense, aerospace, nuclear, pharmaceutical, manufacturing, marine, agricultural, petrochemical, and academic.

INTERROGATORY NO. 27

Explain how and when Opposers first became aware of Applicant and/or Applicant's PURALYTICS Mark.

ANSWER

Opposers first became aware of Applicant and its PURALYTICS mark on or around March 5, 2010, when one of Opposers' U.S. consultants, Ben Buchsieb, noticed Applicant, the technology Applicant uses in its products, Applicant's efforts generate funding, and Applicant's performance in a water technology competition, and relayed such information to Opposers. Opposers filed the instant opposition proceeding on April 30, 2010, after subsequent research and Internet investigation revealed that Applicant had applied to register the PURALYTICS mark with the United States Patent and Trademark Office.

INTERROGATORY NO. 28

State whether and how the PURIFICS Mark is substantially similar, as defined by trademark law and jurisprudence, to Applicant's PURALYTICS Mark.

ANSWER

Opposers object to this interrogatory on the grounds that the phrase "substantially similar" is unclear, vague, and ambiguous. Subject to and without waiving the foregoing general and specific objections, and to the extent this interrogatory is understood, Opposers state that the

PURALYTICS mark is similar to Opposer's PURIFICS mark and is likely to create confusion with Opposers' PURIFICS mark when used in connection with virtually identical or closely related goods and services that employ a titanium dioxide photocatalysis technology that is very similar to the technology Opposers employ in their goods and services.

INTERROGATORY NO. 29

State how the a (sic) service mark for "environmental remediation services, namely, soil, waste and water treatment services and air purification services," is similar to a trademark for "waste water purification units, water purification and filtration apparatus, and water purification units."

ANSWER

Opposers object to this interrogatory on the grounds that the phrase "is similar to a trademark for" is unclear, vague, and ambiguous. Subject to and without waiving the foregoing general and specific objections, and to the extent this interrogatory is understood, Opposers state that Applicant's PURALYTICS mark is likely to create confusion with Opposers' PURIFICS mark when used in connection with goods and services that purport to provide similar water purification results by employing a similar, albeit inferior, titanium dioxide photocatalysis technology to the technology Opposers employ in their goods and services. Opposers further state that Opposers base their opposition to Applicant's application to register PURALYTICS on both their registration and on their common law use of the PURIFICS mark and name.

INTERROGATORY NO. 30

State whether all marks in the United States Patent and Trademark Office records starting with PUR for water and/or water purification goods and/or services are likely to cause confusion with the PURIFICS Mark, and if not, explain why.

ANSWER

Opposers state that not all marks applied for and registered with the United States Patent and Trademark Office starting with PUR for water and/or water purification goods and/or services are likely to cause confusion with the PURIFICS mark because marks are compared in their entireties, including the full mark and the goods and/or services offered under each mark.

INTERROGATORY NO. 31

Identify each person who provided information or documents or otherwise assisted in the preparation of the responses to these Interrogatories and to Applicant's First Set of Requests for Documents and Things, and to Applicant's First Set of Requests for Admission.

ANSWER

In addition to Opposers' undersigned counsel, Opposers identify the following individuals as having provided information or documents, or otherwise assisted in the preparation of Opposers' answers to Applicant's discovery requests:

1. Brian Butters, President, 1047406 Ontario Ltd. and Purifics ES, Inc.; and
2. Tony Powell, Applications Manager, Purifics ES, Inc.

Messrs. Butters and Powell may be contacted only through Opposers' undersigned counsel.

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON LLP

Dated: February 23, 2011

By: 

Robert W. Sacoff

Ian J. Block

311 South Wacker Drive

Suite 5000

Chicago, Illinois 60606

(312) 554-8000

Attorneys for Opposers, 1047406

Ontario Ltd. and Purifics ES, Inc.

VERIFICATION

I, Brian Butters, declare that I have read the foregoing **OPPOSERS' ANSWERS TO APPLICANT'S FIRST SET OF INTERROGATORIES** and know the contents thereof, and the same are true to the best of my knowledge or upon my information and belief. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

This 23d day of February, 2011.

Signature: Brian Butters

Name: Brian Butters

Title: President, 1047406 Ontario Ltd. and Purifics ES, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of **OPPOSERS' ANSWERS TO APPLICANT'S FIRST SET OF INTERROGATORIES** was served upon David P. Petersen and Salumeh R. Loesch, Klarquist Sparkman, LLP, 121 SW Salmon St., Ste. 1600, Portland, Oregon 97204-2988, via electronic mail as mutually agreed by the parties pursuant to Trademark Rule 2.119(b)(6), on this 23rd day of February, 2011.

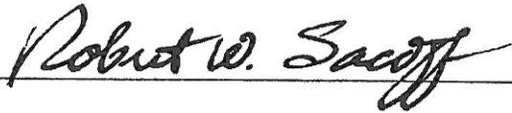


EXHIBIT 1
to
Applicant's Notice of Reliance

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

| | | |
|---------------------------|---|--------------------------|
| 1047406 ONTARIO LTD. and |) | |
| PURIFICS ES, INC., |) | |
| |) | |
| Opposers, |) | |
| |) | |
| v. |) | Opposition. No. 91194706 |
| |) | |
| UVCLEANING SYSTEMS, INC., |) | |
| |) | |
| Applicant. |) | |

**OPPOSERS' RESPONSES TO
APPLICANT'S FIRST SET OF REQUESTS FOR ADMISSION**

In accordance with Rule 36 of the Federal Rules of Civil Procedure, and Rule 2.120 of the Trademark Rules of Practice, Opposers respond to Applicant's First Set of Requests for Admission as set forth below, subject to the following general objections.

General Objections

Nothing in these answers shall be construed as waiving rights or objections that otherwise may be available to Opposers, nor should Opposers' answers to any of the requests for admission in Applicant's First of Set of Requests for Admission be deemed to be an admission of relevancy, materiality, or admissibility in evidence of either the requests or the answers thereto. The present answers are based upon and reflect only Opposers' present knowledge, information, and belief. The answers may be subject to change, correction, or amplification on the basis of further facts, information, or circumstances that may come to Opposers' attention.

1. Opposers object to each and every request for admission to the extent it is inconsistent with or attempts to impose obligations beyond, in addition to, or different from those imposed by the Federal Rules of Civil Procedure or the Trademark Rules of Practice.

2. Opposers object to the Definitions and Instruction as set forth in Applicant's First Set of Requests for Admission to the extent they are inconsistent with or attempt to impose obligations beyond, in addition to, or different from those imposed by the Federal Rules of Civil Procedure or the Trademark Rules of Practice. Opposers further object to these definitions to the extent that they purport to alter the plain meaning and/or scope of any specific request for admission on the ground that such alteration renders the request vague, ambiguous, unduly broad, and uncertain.

3. Opposers object to each and every request for admission to the extent that it seeks disclosure of information protected by the attorney-client privilege, information that constitutes attorney work product, and/or information that is subject to any other applicable privilege or doctrine.

4. In light of the parties' negotiations to revise the protective order in this proceeding, Opposers object to each and every request for admission to the extent it seeks confidential or proprietary information. Opposers will produce any confidential and proprietary information requested by Applicant's requests for admission after an agreed-upon, modified protective order has been entered by the Board.

REQUEST NO. 1

Admit that Opposers are not aware of any instances of confusion or mistake by third parties as to whether Applicant's Goods bearing the Opposed Mark are affiliated, connected, or associated with, or sponsored or endorsed by Opposers.

ANSWER

Opposers admit that, without having yet taken full discovery, they are not aware at this time of any instances of actual consumer confusion or mistake that have resulted from

Applicant's PURALYTICS mark. Opposers otherwise deny this request and reserve the right to amend this response as discovery continues.

REQUEST NO. 2

Admit that Opposers are not aware of any specific instances of actual consumer confusion between services offered under the PURIFICS Mark and Applicant's Goods offered under Applicant's PURALYTICS Mark.

ANSWER

Opposers object on the ground that Applicant defines the term "PURIFICS Mark" as referring only to U.S. Registration No. 2,062,935, which excludes other rights asserted in this opposition. Subject to and without waiving the foregoing general and specific objections, Opposers admit that, without having yet taken full discovery, they are not aware at this time of any instances of actual consumer confusion or mistake that have resulted from Applicant's PURALYTICS mark. Opposers otherwise deny this request and reserve the right to amend this response as discovery continues.

REQUEST NO. 3

Admit that the PURIFICS Mark does not include "Waste water purification units; Water purification and filtration apparatus; Water purification units" in its description of services.

ANSWER

Opposers object to this request based on the best evidence rule, insofar as Opposers' registration of PURIFICS (Registration No. 2,062,935) speaks for itself. Opposers also object on the ground that Applicant defines the term "PURIFICS Mark" as referring only to U.S. Registration No. 2,062,935, which excludes other rights asserted in this opposition. Subject to and without waiving the foregoing general and specific objections, Opposers admit that U.S. Registration No. 2,062,935 does not identify "waste water purification units; water purification

and filtration apparatus; water purification units” in its description of services; however, Opposers do sell such goods under the PURIFICS mark in commerce, and thus have common law rights in the PURIFICS mark for such goods.

REQUEST NO. 4

Admit that the PURIFICS Mark does not cover “Waste water purification units; Water purification and filtration apparatus; Water purification units” in its description of goods.

ANSWER

Opposers object to this request based on the best evidence rule, insofar as Opposers’ registration of PURIFICS (Registration No. 2,062,935) speaks for itself. Opposers also object on the ground that Applicant defines the term "PURIFICS Mark" as referring only to U.S. Registration No. 2,062,935, which excludes other rights asserted in this opposition. Subject to and without waiving the foregoing general and specific objections, Opposers admit that U.S. Registration No. 2,062,935 does not identify “waste water purification units; water purification and filtration apparatus; water purification units” in its description of goods; however, Opposers do sell such goods under the PURIFICS mark in commerce, and thus have common law rights in the PURIFICS mark for such goods.

REQUEST NO. 5

Admit that the services identified in the PURIFICS Mark differ from Applicant’s Goods.

ANSWER

Opposers object on the ground that Applicant defines the term "PURIFICS Mark" as referring only to U.S. Registration No. 2,062,935, which excludes other rights asserted in this opposition. Opposers also object on the ground that Applicant defines the term "PURIFICS Mark" as referring only to U.S. Registration No. 2,062,935, which excludes other rights asserted

in this opposition. Opposers admit that the services identified in Opposers' U.S. Registration No. 2,062,935 do not identify "waste water purification units; water purification and filtration apparatus; water purification units" but further state that the respective goods and services are closely related; further, Opposers do sell such goods under the PURIFICS mark in commerce, and thus have common law rights in the PURIFICS mark for such goods.

REQUEST NO. 6

Admit that the PURIFICS Mark is not for goods.

ANSWER

Opposers object to this request based on the best evidence rule, insofar as Opposers' registration of PURIFICS (Registration No. 2,062,935) speaks for itself. Opposers also object on the ground that Applicant defines the term "PURIFICS Mark" as referring only to U.S. Registration No. 2,062,935, which excludes other rights asserted in this opposition. Subject to and without waiving the foregoing general and specific objections, Opposers admit that U.S. Registration No. 2,062,935 does not identify goods; however, Opposers sell a variety of goods, including goods identical or substantially similar to "waste water purification units; water purification and filtration apparatus; water purification units," in commerce under the PURIFICS mark.

REQUEST NO. 7

Admit that the PURIFICS Mark is for services.

ANSWER

Opposers object to this request based on the best evidence rule, insofar as Opposers' registration of PURIFICS (Registration No. 2,062,935) speaks for itself. Opposers also object on the ground that Applicant defines the term "PURIFICS Mark" as referring only to U.S.

Registration No. 2,062,935, which excludes other rights asserted in this opposition. Subject to and without waiving the foregoing general and specific objections, Opposers admit that U.S. Registration No. 2,062,935 identifies services; however, Opposers also sell a variety of goods in commerce, including goods identical or substantially similar to “waste water purification units; water purification and filtration apparatus; water purification units,” under the PURIFICS mark.

REQUEST NO. 8

Admit that the Opposed Application is for goods.

ANSWER

Opposers object to this request based on the best evidence rule, insofar as Applicant’s application for PURALYTICS (Application Serial No. 77/861,438) speaks for itself. Subject to and without waiving the foregoing general and specific objections, Opposers admit that U.S. Application Serial No. 77/861,438 identifies the following goods: “waste water purification units; water purification and filtration apparatus; water purification units.”

REQUEST NO. 9

Admit that Opposers are unaware of any specific instances of actual consumer confusion between its environmental remediation services, namely, soil, waste, and water treatment services and air purification services – offered under the PURIFICS Mark, and Applicant’s Goods offered under the ‘438 Application.

ANSWER

Opposers admit that, without having yet taken full discovery, they are not aware at this time of any instances of actual consumer confusion or mistake that have resulted from Applicant’s use of the PURALYTICS mark. Opposers otherwise deny this request and reserve the right to amend this response as discovery continues.

REQUEST NO. 10

Admit that Opposers do not offer Applicant's Goods under the PURIFICS Mark.

ANSWER

Opposers object to this request on the ground that Applicant defines the term "PURIFICS Mark" as referring only to U.S. Registration No. 2,062,935, which excludes other rights asserted in this opposition. Subject to and without waiving the foregoing general and specific objections, Opposers deny the request as they do sell such goods under the PURIFICS mark in commerce, and thus have common law rights in the PURIFICS mark for such goods.

REQUEST NO. 11

Admit that Opposers do not offer any goods under the PURIFICS Mark.

ANSWER

Opposers object to this request on the ground that Applicant defines the term "PURIFICS Mark" as referring only to U.S. Registration No. 2,062,935, which excludes other rights asserted in this opposition. Subject to and without waiving the foregoing general and specific objections, Opposers deny the request as they do sell a variety of goods, including goods identical or substantially similar to "waste water purification units; water purification and filtration apparatus; water purification units," in commerce under the PURIFICS mark.

REQUEST NO. 12

Admit that there is no evidence of actual confusion between the PURIFICS Mark and Applicant's PURALYTICS Mark.

ANSWER

Opposers object to this request on the ground that Applicant defines the term "PURIFICS Mark" as referring only to U.S. Registration No. 2,062,935, which excludes other rights asserted in this opposition. Subject to and without waiving the foregoing general and specific objections, Opposers admit that, without having yet taken full discovery, they are not aware at this time of evidence of actual consumer confusion between the PURIFICS mark and the PURALYTICS mark. Opposers otherwise deny this request and reserve the right to amend this response as discovery continues.

REQUEST NO. 13

Admit that there is no evidence of actual confusion between Opposers and Puralytics.

ANSWER

Opposers admit that, without having yet taken full discovery, they are not aware at this time of any evidence of actual consumer confusion between Opposers and Puralytics. Opposers otherwise deny this request and reserve the right to amend this response as discovery continues.

REQUEST NO. 14

Admit that Opposers are not aware that any third party has inquired as to whether goods marked with the PURALYTICS Mark of the Opposed Application are associated with Opposers.

ANSWER

Opposers admit that, without having yet taken full discovery, they are not aware at this time of any evidence of any such third party inquiry. Opposers otherwise deny this request and reserve the right to amend this response as discovery continues.

REQUEST NO. 15

Admit that Opposers are not aware that any third party has inquired as to whether goods marked with the PURALYTICS Mark of the Opposed Application are associated with the PURIFICS Mark.

ANSWER

Opposers object to this request on the ground that Applicant defines the term "PURIFICS Mark" as referring only to U.S. Registration No. 2,062,935, which excludes other rights asserted in this opposition. Subject to and without waiving the foregoing general and specific objections, Opposers admit that they are unaware of any such third party inquiries. Opposers otherwise deny the request and reserve their right to amend this response as discovery continues.

REQUEST NO. 16

Admit that Opposers are not aware that any third party has inquired as to whether goods marked with the PURALYTICS Mark of the Opposed Application are associated with Opposers' services.

ANSWER

Opposers admit that, without having taken full discovery, they are not aware at this time of any such third party inquiries. Opposers otherwise deny the request and reserve the right to amend this response as discovery continues.

REQUEST NO. 17

Admit that no third party has inquired with Opposers as to whether Puralytics is associated with Opposers.

ANSWER

Opposers admit that, without having taken full discovery, they are not aware at this time of any such third party inquiries. Opposers otherwise deny the request and reserve the right to amend this response as discovery continues.

REQUEST NO. 18

Admit that Opposers are not aware of any instance or occurrence in which a third party has been confused as to whether waste water purification units; water purification and filtration apparatus or water purification units bearing the PURALYTICS Mark are affiliated, connected, or associated with, or sponsored or endorsed by the owner of a trademark for engineering services.

ANSWER

Opposers admit that, without having taken full discovery, they are not aware at this time of any such third party inquiries. Opposers otherwise deny the request and reserve the right to amend this response as discovery continues.

REQUEST NO. 19

Admit that Opposers do not have the only live registration for a mark for services and/or goods in the United States Patent and Trademark Office records starting with PUR related to water purification.

ANSWER

Opposers object to this request on the grounds that the phrase “do not have the only live registration” is unclear, vague, and ambiguous. Subject to and without waiving the foregoing general and specific objections, and to the extent this request is understood, Opposers admit that the United States Patent and Trademark Office’s electronic records indicate that entities other than Opposers own live registrations of marks starting with PUR that identify water purification.

REQUEST NO. 20

Admit that there are at least 651 live registrations for services and/or goods in the United States Patent and Trademark Office records starting with PUR related to water.

ANSWER

Denied.

REQUEST NO. 21

Admit that there are at least 111 live registrations for services and/or goods in the United States Patent and Trademark Office records starting with PUR related to water purification.

ANSWER

Denied.

REQUEST NO. 22

Admit that there are at least 138 live registrations for services and/or goods in the United States Patent and Trademark Office records starting with PUR related to water and purification.

ANSWER

Denied.

REQUEST NO. 23

Admit that Opposers have not opposed or petitioned to cancel all of the other live registrations for services and/or goods in the United States Patent and Trademark Office records starting with PUR related to water.

ANSWER

Admitted.

REQUEST NO. 24

Admit that Opposers have not opposed or petitioned to cancel all of the other live registrations for services and/or goods in the

United States Patent and Trademark Office records starting with PUR related to water purification.

ANSWER

Admitted.

REQUEST NO. 25

Admit that Opposers have not opposed or petitioned to cancel all of the other live registrations for services and/or goods in the United States Patent and Trademark Office records starting with PUR related to water and purification.

ANSWER

Admitted.

REQUEST NO. 26

Admit that Opposers are not related to Purific Water Solutions, located in Miami, Florida.

ANSWER

Admitted.

REQUEST NO. 27

Admit that Purific Water Solutions provides water treatment and purification services specializing in air to water generators.

ANSWER

Based upon Opposers' information and belief, including its review of Purific Water Solutions' website, <www.purificwater.com>, Opposers admit that Purific Water Solutions purports to provide water treatment and purification services specializing in air to water generators.

REQUEST NO. 28

Admit that the United States Patent and Trademark Office did not cite any other marks starting with PUR or formatives thereof

against Opposers' Application for the PURIFICS mark during the prosecution of the '438 Application.

ANSWER

Opposers object to this request as unclear, vague, and ambiguous in seeking an admission as whether the United States Patent and Trademark Office cited marks against Opposers' application to register PURIFICS "during the prosecution" of Applicant's application to register PURALYTICS, insofar as Opposers filed their application to register the PURIFICS mark over 13 years prior to Applicant's filing date and Opposers' registration issued over 12 years before Applicant's filing date. Opposers further object to this request based on the best evidence rule, insofar as the United States Patent and Trademark Office's application file for Applicant's application for PURALYTICS (Application Serial No. 77/861,438) speaks for itself. Subject to and without waiving the foregoing general and specific objections, and to the extent this request is understood, Opposers admit that the United States Patent and Trademark Office's electronic records for Applicant's U.S. Application Serial No. 77/861,438 do not indicate any objection from the United States Patent and Trademark Office's examining attorney based on other marks starting with PUR or formatives thereof.

REQUEST NO. 29

Admit that Opposers do not do any business in the United States.

ANSWER

Denied.

REQUEST NO. 30

Admit that Opposers do not perform services in the United States.

ANSWER

Denied.

REQUEST NO. 31

Admit that Opposers do not sell any goods in the United States.

ANSWER

Denied.

REQUEST NO. 32

Admit that Opposers have not used their PURIFICS mark in the United States in relation to any goods.

ANSWER

Denied.

REQUEST NO. 33

Admit that Opposers have not used their PURIFICS mark in the United States in relation to any services.

ANSWER

Denied.

REQUEST NO. 34

Admit that no third party who currently holds a registration or application for water-related goods and/or services in the United States Patent and Trademark Office records for a mark that starts with PUR or formatives of PUR, except Opposers, filed an opposition against Applicant's '438 Application.

ANSWER

Opposers admit that the United States Patent and Trademark Office's electronic records do not indicate that any parties besides Opposers commenced opposition proceedings against Application Serial No. 77/861,438. Otherwise Opposer denies the request.

REQUEST NO. 35

Admit that no third party who currently holds a registration or application for water- related goods and/or services in the United States Patent and Trademark Office records for a mark that starts with PUR or formatives of PUR has filed a petition to cancel Opposers' PURIFICS registration.

ANSWER

Admitted.

REQUEST NO. 36

Admit that Opposers are separate companies.

ANSWER

Admitted.

REQUEST NO. 37

Admit that Opposers are unrelated companies.

ANSWER

Denied.

REQUEST NO. 38

Admit that the services offered under the PURIFICS mark, namely, environmental remediation services, namely, soil, waste and water treatment services and air purification services, are offered through different channels of trade than goods for waste water purification units, water purification and filtration apparatus, and water purification units.

ANSWER

Denied.

REQUEST NO. 39

Admit that the services offered under the PURIFICS mark are offered through different channels of trade than Applicant's Goods.

ANSWER

Denied.

REQUEST NO. 40

Admit that 1047406 Ontario Ltd. does not provide the services offered under the PURIFICS mark, namely, environmental remediation services, namely, soil, waste and water treatment services and air purification services.

ANSWER

Opposers admit that Opposer 1047406 Ontario Ltd. currently does not directly provide the services offered under the PURIFICS mark; however, Opposer 1047406 Ontario Ltd. previously did sell goods and services in commerce under the PURIFICS mark, and, following a corporate reorganization, now sells such goods and services in commerce through its licensee and wholly-owned subsidiary, Opposer Purifics ES, Inc., which sells both goods and services in commerce under the PURIFICS mark.

REQUEST NO. 41

Admit that 1047406 Ontario Ltd. is not well-known for environmental remediation services, namely, soil, waste and water treatment services and air purification services.

ANSWER

Denied.

REQUEST NO. 42

Admit that 1047406 Ontario Ltd. is not the parent company of Purifies ES.

ANSWER

Denied.

REQUEST NO. 43

Admit that 1047406 Ontario Ltd. is a wholly-owned subsidiary of Purifies ES.

ANSWER

Denied.

REQUEST NO. 44

Admit that Opposer Purifies ES does not own the PURIFICS registration.

ANSWER

Opposer admits that 1047406 Ontario Ltd. owns Opposers' registration of PURIFICS (Registration No. 2,062,935) and that Purifies ES, Inc. is a licensee of the PURIFICS mark.

REQUEST NO. 45

Admit that Opposer 1047406 Ontario Ltd. is the owner of the PURIFICS registration.

ANSWER

Admitted.

REQUEST NO. 46

Admit that the United States Patent and Trademark Office did not cite Opposers' PURIFICS registration as a possible bar to Applicant's registration of the mark and goods contained in its '438 application.

ANSWER

Opposers object to this request based on the best evidence rule, insofar as the United States Patent and Trademark Office's application record file for Applicant's application for PURALYTICS (Application Serial No. 77/861,438) speaks for itself. Subject to and without waiving the foregoing general and specific objections, Opposers admit that the United States Patent and Trademark Office's electronic records for Applicant's U.S. Application Serial

No. 77/861,438 do not indicate any objection from the United States Patent and Trademark Office's examining attorney based on Opposers PURIFICS mark or U.S. Registration No. 2,062,935.

REQUEST NO. 47

Admit that the United States Patent and Trademark Office did not find Opposers' PURIFICS registration as a possible bar to Applicant's registration of the mark and goods contained in its '438 application.

ANSWER

Opposers object to this request based on the best evidence rule, insofar as the United States Patent and Trademark Office's application record file for Applicant's application for PURALYTICS (Application Serial No. 77/861,438) speaks for itself. Subject to and without waiving the foregoing general and specific objections, Opposers admit that the United States Patent and Trademark Office's electronic records for Applicant's U.S. Application Serial No. 77/861,438 do not indicate any objection from the United States Patent and Trademark Office's examining attorney based on Opposers PURIFICS mark or U.S. Registration No. 2,062,935. Opposers deny United States Patent and Trademark Office did not find Opposers' PURIFICS registration as a possible bar to Applicant's registration of the mark and goods contained in its Application Serial No. 77/861,438, as that issue remains to be decided by the Trademark Trial and Appeal Board during this opposition proceeding.

REQUEST NO. 48

Admit that the PURIFICS Mark is not used on waste water purification units.

ANSWER

Opposers object on the ground that Applicant defines the term "PURIFICS Mark" as referring only to U.S. Registration No. 2,062,935, which excludes other rights asserted in this opposition. Subject to and without waiving the foregoing general and specific objections, Denied.

REQUEST NO. 49

Admit that the PURIFICS Mark is not used on water purification apparatus.

ANSWER

Opposers object on the ground that Applicant defines the term "PURIFICS Mark" as referring only to U.S. Registration No. 2,062,935, which excludes other rights asserted in this opposition. Subject to and without waiving the foregoing general and specific objections, Denied.

REQUEST NO. 50

Admit that the PURIFICS Mark is not used on water filtration apparatus.

ANSWER

Opposers object on the ground that Applicant defines the term "PURIFICS Mark" as referring only to U.S. Registration No. 2,062,935, which excludes other rights asserted in this opposition. Subject to and without waiving the foregoing general and specific objections, Denied.

REQUEST NO. 51

Admit that the PURIFICS Mark is not used on water purification and filtration apparatus.

ANSWER

Opposers object on the ground that Applicant defines the term "PURIFICS Mark" as referring only to U.S. Registration No. 2,062,935, which excludes other rights asserted in this opposition. Subject to and without waiving the foregoing general and specific objections, Denied.

REQUEST NO. 52

Admit that the PURIFICS Mark is not used on water purification units.

ANSWER

Opposers object on the ground that Applicant defines the term "PURIFICS Mark" as referring only to U.S. Registration No. 2,062,935, which excludes other rights asserted in this opposition. Subject to and without waiving the foregoing general and specific objections, Denied.

REQUEST NO. 53

Admit that confusion is unlikely between use of the Opposed Mark for waste water purification units, water purification and filtration apparatus, and water purification units, in the field of federal, state, and local laws and the use of the PURIFICS Mark for environmental remediation services, namely, soil, waste and water treatment services and air purification services.

ANSWER

Opposers object on the ground that Applicant defines the term "PURIFICS Mark" as referring only to U.S. Registration No. 2,062,935, which excludes other rights asserted in this opposition. Subject to and without waiving the foregoing general and specific objections, Denied.

REQUEST NO. 54

Admit that Opposers have not been making waste water purification units since at least October 30, 2009.

ANSWER

Denied.

REQUEST NO. 55

Admit that Opposers do not intend to make waste water purification units.

ANSWER

Denied.

REQUEST NO. 56

Admit that Opposers have not been making water purification and filtration apparatus since at least October 30, 2009.

ANSWER

Denied.

REQUEST NO. 57

Admit that Opposers do not intend to make water purification and filtration apparatus.

ANSWER

Denied.

REQUEST NO. 58

Admit that Opposers have not been making water purification units since at least October 30, 2009.

ANSWER

Denied.

REQUEST NO. 59

Admit that Opposers do not intend to make water purification units.

ANSWER

Denied.

REQUEST NO. 60

Admit that Opposers do not sell waste water purification units.

ANSWER

Denied.

REQUEST NO. 61

Admit that Opposers do not sell water purification and filtration apparatus.

ANSWER

Denied.

REQUEST NO. 62

Admit that Opposers do not sell water purification units.

ANSWER

Denied.

REQUEST NO. 63

Admit that Opposers do not intend to sell waste water purification units.

ANSWER

Denied.

REQUEST NO. 64

Admit that Opposers do not intend to sell water purification and filtration apparatus.

ANSWER

Denied.

REQUEST NO. 65

Admit that Opposers do not intend to sell water purification units.

ANSWER

Denied.

REQUEST NO. 66

Admit that Opposers do not have a trademark registration with the United States Patent and Trademark Office for waste water purification units.

ANSWER

Opposers object to this request based on the best evidence rule, insofar as the United States Patent and Trademark Office's records speak for themselves. Subject to and without waiving the foregoing general and specific objections, Opposers admit that they do not own a U.S. trademark registration specifically covering waste water purification units; however, Opposers do sell such goods under the PURIFICS mark in commerce, and thus own common law rights in the PURIFICS mark for such goods.

REQUEST NO. 67

Admit that Opposers do not have a trademark registration in the United States Patent and Trademark Office for water purification and filtration apparatus.

ANSWER

Opposers object to this request based on the best evidence rule, insofar as the United States Patent and Trademark Office's records speak for themselves. Subject to and without waiving the foregoing general and specific objections, Opposers admit that they do not own a U.S. trademark registration specifically covering water purification and filtration apparatus; however, Opposers do sell such goods under the PURIFICS mark in commerce, and thus own common law rights in the PURIFICS mark for such goods. Furthermore, such goods are closely related to Opposers' services under the registered PURIFICS mark.

REQUEST NO. 68

Admit that Opposers do not have a trademark registration in the United States Patent and Trademark Office for water purification units.

ANSWER

Opposers object to this request based on the best evidence rule, insofar as the United States Patent and Trademark Office's records speak for themselves. Subject to and without waiving the foregoing general and specific objections, Opposers admit that they do not own a U.S. trademark registration specifically covering for water purification units; however, Opposers do sell such goods under the PURIFICS mark in commerce, and thus own common law rights in the PURIFICS mark for such goods.

REQUEST NO. 69

Admit that the PURIFICS Mark does not include rights to use the Mark with waste water purification units.

ANSWER

Opposers object to this request on the grounds that the phrase "does not include rights to use the Mark" is unclear, vague, and ambiguous. Opposers also object on the ground that

Applicant defines the term "PURIFICS Mark" as referring only to U.S. Registration No. 2,062,935, which excludes other rights asserted in this opposition. Subject to and without waiving the foregoing general and specific objections, and to the extent this request is understood, Opposers deny this request.

REQUEST NO. 70

Admit that the PURIFICS Mark does not include rights to use the Mark with water purification and filtration apparatus.

ANSWER

Opposers object to this request on the grounds that the phrase "does not include rights to use the Mark" is unclear, vague, and ambiguous. Opposers also object on the ground that Applicant defines the term "PURIFICS Mark" as referring only to U.S. Registration No. 2,062,935, which excludes other rights asserted in this opposition. Subject to and without waiving the foregoing general and specific objections, and to the extent this request is understood, Opposers deny this request.

REQUEST NO. 71

Admit that the PURIFICS Mark does not include rights to use the Mark with water purification units.

ANSWER

Opposers object to this request on the grounds that the phrase "does not include rights to use the Mark" is unclear, vague, and ambiguous. Opposers also object on the ground that Applicant defines the term "PURIFICS Mark" as referring only to U.S. Registration No. 2,062,935, which excludes other rights asserted in this opposition. Subject to and without waiving the foregoing general and specific objections, and to the extent this request is understood, Opposers deny this request.

REQUEST NO. 72

Admit that a service mark for “environmental remediation services, namely, soil, waste and water treatment services and air purification services,” does not include “waste water purification units.”

ANSWER

Opposers object to this request as incomprehensible. Subject to and without waiving the foregoing general and specific objections, Opposers deny this request.

REQUEST NO. 73

Admit that a service mark for “environmental remediation services, namely, soil, waste and water treatment services and air purification services,” does not include “water purification and filtration apparatus.”

ANSWER

Opposers object to this request as incomprehensible. Subject to and without waiving the foregoing general and specific objections, Opposers deny this request.

REQUEST NO. 74

Admit that a service mark for “environmental remediation services, namely, soil, waste and water treatment services and air purification services,” does not include “water purification units.”

ANSWER

Opposers object to this request as incomprehensible. Subject to and without waiving the foregoing general and specific objections, Opposers deny this request.

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON LLP

Dated: February 23, 2011

By: 

Robert W. Sacoff

Ian J. Block

311 South Wacker Drive

Suite 5000

Chicago, Illinois 60606

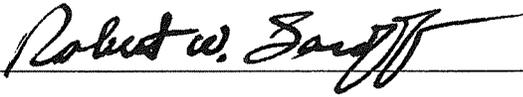
(312) 554-8000

Attorneys for Opposers, 1047406

Ontario Ltd. and Purifics ES, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of **OPPOSERS' ANSWERS TO APPLICANT'S FIRST SET OF REQUESTS FOR ADMISSION** was served upon David P. Petersen and Salumeh R. Loesch, Klarquist Sparkman, LLP, 121 SW Salmon St., Ste. 1600, Portland, Oregon 97204-2988, via electronic mail as mutually agreed by the parties pursuant to Trademark Rule 2.119(b)(6), on this 23rd day of February, 2011.



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

| | | |
|--|---|------------------------------|
| 1047406 Ontario Ltd. and |) | |
| Purifics ES, Inc., |) | |
| |) | APPLICANT'S NOTICE OF |
| Opposers, |) | RELIANCE |
| |) | |
| v. |) | Opposition No.: 91194706 |
| UVCleaning Systems, Inc., dba Puralytics |) | |
| Corporation, |) | |
| |) | |
| Applicant. |) | |
| _____ |) | |

APPLICANT'S NOTICE OF RELIANCE

Pursuant to 37 C.F.R. §§ 2.122 and 2.120(j) and the Federal Rules of Evidence, Applicant UVCleaning Systems, Inc., dba Puralytics Corporation hereby makes the following evidence of record in connection with this Opposition proceeding:

A. Admissions by Opposers

Pursuant to TBMP § 704.10 (Interrogatory Answers; Admissions) and 37 C.F.R. § 2.120(j)(3)(i), Applicant hereby makes of record the following admissions to Applicant's First Set of Requests for Admission and Applicant's Second Set of Requests for Admission:

1. Exhibit 1. Opposers' Responses to Applicant's First Set of Requests for Admission dated February 23, 2011. Applicant will rely on Opposers' responses to show that Opposers have failed to meet their burden of proof in this case and have failed to show any evidence of actual or likelihood of confusion.
2. Exhibit 2. Opposers' Objections and Responses to Applicant's Second Set of Requests for Admission Nos. 75-181 dated June 22, 2012. Applicant will rely on

these responses to show that Opposers have failed to meet their burden of proof in this case and have failed to police their mark.

B. Interrogatory Answers by Opposers

Pursuant to TBMP § 704.10 (Interrogatory Answers; Admissions) and 37 C.F.R. § 2.120(j)(3)(i), Applicant hereby makes of record the following responses to Applicant's First Set of Interrogatories.

1. Exhibit 3. Opposers' Answers to Applicant's First Set of Interrogatories dated February 23, 2011. Applicant will rely on these responses to show that Opposers have failed to meet their burden of proof in this case, have failed to show any evidence of actual or likelihood of confusion, and have failed to police their mark.

Dated: January 8, 2013.

Respectfully submitted,

UVCLEANING SYSTEMS, INC. dba
PURALYTICS CORPORATION

By: *Salumeh R. Loesch*

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UVCleaning Systems, Inc.
dba Puralytics Corporation*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 8, 2013, the foregoing APPLICANT'S NOTICE OF RELIANCE, was served on Opposers' attorneys by first class mail and e-mail, to:

Lisa H. Meyerhoff
Myall S. Hawkins
Tan Pham
William R. Hales
Baker & McKenzie LLP
711 Louisiana, Suite 3400
Houston, Texas 77002

/Salumeh R. Loesch/
Salumeh R. Loesch