

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER (GENERAL)
(With Certificate of Mailing by Express Mail)

Docket No.
FinalRod-001

Name of Applicant: R2 R&D, LLC

Serial No., if Any: Opposition No. 91202718

Registration No.:

#76707726

Trademark: FINALROD

TTAB

TO THE COMMISSIONER FOR TRADEMARKS

Transmitted herewith is the following document(s):

Return postcard; and
Answer to Notice of Opposition with Certificate of Service.

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01-06-2012

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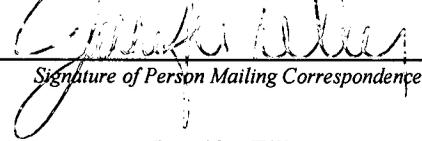
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Signature

Dated: January 6, 2012

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The Matthews Firm - Customer No. 021897
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Signature of Person Mailing Correspondence

Jennifer Tilley

Typed or Printed Name of Person Mailing Correspondence

EO 054 086 985 US

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cc: Finnegan, Henderson, Farabow, Garrett & Dunner
901 New York Ave., N.W., Washington, D.C 20001

trademark, "FINALROD," (U.S. Application Serial No. 76707726), and including a general description for the goods used in connection with the trademark as, "machines and machine tools, namely fiberglass sucker rods and fiberglass suck[er] rod end-fittings," found in International Class-007. Alternatively, in the event that any statement or allegation is construed as a factual allegation, R2 R&D denies that Opposer has any factual or legal basis for each allegation.

Paragraph 1: R2 R&D lacks information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 1 and denies them on that basis.

Paragraph 2: R2 R&D lacks information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 2, specifically with respect to Opposer's "key components", business sales and servicing; and therefore, denies them on that basis.

Paragraph 3: R2 R&D admits that use of the mark FIBEROD relates back to December 10, 2002, and that use of the mark FIBEROD Logo mark relates back to January 12, 2005. R2 R&D further admits that a prior owner of the marks, the Fiber Composite Company, Inc. was in the business of producing fiberglass sucker rods and fiberglass sucker rod end-fittings and used the marks to identify the same, but R2 R&D denies Opposer is entitled to any relief. R2 R&D lacks information or knowledge with respect to John Crane's use of the marks after the assignment dated 05/02/2008 and recorded at REEL: 003772 FRAME: 0671, or its purported acquisition of the marks as indicated in the recorded assignment dated December 17, 2009, at REEL: 004537 FAME: 0287 and name change dated 02/24/2010 at REEL: 004537 FRAME 0305, sufficient to form a belief as to the truth of the remaining allegations in Paragraph 3, and denies them on that basis.

Paragraph 4: R2 R&D lacks information or knowledge sufficient to form a belief as to the truth of the full scope of the allegations in Paragraph 4 and denies them on that basis.

Paragraph 5: R2 R&D lacks information or knowledge with respect to John Crane's ownership or purported acquisition of the marks as indicated in the recorded assignment dated December 17, 2009, at REEL: 004537 FAME: 0287 and name change dated 02/24/2010 at REEL: 004537 FRAME 0305, sufficient to form a belief as to the truth of the allegations in Paragraph 5, and denies them on that basis.

Paragraph 6: R2 R&D admits the allegations set forth in Paragraph 6.

Paragraph 7: R2 R&D admits the allegations set forth in Paragraph 7.

Paragraph 8: R2 R&D denies the allegations set forth in Paragraph 8.

Paragraph 9: R2 R&D admits that it had knowledge of the registrations of the FIBEROD Marks, R2 R&D lacks information or knowledge sufficient to form a belief as to the truth of the remaining allegations in Paragraph 9 and denies them on that basis.

Paragraph 10: With respect to paragraph 10, R2 R&D repeats the denial or admission to each and every allegation as set forth in Paragraphs 1-9 of R2 R&D's Response to Notice Of Opposition.

Paragraph 11: R2 R&D admits that the FIBEROD Marks were used prior to the Applicant's filing of its application and that the registrations for the FIBEROD Marks were filed and issued prior to the Applicant's filing of its application. R2 R&D denies Opposer is entitled to any relief in this regard. R2 R&D lacks information or knowledge sufficient to form a belief as to the truth of the remaining allegations in Paragraph 11 and denies them on that basis.

Paragraph 12: R2 R&D lacks information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 12 including the full scope of John Crane's products and denies them on that basis.

Paragraph 13: R2 R&D denies the allegations of Paragraph 13 of the Opposer's Notice Of Opposition.

Paragraph 14: R2 R&D denies the allegations of Paragraph 14 of the Opposer's Notice Of Opposition.

APPLICANT'S AFFIRMATIVE DEFENSES

For its Affirmative Defenses, R2 R&D states the following:

1. Opposer's Notice Of Opposition fails to state a claim upon which relief can be granted.
2. Opposer's claims are barred by waiver and/or estoppel.
3. Each and every allegation of the Notice Of Opposition herein not specifically admitted is denied.
4. R2 R&D reserves the rights to, and intends to, rely upon any and all defenses properly provable under the facts herein as or after such defenses become known to it, whether or not specifically pleaded above, including but not limited to, the defenses of waiver and/or estoppel with regard to the FIBEROD Marks, and any other matter which is or may become the basis of any issue herein.

PRAYER FOR RELIEF

WHEREFORE Applicant R2 R&D prays that the opposition, as filed by Opposer, is refused by the U.S. Trademark Trial and Appeal Board and that Applicant's trademark, "FINALROD," receives an Allowance from the United States Patent and Trademark Office,

pursuant to 15 U.S.C. §§1063(b)(2), because Applicant's trademark was properly filed with, and searched by, the United States Patent and Trademark Office with no finding of any likelihood of confusion with regard to any pending or registered trademarks.

Dated: January 6, 2012

Respectfully Submitted,



Terry L. McCutcheon
Texas Bar No. 24039045
USPTO Reg. No. 68,122

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §2.119, the undersigned certifies that a true and correct copy of the foregoing Response to Notice Of Opposition is being served, via Certified Mail, Return Receipt Requested, on Opposer John Crane Production Solutions, Inc., on this 6th day of January, 2012, at the following address:

John Crane Production Solutions, Inc.
6400 West Oakton Street
Morton Grove, Illinois 66053
USA

Courtesy Copy To Counsel:
Via Certified Mail, Return Receipt Requested, No. 7011 1570 0000 9065 2628
Julia Anne Matheson
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Terry J. McCutcheon