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

Proceeding	91207035
Party	Defendant MiniPumps, LLC
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Date	10/30/2012
Attachments	MICROPUMP answer.pdf ( 4 pages )(139391 bytes )



information sufficient to form a belief as to the truth or falsity of the remaining allegations, and therefore denies the same.

5. Applicant admits the allegations contained in paragraph 5 of the Opposition.
6. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of such allegations, and therefore denies the same.
7. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of such allegations, and therefore denies the same.
8. Applicant denies the allegations contained in paragraph 8 of the Opposition.
9. Applicant is without knowledge or information sufficient to form a belief as to truth or falsity of the allegations of the first sentence of paragraph 9, and therefore denies the same. Applicant denies all other allegations contained in paragraph 9 of the Opposition.
10. Applicant denies the allegations contained in paragraph 10 of the Opposition.

#### **AFFIRMATIVE DEFENSES**

1. The Notice of Opposition fails to state any claim upon which relief can be granted.
2. The Applicant's MICROPUMP mark is not generic or merely descriptive of the goods identified Application Serial No. 85/074,797, as evidenced by the U.S. Patent and Trademark Office's publication of Applicant's Principal Register application for the mark MICROPUMP in the Official Gazette on May 15, 2012.
3. Opposers will not be damaged by the issuance to the Applicant of the registration sought.
4. Opposers' claims are barred based on the doctrine of unclean hands.

WHEREFORE, Applicant prays that the Opposition be dismissed in its entirety, that registration of Application Serial No. 85/074,797 be granted to Applicant.

Please recognize as attorneys for Applicant in this proceeding David O. Johanson, Rachelle A. Dubow, Joshua M. Dalton, Devon R. Sparrow (members of the Bar of the Commonwealth of Massachusetts) and the firm of Bingham McCutchen LLP, One Federal Street, Boston, Massachusetts 02110.

All correspondence should be addressed to Joshua M. Dalton, Esq., of Bingham McCutchen LLP, One Federal Street, Boston, Massachusetts 02110.

Respectfully submitted,



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Dated: October 30, 2012

Attorneys for Applicant,  
MiniPumps, LLC

**CERTIFICATE OF SERVICE**

This is to certify that one copy of the Answer to Notice of Opposition, was mailed on October 30, 2012 by first-class mail, postage prepaid to Opposers' counsel in an envelope addressed as follows:

Jonathan G. Polak  
Taft Stettinius & Hollister LLP  
One Indiana Square, Suite 3500  
Indianapolis, Indiana 46204-2023

Dated: October 30, 2012



Devon R. Sparrow