

ESTTA Tracking number: **ESTTA694158**

Filing date: **09/08/2015**

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

Proceeding	91223113
Party	Defendant Linatex Limited
Correspondence Address	JANICE HOUSEY SYMBUS LAW GROUP, LLC PO BOX 11085 MC LEAN, VA 22102-7985 jhousey@symbus.com
Submission	Answer
Filer's Name	Janice Housey
Filer's e-mail	jhousey@symbus.com
Signature	/janice housey/
Date	09/08/2015
Attachments	9122113 Red Color Answer to Opposition 9-8-15.pdf(46349 bytes)

7. Applicant is without sufficient information to admit or deny the allegations in this paragraph and therefore, denies the same.
8. Applicant is without sufficient information to admit or deny the allegations in this paragraph and therefore, denies the same.
9. Applicant admits.
10. Applicant admits.
11. Applicant admits.
12. Applicant admits.
13. Applicant admits.
14. There is no proper allegation in this paragraph and therefore, no response is required.
15. Applicant denies in that Applicant was not and is not aware of any Third Parties' *right* to use the color shown in the subject application.
16. There is no proper allegation in this paragraph and therefore, no response is required.
17. Applicant admits that it was aware of one or more third parties' use of a solid red coloring for rubber but denies any implication arising therefrom.
18. Applicant denies.
19. Applicant denies.
20. There is no proper allegation in this paragraph and therefore, no response is required.
21. Applicant is without sufficient information to admit or deny the allegations in this paragraph and therefore, denies the same.
22. Applicant denies.
23. Applicant denies.

24. Applicant admits that it was aware of one or more third parties' use of a solid red coloring for rubber but denies any implication arising therefrom.
25. Applicant denies.
26. Applicant denies.
27. Applicant is without sufficient information to admit or deny the allegations in this paragraph and therefore, denies the same.
28. There is no proper allegation in this paragraph and therefore, no response is required.
29. Applicant denies.
30. Applicant admits that it made the statement(s) in this paragraph but denies any implication regarding the same.
31. Applicant denies.
32. Applicant denies any false representation was made and therefore, denies the allegations in this paragraph.
33. The subject paragraph is not sufficiently clear to allow Applicant to admit or deny any allegations in this paragraph and therefore, denies the same.
34. Applicant is without sufficient information as to what is meant by "this misrepresentation" and therefore is without sufficient information to admit or deny the allegations in this paragraph and therefore, denies the same. Further, Applicant denies that there has been any misrepresentation.
35. Applicant is without sufficient information as to what is meant by "this misrepresentation" and therefore is without sufficient information to admit or deny the allegations in this paragraph and therefore, denies the same. Further, Applicant denies that there has been any misrepresentation.

36. Applicant denies that there has been any misrepresentation.
37. Applicant denies that there has been any misrepresentation.
38. Applicant denies.
39. Applicant is without sufficient information to admit or deny the allegations in this paragraph and therefore, denies the same.
40. There is no proper allegation in this paragraph and therefore, no response is required.
41. Applicant denies.
42. Applicant denies.
43. Applicant is without sufficient information as to what is meant by “this false representation” and therefore is without sufficient information to admit or deny the allegations in this paragraph and therefore, denies the same. Further, Applicant denies that there has been any false representation.
44. Applicant is without sufficient information as to what is meant by “this false representation” and therefore is without sufficient information to admit or deny the allegations in this paragraph and therefore, denies the same. Further, Applicant denies that there has been any false representation.
45. Applicant is without sufficient information as to what is meant by “this false representation” and therefore is without sufficient information to admit or deny the allegations in this paragraph and therefore, denies the same. Further, Applicant denies that there has been any false representation.
46. Applicant is without sufficient information as to what is meant by “this false representation” and therefore is without sufficient information to admit or deny the

allegations in this paragraph and therefore, denies the same. Further, Applicant denies that there has been any false representation.

47. Applicant denies that it has made any false representation and therefore, denies the allegations in this paragraph.

48. Applicant denies that it has made any false representation and therefore, denies the allegations in this paragraph.

49. Applicant denies that it has made any false representation and therefore, denies the allegations in this paragraph.

50. Applicant denies.

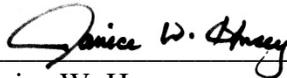
51. Applicant is without sufficient information to admit or deny the allegations in this paragraph and therefore, denies the same.

WHEREFORE, Applicant respectfully requests that the subject opposition be dismissed and the application be approved for registration.

Respectfully submitted,

LINATEX LIMITED.

Date: September 8, 2015



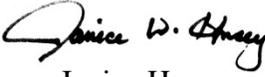
Janice W. Housey
Counsel for Applicant

Janice W. Housey
Symbus Law Group, LLC
PO Box 11085
McLean, VA 22102
703.957.5274 office
540.518.9037 fax

CERTIFICATE OF SERVICE

On this 8th day of September 2015, a true and correct copy of this ANSWER is being sent via First Class Mail, postage prepaid, to:

Anthony F. Lo Cicero
Amster, Rothstein & Ebenstein LLP
90 Park Avenue
New York, NY 10016


Janice Housey