



TTAB

11-29-2002

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #73

03031-N0036A WWW/ASC/MGG

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

In re Trademark Application

Applicant : Verilux, Inc.)
Mark : SUNSHINE SIMULATOR)
Serial No. : 75/914,223)
Class : 11)

SUNSHINE LIGHTING CO.,)

Opposer,)

Opposition No. 123,468

v.)

VERILUX, INC.,)

Applicant.)

RESPONSE TO ORDER

Applicant, Verilux, Inc. (referred to herein as "Applicant") hereby responds to the Order dated November 13, 2002, as follows:

Certificate of Mailing: I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as *First Class Mail* in an envelope addressed to: Assistant Commissioner for Trademarks, Box TTAB NO FEE, 2900 Crystal Drive, Arlington, VA 22202-3513.

November 26, 2002 Barbara North
Barbara North

On October 21, 2002, Applicant herein filed its "Answer" to the instant Notice of Opposition. Applicant also filed a "Motion to File Late Answer – On Consent" on that same date. A copy of the Motion to File Late Answer – On Consent and the Answer as filed are attached hereto with a certificate of mailing dated October 21, 2002. The postcard showing receipt of both by the Trademark Trial and Appeal Board on October 23, 2002 is annexed hereto.

Accordingly, Applicant has shown good cause and the Board should note such Answer as duly filed.

Dated: November 26, 2002.

Respectfully submitted,



Arlana S. Cohen
Michael G. Gabriel
Attorneys for Applicant
ST.ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, CT 06905-5619
Telephone (203) 324-6155
Facsimile: (203) 327-1096

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Response to Order was served upon counsel for Opposer this 26th day of November, 2002, via first class mail, as follows:

Bernard Malina, Esq.
Malina & Wolson
60 East 42nd Street
New York, NY 10165

Barbara Harth



11-29-2002

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #70

03031-N0036A WWW/ASC/MGG

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

In re Trademark Application

Applicant : Verilux, Inc.)
Mark : SUNSHINE SIMULATOR)
Serial No. : 75/914,223)
Class : 11)

SUNSHINE LIGHTING CO.,)

Opposer,)

Opposition No. 123,468

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VERILUX, INC.,)

Applicant.)

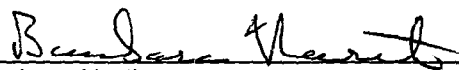
MOTION TO FILE LATE ANSWER – ON CONSENT

Applicant, Verilux, Inc. (referred to herein as "Applicant"), files herewith its Answer to the Notice of Opposition. Applicant respectfully seeks leave to file such Answer out of time, which request has been consented to by the Opposer.

Applicant's Answer was apparently due on August 17, 2002. Applicant's counsel recently checked the status of the matter and learned that the Order dated July 17, 2002 issued. Unfortunately, Applicant's docket clerk filed the Order in the file, and docketed incorrectly the Answer as due August 17, 2003, not 2002. See attached as Exhibit A.

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October 21, 2002


Barbara North

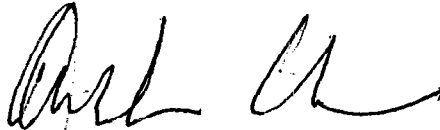
Applicant remains interested in defending this opposition and believes good cause has been shown.

Counsel for Opposer, Bernard Malina, Esq., has consented to the late filing of the instant Answer in a telephone conversation of Thursday, October 17, 2002.

Accordingly, it is respectfully requested the Board accept the instant Answer and that proceedings herein continue as set forth in the July 17, 2002 Order.

Dated: October 21, 2002.

Respectfully submitted,



Arlana S. Cohen
Michael G. Gabriel
Attorneys for Applicant
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Attachment: Answer

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Motion to File Late Answer – On Consent was served upon counsel for Opposer this 21st day of October, 2002 via first class mail, as follows:

Bernard Malina, Esq.
Malina & Wolson
60 East 42nd Street
New York, NY 10165

Barbara Nareh

(12/25/2001 - 7/24/2057) - Verilux/N0036A-Sunshine Lighting Co. v. Verilux, Inc.

Matter: Appointment | Matter Note: Completed | Client: Matter Supplement

Day	Schedule	Description	Attorney
t Fri	1/31/2003	Discovery Closes	WWW ASC I
t Tue	4/1/2003	Opposer's Testimony Opens	WWW ASC I
t Tue	4/1/2003	Opposer's Testimony Closes	WWW ASC I
t Sat	5/31/2003	Applicant's Testimony Opens	WWW ASC I
t Mon	6/30/2003	Applicant's Testimony Closes	WWW ASC I
t Wed	7/30/2003	Rebuttal Testimony Opens	WWW ASC I
t Thu	8/14/2003	Answer	WWW ASC I
t Thu	8/14/2003	Rebuttal Testimony Closes	WWW ASC I
t Mon	10/20/2003	Opposer's Brief Due (Due 60 days after F	WWW ASC I
t Wed	11/19/2003	Applicant's Brief Due (Due 30 days after	WWW ASC I
t Thu	12/4/2003	Reply Brief Due (Due 15 days after Appli	WWW ASC I

Discovery Closes [WWW ASC MGG]



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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In re Trademark Application

Applicant : Verilux, Inc.)
Mark : SUNSHINE SIMULATOR)
Serial No. : 75/914,223)
Class : 11)

SUNSHINE LIGHTING CO.,)

Opposer,)

v.)

VERILUX, INC.,)

Applicant.)


Opposition No. 123,468

ANSWER

Verilux, Inc. (referred to herein as "Applicant"), by its attorneys, hereby answers Opposer Sunshine Lighting Co.'s (referred to herein as "Opposer") Notice of Opposition as follows:

Certificate of Mailing: I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as *First Class Mail* in an envelope addressed to: Assistant Commissioner for Trademarks, Box TTAB NO FEE, 2900 Crystal Drive, Arlington, VA 22202-3513.

October 21, 2002


Barbara North

1. Applicant admits the allegations contained in paragraph 1 of the Notice of Opposition.

2. Applicant is without information or belief as to the truth or accuracy of the allegations contained in paragraph 2 of the Notice of Opposition, and therefore denies the same.

3. Applicant is without information or belief as to the truth or accuracy of the allegations contained in paragraph 3 of the Notice of Opposition, and therefore denies the same.

4. Applicant is without information or belief as to the truth or accuracy of the allegations contained in paragraph 4 of the Notice of Opposition, and therefore denies the same.

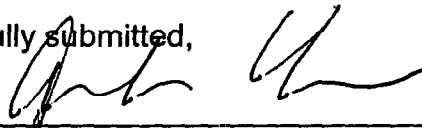
5. Applicant is without information or belief as to the truth or accuracy of the allegations contained in paragraph 5 of the Notice of Opposition, and therefore denies the same.

6. Applicant denies the allegations contained in paragraph 6 of the Notice of Opposition.

WHEREFORE, having fully answered, Applicant prays that this opposition be dismissed in its entirety and that its application to register the mark SUNSHINE SIMULATOR (Serial No. 75/914,223) for "electric lighting fixtures" be approved.

Dated: October 21, 2002.

Respectfully submitted,



Arlana S. Cohen
Michael G. Gabriel
Attorneys for Applicant
ST.ONGE STEWARD JOHNSTON & REENS LLC
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Bernard Malina, Esq.
Malina & Wolson
60 East 42nd Street
New York, NY 10165

Bauden Heath

Case No. 03031-N0036A WWW/ASC/MGG/ceh

Opposer: Sunshine Lighting Co.

Re: Applicant: Verlux, Inc.
SN: 75/914,223
Filed 2/9/00
For: SUNSHINE SIMULATOR

Receipt is hereby acknowledged of MOTION TO FILE LATE ANSWER - ON
CONSENT, and ANSWER.

Mailed October 21st, 2002

Assistant Commissioner
for Trademarks



11-29-2002

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #7: 03031-N0036A WWW/ASC/MGG

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

In re Trademark Application

Applicant	:	Verilux, Inc.)
Mark	:	SUNSHINE SIMULATOR)
Serial No.	:	75/914,223)
Class	:	11)

SUNSHINE LIGHTING CO.,

Opposer,

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VERILUX, INC.,

Applicant.

Opposition No. 123,468

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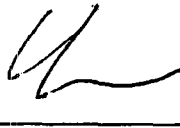
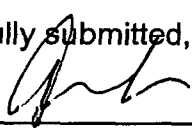
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Dated: October 21, 2002.

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Baudrea Heert

Case No. 03031-N0036A WWW/ASC/MGG/ceh

Opposer: Sunshine Lighting Co.

Re: Applicant: Verilux, Inc.
SN: 75/914,223
Filed 2/9/00
For: SUNSHINE SIMULATOR

Receipt is hereby acknowledged of ANSWER.

Mailed October 21st 2002

Assistant Commissioner
for Trademarks