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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, Box TTAB NO FEE, 2900 Crystal Drive, Arlington, VA 22202-3513 on April 7, 2003.

TOWNSEND AND TOWNSEND AND CREW LLP

By: Louisa Boyte
Name: Louisa Boyte

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

In the Matter of Application Serial No. 76/001,050
Published in the Official Gazette on December 31, 2002

ROOS INTERNATIONAL, LTD.,

Opposer,

vs.

Opposition No. 154,558

JOHNS MANVILLE INTERNATIONAL,
INC.,

Applicant.

APR 25 11:53 AM '03

ANSWER

Johns Manville International, Inc. ("Applicant"), by and through its attorneys, hereby answers the Notice of Opposition filed by Roos International, Ltd. (the "Notice") as follows:

Applicant objects to the Notice as not properly served on Applicant. Specifically, Applicant did not receive copies of the exhibits referenced in the Notice. Despite repeated requests to Opposer for copies of the exhibits, none have been provided to date. As a result,

Applicant has not had access to the exhibits referenced in the Notice prior to preparing this Answer.

To the extent any of the allegations in the Notice references one or more exhibits, Applicant reserves the right to amend its Answer to take into consideration the as-of-yet-unseen exhibits.¹ This reservation applies to, and is incorporated into, the answer of each numbered paragraph below that corresponds to a numbered paragraph in the Notice that references one or more exhibits. Subject to this objection and reservation of rights, Applicant responds as follows.

1. Applicant admits it seeks to register the mark TEXTRA (the "Mark") for use in connection with "wall coverings, namely glass fiber textile wall coverings" in International Class 27. Applicant admits its application, filed March 14, 2000, stated the Mark had been used on goods and in interstate commerce since at least February 16, 2000. Applicant also admits that when the Mark was published in the Official Gazette on December 31, 2002, Applicant's alleged first use and first use in commerce dates for the Mark were February 16, 2000. Except as expressly admitted, Applicant denies the remaining allegations of paragraph 1 of the Notice.

2. Applicant is without information or knowledge sufficient to form a belief as to the truth of the allegations of paragraph 2 of the Notice, and on that basis denies those allegations.

3. Applicant admits that Opposer was a distributor for some of Applicant's products between 1998 to 2002. At some point after 1998, Applicant became aware of Opposer's use of

¹ Applicant has contacted the Board to request the missing exhibits but has not yet received them.

the TEXTUREGLAS mark. Except as expressly admitted, Applicant denies the remaining allegations of paragraph 3 of the Notice.

4. Applicant admits that Applicant informed Opposer in approximately August 1999 that Applicant intended to use the mark TEXTRA for a glass textile wallcovering product. As of 1999, Applicant was aware of Opposer's use of the mark TEXTURGLAS for some products. Except as expressly admitted, Applicant denies the remaining allegations of paragraph 4 of the Notice.

5. Applicant is without information or knowledge sufficient to form a belief as to the truth of the allegations of paragraph 5 of the Notice, and on that basis denies those allegations.

6. Applicant is without information or knowledge sufficient to form a belief as to the truth of the allegations of paragraph 6 of the Notice, and on that basis denies those allegations.

7. Applicant is without information or knowledge sufficient to form a belief as to the truth of the allegations of paragraph 7 of the Notice, and on that basis denies those allegations.

8. Applicant is without information or knowledge sufficient to form a belief as to the truth of the allegations of paragraph 8 of the Notice, and on that basis denies those allegations.

9. Applicant is without information or knowledge sufficient to form a belief as to the truth of the allegations of paragraph 9 of the Notice, and on that basis denies those allegations.

10. Applicant is without information or knowledge sufficient to form a belief as to the truth of the allegations of paragraph 10 of the Notice, and on that basis denies those allegations.

11. Applicant admits its first use and first use in commerce dates were subsequent to 1996. Except as expressly admitted, Applicant denies the remaining allegations of paragraph 11 of the Notice.

12. Applicant is without information or knowledge sufficient to form a belief as to the truth of the allegations of paragraph 12 of the Notice, and on that basis denies those allegations.

13. Applicant is without information or knowledge sufficient to form a belief as to the truth of the allegations of paragraph 13 of the Notice, and on that basis denies those allegations.

14. Applicant admits that it has proposed registration of the mark TEXTRA for "wall coverings, namely, glass fiber textile wall coverings." Except as expressly admitted, Applicant denies the remaining allegations of paragraph 14 of the Notice.

15. Applicant admits it has used the words "Glass Textile Wallcoverings," preceded by the Mark, on its Internet web site and in brochures. Except as expressly admitted, Applicant denies the remaining allegations of paragraph 15 of the Notice.

16. Applicant denies the allegations of paragraph 16 of the Notice.

17. Applicant denies the allegations of paragraph 17 of the Notice.

18. Applicant denies the allegations of paragraph 18 of the Notice.

19. Applicant denies the allegations of paragraph 19 of the Notice.

20. Applicant is without information or knowledge sufficient to form a belief as to the truth of the allegations of paragraph 20 of the Notice, and on that basis denies those allegations.

21. Applicant is without information or knowledge sufficient to form a belief as to the truth of the allegations of paragraph 21 of the Notice, and on that basis denies those allegations.

22. Applicant denies the allegations of paragraph 22 of the Notice.

23. Applicant admits that if registration of the Mark is granted, Applicant would obtain at least a prima facie exclusive right to use the Mark. Except as expressly admitted, Applicant denies the remaining allegations of paragraph 23 of the Notice.

AFFIRMATIVE DEFENSES

24. The Notice fails to state a claim upon which relief can be granted.

25. The Notice is barred by the doctrine of estoppel, laches, waiver, unclean hands, and/or other equitable considerations.

WHEREFORE, Applicant respectfully requests that the Board:

A. Dismiss Opposition No. 154,558;

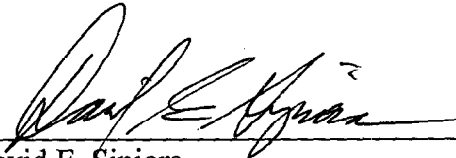
B. Allow Application Serial No. 76/001,050 for the mark "TEXTRA" to be passed to registration; and

C. Grant Applicant such other relief as is deemed proper and just.

Dated: April 7, 2003.

Respectfully submitted,

TOWNSEND and TOWNSEND and CREW, LLP



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CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of April, 2003, a true and correct copy of the foregoing ANSWER was served via facsimile and by placing the same in the United States mail, postage prepaid and addressed to the following:

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