

TAB




04-07-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #01

285.051

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

In the Matter of Trademark Application Serial No. 76/362,080
Filed: January 22, 2002
Mark: ROOPAK
Published in the Official Gazette: January 7, 2003

number- EV 341972785 ^{US} 4/4/03
Date of Deposit
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(Signature of person mailing paper or fee)

-----x
Roopak Overseas Pvt. Ltd., :
:
Opposer, :
:
v. :
:
Roopak's Pik-N-Pay :
:
Applicant :
-----x

Opposition No. 91155239

APPLICANT'S ANSWER TO THE NOTICE OF OPPOSITION

In response to the Notice of Opposition in the above-captioned Opposition, the Applicant answers each of the numbered paragraphs as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments therein, and therefore denies them.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments therein, and therefore denies them.

3. Applicant admits that, according to TARR, Roopak International filed the '494 application on the date and for the mark and goods recited in paragraph 3 of the Notice of Opposition (Notice) and that a print-out from TARR is attached to the Notice; however, Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining averments therein, and therefore denies them.
4. Applicant admits that, according to TARR, Opposer filed the '024 application on the date and for the mark and goods as recited in paragraph 4 of the Notice and that a print-out from TARR is attached to the Notice; however, Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining averments therein, and therefore denies them.
5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments therein, and therefore denies them.
6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments therein, and therefore denies them.
7. Applicant admits that it filed the '080 on the date and for the mark ROOPAK (stylized) and the goods as recited in paragraph 7 of the Notice and that a print-out from TARR is attached to the Notice; however, Applicant is without

knowledge or information sufficient to form a belief as to the truth of the remaining averments therein, and therefore denies them.

8. Admit

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments therein, and therefore denies them.

10. Deny.

11. Deny.

12. Deny.

13. Deny.

14. Deny.

15. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments therein, and therefore denies them.

16. Admit.

17. Applicant admits that all three applications contain the work ROOPAK; however,
Applicant denies the remaining averments therein.

18. Deny.


19. Deny.

20. Deny.

21. Deny.

Having made full answer to the Notice of Opposition, Applicant prays that the
Opposition be dismissed and that its application proceed to registration.


Respectfully submitted,

By: 
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Attorneys for Applicant(s)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing "Applicant's Answer to the Notice of Opposition" was sent by first class mail, postage prepaid, this 4th day of April 2003 to Opposer's attorneys at the following address:

Michael W. Garvey, Esq.
PEARNE & GORDON LLP
526 Superior Avenue, East
Suite 1200
Cleveland, OH 44114


Donald C. Lucas

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April 4, 2003

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Re: Roopak Overseas Pvt. Ltd., Opposer v.
Roopak's Pik-N-Pay, Applicant
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Sir:

Enclosed herewith is "APPLICANTS ANSWER TO THE NOTICE OF
OPPOSITION" (in triplicate).

Authorization is given to charge any fee due or credit for overpayment to our
Deposit Account No. 02-227. A duplicate copy of this page is enclosed.

Respectfully submitted,
Muserlian, Lucas and Mercanti

By: Donald C. Lucas
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DCL:sd

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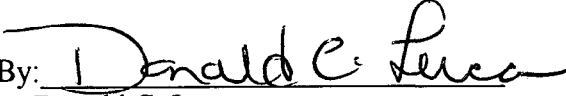
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