

TTAB



04-17-2003

U.S. Patent & TMO/TM Mail RcptDt. #73

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

BIOMET, INC.,	)	
	)	
Opposer,	)	Opposition No. 91155311
	)	Serial No. 76/215,053
v.	)	Mark: BIOMEX
	)	Filing Date: February 22, 2001
PROTOTEC AG	)	Publication Date: August 20, 2002
	)	
Applicant.	)	

04-17-2003

ANSWER TO NOTICE OF OPPOSITION<sup>1</sup>

Applicant, Prototec AG, for its Answer to the Notice of Opposition responds as follows:

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

<sup>1</sup>

CERTIFICATE OF MAILING

I hereby certify that this correspondence (together with all attachments and enclosures) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Box TTAB/NO FEE, The Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 on the date indicated below.

Dated: 4/14/2003

Leslie Jordan  
Signature

Leslie Jordan  
Printed or Typed Name

2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations and averments contained in paragraph 2 of the Notice of Opposition and therefore denies the same.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations and averments contained in paragraph 3 of the Notice of Opposition and therefore denies the same.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations and averments contained in paragraph 4 of the Notice of Opposition and therefore denies the same.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations and averments contained in paragraph 5 of the Notice of Opposition and therefore denies the same.

6. Applicant admits the allegations of paragraph 6 of the Notice of Opposition.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations and averments contained in paragraph 7 of the Notice of Opposition and therefore denies the same.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations and averments contained in paragraph 8 of the Notice of Opposition and therefore denies the same.

#### AFFIRMATIVE DEFENSES

On information and belief, Opposer has abandoned use of its BIOMET Mark as set forth in one or more of its alleged registrations in connection with some or all of the goods recited therein within the meaning of 15 U.S.C. § 1127.

PRAYER FOR RELIEF

WHEREFORE, Applicant prays that Opposer's Notice of Opposition be dismissed.

Dated this 14<sup>th</sup> day of April, 2007.

Respectfully submitted,  
Seed Intellectual Property Law Group PLLC



By: Michael J. Folise  
Reg. No. 31,952  
Attorneys for Applicant  
701 Fifth Avenue, Suite 6300  
Seattle, Washington 98104-7092  
(206) 622-4900

Enclosures: Postcard  
Certificate of Service

cc: Reinhard Knauer, Esq.

C:\NRPORTBL\IMANAGE\LESLIE\373611\_1.DOC: P ANSWER TO OPP PR11.801

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PROTOTEC AG	)	
	)	
Applicant.	)	
_____	)	

CERTIFICATE OF SERVICE

The undersigned states:

That she is employed by the firm of Seed Intellectual Property Law Group PLLC, that on this day she did serve the following document entitled:

Answer to Notice of Opposition

on

Lisabeth H. Coakley, Esq.  
Geoffrey D. Aurini, Esq.  
Harness, Dickey & Pierce, PLC  
P.O. Box 828  
Bloomfield Hills, Michigan 48303

by mailing the same by first class mail, postage prepaid, to the address indicated.

The undersigned declares under penalty of perjury under the laws of the United States of America and of the State of Washington that the foregoing is true and correct.

Dated this 14th day of April, 2003.

Leslie Jordan  
Signature

Leslie Jordan  
Printed Name



04-17-2003

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

I hereby certify that on the date specified below, this correspondence  
United States Postal Service as first-class mail in an envelope addressed to Box TTAB/NO FEE,  
Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

Date 4/14/2003

Leslie Jordan  
Leslie Jordan

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BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

BIOMET, INC., )  
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Opposer, )  
)  
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)  
PROTOTEC AG, )  
)  
Applicant. )  
\_\_\_\_\_ )

NOTICE OF ADDRESS CHANGE

Opposition No. 91155311

Box TTAB/NO FEE  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Commissioner for Trademarks:

The undersigned attorney of record requests that the correspondence address in  
the above-identified action be changed to:



Michael J. Folise  
Seed Intellectual Property Law Group PLLC  
701 Fifth Avenue, Suite 6300  
Seattle, Washington 98104-7092  
Phone: (206) 622-4900  
Fax: (206) 682-6031

DATED this 14<sup>th</sup> day of April, 2003.

Respectfully submitted,

Seed Intellectual Property Law Group PLLC



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Michael J. Folise, Reg. No. 31,952  
Attorney for Applicant

cc: Reinhard Knauer, Esq.

701 Fifth Avenue, Suite 6300  
Seattle, Washington 98104-7092  
(206) 622-4900  
Fax: (206) 682-6031

(MJF:lj) C:\NrPortbl\iManage\LESLIE\373729\_1.DOC: P ADD-CHANGE PR11.801

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	)	
Applicant.	)	
<hr/>		

CERTIFICATE OF SERVICE

The undersigned states:

That she is employed by the firm of Seed Intellectual Property Law Group PLLC, that on this day she did serve the following document entitled:

Notice of Address Change

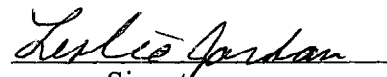
on

Lisabeth H. Coakley, Esq.  
Geoffrey D. Aurini, Esq.  
Harness, Dickey & Pierce, PLC  
P.O. Box 828  
Bloomfield Hills, Michigan 48303

by mailing the same by first class mail, postage prepaid, to the address indicated.

The undersigned declares under penalty of perjury under the laws of the United States of America and of the State of Washington that the foregoing is true and correct.

Dated this 14th day of April, 2003

  
Signature

  
Printed Name