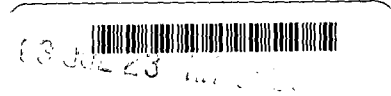


TTAB

In the Matter of Application Serial No. 78/114,952

Filed on March 14, 2002



07-11-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

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

QUEST DIAGNOSTICS INCORPORATED,)
)
 Opposer,)
)
 v.)
)
 MEDIQUEST THERAPEUTICS, INC.,)
)
 Applicant.)
)
 _____)

Opposition No. 91156554

ANSWER TO NOTICE OF OPPOSITION

Applicant MEDIQUEST THERAPEUTICS, INC. hereby answers the Notice of Opposition (the "Opposition") of Opposer QUEST DIAGNOSTICS INCORPORATED as follows:

1. Applicant without sufficient knowledge or information upon which to form a belief as to the truth of the allegations in the first introductory paragraph of the Opposition and on that basis denies those allegations.
2. Applicant admits the allegations contained in the second introductory paragraph of the Opposition.

3. Applicant denies the allegations contained in the first sentence of Paragraph 1 of the Opposition. In response to the remainder of Paragraph 1 of the Opposition (including all subparts thereof), Applicant states only that Opposer's registrations and applications speak for themselves.

4. Applicant denies the allegations in Paragraph 2 of the Opposition.

5. Applicant denies the allegations in Paragraph 3 of the Opposition.

6. Applicant denies the allegations in Paragraph 4 of the Opposition.

7. In response to the first two sentences of Paragraph 5 of the Opposition, Applicant states only that the referenced applications speak for themselves. Applicant denies all remaining allegations in Paragraph 5 of the Opposition.

8. Applicant denies the allegations in Paragraph 6 of the Opposition.

9. Applicant denies the allegations in Paragraph 7 of the Opposition.

10. Applicant denies the allegations in Paragraph 8 of the Opposition.

11. Applicant denies the allegations in Paragraph 9 of the Opposition.

12. Applicant denies the allegations in Paragraph 10 of the Opposition.

13. Applicant denies the allegations in Paragraph 11 of the Opposition.

14. In response to the remainder of the Opposition, Applicant denies that Opposer is entitled to any relief whatsoever.

WHEREFORE, based on the foregoing, Applicant prays that Opposition No. 91156554 be dismissed with prejudice and Application Serial No. 78/114,952 allowed to issue as a registration.

Please charge the filing fees of this Answer to Notice of Opposition to Deposit Acct. No. 50-0456. Please charge any additional fees, or credit any overpayment, to Deposit Acct. No. 50-0456. A duplicate of this Answer to Notice of Opposition is filed herewith.

Service of this Answer to Notice of Opposition has been made on Opposer's counsel as shown on the attached Certificate of Service.

Dated this 10 day of July, 2003.

GRAY CARY WARE & FREIDENRICH ^{LLP}

By: 

Thomas J. Hoffmann

Brian D. Buckley

GRAY CARY WARE & FREIDENRICH

701 Fifth Avenue, Suite 7000

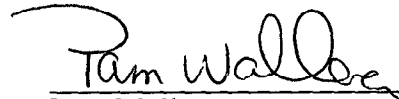
Seattle, WA 98104

Telephone: (206) 839-4800

Attorneys for Applicant

CERTIFICATE OF EXPRESS MAILING

I, Pam Wallace, do hereby certify that the foregoing document is being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to the Commissioner for Trademarks, BOX TTAB NO FEE, 2900 Crystal Drive, Arlington, Virginia 22202-3513, on this date of July 10, 2003.



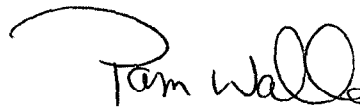
Pam Wallace
Express Mail No. ET838927564US
Date of Deposit: July 10, 2003

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was forwarded by first-class mail, postage pre-paid to:

Cheryl A. Withycombe, Esq.
Baker & McKenzie
101 West Broadway
12th Floor
San Diego, CA 92101-3890

Executed on this 10 day of July, 2003.



Pam Wallace