

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

The Sherwin-Williams Company)
)
 Opposer,)
 v.)
)
 Robert D. Newman and)
 Specialty Products of Missouri, Inc.)
)
 Applicant.)

Opposition No. 91157759
Serial No. 76/374,089



10-27-2003

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

ANSWER TO NOTICE OF OPPOSITION

Applicant, in response to the Notice of Opposition, states as follows:

1. Applicant is without sufficient information to admit or deny the allegations in Paragraph 1 of the Notice of Opposition and therefore, denies the same.
2. Applicant denies the allegations in Paragraph 2 of the Notice of Opposition.
3. Applicant denies the allegations in Paragraph 3 of the Notice of Opposition.
4. Applicant denies the allegations in Paragraph 4 of the Notice of Opposition.
5. Applicant admits that it advised Opposer of Applicant's trademark rights and its intent to protect the same, however, Applicant denies that Opposer used the term "twist lock" in a

CERTIFICATE OF MAILING

I hereby certify that the foregoing Answer to Notice of Opposition regarding U.S. Serial No. 76/374,089 is being deposited with the United States Postal Service via First Class Mail with sufficient postage on the date indicated above and is addressed to: BOX TTAB No Fee, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514 on this 22nd day of October, 2003.

Vasuki Selvan
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generic or non-trademark sense, and denies the remaining allegations in Paragraph 5 of the Notice of Opposition.

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

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

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

9. Applicant denies each and every allegation not specifically admitted herein.

10. Applicant denies that the Opposer is entitled to any of the relief sought in this Notice of Opposition.

11. Opposer's Notice of Opposition fails to state a claim upon which relief can be granted.

12. If the term "twist-lok" merely descriptive for extension poles, Applicant has acquired distinctiveness sufficient to allow registration of the mark TWIST-LOK on the Principal Register pursuant to Section 2(f) of the Trademark Act, as Applicant and its predecessors have been using this mark at least as early as January 1983.

13. Opposer is barred from proceeding with this Notice of Opposition under the doctrine of estoppel.

14. Opposer is barred from proceeding with this Notice of Opposition under the doctrine of laches.

15. Applicant is the owner, by assignment, of U.S. Registration No. 1,984,761, on the Supplemental Register, for TWIST-LOK for extension poles made of plastic and metal for use in painting and window washing.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of Answer to Notice of Opposition was mailed, first class, postage prepaid, this 22nd day of October, 2003 to the following:

Robert E. McDonald, Esq.
The Sherwin-Williams Company
101 Prospect Avenue NW
1100 Midland Bldg. - Legal Dept.
Cleveland, OH 44115-1075

ATTORNEYS FOR OPPOSER



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