

ESTTA Tracking number: **ESTTA37212**

Filing date: **06/29/2005**

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

<b>Proceeding</b>	91165284
<b>Party</b>	Defendant Regenerated Resources LLC Regenerated Resources LLC 205 Newbury Street Framingham, MA 01701
<b>Correspondence Address</b>	Mark D. Giarratana, Esq. McCarter & English, LLP CityPlace I 185 Asylum Street Hartford, CT 06103-3495
<b>Submission</b>	Answer
<b>Filer's Name</b>	Mark D. Giarratana, Esq.
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<b>Signature</b>	/mark d giarratana/
<b>Date</b>	06/29/2005
<b>Attachments</b>	OrganicAnswer.pdf ( 5 pages )

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

OMS INVESTMENTS, INC..	)	
	)	Opposition No. 91/165,284
	)	Opposer,
v.	)	Serial No. 78/227,322
	)	
REGENERATED RESOURCES LLC	)	
	)	
Applicant.	)	JUNE 29, 2005

**APPLICANT'S ANSWER TO NOTICE OF OPPOSITION**

Regenerated Resources LLC (“Applicant”), a corporation of the state of Massachusetts, having a place of business at 205 Newbury Street, Framingham, Massachusetts 01701, hereby and through its attorneys answers the Notice of Opposition in connection with the above-referenced matter. With respect to the grounds for the opposition, Applicant responds as follows:

1. Applicant admits the allegations of Paragraph 1 of the Notice of Opposition.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 2 of the Notice of Opposition, and therefore denies those allegations.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 3 of the Notice of Opposition, and therefore denies those allegations.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 4 of the Notice of Opposition, and therefore denies those allegations.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 5 of the Notice of Opposition, and therefore denies those allegations.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 7 of the Notice of Opposition, and therefore denies those allegations.

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

8. Applicant denies the allegations of Paragraph 9 of the Notice of Opposition.

9. Applicant denies the allegations of Paragraph 10 of the Notice of Opposition.

10. Applicant admits that its mark includes a hyphen and the word GRO (-GRO) but denies the remaining allegations of Paragraph 11 of the Notice of Opposition.

11. Applicant denies the allegations of Paragraph 12 of the Notice of Opposition.

12. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 13 of the Notice of Opposition, and therefore denies those allegations.

13. Applicant denies the allegations of Paragraph 14 of the Notice of Opposition.

### **AFFIRMATIVE DEFENSES**

#### **First Affirmative Defense**

There is no likelihood of confusion, mistake or deception of the public between the Applicant's mark and the pleaded marks of Opposer.

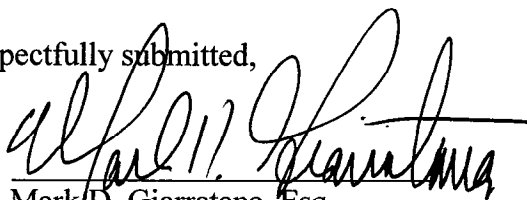
#### **Second Affirmative Defense**

Opposer is precluded by laches, acquiescence and/or estoppel from claiming that it is or will be damaged by Applicant's mark.

Date: June 29, 2005

Respectfully submitted,

By:



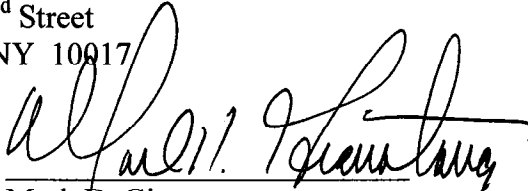
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Attorneys for Applicant  
Regenerated Resources LLC

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing APPLICANT'S ANSWER TO NOTICE OF OPPOSITION was sent via first class mail, postage pre-paid on this 29<sup>th</sup> day of June, 2004 to:

Julie B. Seyler, Esq.  
ABELMAN, FRAYNE & SSHWAB  
150 East 42<sup>nd</sup> Street  
New York, NY 10017

  
Mark D. Giarratana

HARTFORD: 642742.01