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Filing date: **07/14/2006**

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

Proceeding	91171238
Party	Defendant Toto U.S.A., Inc. Toto U.S.A., Inc. 1155 Southern Road Morrow, GA 30260
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Date	07/14/2006
Attachments	Toto Ans_Page_1.tif (1 page)(35390 bytes) Toto Ans_Page_2.tif (1 page)(48122 bytes) Toto Ans_Page_3.tif (1 page)(33420 bytes) Toto Ans_Page_4.tif (1 page)(16930 bytes)

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

In re Application of:

Toto U.S.A. Inc.
Mark: DALTON in International Class 03
Application No.: 76/625,676
Filing Date: January 16, 2005
Published for Opposition: March 7, 2006

ROYAL DOULTON (UK) LIMITED,

Opposer,

v.

Opposition No.: 91171238

TOTO U.S.A., INC.

Applicant.

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

ANSWER TO OPPOSITION

Applicant, Toto U.S.A., Inc. (“Applicant”), responds to the Notice of Opposition as filed by Royal Daulton (UK) Limited (“Opposer”) as follows:

1. Applicant admits the allegations set forth in Paragraph 1 of the Notice of Opposition.
2. Applicant lack sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 2 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

3. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 3 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

4. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 4 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

5. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 5 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

6. Applicant denies each and every allegation contained in Paragraph 6 of the Notice of Opposition.

7. Applicant denies each and every allegation contained in Paragraph 7 of the Notice of Opposition.

8. Applicant denies each and every allegation contained in Paragraph 8 of the Notice of Opposition.

9. Applicant denies each and every allegation contained in Paragraph 9 of the Notice of Opposition.

10. Applicant denies each and every allegation set forth in Paragraph 10 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

11. First Affirmative Defense. Applicant alleges that the Notice of Opposition fails to state a claim of opposition against Applicant's mark.

12. Second Affirmative Defense. Applicant alleges that Opposer has unreasonably delayed in asserting its alleged rights and is barred by the doctrine of laches from pursuing this opposition.

13. Third Affirmative Defense. Applicant alleges that Opposer's mark, goods and channels of trade are so far removed from Applicant's that there can be no likelihood of confusion or deception of the public as a matter of law.

14. Fourth Affirmative Defense. Opposer's purported trademarks are generic or descriptive without secondary meaning.

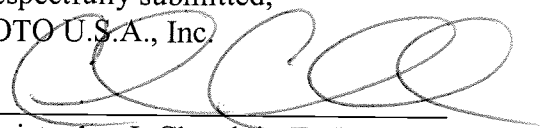
15. Fifth Affirmative Defense. There is no likelihood of confusion between Applicant's trademark and Opposer's marks.

WHEREFORE, Applicant respectfully prays for a decision by the Trademark Trial and Appeal Board in its favor that Opposition No. 91171238 filed against it be denied.

Dated: July 14, 2006

Respectfully submitted,
TOTO U.S.A., Inc.

By:



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CERTIFICATE OF SERVICE

I, Cindy Price, hereby certify that a true copy of the foregoing **ANSWER TO OPPOSITION** was served on the following attorney of record for Opposer by First Class Mail this 14TH day of July, 2006, addressed as follows:

Roberta Jacobs-Meadway, Esq.
Ballard Spahr Andrews & Ingersoll, LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103


Cindy Price