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

Proceeding	91177854
Party	Defendant RBC Bearings Inc.
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Submission	Answer
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Date	07/24/2007
Attachments	1001-0040-2-Answer to Kaydon Opposition to 3000 SERIES.pdf (5 pages)(16766 bytes)

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

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In re	:	Application Serial No. 78745182
Mark	:	3000 SERIES
Applicant	:	RBC Bearings, Inc.
Goods	:	Ball bearings for machines, motors, engines, and tools
Class	:	International Class 007.
Published	:	December 26, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Kaydon Corporation		
	Opposer,	Opposition No. 91177854
v.		
RBC Bearings, Inc.		
	Applicant	

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Answer And Affirmative Defenses To Notice Of Opposition

Applicant, RBC Bearings, Inc. by its undersigned Attorneys, Answers the Notice of Opposition herein as follows;

1. In answer to paragraph 1 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the statements made and therefore denies the same.

2. In answer to paragraph 2 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the statements made and therefore denies the same.

3. In answer to paragraph 3 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the statements and allegations made therein and therefore denies the same.

4. In answer to paragraph 4 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the statements made and therefore denies the same.

5. In answer to paragraph 5 of the Notice of Opposition, admitted with regard to listing of Applicant's trademark applications and as to the second sentence of the paragraph is without knowledge or information sufficient to form a belief as to the truth of the statements and allegations made therein and therefore denies the same; the term "family" is vague and undefined.

6. In answer to paragraph 6 of the Notice of Opposition, denied. In the final line of this paragraph "400 SERIES" is set forth, this response assumed the Opposer intended to refer to 3000 SERIES, the Mark in Opposition. Similar references are made to 400 SERIES in paragraphs 7, 8, 9, 10, 11 and 12 and the following responses assume the Opposer intended to refer to 3000 SERIES, the Mark in Opposition rather than 400 SERIES in each and every instance.

7. In answer to paragraph 7 of the Notice of Opposition, denied; Applicant's Mark is not merely descriptive of a characteristic, quality, function, or feature of Applicant's Goods and has been in continuous use by Applicant and its predecessors-in-interest as a unique identifier of the source of goods since 1946.

8. In answer to paragraph 8 of the Notice of Opposition, denied. Continuous use by Applicant and its predecessors-in-interest for sixty (60) years as a unique identifier of the source of goods provide distinctiveness in the market.

9. In answer to paragraph 9 of the Notice of Opposition, denied with the assumption that reference to 400 SERIES is intended to be 3000 SERIES.

10. In answer to paragraph 10 of the Notice of Opposition, denied. Continuous use by Applicant and its predecessors-in-interest for sixty (60) years as a unique identifier of the source of goods providing distinctiveness in the market continuous and uninterrupted true trademark usage of the Mark in the bearing market.

11. In answer to paragraph 11 of the Notice of Opposition, denied; the Mark is not generic or merely descriptive of features, dimensions and characteristics of Applicant's Goods and has been in continuous use by Applicant and its predecessors-in-interest as a unique identifier of the source of goods since 1946.

12. In answer to paragraph 12 of the Notice of Opposition, denied.

13. In answer to paragraph 13 of the Notice of Opposition, denied. The specimen is a bearing catalog page specifically promoting the sale of and referring to the Goods with the Mark prominently displayed all of which is proper trademark usage.

Answer / Affirmative Defenses

14. The mark 3000 SERIES is a unique descriptor for this type of product. It is not a functional nor a size descriptor nor a generic descriptor of the actual product. There are many alternative identifiers for similar bearing products which are used by other manufacturers to identify bearings of a particular size and character. The 3000 SERIES term uniquely identifies the source of goods to consumers due to the long usage, since 1946, of the term by Applicant and its predecessors-in interest and it has acquired secondary meaning by such long use.

Wherefore, Applicant requests that Opposer's opposition be dismissed, and the mark in question be passed to issue.

Applicant hereby appoints the law firm of Michaud-Duffy Group LLP and the individual attorneys at such law firm, namely Richard R. Michaud, registration no. 40,088; Wayne R. Grohs, registration no. 48,945; Michael K. Kinney, registration no. 42,740; and John H. Mutchler, registration no. 53,362, Fred Spaeth, registration no. 33,793 and Raymond D. Thompson, registration no. 30,695 as my attorneys with full power of substitution and revocation to transact all business in and to receive all correspondence from the Patent and Trademark Office connected therewith.

Dated: July 24, 2007

/s/Richard R. Michaud/
Richard R. Michaud
Michaud-Duffy Group LLP
ATTORNEY for APPLICANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing ANSWER AND AFFIRMATIVE DEFENSES TO NOTICE OF OPPOSITION was filed electronically and has been served by Express Mail, this 24th day of July, 2007 upon the attorney for Opposer, at the following address:

Carl S. Clark
Price, Heneveld, Cooper, DeWitt & Litton, LLP
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/s/Richard R. Michaud/
Richard R. Michaud
Michaud-Duffy Group LLP