

ESTTA Tracking number: **ESTTA254520**

Filing date: **12/11/2008**

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

Proceeding	91180056
Party	Defendant RECKITT BENCKISER INC.
Correspondence Address	Mark Lerner Satterlee Stephens Burke & Burke LLP 230 Park Avenue New York, NY 10169 UNITED STATES mlerner@ssbb.com, dgerard@ssbb.com
Submission	Answer
Filer's Name	Mark Lerner
Filer's e-mail	mlerner@ssbb.com,pcarey@ssbb.com
Signature	/mlerner/
Date	12/11/2008
Attachments	answer.pdf (4 pages)(12425 bytes)

SIXTH: With regard to Paragraph 6 of the Notice, begs leave to refer the Board to a true and correct copy of the application as filed for a complete statement of the contents thereof in proper context.

SEVENTH: Denies the allegations contained in Paragraph 7 of the Notice.

EIGHTH: Denies the allegations contained in Paragraph 8 of the Notice.

NINTH: Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of the Notice.

TENTH: Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10 of the Notice.

ELEVENTH: Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 11 of the Notice.

TWELFTH: Denies the allegations contained in Paragraph 12 of the Notice.

THIRTEENTH: Denies the allegations contained in Paragraph 13 of the Notice.

FOURTEENTH: Denies the allegations contained in Paragraph 14 of the Notice.

FIFTEENTH: Denies the allegations contained in Paragraph 15 of the Notice.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

SIXTEENTH: There is no likelihood of confusion, mistake or deception as between the Applicant's mark and Opposer's marks due, in part, to the differences between the goods.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

TWENTY-FOURTH: This opposition is barred by the doctrines of laches, waiver, estoppel and/or acquiescence.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed in its entirety, and that a registration issue to Applicant for its mark.

Dated: December 11, 2008
New York, New York

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark Lerner". The signature is fluid and cursive, with the first name "Mark" being more prominent than the last name "Lerner".

Mark Lerner
Satterlee Stephens Burke & Burke LLP
Attorneys for Applicant
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CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of this answer was deposited with the United States Postal Service as first class mail in an envelope addressed to Deborah K. Squiers, Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas, New York, NY 10036 on December 11, 2008

A handwritten signature in black ink, appearing to read "Mark Lerner", written in a cursive style.

Mark Lerner