ESTTA Tracking number: **ESTTA185380**

Filing date: **01/09/2008**

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

Proceeding	91180467
Party	Defendant DIAL BRANDS, INC.
Correspondence Address	A. KATE HUFFMAN THE DIAL CORPORATION 15501 N DIAL BLVD # MS2214 SCOTTSDALE, AZ 85260-1619 lisa.wolters@us.henkel.com, kate.huffman@us.henkel.com
Submission	Answer
Filer's Name	A. Kate Huffman
Filer's e-mail	kate.huffman@us.henkel.com, lisa.wolters@us.henkel.com, trademarks@us.henkel.com, jdrake@sughrue.com, rjlebed@scj.com
Signature	/A. Kate Huffman/
Date	01/09/2008
Attachments	US - whole room freshness - answer 11 - 010908.pdf (3 pages)(51268 bytes)

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

Application Serial No. 78/862724
Mark: WHOLE ROOM FRESHNESS

S. C. Johnson & Son, Inc.
Opposer,

v.

Dial Brands, Inc.,
Applicant

Opposition No. 91180467

ANSWER AND AFFIRMATIVE DEFENSES TO NOTICE OF OPPOSITION

Applicant, Dial Brands, Inc. (Dial), as its answer to S. C. Johnson, Inc's Notice of Opposition denies that the Opposer will be damaged in any way by the registration of Applicant's trademark application Serial No. 78/862724, filed April 17, 2006, and responds to the Notice of Opposition with the following numbered answers to the correspondingly numbered grounds of opposition:

1. Upon information and belief, Dial admits the allegation of this paragraph.

2. Upon information and belief, Dial admits the allegations of this paragraph.

3. Dial admits the allegations of this paragraph.

4. Dial denies the allegations of this paragraph.

5. Dial is without knowledge or information sufficient to form a belief as to the truth of this averment and therefore denies the same, leaving Opposer to its proof thereof.

6. Dial is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies the same, leaving Opposer to its proof thereof.

7. Dial is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies the same, leaving Opposer to its proof thereof.

AFFIRMATIVE DEFENSES

8. Applicant avers that its mark WHOLE ROOM FRESHNESS as applied to the goods identified in its application Serial No. 78/862724 is not merely descriptive of those goods.

9. Applicant avers that Opposer has failed to allege that it would be damaged by the registration of Applicant's mark on the Principal Register.

Wherefore, Dial requests that the Notice of Opposition be dismissed with prejudice and that trademark application Serial No. 78/862724 be passed to allowance on the Principal Register

Any fees in connection with this pleading should be charged to Deposit Account No. 04-0980.

Respectfully submitted,

DIAL BRANDS, INC.

Date: January 9, 2008

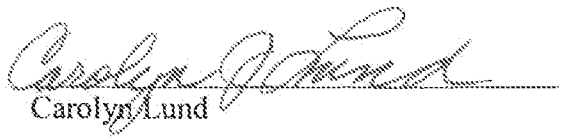
A. Kate Huffman
Frank T. Barbet
Attorneys for Applicant
Dial Brands, Inc.
15501 N. Dial Boulevard
Scottsdale, AZ 85260-1619
Tel: (480) 754-2654

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was delivered via First Class Mail, postage prepaid, to the following individuals on this 9th day of January, 2008:

Jody H. Drake
Gary D. Krugman
Attorneys for Opposer
SUGHRUE MION, PLLC

2100 Pennsylvania Ave., NW
Washington, DC 20037-3213
Telephone: (202) 393-7060



Carolyn Lund