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

Proceeding	91184137
Party	Defendant Wick Jacobi Design Group, Inc.
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Submission	Answer
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Date	07/15/2008
Attachments	applicants answr_20080715150235.pdf (4 pages)(65107 bytes)

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

In re Application Serial No. 77/251,231
Published in the Official Gazette of January 22, 2008
Mark: **10W40**

WD-40 MANUFACTURING COMPANY,)	
)	
Opposer)	
)	
v.)	Opposition No. 91184137
)	
WICK JACOBI DESIGN GROUP, INC.,)	
)	
Applicant.)	

APPLICANT'S ANSWER

Wick Jacobi Design Group, Inc, a Missouri corporation with its principal office in Greensboro, North Carolina, by and through its attorneys, hereby Answers the Notice of Opposition filed by WD-40 Manufacturing Company as follows:

1. Applicant is without sufficient information or belief to admit or deny the allegations of Paragraph 1, and the same are therefore DENIED.
2. Applicant is without sufficient information or belief to admit or deny the allegations of Paragraph 2, and the same are therefore DENIED.
3. It is ADMITTED that Applicant filed an intent-to-use application to register "10 W 40" in International Class 3 for "cologne; perfume." It is FURTHER ADMITTED that the application was filed on August 9, 2007 and was assigned serial number 77/251,231. The remaining allegations of Paragraph 3 are DENIED.
4. DENIED.
5. DENIED.
6. DENIED.

7. It is ADMITTED that Applicant knew of the mark "WD-40" prior to filing its application to register 10 W 40. The remaining allegations of Paragraph 7 are DENIED.

8. Applicant incorporates its responses to paragraph 1 through 7 as if fully set forth herein.

9. It is ADMITTED that Opposer has used the mark WD-40 prior to the Applicant filed its intent-to-use application for 10 W 40. The remaining allegations of paragraph 9 are DENIED.

10. DENIED.

11. It is ADMITTED that the mark 10 W 40 is used in commerce as part of a numerical code system established by the Society of Automotive Engineers for grading motor oils according to their viscosity, with the letter "W" designating the "winter" or cold-start viscosity, and, upon information and belief, the numerical code system was in wide use prior to Opposer's use of its marks. The remaining allegations of paragraph 11 are DENIED.

12. DENIED.

13. DENIED.

14. DENIED.

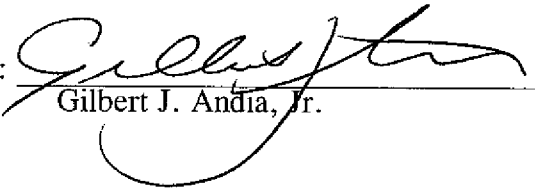
WHEREFORE, Applicant respectfully requests that the Opposition to Registration be denied and registration of the application be allowed.

Dated: July 15, 2008

Respectfully submitted,

HUNTER, HIGGINS, MILES, ELAM
& BENJAMIN PLLC
Attorneys for Applicant

By:


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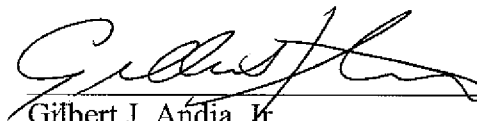
CERTIFICATE OF SERVICE

The undersigned hereby certifies that he is an attorney at law licensed to practice in the State of North Carolina, is an attorney for APPLICANT, and is a person of such age and discretion as to be competent to serve process.

I hereby certify that a true and complete copy of the foregoing APPLICANT'S ANSWER was served on counsel for Opposer by placing said copy in a post-paid envelope and addressed to counsel as the place and address stated below, and by depositing said envelope and its contents in the United States Mail at Greensboro, North Carolina.

ADDRESSEE:

Kathleen A. Pasulka
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Gilbert J. Andia, Jr.
Registration No. 38,815