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

Proceeding	91190127
Party	Defendant REGAL CHEMICAL COMPANY
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SMITHERS-OASIS COMPANY,)	
)	
Opposer,)	OPPOSITION
)	
v.)	NO. 91190127
)	
REGAL CHEMICAL COMPANY,)	
)	
Applicant.)	

ANSWER OF APPLICANT REGAL CHEMICAL COMPANY

NOW COMES REGAL CHEMICAL COMPANY (“Regal”), the owner of and applicant named in application Serial No. 77/461,028 (the “Application”) for the mark OASIS XL (“Applicant’s Mark”) for surfactants for use in connection with pesticides designed for agricultural, commercial and domestic use in International Class 1, filed on April 29, 2008 and published for opposition on November 11, 2008, and, in accordance with Rules 2.106 and 2.116 of the Trademark Rules of Practice and by and through its undersigned counsel, files this answer to the Notice Of Opposition (the “Opposition”) filed by opposer SMITHERS-OASIS COMPANY (“Smithers” and/or “Opposer”) on May 8, 2009, and in support thereof respectfully shows as follows:

ANSWER TO OPPOSITION

Regal responds to the Opposition filed by Smithers as follows:

In response to the introductory unnumbered paragraph of the Opposition, Regal admits that it filed an application to register the mark OASIS XL, that the mark OASIS XL is the subject of application Serial No. 77/461,028, and that Smithers has opposed the Application; and states that it is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of the first, unnumbered paragraph.

Regal responds to the separately-numbered paragraphs of the Opposition as follows:

1. In response to the allegations of paragraph 1 of the Opposition, Regal admits that it filed an application to register the mark OASIS XL for surfactants for use in connection with pesticides designed for agricultural, commercial and domestic use in International Class 1, and that it alleges a date of first use of April 2001; and states that it is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 1.

2. In response to the allegations of paragraph 2 of the Opposition, Regal admits that records of the United States Patent and Trademark Office (“USPTO”) reflect that Opposer is the owner of record for the registration listed in paragraph 2

of the Opposition. Regal is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 2 of the Opposition.

3. Regal is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 3 of the Opposition.

4. Regal is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 4 of the Opposition.

5. Regal denies the allegations of paragraph 5 of the Opposition.

6. Regal denies the allegations of paragraph 6 of the Opposition.

7. In response to the allegations of paragraph 7 of the Opposition, Regal admits that the goods in its Application are in International Class 1, and denies that Applicant's Mark is likely to cause confusion or mistake or deceive purchasers resulting in damage to Opposer; and denies the remaining allegations of paragraph 7 of the Opposition.

8. Regal denies the allegations of paragraph 8 of the Opposition.

9. Regal denies that Smithers will be damaged by registration of the mark OASIS XL, and that Smithers has alleged any grounds sufficient to sustain Smithers' opposition to the Application; and denies the remaining allegations of paragraph 9 of the Opposition.

10. Regal is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 10 of the Opposition.

FIRST DEFENSE

Opposer has not pleaded any law or facts that justify the rejection of the Application, Opposer's opposition to the Application, or a refusal to register Applicant's Mark.

Regal denies each and every allegation of the Opposition not specifically admitted or otherwise responded to herein. Regal further denies that the application Serial No. 77/461,028 should be rejected for any reason; denies that Smithers has asserted any basis in law or in fact sufficient to sustain Smithers' opposition to the registration of Applicant's Mark for the goods claimed in the Application; denies that the Opposition should be sustained in favor of Smithers; and denies that Smithers is entitled to any relief whatsoever against Regal.

PRAYER FOR RELIEF

WHEREFORE, having fully answered the Opposition, Applicant Regal Chemical Company respectfully prays:

- (i) that the Opposition be dismissed and/or denied in its entirety;
- (ii) that judgment be entered in favor of Regal on the Opposition and each and every claim and count thereof;
- (iii) that a registration be issued to Regal for the mark OASIS XL, as applied for in application Serial No. 77/461,028; and

(iv) that Regal be granted such other and further relief as the Board deems just and proper.

This 16th day of June, 2009.

Respectfully submitted,

KING & SPALDING LLP

/Robert E. Richards/

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Attorney for Applicant

REGAL CHEMICAL COMPANY

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing Answer Of Applicant Regal Chemical Company upon Opposer, by causing a true and correct copy thereof to be deposited in the United States mail, postage prepaid, addressed to Opposer's counsel of record as follows:

Sylvia A. Petrosky
Sylvia A. Petrosky, Esq.
2273 Smith Road
Akron, OH 44333
sapetrosky@aol.com

This 16th day of June, 2009.

/Robert E. Richards/
Robert E. Richards