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

Proceeding	91193562
Party	Defendant Unipat Products, Virginia, LLC
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Submission	Answer
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Date	07/08/2010
Attachments	Answer to Amended Notice of Opposition.pdf ( 5 pages )(16472 bytes )

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

<b>DEERE &amp; COMPANY,</b>	)	
	)	<b>Opposition No.: 91193562</b>
<b>Opposer,</b>	)	
	)	
<b>v.</b>	)	<b>Application No. 77/715,080</b>
	)	
<b>UNIPAT PRODUCTS, VIRGINIA, LLC,</b>	)	
	)	<b>Applicant's Mark: GEAR GATOR</b>
<b>Applicant.</b>	)	

**ANSWER TO AMENDED NOTICE OF OPPOSITION**

Applicant Unipat Products, Virginia, LLC hereby answers the allegations contained within the Amended Notice of Opposition filed by Deere & Company (“Opposer”) as follows:

As to the unnumbered introductory paragraph of the Notice of Opposition, Applicant denies that Opposer will be damaged by the registration of Applicant’s mark, GEAR GATOR. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph, and therefore denies same.

1. Applicant admits that Opposer has made use of the term GATOR in connection with some of its all-terrain vehicles. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph, and therefore denies same.

2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies same.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies same.

4. Applicant admits that Opposer is the apparent owner of U.S. Registration Nos. 1,798,626, 2,853,350, and 3,466,044. Applicant denies that U.S. 3,466,044 is for the mark R-GATOR, as the Registration appears to be for the mark RGATOR. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph, and therefore denies same.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies same.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies same.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies same.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies same.

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies same.

10. Applicant admits that its GEAR GATOR mark incorporates the term GATOR. Applicant denies that its mark has a similar sound, meaning, appearance and commercial impression to each of the Opposer's Marks. Applicant is without knowledge or information

sufficient to form a belief as to the truth of the remaining allegations in this paragraph, and therefore denies same.

11. Denied.

12. Denied.

13. Applicant repeats each and every response contained in paragraphs 1 through 12 as if fully set forth herein.

14. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies same.

15. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies same.

16. Denied.

17. Denied.

18. Denied.

19. Denied.

20. Applicant repeats each and every response contained in paragraphs 1 through 19 as if fully set forth herein.

21. Admitted.

22. Admitted.

23. Applicant admits that an Assignment of Trademark executed July 20, 2009 assigned the GEAR GATOR Application to UniPat. Applicant denies the remaining allegations of this paragraph.

24. Admitted

25. Admitted

26. Denied.

27. Denied.

28. Denied.

29. Denied.

Respectfully submitted,

/Angela Holt/  
Angela Holt  
Attorney for Applicant

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served by United States mail, postage prepaid, to the following counsel on this the 8th day of July, 2010:

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/Angela Holt/  
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