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

Proceeding	91197859
Party	Defendant Ansell Limited
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Date	01/24/2011
Attachments	A_TMOPP_01_Resp_to_Opposition.pdf ( 5 pages )(124905 bytes )

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

Serial No. : 85/002,844  
Filed : March 31, 2010  
Published : August 17, 2010  
Applicant : Ansell Limited  
Mark : LIFESTYLES LUXE  
Goods : Silicone-based personal lubricants  
International Class : 5

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GLOBAL PROTECTION CORP., :  
 :  
Opposer, :  
 :  
v. :  
 :  
ANSELL LIMITED :  
 :  
Applicant. :  
-----:

Opposition No. 91197859

**APPLICANT'S ANSWER TO NOTICE OF OPPOSITION**

Applicant, Ansell Limited ("Ansell"), for its answer to the Notice of Opposition filed by Global Protection Corp. ("Global Protection") against application for registration of Ansell's trademark LIFESTYLES LUXE, Serial No. 85/002,844 filed 31 March 2010 and published in the Official Gazette of 17 August 2010 (the "Mark"), pleads and avers as follows:

1. Answering paragraph 1 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein.

2. Answering paragraph 2 of the Notice of Opposition, Applicant admits the allegations thereof.
3. Answering paragraph 3 of the Notice of Opposition, Applicant admits the allegations thereof.
4. Answering paragraph 4 of the Notice of Opposition, Applicant admits the allegations thereof.
5. Answering paragraph 5 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
6. Answering paragraph 6 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
7. Answering paragraph 7 of the Notice of Opposition, Applicant admits that its application for registration was so filed, but does not have sufficient knowledge or information to form a belief as to Opposer's prior rights in and to the pleaded mark and accordingly denies the existence of any such prior rights.
8. Answering paragraph 8 of the Notice of Opposition, Applicant denies each and every allegation contained therein.
9. Answering paragraph 9 of the Notice of Opposition, Applicant admits the allegations thereof.
10. Answering paragraph 10 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

11. Answering paragraph 11 of the Notice of Opposition, Applicant admits that use or intended use of its LIFESTYLES LUXE mark is without license, authorization or permission of Opposer, but denies that Opposer has any rights obligating Applicant to obtain any such license, authorization or permission.

12. Answering paragraph 12 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

13. Answering paragraph 13 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

### **AFFIRMATIVE DEFENSES**

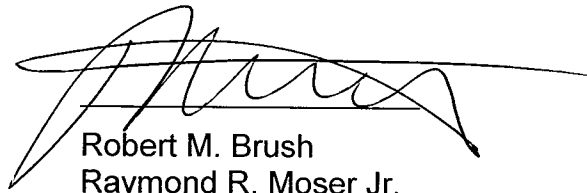
1. Opposer fails to state a claim upon which relief can be granted.
2. Applicant further affirmatively alleges that there is no likelihood of confusion, mistake or deception because, *inter alia*, Applicant's Mark and the pleaded mark of Opposer are not confusingly similar.
3. Applicant further affirmatively alleges that there is no likelihood of confusion, mistake or deception because, *inter alia*, Applicant's Mark and the pleaded mark of Opposer are not confusingly similar. Any similarity between Applicant's Mark and the pleaded mark of Opposer is the portion "Lux" which, upon information and belief, has been used by at least one third party in connection with the business of manufacturing, distributing and/or selling personal lubricants. As a result, Opposer cannot base any similarity between its pleaded mark and Applicant's Mark solely on "Lux."

4. Applicant further reserves the right to plead additional affirmative defenses after the Opposer provides discovery.

WHEREFORE, Applicant requests that the Notice of Opposition be dismissed and that a registration for the mark LIFESTYLES LUXE be issued to the Applicant.

Respectfully submitted,

Dated: 1-24-2011

A handwritten signature in black ink, appearing to read "R. Brush", written over a horizontal line.

Robert M. Brush  
Raymond R. Moser Jr.

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