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

Proceeding	91198025
Party	Defendant Meritor Technology, Inc.
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

MAINE POTATO GROWERS, INC.,

Opposer

v.

MERITOR TECHNOLOGY, INC.,

Applicant

Opposition No. 91198025

Application Serial No. 77/691,922

**ANSWER TO NOTICE OF OPPOSITION AND AFFIRMATIVE DEFENSES**

Meritor Technology, Inc., a Delaware corporation, having a business address of 2135 West Maple Road, Troy, Michigan 48084, responds to the Notice of Opposition filed by Maine Potato Growers, Inc. as follows:

Applicant lacks information sufficient to form a belief as to the truth of the allegations in the first sentence of the paragraph which precedes paragraph 1. Applicant admits only that it filed Application Serial No. 77/691,922 for the mark "MPG SERIES & design" on March 16, 2009 and has an address of 2135 West Maple Road, Troy, Michigan 48084. Applicant denies the remaining allegations in the paragraph which precedes paragraph 1 to the extent they are inconsistent with United States Patent and Trademark Office records for Application Serial No. 77/691,922.

1. Applicant lacks information sufficient to form a belief as to the truth of the allegations of paragraph 1.

2. Applicant lacks information sufficient to form a belief as to the truth of the allegations of paragraph 2.

3. Applicant lacks information sufficient to form a belief as to the truth of the allegations of paragraph 3.

4. Applicant admits only that there is a United States trademark registration for the mark “MPG FRESH & design”, Registration No. 2,880,793. Applicant denies the remaining allegations in paragraph 4 to the extent they are inconsistent with United States Patent and Trademark Office records for Registration No. 2,880,793.

5. Applicant admits only that there is a United States trademark registration for the mark “MPG SERVES THE NEEDS OF MAINE & design”, Registration No. 2,864,289. Applicant denies the remaining allegations in paragraph 5 to the extent they are inconsistent with United States Patent and Trademark Office records for Registration No. 2,864,289.

6. Applicant admits only that there is a United States trademark registration for the mark “MPG FRESH”, Registration No. 2,842,469. Applicant denies the remaining allegations in paragraph 6 to the extent they are inconsistent with United States Patent and Trademark Office records for Registration No. 2,842,469.

7. Applicant admits only that there is a United States trademark registration for the mark “MAINE POTATO GROWERS, INC.”, Registration No. 2,905,823. Applicant denies the remaining allegations in paragraph 7 to the extent they are inconsistent with United States Patent and Trademark Office records for Registration No. 2,905,823.

8. Applicant admits only that there is a United States trademark registration for the mark “MPG & design”, Registration No. 2,905,603. Applicant denies the remaining allegations in paragraph 8 to the extent they are inconsistent with United States Patent and Trademark Office records for Registration No. 2,905,603.

9. Applicant admits only that there is a United States trademark registration for the mark “MPG”, Registration No. 2,905,602. Applicant denies the remaining allegations in paragraph 9 to the extent they are inconsistent with United States Patent and Trademark Office records for Registration No. 2,905,602.

10. Applicant admits only that there is a United States trademark registration for the mark “MPG & design”, Registration No. 555,688. Applicant denies the remaining allegations in paragraph 10 to the extent they are inconsistent with United States Patent and Trademark Office records for Registration No. 555,688.

11. Applicant lacks information sufficient to form a belief as to the truth of the allegations of paragraph 11.

12. Applicant lacks information sufficient to form a belief as to the truth of the allegations of paragraph 12.

13. Applicant admits the allegations of paragraph 13.

14. Applicant denies the allegations of paragraph 14 for the reason that they are untrue.

15. Applicant denies the allegations of paragraph 15 for the reason that they are untrue.

16. Applicant denies the allegations of paragraph 16 for the reason that they are untrue.

17. Applicant admits the allegations of paragraph 17.

18. Applicant admits the allegations of paragraph 18.

19. The allegations of paragraph 19 are conclusions of law to which no response is

required. To the extent the allegations of paragraph 19 are allegations of fact, they are denied as untrue.

20. The allegations of paragraph 20 are conclusions of law to which no response is required. To the extent the allegations of paragraph 20 are allegations of fact, they are denied as untrue.

21. The allegations of paragraph 21 are conclusions of law to which no response is required. To the extent the allegations of paragraph 21 are allegations of fact, they are denied as untrue.

22. The allegations of paragraph 22 are conclusions of law to which no response is required. To the extent the allegations of paragraph 22 are allegations of fact, they are denied as untrue.

23. The allegations of paragraph 23 are conclusions of law to which no response is required. To the extent the allegations of paragraph 23 are allegations of fact, they are denied as untrue.

24. The allegations of paragraph 24 are conclusions of law to which no response is required. To the extent the allegations of paragraph 24 are allegations of fact, they are denied as untrue.

#### ADDITIONAL AND AFFIRMATIVE DEFENSES

1. The Notice of Opposition fails to state a claim upon which relief can be granted.
2. There is no likelihood of confusion, mistake or deception because Applicant's mark, when applied to Applicant's goods, and Opposer's alleged marks, when applied to Opposer's goods and services, are not confusingly similar.

3. Opposer's Opposition is barred by the doctrines of estoppel and/or acquiescence.
4. Applicant reserves the right to add additional Affirmative Defenses after conducting discovery.

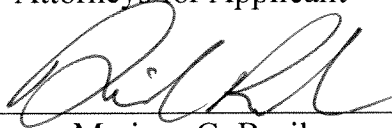
WHEREFORE, Applicant requests that the Notice of Opposition be dismissed in its entirety and that a registration issue to Applicant for its mark.

Respectfully submitted,

MILLER, CANFIELD, PADDOCK  
AND STONE, P.L.C.  
Attorneys for Applicant

Dated: May 15, 2012

By: \_\_\_\_\_



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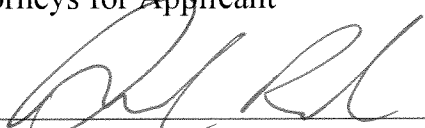
Application Serial No. 77/691,922

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing ANSWER TO NOTICE OF OPPOSITION AND AFFIRMATIVE DEFENSES has been served on Opposer's Attorney, Casimir W. Cook, II, by mailing said copy on May 15, 2012, via First Class Mail, postage prepaid to:

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