

ESTTA Tracking number: **ESTTA631322**

Filing date: **10/06/2014**

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

Proceeding	91218048
Party	Defendant TAIWAN HOPAX CHEMICALS MFG. CO., LTD.
Correspondence Address	BRENT E. ROUTMAN MERCHANT & GOULD P.C. PO BOX 2910 MINNEAPOLIS, MN 55402-0910 DOCKMPLS@merchantgould.com
Submission	Answer
Filer's Name	Justin King
Filer's e-mail	jking@wpat.com
Signature	/Justin King/
Date	10/06/2014
Attachments	Answer2.pdf(294491 bytes) certificate_of_service.pdf(185950 bytes)

3. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the averments in regarding Opposer's usage of the MAGIC mark, and denies same.

4. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the averments, and denies same.

5. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the averments, and denies same.

6. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the averments, and denies same.

7. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the averments, and denies same.

8. Applicant admitted that as the USPTO record shows, the Opposer did register a MAGIC mark on the Principal Register, Reg. No. 1,447,458.

9. Admitted.

10. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the averments, and denies same.

11. Denied. Applicant respectfully submits that both marks Applicant seeks to register include particular graphical design element, which is inherently different from the Opposer's mark.

12. Denied.

13. Denied.

14. Denied.

15. Applicant responses as set forth in Paragraphs 1 through 10.

Respectfully submitted,

By___/Justin King/_____
Justin King

Attorney for Applicant
Taiwan Hopax Chemicals Mfg. Co. Ltd.

October 3, 2014
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CERTIFICATE OF SERVICE

I certify that on October 6, 2014 a true and accurate copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was served on Opposer's counsel of record by first-class mail, postage prepaid, at the following address:

Laura J. Borst

Fulbright & Jaworski LLP
2100 IDS Center
80 South Eighth Street
Minneapolis, Minnesota 55402-2112

October 6, 2014

Date

/Justin King/

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