

ESTTA Tracking number: **ESTTA729067**

Filing date: **02/24/2016**

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

Proceeding	91223009
Party	Defendant Medline Industries, Inc.
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Date	02/24/2016
Attachments	Answer.pdf(12420 bytes)

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

In the Matter of Application Serial No. 86/366608:
ADVANCING THE HEALTH OF HEALTHCARE

C.R. BARD, INC.,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91223009
)	
MEDLINE INDUSTRIES, INC. ,)	
)	
Applicant.)	
)	

ANSWER TO AMENDED NOTICE OF OPPOSITION

Applicant Medline Industries, Inc. ("Applicant"), for its Answer to the Revised Amended Notice of Opposition filed by Opposer C.R. Bard, Inc. ("Opposer"), states the following:

1. Applicant does not have knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1, and therefore denies them.
2. Applicant states that the records of the United States Patent and Trademark Office speak for themselves. Applicant does not have knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 2, and therefore denies them.
3. Applicant states that the records of the United States Patent and Trademark Office speak for themselves. Applicant does not have knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 3, and therefore denies them.
4. Applicant does not have knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4, and therefore denies them.

5. Applicant does not have knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4, and therefore denies them.

6. Applicant admits the allegations in Paragraph 6.

7. Applicant admits the allegations in Paragraph 7.

8. Applicant admits the allegations in Paragraph 8.

9. Applicant does not have knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9, and therefore denies them.

10. Applicant denies the allegations in Paragraph 10.

11. Applicant denies the allegations in Paragraph 11.

12. Applicant denies the allegations in Paragraph 12.

13. Applicant denies the allegations in Paragraph 13.

14. Applicant denies the allegations in Paragraph 14.

15. Applicant denies the allegations in Paragraph 15.

16. Applicant states that the records of the United States Patent and Trademark Office speak for themselves. Applicant otherwise denies the allegations in Paragraph 16.

WHEREFORE, Applicant requests that judgment be entered in favor of Applicant and against Opposer, and that the mark shown in Application Serial No. 86/366608 be registered on the Principal Register.

AFFIRMATIVE DEFENSES

First Affirmative Defense

(Laches)

Opposer's opposition is barred by the doctrine of laches, because Opposer inexcusably delayed in taking action, causing prejudice to Applicant.

Second Affirmative Defense

(Acquiescence)

Opposer's opposition is barred by the doctrine of acquiescence, because Opposer impliedly assured Applicant that it would not assert trademark rights against Applicant.

Respectfully submitted,

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON LLP

/Seth I. Appel/

Dated: February 24, 2016

By: _____

Janet A. Marvel
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Attorneys for Applicant

CERTIFICATE OF ELECTRONIC TRANSMISSION

I, Seth I. Appel, certify that a true and correct copy of the foregoing **ANSWER TO AMENDED NOTICE OF OPPOSITION** is being electronically transmitted to the United States Patent and Trademark Office, Trademark Trial and Appeal Board, this 24th day of February, 2016.

/Seth I. Appel/

Seth I. Appel

CERTIFICATE OF SERVICE

I, Seth I. Appel, certify that a true and correct copy of the foregoing **ANSWER TO AMENDED NOTICE OF OPPOSITION** was served on Opposer, via first class mail, postage prepaid, addressed to Opposer's attorney of record as set forth below, this 24th day of February, 2016.

Roberta S. Bren, Esq.
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Fairfax, Virginia 22033

/Seth I. Appel/

Seth I. Appel