

ESTTA Tracking number: **ESTTA808724**

Filing date: **03/22/2017**

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

Proceeding	91232746
Party	Defendant RGF Environmental Group, Inc.
Correspondence Address	MARTIN M ZOLTICK ROTHWELL FIGG ERNST & MANBECK PC 607 14TH STREET NW , SUITE 800 WASHINGTON, DC 20005 UNITED STATES PTO-TM-Email@rfem.com
Submission	Answer
Filer's Name	Leo M. Loughlin
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Date	03/22/2017
Attachments	Answer to Amended Notice of Opposition.pdf(47285 bytes )

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

Triatomic Environmental, Inc.,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91232746
	)	
RGF Environmental Group, Inc.,	)	
	)	
Applicant.	)	
_____	)	

**APPLICANT’S ANSWER TO THE AMENDED NOTICE OF OPPOSITION**

Applicant RGF Environmental Group, Inc., by and through its undersigned counsel, as and for its Answer to the Amended Notice of Opposition of Opposer Triatomic Environmental, Inc., states as follows:

1. Applicant admits to the allegations of Paragraph 1 of the Amended Notice of Opposition.
2. Applicant admits that Opposer appears to be the owner of Registration No. 3,788,548. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations of Paragraph 2 of the Amended Notice of Opposition and therefore denies the same.
3. Applicant admits that Registration No. 3,788,548 registered on May 11, 2010. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations of Paragraph 3 of the Amended Notice of Opposition and therefore denies the same.
4. Applicant admits to the allegations of Paragraph 4 of the Amended Notice of Opposition.

5. Applicant denies the allegations of Paragraph 5 of the Amended Notice of Opposition.

6. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 6 of the Amended Notice of Opposition and therefore denies the same.

7. Applicant denies the allegations of Paragraph 7 of the Amended Notice of Opposition.

8. Applicant denies the allegations of Paragraph 8 of the Amended Notice of Opposition.

**AFFIRMATIVE DEFENSES**

Subject to the responses above, Applicant serves the following affirmative defenses to the Amended Notice of Opposition. Assertion of these defenses is not a concession that Applicant has the burden of proving the matters asserted. Applicant reserves the right to assert additional affirmative defenses, as they become known through the course of discovery.

1. The Amended Notice of Opposition fails to state a claim upon which relief can be granted.

2. Opposer's claims are barred, in whole or in part, because no likelihood of confusion exists.

3. Applicant will rely on such other and further defenses as appear from discovery and the evidence.

WHEREFORE, Applicant respectfully requests that the Amended Notice of Opposition be dismissed with prejudice.

Respectfully submitted,

RGF Environmental Group, Inc.



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*Attorneys for Applicant*

Dated: March 22, 2017

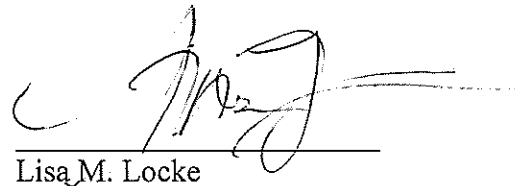
**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing APPLICANT'S ANSWER TO THE AMENDED NOTICE OF OPPOSITION was served via electronic mail on counsel for Opposer:

Brian M. Taillon  
Mchale & Slavin PA

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This 22nd day of March, 2017



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Lisa M. Locke