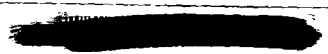


TTA13

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



AGRILIANCE, LLC)
)
Petitioner,)
v.)
GRIFFIN LLC)
)
Registrant.)
_____)

02-10-2003
U.S. Patent & TMO/c/TM Mail Rpt Dt. #70

Cancellation No. 92041242
Registration No. 2,602,749
Mark: TRANXIT

REGISTRANT'S ANSWER TO PETITION FOR CANCELLATION

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513
Sir:

Registrant, Griffin LLC ("Griffin"), for its answer to the Petition to Cancel filed by Petitioner, Agriliance, LLC ("Agriliance"), alleges and avers as follows:

1.

Griffin is without information sufficient to form a belief as to the truth of the allegations of Paragraph 1 of the Petition, and, therefore, denies each and every allegation thereof.

2.

Griffin is without information sufficient to form a belief as to the truth of the allegations of Paragraph 2 of the Petition, and, therefore, denies each and every allegation thereof.

3.

Griffin admits that it is the owner of U.S. Registration No. 2,602,749 for the mark TRANXIT for pesticides, herbicides and fungicides, all for agricultural, commercial and

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on February 6, 2003.

Robert E. Richards

DD

domestic use. Griffin further admits that the application for registration of the mark TRANXIT was filed by Griffin as an intent-to-use application on May 10, 2001 and that U.S. Registration No. 2,602,749 issued on July 30, 2002. Griffin denies each and every other allegation of Paragraph 3 of the Petition.

4.

Griffin denies the allegations of Paragraph 4 of the Petition.

5.

Griffin denies the allegations of Paragraph 5 of the Petition.

First Affirmative Defense

Griffin's mark TRANXIT is different in appearance from Agriliance's mark TRANSFIX.

Second Affirmative Defense

Griffin's mark TRANXIT is different in sound from Agriliance's mark TRANSFIX.

Third Affirmative Defense

Griffin's mark TRANXIT is different in meaning and connotation from Agriliance's mark TRANSFIX. The Merriam-Webster dictionary defines the word "transfix" as to pierce through with or as if with a pointed weapon: IMPALE; to hold motionless by or as if by piercing. The word "tranxit" is either a fanciful word that has no meaning or it has the same meaning as the word "transit". The Merriam-Webster dictionary defines the word "transit" as an act, process, or instance of passing through or over: PASSAGE: CHANGE, TRANSITION; conveyance of persons or things from one place to another, usually local transportation especially of people by public conveyance; also vehicles or a system engaged in such transportation; passage of a celestial body over the meridian of a place or through the field of a telescope; passage of a smaller body (as Venus) across the disk of a larger (as the sun); a theodolite with the telescope mounted so that it can be transited.

Fourth Affirmative Defense

The goods associated with Griffin's mark TRANXIT travel through different channels of trade and commerce than the goods associated with Agriliance's mark TRANSFIX. The goods associated with Griffin's mark TRANXIT are marketed to end-users; the goods associated with Agriliance's mark TRANSFIX are marketed to manufacturers.

Fifth Affirmative Defense

The goods associated with Griffin's mark TRANXIT are marketed to a different class of customers than the goods associated with Agriliance's mark TRANSFIX. The goods associated with Griffin's mark TRANXIT are marketed to end-users; the goods associated with Agriliance's mark TRANSFIX are marketed to manufacturers.

Sixth Affirmative Defense

The purchasers of the goods associated with Griffin's mark TRANXIT and Agriliance's mark TRANSFIX are knowledgeable and sophisticated regarding the source of these types of goods. Purchasers of these types of goods are able to distinguish between Agriliance's mark TRANSFIX and marks such as TRANSCEND for spray adjuvants for use with agricultural pesticides and nutritionals in agricultural, commercial and domestic use (Reg. No. 2,084,314); SURFIX for spray adjuvant for agricultural chemicals (Reg. No. 1,223,054); and TRANSFLUR for insecticides and pesticides for domestic use (Reg. No. 2,364,995).

WHEREFORE, Griffin requests that Agriliance's Petition for Cancellation be denied and that U.S. Registration No. 2,602,749 not be cancelled.

Respectfully submitted,



Robert E. Richards
Attorney for Griffin LLC

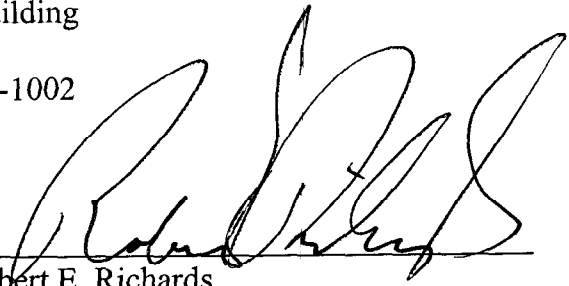
Kilpatrick Stockton LLP
Suite 2800, 1100 Peachtree Street
Atlanta, Georgia 30305
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Fax: (404) 815-6555
Our Docket: 07081-8282 (43547-256564)

CERTIFICATE OF SERVICE

This is to certify that the foregoing Registrant's Answer To Petition For Cancellation has been served on Counsel for Petitioner on February 6, 2003, by placing copies in the U.S.

Mail, postage prepaid, addressed as follows:

Z. Peter Sawicki, Esq.
The Kinney & Lange Building
312 South Third Street
Minneapolis, MN 55415-1002



Robert E. Richards