

ESTTA Tracking number: **ESTTA105356**

Filing date: **10/20/2006**

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

Proceeding	92046293
Party	Defendant Roex, Inc. Roex, Inc. 16841 Armstrong Avenue , CA 92606
Correspondence Address	Jay H. Geller Jay H. Geller, a Prof. Corp. West Tower, Suite 4000 2425 W. Olympic B Santa Monica, CA 90404
Submission	Answer
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Date	10/20/2006
Attachments	NutrafiAnswer.pdf ( 2 pages )(173286 bytes )

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

Leiner Health Services Corp.

Petitioner,

v.

Roex, Inc.

Registrant.

Cancellation No. 92046293

ANSWER TO PETITION  
TO CANCEL

Now comes, Roex, Inc, and answers the Petition to Cancel filed herein as follows:

1. Registrant notes that there are Paragraphs 4 and 5 set forth in the Petition to Cancel. The numbering of the paragraphs is 1, 2, 3, 6 and 7.

2. Registrant lacks sufficient information on which to either admit or deny the allegations in Paragraphs 1, 2, and 3 of the Petition and on that basis denies the allegations contained therein.

3. Registrant denies the allegations in Paragraphs 6 and 7, of the Notice.

AFFIRMATIVE DEFENSES

I. LACHES

4. This action is barred by the doctrine of laches.

II. UNCLEAN HANDS


5. This action is barred by the doctrine of unclean hands.

III. FAILURE TO STATE A CLAIM


6. Petitioner has failed to state a claim upon which the requested relief can be granted.

Wherefore, Registrant prays that Petitioner take nothing by way of its Petition to Cancel and that the Cancellation be dismissed with prejudice.

Dated: October 20, 2006

  
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Jay H. Geller  
Jay H. Geller, a Professional  
Corporation  
Attorney for Applicant

I certify that the foregoing is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Michael A. Painter, Esq., Isaacman, Kaufman & Painter, 8484 Wilshire Bl., Suite 850, Beverly Hills, CA 90211 on October 20, 2006.

  
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Jay H. Geller