

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

.....
Exxon Mobil Corporation

v.

Dataworx, B.V.

OPPOSITION 120,519

Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202

ANSWER TO NOTICE OF OPPOSITION

The Applicant answers the Notice of Opposition as follows:

1. The Applicant lacks information or belief with regard to the allegations of paragraph 1 o of the Notice of Opposition and therefore denies such allegations.
2. The Applicant lacks information or belief with regard to the allegations of paragraph 2 of the Notice of Opposition and therefore denies such allegations.
3. The Applicant lacks information or belief with regard to the allegations of paragraph 3 of the Notice of Opposition and therefore denies such allegations.
4. The Applicant lacks information or belief with regard to the allegations of paragraph 4 of the Notice of Opposition and therefore denies such allegations.
5. The Applicant lacks information or belief with regard to the allegations of paragraph 5 of the Notice of Opposition and therefore denies such allegations.

8. [sic] The Applicant lacks information or belief with regard to the allegations of paragraph 8 of the Notice of Opposition and therefore deny such allegations.
9. The Applicant lacks information or belief with regard to the allegations of paragraph 9 of the Notice of Opposition and therefore denies such allegations.
10. The Applicant admits the allegations of Paragraph 10 of the Notice of Opposition.
11. The Applicant lacks information or belief with regard to the allegations of paragraph 11 of the Notice of Opposition and therefore denies such allegations.
12. The Applicant denies the allegations of Paragraph 12 of the Notice of Opposition.
13. The Applicant denies the allegations of Paragraph 13 of the Notice of Opposition.
14. The Applicant denies the allegations of Paragraph 14 of the Notice of Opposition.
15. The Applicant denies the allegations of Paragraph 15 of the Notice of Opposition.
16. The Applicant denies the allegations of Paragraph 16 of the Notice of Opposition.
17. The Applicant denies the allegations of Paragraph 17 of the Notice of Opposition.
18. The Applicant denies the allegations of Paragraph 18 of the Notice of Opposition.
19. The Applicant admits that there has been no permission but otherwise denies the allegations of this paragraph.
20. The Applicant denies the allegations of Paragraph 20 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

1. The Notice of Opposition fails to state a claim upon which relief may be granted.
2. The Applicant's mark is not confusingly similar.
3. The Opposer does not apply its marks to goods which would be confused with the Applicant's use.
4. Laches
5. Acquiescence
6. Applicant's use of its mark is not likely to confuse consumers nor damage the applicant's mark in

any manner.

7. The marks of the Opposer and Applicant peacefully coexist without confusion.

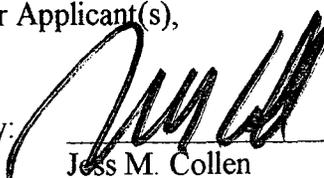
8. Neither party is aware of any actual confusion.

9. The Opposer has no reasonable expectation nor bona fide intention to sell goods such as those of the Applicant.

WHEREFORE, the applicant moves the board to dismiss the opposition, with prejudice, and permit the applicant's mark to proceed to registration.

Respectfully submitted
for Applicant(s),

By:



Jess M. Collen

Direct Dial: 914-941-5868

JMC:wos

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 03-2465.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID ON THIS 26TH DAY OF DECEMBER 2000 TO COLLEN LAW ASSOCIATES, P.C., THE HOLYOKE-MANHATTAN BUILDING, 80 SOUTH HIGHLAND AVENUE, OSSINING, , NEW YORK 10562

By:

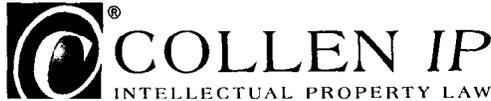
Marlene Collen on 12-26-2000.

I CERTIFY THAT THIS MOTION ON CONSENT HAS BEEN SERVED BY FIRST CLASS MAIL, POSTAGE PREPAID THIS 26th DAY OF DECEMBER 2000 UPON STEPHEN P MALEEN , FULBRIGHT & JAWORSKI LLP, 600 CONGRESS ST, SUITE 2400, AUSTIN TX .

SIGNATURE:

A handwritten signature in black ink, appearing to be "S. P. Maleen", is written over a horizontal dashed line. The signature is stylized and cursive.

TTAB



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September 13, 2002

Trademark Trial and Appeal Board
Patent and trademark Office
2900 Crystal Drive
Arlington, Virginia 22202
Attn: Shirley Hassan



09-16-2002

U.S. Patent & TMO/TM Mail Rpt Dt. #58

RE: U.S. Trademark Opposition

Mark : DEXXON
Serial No. : 75/511,805
Applicant : DataWorx B.V.
Opp. N. : 120,519
Our Ref. : T60035

TRADEMARK TRIAL AND
APPEAL BOARD
02 SEP 20 AM 12:27

Dear Ms. Hassan:

I am just writing in regard to the Order of August 14, 2002, resuming the above captioned proceeding. In regard to the thirty day period in which the Applicant should submit its Answer, I am forwarding a copy of the Applicant's Answer that was filed on December 26, 2000.

Please let me know if there is anything further needed from the Applicant in this regard.

Very truly yours,
COLLEN IP

Jess M. Collen
for Jess M. Collen

JMC:JPB
Enclosure - Copy of Answer
80035-L39.doc

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