

TTAB

EL948035895US

In the Matter of Application Serial No. 76/118,728
Published in the Official Gazette on March 5, 2002



11-19-2002
U.S. Patent & TMO/c/TM Mail Rcpt Dt. #33

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

Power Measurement Inc. and Power
Measurement Ltd.,

Opposers,

v.

Silicon Energy Corp.,

Applicant.

) Opposition No. 125,727

TRADEMARK TRIAL AND
APPEAL BOARD
02 DEC 20 AM 9:30

ANSWER TO NOTICE OF OPPOSITION

Applicant SILICON ENERGY CORP. ("Applicant") hereby answers the Notice of
Opposition of Opposers POWER MEASUREMENT, INC. and POWER MEASUREMENT,
LTD. ("Opposers") as follows:

Introductory Paragraph, Page 1. Applicant denies that Opposers will be
damaged by registration of the mark shown in U.S. Appl. Ser. No. 76/118,728 owned by
Applicant and published for opposition on March 5, 2002.

1. Applicant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in Paragraph 1 and on that basis denies each and every allegation thereof.

2. Applicant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in Paragraph 2 and on that basis denies each and every allegation thereof.

3. Applicant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in Paragraph 3 and on that basis denies each and every allegation thereof.

4. Applicant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in Paragraph 4 and on that basis denies each and every allegation thereof.

5. Applicant admits that registration of Applicant's mark to Applicant would confer the presumption of validity to Applicant's mark. Applicant is without sufficient knowledge or information upon which to form a belief as to the truth of the other allegations contained in Paragraph 5 and on that basis denies each and every allegation thereof.

AFFIRMATIVE DEFENSES

I

FIRST AFFIRMATIVE DEFENSE (Failure to State Grounds For Opposition)

Applicant is informed and believes, and thereon alleges, that the facts set forth in the Notice of Opposition are insufficient to justify denial of its Application.

II

SECOND AFFIRMATIVE DEFENSE (Waive/Estoppel)

Opposers' claim is barred by the doctrines of waiver and estoppel.

PRAYER FOR RELIEF

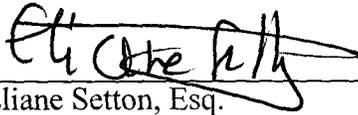
WHEREFORE, Applicant prays that Opposition No. 125,727 be dismissed with prejudice and Application Serial No. 76/118,728 allowed to issue as a registration.

Please charge the filing fees of this Answer to Notice of Opposition to Deposit Acct. No. 07-1907. Please charge any additional fees, or credit any overpayment, to Deposit Acct. No. 07-1907. A duplicate of this Answer to Notice of Opposition is filed herewith.

Service has been made on Opposers' counsel as shown on the attached Certificate of Service.

Dated: November 19, 2002

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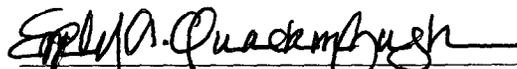
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Attorneys for Applicant

SILICON ENERGY CORP.

CERTIFICATE OF EXPRESS MAILING

I, Emily Quackenbush, do hereby certify that the foregoing document(s) is/are being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to the Assistant Commissioner of Trademarks, BOX TTAB NO FEE, 2900 Crystal Drive, Arlington, Virginia 22202-3513, on this date of November 19, 2002.



Emily Quackenbush

Express Mail No.: **EL948035815US**

Date of Deposit: November 19, 2002