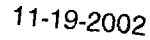


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U.S. Patent & TMOfc/TM Mail Rcpt Dt. #36

TRAIL COURT TRIAL AND
JURY ROOM
02 DEC 20 AM 9:30

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.

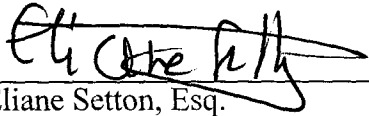
Please charge the filing fees of this Answer to Notice of Opposition to Deposit Acct. No. 07-1907. Please charge any additional fees, or credit any overpayment, to Deposit Acct. No. 07-1907. A duplicate of this Answer to Notice of Opposition is filed herewith.

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

Dated: November 19, 2002

GRAY CARY WARE & FREIDENRICH ^{LLP}

By: _____


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Margaret Powers, Esq.

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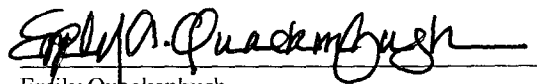
Facsimile: (415) 836-2501

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