

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

ALSTOM ESCA CORPORATION,

Opposer,

v.

E-TERRA, LLC,

Applicant.

Opposition No. 150,707

ANSWER

Applicant answers the Notice of Opposition as follows:

1. Applicant is without sufficient information to admit or deny the allegations in paragraph 1 and therefore denies them.
2. Applicant is without sufficient information to admit or deny the allegations in paragraph 2 and therefore denies them.
3. Applicant is without sufficient information to admit or deny the allegations in paragraph 3 and therefore denies them.
4. Applicant is without sufficient information to admit or deny the allegations in paragraph 4 and therefore denies them.
5. Applicant is without sufficient information to admit or deny the allegations in paragraph 5 and therefore denies them.
6. Applicant is without sufficient information to admit or deny the allegations in paragraph 6 and therefore denies them.
7. Applicant admits the allegations of paragraph 7.
8. Applicant responds to the allegations in paragraph 8 by stating that Applicant's trademark applications speak for themselves.

ANSWER

[32876-7001/SL020810.210]

9. Applicant admits that GeoNorth, Inc. filed an intent-to-use application for Applicant's mark on or about August 23, 1999. Applicant admits that it was formed as a legal entity on or about September 15, 1999. Applicant admits that it was assigned the entire interest and related good will in the mark and application that are the subject of this opposition in about July, 2000. Applicant admits that it used the mark E-TERRA in commerce since at least the time of the assignment. Applicant admits that it is the successor-in-interest to all rights in the application at issue in this opposition. To the extent Paragraph 9 contains allegations inconsistent with these facts, Applicant denies them.

10. Applicant denies the allegations of paragraph 10.

11. Applicant admits that the parties entered into negotiations in an attempt to reach an agreement regarding their respective marks. Applicant denies that Opposer's draft Concurrent Use Agreement accurately reflects all the discussions between the parties. Applicant admits that in November, 2000, counsel for Opposer contacted Applicant's counsel regarding the status of its draft Concurrent Use Agreement. Applicant denies the remaining allegations in Paragraph 11.

12. Applicant denies the allegations in paragraph 12.

13. Applicant opposes the relief sought in paragraph 13.

14. Applicant assumes that the footnotes in the Notice of Opposition are not intended as allegations forming part of Opposer's claims, and therefore Applicant does not respond to them.

DATED: March 25, 2002.

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By 

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ANSWER

[32876-7001/SL020810.210]

CERTIFICATE OF MAILING

I CERTIFY that on March 25, 2002, I mailed (via U.S. Express Mail #EL491508272US) the original and two copies of the attached ANSWER regarding ALSTOM ESCA CORPORATION v. E-TERRA, LLC (Opposition No. 150,707) to:

Assistant Commissioner of Trademarks
U.S. Patent & Trademark Office
Box TTAB NO FEE
2900 Crystal Drive
Arlington, VA 22202-3513

and by first class U.S. mail, postage prepaid, to:

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