

TTAB



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

Raritan Computer, Inc., )  
 )  
 Opposer, )  
 )  
 v. )  
 )  
 Avocent Corporation, )  
 )  
 Applicant. )

Atty. Ref.: 2540-548

Opposition No. 91153614



01-31-2003

U.S. Patent & TMOfr/TM Mail Rcpt Dt. #77

**ANSWER**

For its Answer to the Notice of Opposition, Applicant, Avocent Corporation, states the following:

1. Answering the allegations of Paragraph 1 of the Notice of Opposition, Applicant admits that Opposer is involved in the manufacture and sale of computer equipment and peripherals, some of which are competitive with Applicant's goods. Applicant is without knowledge or information sufficient to form a belief as to when said involvement commenced and accordingly denies that allegation. Except as thus stated, Applicant denies the allegations of Paragraph 1 of the Notice of Opposition. Applicant specifically denies that Opposer has a right to use the term KVM OVER IP.

2. Answering the allegations of Paragraph 2 of the Notice of Opposition, Applicant admits that if a registration of the mark KVM OVER IP issues to Applicant, it will be *prima facie* evidence of Applicant's exclusive right to use that mark. Except as thus admitted, Applicant denies the remaining allegations of Paragraph 2 of the Notice of Opposition. Applicant specifically denies that Opposer has a right to use the term KVM OVER IP.

3. Applicant denies the allegations of Paragraph 3 of the Notice of Opposition.

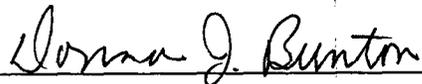
4. Applicant denies the allegations of Paragraph 4 of the Notice of Opposition.
5. Applicant denies the allegations of Paragraph 5 of the Notice of Opposition.
6. Applicant denies the allegations of Paragraph 6 of the Notice of Opposition.
7. Applicant denies all allegations not specifically admitted above.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

Dated: January 31, 2003

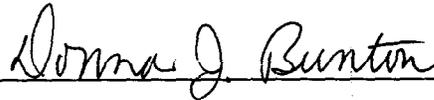
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing "Answer" was served on the following attorneys of record for Opposer by depositing same in the United States mail, postage prepaid, this 31<sup>st</sup> day of January, 2003:

Michael J. Zinna, Esq.  
**WARD & OLIVO**  
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Summit, NJ 07901

  
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