

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

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TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 78/124,003  
Filing Date: April 25, 2002  
Applicant: Enhanced Turbine Output Holding, LLC  
For the Mark: POWERCOOL  
Published in the *Official Gazette* on February 4, 2003

CALDWELL ENERGY & ENVIRONMENTAL, INC. )  
)  
Opposer/Petitioner, )  
)  
vs. )  
)  
ENHANCED TURBINE OUTPUT HOLDING LLC )  
)  
Applicant/Respondent. )

OPPOSITION NO.  
91155934  
Serial No.  
78124003

**ANSWER TO NOTICE OF OPPOSITION  
AND AFFIRMATIVE DEFENSE**

Box TTAB FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Applicant/Respondent, ENHANCED TURBINE OUTPUT HOLDING LLC, a Delaware limited liability company, with its principal place of business at 3000 Connecticut Avenue, N.W., Suite 317, Washington, D.C. 20008 believes that Opposer/Petitioner will not be damaged by registration of the mark shown in the application bearing Serial No. 78/124,003 and hereby answers Opposer/Petitioner's Opposition as follows:

1. Applicant/Respondent admits that Opposer/Petitioner is the owner of the

Registration of which a copy is attached to its Notice of Opposition upon the terms therein set forth, but otherwise denies the allegations set forth in paragraph 1 for lack of knowledge or information sufficient to form a belief as to the truth of the averments.

2. Applicant/Respondent admits the allegations set forth in paragraph 2 of Opposer/Petitioner's Notice of Opposition.

3. Applicant/Respondent denies the allegations set forth in paragraphs 3, 4, and 5 of Opposer/Petitioner's Notice of Opposition.

FOR ITS FIRST AFFIRMATIVE DEFENSE, Applicant/Respondent alleges that Opposer/Petitioner did not file its Notice of Opposition within 30 days after publication of Applicant/Respondent's mark in the *Official Gazette*.

WHEREFORE, Applicant/Respondent prays that Opposer/Petitioner's Opposition be denied and that Applicant's Application Serial No. 78/124,003 and the registration sought therein be granted.

ENHANCED TURBINE OUTPUT HOLDING LLC

by William L. Kopko

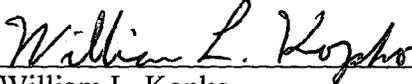
William L. Kopko,  
President and Member  
3000 Connecticut Avenue, N.W., Suite 317,  
Washington, D.C. 20008  
Telephone: 202.588.0100  
Fax: 202.483.0016  
Applicant/Respondent

**CERTIFICATE OF MAILING**

I hereby certify that I mailed a true copy of the foregoing Answer to Notice of Opposition and Affirmative Defense by first class mail with postage prepaid to:

Jack A. Wheat  
Stites & Harbison, PLLC  
400 W. Market Street, Suite 1800  
Louisville, Kentucky 40202-3352

on this 21<sup>st</sup> day of May, 2003.

  
\_\_\_\_\_  
William L. Kopko