

motion sensitive home security lights, detectors, receivers, transmitters, adapters and wall mount brackets, in International Class 9, but denies Opposer Brink's Network's allegation that the entire listing of goods recited by Opposer Brink's Network is properly characterized as "home security systems and components."

2. In response to paragraph 2 of the Notice of Opposition, Applicant Brinkmann admits that trademark application Serial No. 76/483,115 was filed on January 17, 2003, but denies Opposer Brink's Network's allegation that the application claims use of the mark BRINKMANN in connection with home security systems and components (as properly defined) on June 12, 1978.

3. In response to paragraph 3 of the Notice of Opposition, Applicant Brinkmann denies that trademark application Serial No. 76/483,115 claims use of the mark BRINKMANN in connection with its home security systems and components (as properly defined) on June 12, 1978, but admits that such date is not applicable to its home security systems and components (as properly defined).

4. Applicant Brinkmann is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 4 of the Notice of Opposition and, on that basis, denies each and every such averment.

5. Applicant Brinkmann is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 5 of the Notice of Opposition and, on that basis, denies each and every such averment.

6. Applicant Brinkmann is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 6 of the Notice of Opposition and, on that basis, denies each and every such averment.

7. Applicant Brinkmann is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 7 of the Notice of Opposition and, on that basis, denies each and every such averment.

8. Applicant Brinkmann is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 8 of the Notice of Opposition and, on that basis, denies each and every such averment.

9. Applicant Brinkmann is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 9 of the Notice of Opposition and, on that basis, denies each and every such averment.

10. Applicant Brinkmann is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 10 of the Notice of Opposition and, on that basis, denies each and every such averment.

11. Applicant Brinkmann is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 11 of the Notice of Opposition and, on that basis, denies each and every such averment.

12. Applicant Brinkmann is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 12 [first occurrence] of the Notice of Opposition and, on that basis, denies each and every such averment.

12. Applicant Brinkmann is without knowledge or information sufficient to form a belief as to the truth of the averments of second paragraph 12 [second occurrence] of the Notice of Opposition and, on that basis, denies each and every such averment.

13. Applicant Brinkmann is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 13 of the Notice of Opposition and, on that basis, denies each and every such averment.

14. Applicant Brinkmann is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 14 of the Notice of Opposition and, on that basis, denies each and every such averment.

15. Applicant Brinkmann is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 15 of the Notice of Opposition and, on that basis, denies each and every such averment.

16. Applicant Brinkmann is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 16 of the Notice of Opposition and, on that basis, denies each and every such averment.

17. Applicant Brinkmann is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 17 of the Notice of Opposition and, on that basis, denies each and every such averment.

18. Applicant Brinkmann is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 18 of the Notice of Opposition and, on that basis, denies each and every such averment.

19. In response to paragraph 19 of the notice of Opposition, Applicant Brinkmann denies that "purchasers, prospective purchasers and others are likely to be confused, mistaken or deceived into the belief, contrary to fact, that Applicant's home security systems and components sold under the mark BRINKMANN emanate from and/or are in some way sponsored or approved by Opposer and/or that Applicant is somehow affiliated with Opposer, thereby damaging Opposer." Applicant Brinkmann is without knowledge or information sufficient to form a belief as to the truth of the remaining averments of paragraph 19 of the Notice of Opposition and, on that basis, denies each and every such remaining averment.

20. Applicant Brinkmann denies the averments of paragraph 20 of the Notice of Opposition.

21. Applicant Brinkmann denies the averments of paragraph 21 of the Notice of Opposition.

22. In response to paragraph 22 of the Notice of Opposition, Applicant Brinkmann admits that Exhibit A appears to be a copy of a specimen for International Class 9, submitted by Applicant Brinkmann in connection with application Serial No. 76/483,115.

23. Applicant Brinkmann denies the averments of paragraph 23 of the Notice of Opposition.

24. Applicant Brinkmann denies the averments of paragraph 24 of the Notice of Opposition.

PRAYER

25. Applicant Brinkmann denies that Opposer Brink's Network is entitled to the relief set forth in its prayer, or any other relief.

AFFIRMATIVE DEFENSES

26. Upon information and belief, Opposer Brink's Network is precluded by the doctrine of laches from opposing Applicant Brinkmann's U.S. trademark application serial No. 76/483,115.

27. Applicant Brinkmann hereby reserves all rights to assert additional defenses, should Applicant Brinkmann learn of grounds for such defenses during the course of this proceeding.

WHEREFORE, Applicant Brinkmann prays that Opposer Brink's Network take nothing by its Notice of Opposition and that the same be denied and dismissed with prejudice.

May 13, 2005

Respectfully submitted,

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By: _____



SUSAN HWANG

Attorneys for Applicant
THE BRINKMANN CORPORATION

333 South Hope Street, 48th Floor
Los Angeles, California 90071
Telephone: (213) 620-1780
Facsimile: (213) 620-1398

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this ANSWER TO NOTICE OF OPPOSITION is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, on May 13, 2005.

By Betty I. Rodriguez
BETTY I. RODRIGUEZ

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing ANSWER TO NOTICE OF OPPOSITION upon Alan S. Cooper, counsel for Opposer, at Howrey Simon Arnold & White LLP, 1299 Pennsylvania Ave., N.W., Washington, D.C. 20004, via first class mail, postage prepaid, on May 13, 2005.

By Betty I. Rodriguez
BETTY I. RODRIGUEZ