

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



TTAB

Alstom)

Opposer,)

vs.)

Astom Co., Ltd.)

Applicant.)

Opposition No.: 91168979

**APPLICANT'S RESPONSE TO THE NOTICE OF DEFAULT AND
ORDER TO SHOW CAUSE**

This is in response to the Board's April 16, 2006 Notice of Default and Order to Show Cause.

Applicant failed to file and serve an Answer on or before the March 13, 2006 due date for same.

Applicant's delay in filing an Answer was not the result of its willful conduct or gross neglect; the Opposer will not be prejudiced by the delay, and Applicant has a meritorious defense to the Opposition.¹

Applicant's Answer is attached hereto.

The Notice of Opposition was not received by the Applicant's counsel of record. This Office has procedures for the receipt and docketing of correspondence from the United States

¹ TBMP 312.02 Setting Aside Notice of Default



Patent and Trademark Office. The records of this Office do not show the receipt of the Notice of Opposition.

For all of the forgoing reasons, it is respectfully submitted that the Notice of Default should be set aside and Applicant's Answer accepted.

Respectfully submitted,

Astom Co., Ltd.

Date: May 10, 2006

By: _____

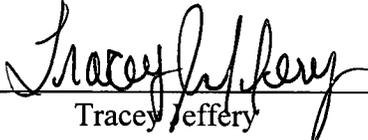
George W. Lewis
JACOBSON HOLMAN PLLC
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400 Seventh Street, N.W.
Washington, D.C. 20004
(202) 638-6666 (phone)
(202) 393-5350 (facsimile)
glewis@jhip.com (email)

Atty. Docket No.: I-05359

I HEREBY CERTIFY that I have caused a true and correct copy of the foregoing Applicant's Response to Notice of Default and Order to Show Cause and attached ANSWER to be served by first-class mail, postage prepaid, upon counsel for Opposer:

Perla M. Kuhn
Russell W. Jacobs
Hughes Hubbard & Reed
One Battery Park Plaza
New York, New York 10004

this 10th day of May, 2006


Tracey Jeffery

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

_____)	
Alstom)	
)	
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)	
vs.)	Opposition No.: 91168979
)	
Astom Co., Ltd.)	
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_____)	

ANSWER TO NOTICE OF OPPOSITION

COMES NOW the Applicant, by and through counsel, and responds to the Notice of Opposition herein. Any allegation in the Notice of Opposition not specifically admitted herein is denied.

1. As to enumerated paragraph one of the Notice of Opposition, Applicant lacks sufficient knowledge and information upon which to form a belief as to the truth of the allegation(s) contained therein, and therefore denies same.

2. As to enumerated paragraph two of the Notice of Opposition, Applicant lacks sufficient knowledge and information upon which to form a belief as to the truth of the allegation(s) contained therein, and therefore denies same.

3. As to enumerated paragraph three of the Notice of Opposition Applicant lacks sufficient knowledge and information upon which to form a belief as to the truth of the allegation(s) contained therein, and therefore denies same.

4. As to enumerated paragraph four of the Notice of Opposition, Applicant lacks sufficient knowledge and information upon which to form a belief as to the truth of the allegation(s) contained therein, and therefore denies same.

5. As to enumerated paragraph five of the Notice of Opposition, Applicant admits same.

6. As to enumerated paragraph six of the Notice of Opposition, Applicant lacks sufficient knowledge and information upon which to form a belief as to the truth of the allegation(s) contained therein, and therefore denies same.

7. As to enumerated paragraph seven of the Notice of Opposition, Applicant denies same.

8. As to enumerated paragraph eight of the Notice of Opposition, Applicant denies same; except that it admits that the Applicant's mark covers preparations related to ion.

9. As to enumerated paragraph nine of the Notice of Opposition, Applicant denies same; except that it admits that the Applicant's mark covers electrodeposition painting machines and machines that operate on electrical power.

10. As to enumerated paragraph 10 of the Notice of Opposition, Applicant denies same; except that it admits that the Applicant's mark covers electrolyzers; electroplating apparatus; electrodes comprising ion exchange membrane for use in electrodeposition painting; electrodes used for forming an epoxy resin-based or acrylic resin-based painting layer on automobile body or aluminum sash.

11. As to enumerated paragraph 11 of the Notice of Opposition, Applicant denies same.

12. As to enumerated paragraph 12 of the Notice of Opposition, Applicant denies same.

13. As to enumerated paragraph 13 of the Notice of Opposition, Applicant denies same.

14. As to enumerated paragraph 14 of the Notice of Opposition, Applicant lacks sufficient knowledge and information upon which to form a belief as to the truth of the allegation(s) contained therein, and therefore denies same.

15. As to enumerated paragraph 15 of the Notice of Opposition, Applicant lacks sufficient knowledge and information upon which to form a belief as to the truth of the allegation(s) contained therein, and therefore denies same.

16. As to enumerated paragraph 16 of the Notice of Opposition, Applicant lacks sufficient knowledge and information upon which to form a belief as to the truth of the allegation(s) contained therein, and therefore denies same.

17. As to enumerated paragraph one of the Notice of Opposition, Applicant lacks sufficient knowledge and information upon which to form a belief as to the truth of the allegation(s) contained therein, and therefore denies same.

AFFIRMATIVE DEFENSES

In addition to the foregoing, Applicant pleads the following affirmative defenses.

18. The Notice of Opposition fails to state a claim against Applicant upon which relief can be granted.

19. Upon information and belief, Opposer's claims are barred by acquiescence, and/or equitable estoppel.

20. Upon information and belief, Opposer has abandoned any rights it may have had in the pleaded mark.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed, with prejudice, and that Applicant's opposed application herein be passed to registration.

Respectfully submitted,

Astom Co., Ltd.

Date: May 10, 2006

By: _____

George W. Lewis, Esq.
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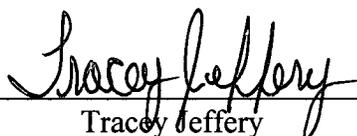
Attorneys for Applicant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have caused a true and correct copy of the foregoing Answer to be served by first-class mail, postage prepaid, upon counsel for Opposer:

Perla M. Kuhn
Russell W. Jacobs
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this 10th day of May, 2006


Tracey Jeffery