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

EXXONMOBIL OIL CORPORATION)
)
 Opposer,)
)
 v.)
)
 HYDAC FILTERTECHNIK GMBH)
)
 Applicant.)

Opposition No. 91171085

ANSWER

Applicant, Hydac Filtrertechnik GmbH, hereby responds and answers the Notice of Opposition served on May 25, 2006 and filed on behalf of ExxonMobil Oil Corporation, as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Notice and therefore denies the same.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Notice and therefore denies the same.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of the Notice and therefore denies the same.
4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 of the Notice and therefore denies the same.
5. Answering Paragraph 5 of the Notice, Applicant admits that Applicant filed an application for federal registration for the mark MOBILMICRON on January 18, 2001, that the application as filed recited goods in International classes 001 and 007, and that the application is



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identified by Serial No. 76/195,253. Applicant denies any other allegations of Paragraph 5 of the Notice.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6 of the Notice and therefore denies the same. Moreover, the allegations are irrelevant.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 of the Notice and therefore denies the same. Moreover, the allegations are irrelevant.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 of the Notice and therefore denies the same.

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of the Notice and therefore denies the same.

10. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10 of the Notice and therefore denies the same.

11. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 11 of the Notice and therefore denies the same.

12. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 12 of the Notice and therefore denies the same.

13. Applicant denies each and every allegation of Paragraph 13 of the Notice.

14. Applicant denies each and every allegation of Paragraph 14 of the Notice.

15. Applicant denies each and every allegation of Paragraph 15 of the Notice.

16. Applicant denies each and every allegation of Paragraph 16 of the Notice.

17. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 17 of the Notice and therefore denies the same.

18. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 18 of the Notice and therefore denies the same.

19. Applicant denies each and every allegation of Paragraph 19 of the Notice.

20. Applicant denies each and every allegation of Paragraph 20 of the Notice.

AFFIRMATIVE DEFENSES

21. Further answering the Notice of Opposition, Applicant affirmatively avers as a defense that its rights to use the designation MOBILMICRON or its phonetic equivalents, in lower case or capital letters, alone or in combination with other words, symbols, abbreviations, numerals or design features, in connection with the goods presently recited in its application, is superior to Opposer's right to use such designation.

22. Further answering the Notice of Opposition, Applicant affirmatively avers as a defense that its mark MOBILMICRON is so different in sound, appearance and connotation from Opposer's alleged registrations and use of the mark MOBIL, and that Applicant's goods presently recited in its application are so different from the goods recited in Opposer's alleged registrations, that when the marks are considered in their entirety in connection with the goods sold thereunder, there could be no likelihood of confusion resulting from the use and registration of Applicant's mark, and therefore, the Opposer is not damaged within the meaning of the Trademark Act of 1946, as amended.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed and Application Serial No. 76/195,253 be permitted to proceed to registration in accordance with law in such cases made and provided.

Respectfully submitted,

HYDAC FILTERTECHNIK GMBH

Dated: June 30, 2006


By: Mark S. Bicks
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CERTIFICATE OF SERVICE

The undersigned counsel does hereby certify that a copy of the foregoing ANSWER was served upon counsel for Opposer, ExxonMobil Oil Corporation, on the 30th day of June 2006, by first-class mail, postage prepaid, and addressed as follows:

Paul F. Kilmer
HOLLAND & KNIGHT LLP
2099 Pennsylvania Avenue, NW
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Mark S. Bicks