

3. Applicant admits that it is the owner of the mark in U.S. Application No. 79/023,935.

4. Applicant lacks sufficient knowledge and information to form a belief as to the allegations in Paragraph 4 and therefore denies the same.

5. Denied.

6. Denied.

7. Denied.

8. Applicant admits that registration of the mark in U.S. Application Serial No. 79/023,935 would presumptively entitle it to *prima facie* exclusive ownership and rights to the mark 'GEOSPEC (stylized).'" Applicant denies the remaining allegations in Paragraph 8.

AFFIRMATIVE DEFENSES

1. There is no likelihood of confusion because the marks are distinguishable, the parties' goods and services are different and distinguishable, the consumers and trade channels are different, and the consumers of both parties' goods and services are knowledgeable and sophisticated.

WHEREFORE, Applicant requests that the Opposition be denied; that Application Serial No. 79/023,935 be allowed to register; and for such further relief as may be proper.

Respectfully submitted,

Kobelco Construction Machinery Co., Ltd.

By 

Bassam N. Ibrahim
Bryce J. Maynard
Jennifer L. Williston
Attorneys for Applicant

Date: 10/23/2007

Buchanan Ingersoll & Rooney PC
1737 King Street, Suite 500
Alexandria, Virginia 22314-2727
Telephone: 703-836-6620

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Applicant's **ANSWER TO NOTICE OF OPPOSITION** was served this 23rd day of October, 2007 by first-class mail, postage prepaid, on:

David E. Sipiora
Townsend and Townsend and Crew LLP
1200 17th Street, Suite 2700
Denver, CO 80202


Mary E. Harrison