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

Proceeding	91180488
Party	Defendant Boart Longyear International Holdings In c.
Correspondence Address	SCOTT D. WOLDOW SMITH, GAMBRELL & RUSSELL, LLP 1850 M ST NW STE 800 WASHINGTON, DC 20036-5819 UNITED STATES
Submission	Answer
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SANDVIK INTELLECTUAL PROPERTY AB)		
)		
)		
Opposer,)		
)		
v.)	Opposition No. 91180488	
)	Application Serial No. 77/070,141	
)		
BOART LONGYEAR INTERNATIONAL HOLDINGS INC.)		
)		
)		
Applicant.)		

ANSWER

Now comes Applicant, Boart Longyear International Holdings Inc. (“Boart” or “Applicant”), and answers the Notice of Opposition of Sandvik Intellectual Property AB (“Sandvik” or “Opposer”) as follows:

Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in the first unnumbered paragraph, and therefore denies the same.

Applicant denies the allegations in the second unnumbered paragraph.

1. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph and therefore denies the same.

2. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph and therefore denies the same.

3. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph and therefore denies the same.

4. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph and therefore denies the same.

5. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph and therefore denies the same.

6. Denied.

7. Denied.

8. Denied.

AFFIRMATIVE DEFENSES

First Affirmative Defense

There is no likelihood of confusion, mistake or deception because, *inter alia*, Applicant's Mark and the pled mark of Opposer are not confusingly similar.

Second Affirmative Defense

Opposer's claims are barred, in whole or in part by the *Morehead* defense because the opposer cannot be further injured if there already exists a prior registration for essentially the same mark in association with essentially the same goods, and there will be no added damage from the present mark.

Third Affirmative Defense

Opposer's claims are barred, in whole or in part through acquiescence. Opposer knew of the Applicant's use of the mark in commerce for approximately four years prior to the filing of the Notice of Opposition.

WHEREFORE, Applicant requests that Opposition No. 91180488 be dismissed with prejudice and that the mark which is the subject of Application Serial No. 77/070,141 be registered.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 7, 2007, a true and correct copy of the foregoing ANSWER was served upon counsel for Applicant by placing a copy of same in the U.S. mail, postage prepaid, addressed as follows:

Linda M. Goldman
WRB-IP LLP
1217 King Street
Alexandria, Virginia 22314



Scott D. Woldow

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