

ESTTA Tracking number: **ESTTA397305**

Filing date: **03/10/2011**

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

Proceeding	91195603
Party	Defendant Eisai R&D Management Co., Ltd.
Correspondence Address	PATRICK J. JENNINGS PILLSBURY WINTHROP SHAW PITTMAN, LLP 2300 N ST NW WASHINGTON, DC 20037-1122 dctm@pillsburylaw.com
Submission	Answer
Filer's Name	Patrick J. Jennings
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Signature	/Pat Jennings/
Date	03/10/2011
Attachments	Eisai Answer.pdf (3 pages)(75029 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Merck KGAA,)	
)	
Opposer,)	
)	Opposition No. 91195603
v.)	
)	Serial No. 77/886,061
Eisai R&D Management Co., Ltd.,)	
)	
Applicant.)	

ANSWER

Applicant Eisai R&D Management Co., Ltd. (“Applicant”), through its attorneys, hereby answers Merck KGAA’s (“Opposer”) Notice of Opposition. With respect to the preamble of the Notice of Opposition, Applicant denies that Opposer is being or will be damaged by the registration of United States Trademark Application Serial No. 77/886,061.

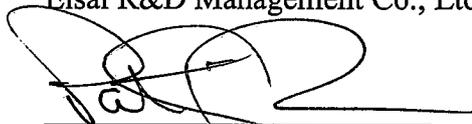
1. Applicant denies the allegations in Paragraph 1 of the Notice of Opposition.
2. Applicant admits the allegations in Paragraph 2 of the Notice of Opposition.
3. Applicant is without information sufficient to admit or deny the allegations in Paragraph 3 of the Notice of Opposition and, therefore, denies the same.
4. Applicant admits the allegations in Paragraph 4 of the Notice of Opposition.
5. Applicant admits the allegations in Paragraph 5 of the Notice of Opposition.
6. Applicant is without information sufficient to admit or deny the allegations in Paragraph 6 of the Notice of Opposition and, therefore, denies the same.
7. Applicant is without information sufficient to admit or deny the allegations in Paragraph 7 of the Notice of Opposition and, therefore, denies the same.
8. Applicant denies the allegations in Paragraph 8 of the Notice of Opposition.
9. Applicant denies the allegations in Paragraph 9 of the Notice of Opposition.

10. Applicant denies the allegations in Paragraph 10 of the Notice of Opposition.
11. Applicant denies the allegations in Paragraph 11 of the Notice of Opposition.
12. Applicant denies the allegations in Paragraph 12 of the Notice of Opposition.
13. Applicant denies the allegations in Paragraph 13 of the Notice of Opposition.
14. Applicant denies the allegations in Paragraph 14 of the Notice of Opposition.

Applicant denies that Opposer is entitled to the relief for which it prays in the Notice of Opposition. WHEREFORE, Applicant prays that the Notice of Opposition be dismissed with prejudice and that its registration issue forthwith.

Respectfully submitted,

Eisai R&D Management Co., Ltd.



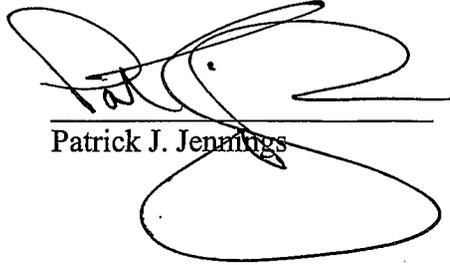
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Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing "ANSWER" was served on William C. Wright of Epstein Drangel Bazerman & James, LLP, with an address of 60 East 42nd Street, Suite 820, New York, NY 10165, via first class mail, postage prepaid, today March 10, 2011.

By:



Patrick J. Jennings