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

Proceeding	91200029
Party	Defendant Foshan Naibao Daily Commodity Co., Ltd.
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Date	07/06/2011
Attachments	Answer.pdf (5 pages)(413156 bytes)

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SCHNEIDER ELECTRIC SERVICES)	
INTERNATIONAL SPRL,)	
)	
Opposer,)	Opposition No.: 91200029
)	Application No.: 85/004,563
v.)	Mark: XPOWER
)	
FOSHAN NAIBAO DAILY)	
COMMODITY CO., LTD.)	
)	
Applicant.)	
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Trademark Trial and Appeal Board
Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

ANSWER TO NOTICE OF OPPOSITION

Applicant Foshan Naibao Daily Commodity Co., Ltd. ("Applicant"), by and through its undersigned counsel, hereby answers and asserts affirmative defenses to the Notice of Opposition of Opposer Schneider Electric Services International SPRL ("Opposer").

Applicant answers and responds to the like-numbered paragraphs of Opposer's Notice of Opposition as follows:

1. Applicant admits that Opposer is identified as the owner of U.S. Trademark Reg. No. 2,623,069 at the U.S. Patent and Trademark Office for the goods set forth in Paragraph 1 of the Notice of Opposition; however, Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of such information as proof of status and title of said registration and on that basis denies same. Applicant admits that June 20, 2000 is identified as the filing date on U.S. Trademark Reg. No. 2,623,069. Applicant admits that September 24, 2002 is identified as the registration

date on U.S. Trademark Reg. No. 2,623,069. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations set forth in Paragraph 1 of the Notice of Opposition and on that basis denies same.

2. Applicant admits that Opposer is identified as the owner of U.S. Trademark Reg. No. 3,652,641 at the U.S. Patent and Trademark Office for the goods set forth in Paragraph 2 of the Notice of Opposition; however, Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of such information as proof of status and title of said registration and on that basis denies same. Applicant admits that March 23, 2005 is identified as the filing date on U.S. Trademark Reg. No. 3,652,641. Applicant admits that July 7, 2009 is identified as the registration date on U.S. Trademark Reg. No. 3,652,641. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations set forth in Paragraph 2 of the Notice of Opposition and on that basis denies same.

3. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph 3 of the Notice of Opposition and on that basis denies same.

4. Applicant admits that it filed an application on April 1, 2010 for the goods identified in Paragraph 4 of the Notice of Opposition. Applicant admits the application listed a date of first use of April 2010. Applicant denies the remaining allegations set forth in Paragraph 4 of the Notice of Opposition.

5. Applicant denies the allegations set forth in Paragraph 5 of the Notice of Opposition.

6. Applicant denies the allegations set forth in Paragraph 6 of the Notice of Opposition.

7. Applicant denies the allegations set forth in Paragraph 7 of the Notice of Opposition.

8. Applicant denies the allegations set forth in Paragraph 8 of the Notice of Opposition.

9. Applicant denies the allegations set forth in Paragraph 9 of the Notice of Opposition.

10. Applicant denies the allegations set forth in Paragraph 10 of the Notice of Opposition.

11. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph 11 of the Notice of Opposition and on that basis denies same.

12. Applicant denies the allegations set forth in Paragraph 12 of the Notice of Opposition.

13. Applicant denies the allegations set forth in Paragraph 13 of the Notice of Opposition.

14. Applicant denies the allegations set forth in Paragraph 14 of the Notice of Opposition.

15. Applicant denies the allegations set forth in Paragraph 15 of the Notice of Opposition.

16. Applicant denies the allegations set forth in Paragraph 16 of the Notice of Opposition.

17. Applicant denies the allegations set forth in Paragraph 17 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

18. Opposer has failed to state any claim upon which relief can be granted.

19. There is no likelihood of confusion, mistake or deception because, *inter alia*, Applicant's and Opposer's marks are not confusingly similar in that a) the goods are unrelated and noncompetitive; b) the channels of trade in which the goods travel are different; and c) the strength of Opposer's mark is weak.

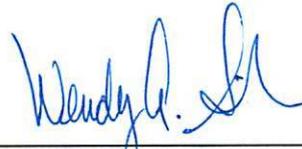
20. Opposer will not be damaged by Applicant's mark.

WHEREFORE, having fully answered, Applicant prays for judgment against Opposer, dismissing the Notice of Opposition with prejudice, and awarding Applicant such other and further relief as the Board deems just and equitable.

Dated: July 6, 2011

Respectfully submitted,
THE FARRELL LAW FIRM, P.C.

By:

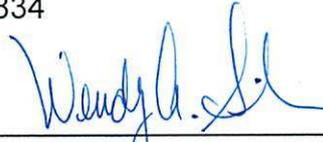


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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing ANSWER has been served on opposing counsel on this 6th day of July 2011, via First Class Mail:

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Wendy A. Greenseich