

ESTTA Tracking number: **ESTTA667821**

Filing date: **04/21/2015**

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

Proceeding	91221024
Party	Defendant Evotek Engineering SRL
Correspondence Address	DENNIS H CAVANAUGH D H CAVANAUGH ASSOCIATES 555 5TH AVE FL 17 NEW YORK, NY 10017-9254 UNITED STATES dhc@dhcavanaugh.net
Submission	Answer
Filer's Name	Dennis H. Cavanaugh
Filer's e-mail	dhc@dhcavanaugh.net
Signature	/Dennis H. Cavanaugh/
Date	04/21/2015
Attachments	Evotek adv Inficon - Answer to Notice of Opposition.pdf(23402 bytes)

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

-----X
INFICON GmbH, :
 :
 Opposer, : Opposition No.: 91221024
 :
 v. :
 :
EVOTEK ENGINEERING SRL, :
 :
 Applicant. :
-----X

ANSWER TO NOTICE OF OPPOSITION AND AFFIRMATIVE DEFENSES

Applicant, Evotek Engineering SRL (“Applicant”), by its attorneys, as and for its Answer to Opposer’s Notice of Opposition states as follows (by paragraph number of the Notice):

Preamble. Denied.

1. Applicant is without information as to the truth or falsity of the allegations contained in this paragraph, and accordingly, denies same.

2. Applicant is without information as to the truth or falsity of the allegations contained in this paragraph, and accordingly, denies same.

3. Applicant is without information as to the truth or falsity of the allegations contained in this paragraph, and accordingly, denies same, except to admit that the records of the USPTO show a registration to be in the name of Opposer, which records speak for themselves.

4. Applicant is without information as to the truth or falsity of the allegations contained in this paragraph, and accordingly, denies same, except to admit that the records of the USPTO show a registration to be in the name of Opposer, which records speak for themselves.

5. Applicant is without information as to the truth or falsity of the allegations contained in this paragraph, and accordingly, denies same.

6. Admitted.
7. Admitted.
8. Admitted,
9. Paragraph 9 repeats and realleges the allegations of previous paragraphs, and accordingly Applicant incorporates its answers to such paragraphs herein by reference.

10. Denied.
11. Denied.
12. Denied.
13. Denied.
14. Denied.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

15. Opposer's claims fail to state a cause of action upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

16. Opposer's claims are barred by the doctrine of waiver.

THIRD AFFIRMATIVE DEFENSE

17. Opposer's claims are barred by the doctrine of laches.

FOURTH AFFIRMATIVE DEFENSE

18. Opposer's claims are barred by the doctrine of estoppel, including equitable estoppel.

SEVENTH AFFIRMATIVE DEFENSE

19. Applicant reserves the right to amend its Answer to Notice of Opposition and Affirmative Defenses after further discovery and/or to add counterclaims.

WHEREFORE, Applicant demands judgment against Opposer dismissing Opposer's Notice of Opposition.

Respectfully submitted,

EVOTEK ENGINEERING SRL

/Dennis H. Cavanaugh/

Dated: April 21, 2015

By: _____

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Attorneys for Applicant

CERTIFICATE OF SERVICE

DENNIS H. CAVANAUGH, declares that:

I am counsel for the Applicant in the captioned action, and that on the execution date which appears below, a true copy of the foregoing was served on Opposer's counsel by causing the same to be placed in an official depository under the exclusive care and custody of the United States Postal Service, first class mail, postage prepaid, addressed as follows:

Jason S. Nardiello, Esq.
HISCOCK & BARCLAY, LLP
300 South State Street
Syracuse, New York 13202

2. Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that all of the foregoing is true and correct.

Dated: New York, New York
April 21, 2015

/Dennis H. Cavanaugh/
By _____
Dennis H. Cavanaugh