

ESTTA Tracking number: **ESTTA709503**

Filing date: **11/19/2015**

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

Proceeding	91224376
Party	Defendant Eaton Electric Holdings LLC
Correspondence Address	DANIEL S. KALKA EATON CORPORATION 1000 EATON BLVD CLEVELAND, OH 44122-6058 danielskalka@eaton.com
Submission	Answer
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Date	11/19/2015
Attachments	Answer.pdf(207822 bytes)

AFFIRMATIVE DEFENSES

10. The Notice of Opposition fails to state a claim against Applicant upon which relief can be granted.
11. The Opposer's mark "EVOLVE" is not similar to the Applicant's mark "R-EVOLVE".

WHEREFORE, Applicant having fully and completely answered the Notice of Opposition, hereby prays that final judgment be entered:

- A. Dismissing the Notice of Opposition with prejudice; and
- B. Granting the Applicant such other and further relief as the Board deems just and proper.

This Answer is being filed through the ESTTA system.

Dated: November 19, 2015

Respectfully submitted,

/Daniel S. Kalka/

Daniel S. Kalka
Attorney for Applicant

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing “ANSWER” was served on the following attorney for Opposer by depositing same in the United States first class mail, postage prepaid, this 19th day of November, 2015.

Rodrick J. Enns, Esq.
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/Daniel S. Kalka/

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