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

Proceeding	91229957
Party	Defendant NOJA Power Switchgear Pty Ltd
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Submission	Answer
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Date	10/14/2016
Attachments	Answer 2016-10-14.pdf(91289 bytes)

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

S&C ELECTRIC COMPANY,

Opposer,

v.

NOJA POWER SWITCHGEAR PTY LTD,

Applicant.

Opposition No.: 91229957

Serial No.: 86808337

ANSWER TO NOTICE OF OPPOSITION AND AFFIRMATIVE DEFENSES

Applicant, NOJA Power Switchgear Pty Ltd (“NOJA” or “Applicant”), by and through undersigned counsel, hereby responds to the Notice of Opposition filed by Opposer, S&C Electric Company (“S&C” or “Opposer”), as follows:

AFFIRMATIVE DEFENSES

1. Applicant affirmatively alleges that there is no likelihood of confusion, mistake or deception because, inter alia, Applicant’s mark and the pleaded mark of the Opposer are not confusingly similar.

2. Applicant reserves the right to add additional affirmative defenses as it may become aware of same through the process of discovery in the instant case.

RESPONSES TO INDIVIDUALLY NUMBERED ALLEGATIONS

1. Upon information and belief, Applicant admits the allegation of paragraph 1.

2. Applicant is without sufficient knowledge, information, or belief to admit the allegations of paragraph 2 and therefore denies the same.

3. Upon information and belief, Applicant admits the allegations of paragraph 3.

4. Applicant admits that the constructive use date of Opposer's Registration is the date its application was filed. Applicant denies all other allegations contained in paragraph 4.

5. Applicant admits the allegation in paragraph 5.

6. Applicant admits the allegation in paragraph 6 as a partial statement of the business activities of Applicant.

7. Applicant admits the allegations in paragraph 7.

8. Applicant admits the allegations in paragraph 8.

9. Applicant reasserts its responses to paragraphs 1 through 8 as if fully set forth herein.

10. Applicant denies the allegation contained in paragraph 10.

11. Applicant denies the allegations in paragraph 11.

12. Applicant denies the allegations in paragraph 12.

13. Applicant denies the allegations in paragraph 13.

14. Applicant denies the allegations in paragraph 14.

15. Applicant denies the allegations in paragraph 15.

16. Applicant admits that the VISI-GAP Registration issued prior to Applicant filing its '337 Application as alleged in paragraph 16.

17. Applicant denies the allegations in paragraph 17.

18. Applicant is without sufficient knowledge, information, or belief to admit the allegations of paragraph 18 and therefore denies the same.

19. Applicant denies the allegations in paragraph 19.

WHEREFORE, Applicant respectfully requests that the Notice of Opposition filed by S&C Electric in this matter be dismissed, and that NOJA's Application for Registration in Serial No. 86808337 be permitted.

Dated: October 14, 2016

Respectfully Submitted,

By: /Michael A. Penn/
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CERTIFICATE OF FILING

The undersigned affirms that the foregoing Answer to Notice of Opposition and Affirmative Defenses was filed with the Trademark Trial and Appeal Board via the ESTTA Electronic filing system on the date shown below.

Dated: October 14, 2016

/ Michael A. Penn/
Michael A. Penn

CERTIFICATE OF SERVICE

The undersigned affirms that the foregoing Answer to Notice of Opposition and Affirmative Defenses was serviced by email and by mailing a copy by first class mail, postage prepaid, to Opposer's Correspondence address of Record and Opposer's attorney of record:

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Dated: October 14, 2016

/ Michael A. Penn/
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