

2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 2 of the Notice, and on that basis denies the averments of same.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 3 of the Notice, and on that basis denies the averments of same.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 4 of the Notice, and on that basis denies the averments of same.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 5 of the Notice, and on that basis denies the averments of same.

6. Applicant denies the averments of Paragraph 6 of the Notice.

7. Applicant denies the averments of Paragraph 7 of the Notice.

8. Applicant denies the averments of Paragraph 8 of the Notice.

Applicant denies that Opposer is entitled to the relief requested in the Notice.

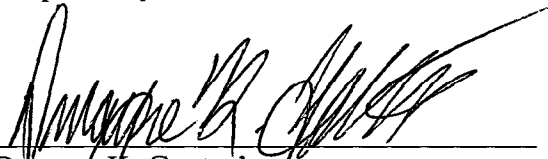
AFFIRMATIVE DEFENSES

12. Opposer's averments, and each of them, are barred by the affirmative defenses of laches, unclean hands, estoppel, acquiescence, and/or waiver. Pleading further, in light of the dissimilarity of the respective marks and the divergent goods offered thereunder, Opposer's Notice appears to be in violation of 37 C.F.R. § 10.18(b)(2), and Applicant requests relief pursuant thereto.

13. There is no likelihood of any confusion between the parties' respective marks. The respective marks are not identical, they are not phonetically similar, and they do not have the same meaning.

WHEREFORE, Applicant respectfully requests that Opposer's Notice be in all things denied, that Opposer take nothing by reason of the Notice, and that Applicant have such other and further relief to which it may be justly entitled. Should any fees be required, please appropriately charge those fees to Conley, Rose & Tayon, P.C. Deposit Account Number 501505/5285-00419/DKG.

Respectfully submitted,



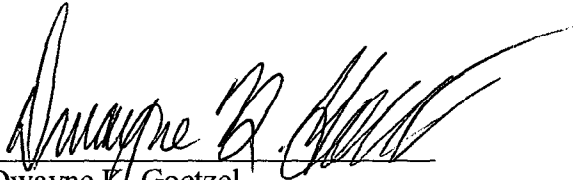
Dwayne K. Goetzel
Texas State Bar No. 08059500
CONLEY, ROSE & TAYON, P.C.
700 Lavaca, Suite 800
Austin, Texas 78701
(512) 476-1400 (telephone)
(512) 703-1250 (facsimile)

**ATTORNEYS FOR APPLICANT
WAYPORT, INC.**

CERTIFICATE OF SERVICE

I hereby certify I caused a true and correct copy of the foregoing *Applicant's Answer to Notice of Opposition* to be served upon counsel for Opposer, as identified below, by first class mail, postage prepaid, this 20th day of February 2002.

Peter M. De Jonge
Thorpe, North & Western, L.L.P.
P.O. Box 1219
Sandy, Utah 84091-1219



Dwayne K. Goetzel

TTAB

INTELLECTUAL PROPERTY LAW
INCLUDING
PATENTS, TRADEMARKS,
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UNFAIR COMPETITION

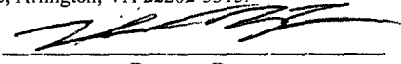
CONLEY, ROSE & TAYON
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DWAYNE K. GOETZEL
(512) 703-1249

FILE: 5285-00419

February 20, 2002

<p align="center">CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. § 1.10</p> <p>"Express Mail" mailing label number: <u>EL675114158US</u></p> <p>DATE OF DEPOSIT: <u>February 20, 2002</u></p> <p>I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service Under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Trademarks, BOX TTAB, NO FEE, 2900 Crystal Drive, Arlington, VA 22202-3513.</p> <p align="center"> DERRICK BROWN</p>
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02-20-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #73

Assistant Commissioner for Trademarks
BOX TTAB
NO FEE
2900 Crystal Drive
Arlington, VA 22202-3513

Re: Sarcos, L.C. v. Wayport, Inc.; Opposition No. 91150423

Sir or Madam:

Enclosed for filing are the following items:

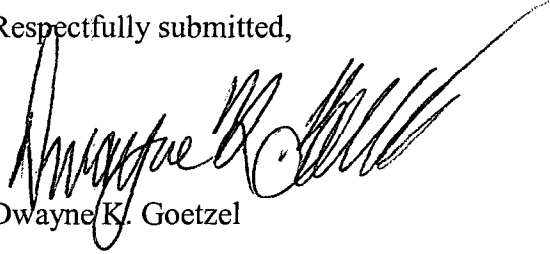
1. Applicant's Answer to Notice of Opposition; and
2. A return postcard to acknowledge receipt of same. Please stamp and return this postcard to the undersigned.

02 FEB 26 PM 3:33

Assistant Commissioner for Trademarks
February 20, 2002
Page 2

In the event the check is missing or insufficient, or should any additional fees be required relating to the enclosed materials, or should an overpayment be included herein, please deduct or credit said fees from or to Conley, Rose & Tayon, P.C. Deposit Account No. 501505/5285-00419/DKG.

Respectfully submitted,



Dwayne K. Goetzel

DKG/cwc
Enclosures

cc: Peter M. De Jonge, Esq. (w/encl.)