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

In the Matter of Application Serial No. 78/232,975  
Published in the Official Gazette on November 11, 2003  
Mark: SOLURE  
Applicant's Ref: HYW 04/06978

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GRUBER SYSTEMS, INC.,  
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Opposer,  
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:  
-against -  
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:  
HONEYWELL INTERNATIONAL INC.,  
:  
:  
Applicant.  
----- X

Opposition No. 91159462



03-30-2004

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

Box TTAB  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

**ANSWER TO NOTICE OF OPPOSITION**

Applicant, Honeywell International Inc., as and for its Answer to the Notice of  
Opposition, alleges as follows:

1. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1, except refers to U.S. Registration No. 2,489,020 for the contents thereof.
2. Admits the allegations contained in paragraph 2.
3. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3, and therefore denies the same.

4. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4, and therefore denies the same.

5. Denies the allegations of paragraph 5.

6. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6, and therefore denies the same.

7. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7, and therefore denies the same.

8. In response to paragraph 8, denies the unqualified allegation that "Opposer is entitled to expand the use of its SOLURE mark" and lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 8, and therefore denies the same.

9. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first sentence of paragraph 9. Denies the remaining allegations of paragraph 9.

10. In response to the allegations contained in the first two sentences of paragraph 10, avers that Applicant uses the SOLURE mark to designate one of three sub-brands of its ZEFTRON synthetic fibers (namely, SELECT, SOLURE and SAVANT), and that its synthetic fibers are used in, *inter alia*, the manufacture of commercial carpets, and otherwise denies the allegations contained in the first two sentences of paragraph 10. Notwithstanding the foregoing response, Applicant submits that Opposer's seeking to introduce evidence of statements made by Applicant's counsel in compromise negotiations is in violation of Federal Rule of Evidence 408, and Applicant therefore requests that the first two sentences of paragraph

10 be stricken from Opposer's pleading. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in the third and fourth sentences of paragraph 10, and therefore denies the same. Denies the remaining allegations of paragraph 10.


11. Denies the allegations of paragraph 11 and denies that Opposer is entitled to the relief requested.

WHEREFORE, Applicant respectfully submits that the Notice of Opposition should be dismissed and the registration of the mark that is the subject of Application Serial No. 78/232975 should be issued.

Dated: New York, New York  
March 29, 2004

Respectfully submitted,

FROSS ZELNICK LEHRMAN  
& ZISSU


By   
Patrick T. Perkins  
Zoe Hilden  
866 United Nations Plaza  
New York, New York 10017  
(212) 813-5900  
*Attorneys for Applicant*  
*Honeywell International Inc.*

Certificate of Express Mailing

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service and is addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514.

"Express Mail" mailing label No. EV 210196259 US Date of Deposit March 29, 2004

Donna O'Daniel  
(Printed name of person mailing paper or fee)

  
(Signature)

**CERTIFICATE OF SERVICE**

I hereby certify that on March 29, 2004 a copy of the foregoing Answer to Notice of Opposition was served by prepaid, first-class mail upon Opposer's attorney of record, Louis J. Bovasso, Greenberg Traurig, LLP, 2450 Colorado Avenue, Suite 400, Santa Monica, California 90404.



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Zoe Hilden

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