

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

Cooper Industries, Inc.)	
)	
Opposer,)	
)	Serial No. 76/462,062
v.)	Opposition No. 91160492
)	
Acuity Brands, Inc.)	
)	
Applicant.)	



07-22-2004

ANSWER TO NOTICE OF OPPOSITION

U.S. Patent & TMO/TM Mail Rcpt Dt. #66

Applicant, Acuity Brands, Inc., hereby states the following for its Answer to the Notice of Opposition (the "Notice") submitted by Cooper Industries, Inc. ("Cooper") in the above-referenced matter.

In response to the first un-numbered paragraph of the Notice, Acuity denies that Cooper has a legitimate basis for opposing its Application Serial No. 76/462,062 (the "Application"), acknowledges that Cooper has initiated an opposition against the Application, and is without information or knowledge sufficient to form a belief as to the truth or falsity of the remaining allegations of this paragraph.

In response to the numbered allegations of the Notice, Applicant states as follows:

1. Applicant is without information or knowledge sufficient to form a belief as to the truth or falsity of the allegations in this paragraph.
2. Applicant is without information or knowledge sufficient to form a belief as to the truth or falsity of the allegations in this paragraph.
3. Applicant is without information or knowledge sufficient to form a belief as to the truth or falsity of the allegations in this paragraph.
4. Admitted.

5. Admitted.

6. Applicant denies this paragraph, and, in the alternative, pleads that it has superior rights in its HOLO mark, as a result of, *inter alia*, its longstanding use of its HOLOPHANE® mark.

7. Applicant is without information or knowledge sufficient to form a belief as to the truth or falsity of the allegations in this paragraph.

8. Applicant is without information or knowledge sufficient to form a belief as to the truth or falsity of the allegations in this paragraph.

9. Applicant is without information or knowledge sufficient to form a belief as to the truth or falsity of the allegations in this paragraph.

10. Denied.

11. Denied.

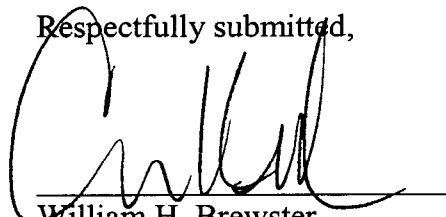
Applicant denies each and every remaining allegation of the Notice not specifically admitted herein.

WHEREFORE, Applicant prays that the Notice be dismissed, that Cooper take nothing for this action, and for such other and further relief as may be just and proper.

Dated: July 20, 2004.

KILPATRICK STOCKTON LLP
1100 Peachtree Street
Suite 2800
Atlanta, Georgia 30309-4530
(404) 815-6500

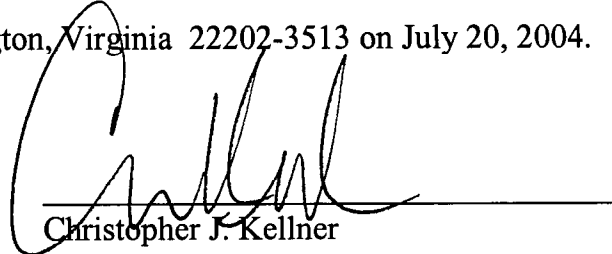
Respectfully submitted,



William H. Brewster
Christopher J. Kellner
Attorneys for Applicant

CERTIFICATE OF MAILING

I hereby certify that the foregoing is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on July 20, 2004.



Christopher J. Kellner

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

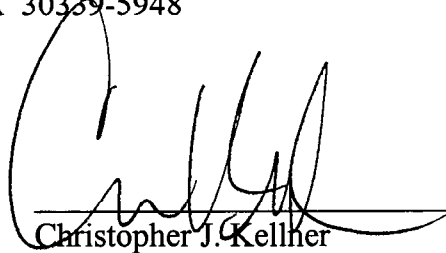
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CERTIFICATE OF SERVICE

This is to certify that I have this day served a true and correct copy of the foregoing ANSWER TO NOTICE OF OPPOSITION on counsel for Opposer by depositing a copy thereof in the First Class United States mail, postage prepaid, and addressed as follows:

William F. Heinze, Esq.
Thomas, Kayden, Horstemeyer & Risley LLP
100 Galleria Parkway NW, Suite 1750
Atlanta, GA 30339-5948

This 20th day of July, 2004.



Christopher J. Kellher