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November 22, 2006

TTAB

Assistant Commissioner for Trademarks
Trademark Assistance Center
Madison East, Concourse Level Room C 55
600 Dulany Street
Alexandria, VA 22314

ATTENTION: TTAB-NO FEE

Re: *Zimmer Technology, Inc. v. Pacesetter, Inc.*
Opposition to Nexgen Mark--US
Serial No. 78/739,171
Opposition No.: 91173550
Attorney Ref. No.: 40027-238048

Dear Sir or Madam:

Attached hereto are the following documents:

- 1) Answer to Notice of Opposition.
- 2) Certificate of Service.
- 3) One Filing Receipt to be stamped and returned to the undersigned.

Please charge any fees, if necessary, to Deposit Account No. 22-0261.

Please direct all communication regarding this matter to the undersigned at the above address.

Respectfully submitted,

A handwritten signature in cursive script that reads "Marcia Auburger".

Marcia A. Auburger

Enclosures: As Stated
MAA:tmc
DC2/805461

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11-22-2006

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

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

ZIMMER TECHNOLOGY, INC.,

Opposer,

PACESETTER, INC.,

Applicant.

Application Serial No. 78/739,171

Opposition No. 91173550

Attorney Reference: 40027-238048

ANSWER TO NOTICE OF OPPOSITION

Applicant, Pacesetter, Inc. ("Applicant"), by its attorneys, hereby files this Answer to Notice of Opposition. Applicant answers as follows:

1. With respect to the allegations in Paragraph 1 of the Notice of Opposition, Applicant denies same.
2. With respect to the allegations in Paragraph 2 of the Notice of Opposition, Applicant lacks sufficient information to admit or deny Opposer's allegations and therefore denies same.
3. With respect to the allegations in Paragraph 3 of the Notice of Opposition, Applicant lacks sufficient information to admit or deny Opposer's allegations and therefore denies same.
4. With respect to the allegations in Paragraph 4 of the Notice of Opposition, Applicant lacks sufficient information to admit or deny Opposer's allegations and therefore denies same.
5. With respect to the allegations in Paragraph 5 of the Notice of Opposition, Applicant lacks sufficient information to admit or deny Opposer's allegations and therefore denies same.

6. With respect to the allegations in Paragraph 6 of the Notice of Opposition, Applicant admits same.

7. With respect to the allegations in Paragraph 7 of the Notice of Opposition, Applicant admits same.

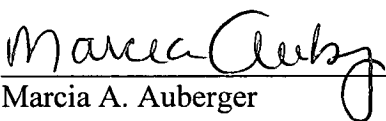
8. With respect to the allegations in Paragraph 8 of the Notice of Opposition, Applicant admits same.

9. With respect to the allegations in Paragraph 9 of the Notice of opposition, Applicant denies same.

10. With respect to the allegations in Paragraph 10 of the Notice of opposition, Applicant denies same.

Wherefore, Applicant prays that the Notice of Opposition be DENIED, that this action be dismissed with prejudice and requests that its application be allowed to proceed to registration.

Respectfully submitted,

By: 

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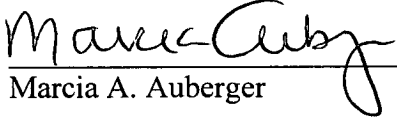
Date: November 22, 2006

Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that on this 22 day of November 2006 a true copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was served by first-class mail, postage prepaid, to the following:

David R. Pruitt
Baker & Daniels
205 West Jefferson Boulevard, Suite 250
South Bend, IN 46601



Marcia A. Auburger