

ESTTA Tracking number: **ESTTA311278**

Filing date: **10/13/2009**

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

Proceeding	91191793
Party	Defendant S.K. ENTERPRISES, INC.
Correspondence Address	HOWARD N. ARONSON LACKENBACH SIEGEL LLP 1 CHASE RD SCARSDALE, NY 10583-4156 TMEFS@LSLLP.COM
Submission	Answer
Filer's Name	Eileen C. DeVries
Filer's e-mail	edevries@lsllp.com, mgreenspan@lsllp.com, tmefs@lsllp.com, nsaraco@lsllp.com, mkrioutchkova@lsllp.com, alvandamme@michaelbest.com
Signature	/Eileen C. DeVries/
Date	10/13/2009
Attachments	10-13-09 Answer.pdf (4 pages)(344043 bytes)

	X	
THERMO KING CORPORATION,	:	Opposition No. 91191793
	:	
Opposer,	:	In the matter of:
	:	Application Serial No. 77705274
v.	:	
	:	
S.K. ENTERPRISES, INC.,	:	Mark: THERMOKING
	:	
Applicant.	:	
	X	

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION

Applicant S.K. Enterprises, Inc. (“S.K.” or “Applicant”), by and through its attorneys, hereby answers the Notice of Opposition (“Notice”) of Opposer Thermo King Corporation (“Opposer”) dated September 3, 2009, as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the matters asserted in Paragraph 1 of the Notice and therefore denies the same.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the matters asserted in Paragraph 2 of the Notice and therefore denies the same, except that Applicant admits that the Registrations listed in Paragraph 2 are of record in the United States Patent and Trademark Office (“U.S.P.T.O.”) TARR system, with the alleged goods, filing dates and issuance dates.
3. Applicant denies the allegations in Paragraph 3.
4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the matters asserted in Paragraph 4 of the Notice and therefore denies the same.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the matters asserted in Paragraph 5 of the Notice and therefore denies the same.
6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the matters asserted in Paragraph 6 of the Notice and therefore denies the same.
7. Applicant denies the allegations in Paragraph 7.
8. Applicant denies the allegations in Paragraph 8.
9. Applicant denies the allegations in Paragraph 9.
10. Applicant denies the allegations in Paragraph 10.
11. Applicant denies the allegations in Paragraph 11.
12. Applicant admits the express allegation in Paragraph 12, but denies the implied allegation that Applicant needs the consent or permission of Opposer to use its Mark.
13. With regard to the prayer for relief, Applicant denies that Opposer is entitled to the relief requested. Applicant denies each of the allegations in Opposer's prayer for relief.

AFFIRMATIVE DEFENSES

Applicant asserts the following defenses:

1. Opposer's Notice of Opposition fails to state a claim upon which relief can be granted.
2. There is no likelihood of confusion, mistake, or deception.
3. Opposer will not be damaged by the registration of Applicant's Mark.

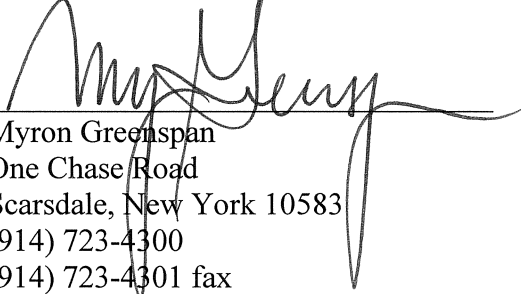
WHEREFORE, Applicant requests that this Opposition against Applicant's U.S. Trademark Application Serial No. 77705274 be dismissed with prejudice against Opposer; and

WHEREFORE, Applicant further requests that its Application Serial No. 77705274 be immediately allowed to proceed to registration on the Principal Register.

Dated: October 13, 2009

Respectfully submitted,

LACKENBACH SIEGEL LLP



Myron Greenspan
One Chase Road
Scarsdale, New York 10583
(914) 723-4300
(914) 723-4301 fax
Attorneys for Applicant

CERTIFICATE OF SERVICE

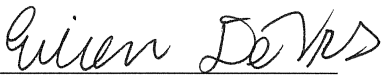
I hereby certify that a true and accurate copy of the enclosed **APPLICANT'S ANSWER TO NOTICE OF OPPOSITION** was served on Opposer's attorney of record on October 13, 2009, via First-Class Mail, addressed to Opposer as follows:

Amy L. Vandamme, Esq.
Michael Best & Friedrich LLP
100 East Wisconsin Avenue, Suite 3300
Milwaukee, Wisconsin 53202

and via electronic filing which will send electronic copies of the enclosed to counsel of record.

Dated: October 13, 2009

Scarsdale, New York


Eileen DeVries