

ESTTA Tracking number: **ESTTA626030**

Filing date: **09/09/2014**

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

Proceeding	91216755
Party	Defendant Gardner Denver Thomas, Inc.
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Submission	Answer
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Date	09/09/2014
Attachments	Answer to Amended Notice.pdf(75056 bytes)

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

<p>Thomas Magnete GmbH,</p> <p style="text-align:center">Opposer,</p> <p style="text-align:center">v.</p> <p>Gardner Denver Thomas, Inc.,</p> <p style="text-align:center">Applicant.</p>	<p>Opposition No. 91216755</p> <p>Serial No.: 86/014656 Mark: THOMAS</p> <p>Serial No.: 86/014661 Mark: THOMAS (stylized)</p>
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ANSWER TO OPPOSER’S AMENDED NOTICE OF OPPOSITION

Gardner Denver Thomas, Inc. (“Applicant”), a Delaware Corporation, hereby answers each of the allegations of the Amended Notice of Opposition (the “Amended Notice”) filed by Thomas Magnete GmbH (“Opposer”).

1. Applicant is without sufficient knowledge or information to form a belief as to the truth of Opposer’s allegation that Opposer’s principal place of business is San Fernando 35, 57562 Herdorf, Federal Republic of Germany, and, therefore, denies the same. Applicant admits that it owns THOMAS, Serial No. 86/014656, and THOMAS (Stylized), Serial No. 86/014661(the “Opposed Applications”).

2. Denied.

3. Applicant admits that Registration Nos. 3547095, 3543842, 3543838, and 3547094 (“Opposer’s Registrations”) speak for themselves. Applicant denies each and every remaining averment set forth in Paragraph 3.

4. Applicant is without sufficient knowledge or information to form a belief as to the truth of Opposer’s allegations contained in Paragraph 4, and, therefore, denies the same.

5. Denied.

AFFIRMATIVE DEFENSES

1. The Amended Notice fails to state a claim upon which relief can be granted.

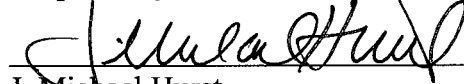
2. Applicant has continuously used its THOMAS mark, Serial No. 86/014656, in connection with air compressors, vacuum pumps, liquid pumps since at least as early as 1971, nearly 36 years prior to the priority date of any of Opposer's Registrations and, as a result, Applicant has priority over Opposer.

3. Opposer's Registrations are neither valid nor subsisting.

WHEREFORE, having made full answer to the Notice of Opposition, Applicant therefore prays that the Opposition be dismissed with prejudice.

Applicant authorizes the Board to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 500735.

Respectfully submitted,




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CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing Answer of Applicant was served by first class mail, postage prepaid, on ____ September 2014, upon counsel for Opposer:

John Wilson Jones
Jones & Smith, LLP
2777 Allen Parkway, Suite 1000
Houston, TX 77019



Kathleen Bender

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