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

Proceeding	91176065
Party	Plaintiff Lenovo (Singapore) Pte. Ltd
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Submission	Motion to Dismiss - Rule 12(b)
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Date	09/05/2007
Attachments	Motion, More Definite Statement.pdf ( 4 pages )(87950 bytes )

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

In the matter of trademark application Serial No. 78/636,480  
For the mark THINKCP  
Published in the Official Gazette on November 7, 2006

Lenovo (Singapore) PTE Ltd.	)	
	)	Opposition No. 91176065
Opposer,	)	
	)	
vs.	)	
	)	
H. Co. Computer Products	)	
	)	
Applicant.	)	
_____	)	
H. Co. Computer Products	)	
	)	
Counterclaimant,	)	
	)	
vs.	)	
	)	
Lenovo (Singapore) PTE Ltd.	)	
	)	
Respondent.	)	
_____	)	

**MOTION FOR A MORE DEFINITE STATEMENT**

**Introduction**

H. Co. Computer Products (“Counterclaimant”) has filed defective counterclaims petitioning to cancel various marks owned by Respondent, namely, THINKLIGHT, THINKSCRIBE, THINKSTATION, THINKVISION, THINKCENTRE and THINKVANTAGE. Therefore, in order to properly respond and provide an Answer to these counterclaims, Lenovo (Singapore) PTE Ltd. (“Respondent”) hereby requests for a more definite statement from Counterclaimant.

## Counterclaims

Counterclaimant's pleading admits that Respondent owns the registered marks identified therein and cites corresponding registration numbers and classes for which those registrations pertain. The counterclaims then merely address general allegations unrelated to any of the marks specifically or any of the goods and/or services identified therein and are otherwise unintelligible.

Further, as several of the registrations of Respondent fall into multiple classes, the pleadings should state which of those classes Counterclaimant takes issue with and with respect to which registrations without undue ambiguity making the pleadings unintelligible.

In addition, counterclaim 13 is unintelligible because it does not specify which registration is sought to be cancelled by Counterclaimant in relation to the statement "will continue to cause injury to HCCP until the registration is cancelled" presented in that counterclaim.

## Requirements for a Valid Counterclaim and Motions for More Definite Statements

"A counterclaim is the legal equivalent of a petition to cancel." TBMP §313.01. Regarding a petition to cancel multiple registrations having multiple classes contained therein, "the class or classes opposed, or sought to be cancelled, should be specified in the plaintiff's pleading." TBMP §304.

When counterclaims are unintelligible or where the pleadings are so general that an ambiguity arises in determining the nature of the claim, a Rule 12(e) motion is permissible before interposing a responsive pleading. F.R.C.P. 12(e).

Conclusion

Counterclaimant's pleadings fail to satisfy the procedures of the Trademark Trial and Appeal Board and should therefore be amended. Respondent requests that Counterclaimant's pleadings be amended providing a more definite statement.

Respectfully Submitted,

FERENCE & ASSOCIATES LLC

Dated: September 5, 2007

By: /Stanley D. Ference III/  
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**CERTIFICATE OF TRANSMISSION AND SERVICE**

I certify that the foregoing MOTION FOR A MORE DEFINITE STATEMENT is  
being electronically filed with:

Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

and that the forgoing MOTION FOR A MORE DEFINITE STATEMENT is  
being served by first-class mail, postage pre-paid, to:

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Attorneys for Counterclaimant

This 7th day of September, 2007.

/Stanley D. Ference III/  
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