

ESTTA Tracking number: **ESTTA177960**

Filing date: **11/30/2007**

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

Proceeding	91179777
Party	Defendant FUJITSU LIMITED
Correspondence Address	JOHN C. GARVEY STAAS & HALSEY LLP 1201 NEW YORK AVE NW STE 700 WASHINGTON, DC 20005-6129 UNITED STATES abutterman@s-n-h.com,jgarvey@s-n-h.com,docketing@s-n-h.com,rsutcliffe@s-n-h.com
Submission	Answer
Filer's Name	Alexander H. Butterman
Filer's e-mail	abutterman@s-n-h.com,jgarvey@s-n-h.com,pitcher@s-n-h.com,docketing@s-n-h.com,rhusein@s-n-h.com
Signature	/Alex Butterman/
Date	11/30/2007
Attachments	Answer - No. 91179777.pdf ( 4 pages )(191447 bytes )



Opposition only to the extent that it accurately reflects the records of the U.S. Patent and Trademark Office, and otherwise denies said allegations.

3. Applicant has insufficient knowledge or information as to the truth of the allegations relating to the specifically cited U.S. trademark registrations set forth in Paragraph 3 of the Notice of Opposition and, therefore, denies said allegations. Applicant denies all other allegations set forth in Paragraph 3 of the Notice of Opposition pertaining to the status and validity of the registrations, and any comparison of those registrations or registered marks to the Applicant's mark.
4. Applicant has insufficient knowledge or information as to the truth of the allegations relating to the specifically cited U.S. trademark registrations set forth in Paragraph 4 of the Notice of Opposition and, therefore, denies said allegations. Applicant denies all other allegations set forth in Paragraph 4 of the Notice of Opposition pertaining to the status and validity of the registrations, and any comparison of those registrations or registered marks to the Applicant's mark.
5. Applicant denies the allegations set forth in Paragraph 5 of the Notice of Opposition.
6. Applicant denies the allegations set forth in Paragraph 6 of the Notice of Opposition.

#### AFFIRMATIVE DEFENSES

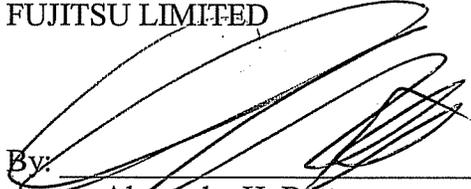
1. The Notice of Opposition and each count thereof fails to state a claim upon which relief can be granted.
2. Opposer is estopped to assert the claims made in the Notice of Opposition under the doctrines of laches and acquiescence.
3. The PALM term in the Opposer's pleaded registrations upon which Opposer bases its alleged trademark rights is not inherently distinctive, is not sufficiently distinctive to claim exclusive rights or fame, and is merely descriptive of the identified goods and services.

WHEREFORE, having made full Answer to the Notice of Opposition, Applicant requests that the Notice of Opposition be denied, that this action be dismissed with

prejudice, that Application Serial No. 78/781273 be allowed to register on the Principal Register in the records of the U.S. Patent and Trademark Office; and that Applicant be granted such other relief as the Board deems just and equitable under the circumstances.

Respectfully submitted this 30<sup>th</sup> day of November, 2007,

FUJITSU LIMITED

By: 

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

In the matter of  
Trademark Application Serial No.: 78/781273  
Filed: December 27, 2005  
Published on: April 3, 2007  
For the Mark: PALMSECURE (Standard Character)

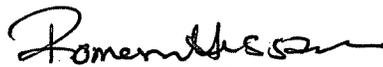
_____		)	
Palm Trademark Holding Company, LLC.,		)	
	Opposer,	)	
v.		)	Opposition No.: 91179777
		)	
Fujitsu Limited,		)	
	Applicant.	)	
_____		)	

Hon. Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
**BOX TTAB NO FEE**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing ANSWER to Notice of Opposition has been served on Connie L. Ellerbach, counsel for Opposer, by mailing said copy on this 30<sup>th</sup> day of November, 2007, via First Class Mail, postage prepaid to:

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