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

Answer to Opposition

Notice is hereby given that the following party answers to opposition.

Applicant Information

Application Numbers	85047267and 85047326
Application Filing Date	May 25th, 2012
Applicant	Dirk Lindley
Address	29669 Via Mondo Temecula, CA 92592
Submission	Answer
Filer's Name	Dirk Lindley
Filer's E-mail	dirklindley@gmail.com
Signature	/Dirk Lindley/
Date	04/25/2012
Class 014	First Use: 2010/05/17 First Use In Commerce: 2010/05/25 All goods and services in the class are opposed, namely: Jewelry; Rubber or silicon wristbands in the nature of a bracelet
Class 25	First Use: 2010/05/17 First Use In Commerce: 2010/05/25 All goods and services in the class are opposed, namely: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Wristbands

Opposer Information

Name	Grounded Pte Ltd
Address	32 And Mo Kio Industrial Park 2 #05-03 Sing Industrial Complex Singapore, 569510 SINGAPORE

Attorney Information	Jonathan Pearce SoCal IP Law Group, LLP 310 N. Westlake Blvd.Ste 120 Westlake Village, CA 91362 USA Phone: (805) 230-1350 Fax: (805) 230-1355 Email: jpearce@socalip.com

04-27-2012

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #72

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

Grounded Pte. Ltd. Opposer, v. Dirk Lindley Applicant.	Opposition No. Application Ser. Nos. 85/047,267 85/047,326

ANSWER TO NOTICE OF OPPOSITION WITH AFFIRMATIVE DEFENCES

Applicant, Dirk Lindley, (hereinafter "Lindley" and/or "Applicant"), herby submits its Answer to the Notice of Opposition filed by Opposer Grounded Pte. Ltd. (hereinafter "Opposer") as follows, with the following numbered Paragraphs corresponding to the numbers of the Paragraphs of the Notice of Opposition under the headings used in Notice of Opposition.

THE PARTIES

THE APPLICATION PROCEEDINGS

1. Applicant admits the allegations of Paragraph 1
2. Applicant states the registration for the GROUNDED Trademark application in Singapore, was filed without Lindley's consent to use Lindley's trademark and copyright designs exclusively and excluded Lindley as the owner of record in submitting the Trademark application.
3. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 3 and therefore denies the same. However if true, the Trademark application was submitted without Lindley's consent to submit Lindley's copyright and excluded Lindley as the owner and/or co-applicant.

4. Applicant admits the allegations of Paragraph 4 of the registration for the GROUNDED Trademark application in Japan, however, Lindley states that Opposer filed Japan trademark application without Lindley's consent to submit Lindley's copyright and excluded Lindley from the Trademark application.
5. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 5 and therefore denies the same. However if true, the Trademark application was submitted without Lindley's consent to submit Lindley's copyright and excluded Lindley as the owner and/or co-applicant.
6. Applicant states the registration for the GROUNDED Trademark application in Singapore, was filed without Lindley's consent to use Lindley's copyright exclusively and excluded Lindley as the owner of record.
7. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 7 and therefore denies the same. However if true, the Trademark application was submitted without Lindley's consent to submit Lindley's copyright and excluded Lindley as the owner and/or co-applicant.
8. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 8 and therefore denies the same. However if true, the Trademark application was submitted without Lindley's consent and excluded Lindley as the owner and/or co-applicant.
9. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 9 and therefore denies the same. However if true, the Trademark application was submitted without Lindley's consent to submit Lindley's copyright and excluded Lindley as the owner and/or co-applicant.
10. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 10 and therefore denies the same. However if true, the Trademark application was submitted without Lindley's consent to submit Lindley's copyright and excluded Lindley as the owner and/or co-applicant.
11. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 7 and therefore denies the same. However if true, the Trademark application was submitted without Lindley's consent to submit Lindley's G Tree logo copyright and excluded Lindley as the owner and/or co-applicant.

12. Applicant opposes Opposer's pending U.S. trademark application serial number 85/559,237 for the word mark "GROUNDED" and US Trademark application number 85/559,232 to register Applicants G Logo and copyright design.
13. Opposer's allegations of Paragraph 16 are false. Applicant represents the G logo and G Tree Logo are Applicants exclusive copyright designs and Trademark.
14. Applicant admits the allegations of Paragraph 18 that Opposer has used the GROUNDED and G Logo trademarks in connection with, among other goods, "Bracelets; Bracelets made of silicone or rubber; Rubber or silicon wristbands in the nature of a bracelet" and manufactured said products with Applicant's knowledge and consent with the understanding and consideration that Opposer would financially compensate Applicant for use of Applicant's marks, copyright designs and content.
15. Applicant denies the allegations of Paragraph 19 of "first use" but acknowledges that Opposer did manufacture GROUNDED silicone wristbands for Applicant as Opposer was Applicants non-exclusive manufacture for specific GROUNDED products.
16. Applicant denies allegations in Paragraph 18 and 19. Applicant denies that the shipping of product bearing the GROUNDED and G Logo marks to the U.S. by Opposer constitutes use by the Opposer predating the alleged use of the Applicant. Applicant represents that Opposer was Applicants non-exclusive manufacture and that all copyright designs and trade dress are property of Applicant.
17. Applicant denies allegations in Paragraph 20, 21, 22, 23, 24 and 25. Applicant is the bona fide owner and creator of GROUNDED Trademark, G Logo, G Tree Logo and content. Opposer was Applicant's non-exclusive manufacturer.
18. Applicant denies allegations in Paragraph 26 that the majority of specimens submitted with the application are "moc ups".
19. Applicant admits the allegations of Paragraph 27 that image depicts a bodybuilder wearing a real silicone "GROUNDED" bracelet manufactured by Opposer for Applicant and admits that Applicant editing the bodybuilder image by adding Applicant's G logo and word "GROUNDED" onto the bodybuilder's T-shirt for promotional use on facebook. Applicant represents that T-shirts were silkscreend and distributed with Applicant's Trademark GROUNDED and/or with Applicants Copyright G Logo and/or with a combination of Applicant's G Tree Logo and that silkscreened T-shirts were in commerce by the date of

first use.

20. Applicant denies allegations in Paragraph 28
21. Applicant admits the allegations of Paragraph 29 that specimens were not "moc ups" or edited images. Applicant admits that Opposer did manufacture some of the items submitted with the trademark application however, were manufactured on behalf of the Applicant and the designs and trade dress were the creations of Applicant.
22. Applicant denies allegations in Paragraph 30

FIRST AFFIRMATIVE DEFENSE

Applicant exclusively created and copyrights the trademark GROUNDED, G logo and G Tree Logo. Applicant created and developed the GROUNDED web site(s), content, blogs, tweets, videos, products, and grounded intellectual property.

SECOND AFFIRMATIVE DEFENSE

Opposer was Applicants non-exclusive manufacture

THIRD AFFIRMATIVE DEFENSE

Applicant gave verbal permission to Opposer to manufacture GROUNDED products for third parties for Applicant financial benefit.

FORTH AFFIRMATIVE DEFENSE

Opposer excluded Applicant in filing International Trademark Applications without Applicant consent.

WHEREFORE, Dirk Lindley, "Applicant" respectfully requests that this opposition NOT be granted and that application numbers 85/047,267 and 85/047,326 be registered.

April 25th, 2012 Respectfully submitted

/Dirk Lindley/

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CERTIFICATE OF SERVICE

I hereby certify that Opposer was served this document on this date via first class mail to the address of record in the Opposer's Legal Concil: Jonathan Pearce, Cal. At SOCAL IP LAW GROUP LLP 310 N. Westlake Blvd., Suite 120. Westlake Village, CA 91362-3788. A copy was also sent via email to the Opposer's council of record in the Opposition at jpearce@socalip.com

April 25th, 2012 /Dirk Lindley/