

ESTTA Tracking number: **ESTTA589329**

Filing date: **02/25/2014**

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

Proceeding	91214299
Party	Defendant Keyless Systems Ltd.
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Date	02/25/2014
Attachments	Keyless Answer to Notice of Opposition.pdf(110049 bytes)

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

In the matter of Application Serial No. 85/897,302
For the trademark LETSNAP
Published in the Official Gazette of September 3, 2013

SNAPCHAT, INC.)	
)	
)	
Opposer,)	
)	
v.)	Opposition No. 91214299
)	
)	
KEYLESS SYSTEMS LTD.)	
)	
Applicant)	

ANSWER OF KEYLESS SYSTEMS LTD. TO NOTICE OF OPPOSITION

Applicant, Keyless Systems, Ltd. (õKeylessö or õApplicantö), having its principal place of business at 12 Hadishon Street, Apt. 6, Jerusalem, Israel 96956 (õApplicantö) for its answer to the Notice of Opposition filed by Snapchat, Inc. (õSnapchatö or õOpposerö) against application for registration of Applicant's trademark LETSNAP, Serial No. 85/897,302 filed April 7, 2013, and published in the Official Gazette of September 3, 2013 (the õMarkö), pleads and avers as follows:

1. Answering paragraph 1 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
2. Answering paragraph 2 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

3. Answering paragraph 3 of the Notice of Opposition, Applicant admits the allegations concerning ownership and registration of the SNAPCHAT mark as set forth in U.S. Registration No. 4,375, 712.
4. Answering paragraph 4 of the Notice of Opposition, Applicant denies that the Opposer's SNAPCHAT mark is "highly distinctive" with regard to social messaging and that such mark has become "famous" within the meaning of Section 43(c) of the United States Trademark Act, 15 U.S.C. § 1125(c) and further answering, Keyless avers that it does not have sufficient knowledge or information to form a belief as to the remaining allegations contained paragraph 4 of the Opposition and accordingly denies the allegations.
5. Answering paragraph 5 of the Notice of Opposition, Applicant admits the allegation thereof.
6. Answering paragraph 6 of the Notice of Opposition, Applicant admits the allegation thereof.
7. Answering paragraph 8 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations

8. Answering paragraph 9 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
9. Answering paragraph 10 of the Notice of Opposition, Applicant denies each and every allegation therein.
10. Applicant further affirmatively alleges that as a result of its substantial usage of the Mark since adoption, this Mark is a valuable asset of Applicant and carries considerable goodwill and consumer acceptance of its products sold or licensed under the Mark. Such goodwill and usage has made the Mark distinctive to the Applicant.
11. Applicant further affirmatively alleges that there is no likelihood of confusion or mistake because, *inter alia*, Applicant's Mark and Snapchat's mark are not confusingly similar.
12. Applicant further affirmatively alleges that any similarity, if at all, between Applicant's Mark and Snapchat's mark is restricted to that portion of the Mark consisting of the term "snap" which is not distinctive and, upon information and belief, has been used and registered by numerous third parties in the smart phone software business, other businesses and domain names. As a result, Snapchat cannot base any similarity between its pleaded mark and Applicant's Mark, LETSNAP.

13. Applicant further affirmatively alleges that Opposer's "snap" mark is or has become a generic and descriptive term for, *inter alia*, film and photography related products and technology.
14. Answering paragraph 11 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations. However, to the extent that the Mark is intended for use in connection with products that are identical or highly related to Snapchat's goods and services, Applicant alleges that this fact will not cause confusion and that LETSNAP and Snapchat's mark remain distinctive.
15. Answering paragraph 12 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations. However, to the extent that the LETSNAP trademark overlap with the customer/user base and channel of trade for Snapchat's goods and services offered under the SNAPCHAT Mark, Applicant alleges that this fact will not cause confusion and that LETSNAP and Snapchat's mark remain distinctive.
16. Answering paragraph 13 of the Notice of Opposition, Applicant denies each and every allegation therein.
17. Answering paragraph 14 of the Notice of Opposition, Applicant denies that Opposer will be damaged by the registration of the Mark or that Opposer is

entitled to any relief requested in the Notice of Opposition. Furthermore, Applicant denies that there is likelihood of confusion or mistake and therefore no likelihood of damages.

18. Answering paragraph 15 of the Notice of Opposition, Applicant admits the legal effect of the registration of the Mark, but denies that any such registration would result in any detriment to the Opposer.

19. Applicant hereby gives notice that it may rely on any other defenses that may become available or appear proper during discovery, and hereby reserves its right to amend this Answer to assert such defenses.

WHEREFORE, Applicant requests that the Notion of Opposition be dismissed.

Respectfully Submitted,

/L.Marc Zell/

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ATTORNEYS FOR APPLICANT
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 26th day of February, 2014, a true copy of the foregoing ANSWER was served in the following manner, per the prior written agreement of counsel:

VIA EMAIL

Email: thance@cooley.com

CERTIFICATE OF ELECTRONIC FILING

The undersigned certifies that this submission (along with any paper referred to as being attached or enclosed) is being filed with the United States Patent and Trademark Office via the Electronic System for Trademark Trials and Appeals (ESTTA) on this 26th day of February, 2014.

/L. Marc Zell/

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