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

Proceeding	91217177
Party	Defendant JHC Technology, Inc.
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Attachments	JHC_Technology_Response Opposition 91217177.pdf(166737 bytes)

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

Syimplified, Inc.	:	
	:	
Opposer	:	
	:	
v.	:	
	:	
JHC Technology, Inc.	:	Opposition No: 91217177
	:	
Applicant	:	Serial No: 86066424

ANSWER TO NOTICE OF OPPOSITION

Applicant, JHC Technology, Inc., hereby submits its Answer to the Notice of Opposition filed on July 2, 2014 by Syimplified, Inc. (hereinafter “Syimplified” or “Opposer”), for the registration of CLOUD. SIMPLIFIED., Serial No. 86066424 filed September 17, 2013.

1. Applicant denies that Application Serial No. 86066424 was filed on September 20, 2013 because according to the USPTO records Application Serial No. 86066424 was filed on September 17, 2013. Applicant is without knowledge or information sufficient to form a belief that the mark as to the allegation that the mark was published for opposition, and therefore denies. Applicant admits the mark was published for the following services: Computer security services, namely, enforcing, restricting and controlling access privileges of users of computing resources for cloud, mobile or network resources based on assigned credentials; Computer services, namely, cloud hosting provider services; Computer services, namely, integration of private and public cloud computing environments; Consulting services in the field of cloud computing; Providing virtual computer systems and virtual computer environments through cloud computing;

Technical consulting services in the fields of datacenter architecture, public and private cloud computing solutions, and evaluation and implementation of internet technology and services.

2. Since Applicant is without knowledge or information sufficient to admit or deny the allegations of Paragraph 2, specifically the type of business Opposer is engaged in and how Opposer's goods and services are marketed and sold, therefore denies.
3. Applicant is without knowledge or information sufficient to admit or deny the allegations of Paragraph 3, and therefore denies.
4. Applicant is without knowledge or information sufficient to admit or deny the allegations of Paragraph 4, and therefore denies.
5. Applicant admits that Opposer is shown as the owner of U.S. Trademark Registration No. 3729225 in the records of the U.S. Patent and Trademark Office for SYMPLIFIED, registered on December 22, 2009. Applicant admits that Opposer is shown as the owner of U.S. Trademark Registration No. 3917503 in the records of the U.S. Patent and Trademark Office for SYMPLIFIED SYNC.
6. Applicant is without knowledge or information sufficient to admit or deny the allegations of Paragraph 6, and therefore denies.
7. Applicant admits the allegations of paragraph 7.
8. Applicant admits the allegations of paragraph 8.
9. Applicant is without knowledge or information sufficient to admit or deny the allegations of Paragraph 9, and therefore denies.
10. Applicant denies the allegations of paragraph 10.
11. Applicant denies the allegations of paragraph 11.

FURTHERMORE, Applicant sets forth the following in support of its position:

12. There is no likelihood of confusion, mistake, or deception because, *inter alia*, Applicant's mark and the pleaded marks of Opposer are not confusingly similar.
13. The wording in Applicant's mark and Opposer's mark are different.
14. Applicant's mark and Opposer's mark create different commercial impressions.
Specifically, Applicant's mark, CLOUD. SIMPLIFIED. on its face implies services dealing with the Cloud, while Opposer's marks SYMPLIFIED or SYMPLIFIED SYNC make no reference to the Cloud, let alone the services it does provide.
15. Applicant's mark contains the word "CLOUD" not present in Opposer's marks.
16. Opposer's mark, U.S. Serial No. 77582867, contains the word "SYNC" not present in Applicant's mark.
17. Applicant's mark contains the word "SIMPLIFIED" which is spelled differently than Opposer's mark with the word "SYMPLIFIED."
18. Applicant's mark contains the word "CLOUD" preceding the word "SIMPLIFIED" whereas Opposer's mark, "SYMPLIFIED," contains no other words or phrases, and thus, provides a different impression and understanding of the services Applicant offers than those offered by Opposer.
19. Applicant's mark contains the word "CLOUD" preceding the word "SIMPLIFIED" whereas Opposer's mark, the word "SYMPLIFIED" precedes the word "SYNC", and thus, provides a different impression and understanding of the services Applicant offers than those offered by Opposer.

20. Opposer's mark, SYMPLIFIED, U.S. Serial No. 77444078 is published for the following services: Computer software and hardware for on demand information technology delivery, namely, computer hardware and software for identity management, monitoring of information technology deployment, and integration of enterprise software applications, and thus, has no association with cloud-based services, unlike Applicant.
21. Opposer's mark, SYMPLIFIED SYNC, U.S. Serial No. 77582867 is published for the following services: Computer service, namely, acting as an on demand enterprise application service provider in the field of identity management featuring software for use in providing centralized auditing, management, provisioning, bridging, and synchronizing of user accounts with cloud and enterprise-based applications. While SYMPLIFIED SYNC deals with cloud based applications, the mark in and of itself has no reference or suggestion that Opposer engages in Cloud-based activities.

WHEREFORE, Applicant requests that the notice of opposition be dismissed.

Respectfully submitted,

By: 
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Date: August 6, 2014

Certificate of Service

I certify that on August 6, 2014, the attached document was both emailed and mailed to the following addresses, respectively:

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