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

Proceeding	91217294
Party	Defendant Hardware Labs Performance Systems, Inc.
Correspondence Address	HARDWARE LABS PERFO 39 DON RAMON ST , TALAYAN VILLAGE QUEZON CITY 1104, PHILIPPINES wilbert@hardwarelabs.com
Submission	Answer
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Date	08/14/2014
Attachments	Answer-GTS - 7294-Final.pdf(253417 bytes )



Hardware Labs Performance Systems, Inc., (hereinafter "Applicant"), for its answer to the Notice of Opposition filed by NVIDIA Corporation, (hereinafter "Opposer"), against application for registration of Applicant's trademark for GTS, Serial No. 86/042,441 filed on August 20, 2013, and published in the Official Gazette on March 11, 2014, (the "Application"), pleads and avers as follows:

1. Answering paragraph 1 of the Notice of Opposition, Applicant **admits** the facts alleged in this paragraph.

2. Answering paragraph 2 of the Notice of Opposition, Applicant **admits** the facts alleged in this paragraph.

3. Answering paragraph 3 of the Notice of Opposition, Applicant **denies** the allegations in this paragraph.

4. Answering paragraph 4 of the Notice of Opposition, Applicant **denies** the allegations in this paragraph.

5. Answering paragraph 5 of the Notice of Opposition, Applicant is without information or belief to admit or deny the allegations concerning the status, makeup or relatedness of the parties' goods, and on that basis **denies** these allegations.

6. Answering paragraph 6 of the Notice of Opposition, Applicant **denies** the allegations in this paragraph.

7. Answering paragraph 7 of the Notice of Opposition, Applicant **denies** the allegations in this paragraph.

8. Answering paragraph 8 of the Notice of Opposition, Applicant **denies** the allegations in this paragraph.

9. Answering paragraph 9 of the Notice of Opposition, Applicant **denies** the allegations in this paragraph.

**Affirmative Defenses**

1. Opposer lacks standing to oppose Applicant's mark in that, on information and belief, Opposer do not have rights, superior or otherwise, sufficient to support a likelihood of confusion claim.

2. Opposer lacks standing to oppose Applicant's mark in that, Opposer expressly abandoned any protectable interest in the same or similar marks.

3. Applicant has superior and senior rights in the mark as currently used by both parties.

4. Through progressive encroachment, Opposer relatively recently began to infringe upon Applicant's use of the mark.

WHEREFORE, Applicant prays for relief and that then Notice of Opposition be dismissed in its entirety and that registration issue to Applicant for the mark GTS, Serial No. 86/042,441.

DATED: August 14, 2014

Respectfully submitted,

CLARKE GRIFFIN, LLC

/s/ Philip S. Griffin

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ATTORNEY FOR APPLICAN

**ANSWER**

## CERTIFICATE OF SERVICE

I certify that on the 14th day of August 2014 the foregoing ANSWER was filed electronically. Notice of this filing will be sent to all other counsel by operation of the Court's electronic filing system and the following methods:

Eric Ball, Esq.  
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**BY US MAIL:** by placing the document(s) listed above in a sealed envelope for collection and mailing following our ordinary business practices. I am readily familiar with our ordinary business practices for collecting and processing mail for the United States Postal Service, and mail that I place for collection and processing is regularly deposited with the United States Postal Service that same day with postage prepaid.

**BY E-MAIL:** by mutual agreement between the parties or as a courtesy, causing to be transmitted via email the document(s) listed above to the addressee(s) at the e-mail address(es) listed above.

**BY PERSONAL DELIVERY:** by causing to be personally delivered the document(s) listed above to the addressee(s) at the address(es) set forth above.

I declare under penalty of perjury that the foregoing is true and correct.

CLARKE GRIFFIN, LLC

/Aaron J Cronan/

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OSB# 082964