

ESTTA Tracking number: **ESTTA709281**

Filing date: **11/18/2015**

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

Proceeding	91223715
Party	Defendant QSpex Technologies, Inc.
Correspondence Address	Ziwen Zhu Locke Lord, LLP 3333 Piedmont Rd. NE Ste.1200 Atlanta, GA 30305 ziwen.zhu@lockelord.com
Submission	Answer
Filer's Name	Ziwen Zhu
Filer's e-mail	ziwen.zhu@lockelord.com, trademark@lockelord.com
Signature	/Ziwen Zhu/
Date	11/18/2015
Attachments	Answer to Notice of Opposition.pdf(114975 bytes)

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

In the Matter of Application Serial No. 86/378,802
Published on August 11, 2015

QINETIQ LIMITED,)	
Opposer,)	
v.)	
QSPEX TECHNOLOGIES, INC.)	Opposition No. 91223715
Applicant.)	

ANSWER TO NOTICE OF OPPOSITION

Applicant, QSpex Technologies, Inc. (“QSpex” or “Applicant”), respectfully submits its Answer to the Notice of Opposition (the “Notice”) filed by QinetiQ Limited (“Opposer”) in the above-referenced matter, showing the Trademark Trial and Appeal Board as follows:

In response to the opening un-numbered paragraph of the Notice, QSpex admits that Opposer opposes Application Serial No. 86/378,802 for QNETIC (“Applicant’s Mark”) published in the Official Gazette on August 11, 2015, but denies that Opposer will be damaged by registration of Applicant’s Mark for use in connection with the narrow description of goods of “High-impact eyeglass, spectacle and ophthalmic lenses, eyeglass lenses,

spectacle lenses, and ophthalmic lenses” in international Class 9. QSpex further denies that any grounds exist for opposition of the Application, but acknowledges that Opposer has filed the Notice. QSpex is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this un-numbered initial paragraph and, therefore, denies the same.

In response to the numbered paragraphs of the Notice, QSpex states as follows:

1. QSpex is without information sufficient to form a belief as to the truth of the allegations set forth within Paragraph 1 of the Notice and, therefore, denies the same.

2. QSpex is without information sufficient to form a belief as to the truth of the allegations set forth within Paragraph 2 of the Notice and, therefore, denies the same.

3. QSpex admits that according to the U.S. Patent and Trademark Office’s online database, Opposer is the owner of the registrations and pending application identified in Paragraph 3. QSpex is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth within Paragraph 3 of the Notice, and therefore, denies the same.

4. QSpex is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth within Paragraph 4 of the Notice and, therefore, denies the same.

5. QSpex admits that according to the U.S. Patent and Trademark Office's online database, the mark QINETIQ (No. 4319295) and pending application (Ser. No. 77846647) for the mark QINETIQ both recite the goods identified in paragraph 5 of the Notice.

6. QSpex is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth within Paragraph 6 of the Notice and, therefore, denies the same.

7. QSpex is without information sufficient to form a belief as to the truth of the allegations set forth within Paragraph 7 of the Notice and, therefore, denies them.

8. QSpex's incorporates by reference as if fully set forth herein its denials and responses to Paragraphs 1-7 as its response to Paragraph 8 of the Notice.

9. QSpex admits the allegations in paragraph 9.

10. QSpex denies the allegations in paragraph 10.

11. QSpex denies the allegations in paragraph 11.

12. QSpex denies the allegations in paragraph 12.

13. QSpex denies the allegations in paragraph 13.

14. QSpex denies all averments and allegations not heretofore specifically admitted.

15. QSpex denies that Opposer is entitled to any of the relief prayed for in the ad damnum provision of the Notice.

WHEREFORE, QSpex respectfully requests that the Trademark Trial and Appeal Board:

- a) Dismiss the Notice of Opposition, finding it to be without merit;
- b) Cause the registration of QSpex's Application Serial No. 86/378,802 to be issued forthwith; and
- c) Award QSpex such other and further relief as the Trademark Trial and Appeal Board deems just and proper, premises considered.

DATED: November 18, 2015

Respectfully submitted,

By: /Ziwen Zhu/

Ziwen Zhu

Tim Xia

LOCKE LORD LLP

Terminus 200

3333 Piedmont Rd. NE

Ste.1200

Atlanta, GA 30305

(404) 870-4628

*Attorneys for Applicant QSpex
Technologies, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing ANSWER TO NOTICE OF OPPOSITION has been served on Opposer's counsel by First Class Mail, with confirmation copy by email, on the Opposer's Correspondent and Attorney of Record:

James M. McCarthy
McCarthy@mbhb.com
kokjohn@mbhb.com
McDonnell Boehnen Hulbert & Berghoff, LLP
300 South Wacker Drive, Suite 3200
Chicago, Illinois 60606

DATED: November 18, 2015

Respectfully submitted,
By: /Ziwen Zhu/
Ziwen Zhu
Tim Xia
LOCKE LORD LLP
Terminus 200
3333 Piedmont Rd. NE
Ste.1200
Atlanta, GA 30305
(404) 870-4628

*Attorneys for Applicant QSpex
Technologies, Inc.*