

ESTTA Tracking number: **ESTTA710533**

Filing date: **11/24/2015**

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

Proceeding	91224569
Party	Defendant Kidztech Toys Manufacturing Limited
Correspondence Address	GLOBAL INTELLCTUAL 178 GLOUCESTER ROAD, 7/F CHINACHEM CENTURY TOWER WANCHAI, HONG KONG globalipr@globalipr.org
Submission	Answer
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Date	11/24/2015
Attachments	2015-11-24 Applicant's Answer to the Notice of Opposition.pdf(184884 bytes)

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

Traxxas LP)	
)	
Opposer,)	Opposition No.: 91224569
)	
v.)	Application Serial No.: 86537763
)	Mark: TOPMAXX RACING (Stylized)
)	
KidzTech Toys Manufacturing Limited)	
)	
Applicant.)	
)	

APPLICANT'S ANSWER TO THE NOTICE OF OPPOSITION

Applicant, KidzTech Toys Manufacturing Limited, hereby answers the Notice of Opposition by Traxxas LP ("Opposer") against application serial No. 86537763 for the mark TOPMAXX RACING (Stylized) ("Applicant's Mark").

Applicant responds as follows:

1. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 1 of the Notice of Opposition, and therefore denies them.
2. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 2 of the Notice of Opposition, and therefore denies them.

3. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 3 of the Notice of Opposition, and therefore denies them.
4. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 4 of the Notice of Opposition, and therefore denies them.
5. Admitted.
6. Admitted.
7. Denied.
8. Denied.
9. Denied.

AFFIRMATIVE DEFENSES

1. The respective marks are not so similar in sound, appearance or meaning as to give to a potential for confusion.
2. Multiple similar marks comprised in part of the three letter string "MAX" are registered and in use in connection with toys such that consumers and the public in general area accustomed to distinguishing between such marks on the basis of small differences sufficient to avoid confusion, deception or mistake.

WHEREFORE, Opposer is not entitled to any of the relief it seeks and Applicant respectfully requests that this opposition be dismissed with prejudice.

Respectfully submitted,

Date: November 24, 2015

By: 

P. Jay Hines

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CERTIFICATE OF SERVICE

This is to certify that a true copy of APPLICANT'S ANSWER TO THE NOTICE OF OPPOSITION was submitted electronically via ESTTA to the Trademark Trial and Appeal Board and is being sent via first class mail, postage prepaid, on November 24, 2015, to:

Gregory W. Carr

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Loria Grindle