

ESTTA Tracking number: **ESTTA718893**

Filing date: **01/07/2016**

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

Proceeding	91225204
Party	Defendant Robert Bosch GmbH
Correspondence Address	THAD CHALOEMTIARANA PATTISHALL MCAULIFFE NEWBURY HILLIARD 200 SOUTH WACKER DRIVE SUITE 2900 CHICAGO, IL 60606-5896 UNITED STATES TC@pattishall.com, JAE@pattishall.com, kep@pattishall.com, docket@pattishall.com
Submission	Answer
Filer's Name	Jason Koransky
Filer's e-mail	tc@pattishall.com, jmk@pattishall.com, docket@pattishall.com
Signature	/Jason Koransky/
Date	01/07/2016
Attachments	Answer, Opposition No. 91225204.pdf(15042 bytes)

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

In re Application Serial No. 79/164,385

LENOVO (SINGAPORE) PTE. LTD.,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91225204
)	
ROBERT BOSCH GMBH,)	
)	
Applicant.)	
)	

ANSWER TO NOTICE OF OPPOSITION

Applicant, Robert Bosch GmbH (“Bosch”), hereby answers the Notice of Opposition of Lenovo (Singapore) Pte. Ltd. (“Lenovo”), as follows:

With respect to the first introductory paragraph in Lenovo’s notice of opposition, Bosch lacks the knowledge or information necessary to form a belief as to Lenovo’s corporate status or address, and therefore denies the same. Bosch denies that Lenovo would be damaged by registration of the mark shown in U.S. Trademark Application Ser. No. 79/164,385. Bosch admits that Lenovo has filed a notice of opposition against U.S. Trademark Application Ser. No. 79/164,385.

DESCRIPTION OF THE OPPOSED GOODS AND SERVICES

In regard to this introductory table, Bosch admits that it applied for the mark THINGBOOK (Ser. No. 79/164,385) on March 17, 2015, for “Data processing apparatus” in Class 9 and “Design and development of computer hardware and software” in Class 42.

GROUND OF OPPOSITION

1. Denied.

2. Bosch lacks the knowledge or information necessary to form a belief as to the truth of the allegations of Paragraph 2, and therefore denies them.

3. Bosch admits that it applied for the mark THINGBOOK (Ser. No. 79/164,385) on March 17, 2015, for “Data processing apparatus” in Class 9 and “Design and development of computer hardware and software” in Class 42.

4. Bosch lacks the knowledge or information necessary to form a belief as to the truth of the allegations of Paragraph 4, and therefore denies them.

5. Bosch lacks the knowledge or information necessary to form a belief as to the truth of the allegations of Paragraph 5, and therefore denies them.

6. Bosch lacks the knowledge or information necessary to form a belief as to the truth of the allegations of Paragraph 6, and therefore denies them.

7. Bosch lacks the knowledge or information necessary to form a belief as to the truth of the allegations of Paragraph 7, and therefore denies them.

8. Bosch lacks the knowledge or information necessary to form a belief as to the truth of the allegations related to “Opposer’s goods and services,” Opposer’s “class or classes of consumers” or Opposer’s “channels of trade,” and therefore denies those allegations. Bosch denies the remaining allegations of Paragraph 8.

9. Denied.

10. Denied.

11. Denied.

12. Denied.

AFFIRMATIVE DEFENSE

SECTION 18 DEFENSE

Bosch contends that no likelihood of confusion exists between Bosch's published Application Ser. No. 79/164,385 for THINGBOOK and the marks asserted in Lenovo's notice of opposition. Notwithstanding the foregoing, if the Trademark Trial and Appeal Board determines that confusion is likely, Bosch offers, in the alternative, and pursuant to Section 18 of the Lanham Act, 15 U.S.C. § 1068, to amend the goods and services in its application to register THINGBOOK as follows (strike-through and underlined words reflect the changes):

Class 9: "Data processing apparatus, namely, e-commerce software to allow users to shop for goods and services and to perform electronic business transactions via a global computer network"; and

Class 42: "Design and development of computer ~~hardware and~~ software, namely, application programming interfaces (APIs) for an e-commerce platform";

such that the identification of goods and services would be amended to:

Class 9: "Data processing apparatus, namely, e-commerce software to allow users to purchase goods and services and to perform electronic business transactions via a global computer network"; and

Class 42: "Design and development of computer software, namely, application programming interfaces (APIs) for an e-commerce platform".

Although Bosch contends that such amendment is not necessary to support the Board's finding that no likelihood of confusion exists, the foregoing amendment would obviate any likelihood of confusion arising out of Bosch's Application Ser. No. 79/164,385 for THINGBOOK. Moreover, and in compliance with 37 C.F.R. § 2.173, the amendments merely

restrict the identifications of goods and services and do not change them in a manner that would require republication.

WHEREFORE, Bosch respectfully requests the present Notice of Opposition be dismissed with prejudice.

Dated: January 7, 2016

Respectfully submitted,

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON LLP

By: s/Jason Koransky/

Thad Chaloeintiarana

Jason Koransky

200 South Wacker Drive, Suite 2900

Chicago, Illinois 60606

(312) 554-8000

Attorneys for Robert Bosch GmbH

CERTIFICATE OF SERVICE

I hereby certify that a copy of **ANSWER TO NOTICE OF OPPOSITION** was served upon the following by first-class mail, postage prepaid, on January 7, 2016, with a courtesy copy by e-mail:

Stanley D. Ference III
Ference & Associates LLC
409 Broad Street
Pittsburgh, Pennsylvania 15143
uspto@ferencelaw.com

/Jason Koransky/