

ESTTA Tracking number: **ESTTA381963**

Filing date: **12/04/2010**

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

Proceeding	92053066
Party	Plaintiff Road Tools Inc.
Correspondence Address	JEFFREY H. GREGER LOWE HAUPTMAN HAM & BERNER LLP 1700 DIAGONAL ROAD, SUITE 310 ALEXANDRIA, VA 22314 UNITED STATES jhgreger@ipfirm.com
Submission	Answer to Counterclaim
Filer's Name	Jeffrey H. Greger
Filer's e-mail	jhgreger@ipfirm.com
Signature	/jhg/
Date	12/04/2010
Attachments	Answer Counterclaim.pdf ( 5 pages )(282395 bytes ) Exhibit A good standing cert.pdf ( 1 page )(61196 bytes ) Answer Exhibit B.pdf ( 1 page )(152687 bytes )

Answer to Counterclaim

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

In the matter of U.S. Registration No. 3527661

Mark: **COOLPAD 酷派**

Registration Date: November 4, 2008

Road Tools LLC	)	
	)	
Petitioner,	)	
	)	
v.	)	Cancellation No.: 92-053066
	)	
Yulong Computer Telecommunication	)	
Scientific (Shenzhen) Co., Ltd.	)	
	)	
Registrant	)	
	)	

**ANSWER TO COUNTERCLAIM**

COMES NOW Petitioner, Road Tools, LLC and having concurrently filed its Motion to Dismiss Count II of the Counterclaim, Answers Count I of the Counterclaim herein and in the alternative, should the Board not Grant Petitioner’s Motion to Dismiss Count Two, herein provides its Answer, denying the salient allegations of Count Two.

Petitioner Answers the Counterclaim referring to the corresponding numbered paragraphs of Registrant’s Counterclaim.

Answer to Counterclaim

1. Admitted.
2. Admits the first sentence in allegation two. Insufficient information to admit or deny the remaining allegations of this paragraph which are therefore denied.
3. Denied.
4. Denied and clarified that the Registrant was not dissolved by Order of the Court but instead due to lack of timely State filings the Commonwealth of Massachusetts listed the Registrant's legal entity as administratively involuntarily dissolved but has since amended such status to good standing after later filings corrected the administrative technical deficiencies. See Exhibit A attached.
5. Insufficient information to admit or deny therefore denied.
6. All prior Answers are incorporated by reference.
7. Denied.
8. Denied.
9. Denied.
10. Denied.
11. Denied.
12. All prior Answers are incorporated by reference.
13. Denied.
14. Denied.
15. Denied.
16. Denied.

**AFFIRMATIVE PLEADINGS**

1. Petitioner's use of the mark COOLPAD on and in connection with the sale of computer stands is current and has been continuously promoted on the internet for more than five years.
2. Petitioner's downstream vendors selling computer stands under the brand COOLPAD include retailers with both traditional retail store locations as well as on-line ordering capabilities.
3. One of Petitioner's downstream vendors offering sales of Petitioner's COOLPAD computer stand product currently and continuously in the past is TEKSERVE with a physical store location in New York City. A representative sample of TEKSERVE's on line offering of the Petitioner's product is attached at Exhibit B.

WHEREFORE, Petitioner prays the Board dismiss Registrant's Counterclaims in their entirety.

Respectfully submitted,  
LOWE HAUPTMAN HAM & BERNER, LLP



Jeffrey H. Greger  
Attorney for Petitioner

1700 Diagonal Road, Suite 310  
Alexandria, Virginia 22314  
Tel: (703) 684-1111

Answer to Counterclaim

Fax: (703) 518-5499

December 4, 2010

Answer to Counterclaim

**Certificate of Service**

I hereby certify that a copy of the foregoing Answer has been forwarded to Registrant's currently listed correspondence address and contact information according to the current records as contained in the U.S. Patent and Trademark Office records as appears below, by prepaid United States mail this day, December 4, 2010.

Stephen L. Anderson  
Anderson & Associates  
27247 Madison Ave., Suite 120  
Temecula, CA 92590  
Tel: 951-296-1700  
Fax 951-296-2456

Dated: December 4, 2010

  
Jeffrey H. Greger



*The Commonwealth of Massachusetts*  
*Secretary of the Commonwealth*  
*State House, Boston, Massachusetts 02133*

William Francis Galvin  
Secretary of the  
Commonwealth

November 12, 2010

TO WHOM IT MAY CONCERN:

I hereby certify that a certificate of organization of a Limited Liability Company was filed in this office by

**ROAD TOOLS, LLC**

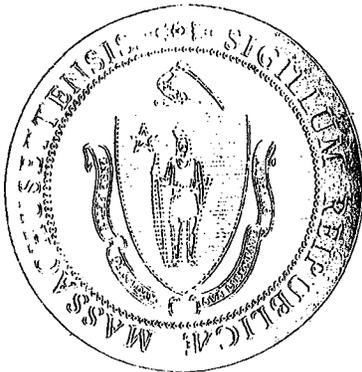
in accordance with the provisions of Massachusetts General Laws Chapter 156C on **April 24, 1997.**

I further certify that said Limited Liability Company has filed all annual reports due and paid all fees with respect to such reports; that said Limited Liability Company has not filed a certificate of cancellation or withdrawal; and that said Limited Liability Company is in good standing with this office.

I also certify that the names of all managers listed in the most recent filing are: **JAMES MACEACHREN**

I further certify, the names of all persons authorized to execute documents filed with this office and listed in the most recent filing are: **JAMES MACEACHREN**

The names of all persons authorized to act with respect to real property listed in the most recent filing are: **JAMES MACEACHREN**



In testimony of which,  
I have hereunto affixed the  
Great Seal of the Commonwealth  
on the date first above written.

*William Francis Galvin*

Secretary of the Commonwealth

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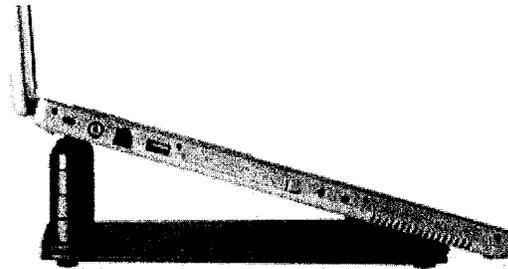
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## Podium Notebook CoolPad - Black

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The **Podium CoolPad Stand for Notebooks** from **Road Tools** cools your laptop computer by elevating it from the desk. At the same time, it allows you to more ergonomically configure its position. The lightweight stand features a 360° pivot function that allows you to better adjust it to suit your needs. A non-skid base holds the stand in place, making this the perfect accessory to help you more comfortably use your laptop while at the same time keeping it cool.

### Key Features

- **Heat Dissipation**  
The CoolPad features ventilation that is specially designed to dissipate heat. This not only increases the health of your laptop by keeping it cooler, but also makes it more comfortable to use when resting the computer on your lap.
- **Easily Portable**  
The stand is easily portable, featuring a compact size and lightweight design that will easily fit into your laptop carrying case. You will quickly recognize the benefits of having a true portable desk with you when traveling.
- **Non-Skid Surface**  
The CoolPad features a non-skid surface that holds your laptop firmly in place. This gives you the peace of mind that your computer will not slide off of the stand when you are working on a plane, train or other location where there may be sudden movement.

**Manufacturer** Road Tools, LLC

**Manufacturer Part Number** PODCOOL

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