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

Proceeding	92058621
Party	Defendant Dropbox, Inc.
Correspondence Address	DROPBOX INC 185 BERRY ST, SUITE 400 SAN FRANCISCO, CA 94107 UNITED STATES
Submission	Answer
Filer's Name	John L. Slafsky
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Signature	/John L. Slafsky/
Date	03/06/2014
Attachments	Answer to Petition for Cancellation.pdf(73242 bytes)

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

THRU INC.,)	Cancellation No: 92058621
)	
Petitioner,)	
)	ANSWER TO
v.)	PETITION FOR CANCELLATION
)	
DROPBOX, INC.,)	
)	Registration No. 4,478,345
Registrant.)	
)	
)	

Dropbox, Inc. (“Registrant”), through its undersigned attorneys, hereby submits this Answer to the Petition for Cancellation filed by Thru Inc. (“Petitioner”) in the above-mentioned proceeding. Unless expressly admitted herein, each allegation contained in the Petition for Cancellation is denied.

1. Registrant admits the allegations in Paragraph 1 of the Petition for Cancellation.
2. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2 of the Petition for Cancellation and on that basis denies those allegations.
3. Registrant denies the allegations in Paragraph 3 of the Petition for Cancellation.
4. Registrant denies the allegations in Paragraph 4 of the Petition for Cancellation.
5. The allegations in Paragraph 5 of the Petition for Cancellation comprise a prayer for relief, to which no response is required.

AFFIRMATIVE DEFENSES

First Affirmative Defense

6. The Petition for Cancellation fails to set forth facts sufficient to entitle Petitioner to the relief sought.

Second Affirmative Defense

7. Registrant's rights to the mark DROPBOX are superior to those, if any, of Petitioner. Among other things, Registrant has acquired third-party rights that are superior to these claimed by Petitioner.

Third Affirmative Defense

8. The Petition for Cancellation is barred by the doctrine of laches.

Fourth Affirmative Defense

9. The Petition for Cancellation is barred by the doctrine of waiver.

Fifth Affirmative Defense

10. The Petition for Cancellation is barred by the doctrine of acquiescence.

Sixth Affirmative Defense

11. The Petition for Cancellation is barred by the doctrine of estoppel.

Seventh Affirmative Defense

12. Petitioner's representations to the U.S. Patent and Trademark Office in support of its application to register the DROPBOX mark are misleading, were made in bad faith and constitute unclean hands.

Dated: March 6, 2014

WILSON SONSINI GOODRICH & ROSATI
A Professional Corporation

By: 
John L. Slafsky

Attorneys for Applicant
DROPBOX, INC.

Please address all communications concerning this proceeding to:

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CERTIFICATE OF SERVICE BY MAIL

I, Shelie Plourde, declare:

I am employed in Santa Clara County. I am over the age of 18 years and not a party to the within action. My business address is Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, California 94304-1050.

I am readily familiar with Wilson Sonsini Goodrich & Rosati's practice for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence would be deposited with the United States Postal Service on this date.

On this date, I served **ANSWER TO PETITION FOR CANCELLATION** on each person listed below, by placing the document described above in an envelope addressed as indicated below, which I sealed. I placed the envelope for collection and mailing with the United States Postal Service on this day, following ordinary business practices at Wilson Sonsini Goodrich & Rosati.

John M. Cone
Hitchcock Evert LLC
P.O. Box 131709
Dallas, TX 75313-1709

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Palo Alto, California on March 6, 2014.



Shelie Plourde