

ESTTA Tracking number: **ESTTA708744**

Filing date: **11/16/2015**

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

Proceeding	92059155
Party	Plaintiff Draganfly Innovations Inc.
Correspondence Address	KAREN KREIDER GAUNT DINSMORE & SHOHL LLP 255 EAST FIFTH STREET SUITE 1900 CINCINNATI, OH 45202 UNITED STATES karen.gaunt@dinsmore.com, robin.vanhorn@dinsmore.com
Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	Karen Kreider Gaunt
Filer's e-mail	karen.gaunt@dinsmore.com, robin.bissantz@dinsmore.com, michael.wheeler@dinsmore.com
Signature	/Karen Kreider Gaunt/
Date	11/16/2015
Attachments	Petitioner's Motion for Leave to Amend Petition for Cancellation - 92059155.pdf(929067 bytes)

facts concerning the 412 Application are directly related to and have bearing on the outcome of this proceeding, Petitioner hereby seeks leave to file the Amended Petition for Cancellation annexed hereto as Exhibit 1 to include the factual background regarding the 412 Application and allegations of damage to Petitioner's interests in the 412 Application.

Petitioner's request should be granted because: (i) new matter directly affecting the outcome of this proceeding should be included in the petition for cancellation; (ii) Respondents have not yet answered the petition, and thus will not be prejudiced by this amendment; (iii) pursuant to the applicable rule, Petitioner could amend as a matter of course within 21 days of Respondents' answer and is attempting to avoid waste of time and resources by amending the petition prior to said answer; and (iv) Petitioner in any event would still be within its right to file a separate petition to cancel Respondents' Registration due to the harm caused to Petitioner's interests in the 412 Application.

STATEMENT OF RELEVANT FACTS¹

A. Petitioner's Application Serial No. 86/648,412.

Petitioner is a world leading developer, manufacturer, and distributor of multi-rotor aerial technology, including unmanned aerial systems and vehicles ("UAS"). Exhibit 1. Petitioner has been developing and offering UAS products since as early as the year 1998, when Christine and Zenon Dragan launched Draganfly Innovations, Inc. ("Draganfly Innovations") and subsequently introduced their first products, an innovative radio controlled ("RC") blimp and an early RC quad-rotor helicopter called the Draganflyer. *Id.* Since 1998, Draganfly Innovations has continuously developed

¹ The relevant facts supporting this motion are also contained in the Amended Petition and the exhibits attached thereto.

increasingly advanced UAS products which have gained such notoriety that they have been featured in movies and on television, and have received awards such as Popular Science Magazine's 2008 "Best of What's New" award. *Id.*

On May 27, 2015, Petitioner filed a Canadian trademark application to register the mark DRAGANFLY (Canada Application No. 1730085). *Id.* On June 2, 2015, Petitioner filed the 412 Application to register DRAGANFLY, claiming December 31, 1998 as its first date of use in connection with the identified goods and/or services and asserting a claim of priority under 15 U.S.C. Section 1126(d) based on the Canadian Application No. 1730085. *Id.* On September 21, 2015, the USPTO Examining Attorney issued an Office Action refusing registration of the 412 Application, in part, due to a likelihood of confusion citation to Respondents' Registration, thus making the 412 Application relevant to this proceeding. *Id.*

B. The Cancellation Proceeding.

On November 28, 2012, Petitioner previously filed applications to register the marks DRAGANFLY INNOVATIONS (Serial No. 85/789,737)(the "737 Application") and DRAGANFLY (stylized) (Serial No. 85/789,741)(the "741 Application") claiming a bona fide intention to use the marks in commerce on or in connection with the identified goods and/or services and also asserting claims of priority under 15 U.S.C. Section 1126(d) based on Canada application numbers 1595863 and 1595867 for the same marks, which were filed October 4, 2012. *Id.* Notably, the 741 Application is for a stylized mark that was filed on an intent to use basis (as well as under 1126(d)), whereas the 412 Application is for an in-use standard character mark referring back to Petitioner's earliest use of the DRAGANFLY trademark. *Id.*

On October 30, 2013, Office Actions were issued against the 737 Application and 741 Application, refusing registration of both marks for likelihood of confusion with Respondents' Registration. *Id.* However, as alleged in the instant petition for cancellation, the USPTO was in error, as under TMEP §§206-206.03 Respondents' Registration has an effective priority date of August 8, 2013, the date upon which Respondents submitted an acceptable statement of use for their registration of the ROBOT DRAGONFLY mark to the Supplemental Register. *Id.* Under TMEP §206.04, the USPTO Examining Attorney was thereafter required to perform another search of the USPTO database for conflicting marks, which would have revealed Petitioner's 737 Application and 741 Application and their superior priority dates. *Id.*

In light of this error, Petitioner filed the instant cancellation proceeding, as it continues to be damaged by Respondents' Registrations which undermine the goodwill associated with Petitioner's business and deny its ability to register its own trademarks.

ARGUMENT

Rule 15(a) of the Federal Rules of Civil Procedure permits amendment of a pleading upon the Board's leave, which the Board "should freely give... when justice so requires." Fed. R. Civ. P. 15(a); 37 C.F.R. 2.115 ("Pleadings in a cancellation proceeding may be amended in the same manner and to the same extent as a civil action in a United States district court."). Consistent therewith, the Board liberally grants leave to amend pleadings at any stage of the proceeding when justice requires, unless entry of the proposed amendment would violate settled law or be prejudicial to the rights of the adverse party or parties. *See, e.g., Commodore Electronics Ltd. v. CBM*

Kabushiki Kaisha, 26 USPQ2d 1503 (TTAB 1993); TBMP Section 507.02 (3d ed. Rev. 2012).

As discussed above, Petitioner's 412 Application was filed on June 2, 2015, after the filing of this cancellation proceeding, and did not receive an Office Action denying its registration until September 21, 2015. Exhibit 1. Thus, the damage against Petitioner's rights in the 412 Application was not ripe until after September 21, 2015. Furthermore, the December 31, 1998 date of first use in the 412 Application has direct bearing on whether Respondents' Registration should be cancelled. Not only is Petitioner alleging that its 737 Application and 741 Application have priority over Respondents' Registration, but Petitioner is also alleging that it is the senior user in regard to the trademark rights at issue, and its senior use should serve as a bar to the presence of Respondents' Registration on either the Principal or Supplemental Register. See *West Florida Seafood, Inc. v. Jet Restaurants, Inc.*, 31 F.3d 1122, 31 USPQ2d 1660, 1662 (Fed. Cir. 1994) ("A party claiming prior use of a registered mark may petition to cancel the registration on the basis of such prior use pursuant to section 14 of the Lanham Act. 15 U.S.C. Section 1064"). In light of the fact that the harm caused against the 412 Application is less than two months old, and given the fact that the December 31, 1998 date of first use in the 412 Application has direct bearing on the outcome of this proceeding, it is in the interests of justice that the Board grant leave for Petitioner to file the amended petition.

Alternatively, it is also in the interests of justice that the Board grant leave for this amendment because to do so conserves resources. As noted above, pleadings in a cancellation proceeding may be amended consistent with Fed. R. Civ. P. 15. See 37

C.F.R. 2.115. Rule 15 allows for amendment as a matter of course, and without leave of the court, within “21 days after service of a responsive pleading...” Fed. R. Civ. P. 15(a)(1)(B). However, for Petitioner to wait until after Respondent files its answer before amending its petition could cause Respondent to have to answer again, resulting in undue delay and waste of resources. Even if Petitioner were unable to amend as a matter of course within 21 days of Respondents’ answer, Petitioner would still be able to file a separate petition to cancel Respondents’ Registration based on the damage to its rights in the 412 Application. However, such a separate filing would be a waste of judicial resources when the harm to all of Petitioner’s trademark applications flow from the same nexus of facts and thus should be alleged in the same petition. Thus, the Board should also consider judicial economy and conservation of the parties’ resources in granting leave to amend.

Finally, there is clearly no prejudice to the Respondents if Petitioner is granted leave to amend prior to Respondents filing an answer. In fact, such an amendment creates a benefit for the Respondents as they do not have to answer twice and will have additional time to answer. See Fed. R. Civ. P. 15(a)(3). Specifically, Respondents’ answer is due November 17, 2015, and under the rule, Respondents shall have at least 14 days after service of the amended petition to file their answer. *Id.* The lack of prejudice is further evidenced by the fact that Respondents filed their 11th request for an extension to file an answer to the petition on October 16, 2015, thus demonstrating that time is not of the essence.

CONCLUSION

In light of the foregoing, it is in the interests of justice that the Board allow Petitioner to amend its petition, and such an allowance would not be in violation of any settled law or be prejudicial to the Respondents' rights. Thus, Petitioner respectfully requests that the Board allow the filing of Petitioner's Amended Petition for Cancellation attached hereto.

This 16th day of November, 2015.

s/Karen Kreider Gaunt

Karen Kreider Gaunt

(karen.gaunt@dinsmore.com)

Michael J. Wheeler

(michael.wheeler@dinsmore.com)

DINSMORE & SHOHL LLP

255 East Fifth Street, Suite 1900

Cincinnati, Ohio 45202

(513) 977-8200-General

(513) 977-8141-Fax

*Attorneys for Petitioner,
Draganfly Innovations, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2015 a copy of the foregoing Motion to Amend the Petition for Cancellation was sent via first-class U.S. Mail to the following:

Jayant Ratti
817 West Peachtree Street
Atlanta, GA 30308

Techject Inc., DBA TechJect
817 West Peachtree Street
Atlanta, GA 30308

Kelly O. Wallace
Welborn, Wallace & Woodard, LLC
100 Colony Square, Suite 300
Atlanta, GA 30325

s/Karen Kreider Gaunt

Karen Kreider Gaunt
Attorney for Petitioner

10010964v1

EXHIBIT 1

2. Petitioner has been developing and offering UAS products since as early as the year 1998, when Christine and Zenon Dragan launched Draganfly Innovations, Inc. and subsequently introduced their first products, an innovative radio controlled (“RC”) blimp and an early RC quad-rotor helicopter called the Draganflyer.

3. The Draganflyer series of aircraft was used extensively for research at MIT, Vanderbilt University, and other similar institutions. Since then, the product has evolved over the years to become more advanced and has grown in commercial reach and popularity to the extent that Draganfly aircraft have been used in films (*Inspector Gadget*) and on popular television shows, like the NBC prime-time comedy series, *Community*.

4. The Draganflyer series has consistently broken new barriers of innovation in both design and function, and in 2008 Petitioner’s highly advanced Draganfly X6 helicopter was featured in the *Popular Science* magazine and awarded the magazine’s “Best of What’s New” award.

5. Since winning *Popular Science*’s award in 2008, Petitioner has continued to develop new UAS products on the leading edge of technology, and has introduced numerous subsequent iterations of the Draganflyer helicopter, such as 2012’s Draganflyer X4-P, 2013’s Draganflyer X4-ES, and 2014’s Draganflyer X4-C.

6. On May 27, 2015, Petitioner filed a Canadian trademark application to register the mark DRAGANFLY (Canada Application No. 1730085).

7. On June 2, 2015, Petitioner filed a USPTO application to register DRAGANFLY (Serial No. 86/648,412) (the “412 Application”), claiming December 31, 1998 as its first date of use in connection with the identified goods and/or services and

asserting a claim of priority under 15 U.S.C. Section 1126(d) based on the Canadian Application No. 1730085. Petitioner's priority date for the 412 Application under §44(d) is May 27, 2015, the filing date for Petitioner's corresponding Canadian application upon which Petitioner's 412 Application is based. A copy of the TSDR report for the 412 Application is attached hereto as Exhibit A.

8. Previously, on November 28, 2012, Petitioner also filed applications to register the marks DRAGANFLY INNOVATIONS (Serial No. 85/789,737) (the "737 Application") and DRAGANFLY (stylized) (Serial No. 85/789,741) (the "741 Application") claiming a bona fide intention to use the marks in commerce on or in connection with the identified goods and/or services and also asserting claims of priority under 15 U.S.C. Section 1126(d) based on Canada application numbers 1595863 and 1595867. Petitioner's priority date for the 737 Application and 741 Application under §44(d) is October 4, 2012, the filing date for Petitioner's corresponding Canadian applications upon which Petitioner's applications are based. A copy of the TSDR reports for each mark is attached hereto respectively as Exhibits B and C. Petitioner's application Serial Nos. 86/648,412, 85/789,737 and 85/789,741 are referred to hereafter collectively as "Petitioner's Applications".

9. Petitioner's Applications have been refused registration in light of Respondents' Registration No. 4,420,034 for the mark ROBOT DRAGONFLY which was registered on October 15, 2013 for robotic systems consisting essentially of robots and remote controls therefor, all for personal and hobby use in Class 9. A copy of Respondents' registration certificate and the TSDR report for that mark are attached

collectively as Exhibit D. Registration No. 4,420,034 is referred to herein as “Respondents’ Registration”.

10. As explained herein, Respondents’ Registration was improperly granted and as such, the refusals to register Petitioner’s Applications are improper, because Petitioner’s Applications have seniority with both prior use and earlier filing dates than the effective priority filing date of Respondents’ Registration.

11. Petitioner’s Applications seek registration of each of its marks for the following goods and services:

Class 9: Ground based robots and the payloads thereof for commercial, consumer and public safety use in surveillance, monitoring and transportation applications, and parts and accessories therefor; electronic control systems and software for operating unmanned aerial vehicles and ground based robots.

Class 12: Unmanned aerial vehicles and ground based robots sold as a component part of the unmanned aerial vehicles, and the payloads thereof, for commercial, consumer, and public safety use in surveillance, monitoring and transportation applications, parts and accessories therefor; electronic control systems and software for operating unmanned aerial vehicles and ground based robots all sold as a component part of the unmanned aerial vehicles.

Class 35: Online retail services through direct solicitation by distributors, salespersons and sales agents directed to end users featuring unmanned aerial vehicles, ground based robots, platforms therefor, payloads, parts and accessories, control systems and software therefor; and wholesale distributorships featuring unmanned aerial vehicles, ground based robots,

platforms therefor, payloads, parts and accessories, control systems and software therefor (as amended).

Class 40: Custom manufacturing of unmanned aerial vehicles, ground based robots, platforms therefor, payloads, parts and accessories, and control systems therefor, for others.

Class 42: Custom design of software for operating unmanned aerial vehicles and ground based robots, for others.

12. In Office Actions that issued on Petitioner's 737 and 741 Applications on March 20, 2013, Respondents' prior pending application (Serial No. 85/740728) upon which Respondents' Registration ultimately issued (hereinafter "Respondents' Application") was cited initially against Petitioner's Applications as a potential bar to registration under Section 2(d) of the Lanham Trademark Act, 15 U.S.C. §1207.01 *et seq.*

13. Despite Petitioner's priority, however, on October 30, 2013, second Office Actions issued against Petitioner's 737 and 741 Applications refusing registration in part, on the basis that Petitioner's applied-for marks were likely to be confused with Respondents' Registration under Section 2(d) of the Trademark Act, 15 U.S.C. §1207.01 *et seq.*

14. Furthermore, on September 21, 2015, a separate Office Action issued against Petitioner's 412 Application refusing registration in part, on the basis that Petitioner's applied-for mark was likely to be confused with Respondents' Registration under Section 2(d) of the Trademark Act, 15 U.S.C. §1207.01 *et seq.*

15. Respondents' Application, upon which Respondents' Registration ultimately issued, was originally filed less than 10 days prior to the priority filing date for Petitioner's 737 and 741 Applications.

16. During the prosecution of Respondents' Application, on January 30, 2013, an Office Action issued against Respondents' Application, in part, refusing registration on the grounds that Respondents' mark was merely descriptive under Section 2(e)(1), but also refusing registration rejecting Respondents' purported specimen on the basis that the specimen submitted with Respondents' Application as filed did not show use of the mark in commerce.

17. On July 23, 2013, Respondents filed a response to the January 30, 2013 Office Action amending the filing basis of Serial No. 85/740,728 to intent-to-use under Section 1(b). Respondents did not address the descriptiveness refusal at that time. Attached hereto as Exhibit E is a printout of the TSDR document for Respondents' Application filed July 23, 2013 deleting the 1(a) filing basis and amending the filing basis to 1(b), intent to use.

18. On August 8, 2013, Respondents filed an Amendment to Allege Use and submitted a specimen on Respondents' Application. The specimen was ultimately accepted as meeting the requirements for an Amendment to Allege Use by the Examining Attorney.

19. In response to the descriptiveness refusal and with Respondents' consent, on September 2, 2013 the Examining Attorney issued an Examiner's Amendment amending Respondents' Application to the Supplemental Register.

20. Since Respondents' Application upon which Respondents' Registration ultimately issued was amended to intent to use on July 23, 2013, and thereafter, on August 8, 2013, an acceptable Amendment to Allege Use was filed and Respondents' Application was subsequently accepted for registration on the Supplemental Register, Respondents' effective priority date is not the date that Respondents' Application was originally filed, but rather is the date Respondents' Application was in condition for registration on the Supplemental Register. See TMEP §§206-206.03, §816.04 *et seq.*

21. Therefore, August 8, 2013, the date when Respondents filed their Amendment to Allege Use, is the date upon when Respondents' Application first became sufficient for registration on the Supplemental Register and as such, August 8, 2013 is the effective priority date for Respondents' Application and resulting registration. (TMEP §§ 206 – 206.03, §816.04 *et seq.*).

22. Because Respondents' new priority date of August 8, 2013 is nearly a year **after** the priority date for Petitioner's 737 and 741 Applications, and well over fourteen years after Petitioner's first date of use, Respondents' Registration cannot legally stand as a bar to registration of Petitioner's Applications, all of which now have either earlier filing priority dates than the priority date of Respondents' Registration, and/or were in use long before Registrant's date of first use..

23. Furthermore, upon acceptance of Respondents' Amendment to Allege Use and the Examiner's Amendment to the Supplemental Register on September 2, 2013, the Examining Attorney for Respondents' Application was required to conduct a new search (see TMEP §206.04). Had a search been conducted, Petitioner's 737 and 741 Applications would have been revealed as having senior, priority filing dates of

October 4, 2012, and Petitioner's Applications would have served to block registration of Respondents' Application. See TMEP §1208.01.

24. On October 31, 2013, the day after the Office Actions issued citing Respondents' Registration against Petitioner's 737 and 741 Applications and only 16 days after Respondents' Registration issued, Petitioner's counsel informed the Examining Attorneys assigned to Respondents' Application and Petitioner's 737 and 741 Applications via email of the error in allowing Respondents' Application to register. However, nothing was done by the USPTO to correct the error. A copy of the email from Petitioner's counsel is attached as Exhibit F.

25. Continued registration of Respondents' Registration is likely to cause confusion or mistake in the minds of the public and lead the public and prospective purchasers into believing that Respondents' goods are Petitioner's goods, or are endorsed or sponsored by or otherwise affiliated or connected with Petitioner, or that Respondents' goods are associated with Petitioner, all to the damage and injury of the purchasing public and Petitioner.

26. Petitioner will be further damaged by Respondents' continued registration of ROBOT DRAGONFLY in that the registration may likely preclude registration of Petitioner's DRAGANFLY, DRAGANFLY (stylized) and DRAGANFLY INNOVATIONS marks.

27. On the basis of the foregoing, because Petitioner's Applications have priority and/or an earlier date of first use, and because Petitioner has been damaged and will continue to be damaged by continued registration of Respondents' ROBOT DRAGONFLY mark, Registration No. 4,420,034 should be cancelled.

WHEREFORE, Petitioner asks that its petition to cancel Registration No. 4,420,034 be sustained.

This 16th day of November, 2015.

s/Karen Kreider Gaunt

Karen Kreider Gaunt

(karen.gaunt@dinsmore.com)

Michael J. Wheeler

(michael.wheeler@dinsmore.com)

DINSMORE & SHOHL LLP

255 East Fifth Street, Suite 1900

Cincinnati, Ohio 45202

(513) 977-8200-General

(513) 977-8141-Fax

*Attorneys for Petitioner,
Dragonfly Innovations, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2015 a copy of the foregoing Amended Petition for Cancellation was sent via first-class U.S. Mail to the following:

Jayant Ratti
817 West Peachtree Street
Atlanta, GA 30308

Techject Inc., DBA TechJect
817 West Peachtree Street
Atlanta, GA 30308

Kelly O. Wallace
Welborn, Wallace & Woodard, LLC
100 Colony Square, Suite 300
Atlanta, GA 30325

s/Karen Kreider Gaunt
Karen Kreider Gaunt
Attorney for Petitioner

10011227v2

EXHIBIT A

The recently released version of TSDR has been rolled back to the earlier version in order to repair minor defects. The new version will be re-released in the near future.

STATUS **DOCUMENTS**

[Back to Search](#)

[Print](#)

Generated on: This page was generated by TSDR on 2015-11-16 05:29:12 EST

Mark: DRAGANFLY

DRAGANFLY

US Serial Number: 86648412

Application Filing Date: Jun. 02, 2015

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark, Service Mark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Sep. 21, 2015

Mark Information

Mark Literal Elements: DRAGANFLY

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 1730085

Foreign Application Filing Date: May 27, 2015

Foreign Application/Registration Country: CANADA

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Ground based robots and the payloads thereof for commercial, consumer and public safety use in surveillance, monitoring and transportation applications, and parts and accessories therefor; electronic control systems and software for operating unmanned aerial vehicles and ground based robots

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a) 44(d)

First Use: Dec. 31, 1998

Use in Commerce: Dec. 31, 1998

For: Unmanned aerial vehicles and ground based robots sold as a component part of the unmanned aerial vehicles, and the payloads thereof, for commercial, consumer, and public safety use in surveillance, monitoring and transportation applications, parts and accessories therefor; electronic control systems and software for operating unmanned aerial vehicles and ground based robots all sold as a component part of the unmanned aerial vehicles

International Class(es): 012 - Primary Class

U.S Class(es): 019, 021, 023, 031, 035, 044

Class Status: ACTIVE

Basis: 1(a) 44(d)

First Use: Dec. 31, 1998

Use in Commerce: Dec. 31, 1998

For: Online retail services through direct solicitation by distributors, salespersons and sales agents directed to end users featuring unmanned aerial vehicles, ground based robots, platforms therefor, payloads, parts and accessories, control systems and software therefor, and wholesale distributorships featuring unmanned aerial vehicles, ground based robots, platforms therefor, payloads, parts and accessories, control systems and software therefor

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a) 44(d)

First Use: Dec. 31, 1998

Use in Commerce: Dec. 31, 1998

For: Custom manufacturing of unmanned aerial vehicles, ground based robots, platforms therefor, payloads, parts and accessories, and control systems therefor, for others

International Class(es): 040 - Primary Class **U.S Class(es):** 100, 103, 106

Class Status: ACTIVE

Basis: 1(a) 44(d)

First Use: Dec. 31, 1998 **Use in Commerce:** Dec. 31, 1998

For: Custom design of software for operating unmanned aerial vehicles and ground based robots, for others

International Class(es): 042 - Primary Class **U.S Class(es):** 100, 101

Class Status: ACTIVE

Basis: 1(a) 44(d)

First Use: Dec. 31, 1998 **Use in Commerce:** Dec. 31, 1998

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	Amended ITU: No
Filed 44D: Yes	Currently 44D: Yes	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Draganfly Innovations Inc.

Owner Address: 2108 St. George Avenue
Saskatoon S7M0K7
CANADA

Legal Entity Type: CORPORATION **State or Country Where Organized:** CANADA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Karen Kreider Gaunt **Docket Number:** 78715-2

Attorney Primary Email Address: karen.gaunt@dinsmore.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: KAREN KREIDER GAUNT
Dinsmore & Shohl
255 E 5th St Ste 1900
Cincinnati, OHIO 45202-1971
UNITED STATES

Phone: 513-977-8200 **Fax:** 513-977-8141

Correspondent e-mail: karen.gaunt@dinsmore.com **Correspondent e-mail Authorized:** Yes

Domestic Representative

Domestic Representative Name: Karen Kreider Gaunt **Phone:** 513-977-8200

Fax: 513-977-8141

Domestic Representative e-mail: karen.gaunt@dinsmore.com **Domestic Representative e-mail Authorized:** Yes

Prosecution History

Date	Description	Proceeding Number
Sep. 21, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 21, 2015	NON-FINAL ACTION E-MAILED	6325
Sep. 21, 2015	NON-FINAL ACTION WRITTEN	85327
Sep. 14, 2015	ASSIGNED TO EXAMINER	85327
Jun. 09, 2015	NOTICE OF PSEUDO MARK E-MAILED	

Jun. 08, 2015 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM

Jun. 05, 2015 NEW APPLICATION ENTERED IN TRAM

TM Staff and Location Information

TM Staff Information

TM Attorney: VAGHANI, MAYUR C

Law Office Assigned: LAW OFFICE 102

File Location

Current Location: TMEG LAW OFFICE 102 - EXAMINING ATTORNEY ASSIGNED

Date in Location: Sep. 21, 2015

[Assignment Abstract Of Title Information - Click to Load](#)

[Proceedings - Click to Load](#)

EXHIBIT B

Generated on: This page was generated by TSDR on 2014-04-24 10:14:55 EDT

Mark: DRAGANFLY INNOVATIONS

DRAGANFLY INNOVATIONS

US Serial Number: 85789737

Application Filing Date: Nov. 28, 2012

Register: Principal

Mark Type: Trademark, Service Mark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Oct. 30, 2013

Mark Information

Mark Literal Elements: DRAGANFLY INNOVATIONS

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "INNOVATIONS"

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 1595863

Foreign Application Filing Date: Oct. 04, 2012

Foreign Application/Registration Country: CANADA

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Ground based robots and the payloads thereof for commercial, consumer and public safety use in surveillance, monitoring and transportation applications, and parts and accessories therefor; electronic control systems and software for operating unmanned aerial vehicles and ground based robots

International Class(es): 009 - Primary Class

U.S. Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(b) 44(d)

For: Unmanned aerial vehicles and ground based robots sold as a component part of the unmanned aerial vehicles, and the payloads thereof, for commercial, consumer, and public safety use in surveillance, monitoring and transportation applications, parts and accessories therefor; electronic control systems and software for operating unmanned aerial vehicles and ground based robots all sold as a component part of the unmanned aerial vehicles

International Class(es): 012 - Primary Class

U.S. Class(es): 019, 021, 023, 031, 035, 044

Class Status: ACTIVE

Basis: 1(b) 44(d)

For: Retail and wholesale distribution and sales of unmanned aerial vehicles, ground based robots, platforms therefor, payloads, parts and accessories, control systems, and software therefor

International Class(es): 035 - Primary Class

U.S. Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b) 44(d)

For: Custom manufacturing of unmanned aerial vehicles, ground based robots, platforms therefor, payloads, parts and accessories, and control systems therefor, for others

International Class(es): 040 - Primary Class

U.S. Class(es): 100, 103, 106

Class Status: ACTIVE

Basis: 1(b) 44(d)

For: Custom design of software for operating unmanned aerial vehicles and ground based robots, for others

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(b) 44(d)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	Amended ITU: No
Filed 44D: Yes	Currently 44D: Yes	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Draganfly Innovations Inc.
Owner Address: 2108 Saint George Avenue
Saskatoon S7M0K7
CANADA
Legal Entity Type: CORPORATION
State or Country Where Organized: CANADA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Karen Kreider Gaunt
Attorney Primary Email Address: karen.gaunt@dinsmore.com
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: KAREN KREIDER GAUNT
DINSMORE & SHOHL LLP
255 E 5TH ST STE 1900
CINCINNATI, OHIO 45202-1971
UNITED STATES
Phone: 513-977-8503
Fax: 513-977-8141
Correspondent e-mail: karen.gaunt@dinsmore.com
Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Karen Kreider Gaunt
Phone: 513-977-8503
Fax: 513-977-8141
Domestic Representative e-mail: karen.gaunt@dinsmore.com
Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Oct. 30, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 30, 2013	NON-FINAL ACTION E-MAILED	6325
Oct. 30, 2013	NON-FINAL ACTION WRITTEN	83172
Sep. 26, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	66121
Sep. 26, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	66121
Sep. 24, 2013	ASSIGNED TO LIE	66121
Sep. 20, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 20, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 20, 2013	NON-FINAL ACTION E-MAILED	6325
Mar. 20, 2013	NON-FINAL ACTION WRITTEN	83172
Mar. 19, 2013	ASSIGNED TO EXAMINER	83172
Dec. 07, 2012	NOTICE OF PSEUDO MARK MAILED	

Dec. 06, 2012 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM
Dec. 01, 2012 NEW APPLICATION ENTERED IN TRAM

TM Staff and Location Information

TM Staff Information

TM Attorney: LEE, YAT SYE I

Law Office Assigned: LAW OFFICE 107

File Location

Current Location: TMEG LAW OFFICE 107 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Oct. 30, 2013

EXHIBIT C

Generated on: This page was generated by TSDR on 2014-04-24 10:14:19 EDT

Mark: DRAGANFLY



US Serial Number: 85789741

Application Filing Date: Nov. 28, 2012

Register: Principal

Mark Type: Trademark, Service Mark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Oct. 30, 2013

Mark Information

Mark Literal Elements: DRAGANFLY

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S)/LETTER(S)/NUMBER(S) INSTYLIZED FORM

Description of Mark: The mark consists of the literal element "DRAGANFLY" in stylized letters.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 1595867

Foreign Application Filing Date: Oct. 04, 2012

Foreign Application/Registration Country: CANADA

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Ground based robots and the payloads thereof for commercial, consumer and public safety use in surveillance, monitoring and transportation applications, and parts and accessories therefor; electronic control systems and software for operating unmanned aerial vehicles and ground based robots

International Class(es): 009 - Primary Class

U.S. Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(b) 44(d)

For: Unmanned aerial vehicles and ground based robots sold as a component part of the unmanned aerial vehicles, and the payloads thereof, for commercial, consumer, and public safety use in surveillance, monitoring and transportation applications, parts and accessories therefor; electronic control systems and software for operating unmanned aerial vehicles and ground based robots all sold as a component part of the unmanned aerial vehicles

International Class(es): 012 - Primary Class

U.S. Class(es): 019, 021, 023, 031, 035, 044

Class Status: ACTIVE

Basis: 1(b) 44(d)

For: Retail and wholesale distribution and sales of unmanned aerial vehicles, ground based robots, platforms therefor, payloads, parts and accessories, control systems, and software therefor

International Class(es): 035 - Primary Class

U.S. Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b) 44(d)

For: Custom manufacturing of unmanned aerial vehicles, ground based robots, platforms therefor, payloads, parts and accessories, and control systems therefor, for others

International Class(es): 040 - Primary Class

U.S. Class(es): 100, 103, 106

Class Status: ACTIVE

Basis: 1(b) 44(d)

For: Custom design of software for operating unmanned aerial vehicles and ground based robots, for others

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(b) 44(d)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	Amended ITU: No
Filed 44D: Yes	Currently 44D: Yes	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Draganfly Innovations Inc.
Owner Address: 2108 Saint George Avenue
Saskatoon S7M0K7
CANADA
Legal Entity Type: CORPORATION
State or Country Where Organized: CANADA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Karen Kreider Gaunt
Attorney Primary Email Address: karen.gaunt@dinsmore.com
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: KAREN KREIDER GAUNT
DINSMORE & SHOHL LLP
255 E 5TH ST STE 1900
CINCINNATI, OHIO 45202-1971
UNITED STATES
Phone: 513-977-8503
Fax: 513-977-8141
Correspondent e-mail: karen.gaunt@dinsmore.com
Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Karen Kreider Gaunt
Phone: 513-977-8503
Fax: 513-977-8141
Domestic Representative e-mail: karen.gaunt@dinsmore.com
Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Oct. 30, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 30, 2013	NON-FINAL ACTION E-MAILED	6325
Oct. 30, 2013	NON-FINAL ACTION WRITTEN	83172
Sep. 30, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	66121
Sep. 30, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	66121
Sep. 24, 2013	ASSIGNED TO LIE	66121
Sep. 20, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 20, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 20, 2013	NON-FINAL ACTION E-MAILED	6325
Mar. 20, 2013	NON-FINAL ACTION WRITTEN	83172
Mar. 19, 2013	ASSIGNED TO EXAMINER	83172
Dec. 07, 2012	NOTICE OF PSEUDO MARK MAILED	

Dec. 06, 2012 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM
Dec. 01, 2012 NEW APPLICATION ENTERED IN TRAM

TM Staff and Location Information

TM Staff Information

TM Attorney: LEE, YAT SYE I

Law Office Assigned: LAW OFFICE 107

File Location

Current Location: TMEG LAW OFFICE 107 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Oct. 30, 2013

EXHIBIT D

United States of America

United States Patent and Trademark Office

ROBOT DRAGONFLY

Reg. No. 4,420,034

Registered Oct. 15, 2013

Int. Cl.: 9

TRADEMARK

SUPPLEMENTAL REGISTER

TECHJECT INC. (GEORGIA CORPORATION), DBA TECHJECT,
817 WEST PEACHTREE ST
ATLANTA, GA 30308 AND

JAYANT RATTI (INDIA INDIVIDUAL)
817 WEST PEACHTREE ST
ATLANTA, GA 30308

FOR: ROBOTIC SYSTEMS CONSISTING ESSENTIALLY OF ROBOTS AND REMOTE CONTROLS THEREFOR, ALL FOR PERSONAL AND HOBBY USE, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 8-0-2012; IN COMMERCE 11-6-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ROBOT", APART FROM THE MARK AS SHOWN.

SER. NO. 85-740,728, FILED P.R. 9-27-2012; AM. S.R. 8-29-2013.

JOHN E. MICHOS, EXAMINING ATTORNEY



Lisa Street Lee

Deputy Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*
What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

Generated on: This page was generated by TSDR on 2014-04-24 10:15:57 EDT

Mark: ROBOT DRAGONFLY

ROBOT DRAGONFLY

US Serial Number: 85740728 **Application Filing Date:** Sep. 27, 2012
US Registration Number: 4420034 **Registration Date:** Oct. 15, 2013
Register: Supplemental
Mark Type: Trademark
Date Amended to Current Register: Aug. 29, 2013
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Oct. 15, 2013

Mark Information

Mark Literal Elements: ROBOT DRAGONFLY
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK
Disclaimer: "ROBOT"

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *,* identify additional (new) wording in the goods/services.

For: Robotic systems consisting essentially of robots and remote controls therefor, all for personal and hobby use

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 2012

Use in Commerce: Nov. 06, 2012

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: Yes
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: TechJect Inc.
DBA, AKA, Formerly: DBA TechJect
Owner Address: 817 West Peachtree St
Atlanta, GEORGIA 30308
UNITED STATES
Legal Entity Type: CORPORATION **State or Country Where Organized:** GEORGIA
Owner Name: Jayant Ratti
Owner Address: 817 West Peachtree St
Atlanta, GEORGIA 30308
UNITED STATES
Legal Entity Type: INDIVIDUAL **Citizenship:** INDIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jason R. Lee

Attorney Primary Email Address: docket@llapc.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: TechJect Inc.
817 West Peachtree St
Atlanta, GEORGIA 30308
UNITED STATES

Phone: 4043122644

Correspondent e-mail: jayantratti@gmail.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 25, 2014	REGISTERED - SEC. 7 REQUEST ABANDONED	74886
Mar. 25, 2014	REVIEW OF CORRESPONDENCE COMPLETE - CERTIFICATE OF REG MAILED	74886
Mar. 22, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	74886
Mar. 07, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 07, 2014	TEAS SECTION 7 REQUEST RECEIVED	
Nov. 06, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 15, 2013	REGISTERED-SUPPLEMENTAL REGISTER	
Sep. 06, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Sep. 03, 2013	APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER	
Sep. 03, 2013	NOTICE OF ACCEPTANCE OF AMENDMENT TO ALLEGE USE E-MAILED	
Sep. 02, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 02, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 02, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 02, 2013	EXAMINERS AMENDMENT -WRITTEN	67443
Sep. 02, 2013	USE AMENDMENT ACCEPTED	67443
Aug. 09, 2013	AMENDMENT TO USE PROCESSING COMPLETE	88889
Aug. 09, 2013	USE AMENDMENT FILED	88889
Aug. 08, 2013	TEAS AMENDMENT OF USE RECEIVED	
Aug. 02, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	70138
Aug. 02, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	70138
Jul. 25, 2013	ASSIGNED TO LIE	70138
Jul. 23, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 30, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 30, 2013	NON-FINAL ACTION E-MAILED	6325
Jan. 30, 2013	NON-FINAL ACTION WRITTEN	67443
Jan. 25, 2013	ASSIGNED TO EXAMINER	67443
Oct. 03, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Mar. 25, 2014

EXHIBIT E

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85740728
LAW OFFICE ASSIGNED	LAW OFFICE 105
MARK SECTION	
MARK	http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=85740728
LITERAL ELEMENT	ROBOT DRAGONFLY
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	009
DESCRIPTION	
Robotic systems, technologies and solutions for remote control or autonomous operation	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 00/00/2012
FIRST USE IN COMMERCE DATE	At least as early as 00/00/2012
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	009
TRACKED TEXT DESCRIPTION	
Robotic systems, technologies and solutions for remote control or autonomous operation; Robotic systems consisting essentially of robots and remote controls therefor, all for personal and hobby use	
FINAL DESCRIPTION	
Robotic systems consisting essentially of robots and remote controls therefor, all for personal and hobby use	

FILING BASIS	Section 1(b)
NEW ATTORNEY SECTION	
NAME	Jason R. Lee
FIRM NAME	Lee, Lee & Associates, P.C.
STREET	2531 Jackson Rd., Ste# 234
CITY	Ann Arbor
STATE	Michigan
ZIP/POSTAL CODE	48103
COUNTRY	United States
PHONE	8664002507
FAX	800-689-7978
EMAIL	docket@llapc.com
AUTHORIZED EMAIL COMMUNICATION	Yes
CORRESPONDENCE SECTION	
ORIGINAL ADDRESS	TECHJECT INC. TECHJECT INC. 2914 PEEK RD. NW 2914 W. PEEK RD. NW ATLANTA Georgia (GA) US 30318
NEW CORRESPONDENCE SECTION	
NAME	Jason R. Lee
FIRM NAME	TechJect Inc. DBA TechJect
STREET	2914 Peek Rd NW
CITY	Atlanta
STATE	Georgia
ZIP/POSTAL CODE	30318
COUNTRY	United States
PHONE	8664002507
FAX	800-689-7978

EMAIL	docket@llapc.com
AUTHORIZED EMAIL COMMUNICATION	Yes
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Jason R. Lee/
SIGNATORY'S NAME	Jason R. Lee
SIGNATORY'S POSITION	Attorney of Record, MI Bar Member
SIGNATORY'S PHONE NUMBER	Attorney of record, MI bar member
DATE SIGNED	07/23/2013
DECLARATION SIGNATURE	/Jason R. Lee/
SIGNATORY'S NAME	Jason R. Lee
SIGNATORY'S POSITION	Attorney of record, MI bar member
DATE SIGNED	07/23/2013
RESPONSE SIGNATURE	/Jason R. Lee/
SIGNATORY'S NAME	Jason R. Lee
SIGNATORY'S POSITION	Attorney of Record, MI bar member
DATE SIGNED	07/23/2013
AUTHORIZED SIGNATORY	YES
RESPONSE SIGNATURE	/Jason R. Lee/
SIGNATORY'S NAME	Jason R. Lee
SIGNATORY'S POSITION	Attorney of Record, MI bar member
DATE SIGNED	07/23/2013
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Jul 23 13:26:05 EDT 2013
TEAS STAMP	USPTO/ROA-68.188.190.63-2 0130723132605436455-85740 728-500b122c345adc1113e4a 63c4621669f6d4c81c46b6e75 af7b48136f21d3d98b4-N/A-N /A-20130723123036096235

Response to Office Action To the Commissioner for Trademarks:

Application serial no. **85740728** ROBOT DRAGONFLY(Standard Characters, see <http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=85740728>) has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 009 for Robotic systems, technologies and solutions for remote control or autonomous operation

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 00/00/2012 and first used in commerce at least as early as 00/00/2012 , and is now in use in such commerce.

Proposed:

Tracked Text Description: ~~Robotic systems, technologies and solutions for remote control or autonomous operation;~~ Robotic systems consisting essentially of robots and remote controls therefor, all for personal and hobby use

Class 009 for Robotic systems consisting essentially of robots and remote controls therefor, all for personal and hobby use

Deleted Filing Basis: 1(a)

Filing Basis: Section 1(b), Intent to Use: *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. *For a collective trademark, collective service mark, or collective membership mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. *For a certification mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

ATTORNEY ADDRESS

Applicant proposes to amend the following:

Proposed:

Jason R. Lee of Lee, Lee & Associates, P.C., having an address of
2531 Jackson Rd., Ste# 234 Ann Arbor, Michigan 48103
United States

docket@llapc.com
8664002507
800-689-7978

CORRESPONDENCE ADDRESS CHANGE

Applicant proposes to amend the following:

Current:

TECHJECT INC.
TECHJECT INC.
2914 PEEK RD. NW
2914 W. PEEK RD. NW
ATLANTA
Georgia (GA)
US
30318

Proposed:

Jason R. Lee of TechJect Inc. DBA TechJect, having an address of
2914 Peek Rd NW Atlanta, Georgia 30318
United States
docket@llapc.com
8664002507
800-689-7978

SIGNATURE(S)

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii); and/or the applicant has had a bona fide intention to exercise legitimate control over the use of the mark in commerce by its members. 37 C.F. R. Sec. 2.44. If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods and/or services listed in the application as of the application filing date or as of the date of any submitted allegation of use. 37 C.F.R. Secs. 2.34(a)(1)(i); and/or the applicant has exercised legitimate control over the use of the mark in commerce by its members. 37 C.F.R. Sec. 2.44. The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original

application and this submission made on information and belief are believed to be true.

Signature: /Jason R. Lee/ Date: 07/23/2013
Signatory's Name: Jason R. Lee
Signatory's Position: Attorney of Record, MI Bar Member
Signatory's Phone Number: Attorney of record, MI bar member

Signature: /Jason R. Lee/ Date: 07/23/2013
Signatory's Name: Jason R. Lee
Signatory's Position: Attorney of record, MI bar member

Response Signature

Signature: /Jason R. Lee/ Date: 07/23/2013
Signatory's Name: Jason R. Lee
Signatory's Position: Attorney of Record, MI bar member

Response Signature

Signature: /Jason R. Lee/ Date: 07/23/2013
Signatory's Name: Jason R. Lee
Signatory's Position: Attorney of Record, MI bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Mailing Address: Jason R. Lee
TechJect Inc. DBA TechJect
2914 Peek Rd NW
Atlanta, Georgia 30318

Serial Number: 85740728
Internet Transmission Date: Tue Jul 23 13:26:05 EDT 2013
TEAS Stamp: USPTO/ROA-68.188.190.63-2013072313260543
6455-85740728-500b122c345adc1113e4a63c46
21669f6d4c81c46b6e75af7b48136f21d3d98b4-
N/A-N/A-20130723123036096235

EXHIBIT F

Gaunt, Karen

From: Gaunt, Karen
Sent: Thursday, October 31, 2013 4:33 PM
To: 'yatsye.lee@uspto.gov'; 'john.michos@uspto.gov'; 'TrademarkAssistanceCenter@uspto.gov'
Cc: VanHorn, Robin; Pinner, Sonya
Subject: Office Actions Issued on Trademark Application Serial Nos. 85/789,737 and 85/789,741
Attachments: U.S. TRADEMARK APPLICATION NO. 85789741 - DRAGANFLY - N/A; U.S. TRADEMARK APPLICATION NO. 85789737 - DRAGANFLY INNOVATIONS - N/A; 85740728[1].pdf; 85740728[1].pdf; 85740728[1].pdf

Dear Examiners Lee, Michos and USPTO Post Registration Division,

I am writing with respect to the Office Actions issued October 30th on the above identified applications by Draganfly Innovations to register the marks DRAGANFLY INNOVATIONS and DRAGANFLY (Application Serial Nos. 85/789,737 and 85/789,741).

These applications have been refused registration in light of registration of the mark ROBOT DRAGANFLY, Registration No. 4,420,034 registered on October 15, 2013. However, as explained herein, this registration has been improperly granted and as such, the refusal of Serial Nos. 85/789,737 and 85/789,741 is improper, since Application Serial Nos. 85/789,737 and 85/789,741 have seniority with earlier filing dates than the effective priority filing date of Registration No. 4,420,034.

More specifically, as noted in the 3 pdf documents attached above, while the application upon which Registration No. 4,420,034 issued was originally filed approximately 2 months prior to the filing dates for Application Serial Nos. 85/789,737 and 85/789,741 (hence the citation of this mark as a pending application in earlier Office Actions) Serial No. 85/740,728 upon which Registration No. 4,420,034 issued was amended to the Supplemental Register on September 2, 2013 after the applicant filed an acceptable Amendment to Allege Use on August 8, 2013. Accordingly, August 8, 2013 is the date upon which Application Serial No 85/740,728 first became sufficient for registration on the Supplemental Register and as such, August 8, 2013 is the effective priority date for Serial No. 85/740,728/Registration No. 4,420,034.

Therefore, under the provisions in the TMEP (§§ 206 – 206.03, §816.04 and others) the effective filing date for this application is August 8, 2013, the date the applicant filed an acceptable Amendment to Allege Use and the date that this subject application first became sufficient for registration on the Supplemental Register. This priority date of August 8, 2013 is nearly a year *after* the priority date for Application Serial Nos. 85/789,737 and 85,789,741 and as such, this registration cannot legally stand as a bar to registration of Application Serial Nos. 85/789,737 and 85,789,741 with earlier filing priority.

Furthermore, upon acceptance of the AAU and the Examiner's Amendment to the Supplemental Register, the Examining Attorney was required to conduct a new search (see TMEP §206.04). Had a new search been conducted, the herein refused Draganfly Innovations Application Serial Nos. 85/789,737 and 85/789,741 with the now senior, priority filing dates of November 28, 2012 would have served to block registration of Application Serial No. 85/740,728 since at that point, Application Serial Nos. 85/789,737 and 85/789,741 with filing dates of November 28, 2012 had had indisputable priority over the effective priority date of August 8, 2013 for Serial No. 85/740,728. (See TMEP §1208.01).

The Applicant can most certainly file formal Office Action responses to the improperly granted refusals, although it seems that it may not be appropriate for the Applicant to bear the burden of correcting this clear error by the Trademark Office. As such, please advise as to the best way to correct this mistake.

Thank you in advance for your time and assistance. Please do not hesitate to contact the undersigned if there are any questions.

Best regards,
Karen Gaunt

Dinsmôre

Karen K. Gaunt

Partner

Director: Trademark, Copyright and Brand Strategies Group

Dinsmore & Shohl LLP • Legal Counsel

255 East Fifth Street

Suite 1900

Cincinnati, OH 45202

T (513) 977-8503 • F (513) 977-8141

E karen.gaunt@dinsmore.com • dinsmore.com