

ESTTA Tracking number: **ESTTA22378**

Filing date: **12/30/2004**

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

<b>Proceeding</b>	91160278
<b>Party</b>	Defendant SIMPSON STRONG-TIE COMPANY, INC. SIMPSON STRONG-TIE COMPANY, INC. 4120 Dublin Blvd. Suite 400 Dublin, CA 94568
<b>Correspondence Address</b>	JAMES R. CYPHER THE LAW OFFICES OF JAMES R. CYPHER 1607 FINANCIAL CENTER BUILDING 405 - 14TH STREET OAKLAND, CA 94612
<b>Submission</b>	Answer
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<b>Signature</b>	/s Charles R. Cypher/
<b>Date</b>	12/30/2004
<b>Attachments</b>	SST-1387US_Form_Answer to Notice of Opposition.pdf ( 4 pages )

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

BOSTIK FINDLAY, INC.,

Opposer,

vs.

SIMPSON STRONG-TIE COMPANY, INC.,

Applicant

Opposition No.: 91160278

In the matter of

Serial No.: 76/339,537

Mark: SIMPSON STRONG-TIE ANCHOR  
SYSTEMS & DESIGN

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**APPLICANT'S ANSWER TO NOTICE OF OPPOSITION**

Applicant, Simpson Strong-Tie Company, Inc., by and through its attorneys, hereby responds to the Notice of Opposition (“the Notice”) as follows:

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegation that Opposer will be damaged by registration of the application for the mark that is the subject of this opposition in the introductory paragraph of the Notice and accordingly denies the same.
2. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1 of the portion of the Notice identified as “Background” and accordingly denies the same.
3. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 2 of the portion of the Notice identified as “Background” and accordingly denies the same.

4. Applicant admits the allegations of paragraph 1 of the portion of the Notice identified as “The Application” with the clarification that the identification of the goods in International Class 01 of the Application ends with the words “and fixtures” which words have been omitted in the allegation.

5. Applicant admits that the Application claims use of Applicant’s Mark with Applicant’s Goods since December 21, 2000, with the clarification that said date is applicable to use only in International Class 01.

6. Applicant admits the allegations of paragraph 3 of the Notice identified as “The Application.”

7. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1 of the portion of the Notice identified as “Ground for Opposition” and accordingly denies the same.

8. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 2 of the portion of the Notice identified as “Ground for Opposition” and accordingly denies the same.

9. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 3 of the portion of the Notice identified as “Ground for Opposition” and accordingly denies the same.

10. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 4 of the portion of the Notice identified as “Ground for Opposition” and accordingly denies the same.

**FIRST AFFIRMATIVE DEFENSE**

11. Applicant alleges that there is no likelihood of confusion, mistake or deception between Opposer’s alleged trademark and Applicant’s use of its Mark for goods in International Class 01 because, *inter alia*, Applicant’s Mark and the pleaded mark of Opposer are not confusingly similar.

**SECOND AFFIRMATIVE DEFENSE**

12. Applicant alleges that Opposer will not be damaged by the registration of Applicant’s Mark.

**THIRD AFFIRMATIVE DEFENSE**

13. Opposer is barred by the doctrine of unclean hands.

**FOURTH AFFIRMATIVE DEFENSE**

14. Opposer is barred by the doctrines of laches, estoppel, and/or acquiescence.

**FOURTH AFFIRMATIVE DEFENSE**

15. Applicant owns other prior registrations for similar marks for similar goods, the mark that is the subject of the present application is more similar to Applicant's previously registered marks than to the Opposer's alleged mark.

WHEREFORE, Applicant requests that it be entitled to register its Mark on the Principal Register and that this opposition proceeding be dismissed with prejudice against Opposer.

Respectfully submitted,

Dated: December 30, 2004

By: \_\_\_\_\_

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Attorneys for Applicant Simpson  
Strong-Tie Company, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document is being served on Opposer's counsel by depositing said copy with the United States Postal Service as first-class mail, postage prepaid on the date set forth below in an envelope addressed to:

Mark J. Diliberti  
Foley & Lardner LLP  
777 East Wisconsin Ave.  
Milwaukee, WI 53202-5306

Dated: December 30, 2004

By: \_\_\_\_\_  
Charles R. Cypher