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

Proceeding	91179577
Party	Defendant FUJITSU LIMITED
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Date	11/28/2007
Attachments	Answer -91179577.pdf ( 4 pages )(186753 bytes )

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

In the matter of  
Trademark Application Serial No.: 78/847041  
Filed: March 27, 2006  
Published on: March 13, 2007  
For the Mark: PALMSECURE and Design

Palm Trademark Holding Company, LLC.,	)	
	)	
v.                      Opposer,	)	Opposition No.: 91179577
	)	
Fujitsu Limited,	)	
	)	
Applicant.	)	

Hon. Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
**BOX TTAB NO FEE**

**APPLICANT'S ANSWER TO OPPOSITION**

Applicant, Fujitsu Limited, by its attorneys, hereby answers the allegations set forth in the Notice of Opposition as follows:

As and for specific Answer to the specific allegations in the unnumbered, introductory paragraph of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation and information insofar as it relates to the Opposer's name, entity type and location. But Applicant denies that Opposer has been or will be damaged by Application Serial No. 78/847041 for the PALMSECURE and Design mark.

As and for specific Answer to the specific numbered paragraphs of the Notice of Opposition, Applicant respectfully answers as follows:

1. Applicant admits the allegations set forth in Paragraph 1 of the Notice of Opposition only to the extent that it accurately reflects the records of the U.S. Patent and Trademark Office, and otherwise denies said allegations.
2. Applicant admits the allegations set forth in Paragraph 2 of the Notice of

Opposition only to the extent that it accurately reflects the records of the U.S. Patent and Trademark Office, and otherwise denies said allegations.

3. Applicant has insufficient knowledge or information as to the truth of the allegations relating to the specifically cited U.S. trademark registrations set forth in Paragraph 3 of the Notice of Opposition and, therefore, denies said allegations. Applicant denies all other allegations set forth in Paragraph 3 of the Notice of Opposition pertaining to the status and validity of the registrations, and any comparison of those registrations or registered marks to the Applicant's mark.
4. Applicant has insufficient knowledge or information as to the truth of the allegations relating to the specifically cited U.S. trademark registrations set forth in Paragraph 4 of the Notice of Opposition and, therefore, denies said allegations. Applicant denies all other allegations set forth in Paragraph 4 of the Notice of Opposition pertaining to the status and validity of the registrations, and any comparison of those registrations or registered marks to the Applicant's mark.
5. Applicant denies the allegations set forth in Paragraph 5 of the Notice of Opposition.
6. Applicant denies the allegations set forth in Paragraph 6 of the Notice of Opposition.

#### AFFIRMATIVE DEFENSES

1. The Notice of Opposition and each count thereof fails to state a claim upon which relief can be granted.
2. Opposer is estopped to assert the claims made in the Notice of Opposition under the doctrines of laches and acquiescence.
3. The PALM term in the Opposer's pleaded registrations upon which Opposer bases its alleged trademark rights is not inherently distinctive, is not sufficiently distinctive to claim exclusive rights or fame, and is merely descriptive of the identified goods and services.

WHEREFORE, having made full Answer to the Notice of Opposition, Applicant requests that the Notice of Opposition be denied, that this action be dismissed with

prejudice, that Application Serial No. 78/847041 be allowed to register on the Principal Register in the records of the U.S. Patent and Trademark Office; and that Applicant be granted such other relief as the Board deems just and equitable under the circumstances.

Respectfully Submitted this 28<sup>th</sup> day of November, 2007,

FUJITSU LIMITED

By: 

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