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

Proceeding	91181289
Party	Defendant SHANGHAI JETECH TOOL CO., LTD.
Correspondence Address	Michael D. Schumann Hamre, Schumann, Mueller & Larson, PC PO Box 2902 Minneapolis, MN 55402 UNITED STATES
Submission	Answer
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Date	01/22/2008
Attachments	Answer to NOO.tif (1 page)(37740 bytes) Answer to NOO (2).tif (1 page)(32016 bytes) Answer to NOO (3).tif (1 page)(31258 bytes) Answer to NOO (4).tif (1 page)(13856 bytes) Answer to NOO (5).tif (1 page)(23000 bytes) Answer to NOO (6).tif (1 page)(14518 bytes)

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

WMH Tool Group, Inc.,)
)
Opposer,)
)
v.)
)
Shanghai Jitech Tool Co., Ltd.)
)
Applicant.)
)
)
)
_____)

Opposition No. 91181289
Application No. 79/030279

Mark: **JETECH**

ANSWER TO NOTICE OF OPOSITION

Comes now Applicant, Shanghai Jitech Tool Co., Ltd. to answer the Notice of Opposition in this proceeding. Any and all allegations in the Opposition not specifically admitted herein are denied. Applicant specifically denies any and all allegations of damage to Opposer by the registration of this mark. The numbered allegations will be responded to below:

1. Applicant admits that it filed application Serial No. 79/030279 for the goods listed based on Section 66(a) of the Trademark Act. Furthermore, Applicant admits that the filing date provided in the Notice of Opposition is identical to the information available on the U.S. Trademark Office TARR database.

2. Deny.

3. Applicant admits only that the first use date of August 4, 1960 for the JET word mark on the goods "chain and ratchet hoists" corresponds to the information available on the U.S. Trademark Office TARR database. Applicant is without sufficient knowledge to admit or deny the remaining allegations of this paragraph and puts Opposer to its proof.

4. Applicant admits only that the first use dates provided for the referenced goods corresponds to the information available on the U.S. Trademark Office TARR database.

Applicant is without sufficient knowledge to admit or deny the allegations of this paragraph and puts Opposer to its proof.

5. Applicant admits only that Registration numbers are in the name of WMH Tool Group, Inc. based on the information available on the U.S. Patent and Trademark Office website, www.uspto.gov, and the information attached as Exhibit A to the Notice of Opposition.

Applicant is without sufficient knowledge to admit or deny the allegations of this paragraph and puts Opposer to its proof.

6. Applicant is without sufficient knowledge to admit or deny the allegations of this paragraph and puts Opposer to its proof.

7. Applicant is without sufficient knowledge to admit or deny the allegations of this paragraph and puts Opposer to its proof.

8. No response needed.

9. Admit that the filing of Trademark Application No. 79/030,279 is with the explicit consent or permission of WMH. However, Applicant submits that no consent or permission of WMH is needed.

10. Deny.

11. Applicant admits only that the goods in Trademark Application No. 79/030,279 consist of a variety of hand tools.

12. Deny.

13. No response needed.

14. Applicant is without sufficient knowledge to admit or deny the allegations of this paragraph and puts Opposer to its proof.

15. Applicant is without sufficient knowledge to admit or deny the allegations of this paragraph and puts Opposer to its proof. Furthermore, as the standard for famous marks is extremely high, Applicant denies that Opposer's JET marks meet the criteria to be considered famous.

16. Applicant is without sufficient knowledge to admit or deny the allegations of this paragraph and puts Opposer to its proof. Furthermore, as the standard for famous marks is extremely high, Applicant denies that Opposer's JET marks meet the criteria to be considered famous.

17. Applicant admits that if it is granted a registration for Application No. 79/030,279 for JETECH TOOL, Applicant will obtain the prima facie exclusive right to use its mark. Applicant denies the remaining allegation of the paragraph that such registration will impair, diminish, and dilute WMH's goodwill and rights in its JET marks, causing irreparable injury to WMH.

AFFIRMATIVE DEFENSES

18. Applicant fails to state a claim upon which relief can be granted.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed, with prejudice, and that Trademark Application Serial No. 79/030,279, advance to registration.

Opposition No. 91181289

Applicant hereby appoints Kristina M. Foudray, Michael D. Schumann; Curtis B. Hamre; Douglas P. Mueller; James A. Larson, and Allison J. Gonzalez of Hamre, Schumann, Mueller & Larson as attorneys with the full power to represent the Applicant in connection with this application. These attorneys are authorized to transact all business in and before the United States Patent and Trademark Office in connection herewith, and to receive the registration certificate.

Opposition No. 91181289

Please direct all correspondence to:

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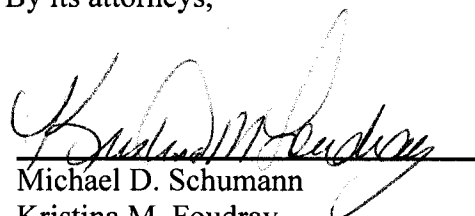
It is believed that no fee is required for filing this paper. In the event that any fee is required, the United States Patent and Trademark Office is hereby authorized to charge any additional fees or credit any overpayments to the Deposit Account maintained by Applicant's counsel under Account No. 50-3478.

Respectfully submitted,

Shanghai Jitech Tool Co., Ltd.

By its attorneys,

Date: 22 January 2008



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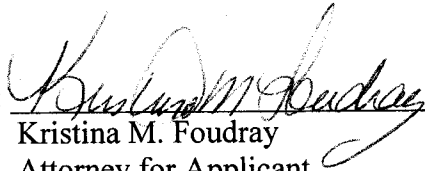
Opposition No. 91181289

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing ANSWER TO NOTICE OF OPPOSITION has been served via U.S. First Class Mail, this 22nd day of January, 2008 as follows:

Edward E. Clair
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Chicago, IL 60603-3406

Date: 22 January 2008

By: 

Kristina M. Foudray
Attorney for Applicant