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

Proceeding	91215277
Party	Defendant Qualcomm Incorporated
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Date	04/14/2014
Attachments	(Qualcomm) Answer to Notice of Opposition - adv. Navis Inc (QUALCOMM TOQ) (4.14.14).pdf(70170 bytes)

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

In re Application No. 86/012,986 filed on July 17, 2013, and published on November 5, 2013, for the mark QUALCOMM TOQ in Class 9.

NAVIS, INC.	:	
	:	
Opposer	:	
	:	
v.	:	Opp. No. 91215277
	:	
QUALCOMM INCORPORATED	:	
	:	
Applicant	:	

ANSWER TO NOTICE OF OPPOSITION

Applicant Qualcomm Incorporated (“Applicant”), in Answer to Opposer Navis, Inc.’s (“Opposer”) Notice of Opposition, hereby states as follows:

1. Applicant lacks the knowledge or information sufficient to respond to the allegations in Paragraph 1 and therefore denies the same.
2. Applicant denies the allegations in Paragraph 2.
3. Applicant admits the allegations in Paragraph 3.
4. Applicant lacks the knowledge or information sufficient to respond to the allegation in Paragraph 4 regarding use of the TOQ mark since January 2013 and therefore denies the same. Applicant denies the allegation that Opposer has established substantial goodwill in the TOQ mark.
5. Applicant denies the allegations in Paragraph 5.
6. Applicant denies the allegations in Paragraph 6.
7. Applicant admits the allegations of Paragraph 7 to the extent that the subject application for QUALCOMM TOQ reflects Applicant’s bona fide intent to sell “downloadable software in the nature of a mobile application for connecting smart phones with smart watches

and for configuring settings for smart watches.” Applicant denies that the subject application pertains to “sell[ing] a variety of automotive parts,” which Opposer appears to have alleged in error.

8. Applicant admits the allegations in Paragraph 8.

9. Applicant lacks the knowledge or information sufficient to respond to the allegations in Paragraph 9 and therefore denies the same.

10. Applicant denies the allegations in Paragraph 10.

AFFIRMATIVE DEFENSE

1. This opposition should be dismissed because Opposer’s use of the TOQ mark has been so small, sporadic, and inconsequential as to be *de minimis* and insufficient to establish senior trademark rights.

WHEREFORE, Applicant hereby requests that the Notice of Opposition be dismissed with prejudice.

Respectfully submitted,

QUALCOMM INCORPORATED



Dated: April 14, 2014

By:

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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing Answer is being served on Applicant's Attorney of Record at the following address

Thomas A. Walsh
Ice Miller LLP
One American Square, Suite 2900
Indianapolis, IN 46282-0200

via First Class Mail, postage prepaid, this 14th day of April 2014.



N. Christopher Norton
Attorney for Applicant