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Filing date: **05/16/2015**

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

Proceeding	91220451
Party	Defendant Portable Storage of MN, Inc.
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Signature	/Kristine M. Boylan/
Date	05/16/2015
Attachments	Answer.pdf(287746 bytes)

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

Kennametal Inc. and)	
)	
Kenametal Produktions GMBH & CO. KG,)	Opposition No. 91220451
)	
Opposers,)	Serial No. 85/931,282
)	
v.)	
)	
Portable Storage of MN, Inc.,)	
)	
Applicant.)	

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Applicant Portable Storage of MN, Inc. (“Applicant”) hereby responds to the allegations set forth in the Notice of Opposition filed by Kennametal Inc. and Kennametal Produktions GMBH & CO. KG (collectively “Opposer”).

1. Applicant admits the allegation in paragraph 1 of the Notice of Opposition that Opposer opposes Application No. 85/931,282. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations set forth in paragraph 1, and therefore denies the same and puts Opposer to its strict burden of proof.

2. Applicant admits that its name and principal place of business are as set forth in paragraph 2, and that Applicant is a Minnesota corporation.

3. Applicant admits the allegations in paragraph 3.

4. Applicant admits that its stated date of first use and first use in commerce of the mark in connection with the subject application is at least as early as January 25, 2008. Applicant denies the allegations in paragraph 4 to the extent Opposer is alleging that Applicant’s actual dates of first use and first use in commerce could not be any earlier than January 25, 2008.

5. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 5, and therefore denies the same and puts Opposer to its strict burden of proof.

6. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 6, and therefore denies the same and puts Opposer to its strict burden of proof.

7. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 7, and therefore denies the same and puts Opposer to its strict burden of proof.

8. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 8, and therefore denies the same and puts Opposer to its strict burden of proof.

9. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 9, and therefore denies the same and puts Opposer to its strict burden of proof.

10. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 10, and therefore denies the same and puts Opposer to its strict burden of proof.

11. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 11, and therefore denies the same and puts Opposer to its strict burden of proof.

12. Applicant admits that its mark includes the words "BLUE BOX". Applicant lacks knowledge or information sufficient to form a belief as to the truth of the remainder of the

allegations set forth in paragraph 12, and therefore denies the same and puts Opposer to its strict burden of proof.

13. Applicant admits that the goods listed in the Applicant's application include "portable steel containers for the storage and transportation of goods, for residential and commercial use." Applicant denies the allegations in paragraph 13 to the extent Opposer is alleging that the listed goods include "portable steel containers," instead of "portable steel containers for the storage and transportation of goods, for residential and commercial use." Applicant lacks knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations set forth in paragraph 13, and therefore denies the same and puts Opposer to its strict burden of proof.

14. Applicant admits that the services listed in the Applicant's application include "storage services, namely, rental, storage, delivery and pick up of mobile storage containers containing personal property." Applicant denies the allegations in paragraph 14 to the extent Opposer is alleging that the listed services include "storage services . . . storage, delivery and pick-up" instead of "storage services, namely, rental, storage, delivery and pick up of mobile storage containers containing personal property." Applicant lacks knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations set forth in paragraph 14, and therefore denies the same and puts Opposer to its strict burden of proof.

15. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 15, and therefore denies the same and puts Opposer to its strict burden of proof.

16. In response to paragraph 16 of the Notice of Opposition, Applicant incorporates by reference its responses, as set forth above, to paragraphs 1-15 of the Notice of Opposition.

17. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 17, and therefore denies the same and puts Opposer to its strict burden of proof.

18. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 18, and therefore denies the same and puts Opposer to its strict burden of proof.

19. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 19, and therefore denies the same and puts Opposer to its strict burden of proof.

20. Applicant alleges that since the adoption of its mark, Applicant is unaware of any instances of confusion between its mark and Opposer's purported mark, and/or any confusion as to the source of Applicant's goods or services.

21. Applicant will assert any and all other valid defenses which may be developed through discovery and/or the testimony periods in this Opposition Proceeding.

WHEREFORE, Applicant prays that this Notice of Opposition be dismissed in its entirety and that a registration be issued to Applicant for its mark.

Respectfully submitted,

Dated: May 16, 2015

Portable Storage of MN, Inc.,
By its Attorneys,

/Kristine M. Boylan/

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **APPLICANT'S ANSWER TO NOTICE OF OPPOSITION** has been served upon the Opposer at the address of record listed below by First Class Mail on this date.

Alan Towner
Pietragallo Gordon Alfano Bosick & Raspanti, LLP
38th Floor
One Oxford Centre
Pittsburgh, PA 15219

Respectfully submitted,

Dated: May 16, 2015

/Kristine M. Boylan/

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