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

Proceeding	91222920
Party	Defendant Dropship LLC
Correspondence Address	DROPSHIP LLC 5155 W TROPICANA AVE UNIT 1144 LAS VEGAS, NV 89103-7004 pete@toolusa.com
Submission	Answer
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Date	09/01/2015
Attachments	DRP 1.002 - ANSWER - 09012015.pdf(264852 bytes)

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

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STANDARD TOOLS AND EQUIPMENT CO.)	
)	
Opposer)	Opposition
)	
v.)	Serial No : 86/377,838
)	
DROPSHIP, LLC)	Filing Date: August 26, 2014
)	
Applicant.)	Pub Date: July 7, 2015
)	Mark TOOL USA.COM
-----X		

RESPONSE TO THE OPPOSITION

In answer to the above identified Opposition, filed by Standard Tools and Equipment Co (“Opposer”). Dropship LLC (“Applicant”) states as follows:

1. In the introductory paragraph, Applicant admits Dropship, LLC is organized in Las Vegas, NV; Applicant does not have information or knowledge regarding the address of Standard Tools and Equipment Co; and denies that Opposer will be damaged by the registration of U.S. Trademark Application 86/377,838; the Applicant is without knowledge regarding the other statements and are therefore denied.
2. Applicant is without sufficient information to form a belief about the allegations of Paragraph 1 and therefore the allegations are denied.
3. Applicant is without sufficient information to form a belief about the allegations of Paragraph 2 and therefore the allegations are denied.
4. Applicant is without sufficient information to form a belief about the allegations of Paragraph 3 and therefore the allegations are denied.
5. Applicant is without sufficient information to form a belief about the allegations of Paragraph 4 and therefore the allegations are denied.

6. Applicant is without sufficient information to form a belief about the allegations of Paragraph 5 and therefore the allegations are denied in part; to the extent the files at the USPTO indicate a registration serial number 86/377,838 and the contents therein, these matters are subject to judicial notice, but the Applicant is without sufficient information for form a belief regarding the veracity of the contents of the file.
7. Applicant is without sufficient information to form a belief about the allegations of Paragraph 7 and therefore the allegations are denied.
8. Applicant is without sufficient information to form a belief about the allegations of Paragraph 8 and therefore the allegations are denied.
9. Applicant is without sufficient information to form a belief about the allegations of Paragraph 9 and therefore the allegations are denied.
10. Applicant is without sufficient information to form a belief about the allegations of Paragraph 10 and therefore the allegations are denied in part; Applicant further denies the legal conclusions reached by Opposer.
11. Applicant is without sufficient information to form a belief about the allegations of Paragraph 11 and therefore the allegations are denied in part; Applicant further denies the legal conclusions reached by Opposer.
12. Applicant is without sufficient information to form a belief about the allegations of Paragraph 12 and therefore the allegations are denied in part; Applicant further denies the legal conclusions reached by Opposer.
13. Applicant is without sufficient information to form a belief about the allegations of Paragraph 13 and therefore the allegations are denied in part; Applicant further denies the legal conclusions reached by Opposer.
14. Applicant is without sufficient information to form a belief about the allegations of Paragraph 14 and therefore the allegations are denied in part; Applicant further prays that the Opposer take nothing.

Affirmative Defenses

15. Opposer claims should be denied since there is no likelihood of confusion and any confusion alleged is *de minimus* in nature.
16. Opposer claims should be denied under the doctrine of waiver, estoppel, and the statute of limitations in view of the fact that Applicant's mark has been used in commerce since 2007 and Opposer has had actual and constructive notice of such claims. (See Ex. 1, California Trademark Registration.)
17. Opposer claims should be denied under the doctrine of unclean hands and trademark misuse.
18. Opposer claims should be denied as the marks owned by the opposer are unregistrable and are subject to cancellation.
19. Applicant reserves the right to further amend these affirmative defenses during this proceeding.

WHEREFORE, Applicant prays for the Opposition to be dismissed with prejudice.

Respectfully Submitted,

/J. Curtis Edmondson/
J. Curtis Edmondson
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Dated: August 31, 2015

EXHIBIT 1

CALIFORNIA TRADEMARK REGISTRATION

State of California
Secretary of State

CERTIFICATE OF REGISTRATION OF SERVICE MARK

I, *DEBRA BOWEN*, Secretary of State of the State of California, hereby certify:

Service Mark Reg. No.:	67410
Name of Registrant:	Dropship, LLC
Business Address:	5155 W. Tropicana Ave, Las Vegas, NV 89103
State of Incorporation/ Organization:	Nevada
Date First Used in California:	September 27, 2006
Date First Used Anywhere:	September 27, 2006
Description of Service Mark:	TOOLUSA
Description of Services with which the Service Mark is Used:	Retail store services via internet; namely magnifiers, tools, knives, and other consumer products
Class Number(s):	35
Date of Registration:	August 4, 2011
Term of Registration Extends to and Includes:	August 4, 2016

In accordance with the application filed in this office, the Service Mark described above has been duly registered. A copy, specimen, facsimile, counterpart or a reproduction of the mark is attached.

IN WITNESS WHEREOF, I execute
this certificate and affix the Great
Seal of the State of California this
26th day of August 2011



Debra Bowen

DEBRA BOWEN
Secretary of State

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2015, a true and complete copy of the foregoing **NOTICE OF OPPOSITION** has been served on Opposer by sending said copy, via United States Postal Service, to:

Blake P Hurt
Attorney for Opposer
Tuggle Duggins, P.A.
100 N. Greene Street, Suite 600
Greensboro, NC 27401

/x/ J. Curtis Edmondson

Dated: August 31, 2015