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

Proceeding	91223216
Party	Defendant GOTrust Technology Inc.
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Attachments	2015-09-08 Applicant's Answer to the Notice of Opposition.pdf(357424 bytes)

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

SD-3C LLC)	
)	
Opposer,)	Opposition No.: 91223216
)	
v.)	Application Serial No.: 86286255
)	Mark: SDENCRYPTER & Design
)	
GOTrust Technology Inc.)	
)	
Applicant.)	
)	

APPLICANT’S ANSWER TO THE NOTICE OF OPPOSITION

Applicant, GOTrust Technology Inc., hereby answers the Notice of Opposition by SD-3C LLC (“Opposer”) against application serial No. 86286255 for the mark SDENCRYPTER & Design (“Applicant’s Mark”).

Applicant responds as follows:

Applicant denies the allegation of the first sentence of Preamble in the Notice of Opposition.

1. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 1 of the Notice of Opposition, and therefore denies them.

2. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 2 of the Notice of Opposition, and therefore denies them.
3. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 3 of the Notice of Opposition, and therefore denies them.
4. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 4 of the Notice of Opposition, and therefore denies them.
5. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 5 of the Notice of Opposition, and therefore denies them.
6. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 6 of the Notice of Opposition, and therefore denies them.
7. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 7 of the Notice of Opposition, and therefore denies them.
8. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 8 of the Notice of Opposition, and therefore denies them.
9. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 9 of the Notice of Opposition, and therefore denies them.
10. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 10 of the Notice of Opposition, and therefore denies them.
11. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 11 of the Notice of Opposition, and therefore denies them.
12. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 12 of the Notice of Opposition, and therefore denies them.

13. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 13 of the Notice of Opposition, and therefore denies them.
14. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 14 of the Notice of Opposition, and therefore denies them.
15. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 15 of the Notice of Opposition, and therefore denies them.
16. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 16 of the Notice of Opposition, and therefore denies them.
17. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 17 of the Notice of Opposition, and therefore denies them.
18. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 18 of the Notice of Opposition, and therefore denies them.
19. Admitted.
20. Denied.
21. Admitted.
22. Admitted.
23. Denied.
24. Admitted.
25. Admitted.
26. Admitted.
27. Denied.
28. General Statement – no allegation.
29. Denied.

30. Denied.
31. Denied.
32. Denied.
33. Denied.
34. Admitted as to the first phrase, otherwise denied.
35. General Statement – no allegation.
36. Denied.
37. Denied.
38. Denied.
39. Denied.
40. General Statement – no allegation.
41. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 41 of the Notice of Opposition, and therefore denies them.
42. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 42 of the Notice of Opposition, and therefore denies them.
43. Denied.
44. Denied.

AFFIRMATIVE DEFENSES

1. The respective marks are not so similar in sound, appearance or meaning as to give rise to a potential for confusion.
2. Applicant is one of the legitimate licensees of SD-3C, LLC. Applicant is one of the legitimate licensees of SD-3C, LLC. and respects Opposer's marks, so Applicant does

not intend to infringe Opposer's marks. In addition, Applicant's goods are security devices that do not compete with Opposer's goods and that travel in different channels of trade.

3. Consumers will understand the use by Applicant of Opposer's mark and will not be confused, deceived or mistaken as to source on the basis of that use.
4. Multiple similar marks comprised in part of the two letter string "SD" are registered and in use in connection with similar goods such that consumers and the public in general are accustomed to distinguishing between such marks on the basis of small differences sufficient to avoid confusion, deception or mistake.

WHEREFORE, Opposer is not entitled to any of the relief it seeks and Applicant respectfully requests that this opposition be dismissed with prejudice.

Respectfully submitted,

GOTrust Technology Inc.

Date: September 8, 2015

By: 

P. Jay Hines

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CERTIFICATE OF SERVICE

This is to certify that a true copy of APPLICANT'S ANSWER TO THE NOTICE OF OPPOSITION was submitted electronically via ESTTA to the Trademark Trial and Appeal Board and is being sent via first class mail, postage prepaid, on September 8, 2015, to:

Pamela M. Deese

Linda T. Makings

Aren't Fox LLP

1717 K Street, NW

Washington, DC 20006



Loria Grindle