

ESTTA Tracking number: **ESTTA770438**

Filing date: **09/14/2016**

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

Proceeding	91225271
Party	Defendant Chengdu Westhouse Interactive Entertainment Co., Ltd.
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Attachments	160914_VM76276_usa_answer-KC.pdf(107293 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of US Trademark Application
Serial No. 86217642
Published on August 11, 2015

ASUSTEK COMPUTER)	
INCORPORATION,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91225271
)	
Chengdu Westhouse Interactive)	
Entertainment Co., Ltd.,)	
)	
Applicant.)	

ANSWER TO NOTICE OF OPPOSITION

Applicant, Chengdu Westhouse Interactive Entertainment Co., Ltd., hereby respectfully answers Opposer's Notice of Opposition dated 8 December 2015 as follows. Unless otherwise indicated to the contrary, references herein to numbered paragraphs are to paragraphs in Opposer's Notice of Opposition.

1. Applicant denies knowledge and information sufficient to form a belief as to the

- truth or falsity of the allegations contained in paragraph 1.
2. Applicant denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 2.
 3. Applicant denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 3.
 4. Applicant denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 4.
 5. Applicant denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 5.
 6. Applicant admits the allegations contained in paragraph 6.
 7. Applicant denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 7.
 8. Applicant denies the allegations contained in paragraph 8.
 9. Applicant denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 9.
 10. Applicant denies knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 10.
 11. Applicant admits the allegations contained in paragraph 11.
 12. Applicant denies the allegations contained in paragraph 12. Applicant's Mark



“ ” is highly stylized yet the Opposer’s marks “iROG” and “ROG” are in standard characters. The visual difference renders Applicant’s Mark obviously different from Opposer’s marks. For Opposer’s mark “iROG”, it is further obviously different from the literal element of Applicant’s mark because the beginnings of the two marks, which are usually the most distinctive parts of the marks, are completely different from each other.

13. Applicant denies the allegations contained in paragraph 13. Applicant’s goods in Class 9, particularly, “pre-recorded computer program software featuring games, video recordings featuring music and artistic performances, games and animated cartoons; downloadable computer programming software for use in the fields of games, video recordings featuring music and artistic performances, games and animated cartoons; computer game software; downloadable electronic publications in the nature of books, journals, manuals, and videos in the fields of entertainment, games, cartoons, news, and fashion; video disks and video tapes with recorded animated cartoons”, and Applicant’s services in Class 41 are not identical to nor closely related to the goods covered under Opposer’s marks.

Opposer's goods covered under registration number 3705002 for the mark "iROG" all relates to hardware and none of the goods relates to computer program or publications or video disks and video tapes with recorded animated cartoons. Opposer's goods covered under application number 86505393 for the mark "ROG" relates to hardware except for "Computer operating programs, recorded". However, for the item "Computer operating programs, recorded", it was filed under Intent to Use and Section 44, and thus does not have priority over Applicant's mark.

14. Applicant denies the allegations contained in paragraph 14.

WHEREFORE, Applicant respectfully request that the Notice of Opposition be dismissed in its entirety, Applicant's trademark application of serial number 86217642 be permitted registration, and that any such further relief be granted to Applicant as may be deemed just and proper.

Date: 14 September 2016

For and on behalf of
Chengdu Westhouse Interactive
Entertainment Co., Ltd.

/zt/
Zou Tao
Director

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Answer to Notice of Opposition has been served, by mailing said copy on 14 September 2016, via First

Class Mail, to:

LAURA J WINSTON

KIM WINSTON LLP

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UNITED STATES

/zt/
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