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

Proceeding	91231751
Party	Defendant SIMPSON STRONG-TIE COMPANY, INC.
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Date	03/24/2017
Attachments	SST-2357-AnswerbySimpson.pdf(15517 bytes )

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

In the matter of trademark application Serial No. 86/804,124

For the mark TORQ-CUT

Published in the Official Gazette on October 18, 2016

PHILLIPS SCREW COMPANY,

Opposer,

v.

SIMPSON STRONG-TIE COMPANY, INC.,

Applicant

Opposition No. 91231751

APPLICANT'S ANSWER TO THE NOTICE OF OPPOSITION

Applicant, Simpson Strong-Tie Company, Inc., a California Corporation, by its attorney, hereby answers the allegations set forth in the Notice of Opposition against trademark application Serial Number 86/804,124 for the mark TORQ-CUT, filed October 29, 2015, in class 06 for metal fastening anchors as follows:

1. Applicant admits the allegations set forth in Paragraph 1 of the Notice of Opposition.
2. Applicant admits the allegations set forth in Paragraph 2 of the Notice of Opposition.

3. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 3 of the Notice of Opposition and, therefore, denies said allegations.

4. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 4 of the Notice of Opposition and, therefore, denies said allegations.

5. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 5 of the Notice of Opposition and, therefore, denies said allegations.

6. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 6 of the Notice of Opposition and, therefore, denies said allegations.

7. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 7 of the Notice of Opposition and, therefore, denies said allegations.

8. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 8 of the Notice of Opposition and, therefore, denies said allegations.

9. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 9 of the Notice of Opposition and, therefore, denies said allegations.

Affirmative Defenses

10. Applicant alleges that Opposer is barred from bringing or prevailing in this action on the basis that Opposer is not the owner of the marks TORQ-SET and MORTORQ.

11. Applicant alleges that Opposer is barred from bringing or prevailing in this action on the basis that Opposer has abandoned the marks TORQ-SET and MORTORQ.

SIMPSON STRONG TIE COMPANY, INC.

BY:     /s Charles R. Cypher/      
Charles R. Cypher, Its Attorney  
Date: March 24, 2017

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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon the parties, at their address of record (listed below) by Email on this date of March 24, 2017:

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tlopez@hayes-soloway.com

By:     /s Charles R. Cypher/      
Charles R. Cypher

Certificate of Transmission

The undersigned hereby certifies that this paper is being transmitted electronically by ESTTA to the Patent and Trademark Office on March 24, 2017.

By:     /s Charles R. Cypher/      
Charles R. Cypher