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

Proceeding	91241646
Party	Defendant Shenzhen Tosoung Technologies Co., LTD
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

DREAMGEAR, LLC,

Opposer,

v.

SHENZHEN TOSOUND TECHNOLOGIES
CO., LTD,

Applicant.

Opposition No. 91241646

Serial No.: 87627240

Mark: TOSOUND

Filing Date: September 28, 2017

ANSWER TO NOTICE OF OPPOSITION

Applicant Shenzhen Tosound Technologies Co., LTD (“Applicant”), by its counsel, hereby answers the Notice of Opposition (“Notice”) of dreamGear LLC. (“Opposer”) as follows:

ANSWER

In response to the first unnumbered paragraph of the Notice, Applicant denies that Opposer will be damaged by the registration of the trademark shown in U.S. Application Ser. No. 87627240. Applicant lacks sufficient information to form a belief as to the truth of the remaining allegations contained in the first unnumbered paragraph of the Notice, and on that basis, denies these allegations.

1. Applicant lacks sufficient information to form a belief as to the truth of the allegations contained in Paragraph 1 of the Notice, and on that basis, denies these allegations

2. The records of the United States Patent and Trademark Office (“USPTO”) speak for themselves.

3. The records of the USPTO speak for themselves.

4. The first sentence of Paragraph 4 of the Notice does not require a response. Applicant lacks sufficient information to form a belief as to the truth of the allegations contained in the second sentence Paragraph 4 of the Notice, and on that basis, denies these allegations.

5. Applicant lacks sufficient information to form a belief as to the truth of the allegations contained in Paragraph 5 of the Notice, and on that basis, denies these allegations.

6. Applicant admits the allegations contained in Paragraph 6 of the Notice.

7. The records of the USPTO speak for themselves.

8. The records of the USPTO speak for themselves.

9. Applicant lacks sufficient information to form a belief as to the truth of the allegations contained in Paragraph 9 of the Notice, and on that basis, denies these allegations.

10. Applicant lacks sufficient information to form a belief as to the truth of the allegations contained in Paragraph 10 of the Notice, and on that basis, denies these allegations.

11. Applicant lacks sufficient information to form a belief as to the truth of the allegations contained in Paragraph 11 of the Notice, and on that basis, denies these allegations.

12. Applicant denies the allegations contained in Paragraph 12 of the Notice.

13. Applicant lacks sufficient information to form a belief as to the truth of the allegations of contained in Paragraph 13 of the Notice, and on that basis, denies these allegations.

14. Applicant lacks sufficient information to form a belief as to the truth of the allegations of contained in Paragraph 14 of the Notice, and on that basis, denies these allegations.

15. Applicant lacks sufficient information to form a belief as to the truth of the allegations of contained in Paragraph 15 of the Notice, and on that basis, denies these allegations.

16. Applicant denies the allegations contained in Paragraph 16 of the Notice.

WHEREFORE Applicant respectfully requests that the Opposition be dismissed in its entirety.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Opposer has failed to establish that Opposer's ISOUND and I.SOUND marks and Applicant's TOSOUND mark are similar in sight, sound, appearance, and commercial impression such that consumer confusion is likely.

SECOND AFFIRMATIVE DEFENSE

Opposer's ISOUND and I.SOUND marks are weak such that they can coexist with Applicant's TOSOUND mark without consumer confusion.

AFFIRMATIVE DEFENSES RESERVED

Applicant reserves the right to raise additional affirmative defenses based upon information learned or obtained through additional investigation or discovery.

Respectfully submitted,

Dated: June 28, 2018

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Answer has been served on Daniel R. Kimbell, counsel for Opposer, by forwarding said copy on June 28, 2018, via email to:

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