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

Proceeding	92046676
Party	Defendant Signamax LLC
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Date	12/05/2014
Attachments	12-5-2014 Response to Petitioner's Submission Regarding Status of Proceedings.pdf(71302 bytes)

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

AESP, INC.,)	
)	Cancellation No. 92/046,676
Petitioner,)	
v.)	
)	
SIGNAMAX LLC,)	
)	
Registrant.)	

**RESPONSE TO PETITIONER'S
SUBMISSION REGARDING STATUS OF CIVIL PROCEEDINGS**

Responding to Petitioner's submission dated December 1, 2014, entitled "Status of Civil Proceedings," Registrant agrees with Petitioner's statement as far as it goes, but would add that the Court's order dated July 8, 2014, was accompanied by a precedential opinion that was omitted from Petitioner's submission to the Board, *see AESP, Inc. v. Signamax, LLC*, ____ F. Supp. 2d ____ (E.D.Va. 2014) (copy attached).

Respectfully submitted,

SIGNAMAX LLC

By: 

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ATTORNEYS FOR THE REGISTRANT

December 5, 2014

CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2014, a copy of RESPONSE TO PETITIONER'S SUBMISSION REGARDING STATUS OF CIVIL PROCEEDINGS was served by U.S. mail, first class postage prepaid, on Petitioner's counsel of record at the following address:

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--- F.Supp.2d ----, 2014 WL 3348134 (E.D.Va.)
(Cite as: **2014 WL 3348134 (E.D.Va.)**)

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Only the Westlaw citation is currently available.

United States District Court, E.D. Virginia,
Alexandria Division.
AESP, INC., et al., Plaintiffs,
v.
SIGNAMAX, LLC, Defendant.

Case No. 1:13-CV-1089.
Signed July 8, 2014.

Background: Florida manufacturer of cables for connecting personal computers and peripherals brought copyright and trademark infringement action against District of Columbia limited liability company formed by a Czech corporation, disputing ownership of “SIGNAMAX CONNECTIVITY SYSTEMS” trademark. Defendant moved to dismiss.

Holding: The District Court, *T.S. Ellis, III, J.*, held that subjecting Czech corporation to personal jurisdiction in Virginia would not comport with due process.

Motion granted.

West Headnotes

[1] Constitutional Law 92 3965(4)

92 Constitutional Law
92XXVII Due Process
92XXVII(E) Civil Actions and Proceedings
92k3961 Jurisdiction and Venue
92k3965 Particular Parties or Circumstances
92k3965(4) k. Manufacture, Distribution, and Sale. [Most Cited Cases](#)

Trademarks 382T 1559

382T Trademarks
382TIX Actions and Proceedings
382TIX(A) In General
382Tk1557 Jurisdiction
382Tk1559 k. Foreign Commerce. [Most Cited Cases](#)

Subjecting District of Columbia limited liability company (LLC) formed by a Czech corporation to personal jurisdiction in Virginia, for purposes of lawsuit disputing ownership of “SIGNAMAX CONNECTIVITY SYSTEMS” trademark, based on mere presence in Virginia of allegedly infringing products manufactured by the Czech corporation, would not comport with due process; only basis for personal jurisdiction over Czech corporation was four sales of allegedly infringing products to a Pennsylvania corporation which subsequently sold those products to two customers in Virginia, Czech corporation had not directed that its products be sold in Virginia or to any Virginia customers nor required the buyer to sell the products to Virginia customers, it had not marketed the allegedly infringing products in Virginia or advertised in Virginia, and its only contact with Virginia appeared to be its sales to a nationwide distributor. *U.S.C.A. Const.Amend. 5.*

[2] Trademarks 382T 1552

382T Trademarks
382TIX Actions and Proceedings
382TIX(A) In General
382Tk1552 k. What Law Governs. [Most Cited Cases](#)

Virginia law governed application of Virginia's

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long-arm statute to motion, in action disputing ownership of the “SIGNAMAX CONNECTIVITY SYSTEMS” trademark, to dismiss for lack of personal jurisdiction.

[3] Trademarks 382T 1552

382T Trademarks

382TIX Actions and Proceedings

382TIX(A) In General

382Tk1552 k. What Law Governs. [Most Cited Cases](#)

Fourth Circuit law, rather than Federal Circuit law, applied to motion, in action disputing ownership of the “SIGNAMAX CONNECTIVITY SYSTEMS” trademark, to dismiss for lack of personal jurisdiction; action did not involve patent law.

[4] Constitutional Law 92 3964

92 Constitutional Law

92XXVII Due Process

92XXVII(E) Civil Actions and Proceedings

92k3961 Jurisdiction and Venue

92k3964 k. Non-Residents in General.

[Most Cited Cases](#)

Federal Courts 170B 2721

170B Federal Courts

170BX Personal Jurisdiction

170BX(B) Actions by or Against Nonresidents; “Long-Arm” Jurisdiction

170Bk2721 k. In General. [Most Cited Cases](#)

Federal Courts 170B 3025(4)

170B Federal Courts

170BXV State or Federal Laws as Rules of Decision; Erie Doctrine

170BXV(B) Application to Particular Matters

170Bk3022 Procedural Matters

170Bk3025 Jurisdiction

170Bk3025(4) k. Personal Jurisdiction. [Most Cited Cases](#)

When resolving personal jurisdiction challenges, it is necessary to determine whether the state long-arm statute, by its terms, reaches a defendant's conduct; if the long-arm statute does not reach the defendant's conduct, the inquiry ends and there is no personal jurisdiction over the defendant, but if the long-arm statute, by its terms, reaches the defendant's conduct, then the second inquiry—the due process inquiry—must be pursued to determine whether the long-arm statute's reach exceeds its constitutional grasp. [U.S.C.A. Const.Amend. 5](#).

[5] Constitutional Law 92 3964

92 Constitutional Law

92XXVII Due Process

92XXVII(E) Civil Actions and Proceedings

92k3961 Jurisdiction and Venue

92k3964 k. Non-Residents in General.

[Most Cited Cases](#)

A court's exercise of personal jurisdiction over a non-resident defendant is consistent with due process if the defendant has sufficient minimum contacts with the forum such that requiring the defendant to defend its interests in the forum does not offend traditional notions of fair play and substantial justice; the minimum contacts must be purposeful, a requirement that helps ensure that non-residents have fair warning that a particular activity may subject them to litigation within the forum. [U.S.C.A. Const.Amend. 5](#).

[6] Federal Courts 170B 2743(1)

170B Federal Courts

170BX Personal Jurisdiction

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