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

Proceeding	91193335
Party	Defendant RStudio, Inc.
Correspondence Address	CHARLES E. WEINSTEIN, ESQ. FOLEY HOAG LLP 155 SEAPORT BLVD STE 1600 BOSTON, MA 02210-2600 ustrademark@foleyhoag.com
Submission	Answer
Filer's Name	Joshua S. Jarvis
Filer's e-mail	jjarvis@foleyhoag.com, ustrademark@foleyhoag.com
Signature	/joshuasjarvis/
Date	01/27/2010
Attachments	RSTUDIO Answer to Notice of Opposition.pdf (3 pages)(74613 bytes)

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

EMBARCADERO TECHNOLOGIES, INC.,

Opposer,

v.

RSTUDIO, INC.

Applicant.

Opposition No. 91193335

Applications S.N.

77/691980

77/691984

77/697987

ANSWER TO NOTICE OF OPPOSITION

Applicant RSTUDIO, INC., by its counsel, responds as follows to the Notice of Opposition filed herein.

1. Applicant lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 1 of the Notice of Opposition, and therefore denies same.
2. Applicant lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 2 of the Notice of Opposition, and therefore denies same.
3. Applicant admits that Embarcadero Technologies, Inc. is the owner of record of Registration No. 2203227 for the mark ER/STUDIO.
4. Applicant admits that a Declaration under Section 15 was filed and acknowledged for Registration No. 2203227. Otherwise, Applicant denies the allegations of Paragraph 4 of the Notice of Opposition.
5. Applicant admits the allegations of Paragraph 5 of the Notice of Opposition.
6. Applicant denies the allegations of Paragraph 6 of the Notice of Opposition.

7. Applicant denies the allegations of Paragraph 7 of the Notice of Opposition.
8. Applicant denies the allegations of Paragraph 8 of the Notice of Opposition.
9. Applicant denies the allegations of Paragraph 9 of the Notice of Opposition.
10. Applicant denies the allegations of Paragraph 10 of the Notice of Opposition.
11. Applicant denies the allegations of Paragraph 11 of the Notice of Opposition.

WHEREFORE, Applicant prays that this opposition proceeding be dismissed and that judgment in favor of Applicant and against Opposer be entered.

RSTUDIO, INC.

Dated: January 27, 2010


Joshua S. Jarvis
Foley Hoag LLP
155 Seaport Boulevard
Boston, MA 02210
Tel. 617/832-1000

Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the above-identified ANSWER TO Notice of Opposition upon Opposer's attorney of record:

Martin R. Greenstein
TechMark A Law Corporation
4820 Harwood Road, 2nd Floor
San Jose, CA 95124-5273

MRG@TechMark.com

via First-Class Mail and E-mail.


Joshua S. Jarvis

DATED: January 27, 2010