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

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|---------------------------|--|
| Proceeding | 91201836 |
| Party | Plaintiff Repify, Inc. |
| Correspondence Address | B ANNA MCCOY ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP 806 SW BROADWAY, SUITE 600 PORTLAND, OR 97205 UNITED STATES harnett@ahmrt.com, mccoym@ahmrt.com, gladwin@ahmrt.com |
| Submission | Answer to Counterclaim |
| Filer's Name | B. Anna McCoy |
| Filer's e-mail | mccoym@ahmrt.com, harnett@ahmrt.com |
| Signature | /B. Anna McCoy/ |
| Date | 12/07/2011 |
| Attachments | Answer to Counterclaim Petition for Cancellation (as filed) 12-07-2011.pdf (4 pages)(39808 bytes) |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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|------------------------------------|---|-----------------------------------|
| Repify, Inc., |) | |
| |) | |
| Opposer/Counterclaim-Respondent, |) | |
| |) | |
| v. |) | Opposition No. 91201836 |
| |) | |
| Reppify LLC |) | <u>OPPOSER'S ANSWER TO</u> |
| |) | <u>COUNTERCLAIM</u> |
| Applicant/Counterclaim-Petitioner. |) | |
| _____ |) | |

Commissioner for Trademarks
Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

ANSWER TO COUNTERCLAIM PETITION FOR CANCELLATION

Opposer/Counterclaim-Respondent, Repify, Inc. (“Respondent”), by and through its undersigned counsel, hereby answers the Counterclaim Petition for Cancellation (“Counterclaim Petition”) filed by Applicant/Counterclaim-Petitioner, Reppify LLC (“Petitioner”) as follows:

1. Respondent admits that Respondent filed an opposition against Petitioner’s registration of application Serial No. 77/982,127 based on, amongst other claims, Respondent’s Registration Nos. 3,937,819 and 3,937,828.
2. Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 2 of the Counterclaim Petition, and therefore denies said allegations.
3. Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 3 of the Counterclaim Petition, and therefore denies said allegations.
4. Respondent admits that Petitioner filed Application Serial No. 77/895,974 for the recited services, but is without knowledge or information sufficient to form a belief as to the truth or falsity of the any

remaining allegations contained in Paragraph 4 of the Counterclaim Petition, and therefore denies such remaining allegations.

5. Respondent admits the allegations contained in Paragraph 5 of the Counterclaim Petition, but is without knowledge or information sufficient to form a belief as to the truth or falsity of the dates of first use claimed.
6. Respondent admits the allegations contained in Paragraph 6 of the Counterclaim Petition.
7. Respondent admits that Susan Daly Sterns was listed on the Registrations as the correspondent; however, the correspondent listed on the Registrations has been updated through the electronic filing system.
8. With respect to Paragraph 8, Respondent admits that dates of first use in commerce were submitted in Application Serial Nos. 85/096,225 and 85/096,300 with dates of first use in commerce at least as early as October 31, 2009 and dates of first use anywhere at least as early as October 9, 2009. Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of any of the remaining allegations contained in Paragraph 8 of the Counterclaim Petition, and therefore denies said remaining allegations.
9. Respondent denies the allegations of Paragraph 9 of the Counterclaim Petition.
10. Respondent denies the allegations of Paragraph 10 of the Counterclaim Petition.
11. With respect to Paragraph 11, Respondent admits that the U.S. Patent and Trademark Office approved Application Serial Nos. 85/096,225 and 85,096,300 for registration, resulting in Registration Nos. 3,937,819 and 3,937,828, both issuing on March 29, 2011, but denies the remaining allegations contained in Paragraph 11 of the Counterclaim Petition.
12. With respect to Paragraph 12, Respondent admits that the U.S. Patent and Trademark Office approved Application Serial Nos. 85/096,225 and 85,096,300 for registration, resulting in

Registration Nos. 3,937,819 and 3,937,828, both issuing on March 29, 2011, but denies the remaining allegations contained in Paragraph 12 of the Counterclaim Petition.

13. Respondent denies the allegations of Paragraph 13 of the Counterclaim Petition.

AFFIRMATIVE DEFENSE

14. Petitioner has failed to state a claim upon which relief may be granted.

15. Petitioner claims are barred, in whole or in part, due to unclean hands.

WHEREFORE, having fully answered, Respondent requests that the Counterclaim Petition be denied and that judgment be entered in favor of Opposer/Counterclaim Respondent.

Respondent authorizes the Commissioner for Trademarks to charge the fee for filing this Answer to Counterclaim Petition for Cancellation, or any other additional fees that may be due, to Deposit Account 503397.

DATED this 7th day of December 2011.

Respectfully submitted,

Alleman Hall McCoy Russell & Tuttle LLP



B. Anna McCoy
Attorney for Opposer/Counterclaim-Respondent
806 S.W. Broadway, Suite 600
Portland, Oregon 97204
Telephone: (503) 459-4141
Facsimile: (503) 459-4142

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ANSWER TO COUNTERCLAIM PETITION FOR CANCELLATION was served by First Class Mail upon Applicant/Counterclaim-Petitioner's attorney at the address of record below on this 7th day of December, 2011:

Linda Goldman
Fenwick & West LLP
801 California St.
Mountain View, CA 94041-1990



B. Anna McCoy
Attorney for Opposer