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

Proceeding	91205446
Party	Defendant KIK Interactive Inc.
Correspondence Address	JANET L CULLUM COOLEY LLP 777 6TH STREET NW, SUITE 1100 WASHINGTON, DC 20001 UNITED STATES schristoff@cooley.com, trademarks@cooley.com, jcullum@cooley.com, rsingh@cooley.com
Submission	Answer
Filer's Name	Susan P. Christoff
Filer's e-mail	schristoff@cooley.com, jcullum@cooley.com, rsingh@cooley.com, trademarks@cooley.com
Signature	/spc/
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Application No. 85/023,952  
For the trademark KIK

kikin Limited,	)	
	)	
Opposer,	)	
	)	Opposition No. 91205446
v.	)	
	)	
Kik Interactive Inc.	)	
	)	
Applicant.	)	
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Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**ANSWER TO NOTICE OF OPPOSITION**

Kik Interactive Inc. (“Applicant”), through its undersigned attorneys, hereby answers the Notice of Opposition (“Opposition”) filed by kikin Limited (“Opposer”) against Applicant’s trademark application for the KIK mark (the “Mark”), Application Serial No. 85/023,952 (the “Application”). Applicant responds to the numbered paragraphs of the Opposition as follows:

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 and on that basis denies the same.
  
2. Answering Paragraph 2, Applicant admits that the publicly-accessible records of the U.S. Patent & Trademark Office (“USPTO”) reflect that the application on which the KIKIN Registration (U.S. Registration No. 3,779,228) is based was filed on February 12, 2009. Except as expressly so admitted, Applicant denies the allegations in Paragraph 2.

3. Answering Paragraph 3, Applicant admits that the publicly-accessible records of the USPTO reflect that the KIKIN Registration (U.S. Registration No. 3,779,228) issued April 20, 2010. Except as expressly so admitted, Applicant denies the allegations in Paragraph 3.

4. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4 and on that basis denies the same.

5. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5 and on that basis denies the same.

6. Answering Paragraph 6, Applicant admits that it filed the Application in the U.S. on April 27, 2010 and the Application reflects an asserted basis of Applicant's intent to use the mark KIK in U.S. commerce under Section 1(b) of the Trademark Act and under Section 44(d) of the Trademark Act (15 U.S.C. §§ 1051(b) and 1126(d) respectively). Except as expressly so admitted, Applicant denies the allegations in Paragraph 6.

7. Answering Paragraph 7, Applicant admits that the Application reflects an alleged priority filing date of October 30, 2009. Except as expressly so admitted, Applicant denies the allegations in Paragraph 7.

8. Answering Paragraph 8, Applicant admits that the Application as published lists the following goods and services:

IC 009: computer software for use in downloading, displaying, transmitting, receiving, editing, extracting, encoding, decoding, playing, and storing data, namely, audio, video and photographic data; sound recordings featuring radio broadcasts featuring newscasts and sporting events, music, sound effects and ringtones; video recordings featuring music, digital video games, films, television shows, commercials, news reports and instructional courses in the field of arts, languages, history, science and mathematics; downloadable image files containing photographs

IC 042: providing a website featuring temporary use of non-downloadable computer software for sending and receiving digital data, namely, audio, video and photographic data, by means of telecommunications networks, wireless communication networks, and the Internet

Except as expressly so admitted, Applicant denies the allegations in Paragraph 8.

9. Answering Paragraph 9, Applicant avers that the records of the USPTO speak for themselves. Except as expressly so averred, Applicant denies the allegations in Paragraph 9.

10. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10 and on that basis denies the same.

11. Applicant denies the allegations in Paragraph 11.

12. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 12 and on that basis denies the same.

13. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 13 and on that basis denies the same.

14. Applicant denies the allegations in Paragraph 14.

15. Applicant denies the allegations in Paragraph 15.

16. To the extent that Applicant has not specifically or generally addressed any remaining allegations of the Opposition, Applicant lacks knowledge or information sufficient to form a belief as to the truth of such allegations and therefore denies the same.

#### AFFIRMATIVE DEFENSES

In asserting the following affirmative defenses, Applicant does not concede that it has the burden of proof as to each separate defense.

1. Opposer fails to state a claim on which relief can be granted.
2. Opposer lacks standing to oppose registration of the Mark in that Opposer is not likely to be damaged by the registration of the Mark.
3. Opposer's claims are barred in whole or in part by the doctrines of laches, acquiescence, and estoppel.

4. Applicant presently has insufficient knowledge or information upon which to form a belief as to whether it has additional, but as-yet-unstated, affirmative defenses available. Accordingly, Applicant hereby reserves the right to assert additional affirmative defenses in the event it determines that such defenses are appropriate.

**WHEREFORE**, Applicant requests that the Opposition be dismissed in its entirety and that Applicant's KIK Mark be allowed for registration.

Respectfully submitted,

COOLEY LLP

Dated: November 28, 2012

By: 

Susan P. Christoff, Esq.  
Cooley LLP  
777 6<sup>th</sup> Street, NW, Suite 1100  
Washington, DC 20001  
(202) 842-7854  
schristoff@cooley.com

Janet L. Cullum, Esq.  
Cooley LLP  
The Grace Building  
1114 Avenue of the Americas  
New York, NY 10036-7798  
(212) 479-6500  
jcullum@cooley.com

*Attorneys for Kik Interactive Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was served via first-class mail to Opposer's correspondents of record, Nicole Gage, at the following addresses:

Nicole E. Gage  
Foley & Lardner LLP  
111 Huntington Avenue  
Boston, MA 02199

Dated: November 28, 2012

  
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Vicki Vaughan