ESTTA Tracking number: **ESTTA575355**
Filing date: **12/09/2013**

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

Proceeding	91213200
Party	Defendant Halo2Cloud, LLC
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Date	12/09/2013
Attachments	8185-0090-Answer-To-HALO-Opposition.pdf(64109 bytes)

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

In the matter of Trademark Application Serial Nos.
85/459,212 for the mark **HALO** in Class 9
Published on April 30, 2013; and
85/459,271 for the mark **HALO & Design** in Class 9
Published on May 7, 2013.

Halo Electronics, Inc., Opposer, v. Halo2Cloud, LLC, Applicant.	Opposition No. 91/213,200

APPLICANT'S ANSWER TO CONSOLIDATED NOTICE OF OPPOSITION

Applicant, Halo2Cloud, LLC ("Applicant" or "Halo2Cloud"), through its counsel, submits this Answer to the Consolidated Notice of Opposition filed by Halo Electronics, Inc. ("Opposer") in the above-identified proceeding.

1. Applicant admits that Opposer timely submitted its Consolidated Notice of Opposition in accordance with the publication dates and extensions of times identified in the Notice.

2. Admitted that the goods and other information recited in Paragraph 2 comport with the publication of Applicant's applications at issue.

3. Admitted.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 4 and therefor the allegations are denied.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 5 and therefor the allegations are denied.

6. Admitted that Exhibit A is a true and correct copy of United States Registration No. 1,761,135 for the word mark "HALO" in connection with "low power DC/DC converter modules and filters, for use with local area networks (LAN)". Otherwise, Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 6 and therefor the allegations are denied.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 7 and therefor the allegations are denied.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 8 with regards to Opposer's commercial use of its HALO mark and the goods and/or services with which said mark has been used, and therefor the allegations are denied. Applicant denies the allegation that there is no issue as to priority.

9. Admitted that Applicant's **HALO** Mark and the word portion of Applicant's **HALO & Design** Mark are identical to the Opposer's registered HALO mark, but otherwise the allegations of Paragraph 9 are denied.

10. Admitted that Applicant's **HALO & Design** Mark features a halo over the letter "H" and Opposer uses a HALO Logo with a halo over the letter "A," but otherwise the allegations of Paragraph 10 are denied.

11. Denied.

12. Denied.

13. Denied.

14. Denied.

15. Denied.

16. Denied.

17. Admitted.

18. Denied.

19. Denied.

AFFIRMATIVE DEFENSES

Applicant asserts the following affirmative defenses in response to the Consolidated Notice of Opposition.

1. Opposer's registered mark is not entitled to a scope of protection sufficient to support the Opposition.

2. Opposer's mark is used by a number of unrelated companies on various goods and services and therefore is weak and entitled to a limited scope of protection.

3. The Consolidated Notice of Opposition fails to state a claim upon which relied can be granted.

4. As a result of Applicant's continuous use of the HALO Mark and the HALO & Design Mark since the time of Applicant's adoption thereof, the Marks have developed significant goodwill among the consuming public and consumer acceptance of the goods and services offered by Applicant in conjunction with the applied-for Marks and similar marks used by Applicant. Such goodwill and widespread usage has caused the applied-for Marks to acquire distinctiveness with respect to Applicant, and caused the applied-for Marks to become a valuable asset of Applicant.

5. There is no likelihood of confusion, mistake or deception because, *inter alia*, the applied-for Marks and the alleged trademark of Opposer are not confusingly similar.

6. Applicant hereby gives notice that it may rely on any other defense that may become available or appear proper during discovery, and hereby reserves its rights to amend this Answer to assert any such defense.

WHEREFORE, Applicant denies that Opposer is entitled to the relief requested in its Consolidated Notice of Opposition, and requests that the Consolidated Notice of Opposition be dismissed and that Applicant's applications for registration be granted.

Respectfully submitted,

HALO2CLOUD, LLC
Applicant

Dated: December 9, 2013

By: /s/ Wm. Tucker Griffith

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **APPLICANT'S ANSWER TO CONSOLIDATED NOTICE OF OPPOSITION** has been sent and served on this 9th day of December 2013, by mailing said copy via First Class Mail, postage prepaid, to the following counsel of record for Opposer:

Lisa Greenwald-Swire
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By: /s/Wm. Tucker Griffith
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