

ESTTA Tracking number: **ESTTA609744**

Filing date: **06/13/2014**

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

Proceeding	91215038
Party	Defendant Kiaico, Inc.
Correspondence Address	DAN HEALY CEO 445 PARK AVENUE, 10TH FLOOR NEW YORK, NY 10022 UNITED STATES iplegal@kiaicoinc.com
Submission	Opposition/Response to Motion
Filer's Name	Dan Healy
Filer's e-mail	iplegal@kiaicoinc.com
Signature	/MRKIAI/
Date	06/13/2014
Attachments	Objection to Motion to Dismiss Counterclaim to Cancel RN 3940239 in Proceeding 91215038.pdf(15945 bytes)

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

Opposition Proceeding 91215038

In the matter of Trademark Application No. 85904663

For the mark: MARSHAL A.R.T.

Publication Date: Aug. 27, 2013

Marshall Amplification PLC

v.

KIAICO, Inc.

OBJECTION TO MOTION TO DISMISS COUNTERCLAIM TO CANCEL RN 3940239

The Applicant, KIAICO, Inc., a Delaware corporation with offices located at, 445 Park Avenue, New York, N.Y., United States, submitted a counterclaim to cancel Opposer's mark RN 3940239 for the grounds of likelihood of confusion, nonuse, and abandonment on 4/7/2014, 13 days after submitting its Answer on 3/25/2014.

A party may amend its pleading once as a matter of course within 21 days after serving it. Fed. R. Civ. P. 15(a)(1). Applicant had a right as a matter of course within 21 days to file the counterclaim as an amendment to its pleading without motion.

Opposer's motion to dismiss is frivolous.

This proceeding has never been suspended for settlement discussions.
Opposer's rant is misplaced and inappropriate to its motion and to this proceeding.

Submitted By: /MRKIAI/

Date: June 13, 2014

Dan Healy, CEO KIAICO Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Answer has been served on John A. Clifford by mailing said copy on June 13, 2014, via First Class Mail, postage prepaid to:

John A. Clifford, Esq.
Merchant & Gould, P.C.
P.O. Box 2910
Minneapolis, MN 55402-0910

By: /MRKIAL/

Date: June 13, 2014

Dan Healy, CEO KIAICO Inc.