

ESTTA Tracking number: **ESTTA636717**

Filing date: **11/03/2014**

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

Proceeding	91218442
Party	Defendant Veam Inc.
Correspondence Address	EMIL CHANG VENTURE PACIFIC LAW PC 5201 GREAT AMERICA PKWY, STE 270 SANTA CLARA, CA 95054-1126 UNITED STATES uspto@vpaclaw.com
Submission	Answer
Filer's Name	Quon Hom
Filer's e-mail	quon@vpaclaw.com
Signature	/Quon Hom/
Date	11/03/2014
Attachments	Veam-TM01-Answer_v2.pdf(159113 bytes)

4. Veam lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4 of the Opposition and therefore denies them.

5. Veam admits the allegations in paragraph 5 of the Opposition.

6. Veam admits the allegations in paragraph 6 of the Opposition.

7. Veam lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 7 of the Opposition as it relates back to paragraphs 1-4 of the Opposition and therefore denies them.

8. Veam lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 8 of the Opposition and therefore denies them.

9. Veam denies the allegations in paragraph 9 of the Opposition.

10. Veam denies the allegations in paragraph 10 of the Opposition.

11. Veam denies the allegations in paragraph 11 of the Opposition.

All allegations in the Opposition, whether explicit or implicit and including averments, which require an answer are denied to the extent that those allegations are not expressly and specifically admitted herein. Moreover, pursuant to Rule 8(b)(6) of the Federal Rules of Civil Procedure, allegations in the Opposition, to which no responsive pleading is required shall be deemed as denied.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE (Failure to State a Claim)

The Opposition fails to plead facts sufficient to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE
(Limited Rights to the VEAM mark in a Crowded Field)

Any purported rights Opposer has in the VEAM mark are limited due to the number and nature of similar marks in use on similar goods and services.

THIRD AFFIRMATIVE DEFENSE
(Abandonment)

Opposer's alleged claims are barred by the doctrine of trademark abandonment.

FOURTH AFFIRMATIVE DEFENSE
(Non-Ownership of the VEAM mark for Purposes Asserted)

Opposer's alleged claims are barred as they do not own the VEAM mark for the purposes asserted.

FIFTH AFFIRMATIVE DEFENSE
(Unclean Hands)

Opposer's alleged claims are barred by their unclean hands including, but not limited to, on information and belief their unlawful use of their goods and services offered in connection with the VEAM mark.

SIXTH AFFIRMATIVE DEFENSE
(Waiver)

Opposer's alleged claims are barred by the doctrine of waiver.

PROOF OF SERVICE BY MAIL

I declare that:

I am employed in the County of Santa Clara, California. I am over the age of eighteen years and not a party to the within cause; my business address is 5201 Great America Parkway, Suite 270, Santa Clara, CA 95054. On the date indicated below, I served VEAM INC.'S ANSWER TO OPPOSER'S OPPOSITION TO VEAM INC.'S APPLICATION FOR THE VEAM MARK, on the interested parties in said cause, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Santa Clara, California, addressed as follows:

Monica Riva Talley, Esq.
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 New York Ave. NW
Washington, DC 20005

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed at Santa Clara, California, this 3rd day of November, 2014.



Alice Lin