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

Proceeding	92054171
Party	Defendant VGO COMMUNICATIONS, INC.
Correspondence Address	VGO COMMUNICATIONS, INC. 40 SIMON STREET NASHUA, NH 03060 UNITED STATES
Submission	Answer
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Date	08/08/2011
Attachments	VGO answer.PDF (4 pages)(198186 bytes)

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

_____)	
Valeritas, Inc.,)	
)	
Petitioner)	
)	
v.)	Cancellation No. 92054171
)	
VGo Communications, Inc.,)	
)	
Respondent)	
_____)	

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

ANSWER TO PETITION FOR CANCELLATION

Sir:

Respondent, VGo Communications, Inc., by and through its attorneys, hereby responds to the Petition for Cancellation filed by Valeritas, Inc as follows:

1. Respondent is without sufficient knowledge or information to form a conclusion as to the truth of the allegations contained in Paragraph 1, and therefore denies them.
2. Respondent admits that the online records of the United States Patent and Trademark Office (USPTO) indicate that Petitioner owns U.S. Trademark App. Ser. No. 77/752,694 for the mark V-GO for use on “[m]edical apparatus, namely, infusion and injection devices for administering drugs” in International Class 10, and that the application was filed June 4, 2009 based on a claim of a bona fide intent to use the mark in commerce. Respondent admits that the Petitioner’s filing date as indicated in those online records precedes the filing date for

Respondent's application that issued to the registration sought to be cancelled and Respondent's alleged date of first use in commerce. Respondent is without sufficient knowledge or information to form a conclusion as to the truth of any remaining allegations contained in Paragraph 2, and therefore denies them.

3. Respondent admits that the online records of the USPTO indicate that Petitioner owns U.S. Trademark App. Ser. No. 77/752,697 for the mark V-GO DISPOSABLE INSULIN DELIVERY & Design for use on "[m]edical apparatus, namely, infusion and injection devices for administering drugs" in International Class 10, that the mark appears in the USPTO records as shown in Paragraph 3, and that the application was filed June 4, 2009 based on a claim of a bona fide intent to use the mark in commerce. Respondent admits that the Petitioner's filing date as indicated in those online records precedes the filing date for Respondent's application that issued to the registration sought to be canceled and Respondent's alleged date of first use in commerce. Respondent is without sufficient knowledge or information to form a conclusion as to the truth of any remaining allegations contained in Paragraph 3, and therefore denies them.

4. Respondent admits that it is the record owner of U.S. Reg. No. 32,895,432, for the VGO mark for use on robotic video and audio communication hardware; computer software for use in connection with audio and video communication systems and that it filed its application on March 2, 2010 based on an intention to use the mark, and subsequently alleged a date of first use in commerce of July 29, 2010. Respondent admits that one of the ways it uses its mark in commerce is as it appears as shown in Paragraph 4. Respondent is without sufficient knowledge or information to form a conclusion as to the truth of any remaining allegations contained in Paragraph 4, and therefore denies them.

5. Respondent admits that the filing date for its registration and its alleged date of first use in commerce for the VGO mark are preceded by the filing dates listed in the USPTO online records for the Petitioner's mark V-GO (U.S. Trademark App. Ser. No. 77/752,694) and mark V-GO DISPOSABLE INSULIN DELIVERY & Design (U.S. Trademark App. Ser. No. 77/752,697). Respondent is without sufficient knowledge or information to form a conclusion as to the truth of any remaining allegations contained in Paragraph 5, and therefore denies them.

6. Respondent admits that it sells and/or offers for sale in the United States robotic video and audio communication hardware bearing the mark VGO. As the phrase "in the medical field" is unclear, Respondent is without sufficient knowledge or information to form a conclusion as to the truth of the remaining allegation contained in Paragraph 6, and therefore denies it.

7. Respondent is without sufficient knowledge or information to form a conclusion as to the truth of the allegations contained in Paragraph 7, and therefore denies them.

8. Respondent is without sufficient knowledge or information to form a conclusion as to the truth of the allegations contained in Paragraph 7, and therefore denies them.

9. Respondent denies each and every allegation contained in Paragraph 9.

10. Respondent denies each and every allegation contained in Paragraph 10.

11. Respondent denies each and every allegation contained in Paragraph 11.

Wherefore, Respondent prays that Petitioner's Petition for Cancellation be dismissed and that judgement be entered in favor of Respondent VGo Communications, Inc.

Respectfully submitted,



Michael J. Bevilacqua, Esq.
Barbara A. Barakat, Esq.
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(617) 526-6000

Date: August 8, 2011

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing ANSWER TO PETITION FOR CANCELLATION was served this 8th day of August 2011, upon:

Gregory M. Krakau, Esq.
Thomas F. Dunn, Esq.
Faith D. Kasparian, Esq.
Morse, Barnes-Brown & Pendleton, P.C.
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by first-class mail, postage prepaid.



Barbara A. Barakat