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Filing date: **06/29/2012**

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

Proceeding	92055643
Party	Defendant NeoVictory Technology Co., Ltd.
Correspondence Address	LIN-YUN CHENG PRO-TECHTOR INTERNATIONAL SERVICES 20775 NORADA CT SARATOGA, CA 95070-3018 UNITED STATES linyun@pacbell.net
Submission	Answer
Filer's Name	Lin-Yun Cheng
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Date	06/29/2012
Attachments	12-6-29-AnswerFiled.pdf (4 pages)(25586 bytes)

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

In the matter of Registration No. 3,737,908
Registered on January 12, 2010

Monster Cable Products, Inc.,)	
a California Corporation,)	
)	Cancellation No. 92055643
Petitioner,)	ANSWER TO CANCELLATION
v.)	
)	
NeoVictory Technology Co., Ltd.)	
A Taiwanese corporation,)	
)	
Registrant.)	
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To: BOX TTAB (NO FEE)
Commissioner for Trademarks
P. O. Box 1451
Alexandria, VA 22313-1451

REGISTRANT'S ANSWER TO PETITION FOR CANCELLATION

Registrant, NeoVictory Technology Co., Ltd., a corporation organized and existing under the laws of TAIWAN, Republic of China, for its answer to the above mentioned Notice of Cancellation, pleads and avers as follows:

1. Registrant lacks sufficient information and belief to enable it to admit or deny the allegations contained in paragraph 1 of the Petition for Cancellation, and on the basis of that lack of information or belief, denies the allegations.

2. Registrant lacks sufficient information and belief to enable it to admit or deny the allegations contained in paragraph 2 of the Petition for Cancellation, and on the basis of that lack of information or belief, denies the allegations.

3. Registrant admits the allegations contained in paragraph 3 of the Petition for Cancellation.

4. Registrant denies the allegations contained in paragraph 4 of the Petition for Cancellation relative to abandonment of Registrant's trademark rights.

AFFIRMATIVE DEFENSES

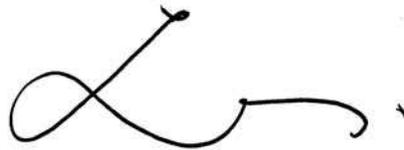
5. Upon information and belief, Petitioner's U.S. Trademark Application No. 85231780 seeks to register the word mark "VICTORY" for "Audio speakers; Electronic docking stations; Headphones" in International Class 9. The Petitioner's mark is deceptively similar to Registrant's "NEOVICTORY" mark so as to cause confusion and lead to deception as to the origin of Petitioner's goods bearing the Petitioner's mark. Persons familiar with Registrant's marks would be likely to buy Petitioner's goods as and for a product made and sold by the Registrant. Any such confusion in trade inevitably would result in loss of sales to the Registrant. Furthermore, any defect, objection or fault found with Petitioner's products marketed under its mark would necessarily reflect upon and seriously injure the reputation which the Registrant has established for its products merchandised under its marks.

6. If Petitioner were granted the registration they claimed, it would thereby obtain at least a *prima facie* exclusive right to the use of its "VICTORY" mark. Such registration would be a source of damage and injury to Registrant. Therefore, it is a correct and justified decision that Examiner refused the registration of Petitioner's "VICTORY" mark application.

7. Registrant further affirmatively alleges that Registrant has never abandoned and has no intention to abandon its "NEOVICTORY" mark. Registrant has been continually and effectively

used its mark in commerce since Registrant's first adoption of the "NEOVICTORY" mark on 10/13/2009.

WHEREFORE, Registrant prays that the Petition for Cancellation be dismissed in its entirety, and that the Registration No. 3,737,908 be maintained.

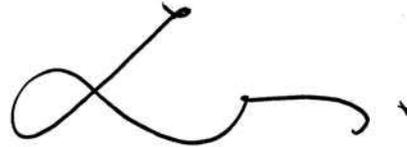
A handwritten signature in black ink, appearing to be 'Lin-Yun Cheng', with a stylized, cursive script.

Dated: June 29, 2012

Lin-Yun Cheng (Attorneys for Registrant)
Telephone: (408) 255-4976

CERTIFICATE OF ELECTRONIC FILING

The undersigned hereby certified that the foregoing ANSWER TO PETITION FOR CANCELLATION is being electronically filed using the Electronic System for Trademark Trials and Appeals (ESTTA) on this 29th day of June, 2012.

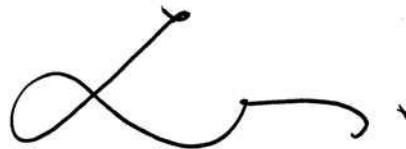


Lin-Yun Cheng (Attorneys for Registrant)
Telephone: (408) 255-4976

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certified that the foregoing ANSWER TO PETITION FOR CANCELLATION is being deposited with the United States Postal Service, as first class mail, with postage prepaid, on this 29th day of June, 2012, in envelop addressed to the following:

Matthew Powelson, Esq.
321 Law, Inc.
P.O. Box 911
Monterey, CA 93942



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