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Filing date: **07/21/2014**

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

Proceeding	92059336
Party	Defendant Halo2Cloud, LLC
Correspondence Address	HALO2CLOUD LLC 148 EASTERN BOULEVARD GLASTONBURY, CT 06033 UNITED STATES
Submission	Answer
Filer's Name	Wm. Tucker Griffith
Filer's e-mail	tucker@ip-lawyers.com, hein@ip-lawyers.com, tmdocket@ip-lawyers.com, vis-intainer@ip-lawyers.com
Signature	/Wm. Tucker Griffith/
Date	07/21/2014
Attachments	8185-0120AnswertoCancellation4440324.pdf(62509 bytes) 8185-0120AnswertoCancellation4423534.pdf(62112 bytes) 8185-0120AnswertoCancellation4431808.pdf(62035 bytes)

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 6 and therefor the allegations are denied.
7. Denied.
8. Denied.

AFFIRMATIVE DEFENSES

Applicant asserts the following affirmative defenses in response to the Petition for Cancellation.

1. Petitioner's mark is not entitled to a scope of protection sufficient to support the Cancellation.
2. Petitioner'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 Petition for Cancellation fails to state a claim upon which relief can be granted.
4. As a result of Respondent's continuous use of the HALO POCKET POWER STARLIGHT Mark since the time of Applicant's adoption thereof, as well as several similar marks encompassing the term "HALO", the Mark has developed significant goodwill among the consuming public and consumer acceptance of the goods and services offered by Respondent in conjunction with the applied-for Mark and similar marks used by Respondent. Such goodwill and widespread usage has caused the Registered Mark to acquire distinctiveness with respect to Respondent, and caused the Registered Mark to become a valuable asset of Respondent.
5. There is no likelihood of confusion, mistake or deception because, *inter alia*, the Registered Marks and the alleged trademark of Petitioner are not confusingly similar.

6. Respondent applied for its Registration of HALO POCKET POWER STARLIGHT on June 11, 2013. The application for registration was published in the United States Patent and Trademark Office's Official Gazette on September 10, 2013. Petitioner did not raise any objection to Respondent's use or registration of its trademarks until June 8, 2014. Petitioner's delay in raising an objection was unreasonable and causes undue prejudice to Respondent. Accordingly, Petitioner's claims are barred, in whole or in part, by the doctrine of laches.

7. Respondent 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, Respondent denies that Petitioner is entitled to the relief requested in its Petition for Cancellation, and requests that the Petition for Cancellation be dismissed.

Respectfully submitted,

HALO2CLOUD, LLC
Respondent

Dated: July 21, 2014

By: /s/ Wm. Tucker Griffith

Wm. Tucker Griffith
tucker@ip-lawyers.com
McCormick, Paulding & Huber LLP
CityPlace II, 185 Asylum Street
Hartford, CT 06103-3410
Tel.: 860-549-5490
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Attorney for Applicant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **RESPONDENT'S ANSWER TO PETITION FOR CANCELLATION FOR U.S. TRADEMARK REGISTRATION NO. 4,440,324** has been sent and served on this 21st day of July 2014, by mailing said copy via First Class Mail, postage prepaid, to the following counsel of record for Petitioner:

Michael T. Wallace
779 North Colorado Street
Gilbert, Arizona 85233

By: /s/Wm. Tucker Griffith
Wm. Tucker Griffith

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

In the matter of Trademark Registration No.
4,423,534 for the mark HALO HALO2CLOUD.COM & design in Class 11
Registered on November 12, 2013

JST Performance, Inc. d/b/a Rigid Industries,)	
Petitioner,)	Cancellation No. 92059336
v.)	
Halo2Cloud, LLC,)	
Respondent.)	

**RESPONDENT’S ANSWER TO PETITION FOR CANCELLATION FOR U.S.
TRADEMARK REGISTRATION NO. 4,423,534**

Respondent, Halo2Cloud, LLC (“Respondent” or “Halo2Cloud”), through its counsel, submits this Answer to the Petition for Cancellation filed by JST Performance, Inc. d/b/a/ Rigid Industries (“Petitioner”) in the above-identified proceeding with respect to U.S. Trademark Registration No. 4,423,534.

1. Admitted.
2. Admitted.
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. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 6 and therefor the allegations are denied.
7. Denied.
8. Denied.

AFFIRMATIVE DEFENSES

Applicant asserts the following affirmative defenses in response to the Petition for Cancellation.

1. Petitioner's mark is not entitled to a scope of protection sufficient to support the Cancellation.
2. Petitioner'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 Petition for Cancellation fails to state a claim upon which relief can be granted.
4. As a result of Respondent's continuous use of the HALO HALO2CLOUD.COM & design Mark since the time of Applicant's adoption thereof, as well as several similar marks encompassing the term "HALO", the Mark has developed significant goodwill among the consuming public and consumer acceptance of the goods and services offered by Respondent in conjunction with the applied-for Mark and similar marks used by Respondent. Such goodwill and widespread usage has caused the Registered Mark to acquire distinctiveness with respect to Respondent, and caused the Registered Mark to become a valuable asset of Respondent.
5. There is no likelihood of confusion, mistake or deception because, *inter alia*, the Registered Marks and the alleged trademark of Petitioner are not confusingly similar.

6. Respondent applied for its Registration of HALO HALO2CLOUD.COM & design on April 9, 2013. The application for registration was published in the United States Patent and Trademark Office's Official Gazette on August 27, 2013. Petitioner did not raise any objection to Respondent's use or registration of its trademarks until June 8, 2014. Petitioner's delay in raising an objection was unreasonable and causes undue prejudice to Respondent. Accordingly, Petitioner's claims are barred, in whole or in part, by the doctrine of laches.

7. Respondent 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, Respondent denies that Petitioner is entitled to the relief requested in its Petition for Cancellation, and requests that the Petition for Cancellation be dismissed.

Respectfully submitted,

HALO2CLOUD, LLC
Respondent

Dated: July 21, 2014

By: /s/ Wm. Tucker Griffith

Wm. Tucker Griffith

tucker@ip-lawyers.com

McCormick, Paulding & Huber LLP

CityPlace II, 185 Asylum Street

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Tel.: 860-549-5490

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Attorney for Applicant

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Michael T. Wallace
779 North Colorado Street
Gilbert, Arizona 85233

By: /s/Wm. Tucker Griffith
Wm. Tucker Griffith

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

In the matter of Trademark Registration No.
4,431,808 for the mark HALO2CLOUD.COM in Class 11
Registered on November 12, 2013

JST Performance, Inc. d/b/a Rigid Industries,)	
Petitioner,)	Cancellation No. 92059336
v.)	
Halo2Cloud, LLC,)	
Respondent.)	

**RESPONDENT’S ANSWER TO PETITION FOR CANCELLATION FOR U.S.
TRADEMARK REGISTRATION NO. 4,431,808**

Respondent, Halo2Cloud, LLC (“Respondent” or “Halo2Cloud”), through its counsel, submits this Answer to the Petition for Cancellation filed by JST Performance, Inc. d/b/a/ Rigid Industries (“Petitioner”) in the above-identified proceeding with respect to U.S. Trademark Registration No. 4,431,808.

1. Admitted.
2. Admitted.
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. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 6 and therefor the allegations are denied.
7. Denied.
8. Denied.

AFFIRMATIVE DEFENSES

Applicant asserts the following affirmative defenses in response to the Petition for Cancellation.

1. Petitioner's mark is not entitled to a scope of protection sufficient to support the Cancellation.
2. Petitioner'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 Petition for Cancellation fails to state a claim upon which relief can be granted.
4. As a result of Respondent's continuous use of the HALO2CLOUD.COM Mark since the time of Applicant's adoption thereof, as well as several similar marks encompassing the term "HALO", the Mark has developed significant goodwill among the consuming public and consumer acceptance of the goods and services offered by Respondent in conjunction with the applied-for Mark and similar marks used by Respondent. Such goodwill and widespread usage has caused the Registered Mark to acquire distinctiveness with respect to Respondent, and caused the Registered Mark to become a valuable asset of Respondent.
5. There is no likelihood of confusion, mistake or deception because, *inter alia*, the Registered Marks and the alleged trademark of Petitioner are not confusingly similar.

6. Respondent applied for its Registration of HALO2CLOUD.COM on March 13, 2013. The application for registration was published in the United States Patent and Trademark Office's Official Gazette on August 27, 2013. Petitioner did not raise any objection to Respondent's use or registration of its trademarks until June 8, 2014. Petitioner's delay in raising an objection was unreasonable and causes undue prejudice to Respondent. Accordingly, Petitioner's claims are barred, in whole or in part, by the doctrine of laches.

7. Respondent 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, Respondent denies that Petitioner is entitled to the relief requested in its Petition for Cancellation, and requests that the Petition for Cancellation be dismissed.

Respectfully submitted,

HALO2CLOUD, LLC
Respondent

Dated: July 21, 2014

By: /s/ Wm. Tucker Griffith

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McCormick, Paulding & Huber LLP
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Tel.: 860-549-5490
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Attorney for Applicant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **RESPONDENT'S ANSWER TO PETITION FOR CANCELLATION FOR U.S. TRADEMARK REGISTRATION NO. 4,431,808** has been sent and served on this 21st day of July 2014, by mailing said copy via First Class Mail, postage prepaid, to the following counsel of record for Petitioner:

Michael T. Wallace
779 North Colorado Street
Gilbert, Arizona 85233

By: /s/Wm. Tucker Griffith
Wm. Tucker Griffith