

ESTTA Tracking number: **ESTTA643273**

Filing date: **12/08/2014**

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

Proceeding	92059710
Party	Defendant Hothead Games Inc.
Correspondence Address	JEFFERSON F SCHER CARR & FERRELL LLP 120 CONSTITUTION DRIVE MENLO PARK, CA 94025 UNITED STATES jscher@carrferrell.com, shernandez@carrferrell.com
Submission	Answer
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Signature	/Jefferson F. Scher/
Date	12/08/2014
Attachments	Answer_20141208.pdf(13651 bytes )

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

In the matter of  
Trademark Registration No. 4,080,414  
Mark: SWARM

_____	)	
Foursquare Labs, Inc.	)	
	)	
Petitioner,	)	
	)	
v.	)	Cancellation No. 92059710
	)	
Hothead Games 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:

Registrant Hothead Games Inc. ("Respondent") hereby answers the  
Petition for Cancellation filed by Foursquare Labs, Inc. ("Petitioner") as follows:

1. Respondent admits the allegations of Paragraph 1.
2. Respondent admits the allegations of Paragraph 2.

3. Respondent is without sufficient knowledge or information to form a belief as to the allegations contained in Paragraph 3 and accordingly denies all such allegations.

4. Respondent is without sufficient knowledge or information to form a belief as to the allegations contained in Paragraph 4 and accordingly denies all such allegations.

5. Respondent denies the allegations of Paragraph 5. The mark currently is in use on the Xbox marketplace ([http:// marketplace.xbox.com/ en-US/ Product/ Swarm/ 66acd000-77fe-1000-9115-d80258410b07](http://marketplace.xbox.com/en-US/Product/Swarm/66acd000-77fe-1000-9115-d80258410b07)) and Playstation.com ([http:// us.playstation.com/ games/ swarm-ps3.html](http://us.playstation.com/games/swarm-ps3.html)).

6. Respondent denies the allegations of Paragraph 6.

7. Paragraph 7 appears to set forth a legal conclusion, but to the extent that said paragraph sets forth any allegations of fact, Respondent denies any such allegations.

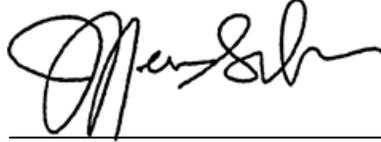
8. Paragraph 8 appears to set forth a legal conclusion, but to the extent that said paragraph sets forth any allegations of fact, Respondent denies any such allegations.

9. Paragraph 9 appears to set forth a legal conclusion, but to the extent that said paragraph sets forth any allegations of fact, Respondent denies any such

allegations.

WHEREFORE, Respondent prays that Petitioner's Petition for Cancellation be dismissed and that judgment be entered in favor of Respondent.

Respectfully submitted,



Dated: December 8, 2014

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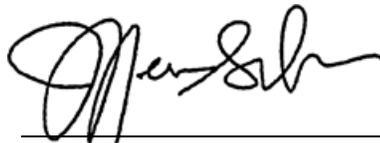
Jefferson F. Scher, Esq.  
CARR & FERRELL LLP  
120 Constitution Drive  
Menlo Park, California 94025  
Phone: (650) 812-3400  
Fax: (650) 812-3444

PROOF OF SERVICE BY EMAIL

I declare that:

I am employed in the County of San Mateo, California. I am over the age of eighteen years and not a party to the within cause; my business address is 120 Constitution Drive, Menlo Park, California 94025. On December 8, 2014, I served the within Answer to Petition for Cancellation on the interested party in said cause, via Electronic Mail to its counsel (by consent) to: [alhtrademarks@lalaw.com](mailto:alhtrademarks@lalaw.com) .

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed at Menlo Park, California, this 8th day of December 2014.



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Jefferson F. Scher