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Filing date: **05/10/2016**

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

Proceeding	92061845
Party	Defendant Thomas Koenig
Correspondence Address	Christopher S Civil Raj Abhyanker, P.C. 1580 W El Camino Real Suite 6 MOUNTAIN VIEW, CA 94040 UNITED STATES christopher@legalforcelaw.com
Submission	Other Motions/Papers
Filer's Name	Christopher Civil
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Date	05/10/2016
Attachments	Motion to file Complete Declaration of Koenig.pdf(495964 bytes)

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

Datum Group LLC,

Petitioner,

v.

Thomas Koenig,

Registrant.

Mark: DATUM and design

Registration No.: 4490434

Proceeding No.: 92061845

Date of Registration: March 4, 2014

MOTION TO FILE COMPLETE DECLARATION OF THOMAS KOENIG

On November 20, 2015 Registrant filed a Motion for Relief from Final Judgment and Motion for Leave to File Late Answer. Registrant included as part of this filing a declaration from Thomas Koenig, along with an Answer to the Petition to Cancel.

On May 10, 2016 through a call to Registrant's attorney the Board advised that Page 2 of Mr. Koenig's declaration was missing in the filing. Registrant was instructed to provide the Board with a complete copy of the Declaration. Accordingly, Registrant attaches hereto the complete Declaration of Thomas Koenig, including said Page 2.

Registrant respectfully requests that the original Motion for Relief from Final Judgment and Motion for Leave to File Late Answer be considered by the Board.

Dated: May 10, 2016

Respectfully Submitted,



Christopher Civil
Raj Abhyanker, P.C.
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Attorneys for Registrant

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the MOTION TO FILE COMPLETE DECLARATION OF THOMAS KONEIG, are being served by mailing a copy thereof, by postage-paid U.S. Mail addressed to the following individuals, identified in the Petition for Cancellation as the attorneys of record and correspondents on this 10th day of May, 2016:

MARLENE J WILLIAMS
NIXON PEABODY LLP
ONE EMBARCADERO CENTER, STE 1800
SAN FRANCISCO, CA 9411

and a courtesy copy via email to:

sfrademarks@nixonpeabody.com

mwilliams@nixonpeabody.com

dlabaria@nixonpeabody.com

/s/ Chris Civil

Christopher Civil
Raj Abhyanker, P.C.
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Attorneys for Registrant

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**DECLARATION OF THOMAS KOENIG IN SUPPORT OF REGISTRANT'S MOTION
FOR RELIEF FROM FINAL JUDGMENT**

I, Thomas Koenig, declare as follows:

1. I am the owner of U.S. trademark registration No. 4490434.
2. I am a citizen of the United States with a residence at 43 Shoal Drive East Vallejo, California 94591.
3. As part of the nature of my business, I frequently travel and live outside of the United States, including in Asia.
4. All mail sent to me at the Vallejo, CA address is forwarded by the U.S. Postal Service to 638 Paseo Companeros, Chico, CA 95928. All mail received at the Chico address is saved and forwarded to me personally to review. Many mailings are received and forwarded successfully to me via this process.
5. I did not receive, review, or was otherwise aware of Petitioner's Petition for Cancellation that was purportedly mailed on July 14, 2015.



6. I have conferred with individuals that live at both the Vallejo and Chico addresses who regularly checks and receives mailing at these addresses and received word that no such Petition for Cancellation arrived.
7. I did not receive, review, or was otherwise aware of the Notice of Default that was purportedly mailed on September 4, 2015.
8. I have conferred with individuals that live at both the Vallejo and Chico addresses who regularly checks and receives mailing at these addresses and received word that no such Notice of Default arrived.
9. I did not receive, review, or was otherwise aware of the Board's Decision granting default judgment that was purportedly mailed on October 14, 2015.
10. I have conferred with individuals that live at both the Vallejo and Chico addresses who regularly checks and receives mailing at these addresses and received word that no such Board Decision notification arrived.
11. I did not receive, review, or was otherwise aware of the Commissioner Order granting Petitioner's request for Cancellation that was purportedly mailed on October 21, 2015.
12. I have conferred with individuals that live at both the Vallejo and Chico addresses who regularly checks and receives mailing at these addresses and received word that no such Commissioner Order arrived.
13. I have conferred with individuals that live at both the Vallejo and Chico addresses who regularly checks and receives mailing at these addresses and received word that no materials concerning the DATUM trademark registration arrived.

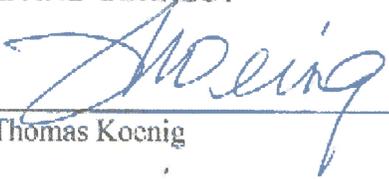


14. I did not become aware of the existence of Petitioner's Petition for Cancellation until checking the status of my registration on the Trademark Office's TSDR system on October 26, 2015.

15. I had no knowledge of the pending Cancellation proceeding, nor the Notice of Default issued by the Board. Had I been aware of the existence of the Cancellation proceeding, I would have timely responded to any allegations put forth therein.

I HEREBY DELCARE UNDER PENALTY OF PERJURY
UNDER THE LAWS OF THE UNITED STATES
THAT THE FOREGOING IS TRUE AND CORRECT

Executed on: November 12, 2015



Thomas Koenig