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Filing date: **09/25/2015**

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

Proceeding	92061861
Party	Defendant Manthan Software Services Pvt. Ltd.
Correspondence Address	LOUIS J LEVY BELLES KATZ LLC 12445 TRAILRIDGE DRIVE POTOMAC, MD 20854-2841 UNITED STATES llevy@belleskatz.com
Submission	Answer
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Date	09/25/2015
Attachments	Answer.pdf(160935 bytes)

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

<p>M3 USA Corporation</p> <p>Petitioner</p> <p>v.</p> <p>Manthan Software Services Pvt. Ltd.</p> <p>Registrant</p>	<p>Cancellation No. 92061861 Mark: MDTHINK Registration No. 4,738,099</p>
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MANTHAN SOFTWARE'S ANSWER TO PETITION TO CANCEL

Registrant Manthan Software Services Pvt. Ltd. ("Registrant") answers M3 USA Corporation's ("Petitioner") Petition to Cancel as follows:

With respect to the preamble in the Petition to Cancel, Registrant denies that Petitioner will be damaged by the registration of its mark identified in Registration No. 4,738,099.

With respect to the numbered Paragraphs in the Petition to Cancel, Registrant answers as follows:

1. Registrant admits that the U.S. Patent and Trademark Office online records reflect that Petitioner owns Reg. No. 4,423,435 for the mark MDLINX for electronic downloadable newsletters and magazines for use by medical professionals in the field of medicine; promoting the goods and services of others by placing advertisements and promotional displays on an Internet website; interactive direct online marketing; and collection of and systemization of market research information into computer databases for others ; and providing an internet web site featuring medical information.

2. Registrant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 2, and therefore denies them.

3. The allegations of Paragraph 3 do not require either an admission or denial as they relate exclusively to an attachment to the Petition to Cancel.

4. Admitted.

5. Admitted.

6. Admitted.

7. Registrant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 7, and therefore denies them.

8. The allegations of Paragraph 8 do not require either an admission or denial as they relate exclusively to an attachment to the Petition to Cancel.

9. Denied.

10. Registrant is without knowledge or information to form a belief as to truth or falsity of the allegations in Paragraph 10, and therefore denies them.

11. Registrant admits that it was aware of Petitioner's mark and services when Registrant adopted its mark. Registrant admits that it lists November 7, 2013 as the date it began using its mark. Registrant admits that on April 17, 2013 it issued a press release regarding the appointment of its Vice President of Sales, who joined Registrant following employment with an intervening employer after being Petitioner's Senior Vice President.

12. Denied.

13. Denied.

AFFIRMATIVE DEFENSES

14. Petitioner fails to state a claim upon which relief can be granted.

15. Petitioner's claim for relief is barred by the doctrine of unclean hands. On March 6, 2014, with full knowledge of Registrant's business and rights in the mark MDTHINK, Petitioner registered the domain name MDTHINK.NET with registrar GoDaddy.com and uses the MDTHINK.NET website to direct consumers to Petitioner's website, thereby infringing Registrant's rights in its mark. A copy of the WHOIS record for the domain name MDTHINK.NET is attached as Exhibit 1.

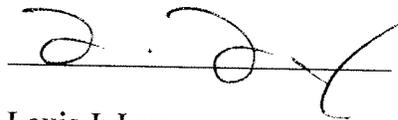
16. Petitioner's claim for relief is barred by the doctrines of laches and estoppel. Petitioner has had actual knowledge of Applicant's mark since at least February 2014, never objected to Registrant's use of its mark in any manner until May 21, 2015, and, by registering and using the domain name MDTHINK.NET since March 2014, has willfully infringed Registrant's mark.

17. Registrant reserves all affirmative defenses under Rule 8(c) of the Federal Rules of Civil Procedure, the Lanham Act, and any other defenses at law or in equity, that may now exist or in the future be available based on discovery and further factual investigation in this case.

WHEREFORE, Registrant prays that this cancellation be dismissed with prejudice.

Dated: September 23, 2015.

Respectfully Submitted:



Louis J. Levy
BELLES KATZ LLC
721 Dresher Road, Suite 1100
Horsham, PA 19044
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CERTIFICATE OF SERVICE

I hereby certify that on September 23, 2015, a true and correct copy of the foregoing Answer to Petition to Cancel was served by the United States first class mail, postage prepaid, on counsel for Petitioner at the following address of record:

Linda J. Zirkelbach
P.O. Box 34385
Washington, D.C. 20048-9998
Telephone: 202-455-4000
Facsimile: 202-344-8300



Louis J. Levy

EXHIBIT 1

Help Sign In

GoDaddy All Products Cart

WHOIS search results for: **MDTHINK.NET**

Is this your domain?

Add hosting, email and more

Want to buy this domain?

Get it with our Domain Buy Smart

Domain Name: MDTHINK.NET
 Registry Domain ID: 1849381235_DOMAIN_NET_VRSN
 Registrar WHOIS Server: whois.godaddy.com
 Registrar URL: http://www.godaddy.com
 Update Date: 2015-04-03T14:50:27Z
 Creation Date: 2014-03-06T15:15:19Z
 Registrar Registration Expiration Date: 2019-03-06T15:15:19Z
 Registrar: GoDaddy.com, LLC
 Registrar IANA ID: 146
 Registrar Abuse Contact Email: abuse@godaddy.com
 Registrar Abuse Contact Phone: +14506242505
 Domain Status: clientTransferProhibited http://www.icann.org/epp#clientTransferProhibited
 Domain Status: clientUpdateProhibited http://www.icann.org/epp#clientUpdateProhibited
 Domain Status: clientRenewProhibited http://www.icann.org/epp#clientRenewProhibited
 Domain Status: clientDeleteProhibited http://www.icann.org/epp#clientDeleteProhibited
 Registry Registrant ID:
 Registrant Name: Craig Overpeck
 Registrant Organization: MDLinx, Inc.
 Registrant Street: 1215 17th St NW
 Registrant Street: Suite 100
 Registrant City: Washington
 Registrant State/Province: District of Columbia
 Registrant Postal Code: 20036
 Registrant Country: United States
 Registrant Phone: +12022932288
 Registrant Phone Ext:
 Registrant Fax:
 Registrant Fax Ext:
 Registrant Email: craig@mdlinc.com
 Registry Admin ID:
 Admin Name: Craig Overpeck
 Admin Organization: MDLinx, Inc.
 Admin Street: 1215 17th St NW
 Admin Street: Suite 100
 Admin City: Washington
 Admin State/Province: District of Columbia
 Admin Postal Code: 20036
 Admin Country: United States
 Admin Phone: +12022932288
 Admin Phone Ext:
 Admin Fax:
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 Admin Email: craig@mdlinc.com
 Registry Tech ID:
 Tech Name: Craig Overpeck
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 Tech Street: 1215 17th St NW
 Tech Street: Suite 100
 Tech City: Washington
 Tech State/Province: District of Columbia
 Tech Postal Code: 20036
 Tech Country: United States
 Tech Phone: +12022932288
 Tech Phone Ext:
 Tech Fax:
 Tech Fax Ext:
 Tech Email: craig@mdlinc.com
 Name Server: PDNS05.DOMAINCONTROL.COM
 Name Server: PDNS06.DOMAINCONTROL.COM
 DNSSEC: unsigned
 URL of the ICANN WHOIS Data Problem Reporting System: http://wdprs.internic.net/
 >>> Last update of WHOIS database: 2015-09-18T20:00:00Z <<<

For more information on Whois status codes, please visit
<https://www.icann.org/resources/pages/epp-status-codes-2014-06-16-en>

Domain already taken?

Enter the Domain Name you want to check:

NameMatch Recommendations

GoDaddy.com NameMatch has found similar domain names related to your search. Registering multiple domain names may help protect your online brand and enable you to capture more Web traffic, which you can then direct to your primary domain.

Domains available for new registration:

Alternate domains		
<input type="checkbox"/>	mdthink info	\$2.99
<input type="checkbox"/>	mdthink guru	\$27.99
<input type="checkbox"/>	mdthink news	\$9.99
<input type="checkbox"/>	mdthink club	\$9.99
<input type="checkbox"/>	mdthink technology	\$24.99
<input type="checkbox"/>	mdthinks net	\$6.99
<input type="checkbox"/>	mdthinks org	\$7.99
<input type="checkbox"/>	mdthink solutions	\$24.99

Learn more about

- [Private Registration](#)
- [Public Registration](#)
- [Business Registration](#)
- [Restricted Registration](#)

* THIS REGISTRATION IS FOR 1 YEAR
 ** CA: Unavailable names will be registered through GoDaddy Domains Canada, Inc. a CRA-licensed registrar.