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

Proceeding	92062194
Party	Defendant LiveGuide, LLC
Correspondence Address	LIVEGUIDE LLC 395 GUILDHALL GROVE JOHNS CREEK, GA 30022 UNITED STATES
Submission	Answer
Filer's Name	Peter E. Morgan, Esq.
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Signature	/Peter E. Morgan/
Date	10/15/2015
Attachments	Answer of LiveGuide LLC.pdf(389684 bytes )

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

**In the matter of Trademark Registration  
No. 4,361,258 for LiveGuide**

DCI MARKETING, INC. d/b/a DCI-ARTFORM

Petitioner,

v.

LIVEGUIDE, LLC

Respondent.

Cancellation No. 92062194

**ANSWER TO PETITION FOR CANCELLATION**

COMES NOW Respondent LIVEGUIDE, LLC (“Respondent”), by and through its undersigned attorneys, and files this its Answer to the Petition for Cancellation (the “Petition”) filed by DCI MARKETING, INC. d/b/a DCI-ARTFORM (“Petitioner”) with respect to Service mark Registration No. 4,361,258 for “LiveGuide” as follows:

**FIRST DEFENSE**

The Petition fails to state a claim upon which relief can be granted.

**SECOND DEFENSE**

The Petition fails to join a required party.

**THIRD DEFENSE**

Respondent reserves the right to add affirmative defenses as they are revealed.

#### **FOURTH DEFENSE**

Any allegations in the Petition not expressly admitted herein are denied.

#### **FIFTH DEFENSE**

Without waiving the foregoing defenses and expressly subject to same, Respondent responds to the individually numbered paragraphs as follows:

1.

Respondent is without sufficient knowledge to form a belief as to the truth of the allegations contained within Paragraph 1 of the Petition and therefore denies the same.

2.

Respondent denies the allegations contained within Paragraph 2 of the Petition.

3.

Respondent is without sufficient knowledge to form a belief as to the truth of the allegations contained within Paragraph 3 of the Petition and therefore denies the same.

4.

Respondent denies the allegations contained within Paragraph 4 of the Petition.

5.

Respondent admits that it obtained the referenced Trademark Registration No. 4361258 for LiveGuide (the "Mark"); however, Respondent assigned all right, title, and goodwill in the Mark to its affiliate CommFocus, LLC in the course of winding up its affairs. The assignment, which became effective on January 1, 2013, has been recorded by the Assignment Recordation branch of the USPTO. As such, Respondent denies the remaining allegations contained within Paragraph 5 of the Petition.

6.

Respondent admits that it discontinued use of the Mark after assigning the Mark to CommFocus, LLC. Respondent denies that it abandoned the Mark. Respondent further states that Petitioner cannot establish a prima facie case for abandonment considering, *et alia*, that the Mark was registered less than three years prior to the date of the filing of the Petition.

7.

Respondent is without sufficient knowledge to form a belief as to the truth of the allegations contained within Paragraph 7 of the Petition and therefore denies the same. Respondent further states that the records of the USPTO speak for themselves

8.

Respondent denies the allegations contained within Paragraph 8 of the Petition.

WHEREFORE, Respondent respectfully requests and prays that the Board dismiss the Petition and grant Respondent any such further relief as may be deemed appropriate.

Respectfully submitted,

BRISKIN, CROSS & SANFORD, LLC

Dated: October 15, 2015

/Peter E. Morgan/  
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**NOTICE OF FILING AND**  
**CERTIFICATE OF SERVICE**

I hereby certify that I have this day filed the ***Answer to Petition for Cancellation*** in the above-styled proceeding by uploading the same to the Trademark Trial and Appeal Board's ESTTA filing system and via First Class Mail, postage prepaid, mailed on this day to Petitioner through its counsel of record at the following address:

Edward E. Clair  
John E. Lyhus  
Fitch, Even, Tabin & Flannery LLP  
120 South LaSalle, Suite 1600  
Chicago, Illinois 60603

BRISKIN, CROSS & SANFORD, LLC

Dated: October 15, 2015

/Peter E. Morgan/

Peter E. Morgan

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