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Filing date: **09/21/2015**

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

Proceeding	92062265
Party	Defendant Andrew Rothlein
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Submission	Answer
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Date	09/21/2015
Attachments	USPTO September 19 2015 pdf c.pdf(200194 bytes) USPTO September 19 2015 4181171 pdf c.pdf(195127 bytes)

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

In the matter of
Trademark Registration No. 2879305
Registration Date August 31, 2004
Mark: ITV

ITV Rights Limited,
Petitioner,

vs.

Cancellation No. 92062265

Rothlein, Andrew,
Registrant

ANSWER TO PETITION FOR CANCELLATION

In its Petition for Cancellation filed with Trademark Trial and Appeal Board on September 16, 2015, the Petitioner has mistakenly and inaccurately asserted that “neither Registrant, nor any successor in interest, has ever used the mark in commerce in the United States” or “has abandoned any and all rights in the ITV mark, and specifically in Registration Number 2879305, through more than three years of non-use of the mark in connection with the services listed in the registration, namely, ‘Providing information online in the field of current events and entertainment online news reporting presentations [;] News analysis and features distribution via the Internet [;] News agencies, namely gathering and dissemination of news via the Internet[;] Providing entertainment services, namely, providing information and links to other websites in the fields of fictional and non-fictional stories, jokes, riddles, art, plays, photographs, and animated images,’ and has no *bona fide* intent to resume use.”

Registrant notes that not only has the mark been in continuous use in commerce every day (except for days of religious observances) since March 30, 2003, but that its recited services are and always have been readily available to anyone with access to the Internet.

Based on the easily confirmable information presented in this filing, the Registrant respectfully asks the Trademark Trial and Appeal Board to encourage the Petitioner to withdraw its Petition for Cancellation and to immediately respond to the Examining Attorney's outgoing office action of March 20, 2015 with regard to pending application, serial number 85785725.

September 21, 2015

/Andrew Rothlein/
Andrew Rothlein
Registrant
308 Roaring Brook Road
Chappaqua, NY 10514

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

In the matter of
Trademark Registration No. 4181171
Registration Date July 31, 2012
Mark: ITV

ITV Rights Limited,
Petitioner,

vs.

Cancellation No. 92062265

Rothlein, Andrew,
Registrant

ANSWER TO PETITION FOR CANCELLATION

In its Petition for Cancellation filed with the Trademark Trial and Appeal Board on September 16, 2015, the Petitioner has mistakenly and inaccurately asserted that “neither Registrant, nor any successor in interest, has ever used the mark in commerce in the United States” or “has abandoned any and all rights in the ITV mark, and specifically in Registration Number 4181171, through more than three years of non-use of the mark in connection with the services listed in the registration, namely, ‘Providing entertainment and educational services via the Internet or other communications networks, namely, providing non-downloadable virtual presentations of fictional and non-fictional stories, jokes, riddles, art, plays, photographs, and animated images; providing information in the fields of current events, music and sports; entertainment services, namely, providing non-downloadable information in the field of music, and commentary and articles about music; and providing information, news and commentary in the field of current events, historical events and people,’ and has no *bona fide* intent to resume use.”

Registrant notes that not only has the mark been in continuous use in commerce every day (except for days of religious observances) since March 30, 2003, but that its recited services are and have always been readily available to anyone with access to the Internet.

Based on the easily confirmable information presented in this filing, the Registrant respectfully asks the Trademark Trial and Appeal Board to encourage the Petitioner to withdraw its Petition for Cancellation and to immediately respond to the Examining Attorney's outgoing office action of March 20, 2015 with regard to pending application, serial number 85785725.

September 21, 2015

/Andrew Rothlein/
Andrew Rothlein
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