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

Proceeding	91224967
Party	Defendant Veritone, Inc.
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**IN THE PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial No. 86/552,598
Published in *The Official Gazette*: May 26, 2015

Sonova Holding AG,)	
)	
Opposer,)	
)	Opposition No.: 91224967
v.)	
)	Attorney Reference: 63926-244969
Veritone, Inc.,)	
)	
Applicant.)	

ANSWER TO NOTICE OF OPPOSITION

Now comes the Applicant Veritone, Inc. (“Applicant”) and answers the Notice of Opposition as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Notice of Opposition and therefore denies same.

2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the Notice of Opposition and therefore denies same.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 of the Notice of Opposition and therefore denies same.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the Notice of Opposition and therefore denies same.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Notice of Opposition and therefore denies same.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the Notice of Opposition and therefore denies same.

7. Applicant admits the printout from the Patent and Trademark Office records submitted with the Notice of Opposition shows U.S. Application Serial No. 86/465,535 and the application speaks for itself. Applicant is without knowledge or information sufficient to form a belief as to the truth of any other allegation contained in paragraph 7 of the Notice of Opposition and therefore denies same.

8. Applicant admits the printout from the Patent and Trademark Office records submitted with the Notice of Opposition shows cancelled U.S. Registration No. 3,340,169 and the cancelled registration speaks for itself; however the '169 Registration has no known relevance to the proceeding. Applicant is without knowledge or information sufficient to form a belief as to the truth of any other allegation contained in paragraph 8 of the Notice of Opposition and therefore denies same.

9. Admitted. Application 86/552,598 speaks for itself.

10. Applicant admits it is aware of Opposer's allegations of its "HEAR THE WORLD Marks" through this Opposition.

11. Denied.

12. There does not appear to be a Paragraph 12 in the Notice of Opposition.

13. Denied.

14. Denied.

15. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 15 of the Notice of Opposition and therefore denies same.

16. Denied.

17. Denied.

AFFIRMATIVE DEFENSES/AVOIDANCES

1. Applicant's identification of services in the subject trademark application, when compared to Opposer's identification of services in its trademark application, shows there is no likelihood of confusion between the respective marks. Opposer identifies charitable fundraising and other charitable services in classes 36 and 41, while Applicant identifies marketing, media, and advertising services in class 35. A conclusion of no likelihood of confusion is supported by Opposer's arguments in an April 8, 2015 Response to Office Action arguing against a refusal based on cited Registration No. 3,515,854. In the April 8 Response, Opposer emphasized the

specific and focused nature of its charitable services as compared to another charitable foundation:

Further, the focus of [Opposer's] Foundation is extremely specific and focused on the needs of the hearing impaired, while the Registrant's Foundation, which is ostensibly inactive, promotes giving to charities in general. With such different purposes, consumers have not been confused during the last nine years of coexistence, and are highly unlikely to be confused by the continued use of these marks by the parties. Accordingly, Applicant respectfully submits that there is no likelihood of confusion between the Cited Mark and Applicant's Mark, and the refusal under Section 2(d) should therefore be withdrawn.

Despite its admittedly "extremely specific and focused" charitable services, Opposer alleges in Paragraph 13 that these charitable services are similar or related to Applicant's marketing, media, and advertising services. This is clearly not the case.

2. In Paragraph 8, Opposer claims ownership of cancelled U.S. Registration No. 3,340,169 and alleges it "inadvertently" and with "error" allowed the registration to be cancelled. The '169 Registration was an extension of protection into the United States and no evidence of use in the United States was ever submitted in connection with this registration. The Section 71 declaration of use was due November 20, 2013 and was never submitted. Opposer claims to have filed its current application in response to its "error" in allowing the '169 Registration to be cancelled and yet it does not even claim use in the United States back to November 20, 2013 in its current application. Thus, this cancelled registration is irrelevant to the current proceeding.

3. There are other marks coexisting with Opposer's alleged mark that are much more closely related to the HEAR THE WORLD FOUNDATION mark for charitable services related to hearing health and loss, such as: SO THE WORLD MAY HEAR for "promoting public awareness in hearing health care, and charitable services, namely, providing hearing care

products and services, namely, hearing testing services and hearing aids” and HEAL THE WORLD FOUNDATION for “philanthropic services concerning monetary donations.” It is significant that Opposer has elected not to object to these registrations, yet alleges that Applicant’s mark used for marketing, media, and advertising services is confusingly similar to its mark.

4. The Notice of Opposition is barred under the doctrines of estoppel, laches, waiver, acquiescence, unclear hands and/or other equitable considerations and defenses.

5. Applicant reserves the right to raise additional affirmative defenses/Avoidances and to supplement those asserted herein upon discovery of further information and investigation into Opposer’s claims.

WHEREFORE, Applicant prays that this Opposition proceeding be dismissed and that Application No. 86/552,598 be allowed.

Respectfully submitted,



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Dated: February 1, 2016

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of February 2016 a true and correct copy of the **Answer to the Notice of Opposition** was caused to be served on the following party as indicated:

VIA FIRST CLASS MAIL

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Janet Abbott