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Filing date: **01/07/2019**

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

Proceeding	91245006
Party	Defendant Vydia, Inc.
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Submission	Answer
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Date	01/07/2019
Attachments	2019.01.07 NVIDIA v. Vydia - Vydia's Answer.pdf(136251 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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NVIDIA CORPORATION,)	
)	Opposition No. 91245006
Opposer,)	
)	TM: VYDIA
v.)	(Serial No. 87837231)
)	
VYDIA, INC.,)	
)	
Applicant.)	

APPLICANT VYDIA, INC.’S ANSWER

Pursuant to 37 C.F.R. § 2.106, Applicant Vydia, Inc. (“Vydia” or “Applicant”) sets forth the following answer to the Notice of Opposition (“Notice”) filed by Opposer NVIDIA Corporation (“NVIDIA” or “Opposer”). Except as otherwise expressly admitted, Vydia denies each and every allegation contained in the Notice.

As to the unnumbered paragraph on page 1 of the Notice, Vydia admits that it is the owner of the VYDIA mark underlying Application Serial No. 87837231 (the “Application”). Vydia further admits that the online records of the Secretary of State for the State of California show that NVIDIA is a State of Delaware corporation with a registered office at 2788 San Tomas Expressway, Santa Clara, California 95051. Vydia denies all remaining allegations contained in the unnumbered paragraph on page 1 of the Notice.

1. Vydia admits that it filed the Application on March 16, 2018; that the Application identifies the applied-for services as “providing a website featuring technology that allows users to monetize audiovisual works and music and musical recordings used in audiovisual works” in International Class 42; that the filing basis for the Application is use of the VYDIA mark in commerce in connection with the applied-for services; and that the Application was published for opposition in the *Official Gazette* on July 31, 2018.

2. Vydia denies the allegations contained in Paragraph 2 of the Notice.

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

4. Vydia admits that the online TSDR records of the USPTO show that NVIDIA is the owner of record of U.S. Registration Nos. 1895559, 2341814, 2379910, 3087428, and 3588524. Vydia further states that the TSDR records of the USPTO speak for themselves. Vydia is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 4 of the Notice and therefore denies the same.

5. Paragraph 5 of the Notice consists of a conclusion of law and procedural matters, to which no response is required. To the extent any response may be required, Vydia states that the TSDR records of the USPTO speak for themselves.

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

7. Vydia is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 7 of the Notice and therefore denies the same.

8. Vydia is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 8 of the Notice and therefore denies the same.

9. Vydia denies the allegations contained in Paragraph 9 of the Notice.

10. Vydia denies the allegations contained in Paragraph 10 of the Notice.

The unnumbered paragraph on page 4 of the Notice consists of a conclusion of law and procedural matters, to which no response is required. To the extent any response may be required, Vydia denies the allegations contained in the unnumbered paragraph on page 4 of the Notice.

Vydia respectfully requests that NVIDIA's opposition be dismissed with prejudice, that the prayer for relief contained in the Notice be denied in its entirety, and that registration of the VYDIA mark underlying Application Serial No. 87837231 be allowed.

This 7th day of January, 2019.

Respectfully submitted,



Sabina A. Vayner
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CERTIFICATE OF SERVICE

This is to certify that the attached **Applicant Vydia, Inc.'s Answer** is being served on Opposer's counsel of record on January 7, 2019, via email addressed to:

Sally M. Abel
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Fenwick & West LLP

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