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

Proceeding	92055600
Party	Defendant Raffel Systems, LLC
Correspondence Address	RAFFEL SYSTEMS LLC N19W6723 COMMERCE COURT CEDARBURG, WI 53012 UNITED STATES
Submission	Answer
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Date	06/20/2012
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re: United States Trademark Registration No. 3577078
Mark: THE VIBE
Registered: February 17, 2009

CLEAR INSTITUTE, INC. and)	
VIBE FOR HEALTH, INC.,)	
)	
<i>Petitioners,</i>)	
)	
v.)	Cancellation No.: 92055600
)	
RAFFEL SYSTEMS, LLC,)	
)	
<i>Registrant.</i>)	

ANSWER TO PETITION FOR CANCELLATION

Registrant Raffel Systems, LLC (hereinafter “Registrant”), a limited liability company legally organized under the laws of Wisconsin and having a place of business at N112 W14600 Mequon Road, Germantown, Wisconsin 53022, submits herewith its Answer to the Petition for Cancellation filed by Clear Institute, Inc. and Vibe for Health, Inc. (hereinafter “Petitioners”) on May 10, 2012. Registrant DENIES that Petitioners have been or will be damaged by the continued registration of United States Trademark Registration No. 3577078. Each numbered paragraph below is a response to the paragraph of the Petition for Cancellation bearing the same paragraph number.

1. Registrant admits the allegations set forth in paragraph 1 of the Petition for Cancellation.
2. Registrant has insufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 2 and therefore denies them.
3. Registrant has insufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 3 and therefore denies them.
4. Registrant has insufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 4 and therefore denies them.

5. Registrant has insufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 5 and therefore denies them.

6. Registrant denies the allegations set forth in paragraph 6.

7. Registrant denies the allegations set forth in paragraph 7.

8. Registrant denies the allegations set forth in paragraph 8.

9. Registrant denies the allegations set forth in paragraph 9.

10. Registrant denies the allegations set forth in paragraph 10.

11. Registrant denies the allegations set forth in paragraph 11.

12. Registrant denies the allegations set forth in paragraph 12.

13. Registrant admits that the records of the United States Patent and Trademark Office indicate that Petitioner Clear Institute, Inc. is the record owner of United States Service Mark Registration No. 2932151 for the mark THE VIBE, that the recited services are “physical therapy, namely vibration therapy” in International Class 44, that the registration date is March 8, 2005, that the filing date is February 27, 2004, that the date of amendment to the Supplemental Register is November 19, 2004, and that the claimed date of first use and first use in commerce is June 17, 2004. Registrant further admits that a copy of the Certificate of Registration for the above-identified Service Mark Registration is attached to the Petition for Cancellation as Exhibit 1. Registrant has insufficient knowledge or information to form a belief as to the truth or falsity of the remaining allegations of paragraph 13 and therefore denies them.

14. Registrant has insufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 14 and therefore denies them.

15. Registrant has insufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 15 and therefore denies them.

16. Registrant has insufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 16 and therefore denies them.

17. Registrant denies the allegations set forth in paragraph 17.

18. Registrant admits the allegations set forth in paragraph 18.
19. Registrant admits the allegations set forth in paragraph 19.
20. Registrant denies the allegations set forth in paragraph 20.
21. Registrant denies the allegations set forth in paragraph 21.
22. Registrant denies the allegations set forth in paragraph 22.
23. Registrant has insufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 23 and therefore denies them.
24. Registrant denies the allegations set forth in paragraph 24.
25. Registrant denies the allegations set forth in paragraph 25.
26. Registrant denies the allegations set forth in paragraph 26.
27. Registrant has insufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 27 and therefore denies them.

AFFIRMATIVE DEFENSE
Failure to State a Claim

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

Registrant denies that Petitioners have been or will be damaged in any way by the continued registration of Registrant's mark THE VIBE for the goods recited in United States Trademark Registration No. 3577078, and prays that the Petition for Cancellation be dismissed, that judgment be entered in favor of Registrant and against Petitioners, and that United States Trademark Registration No. 3577078 be sustained.

Please recognize as attorneys for Registrant in this proceeding David A. Payne, Tyler J. Sisk, and the law firm of Casimir Jones, S.C.

Respectfully submitted,

CASIMIR JONES, S.C.
Attorneys for Registrant Raffel Systems, LLC

Dated: June 20, 2012

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