

ESTTA Tracking number: **ESTTA558255**

Filing date: **09/09/2013**

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

Proceeding	92057631
Party	Defendant Chong Teck Choy
Correspondence Address	CHONG TECK CHOY PO BOX 396 SERIA, KB1133 BRUNEI DARUSSALAM richly@pd.jaring.my
Submission	Answer
Filer's Name	Matthew H. Swyers
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Signature	/Matthew H. Swyers/
Date	09/09/2013
Attachments	answer.pdf(165639 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
The Trademark Trial and Appeal Board**

Reg. No. 4,098,948  
For the mark XIUNIX  
Registered on November 29, 2011

X/Open Company Limited	:	
	:	
Petitioner,	:	
	:	
vs.	:	Cancellation No. 92057631
	:	
Chong Teck Choy,	:	
	:	
Respondent.	:	

**ANSWER AND GROUNDS OF DEFENSE**

COMES NOW the Respondent, Chong Teck Choy (hereinafter “Respondent”), by and through counsel, The Trademark Company, PLLC, and files his Answer and Grounds of Defense to the Petition to Cancel and in response to Petitioner’s allegations states as follows:

ANSWER

Respondent is without knowledge of the allegations set forth in the Introductory Paragraph of the Petitioner’s Petition to Cancel and therefore denies the same. In response to the specifically enumerated allegations, the Respondent states as follows:

1. Respondent is without knowledge of the allegations set forth in paragraph 1 of the Petition to Cancel and therefore denies the same.
2. Respondent denies the allegations set forth in paragraph 2 of the Petition to Cancel as phrased and demands strict proof thereof
3. Respondent denies the allegations set forth in paragraph 3 of the Petition to Cancel as phrased and demands strict proof thereof

4. Respondent denies the allegations set forth in paragraph 4 of the Petition to Cancel as phrased and demands strict proof thereof.

5. Respondent is without knowledge of the allegations set forth in paragraph 5 of the Petition to Cancel and therefore denies the same.

6. Respondent admits the allegations in paragraph 6 of the Petition to Cancel.

7. Respondent denies the allegations set forth in paragraph 7 of the Petition to Cancel as phrased and demands strict proof thereof.

8. Respondent denies the allegations set forth in paragraph 8 of the Petition to Cancel, as phrased and demands strict proof thereof.

9. Respondent denies the allegations set forth in paragraph 9 of the Petition to Cancel and demands strict proof thereof.

10. Respondent denies the allegations set forth in paragraph 10 of the Petition to Cancel and demands strict proof thereof.

11. Respondent hereby incorporates by reference its answers to the allegations contained in paragraphs 1-10 of the Petition to Cancel as stated above.

12. Respondent denies the allegations set forth in paragraph 12 of the Petition to Cancel and demands strict proof thereof.

13. Respondent hereby incorporates by reference its answers to the allegations contained in paragraphs 1-12 of the Petition to Cancel as stated above.

14. Respondent denies the allegations set forth in paragraph 14 of the Petition to Cancel and demands strict proof thereof.

15. Respondent hereby incorporates by reference its answers to the allegations contained in paragraphs 1-14 of the Petition to Cancel as stated above.

16. Respondent denies the allegations set forth in paragraph 16 of the Petition to Cancel and demands strict proof thereof.

17. Respondent denies the allegations set forth in paragraph 17 of the Petition to Cancel and demands strict proof thereof.

18. Respondent denies the allegations set forth in paragraph 18 of the Petition to Cancel and demands strict proof thereof.

Respondent further denies all allegations not specifically, actually or constructively, admitted in the foregoing paragraphs of this Answer and Grounds of Defense.

WHEREFORE, Respondent prays that the Petition to Cancel be dismissed.

Respectfully submitted this 9<sup>th</sup> day of September, 2013.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/

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Counsel for Respondent

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X/Open Company Limited	:	
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Petitioner,	:	
	:	
vs.	:	Cancellation No.92057631
	:	
Chong Teck Choy,	:	
	:	
Respondent.	:	

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I caused a copy of the foregoing this 9th day of September 2013, to be served, via first class mail, postage prepaid, upon:

JACQUELINE M. LESSER, ESQ.  
WOODCOCK WASHBURN LLP  
2929 ARCH STREET CIRA CENTRE, 12TH FLOOR  
PHILADELPHIA, PA 19104-2891

/Matthew H. Swyers/  
Matthew H. Swyers