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

Proceeding	92064802
Party	Defendant Telefonica, S.A.
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Date	12/13/2017
Attachments	VIVO Answer to Petition for Cancellation.pdf(26661 bytes)

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration No. 4,693,955 for the mark VIVO (STYLIZED)

BBK COMMUNICATION TEHCNOLOGY; CO.,
LTD.,

Petitioner,

-v-

TELEFONICA, S.A.,

Respondent.

Cancellation No. 92064802

ANSWER TO PETITION FOR CANCELLATION

Respondent Telefonica, S.A. (“Respondent”), by and through its attorneys, Fox Rothschild LLP, in answer to the Petition for Cancellation filed on November 14, 2016, by BBK Communication Technology; Co., Ltd. (“Petitioner”), denies that Petitioner, BBK Communication Technology; Co., Ltd., is or will be damaged by registration of Reg. No. 4,693,955 and, in response to said Petition for Cancellation, states as follows:

1. Respondent is without knowledge or information to form a belief as to the truth of the allegations in Paragraph 1 and therefore denies the same.
2. Respondent is without knowledge or information to form a belief as to the truth of the allegations in Paragraph 2 and therefore denies the same.
3. Respondent is without knowledge or information to form a belief as to the truth of the allegations in Paragraph 3 and therefore denies the same.

4. Respondent admits that the online database of the U.S. Patent and Trademark Office (“USPTO”) indicates that Petitioner is the owner of the applied for registration.
5. Respondent admits that Petitioner has attached a copy of the file and status information from the USPTO’s Trademark Status and Document Retrieval Database. Respondent denies the remaining allegations of Paragraph 5.
6. Respondent admits the allegations of Paragraph 6.
7. Respondent admits the allegations of Paragraph 7.
8. Respondent admits the allegations of Paragraph 8.
9. Respondent admits the allegations of paragraph 9.
10. Respondent denies that it did not have a *bona fide* intent to use Respondent’s mark in U.S. commerce when it filed the application for its mark. Respondent is without knowledge or information to form a belief as to the remaining allegations in paragraph 10 and therefore denies the same.
11. Respondent denies the allegations in Paragraph 11 of the Petition for Cancellation.
12. Respondent denies the allegations in Paragraph 12 of the Petition for Cancellation.

WHEREFORE, Respondent respectfully prays that this Board dismiss this Petition and grant such other relief as the Board deems just and proper

Respectfully submitted,

Dated: December 13, 2017

FOX ROTHSCHILD LLP

By: /Perla M. Kuhn/
Perla M. Kuhn
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CERTIFICATE OF SERVICE

I hereby certify that I am over the age of 18 years, not a party to this action, and that on the 13th day of December, 2017, I caused to be served a true and correct copy of the foregoing ANSWER TO PETITION FOR CANCELLATION by electronic mail to the following attorneys for the Petitioner:

William M. Bryner
bbryner@ktslaw.com

Harris W. Henderson
hhenderson@ktslaw.com

Dated: December 13, 2017
New York, NY

By: /Varant Ekmekjian/
Varant Ekmekjian