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

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|------------------------|---|
| Proceeding | 92070823 |
| Party | Defendant Ikonix USA LLC |
| Correspondence Address | IKONIX USA LLC 28105 NORTH KEITH DR LAKE FOREST, IL 60045 UNITED STATES no email provided no phone number provided |
| Submission | Answer |
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| Signature | /Thomas J. Moore/ |
| Date | 04/22/2019 |
| Attachments | 2019-04-22 Answer to Petition for Cancellation.pdf(51197 bytes) |

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

ICware Systems, Inc. dba BatchTest Corporation,

Petitioner,

v.

Ikonix USA, LLC,

Respondent

Cancellation No. 92070823

ANSWER TO PETITION FOR CANCELLATION

Ikonix USA, LLC, having an address of 28105 North Keith Drive, Lake Forest, IL 60045 (referred to as "Respondent" below) hereby answers the Petition for Cancellation of U.S. Registration No. 4499170 on the mark BatchTEST, filed by ICware Systems, Inc. dba BatchTest Corporation, having an address of 2118 Walsh Ave., Suite 150, Santa Clara, CA 95050 (referred to as "Petitioner" below), in correspondingly numbered paragraphs as follows:

1. Respondent lacks sufficient information to admit or deny the allegations in this paragraph of the Petition for Cancellation, and therefore, denies the same.
2. Respondent admits the allegations in this paragraph of the Petition for Cancellation.

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3. Respondent admits the principal place of business, but otherwise denies the allegations in this paragraph of the Petition for Cancellation.
4. Respondent admits the allegations in this paragraph of the Petition for Cancellation.
5. Respondent lacks sufficient information to admit or deny the allegations in this paragraph of the Petition for Cancellation, and therefore, denies the same.
6. Respondent lacks sufficient information to admit or deny the allegations in this paragraph of the Petition for Cancellation, and therefore, denies the same.
7. Respondent lacks sufficient information to admit or deny the allegations in this paragraph of the Petition for Cancellation, and therefore, denies the same.
8. Respondent lacks sufficient information to admit or deny the allegations in this paragraph of the Petition for Cancellation, and therefore, denies the same.
9. Respondent admits the allegations in this paragraph of the Petition for Cancellation.

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10. Respondent admits the allegations in this paragraph of the Petition for Cancellation, with the qualification that the date of first was “at least as early as July 8, 2013.”
11. Respondent admits the allegations in this paragraph of the Petition for Cancellation.
12. Respondent admits the allegations in this paragraph of the Petition for Cancellation.
13. Respondent incorporates paragraphs 1-12 above by reference.
14. Respondent lacks sufficient information to admit or deny the allegations in this paragraph of the Petition for Cancellation, and therefore, denies the same.
15. Respondent lacks sufficient information to admit or deny the allegations in this paragraph of the Petition for Cancellation, and therefore, denies the same.
16. Respondent denies the allegations in this paragraph of the Petition for Cancellation.
17. Respondent admits the allegations in this paragraph of the Petition for Cancellation.
18. Respondent denies the allegations in this paragraph of the Petition for Cancellation.

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19. Respondent lacks sufficient information to admit or deny the allegations in this paragraph of the Petition for Cancellation, and therefore, denies the same.
20. Respondent incorporates paragraphs 1-19 above by reference.
21. Respondent lacks sufficient information to admit or deny the allegations in this paragraph of the Petition for Cancellation, and therefore, denies the same.
22. Respondent lacks sufficient information to admit or deny the allegations in this paragraph of the Petition for Cancellation, and therefore, denies the same.
23. Respondent lacks sufficient information to admit or deny the allegations in this paragraph of the Petition for Cancellation, and therefore, denies the same.
24. Respondent admits that Respondent lists its software drivers on the National Instruments website, but Respondent lacks sufficient information to admit or deny the other allegations in this paragraph of the Petition for Cancellation, and therefore, denies the same.

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25. Respondent lacks sufficient information to admit or deny the allegations in this paragraph of the Petition for Cancellation, and therefore, denies the same.
26. Respondent lacks sufficient information to admit or deny the allegations in this paragraph of the Petition for Cancellation, and therefore, denies the same.
27. Respondent denies the allegations in this paragraph of the Petition for Cancellation.
28. Respondent incorporates paragraphs 1-27 above by reference.
29. Respondent lacks sufficient information to admit or deny the allegations in this paragraph of the Petition for Cancellation, and therefore, denies the same.
30. Respondent admits the allegations in this paragraph of the Petition for Cancellation.
31. Respondent lacks sufficient information to admit or deny the allegations in this paragraph of the Petition for Cancellation, and therefore, denies the same.
32. Respondent lacks sufficient information to admit or deny the allegations in this paragraph of the Petition for Cancellation, and therefore, denies the same.

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33. Respondent denies the allegations in this paragraph of the Petition for Cancellation.
34. Respondent incorporates paragraphs 1-33 above by reference.
35. Respondent lacks sufficient information to admit or deny the allegations in this paragraph of the Petition for Cancellation, and therefore, denies the same.
36. Respondent denies the allegations in this paragraph of the Petition for Cancellation.
37. Respondent incorporates paragraphs 1-36 above by reference.
38. Respondent denies the allegations in this paragraph of the Petition for Cancellation.
39. Respondent admits that Google.com, Bing.com, and Yahoo.com are three major internet search engines, and admits that Application No. 85784793 was filed by Respondent's Attorney, but otherwise denies the allegations in this paragraph of the Petition for Cancellation.

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40. Respondent admits that Respondent lists its software drivers (not its software products) on the National Instruments website, but Respondent lacks sufficient information to admit or deny the other allegations in this paragraph of the Petition for Cancellation, and therefore, denies the same.
41. Respondent denies the allegations in this paragraph of the Petition for Cancellation.
42. Respondent denies the allegations in this paragraph of the Petition for Cancellation.
43. Respondent denies the allegations in this paragraph of the Petition for Cancellation.

Affirmative Defenses

44. There was undue or unreasonable delay by Petitioner in asserting its rights, and prejudice to Respondent resulting from the delay.
45. The equitable doctrine of laches bars any and all relief.

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WHEREFORE, Respondent requests that this cancellation be dismissed with prejudice.

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Date: April 22, 2019

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Respectfully submitted,

/Thomas J. Moore/

Thomas J. Moore
Attorney for Ikonix USA, LLC

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this document is being served on Petitioner by mailing it by first class U.S. postal mail on the undersigned date addressed to the correspondence address of record in the TTABVUE database at the website of the U.S. Patent and Trademark Office as follows:

Dinesh Patel
Icware Systems Inc dba BatchTest Corporation
2118 Walsh Ave, Suite 150
Santa Clara, CA 95050

April 22, 2019

/Thomas J. Moore/
Thomas J. Moore