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

Proceeding	92071411
Party	Defendant Transcend Electronic Corp
Correspondence Address	TRANSCEND ELECTRONIC CORP 72 W LIVE OAK AVE ARCADIA, CA 91007 UNITED STATES ip8998@gmail.com no phone number provided
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Date	07/15/2019
Attachments	Vectorcom TM - Answer to Cancellation - 7-13-19.pdf(98368 bytes)

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

In re Trademark Registration No. 4,721,651
Registered: April 14, 2015
For Mark: "VECTORCOM" in International Class 009

HEMISPHERE GNSS, INC.,)	Cancellation No. 92071411
)	
Petitioner,)	
)	
)	REGISTRANT
)	TRANSCEND ELECTRONIC
)	CORP'S ANSWER TO
v.)	PETITION FOR
)	CANCELLATION NO. 92071411
TRANSCEND ELECTRONIC CORP,)	
)	
)	
Registrant.)	
_____)	

Honorable Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Sir:

Registrant's Answer to the Notice of Petition for Cancellation

In response to the Petition for Cancellation ("Petition for Cancellation") of Petitioner HEMISPHERE GNSS, INC. ("Petitioner"), filed with the Trademark Trial and Appeal Board on June 3, 2019, Registrant TRANSCEND ELECTRONIC CORP ("Registrant"), answers the Petition for Cancellation identified above as follows:

I. PARTIES

1. In response to the allegations of paragraph 1 of the Petition for Cancellation, Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraph, and on that basis denies the allegations contained therein.

2. In response to the allegations of paragraph 2 of the Petition for Cancellation, Registrant admits that Registrant is a California corporation with its principal place of business in Arcadia, California.

II. PETITIONER'S [CLAIMED] MARK

3. In response to the allegations of paragraph 3 of the Petition for Cancellation, Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraph, and on that basis denies the allegations contained therein.

4. In response to the allegations of paragraph 4 of the Petition for Cancellation, Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraph, and on that basis denies the allegations contained therein.

5. In response to the allegations of paragraph 5 of the Petition for Cancellation, Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraph, and on that basis denies the allegations contained therein.

III. REGISTRANT'S MARK

6. In response to the allegations of paragraph 6 of the Petition for Cancellation, Registrant admits the allegations of paragraph 6 as stated.

7. In response to the allegations of paragraph 7 of the Petition for Cancellation, Registrant admits the allegations of paragraph 7 as stated.

8. In response to the allegations of paragraph 8 of the Petition for Cancellation, Registrant admits the allegations of paragraph 8 as stated.

9. Registrant notes that Petitioner has not included a paragraph 9 in its Petition for Cancellation.

IV. CLAIMS

A. [PETITIONER'S CLAIMED] PRIOR USE OF PETITIONER'S MARK

10. In response to the allegations of paragraph 10 of the Petition for Cancellation, Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraph, and on that basis denies the allegations contained therein.

11. In response to the allegations of paragraph 11 of the Petition for Cancellation, Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraph, and on that basis denies the allegations contained therein.

B. [ALLEGED] LIKELIHOOD OF CONFUSION

12. In response to the allegations of paragraph 12 of the Petition for Cancellation, Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraph, and on that basis denies the allegations contained therein.

13. In response to the allegations of paragraph 13 of the Petition for Cancellation, Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in said paragraph, and on that basis denies the allegations contained therein.

14. In response to the allegations of paragraph 14 of the Petition for Cancellation, Registrant denies the allegations of paragraph 14.

15. In response to the allegations of paragraph 15 of the Petition for Cancellation, Registrant denies the allegations of paragraph 15.

16. In response to the allegations of paragraph 16 of the Petition for Cancellation, Registrant denies the allegations of paragraph 16.

Affirmative Defenses

In further answer to the Petition for Cancellation, Registrant asserts that:

17. Registrant's registered mark is a unique, valid, subsisting trademark registration issued by the United States Patent and Trademark Office and currently still being used in lawful commerce in the United States.

18. On information and belief, that Petitioner has waived any rights or claims against Registrant based on Petitioner's acts or omissions.

19. On information and belief, that Petitioner is estopped from asserting any rights or claims against Registrant based on Petitioner's acts or omissions.

20. There is no likelihood of confusion, mistake or deception because, inter alia, Registrant's mark and the pleaded marks of Petitioner are not confusingly similar.

21. There is no likelihood of confusion, mistake or deception because, inter alia, Registrant's mark and the pleaded marks of Petitioner are not sufficiently similar; Registrant's mark is a unique mark that is not similar to any prior marks; Registrant has never intended and denies any association with Petitioner or Petitioner's marks; and upon information and belief,

ordinary prospective purchasers of Registrant's products do not and would not associate Registrant's and Petitioner's marks, including the subject trademark of this Cancellation.

22. There is no likelihood of dilution because, inter alia, Registrant's mark and the pleaded marks of Petitioner are not sufficiently similar; Registrant's mark is a unique mark that is not similar to any prior marks; Registrant has never intended and denies any association with Petitioner or Petitioner's marks; and upon information and belief, ordinary prospective purchasers of Registrant's products do not and would not associate Registrant's and Petitioner's marks, including the subject trademark of this Cancellation.

23. On information and belief, Petitioner did not use its claimed mark in commerce in connection with any of the goods listed in Petitioner's application prior to the filing date of Petitioner's application. Petitioner's application is void ab initio and the application should be denied.

24. Registrant may rely on any other defenses that may become available or appear proper during discovery, and hereby reserves its right to amend this Answer to assert any such defenses.

Prayer of Relief

WHEREFORE, Registrant prays that

1. Petitioner's Petition for Cancellation proceeding be dismissed; and
2. such other further reliefs that the TTAB deems necessary.

Dated this 9th day of July, 2019.

Respectfully,

s/BAODI CAI

TRANSCEND ELECTRONIC CORP
72 W Live Oak Ave.,
Arcadia, California 91007
ip8998@gmail.com

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this Answer to Cancellation No. 92071411 is being transmitted electronically to the Commissioner for Trademarks – <http://estta.uspto.gov>

Dated: 07/15/2019

By: s/BAODI CAI/
BAODI CAI

CERTIFICATE OF SERVICE

I am over the age of 18 and not a party to the within action. My business address is 72 W Live Oak Ave., Arcadia, California 91007

On the below execution date, I served the within ANSWER TO PETITION FOR CANCELLATION to the parties or their counsel shown below:

Jeffrey W. Johnson
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Attorneys for Hemisphere GNSS, Inc.

X (BY E-MAIL)

X (BY MAIL) I am “readily familiar” with the firm’s practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid at Pasadena, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

X (NOTICE BY ESTTA NOTIFICATION) Party was served with notice by email through the United States Patent and Trademark Office's ESTTA Notification system.

(BY PERSONAL DELIVERY) I caused such envelope to be delivered by hand to a representative of the addressee.

Executed on July 15, 2019 at Los Angeles, California.

s/BAODI CAI/
BAODI CAI