

ESTTA Tracking number: **ESTTA1002379**

Filing date: **09/16/2019**

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

Proceeding	92071607
Party	Defendant Rock-It Cargo USA LLC
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Date	09/16/2019
Attachments	Answer and Affirmative Defenses - Coupang Corporation v. RIC, ROCK-IT CARGO, Canc. No. 92071607.pdf(299389 bytes)

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

Coupang Corp.,	:	
	:	
Petitioner,	:	
	:	Registration No. 1587915
v.	:	
	:	Cancellation No. 92071607
Rock-It Cargo USA LLC,	:	
	:	
Registrant.	:	

Hon. Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Attn.: Trademark Trial and Appeal Board

ANSWER AND AFFIRMATIVE DEFENSES

Registrant Rock-It Cargo USA LLC (hereinafter, “Registrant”), by and through its attorneys, Blank Rome LLP, hereby answers the allegations set forth in Petitioner Coupang Corp.’s (hereinafter, “Petitioner”) Petition to Cancel as numbered therein and raises the following affirmative defenses:

1. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 1 of the Petition to Cancel and therefore denies same.
2. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 1 of the Petition to Cancel and therefore denies same.

3. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 1 of the Petition to Cancel and therefore denies same.

4. Registrant admits only that the application number, filing date, mark information, and services information identified in Paragraph 4 of the Petition to Cancel are reflected in the United States Patent and Trademark Office's Trademark Electronic Search System records for U.S. Application Serial No. 79213411 as of September 13, 2019.

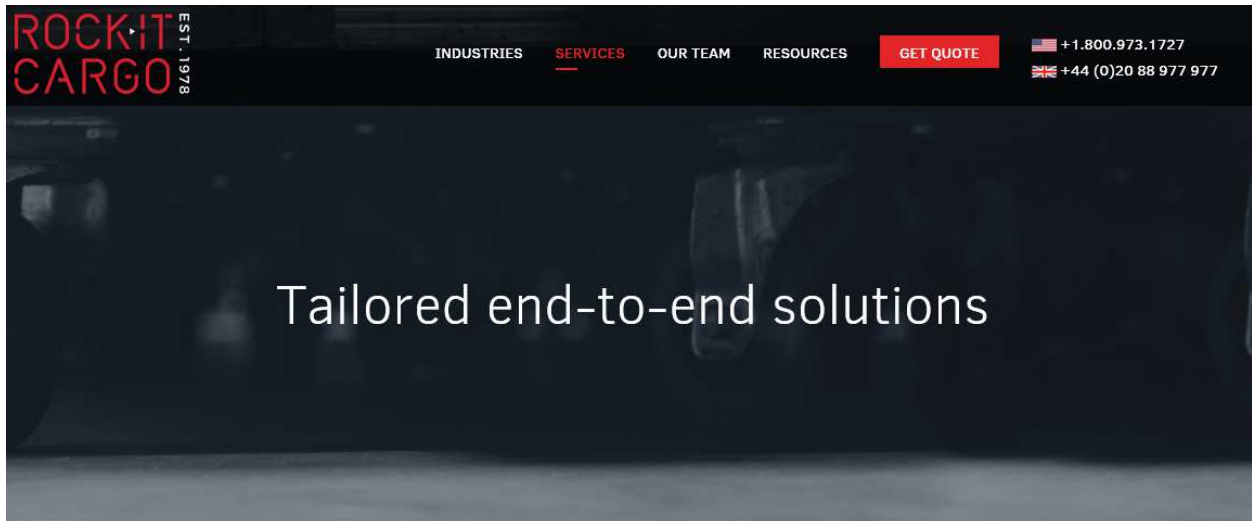
5. Registrant admits that it is a limited liability company organized under the laws of the State of Delaware; that one of its offices is located in Los Angeles, California; and that it is the owner of Registration No. 1587915.

6. Registrant admits that the application number, filing date, mark information, goods and services information, filing basis, registration number, and date of registration identified in Paragraph 6 of the Petition to Cancel are reflected in the United States Patent and Trademark Office's Trademark Electronic Search System records for U.S. Registration No. 1587915 as of September 13, 2019. Registrant clarifies that the application was filed by Registrant's predecessor-in-interest.

7. Admitted in part, denied in part. Registrant admits that, based on Registrant's review of the United States Patent and Trademark Office's Trademark Status & Document Retrieval (TSDR) records for U.S. Application Serial No. 79213411, the United States Patent and Trademark Office refused registration on the basis of likelihood of confusion with, *inter alia*, Registrant's mark registered under U.S. Registration No. 1587915, and that such refusal was based in part on the relatedness between the services "*freight transportation services*" in

Registrant’s U.S. Registration No. 1587915 and the services “*home delivery of consumer goods purchased from online vendors*” in Petitioner’s U.S. Application Serial No. 79213411.

8. Denied. Registrant’s freight transportation services offered under Registrant’s mark are not limited to “concerts, large entertainment venues, large corporate events, large industrial projects, sporting events, and trade shows,” as alleged in Paragraph 8 of the Petition to Cancel. As explained on Registrant’s website:



ROCK-IT CARGO
SERVICES

Anywhere in the world, we have you covered.

Rock-it Cargo offers you a full suite of freight forwarding and value-added services. We handle your freight door-to-door, encompassing every service needed. From transport to packing and crating to customs clearance to exclusive service sets such as in-house ATA Carnets, Rock-it Cargo enables you to comfortably focus on delivering the most distinct, successful, and memorable experiences while entrusting us with the fluid and flawless movement of your valuable freight.

(See <<https://www.rockitcargo.com/services>>.)

9. Denied. See Paragraph 8, *supra*.

10. Registrant repeats and incorporates Paragraphs 1 through 9 above as if fully set forth herein in their entirety.

11. Denied.

12. Registrant admits that Petitioner purports to seek the relief described in Paragraph 12 of the Petition to Cancel but denies that the relief requested should be granted or is justified or available to Petitioner as a matter of law.

13. Denied.

14. Registrant repeats and incorporates Paragraphs 1 through 13 above as if fully set forth herein in their entireties.

15. Denied. By way of further explanation, Registrant uses its mark in U.S. commerce in connection with the services in connection with which the mark is registered (freight transportation services) and has maintained continuous use of such mark in U.S. commerce in connection with such services for the past three (3) years.

16. Denied. Registrant has not abandoned any of its rights in respect of U.S. Registration No. 1587915.

17. Denied.

18. Denied.

AFFIRMATIVE DEFENSES

1. Petitioner's claims for relief are barred in whole or in part by waiver, laches, acquiescence, estoppel, and unclean hands.

2. Petitioner fails to state a claim upon which relief may be granted.

3. Petitioner fails to state an adequate basis for some or all of its claims.

4. Registrant has acted in good faith at all times.

5. Registrant reserves the right to assert all defenses disclosed or developed in the course of discovery or trial.

WHEREFORE, Registrant, having fully and completely answered the Petition to Cancel, prays that final judgment be entered:

- A. Dismissing with prejudice the Petition to Cancel as presented in Cancellation No. 92071607; and
- B. Granting Registrant such other and further relief as the Board deems just and proper.

Respectfully submitted,

Rock-It Cargo USA LLC

Date: September 16, 2019

By: /Lisa Casey Spaniel/

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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is addressed to the Trademark Trial and Appeal Board, Hon. Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451, and is being deposited via the Electronic System for Trademark Trials and Appeals (ESTTA) on September 16, 2019.

/Bradford C. Craig/
Bradford C. Craig

CERTIFICATE OF SERVICE

I, Bradford C. Craig, do hereby certify that I have on this 16th day of September 2019 served via electronic mail the foregoing ANSWER AND AFFIRMATIVE DEFENSES to the following:

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