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

Proceeding	92073804
Party	Defendant InterOperability Bidco, Inc.
Correspondence Address	INTEROPERABILITY BIDCO INC 1209 ORANGE STREET, WILMINGTON, DE 19801 UNITED STATES no email provided no phone number provided
Submission	Answer
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Date	05/08/2020
Attachments	Answer to Petition for Cancellation 92073804.pdf(127983 bytes )

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

In the matter of Trademark Registration No. 4677029  
for the mark RHAPSODY  
Registered January 27, 2015  
Ref. 055962-901T01US

_____	)	
<b>PETABYTE TECHNOLOGY, INC.,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
V.	)	<b>Cancellation No.: 92073804</b>
	)	
<b>INTEROPERABILITY BIDCO, INC.,</b>	)	
	)	
<b>Registrant/Respondent.</b>	)	
_____	)	

**ANSWER AND AFFIRMATIVE DEFENSES TO  
PETITION FOR CANCELLATION**

Registrant/Respondent InterOperability Bidco, Inc. (“Registrant”), by its undersigned counsel, hereby files its Answer and Affirmative Defenses to the Petition for Cancellation filed in the above-referenced proceeding.

**ANSWER TO PETITION FOR CANCELLATION**

1. Registrant is without information sufficient to form a belief as to the truth of the allegations in paragraph 1, and therefore all such allegations are denied.
2. Registrant is without information sufficient to form a belief about the truth of the allegations in paragraph 2, and therefore all such allegations are denied. Registrant further adds that the records at the US Trademark Office speak for themselves.

3. Registrant admits the allegations in paragraph 3.

4. Registrant admits the allegations in paragraph 4

5. Registrant is without information sufficient to form a belief about the truth of the allegations in paragraph 5, and therefore all such allegations are denied. Registrant further adds that the records at the US Trademark Office speak for themselves.

6. Registrant is without information sufficient to form a belief about the truth of the allegations in paragraph 6, and therefore all such allegations are denied.

7. Registrant denies the allegations in paragraph 7.

8. Registrant is without information sufficient to form a belief as to the truth of the allegations in paragraph 8 and therefore all such allegations are denied.

9. Registrant denies that it does not use the mark RHAPSODY, and is without information sufficient to form a belief as to the truth of the remaining allegations in paragraph 9 and therefore all such remaining allegations are denied.

10. Registrant denies that it does not have a website on which its goods and services may be purchased, and is without information sufficient to form a belief as to the truth of the remaining allegations in paragraph 10 and therefore all such remaining allegations are denied.

11. Registrant denies the allegations in paragraph 11.

12. Registrant denies the allegations in paragraph 12.

### **AFFIRMATIVE DEFENSES**

1. The Petition for Cancellation should be denied since it fails to state a claim upon which relief can be granted.

2. The Petition for Cancellation should be denied since Registrant's RHAPSODY mark has never been abandoned, and is and has been in use for the goods and services in the Registration at issue.

WHEREFORE, Registrant requests that the Petition for Cancellation be dismissed and denied in its entirety and Registrant's U.S. Registration No. 4677029 remain on the Principal Register of the U.S. Trademark Office.

Respectfully submitted,

By /Susan Neuberger Weller/  
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Attorneys for Registrant  
InterOperability Bidco, Inc.

Dated: May 8, 2020

CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing ANSWER AND AFFIRMATIVE DEFENSES TO PETITION FOR CANCELLATION was served by e-mail, on this 8<sup>th</sup> day of May, 2020 on the following:

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\_\_\_\_\_/Allysa Romanini/\_\_\_\_\_  
Allysa Romanini