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Filing date: **06/16/2023**

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

Proceeding no.	92082445
Party	Defendant Noblesoft Technologies Inc.
Correspondence address	NOBLESOFT TECHNOLOGIES INC. 8600 FREEPORT PKWY, STE 425 IRVING, TX 75063 UNITED STATES Primary email: venkat@noblesoft.com 972-845-8400 x425
Submission	Answer
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Date	06/16/2023
Attachments	CounterSuit.pdf(185645 bytes)

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

Coginiti Corp,)	Opposition No.:
Petitioner,)	Filing Date. Aug. 30, 2020
v.)	Mark: COGNITI
)	Status Date: Jun. 01, 2023
)	
Noblesoft Technologies)	Published in the Official Gazette on
Inc.,)	
)	Jan. 27, 2021
Registrant.)	Cancellation No.: <u>92082445</u>
)	Registration No.: 6430039
)	Mark: COGNITI

ANSWER TO PETITION FOR CANCELLATION

I Noblesoft Technologies Inc. a CORPORATION and Owner of COGNITI (“Registrant”)

answers Coginiti Corp, (“Petitioner”) Petition for Cancellation as follows:

1. Registrant lacks knowledge or information sufficient to form a belief that its established as the mark is abandoned since Nov. 03, 2017. So after more than 5 years of being non-operative registrant doubts the petitioner claim to be in business even.
2. Registrant rejects the Petitioner claim to be legit for filed federal trademark application serial number 97285166 for the mark COGINITI. Because the Petitioner filed the trademark under intent to use on Feb. 25, 2022. This means applicant was not in commerce nor a reputable name even on Feb. 25, 2022.
3. Registrant accepts that Petitioner filed a second federal trademark application for the mark COGINITI, serial number 97876218, in international class 42 and should be rejected as its in direct conflict with the Registrant which is a well-established brand name and active since Jan. 01, 2021.
4. Registrant accepts that on January 8, 2010, Cogniti, Inc., a Nevada corporation, filed trademark application serial number 77908012 for the mark COGNITI. But was cancelled because of o nonuse on Nov. 03, 2017. So after more than 5 years of being non-operative registrant doubts the petitioner claim to be in business even.
5. Registrant accepts that On August 30, 2020, Noblesoft Technologies Inc. (“Registrant”), a Texas corporation having an address of 8600 Freeport Pkwy, Ste 425, Irving, Texas 75063, filed federal trademark application serial no. 90147398 for COGNITI, the Registered Mark, for an extensive list of services (see Exhibit “A” hereto) in International Class 42. Registrant later alleged a date of first use in commerce of January 1, 2021. So Registrant claims first priority on the mark.

6. Registrant rejects Petitioner claim of not being in business. Registrant is in the business and is actively providing services to clients since Jan. 01, 2021 and will continue providing services in future. Inc. magazine has ranked Cogniti as amongst the "Fastest Growing 500 Private Companies in USA" for the year 2020. And currently has presence not only in USA but also in Mexico, India, UK and Europe.
 - a) Registrant rejects the Petitioner claim and believe to be on mere assumptions.
 - b) Registrant rejects the Petitioner claim as the services are provided from client to client as per need.
 - c) Registrant rejects the Petitioner claim as no evidence is provided.
 - d) Registrant rejects the Petitioner claim and believe to be on mere assumptions.
 - e) Registrant rejects the Petitioner claim as there is introduction as well.
 - f) Registrant rejects the Petitioner claim as a Facebook or social media is not a criterion of mark being used in commerce and all the links are active and working fine.
 - g) Registrant rejects the Petitioner as No Vacancies at one time is again not a criterion of business not being operational.
7. Registrant rejects the Petitioner claim. The Registrant is working and is Operational in business.
8. Registrant's Mark has earlier priority date and is well established in business. Petitioner trademark US Serial Number: 97876218 should be rejected on the reason of being likelihood of confusion with registrant mark.

WHEREFORE, Applicant respectfully prays that the Petitioner's Petition for Cancellation to be rejected as no legit grounds for cancelling Registrants mark has been met.

Respectfully submitted, this the 16th day of June, 2023.

CERTIFICATE OF SERVICE

I hereby certify that on this the 16th day of June, 2023, a copy of the foregoing **ANSWER TO PETITION FOR CANCELLATION** was served upon the correspondent of record for applicant via U.S. mail, postage prepaid, and addressed as follows:

(Attorney for Petitioner : Audrey A. Millemann)

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Dated: 16th day of June,
2023

//Venkata Yerubandi//
Applicant