

ESTTA Tracking number: **ESTTA1362834**Filing date: **06/04/2024**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding no.	92083867
Party	Defendant Tastemade, Inc.
Correspondence address	MARTIN R. GREENSTEIN TECHMARK A LAW CORPORATION 4820 HARWOOD ROAD, SUITE 110 SAN JOSE, CA 95124 UNITED STATES Primary email: PTOMail@TechMark.com Secondary email(s): MRG@TechMark.com, AMR@TechMark.com 408-266-4700
Submission	Answer
Filer's name	Angelique M. Riordan
Filer's email	PTOMail@TechMark.com, MRG@TechMark.com, AMR@TechMark.com
Signature	/Angelique M. Riordan/
Date	06/04/2024
Attachments	Final - NPR v. Tastemade - 92083867 - Answer.pdf(131263 bytes )

**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this Answer to Petition for Cancellation is being filed with the TTAB via ESTTA on the date set forth below.

Date: June 4, 2024

/Angelique M. Riordan/  
Angelique M. Riordan

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

<b>National Public Radio, Inc.,</b>
<b>Petitioner,</b>
<b>v.</b>
<b>Tastemade, Inc.,</b>
<b>Registrant.</b>

**Cancellation No.: 92-083,867**

**Mark: TINY**

**Reg. No.: 7,083,243**

**ANSWER TO PETITION FOR CANCELLATION**

Registrant, Tastemade, Inc. (“Registrant”), of 3019 Olympic Blvd., Stage C, Santa Monica, CA 90404, by its counsel, responds as follows to the Petition for Cancellation (“Petition”) filed by National Public Radio, Inc. (“Petitioner”).

1. Registrant lacks the information and knowledge sufficient to form a belief as to the truth of the allegations set forth in Paragraph 1 of the Petition and, therefore, denies the same, leaving Petitioner to strict proof thereof.
2. Registrant lacks the information and knowledge sufficient to form a belief as to the truth of the allegations set forth in Paragraph 2 of the Petition and, therefore, denies the same, leaving Petitioner to strict proof thereof.
3. Registrant lacks the information and knowledge sufficient to form a belief as to the truth of the allegations set forth in Paragraph 3 of the Petition and, therefore, denies the same, leaving Petitioner to strict proof thereof.
4. Registrant responds that the TSDR records speak for themselves and otherwise lacks the information and knowledge sufficient to form a belief as to the truth of the allegations set forth in Paragraph 4 of the Petition and, therefore, denies the same, leaving Petitioner to strict proof thereof.
5. Registrant lacks the information and knowledge sufficient to form a belief as to the truth of the allegations set forth in Paragraph 5 of the Petition and, therefore, denies the same, leaving Petitioner to strict proof thereof.

6. Registrant responds that the TSDR record speaks for itself.
7. Registrant lacks the information and knowledge sufficient to form a belief as to the truth of the allegations set forth in Paragraph 7 of the Petition and, therefore, denies the same, leaving Petitioner to strict proof thereof.
8. Registrant lacks the information and knowledge sufficient to form a belief as to the truth of the allegations set forth in Paragraph 8 of the Petition and, therefore, denies the same, leaving Petitioner to strict proof thereof.
9. Registrant admits that it is, in part, a digital media company and that it offers a variety of entertainment services, including entertainment services in connection with the trademark TINY TALK, which is not subject to the instant cancellation. However, the scope of Registrant's services is not limited to those outlined in Paragraph 9.
10. Registrant responds that the TSDR record speaks for itself, but this registration is not subject to the instant cancellation and, as such, the allegations set forth herein are not only entirely irrelevant to this proceeding, but also amount to an impermissible collateral attack.
11. Registrant responds that the TSDR record speaks for itself.
12. Denied.
13. Registrant responds that the TSDR record speaks for itself.
14. Denied.
15. Registrant, having previously stated its position as to each paragraph, neither admits nor denies Petitioner's incorporation by reference of the prior paragraphs, but incorporates by reference Registrant's prior responses to each as set forth herein.
16. Registrant lacks the information and knowledge sufficient to form a belief as to the truth of the allegations set forth in Paragraph 16 of the Petition and, therefore, denies the same, leaving Petitioner to strict proof thereof.
17. Registrant admits that Registrant's Reg. No. 7,083,243 is for the mark TINY, but otherwise denies the allegations in Paragraph 17.
18. Registrant lacks the information and knowledge sufficient to form a belief as to the truth of the allegations set forth in Paragraph 18 of the Petition and, therefore, denies the same, leaving Petitioner to strict proof thereof.

19. Registrant lacks the information and knowledge sufficient to form a belief as to the truth of the allegations set forth in Paragraph 19 of the Petition and, therefore, denies the same, leaving Petitioner to strict proof thereof.
20. Registrant lacks the information and knowledge sufficient to form a belief as to the truth of the allegations set forth in Paragraph 20 of the Petition and, further, believes that Petitioner's allegations in this paragraph amount to an improper legal argument. Registrant denies the allegations set forth in Paragraph 20, leaving Petitioner to strict proof thereof.
21. Admitted.
22. Admitted.
23. Denied.
24. Registrant, having previously stated its position as to each paragraph, neither admits nor denies Petitioner's incorporation by reference of the prior paragraphs, but incorporates by reference Registrant's prior responses to each as set forth herein.
25. Registrant responds that the TSDR record speaks for itself. Otherwise, to the extent not expressly admitted, the allegations in Paragraph 25 are denied.
26. Denied.

#### **AFFIRMATIVE DEFENSES**

27. Examining Attorney error is not a basis for cancellation.
28. Petitioner's allegations surrounding U.S. Registration No. 6,332,805 are irrelevant where this registration is not subject to the instant cancellation and amount to an improper and impermissible collateral attack.

Dated: June 4, 2024

/Martin R. Greenstein/  
Martin R. Greenstein  
Angelique M. Riordan  
TechMark a Law Corporation  
4820 Harwood Road, Suite 110  
San Jose, CA 95124  
Tel: 408-266-4700; Fax: 408-850-1955  
Email: PTOMail@TechMark.com  
Counsel for Registrant

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **ANSWER TO PETITION FOR CANCELLATION** is being served on June 4, 2024 by email to [jlauter@cooley.com](mailto:jlauter@cooley.com), [jwilliams@cooley.com](mailto:jwilliams@cooley.com) and [trademarks@cooley.com](mailto:trademarks@cooley.com).

/Angelique M. Riordan/  
Angelique M. Riordan