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

Proceeding no.	92084533
Party	Defendant Paxahau, Inc.
Correspondence address	PAXAHAU, INC. 1551 ROSA PARKS BOULEVARD, SUITE A DETROIT, MI 48216 UNITED STATES Primary email: om@paxahau.com No phone number provided
Submission	Answer
Filer's name	Joseph A. Bellanca
Filer's email	Jbellanca@HertzSchram.com, Mturchyn@HertzSchram.com
Signature	/Joseph A. Bellanca/
Date	04/05/2024
Attachments	92084533 Answer to Petition to Cancel MOVEMENT 38.pdf(11469 bytes)

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

SKY UK LIMITED)	
)	
Petitioner,)	
)	
v.)	Proceeding No. 92084533
)	
PAXAHAU, INC.,)	Registration No. 6215406
)	Date of Registration: December 8, 2020
Registrant,)	Mark: MOVEMENT
)	

REGISTRANT’S ANSWER TO PETITION TO CANCEL

NOW COMES Paxahau, Inc. (“Registrant”) by and through its attorneys of record, Hertz Schram PC, and for its Answer to Sky UK Limited’s (“Petitioner”) Petition for Cancellation filed on February 27, 2024 (“Petition”), states as follows:

1. Registrant neither admits nor denies the allegations contained in Paragraph 1 of the Petition and objects to the same as the allegations contained therein relate to facts or circumstances to which Registrant lacks personal knowledge.
2. Registrant neither admits nor denies the allegations contained in Paragraph 2 of the Petition and objects to the same as the allegations contained therein relate to facts or circumstances to which Registrant lacks personal knowledge.
3. Registrant neither admits nor denies the allegations contained in Paragraph 3 (inclusive of all subparts) of the Petition and objects to the same as the allegations contained therein relate to facts or circumstances to which Registrant lacks personal knowledge.
4. Petitioner’s Petition does not include a Paragraph 4. As such, any allegations contained therein or purported to be contained therein are denied as untrue.
5. Petitioner’s Petition does not include a Paragraph 5. As such, any allegations contained therein or purported to be contained therein are denied as untrue.

6. Petitioner's Petition does not include a Paragraph 6. As such, any allegations contained therein or purported to be contained therein are denied as untrue.

7. Registrant admits it is the owner of United States Trademark Registration No. 6215406 for the mark MOVEMENT as used in connection with streaming of audio, visual and audiovisual material on the Internet. Registrant's first use of its MOVEMENT mark in connection with the cited services is at least as early as May 28, 2011.

8. Registrant neither admits nor denies the allegations contained in Paragraph 8 of the Petition and objects to the same as the allegations contained therein relate to facts or circumstances to which Registrant lacks recollection or personal knowledge.

9. Paragraph 9 of the Petition does not call for a response. To the extent a response is required, Registrant restates and incorporates by reference the answers to the preceding paragraphs of the Petition as though fully set forth herein and denies the allegations contained in Paragraph 9 as untrue.

10. Registrant admits that it is a production company and renders event management and event booking services. Registrant denies the remaining allegations in Paragraph 10 as untrue. Registrant objects to the extent the allegations contained in Paragraph 10 contain or call for arguments, non-factual statements, or legal conclusions.

11. Registrant denies the allegations contained in Paragraph 11 as untrue. Registrant objects to the extent the allegations contained in Paragraph 11 contain or call for arguments, non-factual statements, or legal conclusions.

12. Registrant denies the allegations contained in Paragraph 12 as untrue. Registrant objects to the extent the allegations contained in Paragraph 12 contain or call for arguments, non-factual statements, or legal conclusions.

13. Registrant denies the allegations contained in Paragraph 13 as untrue. Registrant objects to the extent the allegations contained in Paragraph 13 contain or call for arguments, non-factual statements, or legal conclusions.

14. Paragraph 14 of the Petition does not call for a response. To the extent a response is required, Registrant restates and incorporates by reference the answers to the preceding paragraphs of the Petition as though fully set forth herein and denies the allegations contained in Paragraph 14 as untrue.

15. Registrant denies the allegations contained in Paragraph 15 as untrue. Registrant objects to the extent the allegations contained in Paragraph 15 contain or call for arguments, non-factual statements, or legal conclusions.

16. Registrant denies the allegations contained in Paragraph 16 as untrue. Registrant objects to the extent the allegations contained in Paragraph 16 contain or call for arguments, non-factual statements, or legal conclusions.

17. Registrant denies the allegations contained in Paragraph 17 as untrue. Registrant objects to the extent the allegations contained in Paragraph 17 contain or call for arguments, non-factual statements, or legal conclusions.

Registrant prays that the Board deny cancellation and affirm validity of the Registration.

AFFIRMATIVE DEFENSES

1. Petitioner fails to state a claim upon which relief can be granted.
2. Petitioner lacks standing to bring this action.
3. Petitioner's claims are barred by laches, acquiescence, estoppel, consent and/or waiver.
4. Petitioner is barred from recovery due to the doctrine of unclean hands.
5. Petitioner's claims are barred because Registrant's MOVEMENT mark was used in commerce before Petitioner's application seeking registration was filed.

6. Petitioner, by its words or actions, is estopped from asserting the claims alleged in the Petition.

7. Registrant reserves the right to add additional affirmative defenses as they are made known through discovery.

Respectfully Submitted,
HERTZ SCHRAM PC

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Attorneys for Registrant, Paxahau, Inc.

Dated: April 5, 2024

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of Registrant's Answer to Petition to Cancel has been served on Mark H. Tidman through the TTAB electronic filing system and by forwarding said copy on April 5, 2024 via First Class Mail and via email to:

Mark H. Tidman
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E-Mail: MTidman@bakerlaw.com

Signature: /Joseph A. Bellanca/

Dated: April 5, 2024