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

Proceeding	92062378
Party	Defendant Hobsons, Inc.
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Submission	Answer
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Date	11/09/2015
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Registration No.: 4796031
Date of Issue: August 18, 2015
Trademark: RADIUS

)	
RADIUS GLOBAL SOLUTIONS LLC)	
Petitioner,)	
)	
v.)	Cancellation No. 92062378
)	
HOBSONS, INC.)	
Registrant.)	
)	

ANSWER TO PETITION FOR CANCELLATION

Registrant, Hobsons, Inc. (“Registrant”) by and through its attorney, FREDERICK H. GRIBBELL, LLC, hereby answers the Petition for Cancellation as follows:

1. Denied as a conclusion of law to which no response is required. To the extent that paragraph 1 alleges factual assertions in support of Petitioner’s conclusion(s) of law, Registrant denies the same.

2. Denied as a conclusion of law to which no response is required. To the extent that paragraph 2 alleges factual assertions in support of Petitioner’s conclusion(s) of law, Registrant

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denies the same.

3. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3 and, accordingly, denies the same.

4. Denied as a conclusion of law to which no response is required. To the extent that paragraph 4 alleges factual assertions in support of Petitioner's conclusion(s) of law, Registrant denies the same.

5. Registrant answers the allegations of paragraph 5 by stating that the three pending trademark applications in the PTO filed by Petitioner and described in paragraph 5 are all posted in the PTO online database, and thus those applications speak for themselves. As to whether the Petitioner is the correct owner of the trademark rights involving those three applications, Registrant is relying on the PTO records and the statements made by Petitioner. Registrant denies that the trademark applications referenced by Petitioner in paragraph 5 confer or afford any trademark rights of any kind on Petitioner.

6. Registrant answers the allegations of paragraph 6 by stating that the three pending trademark applications in the PTO filed by Petitioner and described in paragraph 6 are all posted in the PTO online database, including the suspended action by the PTO, and thus those applications speak for themselves. With regard to the second portion of paragraph 6, Registrant admits that it is the owner of Serial No. 86/146,409 for the mark RADIUS, which is now Registration No. 4,796,031 (the object of this cancellation proceeding).

7. Registrant answers the allegations of paragraph 7 by stating that the registration speaks for itself.

8. Registrant answers the allegations of paragraph 8 by stating that the registration speaks for itself.

9. Registrant answers the allegations of paragraph 9 by stating that the registration has not yet become incontestable.

10. Registrant answers the allegations of paragraph 10 by repeating and realleging the answers given above for each of paragraphs 1 through 9, as if fully set forth herein.

11. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 11 and, accordingly, denies the same.

12. Denied as a conclusion of law to which no response is required. To the extent that paragraph 12 alleges factual assertions in support of Petitioner's conclusion(s) of law, Registrant denies the same.

13. Registrant admits that the RADIUS mark that is the subject of Registration No. 4,796,031 is identical to Petitioner's RADIUS mark in "appearance and sound" for the application Serial No. 86/480,132 only, but not for the other two applications, Serial No. 86/480,123 and Serial No. 86/480,138. Furthermore, Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 13 regarding "connotation or commercial impression" and, accordingly, denies the same.

14. Registrant admits that the words "customer relationship management" are found in both the Registration No. 4,796,031 (the object of this cancellation proceeding) and in the three pending applications listed in paragraph 5, but as to the statements made in paragraph 14, Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 14 and, accordingly, denies the same.

15. Denied as a conclusion of law to which no response is required. To the extent that paragraph 15 alleges factual assertions in support of Petitioner's conclusion(s) of law, Registrant denies the same.

16. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 16 and, accordingly, denies the same.

17. Registrant answers the allegations of paragraph 17 by stating that the three pending trademark applications in the PTO filed by Petitioner and described in paragraph 5 are all posted in the PTO online database, and thus those applications speak for themselves. However, to be clear about those three pending trademark applications, all three were also refused registration under Section 2(d) because of two other prior-filed trademark applications (i.e., Serial No. 86/257,769 and Serial No. 86/350,095). In other words, PTO Registration No. 4,796,031 (the object of this

cancellation proceeding) is not the only obstacle that is preventing Petitioner from obtaining registrations in connection with the three pending trademark applications that are described in paragraph 5.

18. Denied as a conclusion of law to which no response is required. To the extent that paragraph 18 alleges factual assertions in support of Petitioner's conclusion(s) of law, Registrant denies the same.

WHEREFORE, Registrant, Hobsons, Inc. respectfully requests that the Cancellation Proceeding be dismissed with prejudice.

Respectfully submitted,

HOBSONS, INC.

By: / Frederick H. Gribbell /

Frederick H. Gribbell

Attorney for Registrant

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