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

Proceeding	91186419
Party	Defendant Teach For America, Inc.
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Date	10/27/2008
Attachments	TEACH FOR ALL Answer - as filed (10-27-08). (F0368457).PDF ( 5 pages ) (31442 bytes )

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

Applicant's Ref: TFOR 0812168

In the Matter of Application Serial No. 77/289,965  
For the mark TEACH FOR ALL  
Published in the *Official Gazette* on March 18, 2008

EDGENUITY, INC.,

Opposer,

-against-

TEACH FOR AMERICA, INC.,

Applicant.

Opposition No. 91186419

Box TTAB  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**ANSWER TO NOTICE OF OPPOSITION**

Teach For America, Inc. ("Applicant"), by its attorneys, Fross Zelnick Lehrman & Zissu, P.C., hereby answers the Notice of Opposition of Edgenuity, Inc. ("Opposer") as follows:

1. Denies that Opposer is the owner of the mark TEACH FOR ALL, and denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 1.

2. Denies the allegations contained in paragraph 2, and specifically avers that prior to filing the application hereof, Applicant contacted Opposer regarding its ownership of the domain name teachforall.com, at which time no pertinent content was posted on the website of the Internet address corresponding to that domain name.

3. Admits the allegations contained in paragraph 3.

4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4, but denies that “Applicant contacted Opposer about potentially working out an arrangement regarding the use of the TEACH FOR ALL mark,” and admits that in November 2007, Applicant and Opposer had discussions regarding transfer of the domain name “teachforall.org” to Applicant.

5. Admits the allegations contained in paragraph 5.

6. Admits that Applicant filed Application Serial No. 77/470,248, the contents of which are of public record, and denies the remaining allegations contained in paragraph 6.

7. [Paragraph 7 is missing in the Notice of Opposition].

8. [Paragraph 8 is missing in the Notice of Opposition].

9. Admits the allegations contained in paragraph 9.

10. Denies the allegations contained in paragraph 10.

11. Denies the allegations contained in paragraph 11.

12. Denies the allegations contained in paragraph 12.

13. Admits that the words TEACH FOR ALL claimed by Opposer are identical to the words TEACH FOR ALL claimed in Applicant’s mark.

14. Denies the allegations contained in paragraph 14.

15. Denies the allegations contained in paragraph 15.

16. Denies the allegations contained in paragraph 16.
17. Denies the allegations contained in paragraph 17.

**First Affirmative Defense**

18. The Notice of Opposition fails to state a claim upon which relief can be granted.

**Second Affirmative Defense**

19. Opposer's claims are barred by the doctrines of waiver, acquiescence, estoppel and/or laches.

**Third Affirmative Defense**

20. Opposer's claims are barred by the doctrine of unclean hands.

**Fourth Affirmative Defense**

21. Upon information and belief, Opposer did not use TEACH FOR ALL as a mark in interstate commerce until after Applicant's priority date.

**Fifth Affirmative Defense**

22. Opposer's Notice of Opposition violates Rules 8(a)(2) and 8(d)(1) of the Federal Rules of Civil Procedure, which respectively require a "short and plain statement of the claim showing that the pleader is entitled to relief" and that "[e]ach allegation must be simple, concise, and direct." Accordingly, Applicant is not obligated to separately admit or deny each of the multiple allegations in each of the numbered paragraphs of Opposer's Notice of Opposition.

WHEREFORE, Applicant respectfully requests that the Notice of Opposition be dismissed with prejudice, and that the registration sought by Application Serial No. 77/289,965 be granted.

Dated: New York, New York  
October 27, 2008

Respectfully submitted,

FROSS ZELNICK LEHRMAN  
& ZISSU, P.C.

By:   
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*Attorneys for Applicant Teach for  
America, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Answer to Notice of Opposition was served by first-class mail, postage prepaid, on October 27, 2008, upon the following:

Susan D. Berney-Key, Esq.  
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Grace W. Kang