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

Proceeding	91192997
Party	Defendant Scholastic Inc.
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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ZINK IMAGING, INC.,	:	
	:	
Opposer,	:	
	:	Opposition No. 91192997
v.	:	
	:	
SCHOLASTIC INC.,	:	Serial No. 77/566,527
	:	
Applicant.	:	

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Commissioner for Trademarks  
Attention: Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**ANSWER**

Applicant, Scholastic Inc. (“Applicant”), by and through its attorneys, for its answer to the Notice of Opposition (“Opposition”) commenced by Zink Imaging, Inc. (“Opposer”) states as follows:

1. Applicant denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 1 of the Opposition.
2. Applicant denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 2 of the Opposition.
3. Applicant denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 3 of the Opposition.
4. Applicant denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 4 of the Opposition.
5. Applicant denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 5 of the Opposition.

6. Applicant denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 6 of the Opposition, except admit that on or about September 10, 2008, Applicant filed an application to register the mark MUZINK in connection with “[s]eries of books for children in the field of music; paper articles and printed matter, namely, note pads, writing tablets, bookmarks, diaries, postcards, posters, self-adhesive note pads, paper, gift wrap paper, decals, stickers, stationery, stationery folders, stationery sets consisting of writing paper and envelopes, and notepads; erasers; address books and telephone number books; sketch books; pens, pencils, and decorative pencil-top ornaments; blank journals,” claiming August 11, 2008 as the date of first use in commerce.

7. Applicant denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 7 of the Opposition, and refers to the Trademark Trial and Appeal Board July 16, 2009 and October 12, 2009 Orders for proof of the contents thereof.

8. Applicant denies the allegations set forth in Paragraph 8 of the Opposition.

9. Applicant denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 9 of the Opposition, except denies that “Applicant’s mark comprised of the term MUZINK is likely to cause confusion or mistake, or deceive purchasers, in that purchasers would be likely to believe that the goods covered by Applicant’s application are Zink Imaging’s goods, or are in some way legitimately connected with, sponsored by or approved by Zink Imaging” and that “Applicant’s registration of its mark would result in damage to Zink Imaging.”

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

10. Opposer has failed to state a claim upon which relief may be granted.



**CERTIFICATE OF SERVICE**

I hereby certify that on this 22 day of February, 2010, I caused a copy of the foregoing ANSWER to be served, by the means indicated below, upon:

**VIA FIRST CLASS MAIL**

Lee J. Eulgen  
Neal Gerber & Eisenberg LLP  
Two North LaSalle St.Suite 1700  
Chicago, IL 60602  
Attorney for Zink Imaging, Inc.

  
Matthew Bart