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

Proceeding	91219051
Party	Plaintiff Spiracur Inc.
Correspondence Address	CHARLENE M KROGH DORSEY & WHITNEY LLP 1400 WEWATTA STREET, SUITE 400 DENVER, CO 80202-5549 UNITED STATES reichel.nicole@dorsey.com, docketing-dv@dorsey.com, krogh.charlene@dorsey.com, johnston.lee@dorsey.com
Submission	Answer to Counterclaim
Filer's Name	Charlene M. Krogh
Filer's e-mail	krogh.charlene@dorsey.com, docketing-dv@dorsey.com, broms.maria@dorsey.com
Signature	/CMK 2112/
Date	01/09/2015
Attachments	Answer to Applicant's Counterclaim-Petition to Cancel.pdf(142281 bytes)

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

In the matter of U.S. Trademark Application Serial No. 85/921,995
Mark: ASANTE SNAP
Published on April 29, 2014

Spiracur Inc.)	
)	
Opposer,)	
)	
v.)	Opposition No. 91219051
)	
Asante Solutions, Inc.)	
)	
Applicant.)	

ANSWER TO APPLICANT'S COUNTERCLAIM/PETITION TO CANCEL

Opposer and Counterclaim Defendant Spiracur Inc. ("Opposer"), by and through its attorneys, Dorsey & Whitney LLP, hereby answers the Counterclaim/Petition to Cancel (the "Counterclaim") of Applicant and Counterclaim Plaintiff Asante Solutions, Inc. ("Applicant"), as follows:

1. With regard to Paragraph 12 of the Counterclaim, Opposer admits that it has asserted Registration Nos. 3812065, 4003768, and 4199890 (the "Registrations") in the above-captioned opposition against Applicant's application to register the mark ASANTE SNAP. Opposer denies that Applicant has been or will be damaged by the Registrations. The remainder of Paragraph 12 contains a request for relief to which no response is required. To the extent a response is required, Opposer denies all remaining allegations of Paragraph 12 of the Counterclaim.

2. Opposer lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13 of the Counterclaim, and therefore denies the same.

3. With regard to Paragraph 14, Opposer admits that it is a Delaware Corporation and avers that it develops, manufactures, and sells innovative wound healing products. Opposer denies all remaining allegations of Paragraph 14 of the Counterclaim.

4. Opposer admits the allegations of Paragraph 15 of the Counterclaim.

5. Opposer admits the allegations of Paragraph 16 of the Counterclaim.

6. Opposer admits the allegations of Paragraph 17 of the Counterclaim.

7. Opposer admits the allegations of Paragraph 18 of the Counterclaim.

8. Opposer denies the allegations contained in Paragraph 19 of the Counterclaim.

9. Opposer denies the allegations contained in Paragraph 20 of the Counterclaim.

10. With regard to Paragraph 21 of the Counterclaim, Opposer admits that its products can be worn in a variety of ways by the consumer, including but not limited to under his or her clothing. Opposer denies all remaining allegations contained in Paragraph 21 of the Counterclaim.

11. With regard to Paragraph 22 of the Counterclaim, Opposer admits that the mark in Registration No. 3812065 consists of the word "SNAP." Opposer denies all remaining allegations contained in Paragraph 22 of the Counterclaim.

12. With regard to Paragraph 23 of the Counterclaim, Opposer admits that the mark in Registration No. 4003768 consists of the word "SNP" with a triangle design appearing between the "N" and "P". Opposer denies all remaining allegations contained in Paragraph 23 of the Counterclaim.

13. With regard to Paragraph 24 of the Counterclaim, Opposer admits that the Registration No. 4199890 consists of the word "CISNAP." Opposer denies all remaining allegations contained in Paragraph 24.

14. Opposer admits the allegations of Paragraph 25 of the Counterclaim.

15. With regard to Paragraph 26 of the Counterclaim, Opposer admits that it sells products relating to closed incisions. Opposer denies all remaining allegations contained in Paragraph 26 of the Counterclaim.

16. Opposer denies the allegations contained in Paragraph 27 of the Counterclaim.

17. With regard to Paragraph 28 of the Counterclaim, Opposer admits that it has asserted the marks in the Registrations in the above-captioned opposition against Applicant's application to register the mark ASANTE SNAP. Opposer denies all remaining allegations contained in Paragraph 28 of the Counterclaim.

18. Opposer denies all allegations of the Counterclaim not expressly admitted above, and denies that Applicant is entitled to any of the relief sought therein.

AFFIRMATIVE DEFENSES

1. Applicant's Counterclaim fails to state a claim for which relief can be granted.

2. Applicant's Counterclaim is barred by the doctrines of estoppel, laches and/or acquiescence.

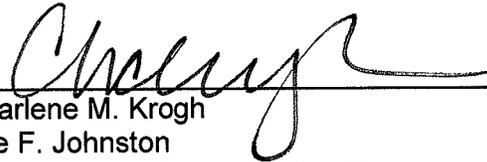
3. Applicant lacks standing to bring the Counterclaim for Cancellation.

Opposer reserves the right to amend its Answer to add additional or other defenses that cannot now be articulated due to Applicant's failure to particularize its claims and/or the need for discovery regarding Applicant's claims.

WHEREFORE, Opposer and Counterclaim Defendant prays that the Counterclaim be dismissed in all respects and that judgment be entered for Opposer and Counterclaim Defendant.

Dated: January 9, 2015.

Respectfully submitted,
DORSEY & WHITNEY LLP

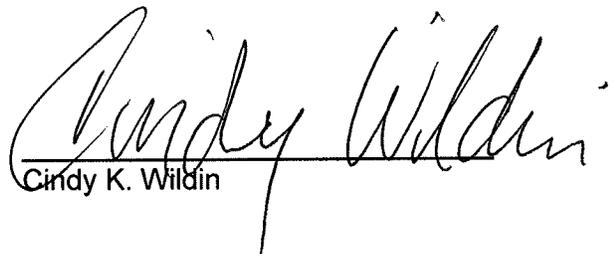
By: 
Charlene M. Krogh
Lee F. Johnston
1400 Wewatta Street, Suite 400
Denver, Colorado 80202-5549
Tel: (303) 629-3400
Fax: (303) 629-3450
krogh.charlene@dorsey.com
johnston.lee@dorsey.com

**ATTORNEYS FOR OPPOSER AND
COUNTERCLAIM DEFENDANT SPIRACUR INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **Answer to Applicant's Counterclaim/Petition to Cancel** is being served upon Applicant Asante Solutions, Inc. by mailing said copy on January 9, 2015, via first-class mail, postage prepaid, addressed to:

Stephanie S. Brannen, Esq.
Wilson Sonsini Goodrich & Rosati
650 Page Mill Rd
Palo Alto, California 94304-1050


Cindy K. Wildin