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

Proceeding	92053509
Party	Defendant CampusEAI Consortium
Correspondence Address	CAMPUSEAI CONSORTIUM 1940 EAST 6TH ST, 11TH FLOOR CLEVELAND, OH 44114 UNITED STATES
Submission	Answer
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Date	02/18/2011
Attachments	answer.pdf ( 4 pages )(118356 bytes )

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

<b>CLEVELAND STATE UNIVERSITY</b>	)	<b>CANCELLATION No. 92053509</b>
	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	
	)	
<b>CAMPUSEAI CONSORTIUM</b>	)	<b><u>REGISTRANT'S ANSWER TO</u></b>
	)	<b><u>PETITION AND AFFIRMATIVE</u></b>
<b>Registrant.</b>	)	<b><u>DEFENSES</u></b>

NOW COMES CampusEAI Consortium, Registrant, by and through undersigned counsel, and for its Answer to Petitioner, Cleveland State University's, Petition to Cancel states that unless specifically admitted, Registrant denies each and every allegation contained in the Petition, and further states as follows:

THE PARTIES

1. Registrant admits the allegations contained in paragraph 1 of the Petition.
2. Registrant admits that it is an Ohio corporation and denies the remaining allegations contained in paragraph 2 of the Petition.

PETITIONER AND ITS TRADEMARK

3. Registrant denies the allegations contained in paragraph 3 of the Petition for want of knowledge sufficient to form a belief as to their truth or falsity.
4. Registrant admits the allegations contained in paragraphs 4 and 5 of the Petition.
5. Registrant denies the allegations contained in paragraphs 6 through 11 of the Petition for want of knowledge sufficient to form a belief as to their truth or falsity.

REGISTRANT'S TRADEMARK REGISTRATION

6. Registrant admits the allegations contained in paragraphs 12 and 13 of the Petition.

7. Registrant denies the allegations contained in paragraph 14 of the Petition.

COUNT ONE

8. Registrant denies the allegations contained in paragraph 15 of the Petition.

9. Registrant denies the allegations contained in paragraph 16 of the Petition for want of knowledge sufficient to form a belief as to their truth or falsity.

10. Registrant denies the allegations contained in paragraphs 17 and 18 of the Petition.

COUNT TWO

11. Registrant denies the allegations contained in paragraph 19 of the Petition for want of knowledge sufficient to form a belief as to their truth or falsity.

12. Registrant denies the allegations contained in paragraphs 20 and 21 of the Petition.

AFFIRMATIVE DEFENSES

13. The Petition fails to state a claim upon which relief can be granted.

14. The claims made in the Petition are barred, in whole or in part, by the doctrines of fair use, nominative fair use and/or descriptive use.

15. Petitioner's claims are barred by laches, in that Petitioner has unreasonably delayed efforts to enforce its rights, if any, despite its full awareness of Registrant's actions.

16. Each of the purported claims set forth in this Petition is barred by the doctrines of waiver, acquiescence, and estoppel.

17. Registrant has not infringed any applicable trademarks under federal or state law.

18. Petitioner's claims against Registrant are barred because Petitioner's damages, if any, were not caused by Registrant.

19. Without admitting that the Complaint states a claim, there has been no damage in any amount, manner or at all by reason of any act alleged against Registrant in the Petition, and the relief prayed for in the Petition therefore cannot be granted.
20. The claims made in the Petition are barred, in whole or in part, because of a failure to mitigate damages, if such damages exist.
21. Registrant reserves the right to add and or delete affirmative defenses.

Respectfully submitted  
/s/ Michael C. DeJohn  
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**CERTIFICATE OF SERVICE**

I hereby certify that this Answer to the Petition to Cancel was electronically filed with the United States Patent and Trademark Office, Trademark Trial and Appeal Board on February 18, 2011 and that copy of the foregoing was served by first class mail, postage prepaid on Petitioner's below counsel:

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