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

Proceeding	92057891
Party	Defendant ASAHI KASEI E-MATERIALS CORPORATION
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Date	10/28/2013
Attachments	2013-10-28 Answer to Petition for Cancellation No 92057891 for AFP.pdf(12496 bytes)

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

AFP IMAGING D/B/A IMAGEWORKS,)	
)	
Opposer,)	Cancellation No.: 92057891
)	
v.)	Mark: AFP
)	
ASAHI KASEI E-MATERIALS)	Registration No.: 4,082,815
CORPORATION)	
)	
Registrant.)	

ANSWER AND AFFIRMATIVE DEFENSES

Registrant, Asahi Kasei E-Materials Corporation (“Registrant”), by and through its undersigned counsel, hereby responds to AFP Imaging d/b/a Imageworks’ (“Petitioner”) Petition for Cancellation as follows:

1. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1 of the Petition for Cancellation.
2. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 2 of the Petition for Cancellation.
3. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3 of the Petition for Cancellation.
4. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4 of the Petition for Cancellation.
5. Registrant admits Petitioner is listed as the owner of record of the U.S. trademark registrations listed in Paragraph 5 of the Petitioner for Cancellation. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 5.

6. Registrant admits the allegations in paragraph 6 of the Petition for Cancellation.
7. Registrant admits the allegations in paragraph 7 of the Petition for Cancellation.
8. Registrant admits the allegations in paragraph 8 of the Petition for Cancellation.
9. Registrant denies the allegations in paragraph 9 of the Petition for Cancellation.
10. Registrant denies the allegations in paragraph 10 of the Petition for Cancellation.
11. Registrant denies the allegations in paragraph 11 of the Petition for Cancellation.

AFFIRMATIVE DEFENSES

Further answering the Petition for Cancellation herein, Registrant avers as affirmative defenses that:

12. The claims of Petitioner are barred in whole or in part by the doctrine of laches.
13. There is no likelihood of confusion between Registrant's mark and the marks in Petitioner's cited registrations because of the unrelatedness of the goods with which the parties use their marks.
14. There is no likelihood of confusion between Registrant's mark and the marks in Petitioner's cited registrations because of the circumstances under which consumers make their purchasing decisions.
15. There is no likelihood of confusion between Registrant's mark and the marks in Petitioner's cited registrations because of the different trade channels through which the parties sell their goods.

WHEREFORE, Registrant, having fully and completely answered the Petition for Cancellation, hereby prays that the Petition be denied.

Respectfully submitted,
ASAHI KASEI E-MATERIALS CORPORATION,
By Counsel
BIRCH, STEWART, KOLASCH & BIRCH, LLP

By: /Robert J. Kenney/
Robert J. Kenney
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Dated: October 28, 2013

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of October, 2013, a copy of the foregoing ANSWER AND AFFIRMATIVE DEFENSES was served upon counsel for Petitioner, Norman H. Zivin, by email at nzivin@cooperdunham.com, and by depositing a true copy thereof in the United States mail, postage prepaid, in an envelope addressed as follows:

Norman H. Zivin, Esq.
Cooper & Dunham LLP
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/Robert J. Kenney/
Robert J. Kenney