

ESTTA Tracking number: **ESTTA602520**

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

Proceeding	92058680
Party	Defendant Insta-Group US, Inc.
Correspondence Address	INSTA-GROUP US INC 3280 KURTZ STREET SAN DIEGO, CA 92110 UNITED STATES
Submission	Answer
Filer's Name	Brian P. Kinder
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Signature	/BPK/
Date	05/05/2014
Attachments	2014.05.05 - Answer to Petition for Cancellation.pdf(27207 bytes)

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

In the matter of:

Reg. No. : 1,433,907
Reg. Date : June 1, 2008
Registrant : Exponents Insta USA, Inc.
Mark : EXPONENTS

Cancellation No.: 92058680

STEELCASE, INC.,)
)
 Petitioner,)
)
 v.)
)
Insta-Group US, Inc.,)
)
 Respondent.)
)

ANSWER TO PETITION TO CANCEL

Exponents Insta USA, Inc. (“Respondent”), formerly Insta-Group US, Inc. (see name change documentation filed concurrently herewith), hereby submits the following Answer in response to the Petition to Cancel filed by Steelcase, Inc. (“Petitioner”):

Respondent denies that all averments in the first unnumbered paragraph of Petitioner’s Petition to Cancel, including, without limitation, that Petitioner is or will be damaged by Respondent’s registration of the mark EXPONENTS.

1. Respondent admits the averments set forth in paragraph 1 of the Petition to Cancel.

2. Respondent denies the averments set forth in paragraph 2 of the Petition to Cancel.

3. Respondent admits that it operates a website at www.exponents.com and that Respondent uses the mark EXPONENTS in connection with, among other things, trade show displays, but denies all other salient averments set forth in paragraph 3 of the Petition to Cancel.

4. Respondent admits that its website at www.exponents.com contains language along the lines of that quoted in Petitioner's pleading, but denies all other salient averments set forth in paragraph 4 of the Petition to Cancel.

5. Respondent denies the averments set forth in paragraph 5 of the Petition to Cancel.

6. Respondent states that the statements set forth in paragraph 6 of the Petition to Cancel do not require any legal response, however, to the extent required, Respondent denies any averments set forth in paragraph 6 of the Petition to Cancel.

7. Respondent denies the averments set forth in paragraph 7 of the Petition to Cancel.

8. Respondent denies the averments set forth in paragraph 8 of the Petition to Cancel.

WHEREFORE, Respondent asserts that Petitioner is not entitled to any of the relief requested in Petitioner's Petition to Cancel.

AFFIRMATIVE DEFENSES

1. Petitioner has failed to state a claim upon which relief can be granted.

2. Petitioner is barred from opposing Respondent's application by the doctrine of unclean hands.

3. Petitioner is barred from opposing Respondent's application by the doctrine of waiver.

4. Petitioner is barred from opposing Respondent's application by the doctrine of laches.

5. Petitioner is barred from opposing Respondent's application by the doctrine of estoppel.

6. Petitioner does not have right, superior or otherwise, sufficient to support the Petition to Cancel.

Dated this 5th day of May, 2014.

Respectfully submitted,

THE KINDER LAW GROUP, APC

By:  _____
Brian P. Kinder, Esq.
Attorneys for Respondent
Exponents Insta Group USA, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that counsel for Petitioner consented to service by electronic means during a conversation on May 5, 2014; accordingly, services of the foregoing Respondent's Answer to Petition to Cancel is served upon Petitioner at the following email address:

Tsan Abrahamson, Esq.
Cobalt LLP
918 Parker Street, Building A21
Berkeley, CA 94710
trademarks@cobaltlaw.com

Executed on May 5, 2014, at Irvine, California.

//s/ _____
Brian P. Kinder