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

Proceeding	92059552
Party	Defendant Affinitas Corporation
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Date	09/10/2014
Attachments	AffinitasSmartFocus Answer to Petition.pdf(47805 bytes)

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

<p>SMARTFOCUS UK LTD.,</p> <p style="text-align: center;">Petitioner</p> <p style="text-align: center;">v.</p> <p>AFFINITAS CORPORATION,</p> <p style="text-align: center;">Respondent.</p>	<p>Cancellation No.: 92059552</p> <p>Mark: SMARTFOCUS Reg. No. 2089097 Issued: August 19, 1997</p>
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**RESPONDENT'S ANSWER TO PETITION FOR
CANCELLATION AND AFFIRMATIVE DEFENSES**

Affinitas Corporation (hereinafter "Respondent"), in answer to the Petition for Cancellation filed by SmartFocus UK Ltd. ("Petitioner") hereby states and alleges as follows:

1. Respondent is without knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 1 of the Petition for Cancellation and, accordingly, denies the same.
2. Respondent is without knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 2 of the Petition for Cancellation and, accordingly, denies the same.
3. Respondent is without knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 3 of the Petition for Cancellation and, accordingly, denies the same.
4. On information and belief, Respondent admits the allegations set forth in paragraph 4 of the Petition for Cancellation.
5. Respondent is without knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 5 of the Petition for Cancellation and, accordingly, denies the same.

6. On information and belief, Respondent admits the allegations set forth in paragraph 6 of the Petition for Cancellation.

7. Respondent admits that it is a Nebraska corporation. The remainder of the allegations contained in paragraph 7 of the Petition for Cancellation are denied. Responding further, Respondent states that Respondent's principal place of business is located at 971 N. Gilbert Road, Gilbert, Arizona 85234.

8. Respondent admits that it is the owner of U.S. Registration No. 2089097. In further response, Respondent states that U.S. Registration No. 2089097 speaks for itself. Respondent denies the remaining allegations contained in paragraph 8 of the Petition for Cancellation.

9. Respondent repeats and re-alleges each and every response set forth herein to paragraphs 1 through 8 of the Petition for Cancellation.

10. Respondent denies the allegations set forth in paragraph 10 of the Petition for Cancellation.

11. Respondent denies the allegations set forth in paragraph 11 of the Petition for Cancellation.

REGISTRANT'S AFFIRMATIVE DEFENSES

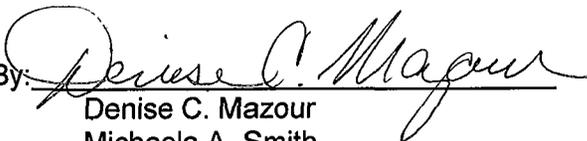
1. Unless expressly admitted herein, Registrant denies each and every other remaining allegation set forth in Petitioner's Petition for Cancellation.

2. The Petition for Cancellation fails to state any basis under the Lanham Act to sustain cancellation of Registrant's U.S. Registration No. 2089097. Respondent has not abandoned the SMARTFOCUS mark shown in U.S. Registration No. 2089097.

WHEREFORE, Respondent generally denies that Petitioner is being damaged by Registrant's U.S. Registration No. 2089097 for the SMARTFOCUS Mark. Registrant respectfully requests that the Board dismiss Petitioner's Petition for Cancellation with prejudice and grant such other and further relief as it deems just and proper.

DATED this 10th day of September, 2014.

AFFINITAS CORPORATION,

By: 

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ATTORNEYS FOR REGISTRANT

CERTIFICATION UNDER 37 C.F.R. § 1.8

I hereby certify that REGISTRANT'S ANSWER TO PETITION FOR CANCELLATION AND AFFIRMATIVE DEFENSES is being filed electronically with the United States Patent and Trademark Office utilizing the *Electronic System for Trademark Trial and Appeals* this 10th day of September, 2014.


DENISE C. MAZOUR

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and complete copy of the above and foregoing REGISTRANT'S ANSWER TO PETITION FOR CANCELLATION AND AFFIRMATIVE DEFENSES was mailed via First Class Mail, postage prepaid, on this 10th day of September, 2014, to the following:

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