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

Proceeding	92062050
Party	Defendant Vend Limited
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Date	01/04/2016
Attachments	Vend - ANSWER.pdf(24417 bytes)

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

<p>KAMAL KARMAKAR,</p> <p style="text-align: center;">Petitioner</p> <p style="text-align: center;">v.</p> <p>VEND LIMITED,</p> <p style="text-align: center;">Respondent.</p>	<p>Cancellation No. 92062050</p> <p>Registration No. 4657862</p> <p>Mark: </p> <p>Registered: Dec. 16, 2014</p>
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ANSWER AND AFFIRMATIVE DEFENSES

Vend Limited (“Respondent”) answers Kamal Karmakar’s (“Petitioner”) Petition for Cancellation (“Petition”) against Respondent’s Registration No. 4657862 (the “Registration”).

On December 3, 2015, the Trademark Trial and Appeal Board granted Respondent’s Motion to Dismiss and dismissed Petitioner’s claims of mere descriptiveness under Section 2(e)(1) and false suggestion of a connection under Section 2(a) of the Trademark Act, 15 U.S.C. §§ 1052(a), (e)(1).

Accordingly, Respondent answers only Petitioner’s remaining claim of priority and likelihood of confusion under Section 2(d) of the Trademark Act, as set forth below.

Regarding the preamble of the Petition, Respondent lacks sufficient information to form a belief as to the truth or falsity of the remaining allegations in the preamble of the Notice of Opposition, and therefore denies them.

As to the numbered Paragraphs in the Petition, Respondent responds as follows:

1. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 of the Petition, and therefore denies them.

2. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2 of the Petition, and therefore denies them.

3. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3 of the Petition, and therefore denies them.

4. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4 of the Petition, and therefore denies them.

5. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5 of the Petition, and therefore denies them.

6. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6 of the Petition, and therefore denies them.

7. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 7 of the Petition, and therefore denies them.

8. Respondent admits the allegations in Paragraph 8 of the Petition.

9. Respondent lacks knowledge or information sufficient to form a

belief as to the truth of the allegations in Paragraph 9 of the Petition, and therefore denies them.

10. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10 of the Petition, and therefore denies them.

11. Denied.

12. Denied.

13. Denied.

14. Denied.

15. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 15 of the Petition, and therefore denies them.

16. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 16 of the Petition, and therefore denies them.

17. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 17 of the Petition, and therefore denies them.

18. Denied.

AFFIRMATIVE DEFENSES

19. Petitioner's claims are barred by laches, estoppel, and acquiescence.

WHEREFORE, Petitioner is not entitled to any of the relief it seeks and Respondent respectfully requests that the Petition to Cancel be dismissed with prejudice.

Respectfully Submitted,

Dated: January 4, 2016

 /Linda McLeod /
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CERTIFICATE OF SERVICE

I hereby certify that on January 4, 2016, a true and correct copy of the foregoing ANSWER AND AFFIRMATIVE DEFENSES was served by United States first-class mail, postage prepaid, on Petitioner's at the following address of record:

BRUCE MARGULIES
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_____/Jacob T. Mersing/_____
Jacob T. Mersing
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