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

Proceeding	92062891
Party	Defendant 37 DEGREES, INC.
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Submission	Answer
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Date	02/11/2016
Attachments	37 Degrees, Inc.'s Answer to Strateq Capital Sdn. Bhd.'s Cancellation Petition (92062891).pdf(9031 bytes)

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

STRATEQ CAPITAL SDN. BHD.	§	Cancellation No. 92062891
	§	
Petitioner,	§	
	§	
v.	§	
	§	
37 DEGREES, INC.	§	
	§	
Registrant	§	
	§	

ANSWER OF REGISTRANT 37 DEGREES, INC.

NOW COMES 37 Degrees, Inc. (“Registrant”), the owner of and registrant named in U.S. Registration No. 2535611 for the mark 37 DEGREES, filed February 18, 2000 and registered on February 5, 2002, for services in International Classes 35 and 42 (the “Registration”) that is the subject of this cancellation proceeding. In accordance with Rules 2.106 and 2.116 of the Trademark Rules of Practice and by and through its undersigned counsel, Registrant files this answer to the Petition for Cancellation (“Petition for Cancellation”) filed by Petitioner Strateq Capital Sdn. Bhd. (“Petitioner”) on December 28, 2015, and in support thereof respectfully answers as follows:

ANSWER TO CANCELLATION

In response to the first introductory unnumbered paragraph of the Petition for Cancellation, Registrant admits the allegations of the paragraph as it relates to the Petitioner’s name, address, country of organization, and entity type, is without knowledge or information

sufficient to form a belief as to the truth of the allegations related to Petitioner's belief regarding the damage it will suffer by continued registration of the Registration and therefore denies same, and admits Petitioner has petitioned to cancel the Registration. Registrant admits the allegations contained in the second unnumbered paragraph.

Registrant responds to the separately-numbered paragraphs of the Petition for Cancellation as follows:

1. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1 of the Petition for Cancellation and therefore denies same.
2. Registrant admits the allegations of paragraph 2 of the Petition for Cancellation.
3. Registrant admits the allegations of paragraph 3 of the Petition for Cancellation except as to the words "such as" and "in Class 9, which Registrant denies.
4. Registrant admits the allegations of paragraph 4 of the Petition for Cancellation.
5. Registrant admits the allegations of paragraph 5 of the Petition for Cancellation.
6. Registrant admits the allegations of paragraph 6 of the Petition for Cancellation.
7. Registrant admits the allegations of paragraph 7 of the Petition for Cancellation.
8. Registrant admits the allegations of paragraph 8 of the Petition for Cancellation.
9. Registrant denies the allegations of paragraph 9 of the Petition for Cancellation.
10. Registrant denies the allegations of paragraph 10 of the Petition for Cancellation.
11. Registrant denies the allegations of paragraph 11 of the Petition for Cancellation.
12. Registrant admits the continued registration of Registrant's 37 DEGREES mark creates statutory rights in Registrant but Registrant is without knowledge or information

sufficient to form a belief as to the truth of the remaining allegations of paragraph 12 of the Petition for Cancellation and therefore denies same.

FIRST DEFENSE

Petitioner has not pleaded any law or facts that justify the granting the Petition for Cancellation.

Registrant denies each and every allegation of the Petition for Cancellation not specifically admitted or otherwise responded to herein. Registrant further denies that Petitioner has asserted any basis in law or in fact sufficient to sustain Petitioner's Petition for Cancellation; denies that the Petition for Cancellation should be sustained in favor of Petitioner; and denies that Petitioner is entitled to any relief whatsoever against Registrant.

WHEREFORE, having fully answered the Petition for Cancellation, Registrant respectfully prays:

- (i) that the Petition for Cancellation be dismissed and/or denied in its entirety;
- (ii) that judgment be entered in favor of Registrant on the Petition for Cancellation and each and every claim and count thereof;
- (iii) that the Registration be maintained; and
- (iv) that Registrant be granted such other and further relief as the Trademark Trial and Appeal Board deems just and proper.

Date: February 11, 2016

Respectfully submitted,

/James R. Robinson/
James R. Robinson
Attorney for Registrant
37 Degrees, Inc.

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CERTIFICATE OF TRANSMISSION

I hereby certify that the foregoing ANSWER OF REGISTRANT 37 DEGREES, INC. is being transmitted to the United States Patent and Trademark Office through the Electronic System for Trademark Trials and Appeals (“ESTTA”) on the date indicated below:

Dated: February 11, 2016

/James R. Robinson/
James R. Robinson
Attorney for Registrant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ANSWER OF REGISTRANT 37 DEGREES, INC. was served on Attorney for Petitioner on the date indicated below via first-class mail and e-mail to:

Lisa Parker Gates
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312-861-8686

Date: February 11, 2016

/James R. Robinson/
James R. Robinson
Attorney for Registrant