

ESTTA Tracking number: **ESTTA483986**

Filing date: **07/17/2012**

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

Proceeding	91205068
Party	Defendant ST Logistics (USA) Inc.
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Date	07/17/2012
Attachments	PlexisServicesIncAnswer.pdf ( 4 pages )(67117 bytes )

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

-----X  
PLEXUS CORP., :  
 :  
 : Opposer, :  
 :  
 : v. :  
 : ST LOGISTICS (USA) INC., : Opposition No. 91205068  
 :  
 : Applicant. :  
 :  
 :  
-----X

**ANSWER TO NOTICE OF OPPOSITION**

Application Serial No: 85345138  
Filed: June 13, 2011  
Published for Opposition: November 8, 2011  
Mark: PLEXIS SERVICES, INC.

Commissioner for Trademarks  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Applicant ST Logistics (USA) Inc. ("Applicant" or "Plexis"), by its attorneys, Kaye Scholer LLP, for its Answer to the Notice of Opposition of Plexus Corp. (hereinafter "Opposer"), alleges as follows:

Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations set forth in the prefatory paragraph preceding Paragraph 1 of the Notice of Opposition, and therefore, denies the same.

1. Denies knowledge or information sufficient to form a belief as to the truth of the convoluted and ambiguous allegations contained in paragraph 1. Opposer's own registrations and applications on their face dispute the alleged dates of first use.

2. Admits the allegations contained in paragraph 2.

3. Admits that Opposer filed the identified applications, but denies that the examiner cited only one of Applicant's applications and denies knowledge or information sufficient to form a belief as to the truth of the remaining convoluted and ambiguous allegations including but not limited to what the Applicant's services are "directed generally to" in paragraph 3. Denies that the Applicant's applications set forth a complete listing of all services offered by the Applicant as contained in paragraph 3.

4. Denies the allegations contained in paragraph 4.

5. Denies the allegations contained in paragraph 5.

6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6. Any alleged harm is due to Opposer's own actions in filing added disparate and noncore services within Class 35 only, where the Applicant has priority.

7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7. Any alleged harm is due to Opposer's own actions in filing added disparate and noncore services within Class 35 only, where the Applicant has priority.

#### **Affirmative Defenses**

1. The Notice of Opposition fails to state a claim upon which relief can be granted.

2. Opposer is not entitled to relief because there is no likelihood of confusion

3. Opposer is not entitled to relief based upon the doctrine of laches.

4. Opposer is not entitled to relief based upon the doctrine of estoppel.

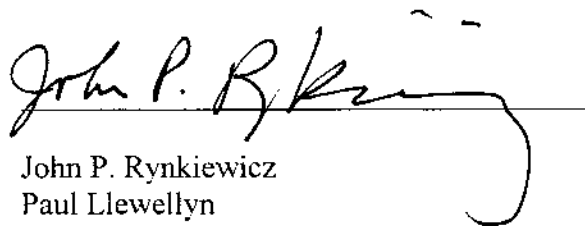
5. Opposer is not entitled to relief based upon the doctrine of acquiescence.
6. Applicant owns U.S. Reg. No. 4130924 for "PLEXIS" covering the same services as covered in the opposed application.
7. Applicant presently has insufficient knowledge or information upon which to form a belief as to whether it may have additional affirmative defenses available. Applicant reserves the right to assert additional affirmative defenses in the event discovery or further analysis indicates that additional unknown or unstated affirmative defenses would be available.

WHEREFORE, Applicant respectfully requests that the Opposition be dismissed and registration of the subject mark be permitted.

Date: July 17, 2012

Respectfully submitted,

KAYE SCHOLER LLP

A handwritten signature in black ink, appearing to read "John P. Rynkiewicz", is written over a horizontal line. The signature is cursive and extends to the right of the line.

John P. Rynkiewicz  
Paul Llewellyn  
Jeremy White  
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Washington, D.C. 20005  
Telephone: (202) 682-3671

*Attorneys for Applicant*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 17<sup>th</sup> day of July, 2012, I caused a true and correct copy of the foregoing Answer to Notice of Opposition to be served by United States first class mail, postage prepaid, upon the following attorney of record:

MICHAEL T. GRIGGS, ESQ.  
BOYLE FREDRICKSON SC  
840 N PLANKINTON AVE  
MILWAUKEE, WI 53203

and via email to [mtg@boylefred.com](mailto:mtg@boylefred.com) and to [mjg@boylefred.com](mailto:mjg@boylefred.com)

  
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John P. Rynkiewicz