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

Proceeding	91222918
Party	Defendant ForwardMetrics Corp.
Correspondence Address	FORWARDMETRICS CORP 527 ENCINITAS BLVD ENCINITAS, CA 92024-3746 UNITED STATES scottwarner@forwardmetrics.com
Submission	Answer
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Date	09/22/2015
Attachments	Answer_Opp_91222918_TALENTSPOT.pdf(103991 bytes)

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

In the Matter of Application Serial No. 86/521788
Published in the *Official Gazette* of June 23, 2015
Mark: TALENTSPOT

TALENTSOFT)	
)	
)	
)	
Opposer,)	
)	
v.)	
)	Opposition No. 91222918
FORWARDMETRICS CORP.)	
Applicant)	
)	

APPLICANT’S ANSWER TO OPPOSITION

Applicant, FORWARDMETRICS CORP. (“Applicant”), for its answer to the Notice of Opposition filed by TALENTSOFT (“Opposer”) against application for registration of Applicant’s trademark TALENTSPOT , U.S. Serial No. 86521788, filed February 2, 2015, and published in the Official Gazette on June 23, 2015 (the “Application”), pleads and avers as follows:

1. As to Paragraph 1, Applicant denies knowledge and information sufficient to admit or deny the allegations.
2. As to Paragraph 2, Applicant admits to that it is organized as a Delaware corporation with principal place of business at 527 Encinitas Blvd., Encinitas, CA, 92024 but otherwise denies each and every allegation contained therein.
3. As to Paragraph 3, Applicant admits to the status of U.S. Registration No. 3807155 but otherwise denies each and every allegation contained therein.
4. As to Paragraph 4, Applicant admits to filing Application Serial No. 86521788 in International Class 042 in connection with application service provider (ASP) featuring software

for use in matching job seekers with jobs, including an applicant tracking system and for testing job-related skills and a set of tools used by job seekers to search and apply to relevant jobs; Platform as a service (PAAS) featuring computer software platforms for matching job seekers with jobs, including an applicant tracking system and for testing job-related skills and a set of tools used by job seekers to search and apply to relevant jobs, and that said application was published in the Official Gazette on June 23, 2015. Other than as expressly admitted, Applicant denies each and every allegation contained in this paragraph.

5. As to Paragraph 5, Applicant denies knowledge and information sufficient to admit or deny the allegations.

6. As to Paragraph 6, Applicant denies knowledge and information sufficient to admit or deny the allegations.

7. As to Paragraph 7, Applicant denies knowledge and information sufficient to admit or deny the allegations.

8. As to Paragraph 8, Applicant denies each and every allegation contained therein.

9. As to Paragraph 9, Applicant denies each and every allegation contained therein.

10. As to Paragraph 10, Applicant denies each and every allegation contained therein.

AFFIRMATIVE DEFENSES

As a separate affirmative defense, Opposer fails to state a claim upon which relief can be granted.

As a second affirmative defense, Applicant alleges that Opposer's Opposition is barred by the doctrine laches and estoppel.

As a third affirmative defense, Applicant alleges that Opposer's Opposition is barred by the doctrine of unclean hands.

As a fourth affirmative defense, there is no likelihood of confusion because, *inter alia*, Applicant's mark and the alleged trademark of Opposer are not confusingly similar.

As a fifth affirmative defense, Opposer's rights in and to the portion of its alleged trademark are generic or, in the alternative, merely descriptive of the goods or services offered under the mark. Opposer's alleged mark is therefore inherently unprotectable.

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 defenses in the event discovery or further analysis indicates that additional unknown or unstated affirmative defenses would be available.

PRAYER

WHEREFORE, Applicant requests the Board set aside the Notice of Default and accept the inadvertent late answer which was the result of docketing errors by Applicant *pro se*.

WHEREFORE, Applicant requests that this Opposition be dismissed and a registration for the term TALENTSPOT be issued to the Applicant.

Date: September 22, 2015

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2015, I served the foregoing ANSWER on the interested parties in this action at their last known address, by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Mail at addressed as set forth below:

DEAN R KARAU
FREDRIKSON & BYRON PA
200 SOUTH SIXTH STREET SUITE 4000
MINNEAPOLIS, MN 55402

CERTIFICATE OF ELECTRONIC FILING

The undersigned certifies that this submission (along with any paper referred to as being attached or enclosed) is being filed with the United States Patent and Trademark Office via the Electronic System for Trademark Trials and Appeals (ESTTA) on this 22nd day of September, 2015.

Dated: September 22, 2015, 2015



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