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

Proceeding	91228307
Party	Defendant Rogic, Sinisa
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Date	07/16/2016
Attachments	Answer to Opposition 91228307.pdf(158341 bytes)

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

Opposition No. 91228307

In the matter of trademark application Serial No. 86759421

Insperity, Inc.,

Opposer,

v.

Sinisa Rogic,

Applicant.

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Applicant Sinisa Rogic ("Applicant") respectfully submits its Answer to opposer Insperity, Inc.'s ("Insperity" or "Opposer") Notice of Opposition ("Opposition") against Applicant's applications for registration of its mark, serial number 86759421 (collectively "the Application").

The paragraphs below correspond to the introductory and numbered paragraphs of the Opposition.

Responding to the first unnumbered paragraph of the Opposition, Applicant lacks sufficient information and belief to either admit or deny Insperity's place of organization and principal place of business and therefore denies those allegations. APPLICANT denies the remaining allegations contained in this paragraph.

1. APPLICANT lacks sufficient information or belief with which to admit or deny the allegations contained in this paragraph and on that basis denies them.

2. APPLICANT lacks sufficient information and belief to either admit or deny the allegation and therefore denies the allegation.

3. APPLICANT admits that USPTO records reflect Insperity as the owner of the registrations for "INSPERITY", "INSPERITY (stylized)" and "INSPIRING BUSINESS PERFORMANCE" with the filing dates and registration numbers reflected. APPLICANT lacks

sufficient information or belief with which to admit or deny the remaining allegations contained in this paragraph and on that basis denies them.

4. APPLICANT admits the allegations contained in this paragraph.

5. APPLICANT lacks sufficient information or belief with which to admit or deny the allegations contained in this paragraph and on that basis denies them.

6. APPLICANT denies all allegations contained in this paragraph.

7. APPLICANT denies all allegations contained in this paragraph.

8. APPLICANT lacks sufficient information or belief with which to admit or deny the allegations contained in this paragraph and on that basis denies them.

9. APPLICANT admits the allegations contained in this paragraph.

10. APPLICANT denies all allegations contained in this paragraph.

11. APPLICANT denies all allegations contained in this paragraph.

AFFIRMATIVE DEFENSES

FIRST DEFENSE (FAILURE TO STATE A CLAIM)

Insperty, Inc.'s Opposition fails to state a claim upon which relief can be granted.

SECOND DEFENSE

There is no likelihood of confusion, mistake or deception because, inter alia, Applicant's mark and the trademarks of Opposer INSPERITY and INSPIRING BUSINESS PERFORMANCE is so dissimilar from Applicant's mark INSPIRE. There is at least one DuPont factor which clearly favors Applicant.

THIRD DEFENSE

Applicant's mark and Opposer's mark are different in appearance

FOURTH DEFENSE

There is no likelihood of confusion because consumers of both parties services are knowledgeable and sophisticated.

FIFTH DEFENSE

Applicant's mark is unique and distinctive.

SIXT DEFENSE

Applicant's mark and Opposer's marks are different in meaning.

SEVENTH DEFENSE (RESERVATION OF RIGHTS)

APPLICANT believes that it may have other separate and additional defenses of which it is presently unaware and thus reserves the right to allege additional and separate defenses upon the discovery of additional facts.

PRAYER

APPLICANT prays that the Insperity, Inc.'s Opposition be dismissed with prejudice.

Respectfully submitted,

Date: July 16, 2016

Sinisa Rogic

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Niles 60714, IL

(224) 538 0347

Applicant

CERTIFICATE OF SERVICE BY MAIL

I hereby certify that a true and complete copy of the foregoing APPLICANT SINISA ROGIC'S ANSWER TO NOTICE OF OPPOSITION has been served on Attorneys for Opposer, Insperity, Inc., by mailing said copy on July 16, 2016 via First Class Mail, in a sealed envelope, postage fully prepaid, addressed as follows:

William G. Barber
Alison D. Frey
PIRKEY BARBER PLLC
600 Congress Avenue, Suite 2120
Austin, Texas 78701

A handwritten signature in blue ink, appearing to be 'P. Rogic', is written above a horizontal line.

Sinisa Rogic 06/16/16