

ESTTA Tracking number: **ESTTA848435**

Filing date: **09/26/2017**

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

Proceeding	91236190
Party	Defendant Forbi, Inc. dba Knowe
Correspondence Address	REGINA YEH ANDERSON YEH PC 401 WILSHIRE BOULEVARD 12TH FLOOR SANTA MONICA, CA 90401 UNITED STATES Email: regina@andersonyehlaw.com, edward@andersonyehlaw.com
Submission	Answer
Filer's Name	Regina Yeh
Filer's email	regina@andersonyehlaw.com, edward@andersonyehlaw.com
Signature	/Regina Yeh/
Date	09/26/2017
Attachments	2017 09 26 Answer to Opposition.pdf(49874 bytes)

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

In the Matter of Application Serial No. 87258643

Mark: KNOWE

Published in the Official Gazette: April 25, 2017

MINNESOTA PUBLIC RADIO,

Opposer,

v.

FORBI, INC.,

Applicant.

Opposition No. 91236190

ANSWER TO NOTICE OF OPPOSITION

Applicant FORBI, INC., d/b/a “Knowe” (“Applicant”) hereby answers

Opposer’s Notice of Opposition as follows:

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 and therefore denies those allegations.

2. Applicant admits that Opposer Minnesota Public Radio (“MPR”) owns U.S. Registration No. 1718808 in connection with “Radio broadcast services” in International Class 038. Except as admitted herein, the remaining allegations of Paragraph 2 are denied.

3. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3 and therefore denies those allegations.

4. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4 and therefore denies those allegations.

5. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5 and therefore denies those allegations.

6. Admitted.

7. Admitted.

8. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 8 and therefore denies those allegations.

9. Applicant makes no answer to the allegations in Paragraph 9 to the extent those allegations state legal conclusions rather than facts. With respect to any factual allegations, Applicant denies the allegations of Paragraph 9.

10. Applicant makes no answer to the allegations in Paragraph 10 to the extent those allegations state legal conclusions rather than facts. With respect to any factual allegations, Applicant denies the allegations of Paragraph 10.

11. Applicant makes no answer to the allegations in Paragraph 11 to the extent those allegations state legal conclusions rather than facts. With respect to any factual allegations, Applicant denies the allegations of Paragraph 11.

12. Applicant denies that Opposer will be damaged by registration of U.S. Serial No. 87/258,643 for the mark KNOWE or that Opposer is entitled to any relief requested in the Notice of Opposition.

AFFIRMATIVE DEFENSES

13. Applicant asserts that the following affirmative defenses bar Opposer's requested relief in its Notice of Opposition:

FIRST AFFIRMATIVE DEFENSE

14. One or more of Opposer's claims fail to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

15. As a result of Applicant's continuous use of the mark "KNOWE" (the "Mark") since the time of Applicant's adoption thereof, the Mark has developed significant goodwill among the consuming public and consumer acceptance of the services offered by Applicant in conjunction with the goodwill and widespread usage has caused the Mark to acquire distinctiveness with respect to Applicant, and caused the Mark to become a valuable asset of Applicant.

THIRD AFFIRMATIVE DEFENSE

16. There is no likelihood of confusion, mistake, or deception because, *inter alia*, the Mark and the trademark of Opposer are not confusingly similar.

FOURTH AFFIRMATIVE DEFENSE

17. One or more of Opposer's claims are barred by the equitable defenses of laches, acquiescence, or estoppel.

RELIEF REQUESTED

WHEREFORE, Applicant requests that the Trademark Trial and Appeal Board dismiss the Notice of Opposition and grant all other appropriate relief to Applicant as it deems just.

Respectfully submitted,

Dated: September 26, 2017

By: /Regina Yeh/
Edward M. Anderson
Regina Yeh
ANDERSON YEH PC
401 Wilshire Boulevard, 12th Floor
Santa Monica, CA 90401
Telephone: (310) 496-4270
Facsimile: (888) 744-0317
Email: regina@andersonyehlaw.com

ATTORNEYS FOR FORBI, INC. D/B/A
"KNOWE"

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing ANSWER TO NOTICE OF OPPOSITION has been served on:

Peter M. Routhier
Faegre Baker Daniels LLP
90 South Seventh Street
2200 Wells Fargo Center
Minneapolis, MN 55402

by forwarding a copy on this 26th day of September, 2017, via email to:

peter.routhier@faegrebd.com.

Dated: September 26, 2017

By: /Regina Yeh/
Regina Yeh