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

Proceeding	91269895
Party	Defendant Instaship, LLC
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Date	08/24/2021
Attachments	Answer to Notice of Opposition of Malpebear Inc.pdf(141038 bytes )

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

In the Matter of Serial Nos. 90059120 and 88929927  
Mark: INSTASHIP  
Filed on July 17, 2020 and May 22, 2020  
Publication Date: March 30, 2021

MAPLEBEAR INC. d/b/a Instacart,

Opposer,

v.

INSTASHIP, LLC,

Applicant.

Opposition No. 91269895

**APPLICANT’S ANSWER TO THE NOTICE OF OPPOSITION**

Applicant Instaship, LLC (“Applicant”) admits that it is the owner of U.S. Trademark Application Serial Nos. 90059120 and 88929927 (the "Applications") for the mark INSTASHIP, denies the allegations of Opposer Maplebear Inc. d/b/a Instacart (“Opposer”) that it will be damaged by the Applications, and hereby answers the Notice of Opposition filed by Opposer in accordance with the numbered paragraphs thereof, as follows:

1. Denied. Applicant lacks sufficient information concerning the allegations in paragraph 1 and therefore denies the same and demands strict proof thereof.
2. Denied. Applicant lacks sufficient information concerning the allegations in paragraph 2 and therefore denies the same and demands strict proof thereof.
3. Admitted in part and denied in part. Applicant admits that according to the Trademark Electronic Search System database, Opposer is listed as the Last Listed Owner in connection with U.S. Registration No. 4,903,628 for the mark INSTACART, and U.S.

Registration Nos. 6,233,503 and 6,233,504 for the mark INSTACART and Design and affirmatively refers to the contents of the United States Patent and Trademark records regarding such registrations and the claimed coverage thereof. Applicant denies the remaining allegations of paragraph 3, including any inferences associated therewith.

4. Denied. Applicant lacks sufficient information concerning the allegations in paragraph 4 and therefore denies the same and demands strict proof thereof.

5. Admitted.

6. Admitted in part and denied in part. Applicant admits that it filed and is the owner of U.S. Trademark Application Serial No. 90059120 and affirmatively refers to the contents of the United States Patent and Trademark records regarding such application and the coverage thereof. Applicant denies the remaining allegations in Paragraph No. 6, including any inferences associated therewith.

7. Admitted in part and denied in part. Applicant admits that it filed and is the owner of U.S. Trademark Application Serial No. 88929927 and affirmatively refers to the contents of the United States Patent and Trademark records regarding such application and the coverage thereof. Applicant denies the remaining allegations in Paragraph No. 7, including any inferences associated therewith.

8. Admitted.

9. Denied. Applicant lacks sufficient information concerning the allegations in paragraph 9 and therefore denies the same and demands strict proof thereof.

10. Denied. Applicant lacks sufficient information concerning the allegations in paragraph 10 and therefore denies the same and demands strict proof thereof.

11. Denied. Applicant lacks sufficient information concerning the allegations in paragraph 10 and therefore denies the same and demands strict proof thereof.

12. Denied.

13. Denied.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

### **Count One**

18. Applicant repeats and re-alleges Paragraphs 1 through 17 in full in response to Opposer's repeating and re-alleging of those paragraphs from the Notice of Opposition in Paragraph 18.

19. Denied.

20. Denied.

### **Count Two**

21. Applicant repeats and re-alleges Paragraphs 1 through 17 in full in response to Opposer's repeating and re-alleging of those paragraphs from the Notice of Opposition in Paragraph 21.

22. Denied.

23. Denied.

### **Count Three**

24. Applicant repeats and re-alleges Paragraphs 1 through 17 in full in response to Opposer's repeating and re-alleging of those paragraphs from the Notice of Opposition in Paragraph 24.

25. Denied.
26. Denied.
27. Denied.
28. Denied.
29. Denied.
30. Denies that Opposer is entitled to the relief set forth in the “WHEREFORE”

paragraph on Page 16 of Opposer’s Notice of Opposition.

**AFFIRMATIVE DEFENSES**

By way of further Answer, Applicant alleges the following affirmative defenses:

1. The Notice of Opposition fails to state a claim for relief.
2. Opposer's alleged INSTACART mark is weak and entitled to only a narrow scope of protection given multiple other uses of marks that consist of “INSTA” in connection with services related or similar to those of Opposer.

WHEREFORE, Applicant requests that the opposition be dismissed and that Application Serial Nos. 90059120 and 88929927 be allowed to register.

Dated: August 24, 2021

Respectfully submitted,

**KILPATRICK TOWNSEND & STOCKTON LLP**

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Attorneys for Applicant Instaship, LLC

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Applicant's Answer to Opposer's Notice of Opposition was filed electronically with the TTAB via ESTTA on this day, August 24, 2021 and mailed by first class mail, postage prepaid, to the attorney of record for Maplebear Inc. d/b/a Instacart.

/Georges Nahitchevansky/  
Georges Nahitchevansky  
*Attorney for Applicant*