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

Proceeding	92053315
Party	Defendant The American University for Science and Technology
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Submission	Answer
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Date	12/28/2010
Attachments	Answer and Grounds of Defense.pdf (9 pages)(20464 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

U.S. Registration No. 3,836,388

For the mark THE AMERICAN UNIVERSITY FOR SCIENCE AND TECHNOLOGY

American University.	:	
	:	
Petitioner,	:	
	:	
vs.	:	Cancellation No. 92053315
	:	
The American University for	:	
Science and Technology,	:	
	:	
Registrant.	:	

ANSWER AND GROUNDS OF DEFENSE

COMES NOW the Registrant, The American University for Science and Technology (hereinafter “Registrant”), by and through counsel, The Trademark Company, PLLC, and files its Answer and Grounds of Defense to the Petition for Cancellation and in response to Petitioner’s allegations states as follows:

ANSWER

Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the Introductory Paragraph of the Petition for Cancellation and therefore denies the same. In response to the specifically enumerated paragraphs of the Petition for Cancellation, Registrant responds as follows:

1. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 1 of the Petition for Cancellation and therefore denies the same.

2. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 2 of the Petition for Cancellation and therefore denies the same.

3. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 3 of the Petition for Cancellation and therefore denies the same.

4. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 4 of the Petition for Cancellation and therefore denies the same.

5. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 5 of the Petition for Cancellation and therefore denies the same.

6. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 6 of the Petition for Cancellation and therefore denies the same.

7. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 7 of the Petition for Cancellation and therefore denies the same.

8. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 8 of the Petition for Cancellation and therefore denies the same.

9. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 9 of the Petition for Cancellation and therefore denies the same.

10. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 10 of the Petition for Cancellation and therefore denies the same.

11. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 11 of the Petition for Cancellation and therefore denies the same.

12. Registrant admits the allegations set forth in Paragraph 12 of the Petition for Cancellation.

13. Registrant admits the allegations set forth in Paragraph 13 of the Petition for Cancellation.

14. Registrant denies the allegations set forth in Paragraph 14 of the Petition for Cancellation and demands strict proof thereof.

15. Registrant denies the allegations set forth in Paragraph 15 of the Petition for Cancellation and demands strict proof thereof.

16. Registrant denies the allegations set forth in Paragraph 16 of the Petition for Cancellation and demands strict proof thereof.

17. Registrant denies the allegations set forth in Paragraph 17 of the Petition for Cancellation and demands strict proof thereof.

18. Registrant admits the allegations set forth in Paragraph 18 of the Petition for Cancellation.

19. Registrant denies the allegations of Paragraph 19 of the Petition for Cancellation as phrased and demands strict proof thereof.

20. Registrant denies the allegations of Paragraph 20 of the Petition for Cancellation as phrased and demands strict proof thereof.

21. Registrant denies the allegations of Paragraph 21 of the Petition for Cancellation as phrased and demands strict proof thereof.

22. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 22 of the Petition for Cancellation and therefore denies the same.

23. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 23 of the Petition for Cancellation and therefore denies the same.

24. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 24 of the Petition for Cancellation and therefore denies the same.

25. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 25 of the Petition for Cancellation and therefore denies the same.

26. Registrant admits the allegations set forth in Paragraph 26 of the Petition for Cancellation.

27. Registrant denies the allegations set forth in Paragraph 27 of the Petition for Cancellation as phrased.

28. Registrant hereby incorporates the answers to the allegations contained in paragraph nos. 1 – 27 by reference herein of the Petition for Cancellation.

29. Registrant denies the allegations set forth in Paragraph 29 of the Petition for Cancellation and demands strict proof thereof.

30. Registrant denies the allegations set forth in Paragraph 30 of the Petition for Cancellation and demands strict proof thereof.

31. Registrant denies the allegations set forth in Paragraph 31 of the Petition for Cancellation and demands strict proof thereof.

32. Registrant denies the allegations set forth in Paragraph 32 of the Petition for Cancellation and demands strict proof thereof.

33. Registrant denies the allegations of Paragraph 33 of the Petition for Cancellation as phrased and demands strict proof thereof.

34. Registrant denies the allegations set forth in Paragraph 34 of the Petition for Cancellation and demands strict proof thereof.

35. Registrant denies the allegations set forth in Paragraph 35 of the Petition for Cancellation and demands strict proof thereof.

36. Registrant denies the allegations set forth in Paragraph 36 of the Petition for Cancellation and demands strict proof thereof.

37. Registrant hereby incorporates the answers to the allegations contained in paragraph nos. 1 – 36 by reference herein of the Petition for Cancellation.

38. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 38 of the Petition for Cancellation and therefore denies the same.

39. Registrant denies the allegations set forth in Paragraph 39 of the Petition for Cancellation and demands strict proof thereof.

40. Registrant denies the allegations set forth in Paragraph 40 of the Petition for Cancellation and demands strict proof thereof.

41. Registrant denies the allegations set forth in Paragraph 41 of the Petition for Cancellation and demands strict proof thereof.

42. Registrant denies the allegations set forth in Paragraph 42 of the Petition for Cancellation and demands strict proof thereof.

43. Registrant denies the allegations set forth in Paragraph 43 of the Petition for Cancellation and demands strict proof thereof.

44. Registrant denies the allegations set forth in Paragraph 44 of the Petition for Cancellation and demands strict proof thereof.

45. Registrant hereby incorporates the answers to the allegations contained in paragraph nos. 1 – 44 by reference herein of the Petition for Cancellation.

46. Registrant denies the allegations set forth in Paragraph 46 of the Petition for Cancellation as phrased and demands strict proof thereof.

47. Registrant denies the allegations set forth in Paragraph 47 of the Petition for Cancellation as phrased and demands strict proof thereof.

48. Registrant denies the allegations set forth in Paragraph 48 of the Petition for Cancellation and demands strict proof thereof.

49. Registrant denies the allegations set forth in Paragraph 49 of the Petition for Cancellation and demands strict proof thereof.

50. Registrant denies the allegations set forth in Paragraph 50 of the Petition for Cancellation and demands strict proof thereof.

Registrant further denies all allegations not specifically, actually or constructively, admitted in the foregoing paragraphs of this Answer and Grounds of Defense.

WHEREFORE, Registrant prays that the Petition for Cancellation be dismissed.

AFFIRMATIVE PLEADINGS AND DEFENSES

COMES NOW the Registrant, by and through counsel, The Trademark Company, and pleads the following Affirmative Pleadings and Defenses to Petitioner's Petition for Cancellation:

1. Petitioner's claims are barred by the doctrine of *acquiescence*.
2. Petitioner's claims are barred by the doctrine of *laches*.

Registrant reserves the right to assert such other affirmative pleadings and defenses as discovery in this case discloses a basis therefore.

WHEREFORE, the premises considered, Registrant The American University for Science and Technology, by and through counsel, respectfully prays that the Petition for Cancellation be dismissed with prejudice.

Respectfully submitted this 28th day of December, 2010.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/

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