

ESTTA Tracking number: **ESTTA887720**

Filing date: **04/04/2018**

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

Proceeding	92067393
Party	Defendant The Entrust Group, Inc.
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Date	04/04/2018
Attachments	393 - ANSWER.pdf(84305 bytes)

5. TEG admits that subparagraphs A-H of Paragraph 5 of IFC's Petition lists registrations as set forth in the electronic database records of the United States Patent and Trademark Office and that the contents of the registrations speak for themselves. TEG is without sufficient information to form a belief as to the truth or falsity of the remaining allegations in Paragraph 5 of IFC's Petition and on that basis denies them.

6. TEG is without sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 6 of IFC's Petition and on that basis denies them.

RESPONSE TO ALLEGATIONS IN COUNT 1: LIKELIHOOD OF CONFUSION

7. TEG incorporates responses to Paragraphs 1 through 6 herein by reference.

8. TEG admits that on September 1, 2015 TEG registered the trademark and service mark, "ENTRUST" (Registration No. 4804450) for "education services, namely, conducting classes, seminars, conferences, or workshops in the field of self-directed, tax deferred and tax free investment plans, accounts and trust; Providing online newsletters and blogs featuring information about self-directed, tax-deferred and tax-free investment plans, accounts, and trusts; Education services, namely, providing live and on-line classes and webinars in the field of self-directed, tax-deferred and tax-free investment plans, accounts and trusts" in International Class 041 and "Publications and printed matter, namely, newsletters, magazines, reports, guides, charts, worksheets, forms, instructional materials, educational materials, bulletins, pamphlets, booklets, posters and leaflets in the field of self-directed, tax-deferred and tax-free investment plans, accounts and trusts" in International Class 016. TEG is without sufficient information to form a belief as to the truth or falsity of the remaining allegations in Paragraph 8 of IFC's Petition and on that basis denies them.

9. TEG admits that it is the owner of U.S. Registration No. 4804450. TEG is located at 555 12th Street, Suite 900, Oakland, California 94607. TEG denies the remaining allegations in Paragraph 9 of IFC's Petition.

10. TEG denies the allegations in Paragraph 10 of IFC's Petition.

11. TEG denies the allegations in Paragraph 11 of IFC's Petition.

12. TEG denies the allegations in Paragraph 12 of IFC's Petition.

13. TEG denies the allegations in Paragraph 13 of IFC's Petition.

14. TEG denies the allegations in Paragraph 14 of IFC's Petition.

RESPONSE TO ALLEGATIONS IN COUNT 2: NO USE OF MARK IN COMMERCE

15. TEG incorporates responses to Paragraphs 1 through 14 herein by reference.

16. TEG admits that on September 1, 2015 TEG registered the trademark and service mark and submitted a Statement of Use on July 24, 2015. TEG denies the remaining allegations in Paragraph 16 of IFC's Petition.

17. TEG has no response to IFC's statements of law in Paragraph 17 of IFC's Petition. TEG states that the specimens submitted by TEG speak for themselves.

18. TEG denies the allegations in Paragraph 18 of IFC's Petition.

19. TEG has no response to IFC's statements of law in Paragraph 19 of IFC's Petition.

20. TEG denies the allegations in Paragraph 20 of IFC's Petition.

21. TEG denies the allegations in Paragraph 21 of IFC's Petition.

22. TEG denies the allegations in Paragraph 22 of IFC's Petition.

23. TEG denies the allegations in Paragraph 23 of IFC's Petition.

24. TEG denies the allegations in Paragraph 24 of IFC's Petition.

25. TEG denies the allegations in Paragraph 25 of IFC's Petition.

TEG denies that IFC has been damaged by TEG and denies that IFC is entitled to any relief.

FIRST AFFIRMATIVE DEFENSE

26. The Petition fails, in whole or in part, to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

27. IFC's claims are barred, in whole or in part, by the doctrine of waiver, acquiescence, estoppel, and/or laches.

THIRD AFFIRMATIVE DEFENSE

27. IFC's claims are barred, in whole or in part, by the doctrine of unclean hands.

FOURTH AFFIRMATIVE DEFENSE

28. TEG asserts there is no likelihood of confusion because based on information and belief, the services, channels or trade and consumers of IFC and TEG's respective services are distinctly different and the marks are distinctly different.

FIFTH AFFIRMATIVE DEFENSE

29. TEG asserts that the Petition fails, in whole or in part, because of TEG's prior use and priority in the alleged marks.

SIXTH AFFIRMATIVE DEFENSE

30. TEG asserts that to the extent IFC acquired or has any rights in the alleged marks, those rights have been lost as a result of third party dilution of said marks and/or a failure to enforce the marks.

RESERVATION

31. TEG reserves the right to add additional affirmative defenses as investigation and discovery continue.

WHEREFORE, TEG respectfully requests that IFC's Petition for Cancellation be dismissed.

Dated: April 4, 2018

Respectfully submitted,

MARTON RIBERA SCHUMANN & CHANG LLP

By: /s/ Carolyn Chang
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CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2018, I electronically filed the foregoing document with the TTAB and that a copy of this paper has been served upon all parties, at their address of record by Email on this date:

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Dated: April 4, 2018

/s/ Carolyn Chang

Carolyn Chang