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

Proceeding	92069058
Party	Defendant D.K.G. Nature's Cure, Inc dba Vector Biofeedback
Correspondence Address	D K G NATURE'S CURE INC 16519 92ND ST E SUMNER, WA 98390 UNITED STATES no email provided no phone number provided
Submission	Answer
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Date	09/07/2018
Attachments	Vector Trademark Cancellation Answer 20180907.pdf(89116 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In Re U.S. Registration NUMBER 4,979,760

BIOSTAR TECHNOLOGY)	
INTERNATIONAL, LLC)	
)	Cancellation No. 92069058
Petitioner,)	
)	
Vs.)	
)	
D.K.G. NATURE’S CURE INC.)	
dba VECTOR BIOFEEDBACK)	
)	
Registrant)	
_____)	

ANSWER TO PETITION FOR CANCELLATION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sirs,

In answer to Biostar Technology International, LLC’s (“Biostar”) petition for cancellation, filed on July 26, 2018, D.K.G. Nature’s Care, Inc. dba Vector Biofeedback (“Registrant”) responds as follows to the allegations as numbered in the petition:

1. Registrant is without knowledge or information sufficient to form an opinion and therefore denies.
2. Registrant admits that D.K.G. Nature’s Cure Inc. is a Washington corporation and that its office is correct.

3. Registrant denies these facts.
4. Registrant denies these facts.
5. Registrant admits that it had a contractual relationship Biostar's predecessor in interest. The balance of the statement is denied.
6. Registrant denies these facts.
7. Registrant is without knowledge or information sufficient to form an opinion and therefore denies.
8. Registrant is without knowledge or information sufficient to form an opinion and therefore denies.
9. Registrant admits that Registrant filed federal trademark application Serial No. 86/674,843 for VECTOR NLS BIOFEEDBACK for "Biofeedback Therapy Device," in Class 10, which later matured into Registration No. 4,979,760 (the "'760 Registration"). The balance of the statement is denied.
10. Registrant admits that Registrant owns the domain name *vectornls.net*. The balance of the statement is denied.
11. Registrant admits these facts.
12. Registrant denies these facts.
13. Registrant denies these facts.
14. The trademark application speaks for itself.

Count I

15. Registrant reiterates its responses to 1 through 14 above. Registrant does not believe this statement requires an answer, however to the extent one is required, Registrant denies these facts.

16. Registrant admits that the '760 Registration claimed use at least as early as March 10, 2016 and first use in commerce at least as early as March 10, 2016.

17. The trademark application speaks for itself.

18. Registrant denies these facts.

19. Registrant denies these facts.

20. Registrant denies these facts.

21. Registrant denies these facts.

22. Registrant admits that the '760 Registration provides Registrant with presumptive rights in the VECTOR NLS BIOFEEDBACK mark. The balance of the statement is denied.

AFFIRMATIVE DEFENSES

23. Registrant has used the VECTOR NLS BIOFEEDBACK trademark substantially exclusively in the US since not later than 2012 and Registrant has established common law rights in its trademark which predate those of Petitioner.

WHEREFORE, Registrant denies that Petitioner has sufficient grounds to support cancellation of the United States Registration No. 4,979,760.

Dated: September 7, 2018

By: /s/ Leigh F. Gill
Leigh F. Gill
Immix Law Group
600 NW Naito Parkway Suite G
Portland, OR, 97209

Attorney for Registrant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ANSWER was served on this
7th day of September, 2018, via email and mail upon Petitioner's counsel:

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/s/ Leigh F. Gill

Leigh F. Gill

Attorney for Registrant