

ESTTA Tracking number: **ESTTA475325**

Filing date: **05/30/2012**

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

Proceeding	91204668
Party	Defendant Mark Hildreth
Correspondence Address	GREGG A PARADISE LERNER DAVID LITTENBERG KRUMHOLZ & MENTLIK LLP 600 SOUTH AVE W WESTFIELD, NJ 07090-1497 UNITED STATES trademarkadmin@ldlkm.com, gparadise@ldlkm.com, litigation@ldlkm.com
Submission	Answer and Counterclaim
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Signature	/Gregg A. Paradise/
Date	05/30/2012
Attachments	answer and petition.pdf (5 pages)(25324 bytes)

Registrations Subject to the filing

Registration No	3270517	Registration date	07/24/2007
Registrant	A&E TELEVISION NETWORKS, LLC 235 EAST 45TH STREET NEW YORK, NY 10017 UNITED STATES		

Goods/Services Subject to the filing

Class 041. First Use: 2005/03/06 First Use In Commerce: 2005/03/06
All goods and services in the class are requested, namely: ENTERTAINMENT SERVICES, NAMELY, CONTINUING SERIES OF CABLE TELEVISION PROGRAMS FEATURING THE LIVES AND STRUGGLES OF PEOPLE WITH ALCOHOL AND SUBSTANCE ABUSE PROBLEMS AND OTHER ADDICTIONS AND THE EFFECTS ON AND EFFORTS TO HELP MADE BY THEIR FRIENDS AND FAMILY

Registration No	3928022	Registration date	03/08/2011
Registrant	A&E Television Networks, LLC 235 East 45th Street New York, NY 10017 UNITED STATES		

Goods/Services Subject to the filing

Class 009. First Use: 2005/07/19 First Use In Commerce: 2005/07/19
All goods and services in the class are requested, namely: Multimedia goods, namely, prerecorded digital video discs and DVDs, digital media, namely, downloadable audio and video files featuring the lives and struggles of people with alcohol and substance abuse problems and other addictions and the effects on and efforts to help made by their friends and family; downloadable webcasts featuring the lives and struggles of people with alcohol and substance abuse problems and other addictions and the effects on and efforts to help made by their friends and family; downloadable on-line discussion boards featuring the lives and struggles of people with alcohol and substance abuse problems and other addictions and the effects on and efforts to help made by their friends and family

Class 041. First Use: 2005/03/06 First Use In Commerce: 2005/03/06

All goods and services in the class are requested, namely: Entertainment services, namely, continuing series of cable television programs featuring the lives and struggles of people with alcohol and substance abuse problems and other addictions and the effects on and efforts to help made by their friends and family

1. Admitted.
2. Admitted.
3. Admitted.
4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies the allegations.
5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies the allegations.
6. Denied.
7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies the allegations.
8. Denied.
9. Denied.
10. Denied.
11. Denied.

FIRST AFFIRMATIVE DEFENSE

The Notice of Opposition fails to state a claim upon which relief can be granted.

WHEREFORE, Applicant requests that the Notice of Opposition be dismissed, and that Applicant's Trademark Application Serial No. 85/216,572 be allowed.

COUNTERCLAIM

PETITION FOR CANCELLATION

Petitioner Mark Hildreth ("Petitioner"), requests cancellation of U.S. Registration Nos. 3,270,517 and 3,928,022. The basis for cancellation is set forth below.

1. Petitioner is an individual residing at 1918 Corporate Drive, Boynton Beach, Florida 33425.

2. Upon information and belief, Respondent A&E Television Networks, LLC is a Delaware limited liability company, with an address at 235 East 45th Street, New York, New York 10017.

3. Petitioner is the owner of U.S. Trademark Application Serial Number 85/216,572 for the mark SINTERVENTION for various goods and services in International Classes 16, 25, and 41.

4. Petitioner has a bona fide intent to use the SINTERVENTION mark in commerce.

5. Respondent's INTERVENTION marks, as used in connection with entertainment services featuring television programs about interventions, constitute generic uses of the term "intervention." Therefore, Petitioner believes that Respondent's Registration Nos. 3,270,517 and 3,928,022 should be canceled pursuant to 15 U.S.C. § 1064(3).

6. Petitioner believes that it will be damaged by the continued existence of the above-identified registration and hereby petitions to cancel the same.

7. Please charge the fee of \$900 for a petition to cancel two registrations in a combined total of three classes to Deposit Account No. 12-1095. The undersigned is authorized to make charges to said deposit account.

WHEREFORE, Petitioner prays that Registration Nos. 3,270,517 and 3,928,022 be canceled.

Respectfully submitted,

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP

Dated: May 30, 2012

By: s/ Gregg A. Paradise
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*Attorneys for Applicant and Counterclaim-
Petitioner Mark Hildreth*

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the within ANSWER TO NOTICE OF OPPOSITION AND COUNTERCLAIM PETITION FOR CANCELLATION was served upon the following counsel of record this 30th day of May, 2012, as follows:

VIA E-MAIL

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s/ Gregg A. Paradise
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MTH 10.2A-002
Proceeding No. 91204668