



TTAB

05-13-2002

U.S. Patent & TMOtc/TM Mail Rpt Dt. #70

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Mid-City Bowling Lanes & Sports Palace, Inc.	)	
	)	
Petitioner	)	
	)	
v.	)	Cancellation No.
	)	
Edwin C. Skufca	)	32,795
	)	
Registrant	)	

ANSWER TO REGISTRANT'S COUNTERCLAIM

Box TTAB  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3515

02 MAY 21 AM 8:23  
TRADEMARK TRIAL AND APPEAL BOARD

Petitioner, Mid-City Bowling Lanes & Sports Palace, inc. ("Mid-City), by and through its undersigned counsel, files its Answer to registrant's counterclaim as follows:

1. Mid-City is without knowledge or information sufficient to form a belief as to the truth of the averments contained in paragraph 1 of the Counterclaim Petition, and therefore denies same.
2. Mid-City is without knowledge or information sufficient to form a belief as to the truth of the averments contained in paragraph 2 of the Counterclaim Petition, and therefore denies same.
3. Mid-City admits that the purported copy of Registration No.2,418,711 appended to the Counterclaim bears a registration date of January 9, 2001. Mid-City denies all remaining averments contained in Paragraph 3 of the Counterclaim Petition.

4. Mid-City denies the averments contained in paragraph 4. of the Counterclaim Petition.

5. Mid-City denies the averments contained in paragraph 5 of the Counterclaim Petition.

6. Mid-City denies the averments contained in paragraph 6 of the Counterclaim Petition.

7. Mid-City is without knowledge or information sufficient to form a belief as to the truth of the averments contained in paragraph 7 of the Counterclaim Petition, and therefore denies same.

AFFIRMATIVE DEFENSES

For its affirmative defenses to the Counterclaim Petition, Mid-City pleads as follows:

1. Registrant Skufca, has failed to state a claim upon which relief can be granted.

2. Petitioner, Mid-City, has dates-of-use dating back to at least as early as 1982 as evidenced by the assignment recorded in the US Trademark Office assignment branch.

3. Mid-City has vigorously policed its registrations as indicated by federal lawsuits filed against Microsoft and CBS, Inc., and an inhouse policy of sending out cease and desist letters.

4. Mid-City's ROCK 'N' BOWL has not become generic because of the large amount of national publicity identifying Mid-City with the ROCK 'N' BOWL mark

Respectfully submitted,

Dated : May 10, 2002

Cary J. Deaton

Cary J. Deaton (#04776)  
9696 Hayne Blvd., #M-1  
New Orleans, Louisiana  
70127-4719  
(504)-243-3446  
Attorney for Petitioner

CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing pleading  
has been deposited with the US mail this 10th day of May,  
2002.

Cary J. Deaton