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

Proceeding	92043691
Party	Defendant TMB PRODUCTS, LLC TMB PRODUCTS, LLC 1724 CLARKSON ROAD, SUITE 205 CHESTERFIELD, MO 63017
Correspondence Address	Ronald N. Compton Summers, Compton, Wells & Hamburg, PC 8909 Ladue Road ST. LOUIS, MO 63124
Submission	Answer
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Date	11/28/2006
Attachments	Answer.pdf (3 pages)(30048 bytes)

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

In the matter of:

Registration No.
For the Mark
Date Registered

2513616
SMART BROOM
December 4, 2001

SMART INVENTIONS, INC.)

Petitioner,)

v.)

TMB PRODUCTS, LLC, as assignee)
of Yellowtop, North America, Inc.)

Registrant.)

Cancellation No. 92043691

ANSWER

COMES NOW TMB Products, LLC, and responds to the Petition for Cancellation as follows. For convenience, Registrant's Answer shall be numbered in paragraphs that correspond to the Petition for Cancellation.

1. Registrant is without sufficient information to form a belief as to the allegations contained in Paragraph 1 and therefore denies the same leaving Petitioner to its proof.

2. Registrant admits the allegations contained in Paragraph 2.

3. Registrant is without sufficient information to form a belief as to the allegations contained in Paragraph 3 and therefore denies the same leaving Petitioner to its proof.

4. Registrant admits the allegation contained in the first sentence of Paragraph 4 of the Petition for Cancellation. Registrant denies the allegations contained in the second sentence of Paragraph 4 in that the date is incorrect and an Office Action was issued on March 9, 2004, refusing Petitioner's application for registration on the grounds, among others, of

likelihood of confusion between the Petitioner's mark and the Registrant's mark. Regarding the final sentence of Paragraph 4, Registrant admits the allegation that Petitioner's application was refused due to Registrant's registration, and notes that such reason was one of several reasons cited in the Office Action regarding such refusal. Registrant is without sufficient information to form a belief as to the allegations contained in the final sentence of Paragraph 4 regarding claimed damage to Petitioner and therefore denies the same leaving Petitioner to its proof.

5. Registrant is without sufficient information to form a belief as to the allegations contained in Paragraph 5 and therefore denies the same leaving Petitioner to its proof.

6. Registrant denies the allegations contained in Paragraph 6.

7. Registrant is without sufficient information to form a belief as to the allegations contained in Paragraph 7 and therefore denies the same leaving Petitioner to its proof.

Any allegations not admitted above are hereby denied.

WHEREFORE, Applicant prays that the Petition for Cancellation be dismissed with prejudice.

Registrant hereby appoints Ronald N. Compton, a member of the Bar of the State of Missouri and Registered Patent Attorney, its attorney with full power of substitution and revocation, to represent it in this proceeding and to transact all business in the U.S. Patent and Trademark Office in connection therewith.

Respectfully submitted,

TMB PRODUCTS, LLC

By: /Ronald N. Compton/
Ronald N. Compton, its attorney
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DATED: November 28, 2006

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Answer has been served on Paul D. Supnik by mailing said copy on November 28, 2006, via Certified Mail, Return Receipt Requested, addressed to: Smart Inventions, Inc., Paul D. Supnik, its Attorney, 9601 Wilshire Boulevard, Suite 828, Beverly Hills, CA 90210-5210.

Summers, Compton, Wells & Hamburg, P.C.

By: /Ronald N. Compton/
Ronald N. Compton

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