

TTAB

LILENFELD PC
A PROFESSIONAL CORPORATION

817 WEST PEACHTREE STREET
Suite 400
Atlanta, Georgia 30308-1144
www.LilenfeldPC.com

(404) 870-7092 - telephone
(678) 471-2260 - mobile
(404) 393-9710 - facsimile
david@LilenfeldPC.com

October 18, 2005

Privileged and Confidential

Tamika Whitsey
Legal Assistant
Trademark Trial and Appeal Board
P.O. Box 1452
Alexandria, Virginia 22313-1451

RE: The Track Group, Inc. v. Lori Sene Sorrow
United States Patent and Trademark Office
Cancellation No.: 92044946

Dear Ms. Whitsey:

Enclosed is the original and two copies of Registrant's Answer

Please return the extra copy, stamped "filed," to me in the enclosed postage-paid return envelope.

Sincerely,

LILENFELD PC


David M. Lilenfeld

Enclosures

cc: Jeffrey Sonnabend, Esq.



10-20-2005

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #64

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

In the matter of trademark Registration No. 2861211
For the mark "Track Company"
Date registered: July 6, 2004

THE TRACK GROUP, INC.,)
)
 Petitioner,)
)
 v.)
)
 LORI SENE SORROW,)
)
 Registrant.)
_____)

Cancellation No. 92044946

ANSWER

Sene L. Sorrow answers the Petition to Cancel ("Petition") as follows:

AFFIRMATIVE DEFENSES

1.

Petitioner is not entitled to registration of the mark "The Track Group."

2.

The Petition fails to state a claim upon which relief can be granted.

3.

Plaintiff is stopped from obtaining the relief requested based on the doctrine of unclean hands.

4.

Registrant's first use of the mark, "Track Company" was at least as early as June 1, 2001. Registrant is the senior user of that mark.

5.

The mark "Track Company" is not confusingly similar to "Track Marketing Group," nor is it likely to cause confusion in the marketplace.

6.

"The Track Group" is confusingly similar to "Track Company," and therefore Petitioner is not entitled to use or register the former.

7.

Petitioner has not been damaged by Registrant's registration of the mark "Track Company."

ANSWER TO NUMBERED PARAGRAPHS

1.

The address for Registrant stated in Paragraph 1 of the Petition is correct.

2.

Ms. Sorrow is without knowledge or information sufficient to form a belief as to the truth of facts and allegations set forth in Paragraph 2 of the Petition, therefore Paragraph 2 is denied.

3.

Ms. Sorrow is without knowledge or information sufficient to form a belief as to the truth of facts and allegations set forth in Paragraph 3 of the Petition, therefore Paragraph 3 is denied.

4.

Ms. Sorrow is without knowledge or information sufficient to form a belief as to the truth of facts and allegations set forth in Paragraph 4 of the Petition, therefore Paragraph 4 is denied.

5.

The facts and allegations in Paragraph 5 of the Petition are admitted.

6.

Ms. Sorrow is without knowledge or information sufficient to form a belief as to the truth of facts and allegations set forth in Paragraph 6 of the Petition, therefore Paragraph 6 is denied.

7.

Ms. Sorrow is without knowledge or information sufficient to form a belief as to the truth of facts and allegations set forth in Paragraph 7 of the Petition, therefore Paragraph 7 is denied.

8.

The facts and allegations in Paragraph 8 of the Petition are denied.

Respectfully submitted this 18th day of October, 2005.

LILENFELD PC



David M. Lilienfeld
Georgia Bar No. 452899
Attorney for Registrant

817 West Peachtree Street
Suite 400
Atlanta, Georgia 30308-1144
(404) 870-7092 - telephone
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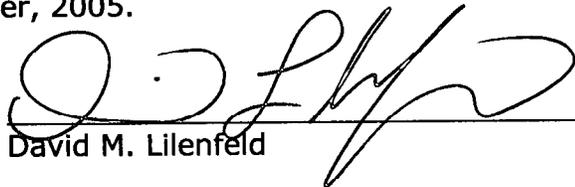
Cancellation No. 92044946

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the foregoing ANSWER upon counsel of record by electronic and first-class United States Mail, postage prepaid and addressed as follows:

Jeffrey Sonnabend, Esq.
Sonnabend Law
600 Prospect Avenue
Brooklyn, New York 11215
JSonnabend@sonnabendlaw.com

This 18th day of October, 2005.



David M. Lilenfeld