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Filing date: **01/10/2006**

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

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|------------------------|---|
| Proceeding | 92045274 |
| Party | Defendant Sew Fast/Sew Easy, Inc. Sew Fast/Sew Easy, Inc. 147 West 57th Street New York, NY 10019 |
| Correspondence Address | Sew Fast/Sew Easy, Inc. 147 West 57th Street New York, NY 10019 |
| Submission | Answer |
| Filer's Name | Georges Nahitchevansky |
| Filer's e-mail | ghn@kilpatrickstockton.com |
| Signature | /Georges Nahitchevansky/ |
| Date | 01/10/2006 |
| Attachments | Answer to Petition to Cancel (Stitch and B).pdf (4 pages) |

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

DEBORAH STOLLER,

Petitioner,

-against-

SEW FAST/SEW EASY, INC.

Respondent.

Cancellation No. 92045274

**Mark: STITCH & BITCH CAFÉ
Registration No.: 2,596,818**

ANSWER TO PETITION TO CANCEL

Respondent Sew Fast/Sew Easy, Inc. (“SFSE” or “Respondent”), by its undersigned attorneys, as and for its Answer to the Petition to Cancel alleges as follows:

1. With regard to the introductory paragraph, denies knowledge or information sufficient to form a belief as to the truth of the allegations regarding Petitioner’s citizenship and therefore denies those allegations, admits that Petitioner has filed the instant Petition to Cancel, and otherwise denies the remaining allegations in the introductory paragraph.
2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1, and therefore denies those allegations
3. Admits the allegations contained in paragraph 2 that Petitioner is listed as the applicant for intent-to-use application Serial No. 78/417575 for the mark STITCH ‘N BITCH, and affirmatively avers that such application has been refused by the PTO, and otherwise denies the remaining allegations contained in paragraph 2.

4. Admits the allegations contained in paragraph 3 that Petitioner is listed as the applicant for intent-to-use application Serial No. 78/417582 for the mark STITCH 'N BITCH, and affirmatively avers that such application has been refused by the PTO, and otherwise denies the remaining allegations contained in paragraph 3.

5. Admits the allegations contained in paragraph 4 that Petitioner is listed as the applicant for intent-to-use application Serial No. 78/417593 for the mark STITCH 'N BITCH, and affirmatively avers that such application has been refused by the PTO, and otherwise denies the remaining allegations contained in paragraph 4.

6. Admits the allegations contained in paragraph 5 that Petitioner is listed as the applicant for intent-to-use application Serial No. 78/417589 for the mark STITCH 'N BITCH, and affirmatively avers that such application has been refused by the PTO, and otherwise denies the remaining allegations contained in paragraph 5.

7. Admits the allegations contained in paragraph 6 that Respondent is the owner of Registration No. 2596818 for the goods, services and classes specified therein.

8. Admits the allegations contained in paragraph 7, and affirmatively avers that Petitioner's applications for the mark STITCH 'N BITCH have been refused on the grounds that they are likely to cause confusion with Respondent's prior in time registration for the mark STITCH & BITCH CAFÉ for similar or related goods and services.

9. Denies the allegations contained in paragraph 8.

10. Denies the allegations contained in paragraph 9, except admits that Registration No. 2596818 contains a disclaimer which in its entirety reads as follows: "No claim is made to the exclusive right to use 'café' apart from the mark as shown."

11. Admits the allegations contained in paragraph 10 that the symbol “&” can function as the equivalent of the word “and,” just like the use of “N” can function as the equivalent of the word “and.”

12. Denies the allegations contained in paragraph 11.

13. Denies the allegations contained in paragraph 12.

14. Denies the allegations contained in paragraph 13.

15. Denies the allegations contained in paragraph 14.

16. Denies the allegations contained in paragraph 15.

17. Denies the allegations contained in paragraph 16.

18. Denies the allegations contained in paragraph 17.

19. Denies the allegations contained in paragraph 18.

**AS AND FOR A
FIRST AFFIRMATIVE DEFENSE**

20. Petitioner’s Petition to Cancel fails to state any claim upon which relief may be granted.

**AS AND FOR A
SECOND AFFIRMATIVE DEFENSE**

21. Petitioner’s claims are barred by the doctrines of waiver and estoppel.

**AS AND FOR A
THIRD AFFIRMATIVE DEFENSE**

22. Petitioner lacks standing to initiate the cancellation proceeding, as Petitioner does not have any rights in and to the mark STITCH ‘N BITCH, has not made any use of the mark STITCH ‘N BITCH, and/or did not and/or does not now have a bona fide intent to use the mark STITCH ‘N BITCH in commerce.

WHEREFORE, Respondent respectfully requests that the Board dismiss this cancellation proceeding in its entirety.

Dated: New York, New York
January 10, 2006

KILPATRICK STOCKTON LLP

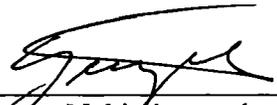
By: _____


Georges Nahitchevansky

Attorneys for Respondent
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CERTIFICATE OF TRANSMITTAL

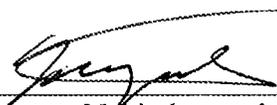
I hereby certify that a true copy of the foregoing ANSWER TO PETITION TO CANCEL is being filed electronically with the TTAB via ESTTA on this day, January 10, 2006.



Georges Nahitchevansky

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing ANSWER TO PETITION TO CANCEL was served by hand upon Marie-Anne Mastrovito, Esq., Abelman, Frayne & Schwab, 666 Third Avenue, New York, New York 10017, as attorneys for Petitioner Deborah Stoller on this 10th day of January, 2006.



Georges Nahitchevansky