

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

PO Box 1451

Alexandria, VA 22313-1451

TTAB

16 5419 48

Promo Ink

PO Box 4157

New York, NY 10163

Cancellation No. 92046606

Registration . No. 2923986; Mark: Metro Invites

ANSWER TO PETITION OF CANCELLATION MAILED NOVEMBER 13, 2006

Registrant: Promo Ink, a sole proprietorship owned by Donna Bogatin

Petitioner: Blaire Allison Kitrosser

According to TBMP Section. 102.02., "A petition for cancellation may be filed by any person who believes that he is or will be damaged by the registration of the mark."

Petitioner Blaire Allison Kitrosser, however, has not been damaged by the existing registration of Metro Invites and will not be damaged by the existing registration of Metro Invites.

More than three years ago, on August 29, 2003, Registrant Promo Ink filed a Trademark Application for the mark "Metro Invites," serial number 76541948. Below is the timeline, in reverse chronological order:

2005-02-01 - Registered - Principal Register

2004-11-26 - Law Office Registration Review Completed

2004-11-10 - Assigned To LIE

2004-11-03 - Allowed for Registration - Principal Register (SOU accepted)

2004-10-12 - Assigned To Examiner

2004-10-07 - Statement of use processing complete

2004-10-01 - Amendment to Use filed

2004-10-01 - TEAS Statement of Use Received

2004-08-24 - Notice of allowance - mailed

2004-06-01 - Published for opposition

2004-05-12 - Notice of publication

12-13-2006

2004-03-29 - Approved for Pub - Principal Register (Initial exam)

On February 1, 2005, registration of the mark "Metro Invites" was granted to Registrant Promo Ink, Registration number 2923986.

At no time between August 29, 2003, and October 30, 2006, did Petitioner Blaire Allison Kitrosser put forth that she "is or will be damaged by the registration of the mark" "Metro Invites."

In Petitioner Blaire Allison Kitrosser's Petition for Cancellation dated October 31, 2006, however, it is alleged "out of the blue" that "she will be damaged by the continued registration of Registration No. 2923986 for Metro Invites," duly registered to Registrant Promo Ink on February 1, 2005.

Petitioner Blaire Allison Kitrosser's allegation is based on a claim that she "has used the Metro Event Planners mark...since July 31, 1999." If the claim of use is truthful, Petitioner Blaire Allison Kitrosser used the mark "Metro Event Planners" between August 29, 2003, and October 30, 2006, but did not oppose registration of the mark "Metro Invites" to Registrant Promo Ink during that time, proving she is not "damaged" by the registration of the mark "Metro Invites."

Petitioner Blaire Allison Kitrosser and her attorney telephoned Registrant Promo Ink several times in the Fall of 2006, prior to October 31, 2006. The telephone calls were not to allege that Petitioner Blaire Allison Kitrosser "is or will be damaged" by the registration of the mark "Metro Invites"; The calls were designed to intimidate Registrant Promo Ink into diluting the registration duly granted February 1, 2005, "Metro Invites," Registration number 2923986, with the ultimate goal of "overriding" the "2006-05-01 - Final refusal e-mailed" by United States Patent And Trademark Office to Petitioner Blaire Allison Kitrosser, for application serial number 78595725.

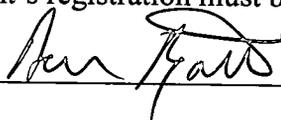
As Petitioner Blaire Allison Kitrosser did not succeed in intimidating Registrant Promo Ink, she filed a Petition for Cancellation with false allegations in an apparent "last ditch" ploy to put forth an incredulous scenario involving a mark she claims to be in use since July 31, 1999, but one that she did not seek to protect by registration during the purported more than five and half years of use.

Petitioner Blaire Allison Kitrosser alleges that she is all of a sudden "damaged," as of October 31, 2006, by the February 1, 2005 registration of the mark "Metro Invites" to Registrant, only because Registrant Promo Ink refused to submit to her coercion to dilute its duly registered mark.

Petitioner Blaire Allison Kitrosser's allegation of "damage" is disingenuous, at best; She merely seeks to exploit United States Patent And Trademark Office procedures in an attempt to annul the "2006-05-01 - Final refusal e-mailed."

Registrant Promo Ink, Registration number 2923986, was duly granted registration of the mark "Metro Invites," February 1, 2005. Registrant's registration must be upheld.

Promo Ink: Donna Bogatin, Director

 12/4/06