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Filing date: **05/23/2007**

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

Proceeding	92047056
Party	Defendant BOI NA BRAZA, INC. BOI NA BRAZA, INC. 4025 WILLIAM D. TATE GRAPEVINE, TX 76051
Correspondence Address	BOI NA BRAZA, INC. 4025 WILLIAM D. TATE GRAPEVINE, TX 76051 UNITED STATES remy.mcelroy@tklaw.com
Submission	Answer
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Date	05/23/2007
Attachments	Answer.pdf ( 3 pages )(81752 bytes )

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

In the Matter of Registration No. 2,534,608

Date of Registration: January 29, 2002

Terra Sul Corporation a/k/a	)	
Churrascaria Boi Na Braza, Inc.,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Cancellation No. 92047056
	)	
Boi Na Braza, Inc.,	)	
	)	
Registrant.	)	

REGISTRANT'S ANSWER TO PETITION TO CANCEL

Registrant, BOI NA BRAZA, INC., having a principal place of business at 1452 Hughes Road, Suit 330, Grapevine, Texas 76051, hereby files this Answers to the Petition to Cancel. Registrant does not waive, and expressly preserves, all applicable defenses, including, but not limited to, those defenses allowed under Rule 12 of the Federal Rules of Civil Procedure. Subject to the above, Registrant states as follows:

1. Registrant is without sufficient knowledge to form a belief as to the truth of the allegations of Paragraph 1 of the Petition to Cancel and consequently denies the same.
2. Registrant admits the allegations of Paragraph 2 of the Petition to Cancel.
3. Registrant admits the allegations of Paragraph 3 of the Petition to Cancel.
4. Registrant denies the allegations set forth in Paragraph 4 of the Petition to Cancel.
5. Registrant lacks sufficient information to form a belief as to the precise services used by Petitioner, and consequently denies the allegations set forth in Paragraph 5 of the Petition to Cancel.

6. Registrant denies the allegations set forth in Paragraph 6 of the Petition to Cancel.

AFFIRMATIVE DEFENSES

7. Petitioner's claims are barred by the Doctrine of Laches.

8. Petitioner's claims are barred by the Doctrine of Waiver.

9. Petitioner's claims are barred by the Doctrine of Acquiescence.

10. Petitioner's claims are barred by the Doctrine of Estoppel and Equitable Estoppel.

11. Petitioner's claims are barred by the Doctrine of Unclean Hands.

WHEREFORE, Registrant respectfully requests that the Cancellation be denied.

Dated: 5.23.2007

Respectfully submitted,

BOI NA BRAZA, INC.

By: Remy McElroy Davis

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Attorneys for Registrant  
Boi Na Braza, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing REGISTRANT'S ANSWER TO PETITION TO CANCEL is being served upon Petitioner's attorney of record, Eamon J. Wall, by certified mail no. 7003 1680 0004 2584 0222, return receipt requested, on this 23<sup>rd</sup> day of May, 2007, in an envelope addressed to:

Eamon J. Wall  
Patterson & Sheridan, LLP  
595 Shrewsbury Avenue, Suite 100  
Shrewsbury, New Jersey 07702

  
\_\_\_\_\_  
Remy McElroy Davis