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

Proceeding	92047162
Party	Defendant Supreme Oil Company Supreme Oil Company , 80 South Dean Street Englewood, NJ 07631
Correspondence Address	Supreme Oil Company 80 South Dean Street Englewood, NJ 07631 UNITED STATES
Submission	Answer
Filer's Name	Amanda M. Roach
Filer's e-mail	chiustm@ladas.net, amanda.roach@ladas.net
Signature	/Amanda M. Roach/
Date	04/11/2007
Attachments	Registrant's Answer to Petition for Cancellation - SALAD BAR - Registration No. 1758520.pdf (4 pages)(90280 bytes)

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

FRESH EXPRESS INCORPORATED,)	Cancellation No.: 92047162
)	
Petitioner,)	
)	Reg. No. 1,758,520
v.)	Issued: March 16, 1993
)	Mark: SALAD BAR
SUPREME OIL COMPANY)	
)	ANSWER TO PETITION FOR
Registrant)	CANCELLATION
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ANSWER TO PETITION FOR CANCELLATION

Registrant, Supreme Oil Company, a Delaware Corporation having a place of business at 80 South Dean Street, Englewood, New Jersey, 07631, United States of America, by way of its ANSWER to Petition for Cancellation filed by Fresh Express Incorporated, hereby pleads and avers as follows:

1) Registrant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations pertaining to the precise nature of the Petitioner's activities or its alleged application as alleged in Paragraph No. 1, and accordingly, denies that Petitioner is the true owner of Application No. 78/719905, but admits that an intent-to-use application filed September 23, 2005 for SALAD BAR EXPRESS exists.

2) Registrant admits the allegations in Paragraph No. 2.

3) Registrant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations pertaining to the precise nature of the Petitioner's activities or its alleged application as alleged in Paragraph No. 3 and accordingly, denies the allegation.

4) Registrant denies the allegations set forth in Paragraph No. 4 as Registrant's mark is, and has been, in continuous use in commerce for a period exceeding five-years prior to the filing of this action.

5) Registrant denies the allegations set forth in Paragraph No. 5 as Registrant's mark is, and has been, in continuous use in commerce for a period exceeding five-years prior to the filing of this action.

6) Registrant denies any damage and/or injury to Petitioner and/or or Petitioner's business from the Registrant's retention of the cited registration. Registrant further denies that Registrant's mark is injurious and damaging to Petitioner within the meaning of Section 13 of the Trademark Act of 1946 (15 U.S.C.§1063 (a)). Registrant further denies that Registrant's mark is injurious and damaging to Petitioner's business.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

1. Upon information and belief, the Petition for Cancellation, and each cause of action thereof, fails to state a claim upon which relief may be granted against Registrant.

SECOND AFFIRMATIVE DEFENSE

2. Upon information and belief, the Petition for Cancellation fails to state a claim upon which relief may be granted against Registrant because the opposition period referenced in point number six (6) of the Complaint under which Petitioner claims relief has expired.

THIRD AFFIRMATIVE DEFENSE

3. Upon information and belief, the Petition for Cancellation fails to state a claim upon which relief may be granted against Registrant because Petitioners do not have valid trademark rights.

FOURTH AFFIRMATIVE DEFENSE

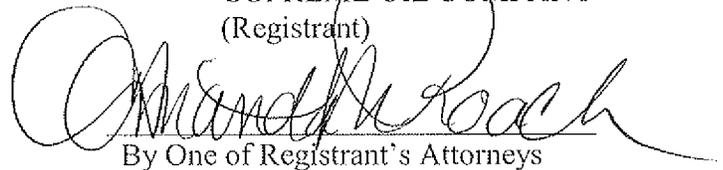
4. Upon information and belief, the Petition for Cancellation fails to state a claim upon which relief may be granted against Registrant because Petitioners mark is descriptive and lacks secondary meaning.

WHEREFORE, Registrant prays that this Cancellation be denied and that the Registrant be permitted to retain its registration in full force and effect.

Registrant hereby appoints Richard J. Streit, Frederick W. Meyers, Burton S. Ehrlich, John E. McKie, Brian W. Hameder, W. William Park, Joseph P. Krause, Zareefa Burki Flener, Loren K. Thompson, Edward J. Chalfie, Marc H. Trachtenberg, John P. Luther, and Amanda M. Roach of the law firm of Ladas & Parry LLP as its attorneys with full powers of substitution and revocation, to defend this Cancellation proceeding and to transact all business in the U.S. Patent and Trademark Office in connection therewith.

Please direct all correspondence and telephone calls to Frederick W. Meyers, Ladas & Parry LLP, 224 South Michigan Avenue, Suite 1600, Chicago, IL 60604, 312-427-1300 (Telephone).

Respectfully submitted,
SUPREME OIL COMPANY
(Registrant)



By One of Registrant's Attorneys

Frederick W. Meyers
Amanda M. Roach
Ladas & Parry LLP
224 South Michigan Avenue
Suite 1600
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Attorneys For Registrant

CERTIFICATE OF SERVICE

A true and correct copy of Registrant's Answer to the Petition for Cancellation was served this day, the 11th of April, 2007, by first class mail, postage prepaid, upon counsel for Petitioners as follows:

E. Lynn Perry
Perry IP Group
100 Drake's Landing Road, Suite 100
Greenbrae CA 94904
Phone Number: 415-461-5800
Fax Number: 415-461-5810

Attorneys for Petitioner:
Fresh Express Incorporated

A handwritten signature in black ink that reads "Amanda M. Roach". The signature is written in a cursive style with a large, prominent initial "A".

Amanda M. Roach, One of Registrant's Attorneys