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

Proceeding	92048271
Party	Defendant Patriarch Partners Agency Services, LLC
Correspondence Address	Patriarch Partners Agency Services, LLC 227 West Trade Street, Suite 1400, Loan Administration/Rapid Rack Charlotte, NC 28202 UNITED STATES
Submission	Answer
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Date	11/28/2007
Attachments	92048271 Answer to Pet Cancellation.pdf (5 pages)(136025 bytes)

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

RHINO LININGS, USA, INC.

Petitioner,

v.

PATRIARCH PARTNERS AGENCY
SERVICES, LLC (RAPID RACK
INDUSTRIES, INC.)

Respondent.

Cancellation No. 92048271

Registration No. 1,698,407

Date of Issue: June 30, 1992

ANSWER TO PETITION FOR CANCELLATION

Respondent and Registrant, Rapid Rack Industries, Inc., answers the Petition for Cancellation of Petitioner, Rhino Linings USA, Inc., as follows:

1. Registrant admits that it obtained United States Trademark Registration No. 1,698,407 for the mark RHINO RACK for "work tables with and without wheels, work benches, industrial shelving, storage racks, and component parts therefore" in International Class 20 on June 30, 1992. Registrant denies all other allegations contained in paragraph 1 of the Petition for Cancellation.

2. Registrant is without sufficient knowledge or information to either admit or deny the allegations contained in paragraph 2 of the Petition for Cancellation and on that basis, denies the allegations contained therein.

3. Registrant is without sufficient knowledge or information to either admit or deny the allegations contained in paragraph 3 of the Petition for Cancellation and on that basis, denies the allegations contained therein.

4. Registrant is without sufficient knowledge or information to either admit or deny

the allegations contained in paragraph 4 of the Petition for Cancellation and on that basis, denies the allegations contained therein.

5. Registrant is without sufficient knowledge or information to either admit or deny the allegations contained in paragraph 5 of the Petition for Cancellation and on that basis, denies the allegations contained therein.

6. Registrant is without sufficient knowledge or information to either admit or deny the allegations contained in paragraph 6 of the Petition for Cancellation and on that basis, denies the allegations contained therein.

7. Registrant is without sufficient knowledge or information to either admit or deny the allegations contained in paragraph 7 of the Petition for Cancellation and on that basis, denies the allegations contained therein.

8. Registrant admits that it obtained United States Trademark Registration No. 1,662,493 for the mark RAPID RACK for "work tables with our without wheels, work benches, industrial shelving, storage racks and component parts therefore all made of metal" in International Class 20 on October 29, 1991. Registrant denies any inference contained in paragraph 8 of the Petition for Cancellation suggesting a limit on Registrant's manufacturing and sales. Registrant denies all other allegations contained in paragraph 8 of the Petition for Cancellation.

9. Registrant admits that it obtained United States Trademark Registration No. 2,422,507 for the mark GORILLA RACK for "work tables, work benches, and upright shelves" in International Class 20 on January 23, 2001. Registrant admits it manufactured and sold at least work benches and shelving under the mark RHINO RACK as early as July 19, 1988. Registrant denies all other allegations contained in paragraph 9 of the Petition for Cancellation.

10. Denied.

11. Registrant admits it filed a Combined Declaration of Use in Commerce and Application for Renewal of Trademark Registration on April 9, 2002, with respect to the mark RHINO RACK. Registrant admits it submitted with the Combined Declaration, a Declaration stating the trademark is in use in commerce signed on March 26, 2002. Registrant denies all other allegations contained in paragraph 11 of the Petition for Cancellation.

12. Denied.

13. Denied.

14. Denied.

15. Registrant is without sufficient knowledge or information to either admit or deny the allegations contained in paragraph 15 of the Petition for Cancellation and on that basis, denies the allegations contained therein.

16. Registrant is without sufficient knowledge or information to either admit or deny the allegations contained in paragraph 16 of the Petition for Cancellation and on that basis, denies the allegations contained therein.

AFFIRMATIVE DEFENSES

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

2. Petitioner is not entitled to maintain this Petition for Cancellation of Registrant's mark by reason of estoppel by laches. Registrant's mark has been in open, continuous and extensive use by Registrant for more than 18 years prior to the filing of this action, to the actual or constructive knowledge of Petitioner.

WHEREFORE, Registrant requests that Petitioner's Petition for Cancellation of

Cancellation No. 92048271

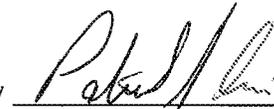
Registrant's Registration No. 1,698,407 be denied in all respects.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

Date Nov. 28, 2007

By



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TRADEMARK
Docket No. 110.2*1/R643
Cancellation No. 92048271
Registration No. 1,698,407

CERTIFICATE OF TRANSMISSION AND SERVICE

I certify that on November 28, 2007, the foregoing **ANSWER TO PETITION FOR CANCELLATION** is being electronically filed with:

Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

It is further certified that on November 28, 2007, the foregoing **ANSWER TO PETITION FOR CANCELLATION** is being served by mailing a copy thereof by first-class mail addressed to:

David A. Harlow
Nelson, Mullins Riley & Scarborough LLP
4140 Parklake Avenue GlenLake One, Suite 200
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By: _____



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