

ESTTA Tracking number: **ESTTA230159**

Filing date: **08/13/2008**

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

Proceeding	92048699
Party	Defendant Family Watchdog LLC
Correspondence Address	Paul E. McJunkin Family Watchdog LLC 1950 E Greyhound Pass, Suite 18-352 Carmel, IN 46033 UNITED STATES steve.roddel@familywatchdog.us
Submission	Answer
Filer's Name	Paul E. McJunkin
Filer's e-mail	paul.mcjunkin@familywatchdog.us, steve.roddel@familywatchdog.us
Signature	/Paul E. McJunkin/
Date	08/13/2008
Attachments	PtCA.pdf ( 5 pages )(93707 bytes )

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

In the matter of trademark Registration No.: **3,157,991**

For the mark: **FAMILY WATCHDOG**

Registration Date: **October 17, 2006**

<b>Lester H. Schweiss (a/k/a Chip Schweiss)</b>	)	Cancellation No.: 92,048,699
	)	
Petitioner,	)	
	)	Registration No. 3,157,991
v.	)	Date of issue: Oct 17, 2006
	)	
<b>Family Watchdog LLC</b>	)	
	)	
Registrant	)	

**ANSWER TO PETITION TO CANCEL**

Registrant answers the Petition to Cancel as follows:

Registrant admits Family Watchdog LLC is the current owner of U.S.

Registration No. 3,157,991. Registrant admits its principal address is 1950 East Greyhound Pass, Suite 18-352, Carmel, Indiana 46033. Registrant lacks sufficient knowledge or information to form a belief as to the truth of all remaining allegations contained in the unnumbered paragraph commencing the Petition to Cancel and therefore denies them.

Answering the numbered paragraphs, Registrant states as follows:

1. Registrant admits it is the owner of U.S. Registration No. 3,157,991 for the mark **FAMILY WATCHDOG** for “security services, namely, a sexual offender, crime, and criminal registry, search, and notification service”.

2. Registrant admits all allegations contained in paragraph 2 of the Petition to Cancel.

3. Registrant admits all allegations contained in paragraph 3 of the Petition to Cancel.

4. Registrant admits all allegations contained in paragraph 4 of the Petition to Cancel.

5. Registrant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 5 of the Petition to Cancel and therefore denies them.

6. Registrant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 6 of the Petition to Cancel and therefore denies them.

7. Registrant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 7 of the Petition to Cancel and therefore denies them.

8. Registrant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 8 of the Petition to Cancel and therefore denies them.

9. Registrant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 9 of the Petition to Cancel and therefore denies them.

10. Registrant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 10 of the Petition to Cancel and therefore denies them.

11. Petitioner's allegation of fraudulent registration has been previously dismissed by the Board. Registrant lacks sufficient knowledge or information to form a belief as to the truth of any other allegations contained in paragraph 11 of the Petition to Cancel and therefore denies them.

12. Registrant admits it has invoked the protections of the Anti-Cybersquatting Act, 15 U.S.C. §1125(d). Registrant admits it contacted Petitioner's website host requesting it shut down Petitioner's website. Registrant denies it requested Petitioner's website host shut down Petitioner's website solely on the basis of Registrant's ownership of Registration No. 3,157,991. Registrant lacks sufficient knowledge or information to form a belief as to the truth of the other allegations contained in paragraph 12 of the Petition to Cancel and therefore denies them.

13. Petitioner's allegation of fraudulent registration has been previously dismissed by the Board. Registrant lacks sufficient knowledge or information to form a belief as to the truth of any other allegations contained in paragraph 13 of the Petition to Cancel and therefore denies them.

#### **AFFIRMATIVE DEFENSES**

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

2. Petitioner is barred from seeking cancellation of the Family Watchdog mark by the doctrine of estoppel.

3. Petitioner is barred from seeking cancellation of the Family Watchdog mark by the doctrine of acquiescence.

4. Petitioner is barred from seeking cancellation of the Family Watchdog mark by the doctrine of laches.

5. Petitioner is barred from seeking cancellation of the Family Watchdog mark by the equitable doctrine of unclean hands.

6. Petitioner is barred from seeking cancellation of the Family Watchdog mark based upon Petitioner's actual fraud.

WHEREFORE, Registrant prays that the Petition to Cancel be denied.

Respectfully submitted,

Dated: August 11, 2008

By: Paul McJunkin /  
Paul McJunkin, Chief Financial Officer  
Family Watchdog LLC  
1950 East Greyhound Pass  
Suite 18-352  
Carmel, Indiana 46033  
Tel: (949) 209-8768

