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

Proceeding	92049025
Party	Defendant Slim Chicken's Holdings, LLC
Correspondence Address	Slim Chicken's Holdings, LLC 60 E. Township, Suite 1 Fayetteville, AR 72703 UNITED STATES
Submission	Answer
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Date	04/28/2008
Attachments	Microsoft Word - Answer to Notice of Cancellation.pdf ( 4 pages )(58228 bytes )

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

RAISING CANE'S USA. LLC

Petitioner,

Cancellation No.92049025

v.

SLIM CHICKEN'S HOLDINGS, LLC,

Registrant

**REGISTRANT'S ANSWER TO PETITION FOR CANCELLATION**

Registrant, Slim Chicken's Holdings, LLC ("Registrant"), respectfully submits this Answer to the Petition for Cancellation as follows:

As to the preliminary paragraph, Registrant admits that it is the Registrant for the mark ALWAYS FRESH. NEVER FROZEN, U.S. Trademark Registration No. 3,342,290. Registrant denies that Petitioner will be damaged by Registrant's above-referenced trademark. Registrant is without sufficient information to admit or deny the remaining allegations of the preliminary paragraph, and therefore, denies the same.

1. Registrant is without sufficient information to admit or deny the allegations in paragraph 1 and, therefore, denies the same.

2. Registrant is without sufficient information to admit or deny the allegations in paragraph 2 and, therefore, denies the same.

3. Registrant is without sufficient information to admit or deny the allegations in paragraph 3 and, therefore, denies the same.

4. Registrant denies the allegations in paragraph 4.

5. Registrant admits the allegations in paragraph 5.
6. Registrant denies the allegations in paragraph 6.
7. Registrant is without sufficient information to admit or deny the allegations in paragraph 7 and, therefore, denies the same.
8. Registrant is without sufficient information to admit or deny the allegations in paragraph 8 and, therefore, denies the same.
9. Registrant is without sufficient information to admit or deny the allegations in paragraph 9 and, therefore, denies the same.
10. Registrant is without sufficient information to admit or deny the allegations in paragraph 10 and, therefore, denies the same.
11. Registrant denies the allegations in paragraph 11.
12. Registrant denies the allegations in paragraph 12.
13. Registrant denies the allegations in paragraph 13.
14. Registrant denies that Petitioner is entitled to any relief sought in this petition.

#### **AFFIRMATIVE DEFENSES**

15. Petitioner's Notice fails to state a claim upon which relief can be granted.
16. Petitioner's claims are or may be barred due to estoppel, waiver, laches, acquiescence and/or unclean hands.
17. Petitioner's claims are or may be barred, in whole or in part, due to abandonment.

WHEREFORE, Registrant, having fully answered Petitioner's Notice of Cancellation, and setting forth its affirmative defenses, prays that the Notice of Cancellation be dismissed and for all other relief to which it may prove itself entitled.

Respectfully submitted,

KEISLING PIEPER & SCOTT PLC

/Christian Gunn/

S. Christian Gunn

Attorney for Registrant

Keisling Pieper & Scott PLC

3739 Steele Blvd., Ste 340

Fayetteville, AR 72703

Date: 4/28/08

CERTIFICATE OF SERVICE

I hereby certify that on the 28th of April, 2008, copies of this paper are being deposited with the United States Postal Service First Class Mail and are addressed to the following:

B. Parker Livingston, Jr.  
Bryce J. Maynard  
BUCHANAN INGERSOLL & ROONEY P.C.  
P.O. Box 1404  
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/Christian Gunn/  
S. Christian Gunn  
Keisling, Pieper, & Scott PLC  
3739 Steele Blvd., Ste. 340  
Fayetteville, Arkansas 72703

I hereby certify that on this 28th day of April, 2008, copies of this paper are being deposited electronically with the Trademark Trial and Appeal Board.

/Christian Gunn/  
S. Christian Gunn  
Keisling, Pieper, & Scott PLC  
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