

ESTTA Tracking number: **ESTTA229556**

Filing date: **08/11/2008**

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

Proceeding	92049567
Party	Defendant Warwick Mirzikinian
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Submission	Answer
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Date	08/11/2008
Attachments	M8 ANSWER_20080811121705.pdf (3 pages)(75028 bytes)

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

In the matter of U.S. Trademark Registration No. 2,797,481, Issued December 12, 2003
For the mark M8

GRAPE TECHNOLOGY GROUP, INC.,

Petitioner,

vs.

WARWICK MIRZIKINIAN,

Respondent.

TTAB File No. 92049567

ANSWER TO PETITION TO CANCEL

Respondent Warwick Mirzikinian, for his Answer to the Petition to Cancel filed in this proceeding, by his attorneys, alleges as follows. The allegations set out below correspond to like-numbered paragraphs of the Petition to Cancel.

1. Respondent admits the allegations in Paragraph 1 of the Petition insofar as such are reflected in the online database of the United States Patent and Trademark Office. Otherwise, Respondent does not have knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 and therefore denies same.

2. Respondent does not have knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2 and therefore denies same.

3. In response to paragraph 3 of the Petition for Cancellation, Respondent admits that he is the owner of Registration No. 2797481 for the mark M8, for “providing wireless phone services; providing telephone services, leasing of mobile phones, leasing

of telephones, leasing of telecommunications equipment, namely pagers, wireless data transmission cards” in Class 38. Respondent further states that it applied for the trademark on April 12, 2002 with an intent to use basis pursuant to Section 1(b) and later replaced the filing basis with Section 44(e).

4. Admitted.

5. Respondent does not have knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5 and therefore denies same.

6. Respondent denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6 of the Petition and therefore denies same.

7. Respondent denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 7 of the Petition and therefore denies same.

WHEREFORE, Respondent respectfully requests that Petitioner’s Petition to Cancel be denied in favor of Respondent.

Dated: August 11, 2008
New York, New York

Respectfully submitted,



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CERTIFICATE OF SERVICE

I, Andrea S. Glaser, hereby certify that the within paper was served, on the date shown below, via first-class, postage prepaid U.S. mail, upon counsel for Petitioner at:

Joseph Sofer, Esq.
Sofer & Haroun, LLP
317 Madison Avenue, Suite 910
New York, NY 10017

Dated: August 11, 2008

A handwritten signature in black ink, appearing to read "Andrea S. Glaser", is written over a horizontal line.