

ESTTA Tracking number: **ESTTA279327**

Filing date: **04/21/2009**

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

Proceeding	92050680
Party	Defendant Doggers Incorporated
Correspondence Address	Doggers Incorporated 2019 Hacienda Circle El Cajon, CA 92020 UNITED STATES
Submission	Answer
Filer's Name	Peter C. Giffin
Filer's e-mail	pgiffin@giffinlaw.com
Signature	/P. C. Giffin/
Date	04/21/2009
Attachments	Answer to Petition for Cancellation.pdf (4 pages)(600740 bytes)

4. Respondent denies the allegations of this paragraph; Respondent Doggers Incorporated has not abandoned the DOGGERS and Design mark in Registration No. 3,131,359; Respondent is currently using and has continuously used in commerce the DOGGERS and Design mark in Registration No. 3,131,359.

5. Respondent admits the allegations of this paragraph.

6. Respondent denies the allegations of this paragraph.

7. Respondent denies the allegations of this paragraph.

8. Respondent denies the allegations of this paragraph.

9. Respondent denies that Petitioner will continue to be damaged by registration of Respondent's mark and Respondent denies the allegations of this paragraph.

AFFIRMATIVE DEFENSES

First Affirmative Defense

Petitioner has failed to state a claim upon which relief can be granted.

Second Affirmative Defense

Petitioner's claims are precluded by the Doctrine of Estoppel.

Third Affirmative Defense

Petitioner's claims are precluded by the Doctrine of Acquiescence.

Fourth Affirmative Defense

Petitioner is barred, in whole or in part, from relief by the Doctrine of Waiver.

Fifth Affirmative Defense

Petitioner is barred, in whole or in part, from relief by the Doctrine of Laches

Sixth Affirmative Defense

Petitioner is barred, in whole or in part, from relief by the Doctrine of Unclean Hands.

Seventh Affirmative Defense

Respondent hereby gives notice that it may rely on any other defenses that may become available or appear proper during discovery, and hereby reserves its right to amend this Answer to assert any such defenses.

WHEREFORE, Respondent prays that the subject Petition for Cancellation be dismissed, that the Trademark Trial and Appeal Board NOT cancel U.S. Registration No. 3,131,359, and for such other and further relief as may be appropriate.

Dated: April 21, 2009

Respectfully submitted,



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CERTIFICATE OF FILING

I certify that this ANSWER TO PETITION FOR CANCELLATION is being submitted electronically to the Trademark Trial and Appeal Board at the United States Patent and Trademark Office on this 21st day of April, 2009.



Peter C. Giffin

CERTIFICATE OF SERVICE

I certify that a copy of this ANSWER TO PETITION FOR CANCELLATION is being served on the Attorney of Record for the Petitioner by mailing it via First Class Mail postage prepaid, on the 21st day of April 2009, as follows:

Michael G. Frey, Esq.
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Peter C. Giffin