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

Proceeding	92050966
Party	Defendant Golden Vision Flower Inc.
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Date	03/16/2010
Attachments	answer to amended petition.pdf (3 pages)(107022 bytes)

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

Atlas Flowers, Inc., d/b/a Golden
Flowers,

Petitioner,

v.

Cancellation No. 92050966

Golden Vision Flower, Inc.

Registrant.
_____ /

**ANSWER AND AFFIRMATIVE DEFENSES
TO AMENDED PETITION FOR CANCELLATION**

Registrant, Golden Vision Flower, Inc., answers Petitioner's Amended Petition for Cancellation, and states:

1. Registrant is without sufficient information to admit or deny the allegation.
2. Registrant is without sufficient information to admit or deny the allegation.
3. Registrant is without sufficient information to admit or deny the allegation.
4. Denied.
5. Denied.
6. Denied.
7. Admitted that the registration speaks for itself.
8. Admitted that the deposition transcript of Ms. Huang speaks for itself as well as all other testimony to be taken in this matter of individuals with more knowledge regarding the specified subject matter.
9. Denied.
10. Admitted that the documents and record speak for themselves.

11. Denied.
12. Registrant is without sufficient information to admit or deny the allegation.
13. Denied.
- (a) Admitted that Ms. Huang's testimony speaks for itself and is limited to her knowledge of Registrant's activity.
- (b) Admitted that Registrant is owned by Ms. Huang's parents and managed by her father. The remaining allegations are denied.
- (c) Admitted that Ms. Huang's testimony speaks for itself and is limited to her knowledge of Registrant's activity.
- (d) Admitted that the specimen speaks for itself. The remaining allegations are denied.
- (e) Admitted that the Statement of Use speaks for itself as well as Registrant's corporate records of its officers.
14. Denied.

First Affirmative Defense

15. If Petitioner has any rights in the mark Golden Flowers such rights are narrow in scope in view of third party uses and registrations directed to marks which include the names Golden and Flowers.

Second Affirmative Defense

16. The inclusion of the term Vision in Registrant's mark creates a distinctly different impression and meaning on the public thereby reducing or eliminating any reasonable likelihood of confusion.

Third Affirmative Defense

17. The parties' historical use of their respective marks confirms that there is no reasonable likelihood of confusion as the parties have harmoniously used their marks simultaneously.

Fourth Affirmative Defense

18. Petitioner's request for cancellation should be denied as it was constructively aware of Registrant's registration and use of its marks and failed to take any action to prevent said use. Accordingly, Registrant continued to use its marks and has developed substantial goodwill with its mark. Cancellation of its mark would cause damage to Registrant.

Fifth Affirmative Defense

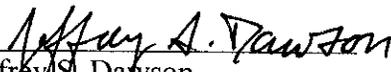
19. Registrant's mark has come to be identified with Registrant's brand of flowers. As a result of its continuous substantial usage the mark is a valuable asset of Registrant and carries considerable goodwill and consumer acceptance of its products sold under the mark. Such goodwill and widespread usage has made the mark distinctive to Registrant.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Answer has been furnished via U.S. Mail on March 16, 2010 to Tal Benschar, 488 Madison Avenue, New York, NY 10022.

CERTIFICATE OF FILING

I HEREBY CERTIFY that the foregoing Answer is being filed with the Trademark Trial and Appeal Board through the ESTTA system on March 16, 2010.



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