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Filing date: **09/28/2009**

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

Proceeding	92051361
Party	Defendant United Home Care, Inc.
Correspondence Address	United Home Care, Inc. 409 East Doyle Street Toccoa, GA 30577 UNITED STATES
Submission	Answer
Filer's Name	J. Tucker Barr
Filer's e-mail	tucker.barr@agg.com, portia.gordon@agg.com
Signature	/J. Tucker Barr/
Date	09/28/2009
Attachments	Answer (UNITED HOME CARE).pdf (5 pages)(16596 bytes)

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

In the matter of Registration No. 3,180,437
For the Mark UNITED HOME CARE
Registration Date: December 5, 2006

United Home Care Services, Inc.,)	
)	
Petitioner,)	
)	
v.)	Cancellation No. 92051361
)	
United Home Care, Inc.)	
)	
Respondent.)	
_____)	

ANSWER TO PETITION FOR CANCELLATION

COMES NOW, United Home Care, Inc. (“Respondent”) and hereby answers the Petition for Cancellation (“Petition”) as follows:

1.

Respondent denies the allegations contained in paragraph 1 of the Petition.

2.

Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the Petition.

3.

Respondent admits the allegations contained in paragraph 3 of the Petition.

4.

Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the Petition.

5.

Respondent admits the allegations contained in paragraph 5 of the Petition.

6.

Respondent admits the allegations contained in paragraph 6 of the Petition.

7.

Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the Petition.

8.

Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 8 of the Petition.

9.

Respondent denies the allegations contained in paragraph 9 of the Petition.

10.

Respondent denies the allegations contained in paragraph 10 of the Petition.

11.

Respondent admits that the mark claimed by Petitioner (*i.e.*, United Home Care) appears to be identical to Respondent's UNITED HOME CARE mark in terms of sound and appearance. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraph 11 of the Petition that Petitioner uses its mark in connection with "identical services." Respondent is without knowledge or information sufficient to form a belief as to the remaining allegations contained in paragraph 11 of the Petition.

12.

Respondent denies the allegations contained in paragraph 12 of the Petition.

13.

Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 13 of the Petition.

14.

Respondent denies the allegations contained in paragraph 14 of the Petition.

15.

Respondent admits the allegations contained in paragraph 15 of the Petition.

16.

Respondent admits that it was formally incorporated on April 12, 1999. Respondent denies the remaining allegations contained in paragraph 16 of the Petition

17.

Respondent denies the allegations contained in paragraph 17 of the Petition.

18.

Respondent denies the allegation contained in paragraph 18 of the Petition that “[t]he health care industry is a small one” Respondent is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 18 of the Petition.

19.

Respondent admits that it is based in Georgia and that Georgia and Florida are neighboring states. Respondent denies the remaining allegations contained in paragraph 19 of the Petition

20.

Respondent denies the allegations contained in paragraph 20 of the Petition.

21.

Respondent denies the allegations contained in paragraph 21 of the Petition.

22.

Respondent denies the allegations contained in paragraph 22 of the Petition.

23.

Respondent denies the allegations contained in paragraph 23 of the Petition.

24.

Respondent denies the allegations contained in paragraph 24 of the Petition.

All allegations not specifically admitted herein are denied.

WHEREFORE, Respondent respectfully requests that (1) the Cancellation Proceeding be decided in its favor; (2) the Petition be dismissed with prejudice; and (3) Respondent receive such other, further or different relief as this Board deems just and proper.

Respectfully submitted this 28th day of September 2009.

ARNALL GOLDEN GREGORY LLP

/s/ J. Tucker Barr

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Attorneys for Respondent

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing by depositing ANSWER TO PETITION FOR CANCELLATION a copy of same in the United States Mail, with sufficient postage thereon, and addressed to the following:

Michael Tschupp, Esq.
Espinosa | Trueba PL
3001 SW 3rd Avenue
Miami, Florida 33129

I further certify that the foregoing ANSWER TO PETITION FOR CANCELLATION has been filed electronically with the Trademark Trial and Appeal Board.

This 28th day of September 2009.

ARNALL GOLDEN GREGORY LLP

/s/ J. Tucker Barr

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