

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

In re Registration No.: 3,657,563

For the Mark: No EGO No Edging God Out, and Design

Date Registered: July 21, 2009

GLEN WANSLEY,

Petitioner

V.

CHRISTOPHER GRANT dba No EGO Inc.,

Registrant

§ CANCELLATION NO: 92052261

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REGISTRANT'S ANSWER TO PETITION TO CANCEL

United States Patent and Trademark Office

Trademark Trial and Appeal Board

P.O. Box 1451

Alexandria, VA 22313-1451

Sir

Registrant/Defendant, Christopher Grant dba No EGO Inc, by and through his undersigned counsel, hereby responds to the Petition to Cancel as follows:

1. Registrant generally denies all allegations in Petitioner's action.
2. As Petitioner has failed to identify by separate number each allegation within the filed Petition, Registrant is unable to specifically deny the respective allegations without

CERTIFICATE OF MAILING
under 37 CFR 1.8(a)

I hereby certify that this correspondence is being mailed to: Commissioner for Trademarks , P.O. Box 1451, Alexandria, VA 22313-1451, Attn: Trademark Trial and Appeal Board, via first class mail, on May 31, 2012.

Shenise Ramdeen

Type Name of Person Signing

Shenise Ramdeen

Signature of Person Signing



06-05-2012

first individually identifying the allegations in accordance with what Registrant understands may be the allegations being presented by Petitioner. Petitioner bears the burden of presenting each individual allegations in a manner that is clearly articulated to allow Registrant to respond.

3. Registrant denies that Petitioner will be damaged by the continued registration of Registrant's mark. Two years following the initial filing of this action, Petitioner continues to conduct his business without hindrance and Petitioner has incurred no damage to his venture.
4. Registrant has insufficient information to admit or deny that Petitioner has been using the mark EGO/ as a "trademark" continuously since at least as early as 2005.
5. Registrant believes he has sufficient basis to deny that Petitioner has been using NO EGO EDGING GOD OUT (and Design) as a "trademark" since at least as early as 2005, as purported by Petitioner in the Petition.
6. Registrant has insufficient information to admit or deny Petitioner's use of the phrase NO EGO EDGING GOD OUT prior to Registrant's stated date of first use of the Registered mark. But Registrant proffers that any prior usage by Petitioner of that phrase was not usage as a trademark.
7. Registrant denies that the Registered mark (3,657,563) and Petitioner's mark (EGO/) presents a likelihood of confusion.
8. Registrant denies that Registrant's use and registration of the mark is a primary reason for the refusal of a registration on Petitioner's EGO/ mark, as the record clearly indicates the presence of several other more pertinent marks (e.g., No EGO) that are the reasons stated by the Examiner for the refusal to register the EGO/ mark.

9. Registrant denies that Petitioner has used the mark NO EGO EDGING GOD OUT as a “trademark” for several years longer than Registrant.

AFFIRMATIVE DEFENSES

The Petition to Cancel, which is crafted in general terms to include allegations related to the second of Petitioner’s applications (77766312, NO EGO EDGING GOD OUT), is based on an improper assertion by Petitioner that use of that collection of words as a slogan on products constitutes trademark usage.

1. Petitioner has not and will not be damaged by the continued registration of the Registrant’s trademark NO EGO NO EDGING GOD OUT because Petitioner has no valid common law trademark (i.e., no actual use of the phrase as a trademark prior to Registrant’s first use of Registered mark 3,657,563) that is substantially similar to Registrant’s mark or likely to cause confusion as to the source of good with the commercial public, and therefore Petitioner lacks standing to file a petition to cancel Registrant’s trademark.
2. Petitioner is barred from seeking cancellation of Registrant’s trademark based on the second of Petitioner’s application (77766312) under the doctrines of laches, estoppel, waiver, and unclean hands/inequitable conduct with respect to the use of Petitioner’s second mark (77766312) and/or with respect to Petitioner’s application for trademark registration thereof.

PRAYER

Based on inactivity on the part of Petitioner in the past 20 months during which time both Parties had agreed to work towards a resolution through a negotiated settlement, Registrant proffers that Petitioner has engaged in behavior which clearly indicates that Petitioner has no intention of actually proceeding with this Action in good faith and/or settling this Action. Registrant and Petitioner, through their respective attorneys, initiated settlement discussions over 20 months ago and agreed to settle the dispute through a negotiated settlement "Agreement". Despite having been presented the settlement terms over 12 months ago, and having communicated that the included terms were acceptable to Petitioner, Petitioner has continuously failed to execute that Agreement despite many attempts by Registrant's counsel to bring the dispute to a close. Petitioner has communicated that Petitioner does not wish to proceed with the present Action but has failed to withdraw the Action from before the TTAB. Registrant has incurred and continues to incur significant attorney fees during this process of engaging in the settlement discussions and the many follow up communications to Petitioner to bring this Action to some resolution. Registrant proffers to the Board that Petitioner's conduct should not be rewarded with continuation of this Action.

WHEREFORE, premises considered, Registrant prays that the petition to cancel be dismissed with prejudice, that the Petitioner be made to cease and desist from the unauthorized use of Registrant's validly registered mark, and that Petitioner be made responsible for all fees and expenses of Registrant, including Registrant's attorney fees, as such fees were incurred primarily as a result of Petitioner's deliberate actions and/or inactions to stall the continuation and/or settlement of this Action.

**Please charge any fees necessary for mail filing this Answer to Yudell Isidore Ng Russell
LLP Deposit Account 50-3083.**

Respectfully submitted on May 31, 2012

By:  _____

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing REGISTRANT'S ANSWER TO PETITION TO CANCEL will be served on counsel for the Petitioner on May 31, 2012, by sending the same via First Class mail with the United States Postal Service in an envelope addressed to the address of record of Petitioner's attorney:

Howard B. Rockman,
Howard B. Rockman, P.C.,
175 W. Jackson Blvd., Suite 1600,
Chicago, IL 60604



Signature

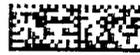
May 31, 2012

Date

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RECEIVED IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Christopher M. Grant, dba No Ego, Inc.
Mark: No EGO No Edging God Out

Enclosed herewith:

1. Registrant's Answer to Petition to Cancel
2. Return Postcard

Proceeding No.: 92052261
Trademark Serial No(s): 77648827
Filing Date: January 13, 2009
Reference No.: NoEgo.01TM

Mailed: May 31, 2012

EPI:sr