

**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 MOTION FOR AN EXTENSION TIME TO ANSWER, AND FOR  
RESETTING OF DISCOVERY AND TRIAL PERIODS**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
Attn: Trademark Trial and Appeal Board

Registrant, Christopher Grant dba No EGO Inc, by and through his undersigned counsel, hereby requests an extension of Registrant's Time to Answer for 60 days, or until September 9, 2010, and that all subsequent dates be reset accordingly, as follows:

Time to Answer	09/08/2010
Deadline for Discovery Conference	10/07/2010
Discovery Opens	10/07/2010
Initial Disclosures Due	11/06/2010
Expert Disclosures Due	03/04/2011
Discovery Closes	04/04/2011
Plaintiff's Pretrial Disclosures	05/20/2011



**07-15-2010**

Plaintiff's 30-day Trial Period Ends	07/03/2011
Defendant's Pretrial Disclosures	07/19/2011
Defendant's 30-day Trial Period Ends	09/03/2011
Plaintiff's Rebuttal Disclosures	09/18/2011
Plaintiff's 15-day Rebuttal Period Ends	10/17/2011

The parties have been engaged in initial settlement discussions, but have not yet completed those discussions and/or reached settlement. Defendant has made his first proffer in these discussions and is awaiting an Answer from Petitioner. Defendant's Attorney has reached out to Petitioner's Attorney for Defendant's response/counter as well as for Defendant's consent to this Motion; However, as of the time of filing this Motion, Petitioner's Attorney has not responded to Defendant's requests and has not answered his phone when called. Defendant's Attorney is therefore not sure about Petitioner's Attorney current status, and files this Motion with the expectation that Petitioner's Attorney will acquiesce to the Motion, given the ongoing agreement to engage in settlement discussions and the initial exchanges regarding such settlement discussions. In the unlikely event that Petitioner's Attorney decides not to acquiesce to this motion, Defendant's submit herewith an Answer to the Complaint. However, Defendant is requesting that the Answer not be entered unless Petitioner's Attorney expressly indicates that he will not acquiesce to the present Extension of Time to Answer. **Please charge any fees necessary for mail filing this Answer to Dillon & Yudell LLP Deposit Account 50-3083.**

#### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing MOTION FOR EXTENSION OF TIME TO ANSWER will be served on counsel for the Petitioner on July 9, 2010, 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 60604-2827

**To the above Motion to Extend and Certificate of Service:**

Respectfully submitted,

Date: July 8, 2010

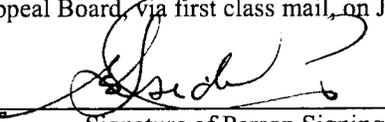
By: 

Eustace P. Isidore  
*Pat. Reg. No. 56,104*  
Dillon & Yudell LLP  
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512.617.5527 Fax  
Isidore@DillonYudell.com  
ATTORNEY FOR REGISTRANT

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 July 8, 2010.

Eustace P. Isidore  
Type Name of Person Signing

  
Signature of Person Signing

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CHRISTOPHER GRANT dba No EGO Inc.,  
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§ 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 first individually identifying the allegations as Registrant believes such allegations are intended to be presented.
3. Registrant denies that Petitioner will be damaged by the continued registration of Registrant's mark.

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 words NO EGO EDGING GOD OUT prior to Registrant’s stated date of first use of the Registered mark, but does not believe such usage by Petitioner, if any, constituted 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 trademark (in proper use 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.

WHEREFORE, premises considered, Registrant prays that the petition to cancel be dismissed with prejudice and that Petitioner be held responsible for all fees and expenses of Registrant.

Please charge any fees necessary for mail filing this Answer to Dillon & Yudell LLP

Deposit Account 50-3083.

Respectfully submitted on July 8, 2010

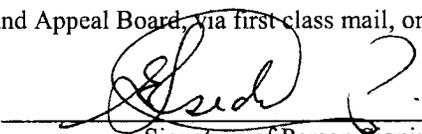
By: 

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ATTORNEY FOR REGISTRANT

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 July 8, 2010.

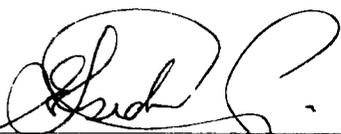
Eustace P. Isidore  
\_\_\_\_\_  
Type Name of Person Signing

  
\_\_\_\_\_  
Signature of Person Signing

**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 July 9, 2010, 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

July 8, 2010  
\_\_\_\_\_  
Date

Eustace P. Isidore  
*Pat. Reg. No. 56,104*  
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ATTORNEY FOR REGISTRANT

RECEIVED IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Christopher Grant  
Mark: No EGO No Edging God Out

Enclosed herewith:

1. Registrant's Motion for an Extension of Time to Answer and for Resetting of Discovery and Trial Periods
2. Registrant's Answer to Petition to Cancel
3. Certificate of Service
4. Certificate of Mailing
5. Return Postcard

Trademark Registration No.: 3,657,563 Proceeding No.: 92052261

Filing Date: April 9, 2009

Reference No.: NoEgo.01TM

Mailed: July 8, 2010

EPI:sr