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

|                        |   |
|------------------------|---|
| Proceeding             | 92052447  |
| Party                  | Defendant<br>Radames Rosado and Zulma I. Crespo   |
| Correspondence Address | ANTHONY M. VERNA III, ESQ.<br>LAW OFFICES OF ANTHONY VERNA<br>125 OGDEN AVENUE #2<br>JERSEY CITY, NJ 07307<br>UNITED STATES<br>radames@radagroup.com, law@nyctrademarks.com |
| Submission             | Answer  |
| Filer's Name           | Anthony M. Verna III  |
| Filer's e-mail         | law@nyctrademarks.com   |
| Signature              | /s Anthony M. Verna III s/  |
| Date                   | 07/06/2010  |
| Attachments            | answer for SMASH SPORTS cancellation.pdf ( 4 pages )(102348 bytes )   |

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

Smash Men's Inc. ) Cancellation No.: 92052447  
)  
)  
Plaintiff, )  
)  
vs. )  
)  
Radames Rosado and Zulma I. Crespo )  
)  
Defendants )  
)  
\_\_\_\_\_ )

**ANSWER**

Radames Rosado and Zulma I. Crespo (“Registrants”) by their attorney, Anthony M. Verna III, Esq., hereby answers the Petition of Cancellation pending filed by Smash Men's Inc. as follows (please note that when letters are used, this is to specify each sentence used in the same-numbered paragraph in the Petition of Cancellation):

1. Registrants admit this statement.
2. Registrants admit this statement.
3. Registrants do not have sufficient knowledge to admit or deny this statement.
4. A) Registrants do not have sufficient knowledge to admit or deny this statement. B) Registrants deny this statement.
5. Registrants do not have sufficient knowledge to admit or deny this statement.
6. A) Registrants do not have sufficient knowledge to admit or deny this statement. B) Registrants admits this statement.
7. Registrants admit this statement.
8. Registrants deny this statement.

**REGISTRANTS' MARK IS TO CONTINUE TO BE REGISTERED**

1. Plaintiff's mark does not show a high degree of distinctiveness.
2. Plaintiff's mark is a text mark and Registrants' mark contains marks with design elements, differentiating the two marks.
3. The marks between Registrants and Plaintiff are not interrelated, and therefore the likelihood of confusion is low.
4. The existence of many SMASH related marks shows that consumers do not confuse SMASH-related marks.
5. Plaintiff's application was suspended on May 22, 2000 because of the contested mark's application and because the Petition of Cancellation was filed on May 10, 2010, Plaintiff was already on notice of the registered mark long before this proceeding was filed.
6. Registrants were granted the registration on March 7, 2006 and because the Petition of Cancellation was filed on May 10, 2010, Plaintiff was already on notice of the registered mark long before this proceeding was filed.

There is no confusion between Registrants' and Plaintiff's marks and are not in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), and the Plaintiff was made aware of this mark long before it had been registered for four years, wherefore, Registrant asks that the registration for Registration Number 3064647 be allowed to continue to be registered.

Dated: July 6, 2010

/s Anthony M. Verna III  
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