

ESTTA Tracking number: **ESTTA393263**

Filing date: **02/14/2011**

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

Proceeding	92053474
Party	Defendant Scialdone, Mark
Correspondence Address	Scialdone, Mark 5176 Remington Road San Diego, CA 92115 UNITED STATES
Submission	Answer
Filer's Name	Donn K. Harms
Filer's e-mail	karen@patentpending.com
Signature	/donn harms/
Date	02/14/2011
Attachments	Answer.pdf (3 pages)(328760 bytes)

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

In the Matter of Application Registration No. 3198216
For the mark: BAD BREED
Int. Class: 025
Issue Date: 01/16/2007

BLITZ-CORPORATION LIMITED,)
)
) Petitioner,)
)
v.) Cancellation No.: 92053474
)
MARK SCIALDONE,)
)
) Respondent.)
_____)

**RESPONDENT'S ANSWER AND AFFIRMATIVE
DEFENSES TO PETITION TO CANCEL**

RESPONDENT, by and through his attorney of record, Donn K. Harms, hereby submits the Answer and Affirmative Defenses to the Petition to Cancel of Petitioner, BLITZ-CORPORATION LIMITED, as follows:

1. Respondent admits the Allegations of Paragraph 1.
2. Respondent admits the Allegations of Paragraph 2.
3. Respondent admits the Allegations of Paragraph 3.
4. Respondent admits Petitioner's pending application for BADBREED has been refused registration based on the existence of '216 Registration but denies the remaining Allegations of Paragraph 4.
5. Respondent denies the Allegations of Paragraph 5.
6. Respondent denies the Allegations of Paragraph 6.

7. Respondent denies the Allegations of Paragraph 7.
8. Respondent denies the Allegations of Paragraph 8.
9. Respondent denies the Allegations of Paragraph 9.
10. Respondent denies the Allegations of Paragraph 10.
11. Respondent denies the Allegations of Paragraph 11.
12. Respondent denies the Allegations of Paragraph 12.
13. Respondent denies the Allegations of Paragraph 13.

AFFIRMATIVE DEFENSES

14. The Petition to Cancel fails to state a claim upon which relief may be granted.

15. Petitioner lacks standing upon which to bring this proceeding.

16. Petitioner's claims are barred by the doctrine of unclean hands.

17. Petitioner's claims are barred by the doctrine of laches.

18. Petitioner's claims are barred by the doctrine of acquiescence.

19. Petitioner's claims are barred by the doctrine of estoppel.

20. Petitioner's claims are barred by the doctrine of waiver.

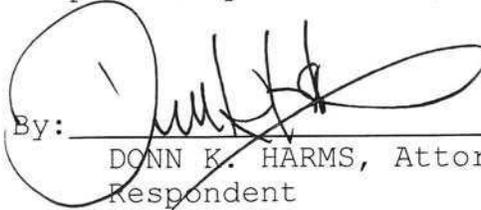
21. Petitioner's claims are barred by the doctrine of fraud.

22. Respondent reserves the right to add additional

affirmative defenses as they may become known during the course of this proceeding.

Respectfully submitted,

Dated: February 14, 2011

By: 

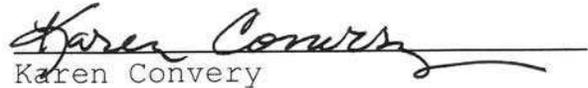
DONN K. HARMS, Attorney for
Respondent
AMERICAN PATENT & TRADEMARK
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing
RESPONDENT'S ANSWER AND AFFIRMATIVE DEFENSES TO PETITION TO
CANCEL was served upon Opposer by mailing the same, first-class
mail, postage fully prepaid to:

Gary J. Nelson, Esq.
CHRISTIE PARKER HALE
P.O. Box 7068
Pasadena, CA 91109-7068

this 14th day of February, 2011.


Karen Convery