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

Proceeding	92054229
Party	Defendant The Blanket Lady, LLC
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Attachments	BLANKETLADY-TM-THE BLANKET LADY-PetCancel-ANSWER-09262011.pdf ( 4 pages )(158751 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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MACKELLAR ASSOCIATES, INC.,	:	
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Petitioner,	:	PETITION No. <b>92-054,229</b>
	:	
v.	:	USPTO Reg. No. <b>3,969,326</b>
	:	
THE BLANKET LADY, LLC,	:	<b>MARK: THE BLANKET LADY</b>
	:	
Registrant	:	
	:	
	:	
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**ANSWER AND AFFIRMATIVE DEFENSES  
TO PETITION FOR CANCELLATION**

**ANSWER**

Registrant, The Blanket Lady, LLC, a Pennsylvania limited liability company (the “REGISTRANT”), by its attorneys, Stevens & Lee, P.C., hereby answers the allegations set forth in the Petition for Cancellation (the “PETITION”) filed by MacKellar Associates, Inc. (“PETITIONER”) on July 13, 2011, seeking the cancellation of U.S. Registration 3,969,326 (the “REGISTRATION”) for the trademark “THE BLANKET LADY” (the “REGISTERED MARK”) for “Cleaning and repairing horse blankets” in International Class 037, as follows:

1. REGISTRANT denies each and every allegation of Paragraph 1 including the allegation that Exhibit A represents PETITIONER’s use of its alleged trademark “...as early as 1978.”
2. REGISTRANT admits that, on or about July 1, 2010, REGISTRANT applied to register the trademark “THE BLANKET LADY” in International Class 037, for “Cleaning and repairing horse blankets” based upon a first use date of 1996 and

that the REGISTRATION resulted therefrom as reflected in the status and title copy available through the Trademark Electronic Search System (“TESS”). REGISTRANT avers that it previously held U.S. Registration No. 2,228,502 for the same mark. REGISTRANT denies the remaining allegations of Paragraph 2.

3. REGISTRANT admits that, on February 22, 2011, PETITIONER filed an application to register the trademark “THE BLANKET LADY” for “Blankets, throws, childrens [sic] blankets, baby blankets, personalized blankets, gift blankets, pet blankets, towels, washcloths” in International Class 24 and “Retail store services, online store services featuring personalized gifts, blankets, accessories, collectibles, baby gifts, commemorative gifts, toys, diaper bags, baby clothes, plush toys, bibs, baby rattles” in International Class 035 and that PETITIONER’s application has been refused on the basis of a likelihood of confusion with the REGISTERED MARK as reflected in the Office Action available through TESS. REGISTRANT denies that the statements made in PETITIONER’s application were true and denies the remaining allegations of Paragraph 3.
4. REGISTRANT denies each and every allegation of Paragraph 4.
5. REGISTRANT denies each and every allegation of Paragraph 5.
6. REGISTRANT denies that PETITIONER has title in and to the mark THE BLANKET LADY, denies that the PETITIONER has any right to enjoy any free and exclusive use thereof and denies the remaining allegations of Paragraph 6.

**AFFIRMATIVE DEFENSES**

REGISTRANT hereby pleads the following Affirmative Defenses to the above-captioned PETITION:

First Affirmative Defense: The PETITION fails to state a claim upon which relief can be granted.

Second Affirmative Defense: PETITIONER is estopped from bringing this PETITION.

Third Affirmative Defense: PETITIONER has waived its right, if any, to prosecute the PETITION.

Fourth Affirmative Defense: The PETITION should be dismissed because PETITIONER has unclean hands.

Fifth Affirmative Defense: PETITIONER has abandoned the trademark or ceased using it with goods included in its Application for Registration.

Sixth Affirmative Defense: This PETITION is barred by the doctrine of laches.

Seventh Affirmative Defense: The PETITIONER's Application for Registration contains willfully false statements.

WHEREFORE, REGISTRANT prays that the PETITION be dismissed with prejudice, that the REGISTRATION be confirmed and continued, and that the REGISTRANT be afforded such other relief as the Board deems just under the circumstances. REGISTRANT reserves all objections to PETITIONER's use of Exhibits as evidence.

SIGNATURE PAGE FOLLOWS

Dated: September 26, 2011

Respectfully submitted,

STEVENS & LEE, P.C.

By: 

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**Attorney for REGISTRANT  
The Blanket Lady, LLC**

**CERTIFICATE OF SERVICE**

I, Elliott J. Stein, certify that a true and correct copy of the foregoing ANSWER AND AFFIRMATIVE DEFENSES TO PETITION FOR CANCELLATION was served on September 26, 2011 via U.S. regular mail, postage prepaid upon the following counsel of record:

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