

ESTTA Tracking number: **ESTTA432024**

Filing date: **09/23/2011**

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

Proceeding	92054360
Party	Defendant Mobile Paint Manufacturing Company of Delaware, Inc.
Correspondence Address	MOBILE PAINT MANUFACTURING COMPANY OF DELAWARE INC, PO BOX 717 THEODORE, AL 36590-071 UNITED STATES
Submission	Answer
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Signature	/fpp/
Date	09/23/2011
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

3056-43

TEXAS CONCRETE RESURFACING LLC, )  
DBA KOOLCOTE OF TEXAS )

Petitioner, )

v. )

MOBILE PAINT MANUFACTURING )  
COMPANY OF DELAWARE, INC. )

Respondent. )

Cancellation No. 92054360

**ANSWER TO PETITION FOR CANCELLATION**

Respondent, Mobile Paint Manufacturing Company of Delaware, Inc., hereby answers the Petition for Cancellation in the following manner:

1. Respondent lacks sufficient knowledge for form a belief concerning any of the allegations in Paragraph 1 of the Petition for Cancellation, and therefore, denies all of the allegations in Paragraph 1.

2. Respondent lacks sufficient knowledge for form a belief concerning any of the allegations in Paragraph 2 of the Petition for Cancellation, and therefore, denies all of the allegations in Paragraph 2.

3. Respondent lacks sufficient knowledge for form a belief concerning any of the allegations in Paragraph 3 of the Petition for Cancellation, and therefore, denies all of the allegations in Paragraph 3.

4. Respondent denies all of the allegations in Paragraph 4 of the Petition for Cancellation.

5. Respondent admits all of the allegations in Paragraph 5 of the Petition for Cancellation.

**AFFIRMATIVE DEFENSES**

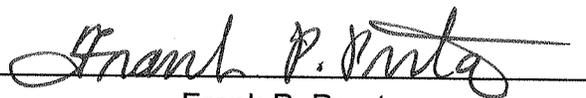
1. Respondent's mark COOL COTE in Registration No. 574843 has been in continuous use by Respondent on and in connection with paint from 1938 to the present.

2. As a result of the long period of continuous and exclusive use of the mark COOL COTE by Respondent, it has developed and currently possesses significant and valuable goodwill in the mark COOL COTE as applied to paint and related products.

WHEREFORE, Respondent requests that the Petition for Cancellation be denied.

Respectfully submitted,

**MOBILE PAINT MANUFACTURING  
COMPANY OF DELAWARE, INC.**

By:   
Frank P. Presta

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing "ANSWER TO PETITION FOR CANCELLATION" was served on counsel for Petitioner, Jason R. Lee, Lee Lee & Associates PC, 2531 Jackson Road, Suite 234, Ann Arbor, MI 48103, by first-class mail this 23rd day of September, 2011.



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Frank P. Presta