

ESTTA Tracking number: **ESTTA474290**

Filing date: **05/24/2012**

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

| | |
|------------------------|--|
| Proceeding | 92054496 |
| Party | Defendant Pass The Roc Athletics, Inc. |
| Correspondence Address | JARROD GREENE PASS THE ROC ATHLETICS INC 72 VAN REIPEN AVE STE 121 JERSEY CITY, NJ 07306 UNITED STATES passtheroc1891@yahoo.com |
| Submission | Answer |
| Filer's Name | Mark J. Ingber |
| Filer's e-mail | ingber.law@verizon.net |
| Signature | /Mark J. Ingber/ |
| Date | 05/24/2012 |
| Attachments | PASS THE ROC ANSWER TO PETITION TO CANCEL.pdf (4 pages)(720032 bytes) |

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

In the Matter of Registration No. 3,016,764
Issued on November 22, 2005

| | | |
|-------------------------------|---|----------------------------|
| HAT WORLD, INC., | : | |
| | : | |
| Petitioner, | : | |
| v. | : | Cancellation No.: 92054496 |
| | : | |
| PASS THE ROC ATHLETICS, INC., | : | |
| | : | |
| Registrant. | : | |
| | : | |
| | : | |
| | : | |

REGISTRANT’S ANSWER TO PETITION TO CANCEL

Registrant Pass the Roc Athletics, Inc. for its answer to the Petition to Cancel filed by Hat World, Inc., pleads and avers as follows:

Registrant Pass the Roc Athletics, Inc. denies each and every allegation and averment of the Petition to Cancel, except as expressly admitted or otherwise denied as set forth herein below; and regarding the preamble paragraph of the Petition to Cancel, Registrant is without knowledge or information as to the allegations contained therein, but specifically denies that Petitioner will be damaged by the continued registration of Registrant’s Registration No. 3,016,764 (“PASS THE ROC Mark”).

1. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Petition to Cancel.
2. Registrant denies each and every allegation contained in paragraph 2 of the Petition to Cancel.

3. Registrant denies each and every allegation contained in paragraph 3 of the Petition to Cancel.

4. Registrant denies each and every allegation contained in paragraph 4 of the Petition to Cancel.

5. Registrant denies each and every allegation contained in paragraph 5 of the Petition to Cancel.

6. Registrant denies each and every allegation contained in paragraph 6 of the Petition to Cancel.

7. Registrant denies each and every allegation contained in paragraph 7 of the Petition to Cancel. Petitioner's information and belief are incorrect and unsubstantiated.

8. Registrant denies each and every allegation contained in paragraph 8 of the Petition to Cancel. Petitioner's information and belief are incorrect and unsubstantiated.

9. Registrant denies each and every allegation contained in paragraph 9 of the Petition to Cancel. Petitioner's information and belief are incorrect and unsubstantiated.

10. Registrant denies each and every allegation contained in paragraph 10 of the Petition to Cancel.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

Opposer fails to state a claim upon which relief can be granted.

SECOND DEFENSE

There is no prima fade evidence of abandonment. Registrant possesses proof of local, national and international use of its PASS THE ROC mark which disproves the

Petitioner's claim of non-use.

THIRD DEFENSE

There is no likelihood of confusion, mistake or deception because, *inter alia*, the Petitioner's Marks and Registrant's Mark are not confusingly similar.

Respectfully submitted,

Dated: May 24, 2012

By: 

Mark J. Ingber
The Ingber Law Firm
181 Millburn Avenue, Suite 202
Millburn, NJ 07041
Attorneys for Petitioner
PASS THE ROC ATHLETICS, INC.

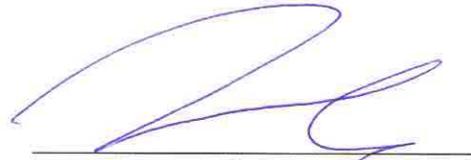
CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2012 I served this Answer to Petition to Cancel and Affirmative Defenses on the Petitioner's attorney of record in the following manner:

VIA EMAIL AND FIRST CLASS MAIL

David L. May, Esq.
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