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Filing date: **01/13/2012**

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

Proceeding	92054896
Party	Defendant Sunnyside Group LLC
Correspondence Address	SUNNYSIDE GROUP LLC 303 PENNSYLVANIA AVENUE SE WASHINGTON, DC 20003 UNITED STATES
Submission	Answer
Filer's Name	Anne E. Yates
Filer's e-mail	tmdocketing@parksiplaw.com, ayates@parksiplaw.com
Signature	/Anne E. Yates/
Date	01/13/2012
Attachments	GOOD STUFF EATERY Answer to Petition for Cancellation.pdf (5 pages) (178830 bytes)

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

EAT GOOD STUFF, INC.)	
)	Cancellation No. 92054896
Petitioner,)	
)	Registration No. 4,034,174
v.)	
)	Mark: GOOD STUFF EATERY
SUNNYSIDE GROUP LLC)	
)	
Registrant.)	

ANSWER TO PETITION FOR CANCELLATION

Sunnyside Group LLC (“Registrant”) hereby answers the Petition for Cancellation filed in the above-styled proceeding by specifically responding to the numbered and unnumbered paragraphs thereof as follows:

In response to the unnumbered introductory paragraphs in the Petition for Cancellation, Registrant admits that its name and address are Sunnyside Group LLC, 303 Pennsylvania Avenue, SE, Washington, DC 20003. Registrant also admits that it is the current owner of Registration No. 4,034,174 (the “174 Registration”). Registrant denies that Eat Good Stuff, Inc. (“Petitioner”) will be damaged by the ‘174 Registration. Except as stated, Registrant is without knowledge or information sufficient to form a belief as to the truth or falsity of any remaining allegations within these paragraphs, and therefore denies the same.

1. Registrant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 1 of the Petition for Cancellation, and therefore, denies same.

2. Registrant admits that, according to the records of the U.S. Patent and Trademark Office (the "PTO"), Petitioner filed service mark application no. 85/347943 (the "'943 Application") on June 16, 2011 for GOOD STUFF.

3. Registrant admits that, according to the records of the PTO, the Examining Attorney in charge of the '943 Application issued a Suspension Notice on September 27, 2011 suspending action of the '943 Application in view of application no. 85/220968 (the "'968 Application"), which matured to the '174 Registration.

4. Registrant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegation in Paragraph 4 of the Petition for Cancellation that Petitioner is a related company to Good Stuff Burgers. Registrant admits that, according to the records of the PTO, Good Stuff Burgers is listed as the owner of now-cancelled Registration No. 1,619,133 (the "'133 Registration"). Registrant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegation in Paragraph 4 of the Petition for Cancellation that the '133 Registration was cancelled under Section 8 because a renewal application was inadvertently not timely filed. Registrant admits that, according to the records of the PTO, the date of first use alleged in the '133 Registration is June 28, 1979.

5. Registrant admits that during prosecution of the '968 Application, registration thereof was refused in view of the then-active '133 Registration. Registrant also admits that the PTO withdrew its citation to the '133 Registration because of its cancellation. Registrant also admits that the '968 Application registered in due course (without any third party, including Petitioner, filing a Notice of Opposition or Request for Extension of Time to File an Opposition).

6. Registrant admits that the '174 Registration alleges a first use in commerce date of July 4, 2008. Registrant admits that said first use in commerce date is almost thirty (30) years

after the alleged first use date in the '943 Application and '133 Registration; however, Registrant is without knowledge or information sufficient to form a belief as to the truth or falsity of the alleged first date in the '943 Application and '133 Registration and, therefore, denies same.

7. Registrant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegation in Paragraph 7 of the Petition for Cancellation that Petitioner's GOOD STUFF mark for restaurant services has been continuously used by Petitioner, as a related company to Good Stuff Burgers, since June 28, 1979 and therefore, denies same. Registrant denies that Petitioner will be damaged by the '174 Registration.

Except as set forth herein, all other paragraphs and all other allegations contained in the Petition for Cancellation are denied.

WHEREFORE, Registrant respectfully prays that:

1. Petitioner's Petition for Cancellation be dismissed and that judgment be entered in Registrant's favor on all claims; and
2. Registrant has such other and further relief as the Board deems just and proper.

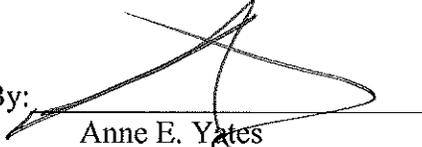
Please recognize Anne E. Yates and the firm Parks IP Law LLC, 730 Peachtree Street, NE, Suite 600, Atlanta, Georgia 30308, as attorney for Registrant, and please address all correspondence concerning this proceeding to Anne E. Yates at the address noted above.

This 13th day of January, 2012.

Respectfully submitted,

PARKS IP LAW LLC

By:


Anne E. Yates
Georgia Bar No. 780364

Attorneys for Registrant

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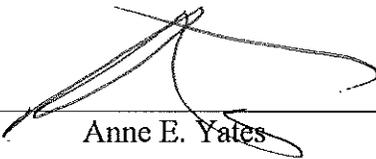
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ANSWER was sent by first class mail, postage prepaid, to Petitioner Eat Good Stuff, Inc., as follows:

Irving Keschner, Esq.
21535 Hawthorne Blvd., Suite 385
Torrance, California 90505

This 13th day of January, 2012.



Anne E. Yates

Attorneys for Registrant