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

Proceeding	92055130
Party	Defendant Heather Naylor
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Submission	Answer
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Date	03/16/2012
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Registration No. 4,060,367
For the mark THE ELECTRIC BARBARELLAS
Registered on November 22, 2011

Phil Duff,

Petitioner,

v.

Heather Naylor,

Registrant.

Cancellation No. 92055130

ANSWER TO PETITION FOR CANCELLATION

For its Answer to the Petition for Cancellation (“Petition”) filed by Phil Duff (“Petitioner”), Heather Naylor (“Registrant”) responds as follows:

1. Registrant is without knowledge or information sufficient to form a belief as to the paragraph Grounds for Cancellation of the Petition (page 1) and therefore denies the same.
2. Registrant is without knowledge or information sufficient to form a belief as to Paragraph 1 of the Petition (page 2) and therefore denies the same.
3. Registrant is without knowledge or information sufficient to form a belief as to Paragraph 2 of the Petition (page 2) and therefore denies the same.

4. Registrant is without knowledge or information sufficient to form a belief as to Paragraph 3 of the Petition and therefore denies the same. Registrant refers to the records of the U.S. Patent and Trademark Office (USPTO) for the particulars of Petitioner's alleged mark referenced in Paragraph 3 of the Petition.

5. Registrant filed an application on January 11, 2009 for the mark "THE ELECTRIC BARBARELLAS" and such application received serial number 77647287. The first use in commerce of the mark "THE ELECTRIC BARBARELLAS" occurred on May 4, 2011. Registrant refers to the records of the USPTO for a description of the goods and services associated with the mark "THE ELECTRIC BARBARELLAS". Registrant otherwise denies the remaining allegations of Paragraph 4 of the Petition.

6. Registrant admits the allegations of Paragraph 5 of the Petition.

7. Registrant denies the allegations of Paragraph 6 of the Petition.

8. Registrant is without knowledge or information sufficient to form a belief as to Paragraph 7 of the Petition and therefore denies the same. Registrant further notes that it cannot identify or find an "Attachment A" to the Petition.

9. Registrant denies the allegations of Paragraph 8 of the Petition.

10. Registrant denies the allegations of Paragraph 9 of the Petition.

11. Registrant denies the allegations of Paragraph 10 (first occurrence) of the Petition.

12. Registrant denies the allegations of Paragraph 10 (second occurrence) of the Petition.

13. Registrant denies the allegations of Paragraph 11 of the Petition.

14. Registrant denies the allegations of Paragraph 12 of the Petition.

AFFIRMATIVE DEFENSES

15. Petitioner has not and will not be damaged by the registration of Registrant's mark "THE ELECTRIC BARBARELLAS" and therefore lacks standing to petition to cancel such registration.

16. Petition fails to state a claim upon which relief may be granted.

17. The claim set forth in the Petition is barred in whole or in part by the doctrines of waiver, acquiescence, and estoppel.

WHEREFORE, Registrant respectfully requests that the requested cancellation, by way of the Petition, be denied.

Respectfully submitted,

Dated: March 16, 2012

By /Elise Tenen-Aoki/
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Attorneys for Registrant
Heather Naylor

CERTIFICATE OF ESTTA FILING

I hereby certify that the foregoing **ANSWER TO PETITION FOR CANCELLATION** is being filed electronically with the TTAB via ESTTA on this day, March 16, 2012.

By /Barbara J. Jackson/
Barbara J. Jackson

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **ANSWER TO PETITION FOR CANCELLATION** was deposited with the United States Postal Service with sufficient postage as First Class Mail addressed to Petitioner (Pro Se representation) at the address and on the date indicated below:

Phil M. Duff
2408 Gower Street
Los Angeles, CA 90068

Date: March 16, 2012

By: /Barbara J. Jackson/
Barbara J. Jackson