

ESTTA Tracking number: **ESTTA472066**

Filing date: **05/11/2012**

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

Proceeding	92055426
Party	Defendant Augusto Lodi dba American Muscle
Correspondence Address	AUGUSTO LODI dba AMERICAN MUSCLE 3012 NORTH GRANDEUR AVENUE ALTADENA, CA 91001 UNITED STATES
Submission	Answer
Filer's Name	Scott W. Kelley
Filer's e-mail	scott@KelleyLegal.com
Signature	/Scott W. Kelley, Reg. No. 30,762/
Date	05/11/2012
Attachments	Answer to Petition to Cancel.pdf (3 pages)(85454 bytes)

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

In the matter of

May 11, 2012

U.S. Trademark Registration No. 1,962,898
For the mark AMERICAN MUSCLE
Registered on the Principal Register on March 19, 1996

Cancellation No. 92055426

Run It Consulting, LLC, Petitioner,
vs.
Augusto Lodi, Registrant.

ANSWER TO PETITION TO CANCEL

Trademark Trial and Appeal Board
Commissioner for Trademarks
via E-FILE

Commissioner:

By way of Answer to the Petition to Cancel filed on behalf of Run It Consulting, LLC filed April 2, 2012, Registrant states by and through his undersigned counsel, the following:

Grounds for Cancellation

1. Denied.

Statement of Facts

1. Admitted, with the exception that Registrant Augusto Lodi passed away July 14, 2006. The owner of Registration No. 1,962,898 for the mark AMERICAN MUSCLE is his sole surviving heir, Leander Lodi.
2. Admitted.
3. Admitted.

4. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations therein, and accordingly, denies the same.

5. Denied.

6. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations therein, and accordingly, denies the same.

7. Admitted.

8. Admitted.

9. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations therein, and accordingly, denies the same.

10. Registrant denies that the mark AMERICAN MUSCLE is no longer in use and has been abandoned, and that registrant does not intend to resume use of the mark.

Respectfully submitted this 11th day of May, 2012

KELLY & KELLEY, LLP

/Scott W. Kelley/

Scott W. Kelley
Attorney for Registrant

SWK:cw
6320 Canoga Avenue, Suite 1650
Woodland Hills, California 91367
(818) 347-7900

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that the above ANSWER TO PETITION TO CANCEL is being electronically filed with the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (“ESTTA”) on May 11, 2012.

/Scott W. Kelley/

Scott W. Kelley
for KELLY & KELLEY, LLP

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the attached ANSWER TO PETITION TO CANCEL (In Re TTAB Cancellation No. 92055426) to be served on this date via U.S. first class mail, postage prepaid, upon counsel for Petitioner, as follows:

Matthew H. Swyers, Esq.
The Trademark Company, PLLC
344 Maple Avenue West, Suite 151
Vienna, VA 22180
Tel: (800) 906-8626 x 100
Fax: (270) 477-4574
mswyers@TheTrademarkCompany.com

Dated: May 11, 2012

/Christine Wheeler/

Christine Wheeler
for KELLY & KELLEY, LLP