

ESTTA Tracking number: **ESTTA482051**

Filing date: **07/06/2012**

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

Proceeding	92055673
Party	Defendant William Louis Stone and Karen Devin Miller
Correspondence Address	WILLIAM LOUIS STONE AND KAREN DEVIN MILLER PO BOX 25 BUMPASS, VA 23024 UNITED STATES
Submission	Answer
Filer's Name	Joseph T. Brown
Filer's e-mail	jtbrownlaw@gmail.com
Signature	/Joseph T. Brown/
Date	07/06/2012
Attachments	Miller.Answer.070612.pdf (3 pages)(1436416 bytes)

6. That Petitioner, through Blondin, advised Registrant that he did not want Petitioner's business name on the design of the Mark or the packaging of the wood pellets sold under the OLD DOMINION PELLETS mark;
7. That OLD DOMINION PELLETS trademark was not developed by Registrants on behalf of Petitioner or while working in the employ of Petitioner, but that the trademark was developed by Registrant for her sole use and ownership;
8. That Petitioner alleges no facts that constitute fraud in his Petition, and merely claims that since Registrants were employed by Petitioner at the time of the Registration, that the Registration is the property of Petitioner. Petitioner provides no employment contract nor alleges any agreement between Registrant in Petitioner wherein Registrants mark is transferred to or is otherwise the property of Petitioner;
9. That Petitioner's Petition for Cancellation is wholly without merit, and is made in an effort to dispossess Registrant of her lawfully registered Mark. Further, Petitioner is using this mark in commerce without Registrants permission and approval and has been infringing on this mark.

WHEREFORE, for the above named reasons, your Registrant respectfully requests this honorable Board find that the Petitioner's Petition for Cancellation filed herein is wholly without merit, is not based on any existing law or fact and is made in an effort to harass Registrant, to take her registered trademark as their own, and to conceal months of infringement by Petitioners upon Registrants trademark, and to dismiss this Petition.

Respectfully Submitted
Karen D. Miller
By Counsel



Joseph T. Brown

VSB 46694

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Counsel for Registrant Karen D. Miller

CERTIFICATE

I hereby certify that on the 6th day of July, 2012 I caused this correspondence to be delivered to the USPTO Trademark Trials and Appeals Board via the ESTTA, and a true copy of the foregoing to be delivered to the office of Counsel for Petitioner by fax and by U.S. Mail, 1st class postage prepaid at:

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