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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
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Submission	Answer
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Date	08/14/2012
Attachments	Miller.answer.revised.pdf (3 pages)(1504004 bytes)

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

In the Matter of Trademark Registration #	4144426
Filed:	May 25, 2011
Mark:	OLD DOMINION PELLETS
Published in the Official Gazette:	May 15, 2002

BIOMASS ENERGY, LLC
Petitioner

v.

WILLIAM LEWIS STONE AND
KAREN DEVIN MILLER
Registrants

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: Cancellation No: 92055673
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REGISTRANTS ANSWER TO PETITION FOR CANCELLATION

COMES THIS DAY your Registrants, by counsel, and in response to the Petition for Cancellation pursuant to 15 U.S.C § 1064, answers as follows:

1. That the Registrants do not have sufficient information or knowledge to admit or deny the facts alleged in paragraphs 1, 2 and 4;
2. That the Registrants admit the allegations in paragraphs 5, 7, 8, 9, 10, 11 and 12;
3. That the Registrants deny the allegations in paragraphs 3, 6, 13, 14, 16, 17, 18, 19 and 21, and demands strict proof thereof;
4. That during the time the product was developed and during the application process, Petitioner had full knowledge that Registrants were developing the mark and applying for registration;
5. That the mark was registered by Registrants with the full knowledge of Petitioner, and that Registrants were advised by Jake Blondin, General Manager of Biomass Energy, that the Registrants owned the mark and were free to do with it what they wanted;

6. That Petitioner, through Blondin, advised Registrants 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
William Lewis Stone



Joseph T. Brown

VSB 46694

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Counsel for Registrants Karen D. Miller and William Lewis Stone

By Counsel

CERTIFICATE

I hereby certify that on the 14th day of August, 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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