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

Proceeding	92056169
Party	Defendant Jason P. Barnes aka Jazan Wild
Correspondence Address	JASON P BARNES 13418 MOORPARK STREET SHERMAN OAK, CA 91423 UNITED STATES jazanwild@yahoo.com
Submission	Answer
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Date	11/08/2012
Attachments	2012-11-08 WILD Answer to Petition for Cancelation.pdf (5 pages)(23447 bytes)

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

HARPERCOLLINS PUBLISHERS, LLC

Petitioner,

v.

JASON P. BARNES, PKA JAZAN WILD

Registrant.

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Petition for Cancellation
No. 92056169

Mark: CARNIVAL OF SOULS

Reg. No. 3,921,658

Commissioner for Trademarks
Trademark Trial and Appeals Board
P.O. Box 1451
Alexandria, VA 22313-1451

JAZAN WILD'S ANSWER TO PETITION FOR CANCELLATION

Answering the Petition for Cancellation filed by Petitioner HarperCollins, LLC (“Petitioner”), Registrant Jason P. Barnes (properly known as Jazan Wild) denies that Petitioner believes that it is or will be damaged by continued registration of Reg. No. 3,921,658 for the mark CARNIVAL OF SOULS, as it relates to the goods recited in International Class 16 and the services recited in International Class 41, and further responds to the Petition as follows:

ANSWER

1. Admitted.
2. Admitted that Registrant, whose current legal name is Jazan Wild by virtue of legal name change, is an individual residing in California.
3. Admitted, except denied that Registrant’s mark is an “alleged” Mark. It is Registrant’s Mark.

4. Admitted, except denied that Registrant's mark is an "alleged" Mark. It is Registrant's Mark.
5. Admitted, except denied that Registrant's mark is an "alleged" Mark. It is Registrant's Mark.
6. Admitted that the Examining Attorney ultimately allowed registration of the Mark, on the basis of the materials of record and applicable laws and rules. To the extent not admitted, the remaining allegations are denied.
7. Denied.
8. Denied.
9. No response required, since it appears that Petitioner is attempting to allege a partial quotation from one or both of 37 C.F.R. § 2.51(a) and/or T.M.E.P. § 807.12(a), which is not an allegation of fact. To the extent a response is required, denied that the alleged quotation is complete or applicable.
10. No response required, since it appears that Petitioner is attempting to allege a partial quotation from T.M.E.P. § 807.12(d), which is not an allegation of fact. To the extent a response is required, denied that the alleged quotation is complete or applicable.
11. Denied.
12. Denied.
13. Registrant is without information sufficient to form a belief as to what HarperCollins is informed or believes and therefore denies same. As to the second sentence, no response required, since it appears that Petition is attempting to allege a partial quotation from T.M.E.P. § 1202.08, which is not an allegation of fact. To the extent a response is

required, denied that the alleged quotation is complete or applicable. The remainder of the allegations are denied.

14. Registrant is without information sufficient to form a belief as to what HarperCollins is informed or believes and therefore denies same. Admitted that Jazan Wild published a novel entitled “Carnival of Souls (A Novel by Jazan Wild)” on or about July 4, 2012, but denied as to any implication that this was Registrant’s first or only use of his Mark “Carnival of Souls” in connection with a novel. The remainder of the allegations are denied.

15. Denied.

16. Denied.

17. Denied.

18. Denied.

19. Denied.

20. Denied.

21. Admitted.

22. Denied.

23. Denied.

24. No response required, since it appears that Petition is attempting to allege a partial quotation from T.M.E.P. § 1301.02(a), which is not an allegation of fact. To the extent a response is required, denied that the alleged quotation is complete or applicable.

25. Denied.

26. Registrant lacks information sufficient to form a belief as to whether Melisa Marr is a “best-selling author” and therefore denies same. The allegations of this paragraph are otherwise admitted.
27. Admitted that Registrant has accused HarperCollins and Marr of infringing the Registration and admitted that HarperCollins’ infringement is willful and malicious. The remaining allegations are denied.
28. Denied.

AFFIRMATIVE DEFENSES

29. Petitioner has failed to state a claim upon which relief may be granted.
30. Petitioner is guilty of unclean hands and therefore barred from relief.

WHEREFORE, Registrant prays that the Petition be dismissed with prejudice in favor of Registrant, that Petitioner be awarded no relief; and that Registrant be awarded all other relief to which he is entitled.

JAZAN WILD (FKA JASON P. BARNES)

Date: November 8, 2012

/Theodore F. Shiells/

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served by the TTAB ESTTA system, to the attorney for Petitioner on this 8th day of November 8, 2012.

/Theodore F. Shiells/
Theodore F. Shiells