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

Proceeding	92057135
Party	Defendant Nidal Haddadin
Correspondence Address	SCOTT R WEBER 2090 TYNTE TERRACE THE VILLAGES, FL 32162 UNITED STATES scottweber@icloud.com
Submission	Motion to Amend/Amended Answer or Counterclaim
Filer's Name	Michael W. Schroeder
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Signature	/Michael W. Schroeder/
Date	10/30/2013
Attachments	RESPONDENT'S FIRST AMENDED ANSWER _ HALO 92057135.pdf(72680 bytes )

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

TRIDENT GROUP, LLC,	)	
	)	
Petitioner,	)	Cancellation No. 92057135
	)	Reg. No. 4027086
v.	)	Mark: HALO
	)	
NIDAL HADDADIN,	)	
	)	
Respondent.	)	
	)	
	)	
	)	

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**FIRST AMENDED ANSWER TO PETITION FOR CANCELLATION**

Respondent, Nidal Haddadin ("Respondent"), an individual, by his attorneys hereby responds to the allegations set forth in the Petition for Cancellation filed by Trident Group, LLC ("Petitioner"), as follows:

1. Respondent has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 1 of the Petition for Cancellation, and therefore, denies such allegations.
2. Paragraph 2 of the Petition for Cancellation does not require a response.
3. Respondent denies the truth of the allegations set forth in Paragraph 3 of the Petition for Cancellation.
4. Respondent has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 4 of the Petition for Cancellation, and therefore, denies such allegations.
5. Respondent has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 5 of the Petition for Cancellation, and therefore, denies such allegations.

6. Respondent has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 6 of the Petition for Cancellation, and therefore, denies such allegations.
7. Respondent denies the truth of the allegations set forth in Paragraph 7 of the Petition for Cancellation. Specifically, Respondent denies Petitioner's claim that its date of first use in commerce is prior to the date of first use in commerce claimed by Respondent.  
  
Respondent has been using the HALO mark for smoker's articles, including hookah mouthpieces, since March 2007.
8. Respondent denies the truth of the allegations set forth in Paragraph 8 of the Petition for Cancellation.
9. Respondent denies the truth of the allegations set forth in Paragraph 9 of the Petition for Cancellation.
10. Respondent denies the truth of the allegations set forth in Paragraph 10 of the Petition for Cancellation.
11. Respondent denies the truth of the allegations set forth in Paragraph 11 of the Petition for Cancellation.

**AFFIRMATIVE DEFENSES**

12. As a first and separate affirmative defense, Respondent is informed and believes, and on this basis asserts that Petitioner's claims are barred from recovery due to the fact that Respondent has priority in his use of the HALO mark for related goods to those of Petitioner. Respondent asserts as an affirmative defense his superior common law rights in the HALO mark used in connection with smoker's articles, including hookah mouthpieces, in International Class 34 with priority of use established as early as March 5, 2007.

13. As a second and separate affirmative defense, Respondent is informed and believes, and on this basis asserts that Petitioner's false suggestion of a connection claim is barred from recovery due to the fact that HALO does not refer to a person, institution, belief or national symbol, as is required to sustain a false suggestion of a connection claim under the Lanham Act.

14. As a third and separate affirmative defense, Respondent is informed and believes, and on this basis asserts that Petitioner's false suggestion of a connection claim is barred from recovery due to the fact that consumers do not associate HALO with Petitioner, and thus HALO does not point uniquely and unmistakably to Petitioner. HALO is a source identifier for Registrant's goods and does not refer to Petitioner.

WHEREFORE, Respondent prays that this Petition for Cancellation be dismissed.

Dated as of: October 30, 2013

By:           /Michael W. Schroeder/            
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Attorneys for Respondent,  
Nidal Haddadin

**PROOF OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **FIRST AMENDED ANSWER TO PETITION FOR CANCELLATION** has been served on David Ludwig, counsel for Petitioner, on October 30, 2013, via First Class U.S. Mail, postage prepaid to:

DAVID LUDWIG  
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By: /Michael W. Schroeder/  
Michael W. Schroeder