

ESTTA Tracking number: **ESTTA544476**

Filing date: **06/21/2013**


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

Proceeding	92057168
Party	Defendant Karaya (Jersey) Limited
Correspondence Address	JUDE A FRY FAY SHARPE LLP THE HALLE BUILDING, 5TH FLOOR CLEVELAND, OH 44115 UNITED STATES jfry@faysharpe.com, cfgoss@faysharpe.com, uspto@faysharpe.com
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Date	06/21/2013
Attachments	Laser Answer Final.pdf(18923 bytes)

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

In the matter of
Trademark Registration No.
1,038,170 for the mark LASER
Registered on April 20, 1976

and


Trademark Registration No.
1,800,653 for the mark 
Registered on October 26, 1993

Bruce Kirby, Inc.,)
)
 Petitioner,)
)
 v.)
)
 Karaya (Jersey) Limited,)
)
 Registrant.)
 _____)

Cancellation No. 92057168

ANSWER

Attention: TTAB
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Registrant, Karaya (Jersey) Limited, (“Registrant” or “Karaya”), by and through its undersigned counsel, hereby answers the Petition to Cancel the registration of its trademarks LASER, subject of Reg. No. 1,038,170, and , subject of Reg. No. 1,800,653.

Registrant denies each and every allegation contained in the Petition to Cancel unless otherwise admitted or responded to as follows:

1. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averments raised in paragraph 1 of the Petition to Cancel and, therefore, denies the same.

2. Admitted.

3. Admitted.

4. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averments raised in paragraph 4 of the Petition to Cancel and, therefore, denies the same.

5. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averments raised in paragraph 4 of the Petition to Cancel and, therefore, denies the same.

6. Denied.

7. Denied.


8. Denied.

9. Denied.

AFFIRMATIVE DEFENSES


For its affirmative defenses, Registrant asserts as follows:

1. Petitioner has failed to state a claim upon which relief can be granted.

2. There is no issue as to priority. Registrant's date of first use and filing date precede any use, constructive or otherwise, of LASER or  by Petitioner.

3. Petitioner is barred from seeking cancellation of U.S. Trademark Reg. Nos. 1,038,170 and/or 1,800,653 by the doctrines of waiver, laches and/or acquiescence.

Registrant reserves the right to assert other defenses and counterclaims as information supportive of these defenses is discovered.

WHEREFORE, Registrant prays that the Petition to Cancel be dismissed and that Reg. Nos. 1,038,170 and/or 1,800,653 for LASER and  remain on the Principal Register.

Dated: June 21, 2013

Respectfully submitted,

FAY SHARPE LLP

/s/ Colleen F. Goss

Jude A. Fry

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Attorneys for Registrant

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)	
Registrant.)	
_____)	

CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2013, the foregoing **ANSWER** was filed electronically. Notice of this filing was served by First Class Mail, postage prepaid, on the following attorney for Petitioner:

Wesley W. Whitmyer, Jr.
ST. ONGE STEWARD JOHNSTON & REENS, LLC
986 Bedford Street
Stamford, CT 06905

/s/ Colleen Flynn Goss

Colleen Flynn Goss
Attorney for Registrant