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

Proceeding	92057169
Party	Defendant The Life is Good Company
Correspondence Address	THE LIFE IS GOOD COMPANY 283 NEWBURY STREET BOSTON, MA 02108 UNITED STATES
Submission	Answer
Filer's Name	Thomas E. Kenney
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Date	06/20/2013
Attachments	answer-petland.pdf(64238 bytes)

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

PETLAND, INC.	)	
	)	
v.	)	Cancellation No. 92057169
	)	Registration No. 3,683,537
THE LIFE IS GOOD COMPANY	)	

REGISTRANT'S ANSWER

Registrant The Life is good Company ("Life is good") answers the separately-numbered allegations of the petition to cancel as follows.

INTRODUCTORY PARAGRAPH

Petitioner Petland, Inc.'s ("Petland") introductory paragraph contains no allegations of fact or law against Registrant; thus no response to that paragraph is necessary. Registrant denies Petland's "belief" that it is being damaged by the registration of Registrant's mark.

REGISTRANT'S RESPONSES TO THE NUMBERED PARAGRAPHS OF THE PETITION

1. Admitted.
2. Registrant lacks the information necessary to admit or deny the allegations of paragraph 2 of the petition, and calls upon Petland to prove the same, if material.
3. Registrant lacks the information necessary to admit or deny the allegations of paragraph 3 of the petition, and calls upon Petland to prove the same, if material.
4. Registrant lacks the information necessary to admit or deny the allegations of paragraph 4 of the petition, and calls upon Petland to prove the same, if material.
5. Registrant lacks the information necessary to admit or deny the allegations of paragraph 5 of the petition, and calls upon Petland to prove the same, if material.

6. Admitted.

7. Admitted, although Registrant denies the implication that the registration of its mark somehow was or is improper.

8. Paragraph 8 contains a purported statement of law; therefore no response by Registrant is required. Registrant denies any implication that there is a basis to cancel Registrant's registration.

9. Registrant lacks the information necessary to admit or deny the allegations of paragraph 9 of the petition, and calls upon Petland to prove the same, if material.

10. Registrant lacks the information necessary to admit or deny the allegations of paragraph 10 of the petition, and calls upon Petland to prove the same, if material.

11. Denied.

12. Denied.

13. Denied.

FIRST AFFIRMATIVE DEFENSE

The petition fails to state any claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

The petition should be dismissed because the goods covered by the respective marks are unrelated and non-competitive; thus there is no likelihood of confusion or damage to Petland.

THIRD AFFIRMATIVE DEFENSE

The petition should be dismissed due to laches.

FOURTH AFFIRMATIVE DEFENSE

The petition should be dismissed due to acquiescence.

FIFTH AFFIRMATIVE DEFENSE

The petition should be dismissed due to waiver and/or estoppel.

WHEREFORE, Registrant respectfully requests that the Board dismiss the petition with prejudice.

THE LIFE IS GOOD COMPANY,
By its attorney,

/s/ Thomas E. Kenney

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CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2013 a copy of the foregoing Answer of Registrant was served upon the following attorney of record for Petitioner by U.S. Mail, postage prepaid:

Robert G. Schuler, Esq.
Kegler, Brown Hill &
Ritter Co., LPA
65 East State St., Suite 1800
Columbus, OH 43215

/s/ Thomas E. Kenney
Thomas E. Kenney