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Filing date: **10/17/2013**

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

Proceeding	92057242
Party	Defendant Bruce Odiorne II dba Elite Motorcycle Tours
Correspondence Address	BRUCE ODIORNE II DBA ELITE MOTORCYCLE TOURS 2788 COUNTY ROAD 302 DURANGO, CO 81301 UNITED STATES tau4969@yahoo.com
Submission	Answer
Filer's Name	bruce odiorne II
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Signature	/bruce 22/
Date	10/17/2013
Attachments	trademark 1.pdf(233776 bytes) trademark 2.pdf(269438 bytes)

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

Proceeding No. 92057242
In the matter of Trademark Registration No. 4,278,733
For the mark: "ELITE MOTORCYCLE TOURS"
Registered: January 22, 2013

Elite Motorcycle Tours,
Petitioner

v.

Bruce Odiorne II, d/b/a Elite Motorcycle Tours,
Registrant

REGISTRANT'S ANSWER

Registrant, Bruce Odiorne II, answers the above described petition for cancellation as follows:

1. Registrant is without sufficient knowledge or information to ascertain the accuracy of Paragraph 1 therefore denies the same.
2. Registrant is without sufficient knowledge or information to ascertain the accuracy of Paragraph 2 therefore denies the same
3. Registrant denies the allegations of Paragraph 3. Registrant is/was a business partner of Petitioner and/or its principals and was an active participant in the purchase of an existing business known as "ELITE MOTORCYCLE TOURS" located in Moab, Utah from an individual named Dale Parriott.
4. Registrant denies the allegations of Paragraph 4.
5. Registrant denies the allegations of Paragraph 5.
6. Registrant denies the allegations of Paragraph 6.
7. Registrant denies the allegations of Paragraph 7. Registrant's specimen of use is appropriate under 15 U.S.C. §1055.
8. Registrant denies the allegations of Paragraph 8 and reiterates his assertion under 15 U.S.C. §1055.
9. Registrant denies the allegations of Paragraph 9
10. Registrant denies the allegations of Paragraph 10
11. Registrant denies the allegations of Paragraph 11

12. Registrant denies the allegations of Paragraph 12. Those allegations are completely misplaced. On its face, the registration at issue is owned by an individual, the Registrant in the caption of this proceeding.

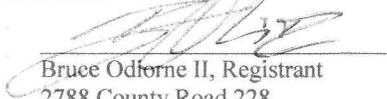
13. Registrant admits to electronically signing the standard form declaration in conjunction with his application to register his mark, but otherwise denies the allegations of Paragraph 13.

14. Registrant denies the allegations of Paragraph 14.

15. Petitioner's claim is further barred by the doctrines of unclean hands, laches, estoppel, acquiescence, mistake and /or fraud. Specifically, Petitioner and/or its principals know that Registrant participated in the acquisition from an individual named Dale Parriott of an ongoing business known as "ELITE MOTORCYCLE TOURS" by, including but not limited to, negotiation and contributing property to be used in the business. Petitioner and/or its principals and have misrepresented facts surrounding that acquisition and have fraudulently interfered with Registrant receiving the full benefit of his participation.

Wherefore, Registrant requests that the petition for cancellation be dismissed.

Respectfully submitted this 16 day of October 2013.


Bruce Odiorne II, Registrant
2788 County Road 228
Durango, Colorado 81301
Phone (970) 769-3478
Email: BruceOdiorne@gmail.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 16, 2013, I electronically filed a true and correct copy of the foregoing with the Board using the ESTTA system and electronically sent notification of such filing to the following:

Dana P. Jozefczyk Merchant & Gould P.C.
P.O. Box 2910
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Bruce Odiorne II

DATE 16 October 2013

Comment [Watermark1]: