



KARIMIAN LAW GROUP

475 S. Robertson Blvd., Beverly Hills, CA 90211

October 10, 2013

TTAB

Via EXPRESS MAIL Post Office to Addressee

BOX TTAB NO FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

85592237

Re: Cancellation No. 92057413

Dear Sir/Madam,

Transmitted herewith is Registrant's formal Answer in the above Cancellation

An identical copy of the above was sent via Express Mail and served on Petitioner.

Thank you for your assistance in this matter.

Sincerely,


Shahin S. Karimian, ESQ.
Karimian Law Group
Attorney for Registrant
Email: SK@Karimianlg.com

Enclosures: Answer of Registrant to Petition to Cancel
cc: Michael Sloan, Esq., Attorney for Opposer



10-10-2013

U.S. Patent and Trademark Office #72



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

In the Matter of Registration No. 4278610
For the Mark: TRAP
Date Registered: January 22, 2013

WILLIAM JONES)

Petitioner,)

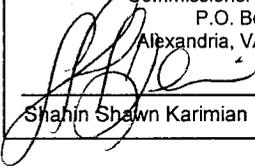
v.)

ELLIE NAHUM)

Registrant.)
_____)

Express Mail label number EI 647844933 US
I hereby certify that this correspondence is being
deposited with the United States Postal Service
'Express Mail Post Office To Addressee' service in an
envelope addressed to:

Attn: TTAB – NO FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451


Shahin Shawn Karimian

10/10/13
Date

Cancellation No. 92057413

Answer of Registrant to Petition to Cancel

Registrant, Ellie Nahum, by and through undersigned counsel, hereby answers each of the allegations of the Petition to Cancel filed by Petitioner William Jones.

Registrant denies Petitioner has been damaged or will be damaged as alleged in the first unnumbered paragraph and therefore denies the allegations.

The numbered Answers herein correspond to the numbered paragraphs set forth in Plaintiff's Petition to Cancel.

1. Registrant admits only that he is the listed owner of United States Trademark Registration No. 4278610 for the word mark, TRAP. Registrant denies that his principal place of business is located at 14935 Addison Street, Sherman Oaks, CA 91403. Applicants new address is 155 W. Washington Blvd., Los Angeles, CA 90015.

2. Registrant admits only that registrant filed an application to register the word mark TRAP as under Section 1(a) of the Lanham Act, 15 U.S.C. §1051(a), on April 9, 2012. Based on that application, Registrant obtained U.S. Registration No. 4278610 which issued on January 22, 2013, for the word mark Trap used in connection with Hats; Jeans; Sweat shirts; T-shirts in International Class 025. Registrant denies all other allegations.
3. Registrant is without knowledge and information to form a belief as to the truth of the allegation set forth in paragraph 3 and therefore denies the allegations. Upon information and belief, Petitioner has not been using TRAP itself as a trademark and did not create the TRAP word mark or logo.
4. Registrant is without knowledge and information to form a belief as to the truth of the allegation set forth in paragraph 4 and therefore denies the allegations set forth in paragraph 4.
5. Registrant admits the first use in commerce date of January 24, 2012 and denies all other allegations in paragraph 5.
6. Registrant is without knowledge and information to form a belief as to the truth of the allegation set forth in paragraph 6 and therefore denies the allegations set forth in paragraph 6.
7. Registrant is without knowledge and information to form a belief as to the truth of the allegation set forth in paragraph 7 and therefore denies the allegations set forth in paragraph 7.

8. Registrant is without knowledge and information to form a belief as to the truth of the allegation set forth in paragraph 8 and therefore denies the allegations set forth in paragraph 8.
9. Deny.
10. Registrant is without knowledge and information to form a belief as to the truth of the allegation set forth in paragraph 10 and therefore denies the allegations set forth in paragraph 10.
11. Deny.
12. Deny.
13. Registrant is without knowledge and information to form a belief as to the truth of the allegation set forth in paragraph 13 and therefore denies the allegations set forth in paragraph 13..
14. Deny.
15. Admit.
16. Deny.
17. Deny.
18. Registrant is without knowledge and information to form a belief as to the truth of the allegation set forth in paragraph 18 and therefore denies the allegations set forth in paragraph 18.
19. Deny.
20. Deny.

21. Registrant is without knowledge and information to form a belief as to the truth of the allegation set forth in paragraph 21 and therefore denies the allegations set forth in paragraph 21.

22. Deny.

23. Deny.

24. Deny.

25. Deny.

26. Registrant is without knowledge and information to form a belief as to the truth of the allegation set forth in paragraph 26 and therefore denies the allegations set forth in paragraph 26 .

27. Deny.

28. Deny.

29. Deny.

30. Deny.

AFFIRMATIVE DEFENSES

31. Petitioner fails to state a claim upon which relief can be granted.

32. There are a number of similar marks used on similar goods. Thus, the mark TRAP is in a crowded field. Therefore, Petitioner may not have the right to exclude Registrant from Registrant's use.

33. Petitioner's claim is barred by the doctrine of unclean hands.

34. Petitioner has not applied for any U.S. Trademark to date, thus Registrant questions whether Petitioner has the intent or capability to seek United States Federal Trademark protection.

35. Upon and information and belief, Petitioner has no evidence of his rights or ownership in the mark, TRAP.

36. Upon and information and belief, Petitioner has no evidence that he created the mark.

37. Upon information and belief, Petitioner has no evidence that he has been using his mark in connection with the Goods in interstate commerce.

38. Upon information and belief, there has been no actual confusion between the alleged mark of the Petitioner and the mark of Registrant.

39. The continuous use of Petitioner's alleged mark is causing injury to Registrant's business plans; is impairing Registrant's rights in his Mark; is inconsistent with Petitioner's alleged rights, and will continue to cause injury to Registrant.

40. Upon and information and belief, Petitioner has no evidence that he used the Mark in interstate commerce as early as June of 2011.

41. Petitioner has done libelous, malicious, willful, slanderous, and damaging things that have tarnished the good will and reputation of Registrant and Registrant's mark without Petitioner having the right to the mark.

42. Petitioner damaged Registrant and Registrant's Mark by telling retail buyers that the goods and Mark of Registrant were counterfeit.

43. Petitioner is not, and was not at the time of the filing of the Registrants' application for the Registration the rightful owner of the claimed mark.

44. Petitioner did not oppose the application of Registrant within the 30 day opposition period which ended on December 6, 2012.

45. Petitioner waited 230 days, seven months and 18 days to express any objection to Registrant's use of the mark.

46. Petitioner did not make any good faith efforts to stop Registrant from using the Mark.

47. Registrant reserves the right to develop further defenses during the Discovery Phase of the Opposition.

WHEREFORE, applicant prays the Petition to Cancel be dismissed in its entirety with prejudice, that the Board agree a registration should be maintained by Registrant/ Registrant for its trademark TRAP, and that the Trademark Trial and Appeal Board grant such other relief as it deems just and proper.

Dated: October 10, 2013

Respectfully submitted,

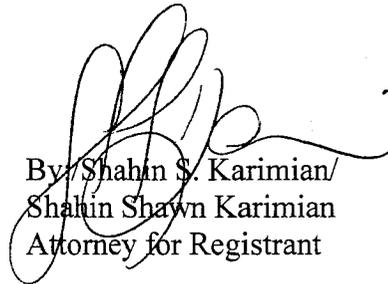
By: /Shahin S. Karimian/
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Attorney for Registrant

CERTIFICATE OF SERVICE

It is hereby certified that on October 10, 2013 a true and correct copy of the foregoing Answer was served and sent by EXPRESS MAIL by the US Post Office, postage prepaid, addressed to Michael L. Sloan, Attorney for Plaintiff at 701 N. Brand Blvd., Suite 840, Glendale, CA 91203 UNITED STATES, sloanlegalconsulting@earthlink.net

Dated: October 10, 2013


By Shahin S. Karimian/
Shahin Shawn Karimian
Attorney for Registrant