

ESTTA Tracking number: **ESTTA562106**

Filing date: **09/30/2013**

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

Proceeding	92057721
Party	Defendant Professional Sports Catering
Correspondence Address	PROFESSIONAL SPORTS CATERING 1603 ORRINGTON AVE, SUITE 1625 EVANSTON, IL 60201 UNITED STATES
Submission	Answer
Filer's Name	Patricia S. Smart
Filer's e-mail	pattismart@hotmail.com
Signature	/P S Smart/
Date	09/30/2013
Attachments	Answer.FNL.pdf(85508 bytes)

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

ROLANDO MINGLEDOFF,)	
)	
Petitioner,)	
)	
v.)	Cancellation No. 92057721
)	
PROFESSIONAL SPORTS CATERING,)	
)	
Registrant.)	

ANSWER TO PETITION TO CANCEL

Registrant, Professional Sports Catering, hereby responds to the allegations of the Petition To Cancel as follows:

PETITIONER: Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of the paragraph labeled “Petitioner” and therefore denies same.

REGISTRANT: Registrant admits the allegations of the paragraph labeled “Registrant.”

1. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 1 and therefore denies same and specifically denies that petitioner has continuously used the mark STEAKADELPHIA for restaurant services since at least as early as August 9, 2005.

2. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 2 and therefore denies same.

3. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 3 and therefore denies same.

4. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 4 and therefore denies same, except Registrant admits that TARR database identifies petitioner as the owner of Application Serial No. 85/752,142.

5. Registrant admits that the USPTO TARR database indicates that Application Serial No. 85/752,142 was filed by petitioner or his attorney on October 11, 2012.

6. Registrant admits the allegations of Paragraph 6.

7. Registrant admits that registrant filed Applicant Serial No. 85540012 which matured to the registration which is the subject of this proceeding on February 10, 2012 as an intent-to-use application. Registrant further admits that its registration of STEAKDELPHIA And Design covers “concession stand featuring food and beverages within a sports venue, portable food card featuring food and beverages within a sports venue” in Class 35 and claims a first use date of March 31, 2012 and a first use date in interstate commerce of April 5, 2012.

8. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 8 and therefore denies same.

9. Registrant denies the allegations of Paragraph 9.

10. Registrant denies the allegations of Paragraph 10.

Affirmative Defenses

1. There is no likelihood of confusion between Petitioner’s use of its mark and Registrant’s use of its mark.

2. On information and belief, petitioner’s alleged mark is weak and entitled to a narrow scope of protection.

3. Petitioner’s claim is barred by laches.

WHEREFORE, Registrant requests that the petition be dismissed with prejudice.

Respectfully submitted,

SMART & BOSTJANCICH

By: / P S Smart /
Patricia S. Smart
John Bostjancich
30 West Monroe Street
Suite 800
Chicago, Illinois 60603
(312) 857-2424

Attorneys for Registrant

CERTIFICATE OF SERVICE

I, Patricia S. Smart, an attorney for registrant, hereby certify that a copy of the foregoing Answer To Petition To Cancel is being served upon Anne W. Glazer, Stoel Rives LLP, 900 SW Fifth Ave, Suite 2600, Portland, OR 97204-1268 this 30th day of September 2013, by first class mail, postage prepaid.

By: / P S Smart /