

ESTTA Tracking number: **ESTTA574094**

Filing date: **12/02/2013**

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

Proceeding	92058068
Party	Defendant Fence Systems NW, Inc.
Correspondence Address	FENCE SYSTEMS NW INC 1616 E MARINE VIEW DRIVE EVERETT, WA 98201 UNITED STATES
Submission	Answer
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Date	12/02/2013
Attachments	20131202150017.pdf(165443 bytes )

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

JKS Enterprises, Inc.	)	Cancellation No. 92058068
	)	
Petitioner,	)	Trademark Registration No. 3,582,510
	)	Mark: ECONOMY FENCE CENTER
v.	)	Registered: March 3, 2009
	)	
Fence Systems NW, Inc.	)	Trademark Registration No. 3,582,512
	)	Mark: ECONOMY FENCE CENTER
	)	& design
Registrant	)	Registered: March 3, 2009

**ANSWER**

Registrant, Defendant, Fence System NW, Inc answers the cancellation Petition of JKS Enterprises, Inc. as follows:

1. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first paragraph of the petition and therefore denies the same.
2. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in the second paragraph of the petition and therefore denies the same.
3. Registrant denies the allegations of the third paragraph of the petition.
4. Registrant admits that it has been aware of Petitioner’s use of ECONOMY FENCE CENTER but denies the other allegations contained in paragraph 4.

5. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the petition and therefore denies the same.

6. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the petition and therefore denies the same.

7. Registrant denies the allegations contained in paragraph 7 of the petition.

8. Registrant admits the allegations of paragraph 8.

9. Registrant admits the allegations of paragraph 9.

10. Registrant admits the allegations of paragraph 10 of the petition.

11. Registrant admits the allegations of paragraph 11 of the petition, except for the filing date, which is March 5, 2008.

12. Registrant admits the allegations contained in paragraph 12 of the petition.

13. Registrant admits that it is the successor in interest to the rights of Scott D. Strong who purchased from Chainlink Fence the right to do business as Economy Fence Center at the Everett, WA location.

14. Registrant denies that Registrant's registrations have or will cause damage to Petitioner. Registrant admits the allegations of paragraph 14(a)-14(d) except in paragraph (c), "Mr. Vernon" should be "Mt. Vernon". Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph 14(e) and therefore denies the same.

15. Registrant denies the allegations contained in paragraph 15 of the petition.

16. Registrant denies the allegations contained in paragraph 16 of the petition.

17. Registrant repeats its responses to paragraphs 1-16 of the petition to the allegations of paragraph 17.

18. Registrant admits that Petitioner's word mark ECONOMY FENCE CENTER, without reference to Mt. Vernon, is identical to Registrant's registered mark ECONOMY FENCE CENTER (Registration No. 3,582,510). Registrant admits that Petitioner's word mark ECONOMY FENCE CENTER is substantially similar to the word mark portion of Registrant's registered mark ECONOMY FENCE CENTER & design (Registration No. 3,582,512). Registrant denies the remaining allegations of paragraph 18.

19. Registrant admits to the best of its present knowledge that at least some of the services provided by the Petitioner are substantially identical or similar to some of the services set forth in Registrant's Registrations No. 3,582,510 and No. 3,582,512.

20. Registrant admits the allegation of paragraph 21.

21. Registrant admits that use by Petitioner of the mark ECONOMY FENCE CENTER for substantially similar services is likely to cause confusion, or to cause mistake or to deceive relative to Registrant's marks set forth in Registrant's Registrations No. 3,582,510 and No. 3,582,512. Registrant denies all other allegations of paragraph 21.

22. Registrant repeats its responses to paragraphs 1-21 set forth above to the allegations of paragraphs 1-21.

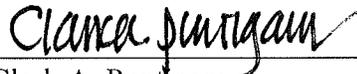
23. Registrant admits the allegations of paragraph 23, except that application Serial No. 77/414,073 was filed on March 5, 2008.

24. Registrant admits the allegations of paragraph 24.

25. Registrant denies all of the allegations set forth in paragraph 25(a)-25(d).
26. Registrant denies the allegations of paragraph 26.
27. Registrant denies the allegations of paragraph 27.
28. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in the paragraph 28 of the petition and therefore denies the same.
29. Registrant denies the allegations of paragraph 29.
30. Registrant denies the allegations of paragraph 30.

Accordingly, Registrant requests that this Petition for Cancellation be denied in favor of Registrant.

Respectfully submitted,



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Clark A. Puntigam  
Registration. No. 25,763

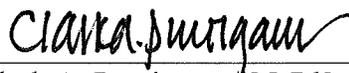
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**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing ANSWER was served via first-class mail, postage prepaid to:

Jonathan Kiel  
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DATED this 2<sup>nd</sup> day of December, 2013

  
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