

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

PROCEEDING: 92058107

PARTY: DEFENDANT/ THOMAS BASSMAN

CORRESPONDENCE THOMAS BASSMAN

ADDRESS: 2200 DIANA DR #108

HALLANDALE BEACH, FL 33009

UNITED STATES

SUBMISSION REGISTRANT'S ANSWER TO PETITION TO CANCEL

FILER'S NAME: THOMAS BASSMAN

FILER'S E-MAIL: TOMBASS@BELLSOUTH.NET

SIGNATURE: *Thomas Bassman*

DATE: *12-6-2013*

ATTACHMENTS: REGISTRANT'S ANSWER TO PETITION FOR CANCEL
NO. 3518997 (5 PAGES)

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

In the matter of Registration No. 3518997

Date of Issue: October 21 , 2008

Trademark: MANNY POPPINS

Nanny Poppins. LLC

Petitioner,

v.

Cancellation No. 92058107

Thomas A. Bassman

Registrant/Respondent.

RESPONDENT'S ANSWER AND AFFIRMATIVE DEFENSES TO PETITION TO CANCEL

Registrant/Respondent, Thomas A. Bassman, hereby responds to the
Petitioner's Petition to Cancel as follows:

The unnumbered allegations, including alleged damages, in the
preface is denied.

1. Registrant/Respondent is without knowledge or information sufficient to
form a belief as to paragraph 1 of the Petition to Cancel and, therefore,
denies the same.

2. Registrant/Respondent is without knowledge or information sufficient to form a belief as to paragraph 2 of the Petition to Cancel and, therefore, denies the same.
3. Registrant/Respondent is without knowledge or information sufficient to form a belief as to paragraph 3 of the Petition to Cancel and, therefore, denies the same.
4. Registrant/Respondent admits that its first use of the trademark referenced in paragraph 4 of the Petition to Cancel was in June 2007.
5. Registrant/Respondent is without knowledge or specific information sufficient to form a belief as to paragraph 5 of the Petition to Cancel and, therefore, denies the same..
6. Registrant/Respondent is without knowledge or information sufficient to form a belief as to paragraph 6 of the Petition to Cancel and, therefore, denies the same.
7. Registrant/Respondent denies the allegations that it somehow is injuring Petitioner as to paragraph 7 of the Petition to Cancel.
8. Registrant/Respondent denies the allegations that it is somehow causing injury to Petitioner, is impairing Petitioner's alleged rights, that it is inconsistent with Petitioner's rights or that it will continue to cause injury

to Petitioner until the registration is cancelled, as to paragraph 8 of the Petition to Cancel.

AFFIRMATIVE DEFENSES

The Petition to Cancel, although crafted to appear valid, is based on references to rights that do not exist.

1. Petitioner has not and will not be damaged by the registration of the trademark Manny Poppins® and therefore lacks standing to petition to cancel the Respondent's registration.
2. Petitioner assumed the risk of damage to itself. Petitioner has no right to the term Manny Poppins and any claim of damage to Petitioner is of its own doing.
3. Petitioner has acquiesced in Registrant's/Respondent adoption, registration, and use of the mark that is the subject of the Petition to Cancel.
4. Petitioner is barred from cancellation of Respondent's mark under the doctrines of laches and waiver as Petitioner's claims concerning or relating to the Respondent's trademark are barred, in whole or in part, because the Petitioner unreasonably delayed in asserting its purported legal rights and therefore forfeited the same.

5. Petitioner is barred from cancellation of Respondent's mark under the doctrine of estoppel.
6. Petitioner is barred from cancellation of Respondent's mark under the doctrine of unclean hands.
7. Petitioner is barred from cancellation of Respondent's mark under the applicable statute of limitations. To that end, Manny Poppins® has been registered for over 5 years.
8. At the time of filing for the mark Manny Poppins on 6-19-2007, Respondent was not made aware of Petitioner's "intent to use application," as it did not exist.
9. Petitioner has not been damaged by Respondent's mark, but apparently is only seeking to cancel Respondent's mark to register its own mark.
10. In addition to the requested mark Nanny Poppins being confusing with Manny Poppins®, Nanny Poppins is also likely to be confused with Respondent's other mark, Mary Poppins, trademark serial #2558752, registered April 9, 2002.
11. Respondent's registered marks are in Class 35 prior US classes 100,101,102. Respondent should be entitled to rely on its superior prior registration and preclude registration of Petitioner's requested mark—Nanny Poppins #77308325.

WHEREFORE, Registrant/Respondent respectfully requests that the Petitioner's Petition to Cancel be dismissed WITH PREJUDICE, with all fees and costs awarded to Registrant/Respondent.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Respondent's Answer to Petition for Cancellation was served on Petitioner this 6 day of December 2013, by sending the same via U.S. registered mail to: Jennifer Bouchard Nanny Poppins, 4 Rex Lane Acton, MA 01720.



Thomas Bassman
Registrant/Respondent
2200 DIANA DR #108
HALLANDALE BEACH, FL 33009