

ESTTA Tracking number: **ESTTA609350**

Filing date: **06/11/2014**

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

Proceeding	92058698
Party	Defendant Jose Nicholas Morales and Manual Morales
Correspondence Address	WILLIAM J KNEELAND KNEELAND LAW OFFICE LLC 417 W MOUNTAIN AVE FORT COLLINS, CO 80521 UNITED STATES bill.kneeland@kneelandlaw.com
Submission	Answer
Filer's Name	William J. Kneeland, Attorney for Respon
Filer's e-mail	bill.kneeland@kneelandlaw.com
Signature	/william j kneeland/
Date	06/11/2014
Attachments	Morales - Answer trademarks - 6-11-14.pdf(82625 bytes)

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

In re:

Tres Margaritas Reg. No. 3,575,223
Family Mexican Restaurant

Las Margaritas Reg. No. 3,629,655
Family Mexican Restaurant

MTC, INC.
Petitioner,

v.

Cancellation No. 92058698

JOSE NICOLAS MORALES and
MANUAL MORALES,
Respondents.

RESPONDENT'S ANSWER TO PETITIONER'S PETITION TO CANCEL

Respondents Jose Nicolas Morales and Manual Morales, ("MORALES") by and through their attorney William J. Kneeland of the Kneeland Law Office, LLC., file its Answer to Petitioner's Motion To Cancel as follows:

1. Respondents have been served with Petitioner's Motion To Cancel their Trademarks.
2. Respondents' Answer date is June 13, 2014.
3. Respondents legal counsel contacted Petitioner's legal counsel William B. Nash by telephone on March 18, 2014 to discuss settling this matter and settling negotiations have taken place on several occasions with Mr. Nash to present us with a Settlement Agreement. Now Mr. Nash has refused to reply to three emails and three calls I have made to him.

4. Respondent proceeds with its Answer to Petitioner's Motion to Cancel as my clients' trademarks were properly applied for, processed, granted Registration No. 3,575,223 for Tres Margaritas and Registration No. 3,629,655 for Las Margaritas, and reach remains in good standing, and as such, should be protected as accepted by the U. S. Trademark Office.

5. Respondent is without knowledge of the truth or facts as set forth in Petitioner's paragraphs I. A. 1, 2, 3, 4, 5, B 6, 7, 8, 9, C 10, 11, 12, 13, II 22, 23, 24, 25, 31, 35, 36, and therefore deny such allegations.

6. Respondent admits the allegations as set forth in Petitioner's paragraphs D 14, 15, 16, 17, 19, 20, 21, 26, 27, 33, 34, 37,

7. Respondent denies the allegations set forth in Petitioner's paragraphs 18, 28, 29, 30, 32, 35, 36, 38, 39, 40, 41, 42, 43, 44,

8. Tres Margaritas solely operates in the State of Colorado and Las Margaritas solely operates in the state of Washington.

9. Tres Margaritas has no intention to do business in any state other than Colorado, and we have conveyed that information and agreement to MTC, Inc's legal counsel.

10. Las Margaritas has no intention to do business in any state other than Washington, and we have conveyed that information and agreement to MTC, Inc's legal counsel.

11. It is our understanding from legal counsel for MTC, Inc. that they solely operate in the State of Texas and have no intention to operate in any other state other than Texas.

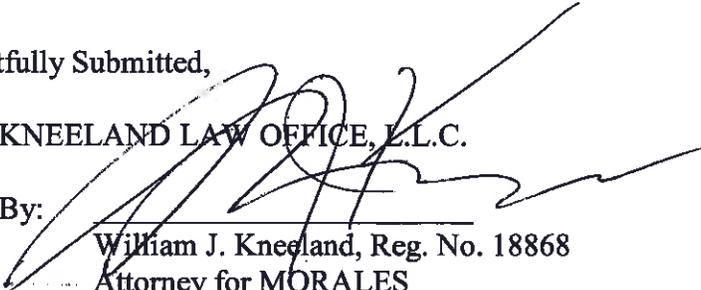
WHEREFORE, RESPONDENT respectfully requests that the Trademark Trial And Appeal Board dismiss MTC, Inc.'s Motion To Cancel; and further find that there is no threat of confusion, mistake or deception between the respective Party's trademarks as the Parties operate solely in different state, and both have no intention to operate in the others' State.

Dated: June 11, 2014.

Respectfully Submitted,

KNEELAND LAW OFFICE, L.L.C.

By:

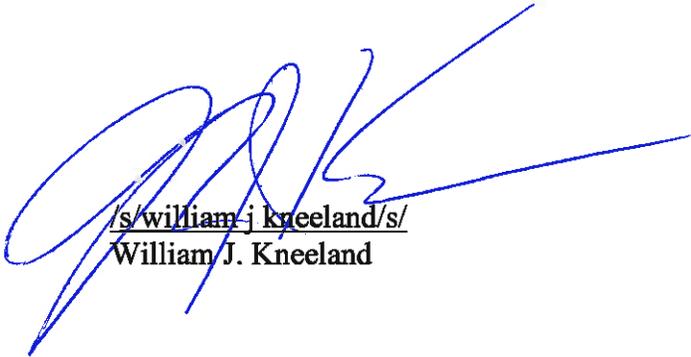


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CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of June, 2014, a true and correct copy of the foregoing Respondent's Answer To Petitioner's Motion To Cancel was placed in the U.S. Mail; First Class postage prepaid and addressed and was emailed and faxed as follows:

William B. Nash, Esq.
Jason W. Whitney, Esq.
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/s/william-j kneeland/s/
William J. Kneeland