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

Proceeding	92059415
Party	Defendant Carlo Ghailian
Correspondence Address	CARLO GHAILIAN 315 E 8TH ST, STE 202 LOS ANGELES, CA 90014 UNITED STATES
Submission	Answer
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Date	08/01/2014
Attachments	Answer to Petition for Cancellation.pdf(207022 bytes)

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

In the Matter of Registration No. 4,209,002
Registration date: September 18, 2012
Mark: DOMINGO'S ITALIAN DELI

ARGUS FOOD PROCESSING CORP.,	)	Cancellation No. 92059415
	)	
Petitioner,	)	
	)	
vs.	)	
	)	
CARLO GHAILIAN,	)	
	)	
Registrant	)	
	)	

ANSWER TO PETITION FOR CANCELLATION

Registrant, Carlo Ghailian (hereinafter "Registrant") hereby responds to the numbered and unnumbered paragraphs of the Petition for Cancellation filed by Argus Food Processing Corp. (hereinafter "Petitioner") as follows:

In response to the unnumbered introductory paragraph in the Petition for Cancellation, Registrant denies that Petitioner will be damaged by registration of the mark Domingo's Italian Deli. Except as stated, Registrant is without sufficient knowledge or information to form a belief as to the accuracy, truth or falsity of any remaining allegations within this paragraph, and therefore denies the same.

1. Registrant is without sufficient knowledge or information to form a belief as to the accuracy, truth or falsity of the Petitioner's averment and allegations set forth in the

enumerated Paragraph 1 of the Petition and, on that basis, denies those allegations and leaves Petitioner to its proofs thereof.

2. Registrant is without sufficient knowledge or information to form a belief as to the accuracy, truth or falsity of the Petitioner's averment and allegations set forth in the enumerated Paragraph 2 of the Petition and, on that basis, denies those allegations and leaves Petitioner to its proofs thereof.

3. Registrant is without sufficient knowledge or information to form a belief as to the accuracy, truth or falsity of the Petitioner's averment and allegations set forth in the enumerated Paragraph 3 of the Petition and, on that basis, denies those allegations and leaves Petitioner to its proofs thereof.

4. Registrant admits Paragraph 4 as to Petitioner's application for registration of the mark to the extent that such information is verified in the US Patent and Trademark Office Records.

5. Registrant admits Paragraph 5 to the extent that such information is verified in the US Patent and Trademark Office Records.

6. Registrant admits Paragraph 6.

7. Registrant denies the allegations contained in Paragraph 7.

8. Registrant denies the allegations contained in Paragraph 8.

AFFIRMATIVE DEFENSES

For its further and separate affirmative defenses to the Petition, Registrant alleges as follows:

FIRST AFFIRMATIVE DEFENSE

1. Registrant affirmatively alleges that Petitioner has failed to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

2. Registrant further affirmatively alleges that Petitioner is barred, in whole or in part, from relief by the Doctrine of Waiver.

THIRD AFFIRMATIVE DEFENSE

3. Registrant further affirmatively alleges that Petitioner's claims are precluded by the Doctrine of Estoppel.

FOURTH AFFIRMATIVE DEFENSE

4. Registrant further affirmatively alleges that Petitioner's claims are precluded by the Doctrine of Acquiescence.

FIFTH AFFIRMATIVE DEFENSE

5. Registrant further affirmatively alleges that Petitioner will not be damaged by registration of Applicant's Mark.

SIXTH AFFIRMATIVE DEFENSE

6. Registrant further affirmatively alleges that Petitioner is barred, in whole or in part, from relief by the Doctrine of Waiver.

SEVENTH AFFIRMATIVE DEFENSE

7. Registrant further affirmatively alleges that Opposer is barred, in whole or in part, from relief by the Doctrine of Laches.

EIGHTH AFFIRMATIVE DEFENSE

8. Registrant further affirmatively alleges that Petitioner is barred by, in whole or in part, from relief by the Doctrine of Unclean Hands.

NINTH AFFIRMATIVE DEFENSE

9. Registrant further affirmatively alleges that Petitioner's claims are barred insofar as Petitioner has abandoned its trademark.

TENTH AFFIRMATIVE DEFENSE

10. Registrant further affirmatively alleges that Petitioner has failed to adequately maintain, police or enforce any trademark or proprietary rights it may once have had in its alleged pleaded mark.

ELEVENTH AFFIRMATIVE DEFENSE

11. Registrant further affirmatively alleges that Petitioner's claims are barred insofar as Petitioner does not possess any rights in its asserted trademark in the United States.

TWELFTH AFFIRMATIVE DEFENSE

12. Registrant further affirmatively alleges that Petitioner's claims under the Petition are barred, in whole or in part, by the doctrines of collateral estoppel and res judicata.

THIRTEENTH AFFIRMATIVE DEFENSE

13. Registrant further affirmatively alleges that Petitioner's failed to state a claim for priority.

FOURTEENTH AFFIRMATIVE DEFENSE

14. Registrant further affirmatively alleges that Petitioner's failed to state a claim for likelihood of confusion.

FIFTEENTH AFFIRMATIVE DEFENSE

Registrant hereby gives notice that it may rely on any other defenses that may become available or appear proper during discovery, and hereby reserves its right to amend this Answer to assert any such defenses.

WHEREFORE, Registrant prays that this Petition be dismissed, and that the subject registration remain registered and for such other and further relief as may be appropriate.

Respectfully submitted

Dated: August 1, 2014 By: _____

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Carlo Ghailian

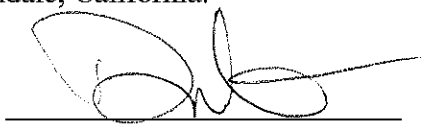
CERTIFICATE OF SERVICE

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES)

I hereby certify that a copy of the foregoing was served by prepaid, first-class mail upon the attorney/correspondent of record for Petitioner as follows:

Jesus Sanchelima, Esq.
SANCHELIMA & ASSOCIATES, P.A.
235 S.W. Le Jeune Rd.
Miami, FL 33134-1762

This 1st day of August, 2014, at Glendale, California.



Diane Astourian