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Filing date: **11/28/2014**

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

Proceeding	92060185
Party	Defendant Christopher Robert Cline
Correspondence Address	CHRISTOPHER ROBERT CLINE 2336 NORTHUMBRIA DRIVE SANFORD, FL 32771 UNITED STATES info@maybepartyingwillhelp.com, info@housemusiclovesmebitch.com, christopher.cline@gmail.com
Submission	Answer
Filer's Name	Michael L. Leetzow
Filer's e-mail	michael@leetzow.com
Signature	/Michael L. Leetzow/
Date	11/28/2014
Attachments	Answer.pdf(274898 bytes)

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

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)	
Hot Topic Merchandising, Inc.)	
)	Cancellation No. 92060185
Plaintiff,)	Mark: MAYBE PARTYING WILL
)	HELP
vs.)	Reg. No. 4,447,800
)	
Christopher Robert Cline)	
)	
Defendant.)	
-----)	

ANSWER AND AFFIRMATIVE DEFENSES

Defendant Christopher Robert Cline (“Defendant”), through his attorney Michael L. Leetzow, P.A., answers the Petition for Cancellation filed by Hot Topic Merchandising, Inc. (“Plaintiff”) as follows:

1. Defendant lacks knowledge and information sufficient to form an opinion as to the allegations contained in Paragraph 1 of the Petition for Cancellation, and therefore denies the same.
2. Defendant admits that Defendant owns the registration at issue, otherwise denies the remaining allegations.
3. Defendant need not respond to the statements in Paragraph 3; to the extent that an answer is required, Defendant admits that it has knowledge of the use by Plaintiff.
4. Defendant admits sending an email to Plaintiff alleging infringement; Defendant denies that there is an Exhibit A attached to the Petition for Cancellation.

5. Defendant admits the application was filed on April 30, 2013 and claimed use since March 1, 2011 for the goods listed therein and matured into the '800 Registration.

6. Defendant denies the allegations contained in Paragraph 6 of the Petition for Cancellation.

7. Defendant denies the non-use of the '800 Registration contained in Paragraph 7 of the Petition for Cancellation; the remainder of the allegations in Paragraph 7 of the Petition for Cancellation does not require a response by Defendant. In the event that a response is required, Defendant denies that the registration should be canceled.

8. Defendant denies the allegations contained in Paragraph 8 of the Petition for Cancellation.

9. Defendant denies the allegations contained in Paragraph 9 of the Petition for Cancellation.

10. Defendant denies the allegations contained in Paragraph 10 of the Petition for Cancellation.

11. Defendant denies the allegations contained in Paragraph 11 of the Petition for Cancellation.

12. Defendant denies fraudulent statements were made as alleged in Paragraph 12 of the Petition for Cancellation; the remainder of the allegations in Paragraph 12 of the Petition for Cancellation do not require a response by Defendant. In the event that a response is required, Defendant denies that the registration would not have been granted.

13. Defendant asserts that the allegations in Paragraph 13 of the Petition for Cancellation are irrelevant to the issues in the Petition for Cancellation and otherwise denies the allegations in Paragraph 13 of the Petition for Cancellation.

14. Defendant denies the allegations in Paragraph 14 of the Petition for Cancellation.

15. Defendant denies the allegations in Paragraph 15 of the Petition for Cancellation.

16. Defendant lacks knowledge and information sufficient to form an opinion as to the allegations contained in Paragraph 16 of the Petition for Cancellation, and therefore denies the same.

AFFIRMATIVE DEFENSES

17. The Petition for Cancellation failed to provide all of the documents noted therein as no Exhibit A was filed or served on Defendant.

18. Plaintiff has failed to have the Petition for Cancellation signed by an appropriate person who is able to practice before the U.S. Patent and Trademark Office. The signatory to the Petition is not an individual enumerated under 37 C.F.R. §11.14 as the signatory is not an attorney or an officer of Plaintiff.

19. Plaintiff has failed to adequately plead the elements of fraud on the Trademark Office as required.

20. Defendant has used the mark in commerce before the Plaintiff's use of Defendant's Mark MAYBE PARTYING WILL HELP.

21. Plaintiff has made statements in the Petition for Cancellation that are not within the signatory's personal knowledge although such statements have been asserted to be within the signatory's personal knowledge.

22. Plaintiff has failed to adequately plead damage.

23. Plaintiff does not have standing to file the current Petition for Cancellation.

24. Defendant has insufficient information upon which to form a belief as to whether it may have additional unstated Affirmative Defenses. Defendant reserves the right to assert additional Affirmative Defenses in the event discovery indicates that they are appropriate.

WHEREFORE, Defendant requests that this Petition be denied and that the registration be sustained.

Respectfully submitted,



Michael L. Leetzow, Esq.

Michael L. Leetzow, P.A.

Attorney for Christopher Robert Cline

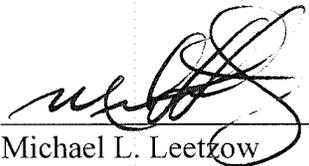
2393 Crest Ridge Ct.

Sanford, FL 32771

Date: **November 28, 2014**

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing was served electronically at lwilliams@hottopic.com and via regular mail on Plaintiff Hot Topic Merchandising, Inc. at 18305 E. San Jose Ave., City of Industry, CA 91748 on November 28, 2014.



Michael L. Leetzow

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2393 Crest Ridge Ct.
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