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

Proceeding	92060308
Party	Defendant Corcamore, LLC
Correspondence Address	CHARLES L THOMASON 55 W 12TH AVE COLUMBUS, OH 43210 UNITED STATES thomason@spatlaw.com
Submission	Answer
Filer's Name	Charles L. Thomason
Filer's e-mail	thomason@spatlaw.com
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Date	12/26/2014
Attachments	Sprout_TTAB_Answer_CoCl_12_26_2014.pdf(16334 bytes )

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

**SFM, LLC**

Petitioner,

~vs.

**Corcamore LLC,**

Respondent.

Cancellation no. 92060308

ELECTRONICALLY FILED

**ANSWER TO FIRST AMENDED PETITION**

Respondent answers the First Amended Petition, as follows:

The respondent is without knowledge or information sufficient to form a belief as to the averments in the preamble to the first amended petition, and so denies same.

1. The respondent is without knowledge or information sufficient to form a belief as to the averments in paragraph 1 of the first amended petition, and so denies same.

2. Admitted.

3. The respondent is without knowledge or information sufficient to form a belief as to the averments in paragraph 3 of the first amended petition, and so denies same.

4. The recitals in registration no. 3,708,453 are admitted, and as to any remaining averments in paragraph 4 of the first amended petition, respondent is without knowledge or information sufficient to form a belief as to those, and so denies same.

5. The respondent is without knowledge or information sufficient to form a belief as to the averments in paragraph 5 of the first amended petition, and so denies same.

6. The respondent is without knowledge or information sufficient to form a belief as to the averments in paragraph 6 of the first amended petition, and so denies same.

7. The respondent is without knowledge or information sufficient to form a belief as to the averments in paragraph 7 of the first amended petition, and so denies same.

8. The recitals in registration no. 3,708,453 are admitted, and as to any remaining averments in paragraph 8 of the first amended petition, respondent is without knowledge or information sufficient to form a belief as to those, and so denies same.

9. Denied.

10. As pleaded by petitioner, the respondent is without knowledge or information sufficient to form a belief as to the averments in paragraph 10 of the first amended petition, and so denies same.

11. As pleaded by petitioner, the respondent is without knowledge or information sufficient to form a belief as to the averments in paragraph 11 of the first amended petition, and so denies same.

12. As pleaded by petitioner, the respondent is without knowledge or information sufficient to form a belief as to the averments in paragraph 12 of the first amended petition, and so denies same.

13. As pleaded by petitioner, the respondent is without knowledge or information sufficient to form a belief as to the averments in paragraph 13 of the first amended petition, and so denies same.

14. As pleaded by petitioner, the respondent is without knowledge or information sufficient to form a belief as to the averments in paragraph 14 of the first amended petition, and so denies same.

15. As pleaded by petitioner, the respondent is without knowledge or information sufficient to form a belief as to the averments in paragraph 15 of the first amended petition, and so denies same.

16. Denied.

WHEREFORE, having answered, the respondent prays that the First Amended Petition and this action be dismissed with prejudice.

#### Separate Defenses

I. The First Amended Petition fails to state a claim on which relief may be granted to the Petitioner.

II. The Petitioner lacks standing to plead the First Amended Petition.

III. The respondent-registrant's use of its mark is not likely to cause confusion in regard to the pleaded marks.

IV. The mark of respondent-registrant differs in sound, appearance, meaning and commercial impression from the pleaded marks.

V. The respective services, channels of trade, marketing and distribution of the services, and goods if any, denoted by the marks at issue, differ.

VI. The First Amended Petition was filed more than five years after the date of the respondent-registrant's mark was registered.

VII. The petitioner cannot be injured by respondent-registrant's use of its mark in commerce for the identified services.

VIII. In "vending machines services," the respondent-registrant is the first user of its registered mark "SPROUT."

IX. Equity compels a restriction of the services of petitioner identified by its registered marks to not include "vending machine" services.

X. The petitioner is not using its marks on "vending machine" services, which equitably should be excluded from its registrations.

XI. Restriction of the petitioner's registrations to exclude "vending machine" services would avoid a likelihood of confusion.

XII. The petitioner is not using its marks on "vending machine" goods, which equitably should be excluded from its registrations.

XIII. Restriction of the petitioner's registrations to exclude "vending machine" goods would avoid a likelihood of confusion.

WHEREFORE, having answered, the respondent prays that the First Amended Petition and this action be dismissed with prejudice.

Date: December 26, 2014

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Telep. (502) 349-7227  
Attorney for Respondent Corcamore LLC

**CERTIFICATE OF SERVICE**

I hereby certify that on December 26, 2014, I personally deposited in the U.S. mail, postage prepaid, a complete copy of the Answer to the first amended petition of SFM, LLC [*Dkt. # 6*], addressed to:

Nicole M. Murray, Esq.  
QUARLES & BRADY LLP  
300 N LASALLE ST, SUITE 4000  
CHICAGO, IL 60654

I certify that the foregoing statements made by me are true.

Date: 26 Dec. 2014

~s~Charles L. Thomason

Charles L. Thomason