

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**The Trademark Trial and Appeal Board**

In the matter of U.S. Registration No. 4,509,171

For the mark SAFESIDE

Registered on the principal registration on April 8, 2014

Petitioner, Safeside Tactical, LLC, a Virginia Limited Liability Company located and doing business at 15875 Stewartsville Road, Vinton, Virginia claimed they will continue to be damaged by the continued registration of the United States Registration 4,509,171 and petitioned for cancellation of the registrant's existing mark. This allegation is denied since Registrant's filed prior use to the Petitioner's alleged first use.,

PETITIONER'S GROUNDS FOR CANCELLATION

Petitioner's grounds for cancellation states that the Registrant's mark will likely cause confusion with Petitioner's mark, (Application Serial No. 86/201,940) SAFESIDE TACTICAL. The petitioner incorrectly stated that it retained priority of use over Registrant's Mark by virtue of its prior use in commerce in the United States. This position is denied by Registrant who filed their application prior to Petition's alleged first use.

**01-08-2015**

U.S. Patent & TMO/TM Mail Rcpt Dt. #

ANSWER TO PETITIONER'S STATE OF FACTS

The Registrant responds to Petitioner's allegations as follows:

<u>ITEM NO.</u>	<u>RESPONSE</u>
1.	No knowledge sufficient to form a belief as to the truth of the ownership of the mark.
2.	Admit
3.	Admit
4.	No knowledge sufficient to form a belief as to the truth of the ownership of the mark
5.	No knowledge sufficient to form a belief as to the truth of the use in Commerce
6.	No knowledge sufficient to form a belief as to the truth of the promotional funds spent
7.	Deny
8.	Admit
9.	Admit
10.	Admit
11.	Admit
12.	Admit

13. Amit
14. Deny Registrant's date of first use is June 24,2011
15. Deny
16. Deny
17. Deny
18. No knowledge sufficient to form a belief as to the truth of the promotional funds spent
19. No knowledge sufficient to form a belief as to the truth of the promotional funds spent

REGISTRANT'S AFFIRMATIVE DEFENSE

The Petitioner's Petition to Cancel is based on their claim of prior use before Registrant's use.

This claim is incorrect. Their first use is claimed to be November 15, 2012.

The Registrant's first use was June 24, 2011. There was good faith error when the Registrant first filed the application. The Registrant filed a Section 7 to correct the good faith error.

Attached is the invoice from Cheytac USA, LLC to Mark Fields, 3116 Gideon Court, Waldorf Court, MD 20602 showing the date of first use as June 24, 2011 which is prior to Petitioner's claim of first use. A copy of the invoice is attached.

Cancel filed by Safeside Tactical, LLC be denied and United States Registration No. 4, 509, 171 remain in full force and effect.

Respectfully submitted this 5th day of January 2015

Jerry Romanoff, P.C.

Attorney for Registrant

/Jerry Romanoff/

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THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of United States Registration No. 4,509,171

For the mark SAFESIDE;

Registered April 8, 2014

SAFESIDE TACTICAL, LLC.,

Petitioner

vs.

CHEYTAC USA, LLC,

Registrant

CERTIFICATE OF SERVICE

**I hereby certify that a copy of this answer to the enclose Petition to Cancel was served
via FEDEX, signature required, prepaid, upon:**

**Mathew H. Sawyer
Mathew H. Sawyer, Esq.
The Trademark Company, PLLC
344 Maple Avenue West, Suite 151
Vienna, VA 22180**

**/Jerry Romanoff/
Attorney of Registrant
4 Oceanview Court
Long Beach, New York 11561**

Stiller's Precision Firearms LLC

Invoice

Date	Invoice #
5/9/2012	2332

118 Regency Drive
Wylie, TX 75098

Phone #: 972-429-5000
Fax #: 972-941-8884

E-mail: stiller@viperactions.com
Web Site: viperactions.com

Bill To
CheyTac LLC Darryl Miller 1421 Forest Way Nashville GA 31639

Ship To

P.O. Number	Terms	FFL #	Ship	Via	F.O.B.	Project
			5/9/2012			

Quantity	Item Code	Description	Price Each	Serial #	Amount
10	CheyTac - 1.6 408 Rep R	CheyTac PTAC 408 extreme length bolt action receiver, 1.60" diameter, .645" boltface, right bolt, right port, repeater, black oxide finish	925.00		9,250.00T
2	CheyTac - Lap Xt Rep R	CheyTac Perses extreme length bolt action receiver, lapua boltface, right bolt, right port, repeater	875.00		1,750.00T
4	CheyTac - Mag Lg Rep...	CheyTac Vidar long bolt action receiver, mag boltface, right bolt, right port, repeater	825.00		3,300.00T
4	CheyTac - 308 Sh Rep R	CheyTac Safeside short bolt action receiver, 308 boltface, right bolt, right port, repeater	825.00		3,300.00T
		**** 50% Deposit for OEM actions - \$8800.00 **** Out-of-state sale, exempt from sales tax	0.00%		0.00

Total					\$17,600.00
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