

**Motion to Approve a Section 7 Request Without Consent
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRIAL AND APPEAL BOARD**

SAFESIDE TACTICAL, LLC

Petitioner

vs.

CHEYTAC USA, LLC

Registrant

Processing Number: 92060464

Registration Number: 4,509,171

8,839,213

**RESPONSE TO PETITIONER'S OPPOSITION TO GRANT
CORRECTED DATE OF FIRST USE WITHOUT CONSENT**

The Registrant, Cheytac USA, LLC, through its counsel, Jerry Romanoff, files the Response to the Petitioner's Opposition to Grant Corrected Date of First use Without Consent filed on January 30, 2015.

STATEMENT OF FACTS

- 1. On November 29, 2014, the Registrant filed a Section 7 Request Form requesting to change the date of FIRST USE ANYWHERE and FIRST USE IN COMMERCE date.**
- 2. Attached to the Section 7 Request Form was an invoice showing the correct date of FIRST USE ANYWHERE and FIRST US IN COMMERCE date to be June 24, 2011.**



02-10-2015

3. The Section 7 Request was based on a GOOD FAITH ERROR due to an innocent posting of the wrong date from the original invoice.
4. A copy of the original invoice is attached.
5. On January 15, 2015, the Registrant filed an amendment to the original Section 7 Request form and inadvertently included the wrong invoice that is the basis for the Section 7 GOOD FAITH request change.
6. The correct date of FIRST USE ANYWHERE and FIRST USE IN COMMERCE is June 24, 2011 as shown on the attached invoice (originally submitted on November 29, 2014).
7. The original filing of the Section 7 was prior to the Petition to Cancel filed by the Petitioner.
8. On December 1, 2014, the Petitioner filed the Petition to Cancel after the filing of the Registrant's Section 7.
9. The Section 7 had to be corrected and was refiled on December 5, 2014.

ARGUMENT

The Petitioner states in their Opposition to Registrant's Motion to Grant Corrected Date of First Use without Consent that the " the attached invoice shows the correct date that should have been posted. This invoice was the First use of the Mark. Despite the foregoing statement, the invoice attached to Registrant's motion is dated May 9, 2012 not June 24, 2011."

Petitioner's Counsel is well aware of the existence of the correct invoice dated June 24, 2011. They received a copy during the settlement discussions. They received a copy when the original Section 7 was filed with the correct invoice dated June 24, 2011.

The Petitioner's counsel was well aware that the wrong invoice was included in the second Section 7 filing on January 15, 2015.

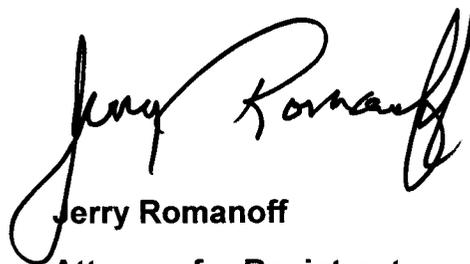
The Section 7 request is an important part of the Registrant's defense and should not be considered a material change because of the good faith error.

The only issue in the Petition to Cancel is the DATE OF FIRST USE ANYWHERE and FIRST USE IN COMMERCE.

The Registrant, by counsel, respectfully requests that the Board approve the Section 7 Request by the Registrant.

Dated: February 9, 2015

Respectfully submitted.

A handwritten signature in black ink, appearing to read "Jerry Romanoff", written in a cursive style.

Jerry Romanoff

Attorney for Registrant

4 Oceanview Court

Long Beach, NY 11561

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516-889-4193 FAX

jerryromanoff@aol.com



Receipt

CheyTac USA

Distance-Power-Accuracy

541 Hazel Ave, Nashville, GA 31639
 Phone 229.686.3219 Fax 1.888.519.5242

INVOICE: MFJUNE2011

DATE: JUNE 24, 2011

EXPIRATION DATE: JULY 2012

TO Name: Mark Fields
 Address: 3116 Gideon Court
 Waldorf, MD 20602
 Fax:
 Email: mark.l.fields@gmail.com

SALESPERSON	JOB	SHIPPING METHOD	SHIPPING TERMS	DELIVERY DATE	PAYMENT TERMS	DUE DATE
Joe	MF	Best	NA	NA	Paid in Full	Expected

QTY	ITEM #	DESCRIPTION	UNIT PRICE	DISCOUNT	LINE TOTAL
1	Rifle	.308 Win. Mag. Custom "Safeside"	\$6,000.00	\$0.00	\$6,000.00
			SUBTOTAL	\$0.00	\$6,000.00
			SHIPPING (EST)		N/A
			TOTAL		\$6,000.00

THANK YOU FOR YOUR BUSINESS!

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:

Cancellation No. 92060464

Safeside Tactical, LLC,

Petitioner

vs

CheyTac USA, LLC,

Registrant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a copy of the foregoing this 9th day of

February, 2015 to be served, via first class mail, postage prepaid upon:

Mathew H. Sawyers, Esq.

344 Maple Avenue West, suite 151

Vienna, VA 22180



Jerry Romanoff
Attorney for Cheytac USA, LLC