

ESTTA Tracking number: **ESTTA659252**

Filing date: **03/04/2015**

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

Proceeding	92060558
Party	Defendant Amalie AOC, Ltd.
Correspondence Address	C DOUGLAS MCDONALD CARLTON FIELDS JORDEN BURT PA PO BOX 3239 TAMPA, FL 33605 UNITED STATES dmcdonald@cfjblaw.com, wgiltinan@cfjblaw.com, trademarks@cfjblaw
Submission	Answer
Filer's Name	C. Douglas McDonald
Filer's e-mail	trademarks@cfjblaw.com
Signature	/C. Douglas McDonald/
Date	03/04/2015
Attachments	answer.pdf(19898 bytes)

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

GENERAL MOTORS LLC

Petitioner,

Vs.

Cancellation No. 92060558

AMALIE AOC, LTD, PACKERS
ACQUISITION CO.

Respondent.

**RESPONSE TO PETITION FOR CANCELLATION BY RESPONDENT
AMALIE AOC, LTD., PACKERS ACQUISITION CO.**

Amalie AOC, Limited (“Amalie”) and Packers Acquisition Company (“Packers”) (jointly, “Respondents”) hereby respond and answer the Petition for Cancellation in this proceeding through their undersigned counsel. The numbered paragraphs below correspond to the numbered paragraphs set forth in the Petition filed by General Motors LLC (“Petitioner”).

ANSWER

SECTION I.

1. Without knowledge and therefore denied.
2. Without knowledge and therefore denied.
3. Denied, but Respondents admit that Amalie AOC Ltd. is a Florida Limited Partnership, and Packers Acquisition Co. is the General Partner thereof and that both have the mailing address stated..
4. Admitted.
5. Without knowledge and therefore denied.

6. Without knowledge as to the dates and ownership of the listed registrations, and therefore denied. Respondents further deny that Petitioner General Motors LLC was in existence prior to 2009.

7. Without knowledge and therefore denied.

8. Denied.

SECTION II.

9. Without knowledge and therefore denied.

10. Without knowledge and therefore denied.

11. Denied.

SECTION III.

12. Respondents deny that there is any basis for Petitioner's cited applications to be blocked by Respondent's Registration Number 4,554,682.

13. Respondents deny that there is any legitimate basis for any allegation of likelihood of confusion between Respondent's mark DEX III H/M for transmission fluid and Petitioner's marks DEXRON for transmission fluid and DEX-COOL for antifreeze and coolant for motor vehicles. Respondents further deny that the consuming public is likely to be confused or mistaken or deceived as to the source of Respondent's or Petitioner's respective goods. Respondents further deny any allegations of damages to Petitioner's alleged business and goodwill.

WHEREFORE, Respondents respectfully request that this Petition for cancellation be dismissed.

Dated March 4, 2015

Respectfully submitted,

/C. Douglas McDonald/
C. Douglas McDonald
William G. Giltinan
Attorney for Respondents
Carlton Fields Jordan Burt, PA
PO Box 3239
Tampa, FL 33601-3239
813-223-7000
Fax; 813-229-4133
dmcDonald@cfjblaw.com
wgiltinan@cfjblaw.com
trademarks@cfjbaw.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed electronically with the United States Patent and Trademark Office, Trademark Trial and Appeal Board through ESTTA and was served by U.S. Mail on Karen A. Merkle, attorney for General Motors, at 300 Renaissance Center, MC#482-C23-B21, Detroit, Michigan, 48265-3000 and by email, Karen.a.merkle@gm.com, on this 4th day of March, 2015.

/C. Douglas McDonald/
C. Douglas McDonald