

ESTTA Tracking number: **ESTTA650317**

Filing date: **01/15/2015**

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

Proceeding	92060628
Party	Defendant Beaver Street Fisheries, Inc.
Correspondence Address	BEAVER STREET FISHERIES INC 1741 W BEAVER STREET JACKSONVILLE, FL 32209 UNITED STATES
Submission	Answer
Filer's Name	Gary D. Krugman
Filer's e-mail	gkrugman@sughrue.com, ksmith@sughrue.com, mwhite@sughrue.com, vmul-lineaux@sughrue.com
Signature	/Gary D. Krugman/
Date	01/15/2015
Attachments	H00205A Answer to Petition for Cancellation (January 15, 2015) As Filed.PDF(1075559 bytes)

6. Respondent admits that attached to the Petition for Cancellation as Exhibit 1 are photocopies of pages which appear to be taken from the U.S. Patent and Trademark Office TSDR database. Respondent otherwise has insufficient knowledge or information upon which to form a belief as to the truth of the allegations set forth in numbered paragraph 6 of the Petition for Cancellation and, therefore, denies said allegations.

7. No response required.

8. Respondent admits that, on August 28, 2013, it filed an application to register GRILLMAN'S HOT DOGS for "meat; packaged meats; prepared meats; processed meats; preserved meats and sausages; wieners; frankfurters and hot dogs" and inadvertently set forth the class as International Class 10, which application was assigned Serial No. 86050678. Respondent otherwise has insufficient knowledge or information upon which to form a belief as to the truth of the allegations set forth in numbered paragraph 8 of the Petition for Cancellation with respect to Petitioner's asserted rights in and to the GRILL MATES marks and, therefore, denies said allegations.

9. Respondent admits that it inadvertently misidentified the International Class for the GRILLMAN'S HOT DOGS application as International Class 10, rather than International Class 29.

10. Respondent admits the allegations set forth in numbered paragraph 10 of the Petition for Cancellation.

11. Respondent admits the allegations set forth in numbered paragraph 11 of the Petition for Cancellation.

12. Respondent did not become aware of the inadvertent typographical error regarding the International Class of the application to register GRILLMAN'S prior to publication, and, therefore, admits that this error was not brought to the U.S. Patent and Trademark Office's attention prior to publication.

13. Respondent admits the allegations set forth in numbered paragraph 13 of the Petition for Cancellation.

14. Respondent admits that no Notice of Opposition was filed against the registration of its GRILLMAN'S MARK but otherwise has insufficient knowledge or information as to the truth of the remaining allegations set forth in numbered paragraph 14 of the Petition for Cancellation and, therefore, denies said allegations.

15. Respondent admits the allegations set forth in numbered paragraph 15 of the Petition for Cancellation.

16. Respondent admits the allegations set forth in numbered paragraph 16 of the Petition for Cancellation.

17. Respondent admits the allegations set forth in numbered paragraph 17 of the Petition for Cancellation.

18. Respondent admits the allegations set forth in numbered paragraph 18 of the Petition for Cancellation.

19. Respondent has insufficient knowledge or information upon which to form a belief as to the truth of the allegations set forth in numbered paragraph 19 of the Petition for Cancellation and, therefore, Respondent denies said allegations.

20. Respondent admits the allegations set forth in numbered paragraph 21 of the Petition for Cancellation to the extent that "grilling enthusiasts" refers to consumers who utilize a grill to cook meat or who otherwise enjoy eating grilled meats.

21. Respondent has insufficient knowledge or information upon which to form a belief as to the truth of the allegations set forth in numbered paragraph 20 of the Petition for Cancellation and, therefore, Respondent denies said allegations.

22. Respondent admits the allegations set forth in numbered paragraph 22 of the Petition for Cancellation.

23. Respondent has insufficient knowledge or information upon which to form a belief as to the truth of the allegations set forth in numbered paragraph 23 of the Petition for Cancellation and, therefore, Respondent denies said allegations.

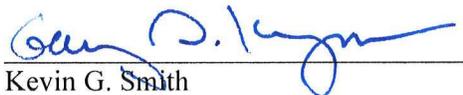
24. Respondent denies the allegations set forth in numbered paragraph 24 of the Petition for Cancellation.

25. Respondent denies the allegations set forth in numbered paragraph 25 of the Petition for Cancellation.

26. Respondent denies the allegations set forth in numbered paragraph 26 of the Petition for Cancellation.

WHEREFORE, Respondent respectfully requests the Petition for Cancellation be dismissed with prejudice.

Respectfully submitted,
BEAVER STREET FISHERIES, INC.

By: 
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Date: January 15, 2015

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing ANSWER TO PETITION FOR CANCELLATION has been served via email (*Jordan.Weinstein@btlaw.com*) and first class mail, postage prepaid, this 15th day of January 2015 on:

Jordan S. Weinstein
Barnes & Thornburg, LLP
1717 Pennsylvania Avenue, N.W., Suite 500
Washington, DC 20006
Attorney for Opposer



Gary D. Krugman