

ESTTA Tracking number: **ESTTA662474**

Filing date: **03/23/2015**

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

Proceeding	92060849
Party	Defendant Sunkiss Thermoreactors Inc.
Correspondence Address	SUNKISS THERMOREACTORS INC 180 ARBOIT STREET, L'ASSOMPTION QUEBEC, J5W 4P5 CANADA
Submission	Answer
Filer's Name	Jorie L. Stroup
Filer's e-mail	jstroup@dowellpc.com
Signature	/Jorie L. Stroup/
Date	03/23/2015
Attachments	80083answer_JLS.pdf(538561 bytes)

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

In the Matter of Registration No. 1,200,333

FINAM,

Petitioner,

v.

Cancellation No.: 92/060,849

Sunkiss Thermoreactors Inc.,

Registrant.

ANSWER TO PETITION FOR CANCELLATION

Registrant, Sunkiss Thermoreactors Inc., by and through its undersigned counsel, hereby answers the Petition for Cancellation (the "Petition") as follows:

1. Due to an apparent typographical error, the statement set forth in Paragraph 1 is denied, and Registrant clarifies and admits that Registration No. 1,200,333 registered on July 6, 1982 to Calinter S.A. (Exhibit A)
2. Due to an apparent typographical error, statement set forth in paragraph 2 is denied, and Registrant clarifies and admits that Registration No. 1,200,333 for the mark SUNKISS is presently owned by Sunkiss Thermoreactors Inc.

3. The allegations of paragraph 3 are admitted so far as the assertion reflects information available through the U.S. Patent & Trademark Office, but Registrant is without knowledge or information sufficient to form a belief as to the truth or falsity of the alleged ownership of Application Serial No. 86/500,513.

4. The allegations of paragraph 3 are admitted so far as the assertion reflects information available through the U.S. Patent & Trademark Office, but Registrant is without knowledge or information sufficient to form a belief as to the truth or falsity of the alleged ownership of Application Serial No. 86/500,517.

5. Registrant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph 5.

6. The allegations set forth in Paragraph 6 are denied. SUNKISS has not abandoned any of its rights with respect to Registration No. 1,200,333, as evidenced by an example of continued use of the mark included herewith. (Exhibit B)

7. The allegations set forth in Paragraph 7 are denied.

8. The allegations set forth in Paragraph 8 are denied.

9. The allegations set forth in Paragraph 9 are denied.

10. The allegations set forth in Paragraph 10 are denied.

11. The allegations set forth in Paragraph 11 are denied.

Registrant hereby denies any and all other allegations of the Petition that have not been affirmatively admitted herein.

WHEREFORE, Registrant generally denies that Petitioner is damaged by Registrant's registration for the mark SUNKISS and respectfully requests that the Board dismiss Petitioner's Petition and leave Reg. No. 1,200,333 undisturbed.

Dated: March 23, 2015

Respectfully submitted,

/Jorie L. Stroup/
Jorie L. Stroup

Dowell & Dowell, P.C.
103 Oronoco St.
Suite 220
Alexandria, VA 22314

703-739-9888

703-739-9889

dowell@dowellpc.com

EXHIBIT A

STATUS DOCUMENTS

[Back to Search](#)

Print

Generated on: This page was generated by TSDR on 2015-03-20 12:47:42 EDT**Mark:** SUNKISS

No Image exists for this case.

US Serial Number: 73267623**Application Filing Date:** Jun. 23, 1980**US Registration Number:** 1200333**Registration Date:** Jul. 06, 1982**Register:** Principal**Mark Type:** Trademark**Status:** A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.**Status Date:** Feb. 10, 2015**Publication Date:** Apr. 13, 1982

Mark Information

Mark Literal Elements: SUNKISS**Standard Character Claim:** No**Mark Drawing Type:** 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Foreign Information

Foreign Registration Number: 204,616**Foreign Registration Date:** May 13, 1964**Foreign Application/Registration Country:** SWITZERLAND**Foreign Expiration Date:** May 13, 1984

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Space Heaters [, Air Conditioners, and Refrigerators]**International Class(es):** 011 - Primary Class**U.S Class(es):** 013, 021, 023, 031, 034**Class Status:** ACTIVE**Basis:** 44(e)

Basis Information (Case Level)

Filed Use: No**Currently Use:** No**Amended Use:** No**Filed ITU:** No**Currently ITU:** No**Amended ITU:** No**Filed 44D:** No**Currently 44D:** No**Amended 44D:** No**Filed 44E:** Yes**Currently 44E:** Yes**Amended 44E:** No**Filed 66A:** No**Currently 66A:** No**Filed No Basis:** No**Currently No Basis:** No

Current Owner(s) Information

Owner Name: SUNKISS THERMOREACTORS INC.**Owner Address:** 180, ARBOIT STREET
L'ASSOMPTION, QUEBEC J5W 4P5
CANADA**Legal Entity Type:** CORPORATION**State or Country Where Organized:** CANADA

Attorney/Correspondence Information

Prosecution History

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jul. 06, 2012

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jul. 17, 2012

[Assignment Abstract Of Title Information - Click to Load](#)

[Proceedings - Click to Load](#)

EXHIBIT B

Four industriel
 Ligne à peinture
 Laveuse industrielle
 Brûleur, séchoir industriel
 Drying System
 Industrial Oven
 Infrared System
 Burner
 Paint Line-Washer

Ayotte
TECHNO-GAZ Inc.
PROCÉDÉ INDUSTRIEL



Industrial Process americanovens.com

Montréal : (450) 756-0219 - U.S.A. : 1-877-499-9950

Fax : (450) 756-2264

2223 Rte 131 N. Notre-Dame De Lourdes Quebec J0K 1K0 Can.

Facturé à: Bill to: Lieu des travaux: Ship to:

Richelieu America Ltd
 7021 Sterling Ponds Crescent
 Sterling Heights, Michigan 48312
 USA

Marvin Wittmer
 10811 E. 875 N.
 Odon
 Indiana 47562 USA

P.O. Number # DE COMMANDE 02056666	AUTORISATION	Invoice Date DATE DE LA FACTURE 05-01-15	Invoice # # DE LA FACTURE 504
---	--------------	---	--

QT. SHIP PRICE Amount

Description	Quantité expédiée	Prix	Montant
6 SHT200 9625HT200 Dry Syst. Wall / Mount (2 Thermoreactor Sunkiss) 6926.50	6	6 926.50	41 559.00

Propane Gas

Good Day

THANK YOU
 MERCI

Veuillez émettre votre chèque à l'ordre de: Ayotte Techno-Gaz inc.

Please make a payment to : Ayotte Techno-Gaz inc.

T.P.S. #132215401
 T.V.Q. #1012264255

Montant total 41 559.00



Optite TECHNO-GRAZ Inc.
(508) 569-6144
USA, CANADA 1-800-875-0037



CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing ANSWER TO PETITION FOR CANCELLATION has been served on FINAM by mailing said copy on March 23, 2015, via Federal Express, postage prepaid to:

Kristen A. Mogavero

COLLEN IP
The Holyoke-Manhattan Building
80 South Highland Ave
Ossining, NY 10562

Signature: /Jorie L. Stroup/
 Jorie L. Stroup, Esq.

Date: March 23, 2015