

ESTTA Tracking number: **ESTTA719604**

Filing date: **01/11/2016**

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

Proceeding	92062923
Party	Defendant K & N Distributors
Correspondence Address	K & N DISTRIBUTORS 1531 WYNDCLIFF DR WELLINGTON, FL 33414 UNITED STATES
Submission	Answer
Filer's Name	Matthew H. Swyers, Esq.
Filer's e-mail	mswyers@thetrademarkcompany.com
Signature	/Matthew H. Swyers/
Date	01/11/2016
Attachments	ANSWER.pdf(178682 bytes)

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

U.S. Reg. No. 4,818,656;
For the mark TROPIC CLAIR PLUS;
Registered on the Principal Register on September 22, 2015.

TOPICLEAR INC.,	:	
	:	
Petitioner,	:	
	:	
vs.	:	Cancellation No. 92062923
	:	
K & N Distributors,	:	
	:	
Respondent.	:	

ANSWER AND GROUNDS OF DEFENSE

COMES NOW the Respondent, K & N Distributors (hereinafter “Respondent”), by and through counsel, The Trademark Company, PLLC, and files their Answer and Grounds of Defense to the Petition to Cancel and in response to Petitioner’s allegations states as follows:

ANSWER

Respondent is without knowledge of the allegations set forth in the Introductory Paragraphs of the Petitioner’s Petition to Cancel and therefore denies the same. In response to the specifically enumerated allegations, the Respondent states as follows:

1. Respondent is without knowledge of the allegations set forth in paragraph 1 of the Petition to Cancel and therefore denies the same.
2. Respondent admits the allegations set forth in paragraph 2 of the Petition to Cancel.
3. Respondent denies the allegations set forth in paragraph 3 of the Petition to Cancel as phrased and demands strict proof thereof.
4. Respondent is without knowledge of the allegations set forth in paragraph 4 of the Petition to Cancel and therefore denies the same.

5. Respondent denies the allegations set forth in paragraph 5 of the Petition to Cancel as phrased and demands strict proof thereof. Respondent cannot verify the authenticity of the attached Exhibits A-D and therefore denies the same.

6. Respondent is without knowledge of the allegations set forth in paragraph 6 of the Petition to Cancel and therefore denies the same.

7. Respondent denies the allegations set forth in the first sentence of paragraph 7 in the Petition to Cancel and demands strict proof thereof. Respondent denies the allegations set forth in the second sentence of paragraph 7 in the Petition to Cancel as phrased and demands strict proof thereof.

8. Respondent denies the allegations set forth in paragraph 8 of the Petition to Cancel and demands strict proof thereof.

9. Respondent denies the allegations set forth in paragraph 9 of the Petition to Cancel and demands strict proof thereof.

WHEREFORE, Respondent prays that the Petition to Cancel be dismissed.

Respectfully submitted this 11th day of January, 2016.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/

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Counsel for Respondent

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vs.	:	Cancellation No. 92062923
	:	
K & N Distributors,	:	
	:	
Respondent.	:	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a copy of the foregoing this 11th day of January, 2016 to be served, via first class mail, postage prepaid, upon:

Donald Dennison
Ladas & Parry LLP
1727 King Street, Ste. 105
Alexandria, Virginia 22314

/Matthew H. Swyers/
Matthew H. Swyers