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

Proceeding	92063032
Party	Defendant Squeeze Juice Works, LLC
Correspondence Address	SQUEEZE JUICE WORKS LLC 675 30TH AVENUE NORTH , SUITE 101 ST PETERSBURG, FL 33704 UNITED STATES
Submission	Answer
Filer's Name	William R. Brees
Filer's e-mail	lpg@maxeyiplaw.com, w.brees@maxeyiplaw.com, b.maxey@maxeyiplaw.com
Signature	/William R. Brees/
Date	03/07/2016
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Boston Juicery, LLC,

Petitioner,

v.

Squeeze Juice Works, LLC,

Registrant.

Cancellation No. 92063032

Mark:

SQUEEZE JUICE WORKS Word Mark
(Registration No. 4,726,293)

ANSWER TO PETITION FOR CANCELLATION

The following is the Answer of Registrant Squeeze Juice Works, LLC (hereinafter "Registrant"), a Florida Limited Liability Company, with an address of 675 30th Avenue North, Suite 101, St. Petersburg, Florida 33704, owner of Federal Trademark Registration No. 4,726,293 ("Subject Registration") for the word mark SQUEEZE JUICE WORKS (hereinafter "Registrant's Mark"), by and through its Counsel, Maxey Law Offices, PLLC, to the Petition for Cancellation filed on January 25, 2016 by Boston Juicery, LLC (hereinafter "Petitioner"), and assigned Cancellation No. 92063032.

THE PARTIES

1. Registrant is without knowledge or information sufficient to form a belief as to the truth of allegations contained in paragraph 1 of the Petition for Cancellation. Since Registrant can neither admit nor deny the paragraph as written, Registrant must deny.
2. Admitted.
3. Denied.
4. Denied.

5. Denied.
6. Denied.
7. Registrant admits that on February 28, 2014, Registrant filed a trademark application for the mark SQUEEZE JUICE WORKS. Otherwise Registrant denies the allegations contained in paragraph 7.
8. Admitted.
9. Admitted.
10. Admitted.
11. Registrant admits that Registrant's Letter stated "Our client recognizes that Boston Juicery was in operation prior to the filing of the Federal Trademark Application that matured into the Federal Registration for the SQUEEZE JUICE WORKS® [sic]." Otherwise Registrant denies the allegations contained in paragraph 11.

COUNT I

12. Registrant repeats and realleges each and every response set forth in Paragraphs 1 through 11.
13. Denied.
14. Admitted.
15. Registrant is without knowledge or information sufficient to form a belief as to the truth of allegations regarding Petitioner's goods and services contained in paragraph 15 of the Petition for Cancellation. Since Registrant can neither admit nor deny the paragraph as written, Registrant must deny.
16. Denied.

FURTHERMORE, Registrant sets for the following in support of its position:

17. Petitioner does not have a United States Federal Trademark Registration for the term “SQUEEZE”.
18. Petitioner has never had a United States Federal Trademark Registration for the term “SQUEEZE”.
19. Petitioner does not have a United States Federal Trademark Registration for the term “SQUEEZE JUICE BAR”.
20. Petitioner has never had a United States Federal Trademark Registration for the term “SQUEEZE JUICE BAR”.
21. Prior to the filing of the Application that matured into the Subject Registration, Petitioner used the registered trademark symbol in connection with the term “SQUEEZE”.
22. Prior to the filing of the Application that matured into the Subject Registration, Petitioner used the registered trademark symbol in connection with the term “SQUEEZE JUICE BAR”.
23. After the filing of the Application that matured into the Subject Registration, Petitioner used the registered trademark symbol in connection with the term “SQUEEZE”.
24. After the filing of the Application that matured into the Subject Registration, Petitioner used the registered trademark symbol in connection with the term “SQUEEZE JUICE BAR”.
25. After the registration date of the Subject Registration, Petitioner used the registered trademark symbol in connection with the term “SQUEEZE”.

26. After the registration date of the Subject Registration, Petitioner used the registered trademark symbol in connection with the term “SQUEEZE JUICE BAR”.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim)

27. The Petition for Cancellation fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

(Lack of Standing – No Prior Use)

28. Petitioner did not use the term “SQUEEZE JUICE BAR” in connection with Goods or Services similar to those in the Subject Registration prior to Registrant’s first use of Registrant’s Mark.

29. Petitioner did not use the term “SQUEEZE JUICE BAR” in commerce in connection with Goods or Services similar to those in the Subject Registration prior to Registrant’s first use of Registrant’s Mark.

30. Petitioner lacks standing to file the Petition for Cancellation.

THIRD AFFIRMATIVE DEFENSE

(Lack of Standing – False Advertising)

31. Registrant repeats and realleges each and every allegation set forth in Paragraphs 17 through 26.

32. Petitioner’s use of the registered trademark symbol in connection with the terms “SQUEEZE” and “SQUEEZE JUICE BAR” constitutes false advertising.

33. Petitioner lost any proprietary right it might have had in the terms “SQUEEZE” and “SQUEEZE JUICE BAR” as a result of its false advertising.

FOURTH AFFIRMATIVE DEFENSE
(Lack of Standing – Unfair Competition)

34. Registrant repeats and realleges each and every allegation set forth in Paragraphs 17 through 26.
35. Petitioner’s use of the registered trademark symbol in connection with the terms “SQUEEZE” and “SQUEEZE JUICE BAR” constitutes unfair competition.
36. Petitioner lost any proprietary right it might have had in the terms “SQUEEZE” and “SQUEEZE JUICE BAR” as a result of its unfair competition.

FIFTH AFFIRMATIVE DEFENSE
(Lack of Standing – Deceptive Trade Practice)

37. Registrant repeats and realleges each and every allegation set forth in Paragraphs 17 through 26.
38. Petitioner’s use of the registered trademark symbol in connection with the terms “SQUEEZE” and “SQUEEZE JUICE BAR” constitutes deceptive trade practices.
39. Petitioner lost any proprietary right it might have had in the terms “SQUEEZE” and “SQUEEZE JUICE BAR” as a result of its deceptive trade practices.

SIXTH AFFIRMATIVE DEFENSE
(Lack of Standing – Fraud)

40. Registrant repeats and realleges each and every allegation set forth in Paragraphs 17 through 26.
41. Petitioner’s use of the registered trademark symbol in connection with the terms “SQUEEZE” and “SQUEEZE JUICE BAR” was deliberate and intended to deceive or mislead the public.
42. Petitioner’s use of the registered trademark symbol in connection with the terms “SQUEEZE” and “SQUEEZE JUICE BAR” constitutes fraud.

43. Petitioner lost any proprietary right it might have had in the terms “SQUEEZE” and “SQUEEZE JUICE BAR” as a result of its fraud.

SEVENTH AFFIRMATIVE DEFENSE
(Unclean Hands)

44. Registrant repeats and realleges each and every allegation set forth in Paragraphs 17 through 26.

45. Petitioner’s claims are barred in whole or in part by the doctrine of unclean hands.

EIGHT AFFIRMATIVE DEFENSE
(Abandonment)

46. Petitioner has ceased use of the term “SQUEEZE JUICE BAR” in connection with its Goods and Services.

47. Petitioner has abandoned any rights it might have had in the term “SQUEEZE JUICE BAR”.

Registrant hereby appoints William R. Brees, a member of the Bar of the State of Florida, and Brittany J. Maxey, a member of the Bar of the State of Florida, at the firm of:

Maxey Law Offices, PLLC
100 Second Avenue South, Suite 401N,
St. Petersburg, FL 33701
Telephone: (727) 230-4949
Facsimile: (727) 230-4827
lpg@maxeyiplaw.com

to act as attorneys in the matter of the Cancellation identified above, to prosecute said Cancellation, to transact all business in the Patent and Trademark Office and in the United States courts connected with said Cancellation, to sign their names to all papers which are hereinafter to be filed in connection therewith, and to receive all communications relating to the same.

WHEREFORE, Registrant prays that the Trademark Trial and Appeal Board deny the Cancellation and permit continued registration of Registrant's Mark in Federal Trademark Registration No. 4,726,293 in the United States Patent and Trademark Office.

Dated: March 07, 2016

Respectfully Submitted,

/William R. Brees/

William R. Brees, Esquire (Fla. Bar No. 98886)

Brittany J. Maxey, Esquire (Fla. Bar No. 44586)

MAXEY LAW OFFICES, PLLC

100 Second Avenue South, Suite 401 North

St. Petersburg, Florida 33701

Telephone: (727) 230-4949

Fax: (727)-230-4827

Email: lpg@maxeyiplaw.com,

w.brees@maxeyiplaw.com

b.maxey@maxeyiplaw.com

Counsel for Registrant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing ANSWER TO PETITION FOR CANCELLATION has been served via First Class U.S. Mail on March 07, 2016, to counsel for Petitioner:

Aaron Y Silverstein
Saunders & Silverstein LLP
14 Cedar Street, Suite 224
Amesbury, MA 01913-1831
Phone: 978-463-9100
trademarks@massiplaw.com, asilverstein@massiplaw.com

Dated: March 07, 2016

/William R. Brees/
William R. Brees
Brittany J. Maxey
MAXEY LAW OFFICES, PLLC
100 Second Avenue South, Suite 401 North
St. Petersburg, Florida 33701
Voice: (727) 230-4949
Fax: (727)-230-4827
Email: lpg@maxeyiplaw.com,
w.brees@maxeyiplaw.com
b.maxey@maxeyiplaw.com
Counsel for Registrant