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

Proceeding	92064174
Party	Defendant James Lesslie
Correspondence Address	JAMES LESSLIE 100-20 159TH AVE HOWARD BEACH, NY 11414 UNITED STATES cowabungasnacks@Hotmail.com
Submission	Answer
Filer's Name	James Lesslie
Filer's e-mail	Cowabungasnacks@hotmail.com
Signature	/James Lesslie/
Date	08/31/2016
Attachments	James Lesslie Answer.pdf(204464 bytes )

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

Cancellation Proceeding: No. 92064174

Party: Defendant  
James Lesslie  
100-20 159<sup>th</sup> Avenue  
Howard Beach, New York 11414

Correspondence Address: James Lesslie  
100-20 159<sup>th</sup> Avenue  
Howard Beach, New York 11414  
[Cowabungasnacks@Hotmail.com](mailto:Cowabungasnacks@Hotmail.com)

Submission: Answer

Filer's Name: James Lesslie

Filer's e-mail: [Cowabungasnacks@Hotmail.com](mailto:Cowabungasnacks@Hotmail.com)

Signature: /James Lesslie/

Date: 08/31/2016

Attachments: JamesLesslieAnswer.pdf 5 pages

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

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MEAT-COMPANION CO., LTD,	)	
	)	
PETITIONER,	)	
	)	
V.	)	CANCELLATION No. 92064174
	)	Registration No. 2,048.966
JAMES LESSLIE,	)	Mark: SAMURAI
	)	
RESPONDENT.	)	
<hr style="border: 0.5px solid black;"/>	)	

ATTN: TTAB - NO FEE  
Commissioner for Trademarks  
P.O. Box 1451  
Arlington, Virginia 22313-1451

**ANSWER**

Respondent James Lesslie (“Respondent”) for its Answer to th Petition for Cancellation (the “Answer”) with respect to th Petition for Cancellation (“Cancellation”) filed in the current proceeding by Petitioner, **MEAT-COMPANION CO., LTD** (“Petitioner”), alleges and states:

**PETITION FOR CANCELLATION**

1. As to Paragraph 1 of the Petition for Cancellation, Respondent admits the records of the USPTO, as reflected on TARR, appear to show Petitioner as a kabushiki kaisha (k.k.) duly organized in Japan, with its principle place of business located at: 6-59-9, Fujimi-cho, Tachikawa-shi, Tokyo, 190-0013, Japan
2. As to Paragraph 2 of the Petition for Cancellation, Respondent admits the records of the USPTO, as reflected on TARR, correctly show Respondent as an individual and citizen of the United States, with an address of: 100-20 159<sup>th</sup> Ave., Howard Beach, New York 11414
3. Paragraph 3 of the Petition for Cancellation is denied.

**ANSWER TO FACTUAL BACKGROUND OF THE PETITION FOR CANCELLATION**

4. As to the first and second sentences of Paragraph 1 of the ‘Factual Background’ of the Petition for Cancellation, Respondent admits the records of the USPTO, as reflected on TARR, appear to show Petitioner as the owner of U.S. Trademark Application Serial No. 86/810,266
5. Respondent is without knowledge or information sufficient to form a belief as to the allegation set forth in Paragraph 2 of the ‘Factual Background’ of the Petition for Cancellation.
6. Respondent is without knowledge or information sufficient to form a belief as to the allegation set forth in Paragraph 3 of the ‘Factual Background’ of the Petition for Cancellation, and therefore, denies the same.
7. Respondent admits Paragraph 4 of the ‘Factual Background’ of the Petition for Cancellation.
8. Respondent admits Paragraph 5 of the ‘Factual Background’ of the Petition for Cancellation.

**ANSWER TO COUNT ONE: NON-USE OF THE PETITION FOR CANCELLATION**

9. As to Paragraph 6 of COUNT ONE: NON-USE of the Petition for Cancellation, Respondent restates, and incorporates herein by reference, the answers to Paragraphs 1-5 of the ‘Factual Background’ of the Petition for Cancellation above, as if fully set forth herein.
10. Respondent denies the allegation of Paragraph 7 of COUNT ONE: NON-USE of the Petition for Cancellation.
11. Paragraph 8 of COUNT ONE: NON-USE of the Petition for Cancellation is denied.

**ANSWER TO COUNT TWO: ABANDONMENT OF THE PETITION FOR CANCELLATION**

12. As to Paragraph 9 of ‘COUNT TWO:ABANDONMENT’ of the Petition for Cancellation Respondent restates, and incorporates herein by reference, the answers to Paragraphs 1 - 5 of the ‘Factual Background’ of the Petition for Cancellation and Paragraphs 6 - 8 of the COUNT ONE: NON-USE of the Petition for Cancellation above, as if fully set forth herein.
13. Respondent denies the allegation of Paragraph 10 in ‘COUNT TWO:ABANDONMENT’ of the Petition for Cancellation.
14. Respondent denies the allegation of Paragraph 11 in ‘COUNT TWO:ABANDONMENT’ of the Petition for Cancellation.

15. Respondent denies the allegation of Paragraph 12 in 'COUNT TWO:ABANDONMENT' of the Petition for Cancellation.
16. In the first sentence of Paragraph 13 of the 'COUNT TWO:ABANDONMENT' of the Petition for Cancellation, Respondent admits the petitioned mark grants Respondent statutory rights, including the *prima facie right to the exclusive continued use of "SAMURAI"*. Respondent denies all the remaining allegations contained in Paragraph 13 of 'COUNT TWO:ABANDONMENT' of the Petition for Cancellation.
17. Paragraph 14 of 'COUNT TWO:ABANDONMENT' of the Petition for Cancellation is denied.

### **AFFIRMATIVE DEFENSES**

In further answer to Petitioner's Cancellation, Respondent alleges the following affirmative defenses:

18. AS A FIRST AFFIRMATIVE DEFENSE, Petitioner fails to state a claim upon which relief may be granted.
19. AS A SECOND AFFIRMATIVE DEFENSE, each of Petitioner's claims is barred by the doctrine of laches.
20. AS A THIRD AFFIRMATIVE DEFENSE, each of Petitioner's claims is barred by the doctrine of estoppel.
21. AS A FOURTH AFFIRMATIVE DEFENSE, each of Petitioner's claims is barred by the doctrine of waiver.
22. AS A FIFTH AFFIRMATIVE DEFENSE, each of Petitioner's claims is barred by the doctrine of acquiescence.
23. AS A SIXTH AFFIRMATIVE DEFENSE, Petitioner is barred from obtaining any relief sort in this proceeding by reason of unclean hands.
24. AS A SEVENTH AFFIRMATIVE DEFENSE, Respondent is the owner of Trademark Registration No. 2,048,966 and has prior established rights in and to the mark, as Respondents use predates any date of first use which can be relied upon by Petitioner.

**RELIEF REQUESTED**

Respondent submits this link, SNACKSONDemand.etsy.com, as evidence showing Registrants continued current use of the mark "SAMURAI", in commerce, and prays that the Cancellation be dismissed in its entirety.

Respectfully Submitted,

Dated: August 31, 2016

By: /James Lesslie/

James Lesslie  
RESPONDENT  
100-20 159<sup>th</sup> Avenue  
Howard Beach, New York 11414  
Cowabungasnacks@Hotmail.com

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**CERTIFICATE OF SERVICE**

I, James Lesslie [Respondent], hereby certify that a true and complete copy of the foregoing **ANSWER TO THE PETITION FOR CANCELLATION** has been served on Rebecca Gan, Attorney for Petitioner, by mailing said copy on August 31, 2016 via Certified First Class Mail, postage prepaid to:

Rebecca Gan, Esq.  
WENDEROTH LLP  
1030 15<sup>th</sup> Street NW Suite 400 East  
Washington, DC 20005

/James Lesslie/

James Lesslie

[Respondent]

Dated: August 31, 2016

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**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted by electronic mail to the United States Patent and Trademark Office on the date shown below.

Dated: August 31, 2016

/James Lesslie/  
James Lesslie  
[Respondent]