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

Proceeding	91188400
Party	Plaintiff California Closet Company, Inc.
Correspondence Address	Marsha G. Gentner Jacobson Holman PLLC 400 - 7th Street NW Washington, DC 20004 UNITED STATES trademark@jhip.com, mgentner@jhip.com
Submission	Answer to Counterclaim
Filer's Name	Marsha G. Gentner
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Date	05/06/2009
Attachments	I5992 Answer to cc.pdf (3 pages)(194052 bytes)

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

CALIFORNIA CLOSET COMPANY, INC.)
)
 Opposer,)
)
 v.) Opposition No. 91188400
)
 HOME PRODUCTS INTERNATIONAL)
 INC.,)
)
 Applicant.)

ANSWER TO COUNTERCLAIM(S) FOR CANCELLATION

Opposer, California Closets, Inc. (“California Closets”), hereby answers the counterclaim for cancellation of Home Products International, Inc. (“Home Products”) herein as follows:

1. California Closets is without sufficient information to admit or deny the allegations of ¶1 of Home Products’ counterclaim.

2. California Closets admits that Home Products has filed application serial no. 77/075,224, the mark and goods of which are of record in this opposition proceeding; California Closets is without sufficient information to admit or deny the remainder of the allegations of ¶2 of Home Products’ counterclaim.

3. California Closets admits that it is a California corporation which provides consultation and installation services with respect to custom home cabinets and closet spaces, but denies that the products, services and/or business of California Closets are confined to such products and/or services.

4. California Closets admits that ¶4 of Home Products’ counterclaim sets forth the mark, issue date and services of U.S. Service Mark Registration No. 1,915,339.

5. California Closets admits that ¶5 of Home Products' counterclaim sets forth the mark, issue date and services of U.S. Service Mark Registration No. 2,853,226.

6. California Closets admits that ¶6 of Home Products' counterclaim sets forth the mark, issue date and services of U.S. Service Mark Registration No. 3,168,301.

7. California Closets denies the allegations of ¶7 of Home Products' counterclaim.

8. California Closets denies the allegations of ¶8 of Home Products' counterclaim.

AFFIRMATIVE DEFENSES

California Closets also pleads the following affirmative defenses.

9. On information and belief, Home Products is estopped under the doctrines of laches, acquiescence and unclean hands from bringing and/or maintaining its counterclaim.

10. Home Products does not have standing to bring and/or maintain its counterclaim.

11. Home Products' counterclaim fails to state a claim for which relief may be granted.

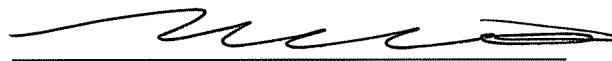
WHEREFORE, Opposer California Closets prays that:

- A. The counterclaim(s) of Home Products, International, Inc., be dismissed with prejudice;
- B. Opposer's opposition to application serial no. 77/075,224 be sustained; and
- C. Registration on application serial no. 77/075,224 be refused.

CALIFORNIA CLOSET COMPANY, INC.

Date: May 6, 2009

By:



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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of May, 2009, the foregoing Answer to Counterclaim for Cancellation was served, by mailing same first class and postage prepaid, on the following:

Antony J. McShane, Esquire
Neal, Gerber & Eisenberg LLP
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