

ESTTA Tracking number: **ESTTA468647**

Filing date: **04/23/2012**

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

Proceeding	91204305
Party	Defendant Smith Abrasives, Inc.
Correspondence Address	KATHRYN BENNETT PERKINS ROSE LAW FIRM 120 E 4TH ST LITTLE ROCK, AR 72201-2893  kperkins@roselawfirm.com
Submission	Answer
Filer's Name	Kathryn Bennett Perkins
Filer's e-mail	kperkins@roselawfirm.com, jgardner@roselawfirm.com, tdokes@roselawfirm.com
Signature	/kathryn bennett perkins/
Date	04/23/2012
Attachments	Smith Abrasives.Answer 4th.Opposition Notice.pdf ( 4 pages )(62905 bytes )

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

In re: Application Serial No. 85/347,861

Filed: June 16, 2011

For the Mark: EDGEWARE BY SMITH'S

Published: November 15, 2011

Edgecraft Corporation	:	
	:	
	:	
Opposer,	:	
	:	
	:	
v.	:	Opposition No. 91204305
	:	
	:	
Smith Abrasives, Inc.	:	
	:	
	:	
Applicant.	:	

**ANSWER**

Applicant Smith Abrasives, Inc. (“Smiths”) submits the following response to the Notice of Opposition (the “Notice”) filed by Opposer Edgecraft Corporation (“Edgecraft”) and states as follows:

1. Smiths believes upon information and belief that Edgecraft is in the business of selling knife sharpeners and other household tools and appliances and that it uses the name “Edgecraft” to some extent. Smiths has insufficient knowledge or information sufficient to form

an opinion as to the truth of the remaining allegations in paragraph 1 of the Notice and denies the same.

2. Smiths admits that Edgecraft claims ownership in the purported registrations listed in paragraph 2 of the Notice and states that the exhibits attached to the Notice speak for themselves. Smiths has insufficient knowledge or information sufficient to form an opinion as to the truth of the remaining allegations in paragraph 2 of the Notice and denies the same.

3. Smiths admits that Edgecraft has claimed ownership in purported trademark registrations and states that the exhibits attached to the Notice speak for themselves. Smiths has insufficient knowledge or information sufficient to form an opinion as to the truth of the remaining allegations in paragraph 3 of the Notice and denies the same.

4. Smiths admits that it is a Delaware corporation and that it filed an intent to use application on June 16, 2011 for the mark EDGEWARE BY SMITH'S. The application speaks for itself. Smiths admits that the application was assigned Application No. 85/347,861. Smiths denies the remaining allegations contained in paragraph 4 of the Notice.

5. Smiths has insufficient knowledge or information sufficient to form an opinion as to the truth of the allegations in paragraph 5 of the Notice and denies the same.

6. Smiths has insufficient knowledge or information sufficient to form an opinion as to the truth of the allegations in paragraph 6 of the Notice and denies the same.

7. Smiths denies the allegations in paragraph 7 of the Notice.

8. Smiths admits the allegations in paragraph 8 of the Notice.

9. Smiths has insufficient knowledge or information sufficient to form an opinion as to the truth of the allegations in paragraph 9 of the Notice and denies the same.

10. Smiths admits that it has applied to register its goods under the EDGEWARE BY SMITH'S mark in some of the same classes of consumers and in some of the same channels of trade as the goods distributed by Edgecraft. Smiths denies the remaining allegations in paragraph 10 of the Notice.

11. Smiths denies the allegations contained in paragraph 11 of the Notice.

12. Smiths denies each and every allegation contained in the Notice unless specifically admitted herein.

13. Smiths denies that the Opposer is entitled to oppose the Smiths' mark as requested in the prayer for relief.

14. Smiths alleges that Opposer has failed to state a claim upon which relief may be granted.

15. Smiths reserves the right to amend this Answer as the facts become more developed.

16. Smith asserts the defenses of estoppel, laches and waiver.

Respectfully submitted,

ROSE LAW FIRM  
a Professional Association  
120 East Fourth Street  
Little Rock, Arkansas 72201  
Telephone: (501) 375-9131  
Facsimile: (501) 375-1309  
[kperkins@roselawfirm.com](mailto:kperkins@roselawfirm.com)

By: /Kathryn Bennett Perkins/  
Kathryn Bennett Perkins  
Arkansas Bar No. 92231

Attorneys for Applicant,  
Smith Abrasives, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Answer was sent to the following persons via e-mail and U.S. mail on this 23rd day of April, 2012:

Jennifer Fraser  
Christina M. Hillson  
Connolly Bove Lodge & Hutz LLP  
The Nemours Building  
1007 N. Orange Street  
P.O Box 2207  
Wilmington, DE 19899

/Kathryn Bennett Perkins/  
Kathryn Bennett Perkins