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

Proceeding	92042706
Party	Defendant United Shipping Associates, Inc. United Shipping Associates, Inc. 7000 Broadway, #405 Denver, CO 802212926
Correspondence Address	United Shipping Associates, Inc. 7000 Broadway, #405 Denver, CO 802212926
Submission	Answer
Filer's Name	Lisa E. Frankel
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Signature	/Lisa E. Frankel/
Date	01/19/2004
Attachments	Answer.pdf (5 pages)

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

UNITED VAN LINES, LLC)	
)	
Petitioner,)	
)	
v.)	Cancellation No. 92042706
)	
UNITED SHIPPING ASSOCIATES, INC.)	Directed to: Registration No. 2206799
)	Date of Issue: December 1, 1998
Registrant.)	Mark: UNITED SHIPPING
)	
)	
)	

**REGISTRANT/RESPONDENT UNITED SHIPPING ASSOCIATES, INC.'S ANSWER
TO PETITION FOR CANCELLATION**

Registrant/Respondent United Shipping Associates, Inc. ("United Shipping"), by and through its counsel Pearson, Horowitz, Poskus & Burnett, P.C., responds to United Van Lines, LLC's Petition for Cancellation ("Petition") as follows:

RESPONSE TO PARTIES

1. United Shipping is without knowledge or information sufficient to form a belief as to the truth of the matters asserted in paragraph 1 of the Petition and, therefore, denies the same.

2. In response to paragraph 2 of the Petition, United Shipping admits that it is a Colorado corporation located at 7000 Broadway, #204, Denver, Colorado 80221. United Shipping denies any remaining allegations contained in paragraph 2 of the Petition.

3. United Shipping admits the allegations contained in paragraph 3 of the Petition.

RESPONSE TO COUNT 1
(Likelihood of Confusion)

4. In response to paragraph 4 of the Petition, United Shipping incorporates by reference its responses to paragraphs 1 through 3 of the Petition as if duly set forth herein.

5. In response to paragraph 5 of the Petition, United Shipping states that the registrations referred to speak for themselves and any attempts to characterize them are denied. United Shipping is without knowledge or information sufficient to form a belief as to the truth of the remaining matters asserted in paragraph 5 of the Petition and, therefore, denies the same.

6. United Shipping is without knowledge or information sufficient to form a belief as to the truth of the matters asserted in paragraph 6 of the Petition and, therefore, denies the same.

7. United Shipping is without knowledge or information sufficient to form a belief as to the truth of the matters asserted in paragraph 7 of the Petition and, therefore, denies the same.

8. United Shipping is without knowledge or information sufficient to form a belief as to the truth of the matters asserted in paragraph 8 of the Petition and, therefore, denies the same.

9. United Shipping is without knowledge or information sufficient to form a belief as to the truth of the matters asserted in paragraph 9 of the Petition and, therefore, denies the same.

10. United Shipping denies the allegations contained in paragraph 10 of the Petition.

11. United Shipping denies the allegations contained in paragraph 11 of the Petition.

12. United Shipping denies the allegations contained in paragraph 12 of the Petition.

13. United Shipping denies the allegations contained in paragraph 13 of the Petition.

14. United Shipping denies the allegations contained in paragraph 14 of the Petition.
15. United Shipping denies the allegations contained in paragraph 15 of the Petition.

RESPONSE TO COUNT II
(Dilution)

16. In response to paragraph 16 of the Petition, United Shipping incorporates by reference its responses to paragraphs 1 through 15 of the Petition as if duly set forth herein.

17. Paragraph 17 of the Petition contains conclusions of law to which no response is required. To the extent that a response is deemed required, United Shipping states that 15 U.S.C. § 1125(c) speaks for itself and any attempt to characterize it is denied. United Shipping denies any remaining allegations contained in paragraph 17 of the Petition.

18. Paragraph 18 of the Petition contains conclusions of law to which no response is required. To the extent that a response is deemed required, United Shipping denies the allegations contained in paragraph 18 of the Petition.

19. United Shipping denies the allegations contained in paragraph 19 of the Petition.
20. United Shipping denies the allegations contained in paragraph 20 of the Petition.

GENERAL DENIAL

21. United Shipping denies each and every allegation in the Petition not specifically admitted herein.

AFFIRMATIVE DEFENSES

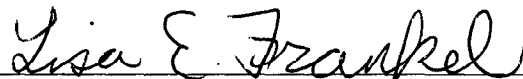
1. Petitioner's claims are barred by the doctrine of waiver;
2. Petitioner's claims are barred by the doctrine of laches;
3. Petitioner's claims are barred by the doctrine of estoppel;
4. Petitioner's claims are barred by the applicable statute of limitations;
5. There is no likelihood of confusion;

6. There is no evidence of actual confusion;
7. United Shipping's Mark has become incontestable under 15 U.S.C. § 1065;
8. Petitioner's and Respondent's services operate in separate lines of commerce;
9. Petitioner's Petition is an attempt to impermissibly extend the protection of their Marks;
10. Petitioner has failed to state a claim on which relief may be granted;
11. Registrant raises as an affirmative defense any matters implicit in the pleadings.

WHEREFORE, United Shipping respectfully requests that the Trademark Trial and Appeal Board dismiss the Petition, with prejudice, and award United Shipping its costs, fees and such further relief as the Trademark Trial and Appeal Board deems proper.

Dated this 19th day of January, 2004.

PEARSON, HOROWITZ, POSKUS
& BURNETT, P.C.



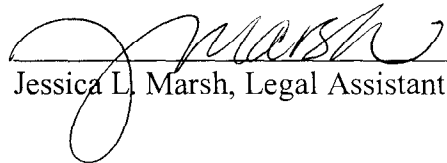
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Attorneys for Registrant United Shipping
Associates, Inc.

CERTIFICATE OF MAILING

I hereby certify that on January 19, 2004, I served a true and correct copy of the foregoing **REGISTRANT/RESPONDENT UNITED SHIPPING ASSOCIATES, INC.'S ANSWER TO PETITION FOR CANCELLATION** via facsimile and U.S. Mail, first class, postage pre-paid, to the following:

Mark Sableman, Esq.
Matthew J. Himich, Esq.
Thompson Coburn LLP
One US Bank Plaza
St. Louis, Missouri 63101



Jessica L. Marsh, Legal Assistant

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