

Gary S. Kessler  
Anthony J. Barbieri  
Kessler & Collins, PC  
5950 Sherry Lane, Suite 222  
Dallas, Texas 75225  
Ph (214) 379-0722  
Fx (214) 373-4714

Attorney for Registrant

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

Smart World Organics, Inc. Petitioner, vs. Gustafson LLC Registrant
---

Cancellation No. 92043663

BOX TTAB - NO FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

**REGISTRANT GUSTAFSON LLC'S ANSWER TO PETITIONER SMART WORLD ORGANIC'S  
PETITION TO CANCEL REGISTRATION**

COMES NOW, Registrant, Gustafson LLC, and answers the Petition for Cancellation of  
Registration Number 2846341 for the trademark PROSPER (the "Trademark") as follows:

1. Registrant is without sufficient information to admit or deny the allegations in paragraph 1. Accordingly, the allegations are denied.
2. Registrant is without sufficient information to admit or deny the allegations in paragraph 2. Accordingly, the allegations are denied.
3. Registrant is without sufficient information to admit or deny the allegations in paragraph 3. Accordingly, the allegations are denied.

4. Registrant is without sufficient information to admit or deny the allegations in paragraph 4. Accordingly, the allegations are denied.
5. Registrant admits the allegations in Paragraph 5.
6. Registrant denies the allegations in Paragraph 6.
7. Registrant admits that it filed an application for the mark PROSPER, Serial No. 78/055392, but Registrant denies the remaining allegations set forth in Paragraph 7.
8. Registrant admits that a final office action was submitted on April 18, 2002, but denies the remaining allegations set forth in Paragraph 8.
9. Registrant denies each and every allegation set forth in Paragraph 9.
10. Registrant denies each and every allegation set forth in Paragraph 10.
11. Registrant denies each and every allegation set forth in Paragraph 11.
12. Registrant denies each and every allegation set forth in Paragraph 12.
13. Registrant admits the allegations set forth in Paragraph 13.
14. Registrant denies the allegations in Paragraph 14.
15. Registrant admits the allegations set forth in Paragraph 15.
16. Registrant denies the allegations in Paragraph 16.
17. Registrant denies the allegations in Paragraph 17 and in the “document submitted in support of this motion”.

WHEREFORE, Registrant prays that the Petition to Cancel Registration be dismissed.

Dated: OCTOBER 18, 2004

Respectfully submitted,

KESSLER & COLLINS, PC



Gary S. Kessler

Anthony J. Barbieri

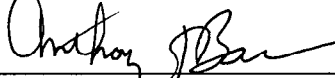
Attorney for Respondent, Gustafson, LLC

EXPRESS MAIL NO: EL 479 85 30705  
DATE OF DEPOSIT: OCTOBER 18, 2004

**CERTIFICATION OF EXPRESS MAILING (37 C.F.R. SECTION 1.10)**

I hereby certify that this correspondence is being deposited with the United States Postal Service Express Mail Post Office To Addressee service under 37 CFR 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513

Anthony J. Barbieri

Signature 

Date of Signature October 18, 2004

**CERTIFICATION OF SERVICE**

I certify that a copy of this paper was sent by first-class mail, this 18<sup>th</sup> day of October, 2004, postage prepaid, to the last known address of the attorney for the Petitioner of this action

Anthony J. Barbieri

Signature 



October 18, 2004

TTAB

**Via Express Mail Number #EL 47985304US**

**BOX RESPONSES**

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Re: Mark: PROSPER, Cancellation No. 92043663, *Smart Word Organic, Inc., v. Gustafson, LLC*


Dear Commissioner:

Enclosed is Registrant's Answer to Petition for Cancellation filed in the matter referenced above.

Should you have questions, please do not hesitate to call.

Thank you.

Very truly yours,



Anthony J. Barbieri

Enclosures

cc: Shyam N.S. Dixit, Jr. (via CMRRR, 7160 3901 9848 4985 0051)



10-19-2004  
U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22