

ESTTA Tracking number: **ESTTA127193**

Filing date: **02/28/2007**

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

Proceeding	92046646
Party	Defendant Southern Escrow & Title, LLC Southern Escrow & Title, LLC 12815 Emerald Coast Pkwy, Suite 124 Destin, FL 32550
Correspondence Address	DAVID M. LILENFELD LILENFELD PC 3340 PEACHTREE ROAD NE, SUITE 2600 ATLANTA, GA 30326 UNITED STATES
Submission	Answer
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Date	02/28/2007
Attachments	Answer.pdf (4 pages)(15856 bytes)

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

Southern Title Holding Company, LLC,)	Cancellation No.: 92046646
)	
Petitioner,)	
)	
v.)	
)	
Southern Escrow & Title, LLC,)	
)	
Registrant.)	REGISTRANT'S ANSWER
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In response to the above-captioned Petition to Cancel ("the Petition")

Registrant admits, denies, and defends as follows:

AFFIRMATIVE DEFENSES

First Affirmative Defense

Petitioner's Petition to Cancel fails to state grounds upon which relief may be granted.

Second Affirmative Defense

Registrant alleges that Petitioner lacks standing to commence this Cancellation Proceeding because Petitioner is not injured by Registrant's registration.

Third Affirmative Defense

There is no likelihood of confusion.

Fourth Affirmative Defense

Petitioner is barred from relief by the Doctrine of Laches.

Fifth Affirmative Defense

Petitioner is barred from relief by the Doctrine of Estoppel.

Sixth Affirmative Defense

Petitioner is barred from relief by the Doctrine of Unclean Hands.

Seventh Affirmative Defense

Petitioner's claims are barred to the extent that Petitioner does not have priority over Registrant's mark.

Eighth Affirmative Defense

Petitioner is barred by the Doctrine of Acquiescence.

Ninth Affirmative Defense

Petitioner's claims are barred to the extent that Petitioner is not the owner of the pleaded mark.

Tenth Affirmative Defense

Petitioner has never established, maintained, policed or enforced a purported interest in the pleaded mark.

Eleventh Affirmative Defense

There is no likelihood of confusion to the extent that Petitioner has not presented averments directed to same.

Twelfth Affirmative Defense

Registrant reserves the right to assert additional affirmative defenses as discovery proceeds herein.

ADMISSIONS AND DENIALS

Defendant responds to the specific allegations in the Petition to Cancel as follows:

1.

Registrant lacks knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 1 of the Petition and on that basis denies same.

2.

Registrant lacks knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 2 of the Petition and on that basis denies same.

3.

Registrant admits the allegation in Paragraph 3 of the Petition.

4.

Registrant admits that this is the allegation made by Petitioner in its application.

5.

Registrant denies the allegation in Paragraph 5 of the Petition.

6.

Registrant denies the allegation in Paragraph 6 of the Petition.

7.

Registrant denies the allegation in Paragraph 7 of the Petition.

8.

Registrant denies the allegation in Paragraph 8 of the Petition.

9.

Registrant denies the allegation in Paragraph 9 of the Petition.

10.

WHEREFORE, having fully defended, Registrant requests this Cancellation Proceeding be dismissed with prejudice.

Dated: February 28, 2007

Respectfully submitted,



David M. Lilienfeld
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CERTIFICATE OF ELECTRONIC FILING

It is hereby certified that a true copy of the foregoing REGISTRANT'S ANSWER was filed electronically with ESTTA at the United States Patent and Trademark Office, this 28th day of February, 2007.

/dml/

David M. Lilienfeld

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing STIPULATION FOR EXTENSION has been served on Attorney for Registrant, Edward M. Livingston, Esq., by mailing said copy on this 28th day of February, 2007, via First-Class Mail (postage pre-paid) to The Livingston Firm, 963 Trail Terrace Drive, Naples, Florida 34103.

/dml/

David M. Lilienfeld