

ESTTA Tracking number: **ESTTA143053**

Filing date: **05/29/2007**

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

|                        |                                                                                                                       |
|------------------------|-----------------------------------------------------------------------------------------------------------------------|
| Proceeding             | 92047397                                                                                                              |
| Party                  | Defendant<br>Randall International, LLC<br>Randall International, LLC<br>2728 Loker Avenue West<br>Carlsbad, CA 92008 |
| Correspondence Address | Randall International, LLC<br>2885 Loker Ave. East<br>Carlsbad, CA 92008<br>UNITED STATES                             |
| Submission             | Answer                                                                                                                |
| Filer's Name           | Marnie Wright Barnhorst, Esq.                                                                                         |
| Filer's e-mail         | mbarnhorst@trademarkgroup.com, kmacdonald@trademarkgroup.com,<br>docketing@trademarkgroup.com                         |
| Signature              | /MWB/                                                                                                                 |
| Date                   | 05/29/2007                                                                                                            |
| Attachments            | ALL SPORTS DEFENSE - Our answer to PTC 5-29-07.pdf ( 4 pages )(164508 bytes )                                         |

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

Conseal International, Inc. ) Cancellation No.: 92047397  
)  
)  
)  
vs. )  
)  
)  
)  
Randall International, LLC )  
)  
\_\_\_\_\_ )

Box TTAB  
NO FEE  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

I.

ANSWER

Randall International, LLC alleges for its answer and affirmative defenses to the Cancellation of its mark **ALL SPORTS DEFENSE** by Conseal International, Inc., as follows:

1. As paragraph 1 of the Petition to Cancel does not contain an allegation, Respondent believes no response is required.

2. As paragraph 2 of the Petition to Cancel does not contain an allegation, Respondent believes no response is required.

3. As paragraph 3 of the Petition to Cancel does not contain an allegation, Respondent believes no response is required.

4. As paragraph 4 of the Petition to Cancel does not contain an allegation,

Respondent believes no response is required.

5. As paragraph 5 of the Petition to Cancel does not contain an allegation, Respondent believes no response is required.

6. Respondent admits in part and denies in part the allegations of paragraph 6 of the Petition to Cancel.

7. Respondent lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 7 of the Petition to Cancel and denies the allegations contained therein on that basis.

8. Respondent denies the allegations of paragraph 8 of the Petition to Cancel.

9. Respondent denies the allegations of paragraph 9 of the Petition to Cancel.

10. As paragraph 10 of the Petition to Cancel does not contain an allegation, Respondent believes no response is required.

11. As paragraph 11 of the Petition to Cancel does not contain an allegation, Respondent believes no response is required.

12. In response to paragraph 12 of the Petition to Cancel, Respondent repeats its response to each and every allegation set forth in the preceding paragraphs.

13. Respondent lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 13 of the Petition to Cancel and denies the allegations contained therein on that basis.

14. Respondent lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 14 of the Petition to Cancel and denies the allegations

contained therein on that basis.

15. Respondent denies the allegations of paragraph 15 of the Petition to Cancel.

16. Respondent denies the allegations of paragraph 16 of the Petition to Cancel.

17. As paragraph 17 of the Petition to Cancel does not contain an allegation, Respondent believes no response is required.

18. As paragraph 18 of the Petition to Cancel does not contain an allegation, Respondent believes no response is required.

## II.

### AFFIRMATIVE DEFENSES

1. Respondent alleges that Petitioner's Petition for Cancellation is barred by the doctrine of estoppel.

2. Respondent alleges that Petitioner's Petition for Cancellation is barred by the doctrine of laches.

3. Respondent alleges that Petitioner's Petition for Cancellation is barred by the doctrine of acquiescence.

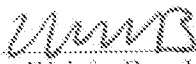
4. Respondent alleges that Petitioner's Petition for Cancellation is barred by the doctrine of unclean hands.

5. Respondent alleges that Petitioner's Petition for Cancellation is barred by the doctrine of waiver.

WHEREFORE, Respondent prays that Petitioner take nothing by way of its Cancellation and prays that the Cancellation be dismissed or a judgment entered against Petitioner and that Respondent's registration remain on the Register.

Respectfully submitted,

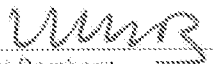
Dated: May 29, 2007

  
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Marnie Wright Barnhorst, Esq.  
Registration Number 36,740

The Trademark Group, APLC  
1200 Prospect Street, Suite G100  
La Jolla, California 92037  
Telephone: (858) 456-4801  
Facsimile: (858) 456-4802

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing ANSWER was mailed by first-class mail, postage prepaid, to Paul W. Fulbright, Law Office of Paul W. Fulbright, PLLC, 2003 J J Pearce Drive, Richardson, TX 75081 this 29 day of May, 2007.

  
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Marnie Wright Barnhorst