

ESTTA Tracking number: **ESTTA158833**

Filing date: **08/24/2007**

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

Proceeding	92047836
Party	Defendant Wilber L. Fletcher, Sr.
Correspondence Address	Wilber L. Fletcher, Sr. P.O. Box 47132 Forestville, MD 20753 UNITED STATES wlfproductionsin@aol.com
Submission	Answer
Filer's Name	Christopher P. Benjamin
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Signature	/Christopher P. Benjamin/
Date	08/24/2007
Attachments	Answer and Affirmative Defenses.pdf ( 3 pages )(14776 bytes )

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

REGISTRATION NO: 3080874

PETITION TO CANCEL NO: 92047836

MARK: THE DYNAMIC SUPERIORS

CORRESPONDANT ADDRESS:

Thomas M. Dunlap  
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Leesburg, VA 20175

INTERNATIONAL CLASS: 41

REGISTRATION DATE: 4/11/2006

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

ANSWER AND AFFIRMATIVE DEFENSES

COMES NOW, the Registrant, Wilber Fletcher, by and through counsel, in response to the Petition for Cancellation (the "Petition") as filed by George W. Spann ("Petitioner") to move the Trademark Trial and Appeal Board to dismiss the Petition or in the alternative to order Petitioner to file a more definite statement and in support thereof states as follows:

1. Petitioner filed the Petition on July 20, 2007 to cancel the registration of Registrant's filed Trademark Application for "THE DYNAMIC SUPERIORS" (the "Mark").

2. The Petition avers, “The defendant’s mark THE DYNAMIC SUPERIORS so resembles the mark or trade name DYNAMIC SUPERIORS previously used in the United States by plaintiff and not abandoned, as to be likely, when used on or in connection with the goods or services of the defendant, to cause mistake, or to deceive.”

3. Registrant hereby denies all of the unnumbered allegations of fact contained in the Petition and asserts the following affirmative defenses to such Petition:

- a. Unclean hands
- b. Laches
- c. Estoppel, Waiver and Assignment
- d. Fraud
- e. Petitioner has abandoned the use of the Mark
- f. Petitioner lacks standing
- g. Petitioner is barred by his acquiescence to the Registrants use of the Mark

WHEREFORE, Registrant respectfully moves the Trademark Trial and Appeal Board to dismiss the Petition and for such other and further relief as it deems just.

Respectfully submitted,

WILBER FLETCHER, Registrant.  
By Counsel.

/s/ Christopher P. Benjamin  
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CERTIFICATE OF SERVICE

The undersigned certifies a copy of the foregoing has been sent via, ESTTA,  
electronic mail, and mailed, first class mail, postage prepaid, this 24th day of August,  
2007 to:

Stephen Swift  
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Alexandria, VA 22314  
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/s/ Christopher P. Benjamin  
Christopher P. Benjamin