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

Proceeding	92049145
Party	Defendant Honeyville Grain, Inc.
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Attachments	HVG1.LIT.01 Answer to Petition to Cancel As Filed.pdf (3 pages)(11898 bytes)

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

In the Matter of Registration No. 2,782,828
For the mark: HONEYVILLE FARMS

CULHANE INC.

Petitioner,

v.

HONEYVILLE GRAIN, INC.

Registrant.

Cancellation No.: 92049145

Attorney Docket No.: HVG1.LIT.01

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

ANSWER TO PETITION FOR CANCELLATION

Registrant HONEYVILLE GRAIN, INC. ("Registrant"), owner of the U.S. Trademark Registration No. 2,782,828 identified above (the "Registration" or "Registered Mark") answers each allegation in the Petition for Cancellation ("Petition") filed by CULHANE, INC. ("Petitioner") as follows:

1. Petitioner is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Petition and therefore denies the same.
2. Petitioner is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Petition and therefore denies the same.
3. Petitioner is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of the Petition and therefore denies the same.
4. Petitioner is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 of the Petition and therefore denies the same.
5. Admitted.

6. Petitioner denies each and every allegation of Paragraph 6 of the Petition.
7. Admitted.
8. Petitioner denies each and every allegation of Paragraph 8 of the Petition.

AFFIRMATIVE DEFENSES

Failure to State Grounds for Opposition

1. Registrant is informed and believes, and thereon alleges, that the facts set forth in the Petition are insufficient to justify cancellation of its Registration.

No Priority

2. Petitioner has not previously used a mark which is likely to be confused with Registrant's mark.

Estoppel, Waiver, Acquiescence and Laches

3. Petitioner is estopped from asserting any exclusive rights to a trademark for HONEYVILLE and Petitioner's claims against Registrant are barred under the doctrines of waiver, acquiescence and laches

No Exclusive Right

4. Petitioner does not have any exclusive right to the use of the letters HONEYVILLE alone or in combination with any other letters, terms or words to form a trademark.

Failure to Function As Trademark

5. Registrant is informed and believes that purchasers of goods do not exclusively identify Petitioner with the mark HONEYVILLE.

WHEREFORE, Registrant requests that the Petition and the cancellation proceeding be dismissed with prejudice. Please recognize Vic Lin and the law firm of MYERS ANDRAS SHERMAN LLP, as attorneys for Registrant in this proceeding, and address all communications to Vic Lin at the address below. Please charge any fee deficiency or credit any surplus to our Deposit Account No. 01-1960.

Respectfully submitted,

HONEYVILLE GRAIN, INC.

Dated: Oct. 9, 2009

By: /Vic Lin/

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Attorneys for Registrant

CERTIFICATE OF SERVICE

I, Vic Lin, do hereby certify that a copy of the foregoing ANSWER TO PETITION FOR CANCELLATION was served by first class mail, postage prepaid, on Oct. 9, 2009, upon counsel for the Petitioner at:

Sabrina C. Stavish, Esq.
SHERIDAN ROSS, P.C.
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Denver, CO 80202-5141

/Vic Lin/