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Filing date: **07/09/2008**

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

Proceeding	92049277
Party	Defendant Douglas P. Funk
Correspondence Address	Douglas P. Funk 1121 A North 92nd Street SEATTLE, WA 98103 UNITED STATES victork@speckmanlaw.com
Submission	Answer
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Date	07/09/2008
Attachments	Answer to Petition for Cancellation 070908.pdf ( 3 pages )(87393 bytes )

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

LaceLynx, LLC	)	
	)	
Petitioner,	)	
	)	
vs.	)	Cancellation No. 92049277
	)	
Douglas P. Funk	)	Registration No. 3,184,342
	)	
Registrant	)	
	)	
_____	)	

**REGISTRANT'S ANSWER TO  
PETITIONER'S PETITION FOR CANCELLATION**

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

NOW COMES Douglas P. Funk ("Registrant"), by and through his attorneys, answers the Petition for Cancellation filed by LaceLynx, LLC ("Petitioner") as follows, wherein numbered paragraphs correspond to the like numbered paragraphs in the Petition for Cancellation.

Registrant denies that Petitioner, LaceLynx, LLC, a California limited liability company, with a business address of 6345 Balboa Boulevard, Suite 1-300, Encino, California 91316 will be damaged by the continued registration of United States Trademark Registration No. 3,184,342 (the "Registration") for LACE LINK in the name of Douglas P. Funk in connection with fasteners for securing and adjusting laces of footwear, clothing, tent bags, backpacks, boxing gloves, and pockets of lacrosse sticks, in Int. Cl. 26.

1. Registrant admits the averments set forth in Paragraph 1 of Petitioner's Petition for Cancellation that it filed U.S. Trademark Appl. Ser. No. 77/234,603 to register LACELYNX in connection with a decorative assembly made primarily of metal for use with shoe laces.
2. Registrant admits the averments set forth in Paragraph 2 of Petitioner's Petition for Cancellation that the U.S. Patent and Trademark Office refused registration of Petitioner's U.S. Trademark Appl. Ser. No. 77/234,603 by citing the Registration owned by Registrant.
3. Registrant denies each and every averment set forth in Paragraph 3 of Petitioner's Petition for Cancellation.
4. Registrant denies each and every averment set forth in Paragraph 4 of Petitioner's Petition for Cancellation.

#### **AFFIRMATIVE DEFENSES**

NOW COMES, Registrant, by and through his attorneys, and by way of affirmative defenses, states as follow:

1. The Petition for Cancellation fails to state a claim upon which relief can be granted.
2. The Petition for Cancellation is barred by the doctrines of estoppel and acquiescence.
3. The Petition for Cancellation is barred by the doctrine of latches.
4. The Petitioner lacks standing to bring this Petition for Cancellation.
5. The Petitioner has not suffered and is not likely to suffer any damage or injury from the registration by Registrant or any other act of Registrant.

WHEREFORE, having fully answered, Registrant respectfully requests that the present Petition for Cancellation be dismissed in its entirety with prejudice.

Registrant requests that all correspondences concerning this matter be directed to its attorney, Victor N. King, at Speckman Law Group PLLC, 1201 Third Avenue, Suite 330, Seattle, WA 98101.

**DATED: July 9, 2008**

Respectfully submitted,

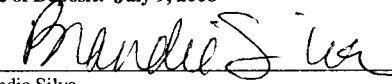
By:   
Victor N. King  
SPECKMAN LAW GROUP PLLC  
1201 Third Avenue, Suite 330  
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(206) 382-1191 (telephone)  
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ATTORNEY FOR REGISTRANT

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing ANSWER TO PETITION FOR CANCELLATION has been served on LACELYNX, LLC., by and through their attorney of record, ROD S. BERMAN, by depositing said copy with the United States Postal Service with sufficient postage as first class mail on the date indicated below and is addressed to: ROD S. BERMAN, JEFFER, MANGELS, BUTLER & MARMARO LLP, 1900 AVENUE OF THE STARS SEVENTH FLOOR, LOS ANGELES, CA 90067.

Date of Deposit: July 9, 2008

  
Brandie Silva