

ESTTA Tracking number: **ESTTA284301**

Filing date: **05/15/2009**

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

Proceeding	92049674
Party	Defendant Home Court International 2002, Ltd. and C. Thomas Richardson
Correspondence Address	Baker & McKenzie Baker & McKenzie 130 East Randolph Drive, One Prudential Plaza, Suite 3500 Chicago, IL 60601 UNITED STATES
Submission	Answer
Filer's Name	Paula Jill Krasny
Filer's e-mail	paula.j.krasny@bakernet.com
Signature	/Paula Jill Krasny/
Date	05/15/2009
Attachments	registrant's answer to second amended petition.pdf (6 pages)(179696 bytes)

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

Blain Supply, Inc.)	
)	Cancellation No. 92049674
Petitioner,)	
)	Registration No. 1825256
)	
v.)	Mark: ROCK RIVER
)	
)	Registration Date: March 8, 1994
Home Court International 2002, Ltd.))	
and C. Thomas Richardson)	
)	
Respondents.)	

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

Home Court International 2002, Ltd. and C. Thomas Richardson (hereafter collectively "Registrant") and for its answer to Petitioner, Blain Supply, Inc. ("Blain"), Second Amended Petition for Cancellation, states as follows:

1. Petitioner filed four intent to use trademark applications including the words ROCK RIVER TRADING (the "Blain Applications"). Two of the Blain Applications were for the words alone and two were for the words and design. The Blain Applications were for the following goods:

- a. Words: Class 025: Serial No. 77400541: Men's and boys' clothing namely, shirts, slacks, pants, loungewear, jeans, sweaters, jogging pants, tee shirts, fleece pants, fleece pullovers, underwear, hosiery, belts, jackets, rainwear, gloves, headwear; men's and boys' work wear clothing namely, overalls, jackets, and pants; and men's and boys' hunting clothing namely vests, pants, jackets, shirts and coveralls.
- b. Words and design: Class 025: Serial No. 77400575: Men's and boys' clothing namely, shirts, slacks, pants, loungewear, jeans, sweaters, jogging pants, tee shirts, fleece pants, fleece pullovers, underwear, hosiery, belts, jackets, rainwear, gloves, headwear; men's and boys' work wear clothing namely, overalls, jackets, and pants; and men's and boys' hunting clothing namely vests, pants, jackets, shirts and coveralls.

- c. Words: Class 025: Serial No. 77425826: Footwear for men, women and children namely, shoes, athletic shoes, casual shoes, dress shoes, sandals, work shoes and boots, hiking shoes and boots, rubber boots, pac boots, overshoes and western boots.
- d. Words and design: Class 025: Serial No. 77425881: Footwear for men, women and children namely, shoes, athletic shoes, casual shoes, dress shoes, sandals, work shoes and boots, hiking shoes and boots, rubber boots, pac boots, overshoes and western boots.

ANSWER:

Registrant admits that Petitioner filed four applications. Registrant has no knowledge or information sufficient to form a belief as to the truth of any remaining allegations, and therefore denies the remaining allegations of Paragraph 1.

2. From March 9, 2004 until December 15, 2008, Home Court International 2002, Ltd. ("Respondent Home Court"), a California corporation whose last known address was 3265 17th Street, Suite 104, San Francisco, CA 94110, was the listed with the United States Patent and Trademark Office as owner of a trademark registration for ROCK RIVER, Registration No. 1825256, for "men's, women's and children's shoes; namely outdoor shoes, athletic shoes and leisure shoes" in International Class 025 with the filing date of June 21, 1993, registration date of March 8, 1994, claiming first use on June 1, 1989 and claiming first use in commerce on September 1, 1989 (the "Home Court Registration").

ANSWER:

Registrant denies that its last known address was 3265 17th Street, Suite 104, San Francisco, CA 94110. Registrant admits the remaining allegations of Paragraph 2.

3. On or about December 15, 2008, Respondent Home Court and/or C. Thomas Richardson filed a Nunc Pro Tunc Assignment with the United States Patent and Trademark Office stating that C. Thomas Richardson was the owner of the Home Court Registration.

ANSWER:

Registrant admits that on or about December 15, 2008 C. Thomas Richardson filed Nunc

Pro Tunc Assignment which transferred the entire right, title and interest in US Registration No. 182526 for the mark ROCK RIVER from Home Court International 2002, Ltd. to C. Thomas Richardson, effective as of April 15, 2004 was filed with the US Patent and Trademark Office. Registrant denies the remaining allegations of Paragraph 3.

4. C. Thomas Richardson ("Respondent Richardson") is an adult individual who resides at 38 Renz Road, Mill Valley, California 94941.

ANSWER:

Registrant admits the allegations of Paragraph 4.

5. The United States Patent and Trademark Office has filed office actions to each of the Blain Applications stating that the registrations applied for in the Blain Applications are refused because of likelihood of confusion with the Home Court Registration.

ANSWER:

Registrant has no knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 5, and therefore denies the allegations of Paragraph 5.

COUNT I

(Abandonment)

6. Respondents discontinued their business and are no longer selling any goods, including goods using the mark identified in the Home Court Registration.

ANSWER:

Registrant denies the allegations of Paragraph 6.

7. Respondents have abandoned the mark identified in the Home Court Registration by discontinuing use of said mark for a period of approximately four years with no intent to resume said use.

ANSWER:

Registrant denies the allegations of Paragraph 7.

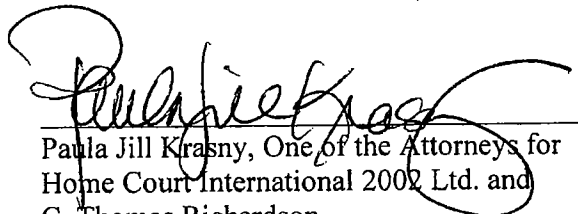
8. Petitioner is likely to be damaged by continuance of the Home Court Registration in that Petitioner may be denied registrations for the Blain Applications and Petitioner's continued and legal use of said mark will be impaired by the continued registration of said abandoned mark of Respondents.

ANSWER:

Registrant denies the allegations of Paragraph 8.

WHEREFORE, Registrant respectfully requests that the Board dismiss the Petition for Cancellation, that Registrant's registration continue, and that the Board grant Registrant such other and further relief that the Board deems just and proper. Registrant further requests that the attorneys set forth below be entered into the record as counsel for Registrant.

Dated: May 7, 2009


Paula Jill Krasny, One of the Attorneys for
Home Court International 2002 Ltd. and
C. Thomas Richardson

BAKER & MCKENZIE LLP
Paula Jill Krasny
John C. Filosa
M. Tally George
130 East Randolph Drive
Chicago, Illinois 60601
Ph. (312) 861-2822

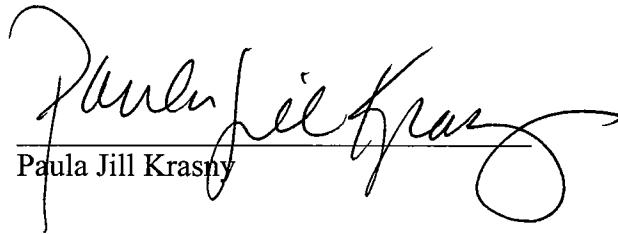
Fax: (312) 698-2241
paula.j.krasny@bakernet.com
john.c.filosa@bakernet.com
m.tally.george@bakernet.com

CERTIFICATE OF MAILING

The undersigned hereby certifies that the foregoing **Registrant's Answer to Petitioner's Second Amended Petition For Cancellation** is being filed electronically via the Electronic System for Trademark Trials and Appeals (ESTTA) with a copy deposited with the United States Postal Service, as first class mail, postage prepared, in an envelope addressed as follows:

George K. Steil, Jr.
Ms. Nancy B. Johnson
Brennan, Steil & Basting, S.C.
A Limited Liability Organization
One E. Milwaukee St.
P.O. Box 1148
Janesville, WI 53537-1148

this 15th day of May, 2009.


Paula Jill Krasny