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

Proceeding	92050333
Party	Defendant TROPICANA PRODUCTS, INC.
Correspondence Address	TROPICANA PRODUCTS, INC. 1001 13TH AVENUE EAST BRADENTON, FL 34208 UNITED STATES
Submission	Answer
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Date	01/26/2009
Attachments	Answer.pdf (3 pages)(18189 bytes)

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

REMINGTON HEALTH PRODUCTS, L.L.C.,)	
)	
Petitioner,)	
)	
v.)	Cancellation No. 92050333
)	
TROPICANA PRODUCTS, INC.,)	
)	
Registrant.)	

ANSWER

Registrant, Tropicana Products, Inc., responds to the allegations of the Petition For Cancellation as follows:

1. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 1 and therefore denies same, except registrant admits that petitioner has attached printouts from the TARR and assignment databases for Registration No. 2,552,892 and that the filing date for said registration is earlier than the date of first use claimed in Registration No. 2,319,909.

2. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 2 and therefore denies same, but admits that certain subsequent paragraphs of the Petition For Cancellation refer to “Remington’s Mark,” and affirmatively states that registrant has interpreted references to “Remington’s Mark” to refer to the mark referenced in paragraph 1.

3. Registrant denies the allegations of Paragraph 3.

4. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 4 and therefore denies same.

5. Registrant admits the allegations of Paragraph 5.

6. Registrant denies the allegations of Paragraph 6.

7. Registrant is without knowledge or information sufficient to form a belief as to what Remington believes and therefore denies the allegations of Paragraph 7, and specifically denies that registrant has abandoned its mark and that Registration No. 2,319,909 should be cancelled pursuant to 15 U.S.C. 1092.

8. Registrant is without knowledge or information sufficient to form a belief as to what Remington believes and therefore denies the allegations of Paragraph 8, and specifically denies that petitioner is or will be damaged by Registration No. 2,319,909.

AFFIRMATIVE DEFENSE

Registrant further alleges that:

The Petition For Cancellation fails to state a claim for relief on the grounds of abandonment.

WHEREFORE, registrant requests that the Petition For Cancellation be dismissed with prejudice.

SMART & BOSTJANCICH

By: / P S Smart /

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Attorneys for Registrant

CERTIFICATE OF SERVICE

I, Patricia S. Smart, an attorney for registrant, hereby certify that a copy of the foregoing

ANSWER is being served upon:

Robert M. Chiaviello, Jr.
Fulbright & Jaworski, L.L.P.
2200 Ross Avenue, Suite 2800
Dallas, TX 75201

this 26th day of January, 2009, by first class mail, postage prepaid.

/ P S Smart /