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

Proceeding	92050609
Party	Defendant The Picnic People, Inc.
Correspondence Address	The Picnic People, Inc. 5757-A Sonoma Dr. Pleasanton, CA 94566-7758 UNITED STATES
Submission	Answer
Filer's Name	Timothy L. Skelton
Filer's e-mail	tskelton@rmkb.com,pfung@rmkb.com
Signature	/Timothy L. Skelton/
Date	04/09/2009
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration No. 3,491,840

For: THE PICNIC PEOPLE CREATING FOND MEMORIES SINCE 1984 (and
Design)

Date of Issue: August 26, 2008

HOSPITALITY, INC.,
Petitioner,
v.
THE PICNIC PEOPLE, INC.,
Registrant.

CASE NO. 92050609

**RESPONSE TO PETITION FOR
CANCELLATION**

1. Answering paragraph 1, Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1, and on that basis denies them.
2. Answering paragraph 2, Registrant admits the allegations contained in paragraph 2.
3. Answering paragraph 3, Registrant can neither admit nor deny the allegations contained in paragraph 3.
4. Answering paragraph 4, Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4, and on that basis denies them.
5. Answering paragraph 5, Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5, and on that basis denies them.

6. Answering paragraph 6, Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6, and on that basis denies them.

7. Answering paragraph 7, Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7, and on that basis denies them.

8. Answering paragraph 8, Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 8, and on that basis denies them.

9. Answering paragraph 9, Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9, and on that basis denies them.

10. Answering paragraph 10, Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 10, and on that basis denies them.

11. Answering paragraph 11, Registrant denies the allegations contained in paragraph 11.

12. Answering paragraph 12, Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 12, and on that basis denies them.

13. Answering paragraph 13, Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 13, and on that basis denies them.

14. Answering paragraph 14, Registrant denies the allegations contained in paragraph 14.

FIRST AFFIRMATIVE DEFENSE
(Estoppel by Laches)

Petitioner's claims are barred under the doctrine of estoppel by laches due to Petitioner's unreasonable delay in asserting its claims. Registrant has done business for years using the name "Picnic People," in which time Registrant built up substantial goodwill in its "Picnic People" brand. Petitioner knew of Registrant's use, yet failed to take any action, all to the detriment of Registrant.

SECOND AFFIRMATIVE DEFENSE
(Estoppel)

Petitioner's claims are barred under the doctrine of estoppel due to Petitioner's unreasonable delay in asserting its claims. Registrant has done business for years using the name "Picnic People," in which time Registrant built up substantial goodwill in its "Picnic People" brand. Petitioner knew of Registrant's use, yet failed to take any action, all to the detriment of Registrant.

THIRD AFFIRMATIVE DEFENSE
(Acquiescence)

Petitioner's claims are barred under the doctrine of acquiescence due to Petitioner's unreasonable delay in asserting its claims. Registrant has done business for years using the name "Picnic People," in which time Registrant built up substantial goodwill in its "Picnic People" brand. Petitioner knew of Registrant's use, yet failed to take any action, all to the detriment of Registrant.

PRAYER FOR RELIEF

Registrant prays for relief as follows:

1. That judgment be entered in favor of Registrant;
2. That Registrant be awarded its reasonable costs, disbursements, and attorney fees to the extent permitted by law; and
3. That Registrant be awarded such further relief as may be just and equitable under the circumstances.

Dated: April 9, 2009

ROPERS, MAJESKI, KOHN &
BENTLEY

By: /s/ Timothy L. Skelton

TIMOTHY L. SKELTON
(Cal. Bar # 200432)
JESSICA J. HOLCOMBE
(Cal. Bar # 224513)
Attorneys for Registrant
THE PICNIC PEOPLE, INC.

Ropers Majeski Kohn & Bentley
A Professional Corporation
Los Angeles