

ESTTA Tracking number: **ESTTA278790**

Filing date: **04/17/2009**

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

Proceeding	92050677
Party	Defendant Sub-Zero Technology, Ltd.
Correspondence Address	Sub-Zero Technology Ltd. 35 Churchill Way, Fleckney Leicestershire LE8 0UD, EN
Submission	Answer
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Signature	/Annie C. Haselfeld/
Date	04/17/2009
Attachments	92050677 Answer.pdf (4 pages)(18077 bytes)

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

Mountain Hardwear, Inc.,)	
)	
)	
Petitioner,)	Cancellation Action No. 92050677
)	
v.)	
)	
Sub Zero Technology, Ltd.,)	
)	
Respondent.)	

ANSWER

Respondent, Sub Zero Technology, Ltd., through the undersigned counsel, answers the Petition for Cancellation as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6 of the Petition for Cancellation and therefore denies those allegations.

7. Respondent admits that on or about July 13, 2000, it filed an application to register the mark SUB ZERO that was assigned Serial No. 76/088,620. Respondent denies that the application covered “thermal insulating clothing.” Rather, the application covered, among other goods, “thermally insulating clothing.”

8. Admitted.

9. Respondent admits that it filed a Petition to Cancel the Registration. Respondent denies that the Petition was filed July 2, 2001. Respondent admits that, based on information and belief, it alleged that J.E. Morgan Knitting Mills had abandoned the mark.

10. Admitted.

11. Respondent admits that it paid J.E. Morgan \$1,500 in consideration for the assignment of the Registration. Respondent is without sufficient information to admit or deny the remainder of the allegations of Paragraph 11, and therefore denies them. Petitioner served no copy of Exhibit A upon Respondent with the Petition to Cancel.

12. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 12 of the Petition for Cancellation and therefore denies those allegations.

13. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13 of the Petition for Cancellation and therefore denies those allegations.

14. Denied.

15. Denied.

16. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 16 of the Petition for Cancellation and therefore denies those allegations.

17. Respondent denies any additional allegations set forth in the Petition for Cancellation not specifically admitted above.

FOR THESE REASONS, Respondent respectfully requests that the Petition for Cancellation be dismissed with prejudice.

Dated: April 17, 2009.

Respectfully submitted,



Andrea Anderson
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**ATTORNEYS FOR RESPONDENT
SUB ZERO TECHNOLOGY, LTD.**

CERTIFICATE OF SERVICE

I certify that on April 17, 2009, I served a copy of the above **Answer to the Petition for Cancellation** to the following by:

- | | |
|-------------------------------------|----------------------------|
| <input checked="" type="checkbox"/> | U.S. Mail, postage prepaid |
| <input type="checkbox"/> | Hand Delivery |
| <input type="checkbox"/> | Fax |
| <input checked="" type="checkbox"/> | Email |

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