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

Proceeding	92052940
Party	Defendant Smith Abrasives, Inc.
Correspondence Address	SMITH ABRASIVES, INC. 1700 SLEEPY VALLEY ROAD HOT SPRINGS, AR 71901 UNITED STATES kperkins@roselawfirm.com
Submission	Answer
Filer's Name	Kathryn Bennett Perkins
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Date	12/06/2010
Attachments	12.6.10.Answer to Cancellation petition.pdf (4 pages)(59700 bytes)

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

In the matter of Trademark Registration No. 3,617,203
Mark: EDGEWARE
Registration date: May 5, 2009

Edgecraft Corporation	:	
	:	
	:	
Petitioner,	:	
	:	
	:	
v.	:	Cancellation No. 92052940
	:	
	:	
Smith Abrasives, Inc.	:	
	:	
	:	
Respondent.	:	

ANSWER

Respondent Smith Abrasives, Inc. (“Smiths”) submits the following response to the Petition for Cancellation filed by Petitioner Edgecraft Corporation (“Edgecraft”) and states as follows:

1. Smiths believes upon information and belief that Edgecraft is in the business of selling knife sharpeners and that it uses the name “Edgecraft” to some extent. Smiths has insufficient knowledge or information sufficient to form an opinion as to the truth of the remaining allegations in paragraph 1 of the Petition and denies the same.

2. Smiths admits that Edgecraft claims ownership in the five purported registrations listed in paragraph 2 of the Petition and states that the attached exhibits speak for themselves.

Smiths has insufficient knowledge or information sufficient to form an opinion as to the truth of the remaining allegations in paragraph 2 of the Petition and denies the same.

3. Smiths has insufficient knowledge or information sufficient to form an opinion as to the truth of the allegations in paragraph 3 of the Petition and denies the same.

4. Smiths admits that it is a Delaware corporation and that it filed an intent to use application on March 12, 2008 for the mark EDGEWARE. The application speaks for itself. Smiths admits that the application has resulted in Registration No. 3, 617,203. Smiths admits that it sells certain goods by using the EDGEWARE mark and without one of its other trademarks containing the word "Smith." Smiths denies the remaining allegations contained in paragraph 4 of the Petition.

5. Smiths has insufficient knowledge or information sufficient to form an opinion as to the truth of the allegations in paragraph 5 of the Petition and denies the same.

6. Smiths has insufficient knowledge or information sufficient to form an opinion as to the truth of the allegations in paragraph 6 of the Petition and denies the same.

7. Smiths has insufficient knowledge or information sufficient to form an opinion as to the truth of the allegations in paragraph 7 of the Petition and denies the same.

8. Smiths admits that it has registered the EDGEWARE mark for goods in classes 7 and 8. Smiths admits, based upon information and belief, that one or more EDGEWARE marks are registered in classes 7 and/or 8. Smiths denies the remaining allegations in paragraph 8 of the Petition.

9. Smiths denies the allegations contained in paragraph 9 of the Petition.

10. Smiths denies each and every allegation contained in the Petition unless specifically admitted herein.

11. Smiths denies that the Petitioner is entitled to a cancellation of Smiths' mark as requested in the prayer for relief.

12. Smiths alleges that Petitioner has failed to state a claim upon which relief may be granted.

13. Smiths reserves the right to amend this Answer as the facts become more developed.

14. Smith asserts the defenses of estoppel, laches and waiver.

Respectfully submitted,

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Attorneys for Respondent,
Smith Abrasives, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Consented Motion for Extension was sent to the following persons via e-mail and U.S. mail on this 6th day of December, 2010:

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/Kathryn Bennett Perkins/
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