

ESTTA Tracking number: **ESTTA387594**

Filing date: **01/10/2011**

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

Proceeding	92053346
Party	Defendant McMillan Fiberglass Stocks, Inc.
Correspondence Address	McMILLAN FIBERGLASS STOCKS, INC. 1638 W KNUDSEN DRIVE PHOENIX, AZ 85027 UNITED STATES
Submission	Answer
Filer's Name	Angela V. Langlotz
Filer's e-mail	trademark@langlotz.com
Signature	/angela v. langlotz/
Date	01/10/2011
Attachments	McMillan v Spiller Answer to Petition for Cancellation.pdf (3 pages)(455458 bytes)

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

Stiller's Precision Firearms LLC,

Petitioner

v.

McMillan Fiberglass Stocks, Inc.

Registrant

Cancellation No. 92053346

Registration Number 3,829,096

ANSWER TO PETITION FOR CANCELLATION

Respondent and registrant McMillan Fiberglass Stocks, Inc. hereby responds to the Petition for Cancellation and alleges as follows:

1. In response to the allegations of Paragraph 1, Petitioner improperly asserts legal conclusions in Paragraph 1 of the Petition, and Respondent therefore denies Paragraph 1 in its entirety.
2. In response to the allegations of Paragraph 2 and 2(a), Respondent lacks sufficient information to admit or deny the allegations as set forth in Paragraph 2 of the Petition, as the Exhibits upon which Petitioner relies for his assertions were not provided to the Respondent; indeed none of the Petition was provided by Petitioner to Respondent.
3. In response to the allegations of Paragraph 3, Petitioner improperly asserts legal conclusions in Paragraph 3 of the Petition, and Respondent therefore denies Paragraph 3 in its entirety.
4. In response to the allegations of Paragraph 4 and 4(a), Respondent lacks sufficient information to admit or deny the allegations as set forth in Paragraph 4 of the Petition, as the

Exhibits upon which Petitioner relies for his assertions were not provided to the Respondent; indeed none of the Petition was provided by Petitioner to Respondent.

5. In response to the allegations of Paragraph 5 and Respondent lacks sufficient information to admit or deny the allegations as set forth in Paragraph 5 of the Petition, as the Exhibits upon which Petitioner relies for his assertions were not provided to the Respondent; indeed none of the Petition was provided by Petitioner to Respondent.
6. In response to the allegations of Paragraph 6, Petitioner improperly asserts legal conclusions in Paragraph 6 of the Petition, and Respondent therefore denies Paragraph 6 in its entirety.

AFFIRMATIVE DEFENSES

1. As a first, separate, and affirmative defense to the Cancellation Petition, Respondent alleges that in violation of the Rule 2.119(a), Petitioner did not serve the Cancellation Petition on Respondent. Petitioner falsely alleges in his electronic filing that he effected service on Respondent.
2. As a second, separate, and affirmative defense to the Cancellation Petition, Respondent alleges that the Cancellation Petition does not set forth sufficient facts to state a claim upon which relief can be granted against Respondent.
3. As a third, separate, and affirmative defense to the Cancellation Petition, Respondent alleges that Petitioner has failed to plead and prove standing to sustain his Cancellation Petition.

WHEREFORE, Respondent prays that the Petition be overruled, denied, stricken, and dismissed in its entirety with all costs and legal fees being awarded to Respondent pursuant to the Federal Rules of Civil Procedure, the Rules of the PTO, and the TTAB and all governing statutes and case law.

DATED: January 10, 2011

LANGLOTZ PATENT AND TRADEMARK
WORKS, INC.

By: Angela V. Langlotz

Angela V. Langlotz, Esq.
Attorneys for Respondent
McMILLAN FIBERGLASS STOCKS, INC.
P.O. Box 96503 #37585
Washington, D.C. 20090-6503
Telephone: (866) 280-5242
Facsimile: (866) 280-5242

Certificate of Service

This is to certify that I have on this day served the following named persons with the foregoing Answer to Cancellation Petition by placing a true and exact copy of said document in the United States mail, addressed to said person at his address of record, with sufficient postage to carry same to its destination to the following address:

Jerry Stiller
Stiller Precision Firearms LLC
2405 Country Meadow Lane
Wylie, TX 75098

Dated this 10 day of January, 2011.

Angela V. Langlotz
Angela V. Langlotz, Esq.