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Filing date: **04/19/2012**

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

Proceeding	92055302
Party	Defendant Independence Towing & Recovery, Inc.
Correspondence Address	INDEPENDENCE TOWING & RECOVERY INC PO BOX 99 WESTMONT, IL 60559 UNITED STATES
Submission	Answer
Filer's Name	Kenneth J. Vanko
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Signature	/s/ Kenneth J. Vanko
Date	04/19/2012
Attachments	Respondent's Answer to Petition for Cancellation (00119454).PDF (5 pages) (257124 bytes)

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

DISTRICT ENTERPRISES, INC.,)	
)	
Petitioner.)	Serial No.: 77/808,450
)	Reg. No.: 3,840,150
v.)	Date of Filing: 8/19/09
)	Date of Registration: 8/31/10
INDEPENDENCE TOWING & RECOVERY, INC.,)	
)	Cancellation No.: 92055302
Respondent.)	

RESPONDENT'S ANSWER TO PETITION FOR CANCELLATION

Respondent, Independence Towing & Recovery, Inc., submits its Answer to the Petition for Cancellation filed on March 9, 2012, stating in response as follows:

1. Insufficient knowledge or information to form a belief as to the truth of the allegation in the first sentence. Insufficient knowledge or information to form a belief as to the truth of the allegation in the second sentence, except admit that District Recovery performed towing services and District Rebuilders functioned as a repair shop. Deny third sentence, except admit Dennis F. Radwanski founded the Petitioner.

2. Deny first sentence, except admit that Petitioner functioned as a family company until 2008 when Sherry Radwanski terminated Dan and Dennis Radwanski. Insufficient knowledge or information to form a belief as to the truth of the allegation in the second sentence. Admit third sentence, but deny that this was the extent of Dan and Dennis' interest in Petitioner. Insufficient knowledge or information to form a belief as to the truth of the allegation in the fourth sentence, except admit that Dan and Dennis Radwanski established a competing business following their termination from Petitioner.

3. Denied.

4. Deny first sentence, except admit that the depicted *Exhibit A* may be depiction of a shirt worn by Dan Radwanski. Insufficient knowledge or information to form a belief as to the truth of the allegation in the second sentence that the shirts depicted as *Exhibit A* were those worn by Dan Radwanski. Deny second sentence to the extent it alleges *Exhibit A* depicts a shirt worn by Dennis Radwanski. Admit third sentence only to the extent that it refers generally to a legal requirement, but deny that other agents or employees of Petitioner wore such shirts during this time. Insufficient knowledge or information to form a belief as to the truth of the allegation in the fourth sentence.

5. Deny first, second, fifth, and sixth sentences. Admit third sentence. Admit fourth sentence only to the extent that District Rebuilding is a regular repair shop and deny the remainder. Admit that a statement sworn under oath by Robert Zolner is attached but deny the statement is truthful.

6. Admit first and third sentences. Deny second sentence to the extent it implies that tensions resulting from a probate dispute occurred before Dan and Dennis were terminated. Deny fourth sentence.

7. Admit first sentence. Insufficient knowledge or information to form a belief as to the truth of the allegation in the second sentence given that it does not identify “the trademark.” Deny to the extent the second sentence implies Petitioner has or had any valid service- or trademark rights.

8. Admit.

9. Respondent submits no Answer to Paragraph 9 as it separately has moved to strike the allegation as immaterial.

10. Admit first, second, and fourth sentences. Deny third sentence.

11. Admit.

12. Admit.

13. Insufficient knowledge or information to form a belief as to the truth of the allegation, but deny that the intended showings have any merit.

14. Respondent incorporates its Answers from Paragraphs 1 through 13 as its Answer to this paragraph.

15. Admit.

16. Deny.

17. Deny.

18. Respondent incorporates its Answers from Paragraphs 14 through 17 as its Answer to this paragraph.

19. Admit first sentence, except deny that this was the extent of the agents' interest in Petitioner. Deny second sentence.

20. Deny.

21. Deny.

22. Respondent incorporates its Answers from Paragraphs 18 through 21 as its Answer to this paragraph.

23. Admit that Petitioner has never granted permission or consent to Respondent to register or attempt to register the Mark in the United States or anywhere else, but deny that Petitioner had the capacity or standing to grant such permission or consent.

24. Deny.

25. Deny, but admit that Petitioner is making such allegations.

26. Deny.

27. Respondent incorporates its Answers from Paragraphs 22 through 26 as its Answer to this paragraph.

28. Deny.

29. Deny.

WHEREFORE, Respondent respectfully requests that the Trademark Trial and Appeals Board deny the Petition for Cancellation.

Respectfully submitted,

CLINGEN CALLOW & MCLEAN, LLC

Dated: 4/19/12

By: /S/ Kenneth J. Vanko
Kenneth J. Vanko (IL Bar No. 6244048)

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PROOF OF SERVICE

The undersigned states that he served a copy of this **Respondent's Answer to Petition for Cancellation** to:

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via email on April 19, 2012.

/s/ Kenneth J. Vanko