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

Proceeding	92055672
Party	Defendant Playmates Toys Inc.
Correspondence Address	PLAYMATES TOYS INC 909 NORTH SEPULVEDA BLVD SUITE 800 EL SEGUNDO, CA 90245 UNITED STATES
Submission	Answer
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Date	07/05/2012
Attachments	playmates - answer - tipi.pdf (6 pages)(255545 bytes)

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

In the Matter of

Registration No.	:	3,986,956
Registrant	:	Playmates Toys Inc.
Mark	:	TIPI
Filing Date	:	May 13, 2010
Registration Date	:	June 28, 2011

Castleberry Toys, Inc.,	:	
	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92055672
v.	:	
	:	
Playmates Toys Inc.,	:	
	:	
	:	
Registrant	:	
	:	

ANSWER TO PETITION FOR CANCELLATION

Playmates Toys Inc., a corporation organized under the laws of the State of California, with a place of business at 909 North Sepulveda Boulevard, Suite 800, El Segundo, California 90245 (hereinafter “Registrant”), files this answer to the allegations contained in the Petition for Cancellation filed by Castleberry Toys, Inc. (hereinafter “Petitioner”). Registrant denies any and all allegations in the Petition for Cancellation except as expressly admitted herein, and otherwise responds to the Petition for Cancellation as follows.

Answer to Petition for Cancellation

1. Registrant is without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Petition for Cancellation, and therefore denies same.

2. Registrant is without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the Petition for Cancellation, and therefore denies same.

3. Registrant is without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 3 of the Petition for Cancellation, and therefore denies same.

4. Registrant is without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the Petition for Cancellation, and therefore denies same.

5. Registrant is without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Petition for Cancellation, and therefore denies same.

6. Registrant admits that the Trademark Office's publicly-accessible TARR database reflects that an entity identified as Castleberry Toys, Inc. filed an application to register the mark TIPPI TURTLE 'THE WISER ONE' for use in connection with the following goods: "battery operated action toys." Registrant also admits that the Trademark Office's publicly-accessible TARR database shows that that this application was assigned Serial No. 85/255,373.

7. Registrant admits that the Trademark Office's publicly-accessible TARR database reflects that a non-final Office Action was issued in connection with Application Serial No. 85/255,373 on December 31, 2011. Registrant further admits that publicly- available Trademark Office records indicate that Application Serial No. 85/255,373 was initially refused under Section 2(d) of the Trademark Act, and that Registrant's mark TIPI (U.S. Registration No. 3,986,956) was cited as the basis for this refusal.

8. Registrant is without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 8 of the Petition for Cancellation, and therefore denies same.

9. Registrant admits the allegations contained in paragraph 9 of the Petition for Cancellation.

10. Registrant admits the allegations contained in paragraph 10 of the Petition for Cancellation.

11. Registrant admits that it filed an application to register the mark TIPI on May 13, 2010, and that said application subsequently matured into Registration No. 3,986,956, issued on June 28, 2011, which is a registration for the mark TIPI as used in connection with the following goods: “dolls and related doll accessories.”

12. Registrant admits that goods bearing its TIPI mark were first shipped in October of 2010; however, Registrant also states that its first retail trade presentation concerning goods sold under the TIPI mark was made prior to that, in June of 2010.

13. Registrant is without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 13 of the Petition for Cancellation, and therefore denies same.

14. Registrant denies the allegations contained in paragraph 14 of the Petition for Cancellation.

15. Registrant denies the allegations contained in paragraph 15 of the Petition for Cancellation.

16. Registrant denies the allegations contained in paragraph 16 of the Petition for Cancellation.

Affirmative Defenses

In further answer to the Petition for Cancellation, Registrant asserts that:

17. Registrant's TIPI mark is sufficiently distinctively different from the TIPPI TURTLE 'THE WISER ONE' mark referenced by Petitioner in the Petition for Cancellation so as to avoid confusion, deception or mistake as to the source, sponsorship, association or approval of Registrant's goods.

18. Registrant's claims are barred by the equitable doctrines of laches, acquiescence and estoppel.

Registrant reserves the right to amend its answer, raise additional claims and affirmative defenses, and file pleadings as they may become known through the process of discovery.

(continued)

In view of the foregoing, Registrant contends that this Petition for Cancellation is groundless in fact and that Petitioner has not shown where it will be, or likely is to be, damaged by the continued registration of Registrant's mark, and Registrant prays that this cancellation action be dismissed.

Respectfully submitted,
WOOD, HERRON & EVANS, L.L.P.

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Date July 5, 2012

CERTIFICATE OF SERVICE

I hereby certify that the foregoing ANSWER TO PETITION FOR CANCELLATION has been sent via first class mail this 5th day of July, 2012, to the following:

Matthew H. Swyers, Esq.
The Trademark Company
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