ESTTA Tracking number: **ESTTA525066**

Filing date: **03/06/2013**

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

Proceeding	92056352
Party	Defendant Maine Industrial Tire LLC
Correspondence Address	TANYA MARIE CURCIO HINCKLEY ALLEN SNYDER LLP 28 STATE STREET BOSTON, MA 02109 UNITED STATES tcurcio@haslaw.com
Submission	Answer
Filer's Name	Mark D. Meredith
Filer's e-mail	mmeredith@haslaw.com, tmdocket@haslaw.com
Signature	/Mark D. Meredith/
Date	03/06/2013
Attachments	Maine Industrial Tire's Answer to Petition for Cancellation.PDF (2 pages)(80486 bytes)

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

BLACKSTONE/OTR LLC, Petitioner, v. MAINE INDUSTRIAL TIRE, LLC Registrant.	Cancellation No. 92056352

REGISTRANT MAINE INDUSTRIAL TIRE, LLC'S ANSWER TO BLACKSTONE/OTR LLC'S PETITION FOR CANCELLATION

Registrant, Maine Industrial Tire, LLC ("Registrant" or "MIT"), by and through its attorneys, denies that Petitioner Blackstone/OTR, LLC ("Petitioner" or "Blackstone") will be damaged by the registration for the trademark AERIAL MAX for "tires, off-the road tires" and opposes the Petition for Cancellation. In response to the specific allegations, Registrant replies as follows:

1. MIT is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1, and therefore denies those allegations.

2. MIT denies the allegations contained in Paragraph 2.

3. MIT admits the allegations contained in Paragraph 3.

4. MIT denies the allegations contained in Paragraph 4.

5. MIT denies the allegations contained in Paragraph 5.

6. MIT denies the allegations contained in Paragraph 6.

FIRST AFFIRMATIVE DEFENSE

Petitioner has failed to state a claim upon which the requested relief can be granted.

SECOND AFFIRMATIVE DEFENSE

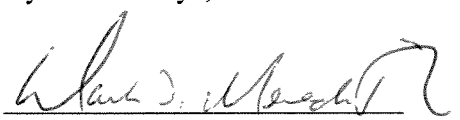
Petitioner's claim is time-barred because of the statute of limitations, laches, or any other applicable limitations period.

WHEREFORE, Maine Industrial Tire, LLC requests that the Petition for Cancellation be denied.

Respectfully submitted,

MAINE INDUSTRIAL TIRE, LLC

By its attorneys,



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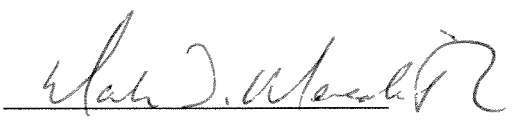
CERTIFICATE OF SERVICE

This is to certify that the undersigned attorney for Maine Industrial Tire, LLC has served the foregoing document on the Petitioner, Blackstone/OTR, LLC, by first class mail postage pre-paid, dated March 6, 2013, addressed to the Petitioner's attorney:

Todd Deveau
THOMAS|HORSTEMEYER, LLP
400 Interstate North Parkway SE
Suite 1500
Atlanta, Georgia 30339

DATED: March 6, 2013



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