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

Proceeding	92056703
Party	Defendant San Pasqual Casino Development Group, Inc.
Correspondence Address	SAN PASQUAL CASINO DEVELOPMENT GROUP INC 16300 NYEMII PASS ROAD VALLEY VIEW, CA 92082 UNITED STATES
Submission	Answer
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Date	03/01/2013
Attachments	2013_03_01 Answer and Affirmative Defenses.pdf (4 pages)(12581 bytes)

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

3 SQUARE, INC.)	
)	Cancellation No. 92056703
Petitioner,)	
)	
v.)	
)	
SAN PASQUAL CASINO)	
DEVELOPMENT GROUP, INC.)	
)	
Registrant.)	

ANSWER AND AFFIRMATIVE DEFENSES

Registrant San Pasqual Casino Development Group, Inc. (“Registrant” or “San Pasqual”) hereby answers the numbered paragraphs of the Petition for Cancellation (“Petition”) filed by Petitioner 3 Square, Inc. (“Petitioner” or “3 Square”), as follows:

1. Denied.
2. Denied.
3. Registrant is without knowledge or information as to the truth of the allegations in paragraph 3 of the Petition and therefore denies the same.
4. Registrant is without knowledge or information as to the truth of the allegations in paragraph 4 of the Petition and therefore denies the same.
5. Denied.
6. Registrant admits it owns Registration No. 3736766 for the mark BLD’s for bar and restaurant services and Registration No. 3726776 for the mark BLD for restaurant services. Registrant denies the remaining allegations of paragraph 6 of the Petition.
7. Admitted.

8. Registrant is without knowledge or information as to the truth of the allegations in paragraph 8 of the Petition and therefore denies the same.

9. Denied.

LIKELIHOOD OF CONFUSION – §2(d)

10. Denied.

11. Registrant admits that the services of Registrant are closely related to Petitioner's services. Registrant denies the remaining allegations of paragraph 11 of the Petition.

12. Denied.

13. Denied.

14. Denied.

15. Admitted.

16. Denied that Registrant was required to seek the permission of Petitioner.

17. Denied.

VOID AB INITIO/ABANDONMENT

18. Denied.

19. Denied.

20. Denied.

AFFIRMATIVE DEFENSES

21. Petitioner's claims are barred by unclean hands, waiver, laches, estoppel, and/or acquiescence.

22. Petitioner has failed to state a claim for the cancellation of Registrant's Registration Nos. 3736766 and 3726776.

23. Petitioner is without standing to state a claim for cancellation of Registrant's Registration Nos. 3736766 and 3726776.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

/Hillary A. Brooks/
Hillary A. Brooks
Registration No. 45,815
Attorney for Opposer

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CERTIFICATE OF ELECTRONIC FILING

The undersigned hereby certifies that the Answer and Affirmative Defenses was electronically filed with the Trademark Trial and Appeal Board on March 1, 2013.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Answer and Affirmative Defenses was served upon Opposer on March 1, 2013 by forwarding said copy via first class mail to counsel for Opposer at the following address:

Michael A Grow
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By: /Hillary A. Brooks/
Hillary A. Brooks