

ESTTA Tracking number: **ESTTA532156**

Filing date: **04/15/2013**

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

Proceeding	92056926
Party	Defendant Lansdowne Station Self Storage, LLC dba Store It
Correspondence Address	LANSDOWNE STATION SELF STORAGE LLC DBA STORE IT 100 PAINTERS MILL ROAD, SUITE 900 OWINGS MILLS, MD 21117 UNITED STATES matthew@davidsbrown.com
Submission	Answer
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Date	04/15/2013
Attachments	STORE IT Answer and Affirmative Defenses to Pond Petition.pdf ( 8 pages ) (171114 bytes )

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

Michael Pond,

Petitioner,

v.

Lansdowne Station Self Storage, LLC

Registrant.

In the Matter of USPTO Reg. Nos.  
3,995,669, 3,991,598

**Mark: STORE IT (plain text  
and stylized, with design)**

Cancellation No. 92056926

**REGISTRANT'S ANSWER TO PETITION TO CANCEL  
AND AFFIRMATIVE DEFENSES**

Registrant, Lansdowne Station Self Storage, LLC, a duly organized and operating Maryland limited liability company ("LSSS"), provides the within Answer to the Petition to Cancel ("Petition to Cancel") filed on March 19, 2013 on behalf of Michal Pond ("Petitioner") with respect to STORE IT, registered on July 12, 2011 for Class 39 services (the rental of self-storage facilities to individuals and businesses) as USPTO Reg. No. 3,991,598 ("Plain Text Mark") and STORE IT (stylized, with logo), registered on July 19, 2011 for the same services in IC 39 as USPTO Reg. No. 3,995,669 ("Stylized Mark"). As used herein, the Plain Text Mark and the Stylized Mark are collectively called the "Registered Marks" and individually called a "Registered Mark." LSSS hereby generally and specifically denies each and every allegation contained in the Petition to Cancel hereinafter not specifically admitted, modified, or qualified, and strict proof is demanded thereof Registrant further responds as follows:

1. Admitted.
2. Admitted.

3. Registrant is without knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 3 of the Petition to Cancel and therefore it denies the same.
4. Admitted.
5. Admitted, solely as to the first two sentences. With respect to the third sentence, Registrant is without knowledge or information sufficient to form a belief as to the allegations contained in such sentence of Paragraph 5 of the Petition to Cancel, and Registrant therefore denies the same.
6. Registrant is without knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 6 of the Petition to Cancel and therefore it denies the same.
7. Registrant is without knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 7 of the Petition to Cancel and therefore it denies the same.
8. Admitted.
9. Denied. In addition, the reference in Section 9 to "Applicant" should be to "Registrant."
10. Denied.
11. Denied. The Petition to Cancel references to two Registered Marks, not one. The Stylized Mark includes a distinctive color and design, in addition to the STORE IT verbiage. Registrant specifically denies that the Registered Marks are generic or descriptive in nature.
12. Denied.

13. Denied.

14. Denied. The examples cited in Exhibit B to the Petition to Cancel include a wide variety of variations on the Registered Marks. The cited references are not limited to generic third party uses of the Registered Marks.

15. Denied. Exhibit C to the Petition to Cancel shows that there are 139 *results* for a recent search of the USPTO database on the term STORE IT. It does not show that there are 139 applications or registrations that include the Plain Text Marks. Many of these results merely reference terms that contain the letters STOR or STORE. A large number of these results are for “dead” applications or registrations.

16. Denied.

17. Denied.

18. Denied.

### **AFFIRMATIVE DEFENSES**

In further answer to the Petition to Cancel, Registrant asserts that:

#### **FIRST AFFIRMATIVE DEFENSE**

19. Petitioner has not registered its U STORE IT mark as stated in Petitioner’s application (“Petitioner’s Mark”) with the USPTO and it has therefore not obtained any presumptive national rights with respect to such mark.

#### **SECOND AFFIRMATIVE DEFENSE**

20. Contrary to the claims made in Section 6 of the Petition to Cancel, Petitioner’s Mark has not acquired great value, fame or goodwill. A Google search on the term U STORE IT yielded first page search results

for storage facilities in York, Pennsylvania, Charlottesville, Virginia and Little Rock Arkansas and Las Vegas Nevada, but no such results for Petitioner's Mark. A true and correct copy of such search results is attached hereto as Exhibit A.

**THIRD AFFIRMATIVE DEFENSE**

21. The Registered Marks (their entirety) are sufficiently distinct from the Petitioner's Mark so as to avoid confusion, deception or mistake as to the source or sponsorship or association of Registrant's services.

**FOURTH AFFIRMATIVE DEFENSE**

22. Registrant's use of the Registered Marks will not mistakenly be thought by the public to derive from the same source as Petitioner's services, nor will such use be thought by the public to be a use by Petitioner or with Petitioner's authorization or approval. To date, there has been no actual confusion between the Registered Marks and Petitioner's Mark.

**FIFTH AFFIRMATIVE DEFENSE**

23. Petitioner lacks standing to bring the Petition to Cancel.

**SIXTH AFFIRMATIVE DEFENSE**

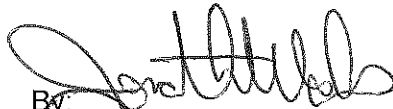
24. Petitioner failed to act promptly or proactively in enforcing whatever trademark rights it may have with respect to Petitioner's Mark.

**WHEREFORE**, In view of the foregoing, the Petition to Cancel is without merit; Petitioner has not shown wherein it will be, or is likely to be, damaged by

the continued registration of the Registered Marks; that the Registered Marks are manifestly distinct from Petitioner's Mark and Registrant therefore respectfully requests that the Petition to Cancel be dismissed with prejudice.

DATED this 15<sup>TH</sup> day of April, 2013.

Respectfully submitted,



By: \_\_\_\_\_

Jonathan R. Wachs, Esquire  
Kristin M. Nevins, Esquire  
Robert A. Axenfeld, Esquire

**Offit Kurman, P.A.**

Counsel for Registrant

8171 Maple Lawn Boulevard, Suite 200

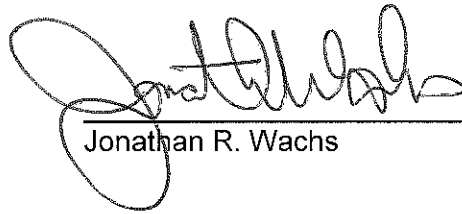
Maple Lawn, Maryland 20759

Telephone: (301) 575-0300

**CERTIFICATE OF SERVICE**

I hereby certify that on April 15<sup>th</sup> 2013 a copy of the foregoing REGISTRANT'S ANSWER TO PETITION TO CANCEL AND AFFIRMATIVE DEFENSES was served by first class mail, postage prepaid, upon Petitioner's Counsel:

Pasquale A. Razzano, Esquire  
Fitzpatrick Cella Harper & Scinto  
1290 Avenue of the Americas  
New York, N.Y. 10104-3800



Jonathan R. Wachs

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 Sep 8, 2011 – Homeowners are familiar with kitchen maker-overs. They take a room  
 that is functional but doesn't meet their needs and remodel it so that it ...

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[www.wikinest.com/stock/U-Store-It\\_Trust\\_\(YSI\)](http://www.wikinest.com/stock/U-Store-It_Trust_(YSI))  
**U Store It (YSI)** leads the list of top gainers so far today and is now at \$10.25, up  
 \$0.22 (2.19%) on volume of 127,140 shares traded. Over the last 52 weeks the ...

**Self Storage - U-Stor-It**  
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EXHIBIT A

Ads

**Self Storage-Baltimore**  
[www.storagevillage.net/](http://www.storagevillage.net/)  
 Cheap, Secure Storage.  
 \$1 Pays 1st Month's Rent!  
 4211 Shannon Drive, Baltimore, MD  
 (443) 844-3202 - Directions

**Webcrawler Search**  
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Jul 30, 2008 – On June 11th 2008, I spoke with Donna Washienko the manager of **U-Store-It** on 7370 West Cheyenne Ave Las Vegas. I was in need of storing ...

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