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

Proceeding	92056976
Party	Defendant Stuller, Inc.
Correspondence Address	STULLER INC 302 RUE LOUIS XIV LAFAYETTE, LA 70508 UNITED STATES
Submission	Answer
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Date	05/08/2013
Attachments	ANSWER_BENCHJEWELER_15018_002_REV0.pdf(40659 bytes)

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

GEMOLOGICAL INSTITUTE OF AMERICA, INC.;	§	Cancellation No.	92056976
JEWELERS OF AMERICA, INC.;	§		
THE JEWELERS VIGILANCE COMMITTEE, INC.;	§		
AMERICAN GEM SOCIETY, et al.	§		
	§		
Petitioners	§	Mark:	BENCH JEWELER
	§		
vs.	§		
	§		
STULLER, INC.	§		
	§		
Registrant	§	Registration No.	4200212

REGISTRANT’S ANSWER TO PETITION TO CANCEL

1.

Registrant is without sufficient knowledge to determine the veracity of the allegations in paragraph 1. Accordingly, the allegations of paragraph 1 are DENIED.

2.

Registrant is without sufficient knowledge to determine the veracity of the allegations in paragraph 2. Accordingly, the allegations of paragraph 2 are DENIED.

3.

Registrant is without sufficient knowledge to determine the veracity of the allegations in paragraph 3. Accordingly, the allegations of paragraph 3 are DENIED.

4.

Registrant is without sufficient knowledge to determine the veracity of the allegations in paragraph 4. Accordingly, the allegations of paragraph 4 are DENIED.

5.

ADMITTED.

6.

Registrant is without sufficient knowledge to determine the veracity of the allegations in paragraph 6. Accordingly, the allegations of paragraph 6 are DENIED.

7.

DENIED

8.

Registrant is without sufficient knowledge to determine the veracity of the allegations in paragraph 8. Accordingly, the allegations of paragraph 8 are DENIED.

9.

Registrant is without sufficient knowledge to determine the veracity of the allegations in paragraph 9. Accordingly, the allegations of paragraph 9 are DENIED.

10.

Registrant is without sufficient knowledge to determine the veracity of the allegations in paragraph 10. Accordingly, the allegations of paragraph 10 are DENIED.

11.

Registrant is without sufficient knowledge to determine the veracity of the allegations in paragraph 11. Accordingly, the allegations of paragraph 11 are DENIED.

12.

Registrant is without sufficient knowledge to determine the veracity of the allegations in paragraph 12. Accordingly, the allegations of paragraph 12 are DENIED.

13.

Registrant is without sufficient knowledge to determine the veracity of the allegations in paragraph 13. Accordingly, the allegations of paragraph 13 are DENIED.

14.

DENIED

15.

ADMITTED

16.

Paragraph 16 incorporates the allegations of paragraphs 1-15. Registrant incorporates its responses to those paragraphs hereto.

17.

Registrant is without sufficient knowledge to determine the veracity of the allegations in paragraph 17. Accordingly, the allegations of paragraph 17 are DENIED.

18.

Registrant ADMITS that it filed the documents contained in the file history of Registrant's BENCH JEWELER registration. All other allegations of paragraph 18 are DENIED.

19.

Registrant ADMITS that an office action issued on or around December 13, 2011, in the prosecution of Registrant's BENCH JEWELER registration. The content of that Office Action speaks for itself. All other allegations of paragraph 19 are DENIED.

20.

Registrant ADMITS that an office action issued on or around December 13, 2011, in the prosecution of Registrant's BENCH JEWELER registration. The content of that Office Action speaks for itself. All other allegations of paragraph 20 are DENIED.

21.

Registrant ADMITS that the USPTO allowed the application that matured into Registrant's

BENCH JEWELER registration. All other allegations of paragraph 21 are DENIED.

22.

DENIED

23.

Paragraph 23 incorporates the allegations of paragraphs 1-23. Registrant incorporates its responses to those paragraphs hereto.

24.

DENIED

25.

DENIED

26.

DENIED

27.

Registrant is without sufficient knowledge to determine the veracity of the allegations in paragraph 27. Accordingly, the allegations of paragraph 27 are DENIED.

28.

DENIED

29.

DENIED

30.

Paragraph 30 incorporates the allegations of paragraphs 1-29. Registrant incorporates its responses to those paragraphs hereto.

31.

Registrant ADMITS that it filed the documents contained in the file history of Registrant's BENCH JEWELER registration. Those documents speak for themselves. To the extent paragraph 31 includes any other allegations, those allegations are DENIED.

32.

DENIED

33.

DENIED

34.

DENIED

35.

DENIED

36.

Registrant is without sufficient knowledge to determine the veracity of the allegations in paragraph 36. Accordingly, the allegations of paragraph 36 are DENIED.

37.

Paragraph 37 includes no allegations of fact. As a result, it requires no answer. However, to the extent any answer is required, the allegations of paragraph 37 are DENIED.

38.

DENIED

WHEREFORE, Registrant prays that this Cancellation be dismissed, that all costs be assessed against Petitioners, and that the Board award Registrant all other relief to which Registrant may be entitled.

Registrant hereby appoints R. Bennett Ford, Jr., a member of the Bar of the State of

Louisiana, and Christopher S. Nichols, a member of the Bar of the State of Louisiana, of the law firm Roy, Kiesel, Ford, Doody & Thurmon, 9100 Bluebonnet Centre Blvd., Suite 100; Baton Rouge, Louisiana 70809, telephone number (225) 927-9908, to transact all business in the USPTO in connection with this Cancellation Proceeding and hereby revokes all previous powers of attorney therein.

Please address all correspondence and phone calls to:

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No fees are believed to be required in connection with this answer. However, to the extent any fees are required, the Board is hereby authorized and requested to charge the same to Deposit Account No. 18-2210.

RESPECTFULLY SUBMITTED:

May 8, 2013

Certificate of Service

I certify that a true and complete copy of the foregoing Answer was served on counsel for Petitioners by depositing the same with the U.S. Postal Service in a sealed envelope, first class postage prepaid and addressed to Nancy O. Dix; DLA Piper LLP (US); 401 B Street, Suite 1700; San Diego, CA 92101, on this 8th day of May, 2013.

/R. Bennett Ford Jr./
R. Bennett Ford Jr.

/R. Bennett Ford, Jr./
R. Bennett Ford, Jr.
La. Bar Roll No. 24,093

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