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

Proceeding	92057500
Party	Defendant Bee Naturals, Inc.
Correspondence Address	BEE NATURALS INC PO BOX 99 CLARKSVILLE, MO 63336 UNITED STATES
Submission	Answer
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Signature	/Nelson D. Nolte/
Date	09/20/2013
Attachments	BENA I760- Answer to Notice of Cancellation.pdf(29581 bytes )

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

ORBIS DISTRIBUTION, INC.	)	
	)	
Plaintiff,	)	
	)	Cancellation No. 92057500
v.	)	
	)	Reg. No. 3197276
BEE NATURALS, INC.	)	
	)	
Defendant.	)	

**ANSWER TO PETITION FOR CANCELLATION**

Bee Naturals, Inc. (“Defendant”) hereby answers the allegations of the Petition for Cancellation filed by Orbis Distribution, Inc. (“Petitioner”) and admits, denies and alleges as follows:

1. Denied. There is no legal distinction between Bee Naturals, Inc. and BeeNaturals, Inc. Even if there were a legal distinction the difference is an error that can be corrected on Defendant’s trademark registration.
2. Denied.
3. Defendant is without knowledge with respect to paragraph 3 and therefore denies the same.
4. Defendant is without knowledge with respect to paragraph 4 and therefore denies the same.
5. Defendant is without knowledge with respect to paragraph 4 and therefore denies the same.
6. Denied.

7. Defendant admits that its counsel filed Declarations under Section 8 and 15 of the Lanham Act, but denies the remaining allegations as an incomplete recitation of said attorney's declaration. The document speaks for itself.
8. Denied.
9. Admitted or denied as in paragraphs 1-8.
10. Admitted.
11. Denied. The webpage shows that Bee Naturals, Inc. has been administratively dissolved, but under Missouri law an administratively dissolved corporation continues its corporate existence and does not cease to exist, RSMO 351.486, and when reinstated, the reinstatement relates back to the date of dissolution, RSMO 351.488.
12. Denied. 15 U.S.C. 1051 speaks for itself, but states that an owner may file an application.
13. Denied. First, a "registration certificate" is not filed by a registrant. Second, the application for the subject registration was filed by a legal entity in compliance with 15 U.S.C. 1051. Third, an administratively dissolved corporation does not cease to exist under Missouri law. RSMO 351.486.
14. Denied.
15. Denied.
16. Denied.
17. Admitted or denied as in paragraphs 1-16.
18. Admitted as to what the registration certificate recites, otherwise denied.
19. Admitted.

20. Admitted.
21. Admitted as to what the declaration recites, otherwise denied.
22. Defendant admits that during the relevant time period, the trademark registration certificate for the subject registration recited Bee Naturals, Inc., otherwise denied.
23. Defendant admits that the trademark registration certificate for the subject registration recites Bee Naturals, Inc., otherwise denied.
24. Defendant admits that the corporation has been administratively dissolved subject to rescission; however, under Missouri law, this does not mean the corporation ceases to exist. RSMO 351.486.
25. Denied. The corporation was administratively dissolved or revoked, subject to rescission.
26. It is admitted that Missouri does not authorize an administratively dissolved corporation to carry on business except to wind up and liquidate its business as in RSMO 351.476. The parenthetical “(as of 2006)” in paragraph 26 is denied.
27. Admitted.
28. Admitted.
29. Denied.
30. Denied.
31. Denied.
32. Denied.
33. Admitted or denied as in paragraphs 1-32.
34. Denied.
35. Denied.

36. Denied.
37. Denied.
38. Denied.
39. Admitted or denied as in paragraphs 1-38.
40. Denied.
41. Denied.
42. Denied.
43. Denied.
44. Denied.
45. Denied.

**AFFIRMATIVE DEFENSES**

1. Even if Plaintiff's allegations were correct, Plaintiff existed as a de facto corporation.
2. Even if Plaintiff's allegations were correct, Plaintiff's assets, including the subject mark, registration and goodwill, were transferred to Barbara T. Chappuis.

WHEREFORE, REGISTRANT prays that the petition for cancellation be denied.

Respectfully Submitted,

By: /Nelson D. Nolte/  
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Attorneys for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the ANSWER is being served via first class U.S. mail, postage pre-paid this 20<sup>th</sup> day of September 2013 upon the following:

John M. Bolger  
Bolger Legal Group LLC  
P.O. Box 170616  
Whitefish Bay, WI 53217  
Attorney for Plaintiff

/Nelson D. Nolte/