

ESTTA Tracking number: **ESTTA602966**

Filing date: **05/07/2014**

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

Proceeding	92059147
Party	Defendant Anthony William Jones DBA Coral Reef
Correspondence Address	ANTHONY WILLIAM JONES DBA CORAL REEF 14161 BEACH BLVD WESTMINSTER, CA 92683 UNITED STATES info@tonycoralreef.com
Submission	Answer and Counterclaim
Filer's Name	/Anthony William Jones/
Filer's e-mail	tony@solarwarehouseusa.com
Signature	/Anthony William Jones/
Date	05/07/2014
Attachments	Outback Response marc samson final.pdf(159321 bytes)

Registration Subject to the filing

Registration No	3830791	Registration date	08/10/2010
Registrant	Jones, Anthony William 14161 beach blvd Westminster, CA 92683 UNITED STATES		

Goods/Services Subject to the filing

Class 011. First Use: 2009/06/20 First Use In Commerce: 2009/06/20
All goods and services in the class are requested, namely: Solar water heaters; Solar-powered all-weather lights; Solar-powered cooling units

set forth in Paragraph 4.

5. Registrant has no information or belief upon which to admit or deny and therefore denies the allegations set forth in Paragraph 5.

6. Registrant has no information or belief upon which to admit or deny and therefore denies the allegations set forth in Paragraph 6.

7. Registrant has no information or belief upon which to admit or deny and therefore denies the allegations set forth in Paragraph 7.

8. Registrant has no information or belief upon which to admit or deny and therefore denies the allegations set forth in Paragraph 8.

9. Admit

10. Admit

11. Admit

12. Admit

13 Admit

14. Admit

15. Admit

16. Admit

17. Admit

18. Registrant denies each and every allegation set forth in Paragraph 18.

19. Registrant has no information or belief upon which to admit or deny and therefore denies the allegations set forth in Paragraph 19.

20. Registrant denies each and every allegation set forth in Paragraph 20.

21. Registrant denies each and every allegation set forth in Paragraph 21.

22. Registrant denies each and every allegation set forth in Paragraph 22.

23. Registrant incorporates by reference each and every response to the preceding allegations as if the same were fully set forth herein.
24. Registrant neither admits nor denies the purported statement of law set forth I Paragraph 24.
25. Registrant neither admits nor denies the purported statement of law set forth I Paragraph 25.
26. Registrant denies each and every allegation set forth in Paragraph 26.
27. Registrant denies each and every allegation set forth in Paragraph 27.
28. Registrant incorporates by reference each and every response to the preceding allegations as if the same were fully set forth herein.
29. Registrant denies each and every allegation set forth in Paragraph 29
30. Registrant denies each and every allegation set forth in Paragraph 30.
31. Registrant incorporates by reference each and every response to the preceding allegations as if the same were fully set forth herein.
- 32 Registrant denies each and every allegation set forth in Paragraph 32.
33. Registrant denies each and every allegation set forth in Paragraph 33.
34. Registrant denies each and every allegation set forth in Paragraph 34.
35. Registrant denies each and every allegation set forth in Paragraph 35.
36. Registrant denies each and every allegation set forth in Paragraph 36.
- 37 Registrant denies each and every allegation set forth in Paragraph 37.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Petition to Cancel fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

The claim set forth in the Petition to Cancel is barred in whole or in part by the doctrine of laches.

THIRD AFFIRMATIVE DEFENSE

The claim set forth in the Petition to Cancel is barred in whole or in part by the doctrines of waiver, acquiescence, and estoppel.

PRAYER FOR RELIF

WHEREFORE, Registrant requests that Petitioner's Petition to Cancel be denied in its entirety without leave to amend; that Registrant's '791 Registration be upheld; and for costs of suit.

All correspondence and telephonic communications should be directed to:

ANTHONY WILLIAM JONES, in Pro Per
14161 Beach Blvd, Westminster, CA 92683
(714) 609-1354

Dated: May ____, 2014

Anthony William Jones, dba Coral Reef

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing RESPONSE TO PETITION TO CANCEL to be served, via first class mail, postage prepaid, on this ____ day of May, 2014, to attorneys for petitioner: Cancellation NO: 92059147

Grant R. Clayton
Brett J. Davis
Attorney Docket No. T12901.1
CLAYTON, HOWARTH & CANNON, P.C.
P.O. Box 1909
Sandy, Utah 84091-1909

Dated: May ____, 2014

Anthony William Jones