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

Proceeding	92059774
Party	Defendant Thin Lizzy Limited
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Date	11/10/2014
Attachments	DOC111014thinli1.pdf(127696 bytes)

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

A NEW ZEALAND COMPANY,

Petitioner,

v.

THIN LIZZY LIMITED,

Registrant.

Cancellation No.: 92059774

**ANSWER TO AMENDED PETITION FOR
CANCELLATION**

Thin Lizzy Limited organized and existing under the laws of the United Kingdom (hereinafter "Registrant") hereby, by its undersigned attorney, Answers the Amended Petition for Cancellation filed by A New Zealand Company (hereinafter "Petitioner") and admits, denies and alleges as follows:

1. Admitted.
2. Admitted.
3. Registrant admits that it filed an application to register the mark THIN LIZZY with the USPTO on June 5, 2006 in Classes 9, 16, 25, 28, and 41 with a claim of priority under Section 44(d), but denies that Section 44(d) was its filing basis.
4. The allegations in paragraph 4 call for legal analysis and no response is required.
5. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averments in numbered paragraph 5 of the Amended Petition for Cancellation and therefore denies same.
6. Registrant admits that it is involved in disputes with Petitioner in various countries, but Registrant is without knowledge or information sufficient to form a belief as to the truth of the remaining averments in numbered paragraph 6 of the Amended Petition for Cancellation and

therefore denies same.

7. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averments in numbered paragraph 7 of the Amended Petition for Cancellation regarding Petitioner's Search and therefore Registrant denies same. The allegations regarding Registrant's trademark application are vague and call for legal conclusions such that no response is required. Registrant denies all other averments in paragraph 7 of the Amended Petition for Cancellation.

8. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averments in numbered paragraph 8 of the Amended Petition for Cancellation regarding Petitioner's Search and therefore Registrant denies same. Registrant denies all other averments in paragraph 8 of the Amended Petition for Cancellation.

9. Denied.

10. The allegations in paragraph 10 call for legal analysis and no response is required.

11. Registrant's Combined Declaration of Use and Incontestability and the contents thereof speak for itself. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averments in numbered paragraph 11 of the Amended Petition for Cancellation regarding Petitioner's Search and therefore Registrant denies same. Registrant denies all other averments in paragraph 11 of the Amended Petition for Cancellation.

12. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averments in numbered paragraph 12 of the Amended Petition for Cancellation regarding Petitioner's Search and therefore Registrant denies same. Registrant denies all other averments in paragraph 12 of the Amended Petition for Cancellation.

13. Denied.

14. The allegations in paragraph 14 call for legal analysis and no response is required.

15. Denied.

16. Denied.

17. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averments in numbered paragraph 17 of the Amended Petition for Cancellation regarding Petitioner's investigation and therefore Registrant denies same. Registrant denies all other averments in paragraph 17 of the Amended Petition for Cancellation, except for the averments regarding Section 45 that require legal analysis for which no response is required.

18. ¹Denied.

AFFIRMATIVE DEFENSE

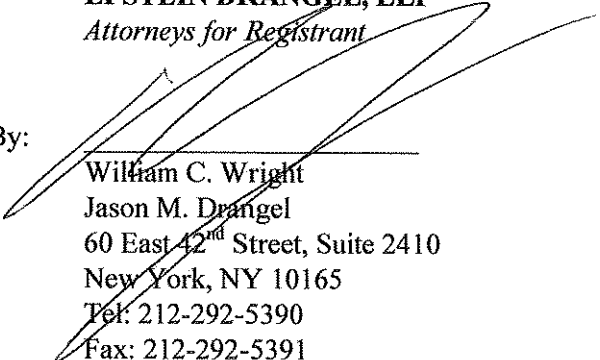
The Amended Petition for Cancellation fails to state a claim upon which relief can be granted to Petitioner.

Respectfully, submitted,

EPSTEIN DRANGEL, LLP
Attorneys for Registrant

Dated: November 10, 2014

By:



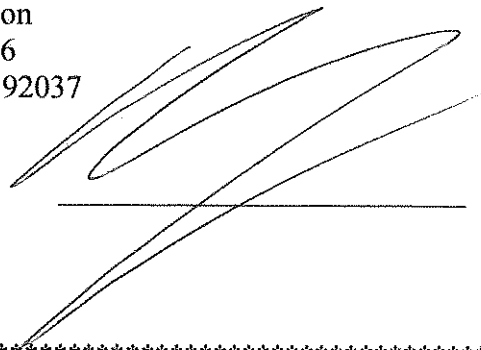
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¹ Paragraph 18 is misnumbered in the Amended Petition for Cancellation as Paragraph 7.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A TRUE AND COMPLETE COPY OF THE FOREGOING ANSWER TO AMENDED PETITION FOR CANCELLATION WAS SERVED BY FIRST CLASS MAIL, WITH SUFFICIENT POSTAGE PREPAID, ON THIS 10TH DAY OF NOVEMBER, 2014, UPON PETITIONER'S ATTORNEY:

Dana B. Robinson
P.O. BOX 1416
La Jolla, California 92037



A handwritten signature in black ink, appearing to read 'Dana B. Robinson', is written over a horizontal line. The signature is stylized and cursive.
