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

Proceeding	92060993
Party	Defendant Greene Crush , LLC
Correspondence Address	GREEN CRUSH LLC 2934 1/2 BEVERLY GLEN CIRCLE #405 LOS ANGELES, CA 90077 UNITED STATES
Submission	Answer
Filer's Name	Jason Zedeck
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Date	05/15/2015
Attachments	GREEN CRUSH - Answer to Petition for Cancellation.pdf(97296 bytes)

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

_____)	
ON THE ROCKS RESTAURANT)	
HOLDINGS, LLC)	Cancellation No.: 92060993
)	
Petitioner,)	Registration No.: 4330917
)	
v.)	Mark: GREEN CRUSH
)	
GREEN CRUSH, LLC)	
)	
Registrant.)	
_____)	

ANSWER TO PETITION FOR CANCELLATION

Green Crush, LLC (“Registrant”) hereby answers the Petition to Cancel Registration No. 4330917 (the “Registered Mark”) filed by On The Rocks Restaurant Holdings, LLC (“Petitioner”) as set forth below. In regard to the preamble to the Petition for Cancellation, Registrant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in the Preamble and on that basis, denies these allegations.

With respect to the numbered Paragraphs in the Petition for Cancellation, Registrant answers as follows:

1. Registrant admits that it owns the registration for the GREEN CRUSH trademark identified in Registration No. 4330917 in connection with the services listed in the registration.
2. Registrant admits that the registration date is May 7, 2013 and that the trademark has been in use in commerce since at least as early as June 20, 2012. Registrant admits that the application for registration of the Registered Mark was filed on or about July 9, 2012 by Christina Azinian and that the Registered Mark was assigned to Registrant.

3. Registrant admits that according to the records of the United States Patent and Trademark Office, Petitioner is identified as the owner of a registration for the CRUSHED RED trademark, Registration No. 4298935. Registrant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph No. 3 of the Petition for Cancellation and on that basis, denies the the remaining allegations in this paragraph.

4. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph No. 4 of the Petition for Cancellation and on that basis, denies the the allegations in this paragraph.

5. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph No. 5 of the Petition for Cancellation and on that basis, denies the the allegations in this paragraph.

6. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph No. 6 of the Petition for Cancellation and on that basis, denies the the allegations in this paragraph.

7. Registrant Denies the allegations set forth in Paragraph No. 7 of the Petition for Cancellation.

8. Registrant Denies the allegations set forth in Paragraph No. 8 of the Petition for Cancellation.

AFFIRMATIVE DEFENSES

1. Petitioner lacks standing to bring this action for Cancellation of the Registered Mark.

2. Petitioner's Petition for Cancellation fails to state a claim upon which relief can be granted.

3. Petitioner's Petition for Cancellation is barred by the equitable doctrine of laches.

4. Petitioner's Petition for Cancellation is barred by the equitable doctrines of acquiescence and waiver.

WHEREFORE, Registrant prays that this Petition for Cancellation be dismissed with prejudice.

Respectfully submitted,

Dated: May 15, 2015

GREEN CRUSH, LLC.

by: /jasonpzedeck/
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing ANSWER has been duly served on the Registrant by mailing a copy of same via e-mail per agreement, on this 15th day of May, 2015 to:

Michelle.Alvey@huschblackwell.com

by: /jasonpzedeck/
Jason Zedeck