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Filing date: **03/07/2016**

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

| | |
|------------------------|---|
| Proceeding | 92063012 |
| Party | Defendant Kevin Alan Tussy |
| Correspondence Address | KEVIN ALAN TUSSY 1707 VILLAGE CENTER CIRCLE STE 200 LAS VEGAS, NV 89134 UNITED STATES |
| Submission | Answer |
| Filer's Name | Ryan Gile, Attorney of Record |
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| Signature | /Ryan Gile/ |
| Date | 03/07/2016 |
| Attachments | KALAN.0083L - Answer to Petition for Cancellation (Eight Ball).pdf(16276 bytes) |

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

In the Matter of Trademark Registration No.: 4,870,955

Mark: EIGHT BALL

Registration Date: December 15, 2015

| | | |
|--------------------------------|---|---------------------------|
| TABLE BLUFF BREWING, INC. |) | |
| DBA LOST COAST BREWERY & CAFE, |) | |
| |) | |
| Petitioner, |) | |
| |) | Cancellation No. 92063012 |
| vs. |) | |
| |) | |
| |) | |
| KEVIN ALAN TUSSY, |) | |
| |) | |
| Registrant. |) | |

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

ANSWER TO PETITION FOR CANCELLATION

Kevin Alan Tussy (“Registrant”) hereby submits his Answer to the Petition To Cancel filed by Table Bluff Brewing, Inc. dba Lost Coast Brewery & Cafe (“Petitioner”) on January 21, 2016, against Registrant’s trademark registration for the mark EIGHT BALL (U.S. Trademark Registration No. 4,870,955) in International Class 033.

1. Registrant is without knowledge or information sufficient to form a belief as to the allegations of paragraph 1 and therefore denies the same.
2. Registrant is without knowledge or information sufficient to form a belief as to the allegations of paragraph 2 and therefore denies the same.
3. Registrant is without knowledge or information sufficient to form a belief as to the allegations of paragraph 3 and therefore denies the same.
4. Registrant is without knowledge or information sufficient to form a belief

as to the allegations of paragraph 4 and therefore denies the same.

5. Registrant admits the allegations of paragraph 5.

6. Registrant is without knowledge or information sufficient to form a belief as to the allegations of paragraph 6 and therefore denies the same.

7. Registrant is without knowledge or information sufficient to form a belief as to the allegations of paragraph 7 and therefore denies the same.

8. The allegations contained in paragraph 8 state legal conclusions for which no response is required; however, to the extent a response is deemed required, Registrant is without knowledge or information sufficient to form a belief as to such allegations, and therefore denies the same. Registrant is without knowledge or information sufficient to form a belief as to the remaining allegations of paragraph 8, and therefore denies the same.

9. Registrant denies the allegations of paragraph 9.

10. Registrant denies the allegations of paragraph 10.

11. Registrant denies the allegations of paragraph 11.

12. Registrant denies the allegations of paragraph 12.

13. Registrant denies the allegations of paragraph 13.

14. Registrant denies the allegations of paragraph 14.

15. Registrant is without knowledge or information sufficient to form a belief as to the allegations of paragraph 15 regarding Petitioner's alleged damages, and therefore denies the same. Registrant denies the remaining allegations of paragraph 15.

16. The allegations contained in paragraph 16 state legal conclusions for which no response is required; however, to the extent a response is deemed required, Registrant is without knowledge or information sufficient to form a belief as to such allegations, and therefore denies the same. Registrant is without knowledge or information sufficient to form a belief as to the remaining allegations of paragraph 16, and therefore denies the same.

17. Registrant is without knowledge or information sufficient to form a belief as to the allegations of paragraph 17, and therefore denies the same.

18. Registrant denies the allegations of paragraph 18.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Petitioner has failed to state a claim or valid basis for cancellation of Registrant's Mark upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Applicant will not be damaged by the continued registration of Registrant's mark.

THIRD AFFIRMATIVE DEFENSE

Petitioner will assert any and all other valid defenses which may be available, applicable, or developed through discovery and/or the testimony period of this proceeding.

WHEREFORE, Registrant, having answered Petitioner's Petition to Cancel, respectfully requests that the Petition to Cancel be denied and dismissed with prejudice, costs and disbursements incurred herein, and such other further relief as may be deemed just and proper.

Respectfully submitted,

Dated: March 7, 2016

/Ryan Gile/

Ryan Gile, Esq.

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Attorney for Registrant Kevin Alan Tussy

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Weide & Miller, Ltd. and that on March 7, 2016, I served a full, true and correct copy of the foregoing **ANSWER TO PETITION FOR CANCELLATION on Table Bluff Brewing, Inc. dba Lost Coast Brewery & Cafe** by mailing in a sealed, first class mail, postage prepaid envelope and depositing with the United States Postal Service in Las Vegas, Nevada upon the following:

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*Attorney for Petitioner Table Bluff Brewing, Inc.
dba Lost Coast Brewery & Café*

/Ryan Gile/ _____
An employee of WEIDE & MILLER, LTD