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Filing date: **05/03/2016**

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

Proceeding	92063482
Party	Defendant SDRL Pueblo, LLC
Correspondence Address	John L. Welsh WELSH FLAXMAN & GITLER LLC 2000 Duke St., Ste. 100 Alexandria, VA 22314 UNITED STATES mail@iplawsolutions.com, welsh@iplawsolutions.com
Submission	Answer
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Signature	/jlw/
Date	05/03/2016
Attachments	answer.pdf(274712 bytes)

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

**In the Matter of Registration No.: 3,939,198
Mark: SKIN CARE NOW & Design
Registration Date: March 29, 2011**

_____)	
PRIMARY HEALTH, INC.)	
)	
Petitioner,)	
)	
v.)	Proceeding No. 92063482
)	
SDRL PUEBLO, LLC)	
)	
Respondent.)	
_____)	

RESPONDENT’S ANSWER TO PETITIONER’S PETITION FOR CANCELLATION

SDRL Pueblo, LLC (“Respondent”), a limited liability company organized and existing under the laws of the State of Colorado, responds to the Petition for Cancellation in the following manner:

Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations in the opening unnumbered paragraph of the Petition for Cancellation concerning Petitioner’s name and identity and therefore denies the same and denies that Petitioner will be damaged by the continued registration of Registration No. 3,939,198.

1. Respondent admits the allegations of Paragraph 1.
2. Respondent admits the allegations of Paragraph 2.
3. Respondent is without knowledge and information sufficient to form a belief as to Petitioner’s averment in Paragraph 3, and therefore denies same.
4. Respondent is without knowledge and information sufficient to form a belief as to Petitioner’s averment in Paragraph 4, and therefore denies same.

5. Respondent admits that Petitioner is the owner of U.S. Reg. 2,504,541 for the mark CARENOW for use in connection with “medical services provided at ambulatory health care facilities” in International Class 42 and that the application to register this mark with the USPTO was filed on February 1, 2001, and registration issued on November 6, 2001. Respondent denies the remaining allegations set forth in Paragraph 5 of the Petition for Cancellation.

6. Respondent admits that Petitioner is the owner of U.S. Reg. 2,781,631 for the mark CARENOW & DESIGN for use in connection with “medical services provided at ambulatory health care facilities” in International Class 42 and that the application to register this mark with the USPTO was filed on November 14, 2002, and registration issued on November 11, 2003. Applicant denies the remaining allegations set forth in Paragraph 6 of the Petition for Cancellation.

7. Respondent admits the Petitioner’s averment in Paragraph Numbered 7.

8. Respondent admits the Petitioner’s averment in Paragraph Numbered 8.

9. Respondent denies the allegations of Paragraph Numbered 9.

10. Respondent is without knowledge and information sufficient to form a belief as to Petitioner’s averment in Paragraph Numbered 10, and therefore denies same.

11. Respondent denies the allegations of Paragraph Numbered 11.

12. Respondent denies the allegations of Paragraph Numbered 12.

13. Respondent is without knowledge and information sufficient to form a belief as to Petitioner’s averment in Paragraph Numbered 13, and therefore denies same.

14. Respondent denies the allegations of Paragraph Numbered 14.

15. Respondent denies the allegations of Paragraph Numbered 15.

16. Respondent denies the allegations of Paragraph Numbered 16

AFFIRMATIVE DEFENSES

17. Petitioner’s mark and Respondent’s mark are markedly dissimilar in sound and appearance as such there is no likelihood of confusion.

18. Respondent’s mark was independently adopted and approved for registration by the USPTO in view of Petitioner’s Registration Nos. 2,504,541 and 2,781,611, both of which contain the descriptive composite term CARENOW.

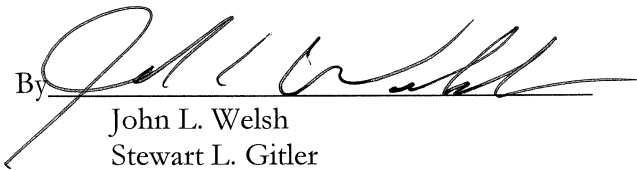
19. Respondent alleges that Petitioner’s claims are barred by the doctrine of laches due to Petitioner’s unreasonable delay in filing the Petition for Cancellation which has prejudiced the Respondent.

20. Respondent alleges that Petitioner’s claims are barred because it lacks standing in that Petitioner has not and will not be damaged by the Respondent’s Registration No. 3,939,198.

WHEREFORE, by its undersigned attorney, Respondent respectfully requests that the Cancellation be dismissed.

Respectfully submitted,

By



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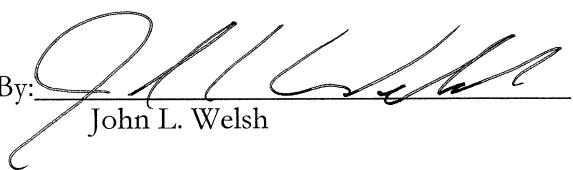
Date: 5-3-16

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing RESPONDENT'S ANSWER TO PETITIONER'S PETITION FOR CANCELLATION, was served on Counsel for Petition, by U.S. first-class mail and via email, postage prepaid, this 3rd day of May, 2016, to:

**Julie Gregory Ray
MIDDLETON REUTLINGER
Suite 2600
401 S. Fourth Street
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jray@middletonlaw.com**

By: _____


John L. Welsh