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

Proceeding	92064265
Party	Defendant Stone Boss Industries, Inc.
Correspondence Address	STONE BOSS INDUSTRIES INC 26-04 BOROUGH PLACE WOODSIDE, NY 11377 UNITED STATES Email: JBSeyler@lawabel.com, Rdahl@lawabel.com
Submission	Answer
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Date	09/20/2017
Attachments	PANTHER BOSS Answer 9.20.17.pdf(132845 bytes)

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

ACCUMETRIC, LLC

Petitioner

v.

STONE BOSS INDUSTRIES, INC.

Registrant

Cancellation No.92064265

REGISTRANT'S ANSWER TO THE PETITION TO CANCEL

1. Registrant is without knowledge or information as to the allegations in Paragraph 1 and therefore denies same.

2. Registrant is without knowledge or information as to allegations set forth in Paragraph 2 and therefore denies same.

3. Registrant admits Paragraph 3.

4. Registrant admits a copy of the Registration No. 2354288 was attached to the Petition to Cancel but has insufficient information as to Petitioner's use of BOSS and therefore denies the allegations related to use set forth in Paragraph 4.

5. Registrant has insufficient information about the status of Registration No. 2354288 and therefore denies same.

6. Registrant is without knowledge or information sufficient as to the allegations set forth in Paragraph 6 and therefore denies same.

7. Registrant is without knowledge or information sufficient as to the allegations set forth in Paragraph 7 and therefore denies same

8. Registrant denies Paragraph 8.

9. Registrant denies Paragraph 9.

10. Registrant denies Paragraph 10.

11. Registrant admits it filed to register PANTHER BOSS on March 17, 2009, but is without knowledge or information as to the allegations related to Petitioner's alleged use and therefore denies same.

12. Registrant admits PANTHER BOSS registered on August 16, 2011 but is without knowledge or information as to the allegations related to Petitioner's alleged use and therefore denies same.

13. Registrant admits it used the PANTHER BOSS mark in commerce in 2007 and 2008 but is without knowledge or information as to Petitioner's alleged use of BOSS and therefore denies same.

14. Registrant admits Paragraph 14.

15. Registrant denies Paragraph 15.

16. Registrant denies Paragraph 16.

17. Registrant denies Paragraph 17.

18. Registrant denies Paragraph 18.

19. Registrant denies Paragraph 19.

20. Registrant denies Paragraph 20.

21. Registrant denies Paragraph 21.

AFFIRMATIVE DEFENSES

22. There are over 1200 pending and registered BOSS marks listed on the federal database.

23. Petitioner does not have the exclusive right to use and register BOSS.

24. Petitioner's mark BOSS coexists with third party BOSS marks in use and registered for identical and related goods.

25. Petitioner does not have the exclusive right to use and register BOSS and Registrant's use and registration will not result in dilution.

26. Registrant is the owner of incontestable Registration No. 3154570 for STONE BOSS and Design for goods identical to and/or commercially related to those covered in Registration No. 4012862.

27. Registrant is the owner of incontestable Registration No. 3151342 for STONE BOSS for goods identical to and/or commercially related to those covered in Registration No. 4012862.

WHEREFORE, it is respectfully requested this Cancellation be dismissed with prejudice.

Respectfully submitted,

JEFFREY A SCHWAB
JULIE B. SEYLER
Attorneys for Registrant

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **ANSWER TO THE OPPOSITION** was filed by email, postage prepaid this 20th day of September, 2017 upon the following:

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