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

Proceeding	92065799
Party	Defendant Hillside Plastics, Inc.
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Date	05/16/2017
Attachments	Answer.pdf(195372 bytes )

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

SALBRO BOTTLE INC.

Petitioner

vs-

HILLSIDE PLASTICS, INC.

Registrant.

Cancellation No 92065799

Registration No. 1605584



Mark:

**REGISTRANT'S ANSWER TO PETITION TO CANCEL**

Registrant, Hillside Plastics, Inc. ("Hillside"), through its counsel, hereby files its Answer to Salbro Bottle Inc.'s ("Petitioner") Petition To Cancel ("Petition") and denies each and every allegation of the Petition unless otherwise specifically admitted or responded to as follows:

1. Registrant is without knowledge or information sufficient to form a belief of the truth of the allegations contained in Paragraph 1 of the Petition, and there denies the same.
2. Admitted.
3. Admitted.
4. Registrant admits that it has corresponded with Petitioner through counsel and that such correspondence speaks for itself.
5. In response to Paragraph 5 of the Petition, Registrant refers to the records of the United States Patent and Trademark Office for the particulars of the documents referred to in Paragraph 5 of the Petition.
6. In response to Paragraph 6 of the Petition, Registrant refers to the records of the United States Patent and Trademark Office for the particulars of the filings referred to in Paragraph 6 of the Petition.

7. In response to Paragraph 7 of the Petition, Registrant refers to the records of the United States Patent and Trademark Office for the particulars of the filings referred to in Paragraph 7 of the Petition.
8. In response to Paragraph 8 of the Petition, Registrant refers to the records of the United States Patent and Trademark Office for the particulars of the filings referred to in Paragraph 8 of the Petition.
9. In response to Paragraph 9 of the Petition, Registrant refers to the records of the United States Patent and Trademark Office for the particulars of the filings referred to in Paragraph 9 of the Petition.
10. In response to Paragraph 10 of the Petition, Registrant refers to the records of the United States Patent and Trademark Office for the particulars of the filings referred to in Paragraph 10 of the Petition. Further answering, Registrant denies that the subject of the referenced registration is functional.
11. In response to Paragraph 11 of the Petition, Registrant refers to the records of the United States Patent and Trademark Office for the particulars of the filings referred to in Paragraph 11 of the Petition.
12. In response to Paragraph 12 of the Petition, Registrant refers to the records of the United States Patent and Trademark Office for the particulars of the filings referred to in Paragraph 12 of the Petition. Further answering, Registrant notes that the excerpts plead by Petitioner are incomplete and taken out of context, and refers to the records of the United States Patent and Trademark Office.
13. Registrant denies the allegations of Paragraph 13 of the Petition.

14. In response to Paragraph 14 of the Petition, Registrant refers to the records of the United States Patent and Trademark Office for the particulars of the filings referred to in Paragraph 14 of the Petition. Further answering, Registrant notes that the excerpts plead by Petitioner are incomplete and taken out of context, and refers to the records of the United States Patent and Trademark Office.
15. Registrant denies the allegations of Paragraph 15 of the Petition.
16. In response to Paragraph 16 of the Petition, Registrant refers to the records of the United States Patent and Trademark Office for the particulars of the filings referred to in Paragraph 16 of the Petition. Further answering, Registrant notes that the excerpts plead by Petitioner are incomplete and taken out of context, and refers to the records of the United States Patent and Trademark Office.
17. Registrant denies the allegations of Paragraph 17 of the Petition.
18. In response to Paragraph 18 of the Petition, Registrant refers to the records of the United States Patent and Trademark Office for the particulars of the filings referred to in Paragraph 18 of the Petition. Further answering, Registrant notes that the excerpts plead by Petitioner are incomplete and taken out of context, and refers to the records of the United States Patent and Trademark Office.
19. Registrant denies the allegations of Paragraph 19 of the Petition.
20. In response to Paragraph 20 of the Petition, Registrant refers to the records of the United States Patent and Trademark Office for the particulars of the filings referred to in Paragraph 20 of the Petition. Further answering, Registrant notes that the excerpts plead by Petitioner are incomplete and taken out of context, and refers to the records of the United States Patent and Trademark Office.

21. Registrant denies the allegations of Paragraph 21 of the Petition.
22. In response to Paragraph 22 of the Petition, Registrant refers to the records of the United States Patent and Trademark Office for the particulars of the filings referred to in Paragraph 20 of the Petition.
23. Registrant denies the allegations of Paragraph 23 of the Petition.
24. Registrant denies the allegations of Paragraph 24 of the Petition.
25. Registrant denies the allegations of Paragraph 25 of the Petition.
26. Registrant denies the allegations of Paragraph 26 of the Petition.
27. Registrant denies the allegations of Paragraph 27 of the Petition.
28. Registrant denies the allegations of Paragraph 28 of the Petition.
29. Registrant denies the allegations of Paragraph 2 of the Petition.

### **AFFIRMATIVE DEFENSES**

#### **FIRST AFFIRMATIVE DEFENSE**

The Petition fails to state a claim upon which relief may be granted.

#### **SECOND AFFIRMATIVE DEFENSES**

The claim set forth in the Petition is barred in whole or in part by the doctrine of laches.

#### **THIRD AFFIRMATIVE DEFENSES**

The claim set forth in the Petition is barred in whole or in part by the doctrines of waiver, acquiescence, and estoppel.

WHEREFORE, Registrant requests that the Petition be denied.

Dated: May 16, 2017  
New York, New York

Respectfully submitted,

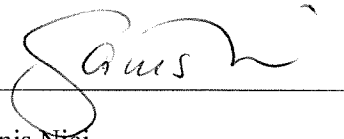
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Attorneys for Registrant

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16<sup>th</sup> date of May, 2017, the foregoing Registrant's Answer To Petition to Cancel was served on the attorney of record for the Petitioner by email to Petitioner's counsel of record, as indicated below:

**Rebecca Liebowitz**  
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**cmitros@venable.com**

A handwritten signature in cursive script, appearing to read "Janis Nici", is written over a horizontal line.

Janis Nici

Senior Trademark Paralegal

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