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

Proceeding	92066243
Party	Defendant Babyhampton, LLC
Correspondence Address	BABYHAMPTON LLC 10 DEEP SIX DRIVE EAST HAMPTON, NY 11937-1603 UNITED STATES
Submission	Answer
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Date	10/27/2017
Attachments	171027__Answer-Petition-Cancellation__41890-50003.pdf(299038 bytes)

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

S&G HAMPTON SUN, LLC)	Cancellation No. 92066243
)	
)	
Petitioner,)	Mark: BABYHAMPTON
)	Serial No. 85/370,092
vs.)	Reg. No.: 4,690,052
)	Filed: July 13, 2011
BABYHAMPTON, LLC)	Reg. Date: February 17, 2015
)	
Respondent,)	
)	

ANSWER TO PETITION FOR CANCELLATION

Respondent Babyhampton, LLC, by and through its undersigned counsel, and for its Answer to the Petition for Cancellation states as follows:

Respondent admits that it is the current owner of Reg. No. 4,690,052, which was registered February 17, 2015. Respondent denies that Petitioner will be damaged by the registration of the application for Babyhampton. Respondent denies for lack of knowledge sufficient to form a belief as to their truth the remaining allegations contained in the unnumbered preface paragraph of the Petition for Cancellation.

1. Respondent denies for lack of knowledge sufficient to form a belief as to their truth the allegations contained in Paragraph 1 of the Petition for Cancellation.
2. Respondent admits that it is a limited liability company organized and existing under the laws of the State of New York and has an address in East Hampton, New York.

3. Respondent denies for lack of knowledge sufficient to form a belief as to their truth the allegations contained in Paragraph 3 of the Petition for Cancellation.
4. Respondent refers to the records of the U.S. Patent and Trademark Office for the particulars of the filings referred to in Paragraph 4 of the Petition for Cancellation.
5. Respondent denies for lack of knowledge sufficient to form a belief as to their truth the allegations contained in Paragraph 5 of the Petition for Cancellation.
6. Respondent denies for lack of knowledge sufficient to form a belief as to their truth the allegations contained in Paragraph 6 of the Petition for Cancellation.
7. Respondent denies for lack of knowledge sufficient to form a belief as to their truth the allegations contained in Paragraph 7 of the Petition for Cancellation.
8. Respondent admits that it is the current owner of Reg. No. 4,690,052, which was registered February 17, 2015.
9. Respondent refers to the records of the U.S. Patent and Trademark Office for the particulars of the filings referred to in Paragraph 9 of the Petition for Cancellation.
10. Respondent refers to the records of the U.S. Patent and Trademark Office for the particulars of the filings referred to in Paragraph 10 of the Petition for Cancellation.
11. Respondent admits that the filing date of the application for Petitioner's Mark predates the first use date listed in Respondent's Mark, and predates the filing date of Respondent's Mark, but denies Petitioner's statement regarding establishment of Petitioner's priority, and denies for lack of knowledge sufficient to form a belief as to their truth, Petitioner's allegation regarding Petitioner's use of Petitioner's Mark contained in Paragraph 11 of the Petition for Cancellation.

12. Respondent denies the allegations contained in Paragraph 12 of the Petition for Cancellation.
13. Respondent denies the allegations contained in Paragraph 13 of the Petition for Cancellation.
14. Respondent denies for lack of knowledge sufficient to form a belief as to their truth the allegations contained in Paragraph 14 of the Petition for Cancellation.
15. Respondent denies for lack of knowledge sufficient to form a belief as to their truth the allegations contained in Paragraph 15 of the Petition for Cancellation.

Affirmative Defenses

1. Petitioner is barred from petitioning for failure to state a claim upon which relief may be granted.
2. Petitioner has not and will not be damaged by the registration of Reg. No. 4,690,052 and therefore lacks standing to petition to cancel the registration.
3. Petitioner is barred from petitioning under the doctrine of unclean hands.
4. Petitioner is barred from petitioning under the doctrine of laches.
5. Petitioner is barred from petitioning under the doctrine of estoppel.
6. Petitioner is barred from petitioning under the doctrine of waiver.
7. Petitioner is barred from petitioning under the doctrine of acquiescence.
8. Respondent reserves the right to add defenses to the allegations asserted in the Petition for Cancellation as such defenses become known through discovery or other means.

WHEREFORE, Respondent denies each and every allegation contained in the Petition for Cancellation not specifically admitted or otherwise responded to above. Respondent respectfully requests that the Petition be dismissed with prejudice.

Respectfully submitted,

October 27, 2017
Date



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Certificate of Service

I hereby certify that a true and complete copy of the foregoing Answer to Petition for Cancellation has been served on Petitioner, S&G Hampton Sun, LLC by mailing said copy on October 27, 2017, via First Class Mail, postage prepaid to:

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