

ESTTA Tracking number: **ESTTA852671**

Filing date: **10/17/2017**

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

Proceeding	92066817
Party	Defendant FLI Marketing, Inc. DBA Easy To Get Wireless
Correspondence Address	FLI MARKETING INC DBA EAST TO GET WIRELESS 12722 TUSTIN STREET POWAY, CA 92064 UNITED STATES Email: farris@easytogetwireless.com
Submission	Answer
Filer's Name	Malte Farnaes, Esq.
Filer's email	malte@farnaeslaw.com
Signature	/malte farnaes/
Date	10/17/2017
Attachments	2017-10-17- Answer.pdf(98232 bytes )

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

Premier Accessory Group, LLC

Petitioner,

v.

FLI Marketing Inc. DBA Easy To Get  
Wireless

Respondent

Case No. 92066817

Registration Nos. 4001276 and 4209831

**ANSWER TO PETITION FOR CANCELLATION**

GastonCo, LLC (“Registrant”), as assignee of U.S. Trademark Registration Nos. 5001276 and 4209831 from FLI Marketing, Inc. DBA Easy to Get to Get Wireless, by and through its undersigned counsel, answers the Petition for Cancellation filed by Premier Accessory Group, LLC (“Petitioner”) as follows:

1. Registrant lacks sufficient information to form a belief as to the truth or falsity of the allegations contained in Paragraph 1 and therefore denies the same.
2. Registrant lacks sufficient information to form a belief as to the truth or falsity of the allegations contained in Paragraph 2 and therefore denies the same.
3. Registrant refers to the records of the USPTO for the particulars of the USPTO filings and actions referred to in Paragraph 3.
4. Registrant refers to the records of the USPTO for the particulars of the USPTO filings and actions referred to in Paragraph 4.
5. Registrant refers to the records of the USPTO for the particulars of the USPTO filings and actions referred to in Paragraph 5.

6. Registrant refers to the records of the USPTO for the particulars of the USPTO filings and actions referred to in Paragraph 6.

7. Registrant refers to the records of the USPTO for the particulars of the USPTO filings and actions referred to in Paragraph 7.

8. Registrant refers to the records of the USPTO for the particulars of the USPTO filings and actions referred to in Paragraph 8.

9. Registrant denies the allegations contained in Paragraph 9.

10. Registrant denies the allegations contained in Paragraph 10.

11. Registrant denies the allegations contained in Paragraph 11.

12. Registrant denies the allegations contained in Paragraph 12.

13. Registrant denies the allegations contained in Paragraph 13.

14. Registrant denies the allegations contained in Paragraph 14.

15. Registrant denies the allegations contained in Paragraph 15.

16. Registrant lacks sufficient information to form a belief as to the truth or falsity of the allegations contained in Paragraph 16 and therefore denies the same.

17. Registrant denies the allegations contained in Paragraph 17.

### **AFFIRMATIVE DEFENSES**

For a further and separate answer to the allegations contained in Petitioner's Petition for Cancellation, Registrant asserts the following affirmative defenses:

#### **FIRST AFFIRMATIVE DEFENSE**

Petitioner has not and will not be damaged by the continued registration of Registrant's trademarks and therefore lacks standing to petition to cancel the registration.

#### **SECOND AFFIRMATIVE DEFENSE**

Petitioner is barred from seeking cancellation of the Registrant's trademarks under the doctrines of laches, estoppel, waiver, and unclean hands.

**THIRD AFFIRMATIVE DEFENSE**

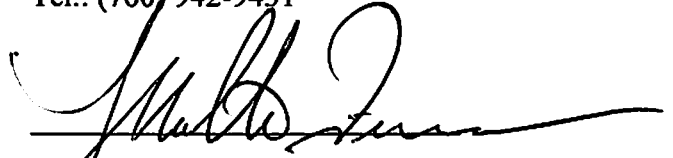
Petitioner has acquiesced in Registrant's adoption, registration and use of the marks that are the subject matter of the Petition for Cancellation.

WHEREFORE, Registrants prays that the Petition for Cancellation be denied.

Dated: October 17, 2017

Respectfully Submitted,

FARNAES & LUCIO, APC  
2235 Encinitas Blvd., Suite 210  
Encinitas, CA 92024  
Tel.: (760) 942-9431



---

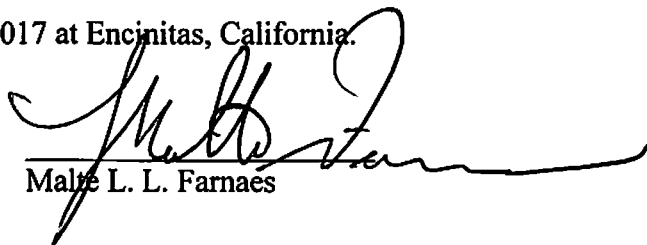
Matte L. L. Farnaes (CA Bar No. 285691)  
Attorneys for Registrant

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **ANSWER TO PETITION FOR CANCELLATION** was served on counsel for Petitioner by forwarding said copy on October 17, 2017, via prepaid, first class U.S. Mail to:

Michael F. Sarney  
Brian A. Bloom  
Tommas F. Balducci  
MORITT HOCK & HAMROFF LLP  
400 Garden City Plaza  
Garden City, New York 11530

Executed this 17<sup>th</sup> day of October 2017 at Encinitas, California.

  
Malte L. L. Farnaes