

ESTTA Tracking number: **ESTTA853098**

Filing date: **10/19/2017**

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

Proceeding	92066846
Party	Defendant Natural Pack, Inc.
Correspondence Address	NATURAL PACK INC PO BOX 30352 SANTA BARBARA, CA 93130 UNITED STATES
Submission	Answer
Filer's Name	Victoria Carver
Filer's email	vc@etmlaw.com
Signature	/vcarver/
Date	10/19/2017
Attachments	Registrant - Answer to Petition No 92066846.pdf(7829 bytes)

8. In answer to Paragraph 8, the same is denied.
9. In answer to Paragraph 9, the same is denied.
10. In answer to Paragraph 10, the same is denied.
11. In answer to Paragraph 11, the same is admitted in part and denied in part.
12. Per FRCP 8(c) Registrant states and makes of record its affirmative defenses based on laches, acquiescence, waiver and estoppel. Beginning July 19, 2011, Registrant's application for registration was published for opposition in the *Trademark Official Gazette*. Petitioner, as a member of the public, was accorded 30 days from that date to file an objection to the registration of the Registrant's trademark and did nothing. In addition, Petitioner has never complained to or contacted Registrant about its use of its mark during the nearly years of Registrant's use.
13. Registrant expressly reserves its right to affirmatively assert any and all applicable affirmative defenses per FRCP 8, if additional facts to support such cancellation counterclaims are subsequently discovered.
14. Any allegations in the Petition that are not specifically admitted herein are denied.

WHEREFORE, Registrant respectfully prays that this Cancellation be dismissed.

Respectfully submitted,
Attorney for Registrant
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Dated: October 19, 2017

CERTIFICATE OF SERVICE

Counsel for Registrant hereby certifies that a true and complete copy of the foregoing **REGISTRANT'S ANSWER TO PETITION FOR CANCELLATION** has been served on Adam D. Mandell by forwarding a copy on October 19, 2017 via email to: Mandell@mwzb.com.

/vcarver/

Victoria A. Carver, Atty.

Date of Signature: October 19, 2017