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

Proceeding	92067650
Party	Defendant Ben-Glo Optical Inc. dba Continental Optical Imports
Correspondence Address	BEN-GLO OPTICAL INC 3651 WEST IRVING PARK ROAD CHICAGO, IL 60618 UNITED STATES
Submission	Answer
Filer's Name	David Gulbransen
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Date	01/14/2018
Attachments	Ben-Glo-Answer.pdf(152866 bytes)

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

Engle Eyewear, Inc.,)	
)	Cancellation No. 92067650
Petitioner,)	
v.)	Reg. No. 4488539
)	
Ben-Glo Optical, Inc.)	Registered: February 25, 2018
)	
Respondent.)	

APPLICANT’S ANSWER TO PETITION FOR CANCELLATION

The following is the Answer of Ben-Glo Optical, Inc. (hereinafter “Respondent”) to the Petition for Cancellation filed on December 27, 2017 and assigned Cancellation No. 92067650. Applicant hereby responds, solely for the purpose of this proceeding, to each of the grounds set forth in the Petition for Cancellation, as follows:

1. Answering paragraph 1 of the Petition for Cancellation, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

2. Answering paragraph 2 of the Petition for Cancellation, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

3. Answering paragraph 3 of the Petition for Cancellation, Applicant admits the allegations thereof.

4. Answering paragraph 4 of the Petition for Cancellation, Applicant admits the allegations thereof.

5. Answering paragraph 5 of the Petition for Cancellation, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

6. Answering paragraph 6 of the Petition for Cancellation, Applicant denies each and every allegation contained therein.

7. Answering paragraph 7 of the Petition for Cancellation, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

8. Answering paragraph 8 of the Petition for Cancellation, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

9. Answering paragraph 9 of the Petition for Cancellation, Applicant admits the allegations thereof.

10. Answering paragraph 10 of the Petition for Cancellation, Applicant denies each and every allegation contained therein.

11. Answering paragraph 11 of the Petition for Cancellation, Applicant denies each and every allegation contained therein.

12. Answering paragraph 12 of the Petition for Cancellation, Applicant denies each and every allegation contained therein.

AFFIRMATIVE DEFENSES

FURTHERMORE, Respondent sets forth the following in support of its position:

13. Respondent's mark is unique and distinctive.

14. Respondent's use of the mark in commerce has been continuous and conspicuous on a national level since at least January of 2009.

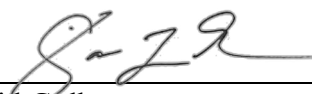
15. Respondent alleges Petitioner has not exclusively used marks containing the term "See & Be Seen" in commerce and has not established the right to use the marks containing such term based on exclusive use in commerce.

16. Respondent alleges Petitioner's claims as set forth in its Petition are barred by the equitable doctrine of laches based on Petitioner's delay by failing to, without limitation, claim exclusive ownership of its alleged marks, adequately police its trademarks from use by others, and exercise quality control over the products or services displaying the marks in commerce.

17. Respondent hereby gives notice that it may rely on any other defenses that may become available or appear proper during discovery, and hereby reserves its right to amend this Answer to assert any such defenses.

WHEREFORE, Respondent prays that the Trademark Trial and Appeal Board deny the Petition for Cancellation.

Respectfully submitted,

By: 

David Gulbransen
Attorney of Record for the Respondent

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CERTIFICATE OF SERVICE


I, David Gulbransen, attorney of record for the Applicant, hereby certify that a true and correct copy of the Answer was served upon Petitioner's counsel of record by electronic mail (lfdisputes@legalforcelaw.com) this 14th Day of January, 2018.

Ruth Khalsa
LegalForce RAPC Worldwide, P.C.
446 E. Southern Ave
Tempe, AZ 85282

1/14/2018

Date

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