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

Proceeding	92067794
Party	Defendant The Burton Corporation
Correspondence Address	THE BURTON CORPORATION 80 INDUSTRIAL PARKWAY BURLINGTON, VT 05401 UNITED STATES
Submission	Answer
Filer's Name	Cathleen E. Stadecker
Filer's email	tmip@drm.com
Signature	/cathleen e stadecker/
Date	02/23/2018
Attachments	Answer.pdf(203115 bytes )

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

In the Matter of Reg. No. 2,134,652 issued on February 3, 1998  
and Reg. No. 2,207,535 issued on December 1, 1998

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Joshua S. Schoonover,	:	
	:	
Petitioner,	:	Cancellation No. 92067794
	:	
-against-	:	
	:	
The Burton Corporation	:	
	:	
Registrant.	:	
-----X		

**REGISTRANT’S ANSWER AND AFFIRMATIVE DEFENSES**

The Burton Corporation (“Registrant”) answers the allegations set forth in the Petition for Cancellation (“Cancellation”) filed by Joshua S. Schoonover (“Petitioner”) as follows:

1. Registrant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph, and therefore denies same.
2. Registrant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph, and therefore denies same.
3. Deny. On information and belief, Petitioner does not have a bona fide intent to use the marks FOURSQUARE and FORUM in interstate commerce in connection with the goods in application Serial Nos. 87/430,724 and 87,629,391.
4. Admit that Petitioner is listed in the records of the USPTO as the owner of application Serial No. 87/430,724 for the mark FOURSQUARE. As to the remainder of the allegations in this paragraph, the records of the USPTO speak for themselves.

5. Admit that Petitioner is listed in the records of the USPTO as the owner of application Serial No. 87/629,391 for the mark FORUM. As to the remainder of the allegations in this paragraph, the records of the USPTO speak for themselves.

6. Registrant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph, and therefore denies same. Further responding, the records of the USPTO speak for themselves.

7. Registrant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph, and therefore denies same. Further responding, the records of the USPTO speak for themselves.

8. Admit.

9. Admit.

10. Admit.

11. Admit as to FOURSQUARE and Reg. No. 2,134,652; deny as to FORUM and Reg. No. 2,207,535.

12. Deny.

13. Deny.

#### **AFFIRMATIVE DEFENSES**

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

2. Petitioner does not have a bona fide intent to use the marks FOURSQUARE and FORUM in interstate commerce in connection with the goods in application Serial Nos. 87/430,724 and 87,629,391, and therefore lacks standing to bring this Petition.

Respectfully submitted this 23rd day of February, 2018.

DOWNS RACHLIN MARTIN PLLC

By: C. Stadecker

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CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2018, I electronically filed **REGISTRANT'S ANSWER AND AFFIRMATIVE DEFENSES** using the Electronic System for Trademark Trials and Appeals system and that a copy of the foregoing has been served on Joshua S. Schoonover, counsel for Petitioner, by emailing said copy on February 23, 2018 to lawgroup@coastalpatent.com.

Jennifer Parent  
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Jennifer Parent

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