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

Proceeding	92068467
Party	Defendant Maple Mountain Group, Inc.
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Date	11/14/2018
Attachments	CARDIOL Amended Answer to Petition for Cancellation.pdf(124931 bytes)

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

In the matter of Trademark Registration Serial No. 2,693,218
Registered: March 4, 2003
Mark: CARDIOL

<p>U.G.A. NUTRACEUTICALS SRL, Petitioner, v. MAPLE MOUNTAIN GROUP, INC., f/k/a NEWAYS, INC. Registrant.</p>	<p>Petition No. 92068467 AMENDED ANSWER TO PETITION FOR CANCELLATION</p>
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**REGISTRANT MAPLE MOUNTAIN GROUP, INC.'S AMENDED ANSWER
TO PETITION FOR CANCELLATION**

In response to the Amended Petition for Cancellation filed October 26, 2018 by Petitioner U.G.A. Nutraceuticals SRL (“Petitioner”), Registrant Maple Mountain Group, Inc., f/k/a Neways, Inc. (“REGISTRANT”) hereby responds and answers.

AMENDED ANSWER

REGISTRANT hereby answers Petitioner’s numbered grounds for cancellation as follows:

1. REGISTRANT is without information and belief sufficient to form a basis to admit or deny that Petitioner is an Italian limited liability company having a place of business at 129 C. Via Leonardo Da Vinci, I-06024, Gubbio (PG), Italy, and therefore, denies the same.

**AMENDED ANSWER TO
PETITION FOR CANCELLATION**

2. REGISTRANT, Maple Mountain Group, Inc., formerly known as Neways, Inc., admits that it is the owner of United States Registration No. 2,693,218 (“the ‘218 Registration”) for the mark CARDIOL and is a Utah corporation having a place of business at 588 South 2000 West, Springville, UT 84663.

3. REGISTRANT admits that the TSDR electronic database of the USPTO shows United States Application No. 79/218,713 (“the ‘713 Application”) for the mark CARDIOL, as being owned by Petitioner. REGISTRANT admits that based on the TSDR electronic database of the USPTO the ‘713 Application covers the following goods:

Pharmaceuticals, medical and veterinary preparations; sanitary preparations for medical purposes; dietetic food and substances adapted for medical or veterinary use, food for babies; dietary supplements for humans and animals; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides, nutritional supplements; albumin dietary supplements; alginate dietary supplements; casein dietary supplements; dietary supplements for animals; enzyme dietary supplements; flaxseed dietary supplements; flaxseed oil dietary supplements; glucose dietary supplements; lecithin dietary supplements; linseed dietary supplements; linseed oil dietary supplements; mineral food supplements; pollen dietary supplements; propolis dietary supplements; protein dietary supplements; protein supplements for animals; royal jelly dietary supplements; wheat germ dietary supplements; yeast dietary supplements; dietary fiber; dietary fibre; food for babies; dietetic foods adapted for medical purposes; dietetic beverages adapted for medical purposes; starch for dietetic or pharmaceutical purposes; by-products of the processing of cereals for dietetic or medical purposes; dietetic substances adapted for medical use; infant formula; powdered milk for babies; candy, medicated; dressings, medical; amino acids for medical purposes; chewing gum for medical purposes; drugs for medical purposes; gum for medical purposes; pearl powder for medical purposes; pomades for medical purposes; malted milk beverages for medical purposes; pharmaceutical preparations; veterinary preparations; vitamin preparations; preparations of trace elements for human and animal use.

REGISTRANT lacks knowledge or information sufficient to form a basis to admit or deny any and all remaining allegations set forth in paragraph 3 of the Amended Petition for Cancellation, and therefore, denies such allegations.

4. REGISTRANT admits that based on the TSDR electronic database of the USPTO, the '713 Application was filed March 8, 2017. REGISTRANT lacks knowledge or information sufficient to form a basis to admit or deny any and all remaining allegations set forth in paragraph 4 of the Amended Petition for Cancellation, and therefore, denies such allegations.

5. REGISTRANT admits that based on the TSDR electronic database of the USPTO, on October 30, 2017 an Office Action was issued by the USPTO refusing registration of Petitioner's CARDIOL mark because of a likelihood of confusion with the CARDIOL mark covered by the "218 Registration. REGISTRANT lacks knowledge or information sufficient to form a basis to admit or deny any and all remaining allegations set forth in paragraph 5 of the Amended Petition for Cancellation, and therefore, denies such allegations.

6. Denied.

7. REGISTRANT lacks knowledge or information sufficient to form a basis to admit or deny the allegations set forth in paragraph 7 of the Amended Petition for Cancellation, and therefore, denies the same.

8. REGISTRANT lacks knowledge or information sufficient to form a basis to admit or deny the allegations set forth in paragraph 8 of the Amended Petition for Cancellation, and therefore, denies the same.

9. Denied.

10. Denied.

11. Denied.

12. Denied.

13. Denied.

REGISTRANT denies any and all remaining allegations set forth in the Petition for Cancellation.

AFFIRMATIVE DEFENSES

By way of defense to the allegations set forth in the Petition for Cancellation, REGISTRANT asserts the following Affirmative Defenses:

FIRST AFFIRMATIVE DEFENSE

REGISTRANT has used and is currently using the CARDIOL mark in connection with or on goods covered by the '218 Registration, and as such, has not abandoned the same.

SECOND AFFIRMATIVE DEFENSE

REGISTRANT has used the CARDIOL mark in connection with or on goods covered by the '218 Registration in interstate commerce and has no intent to abandon its CARDIOL mark covered by the '218 Registration.

RELIEF REQUESTED

In view of the foregoing, REGISTRANT respectfully requests that the relief requested by Petitioner be denied, that the Petition for Cancellation be dismissed with prejudice, and that the registration of United State Registration No. 2,693,218 be upheld.

DATED this 14th day of November, 2018.

Respectfully submitted,

/Robyn L. Phillips/

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ATTORNEYS FOR REGISTRANT
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **REGISTRANT MAPLE MOUNTAIN GROUP, INC.'S AMENDED ANSWER TO PETITION FOR CANCELLATION** has been served on this 14th day of November 2018, via email to the following counsel of record for Petitioner:

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