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

Proceeding	92068992
Party	Defendant IQ Products Company
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Submission	Answer
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Date	08/28/2018
Attachments	Answer.pdf(43437 bytes)

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

In the matter of Registration Number 4152902 Registered June 5, 2012, for the mark "ENVI"		
Prime Direct Brands, LLC, Petitioner/Plaintiff	§	Cancellation No. 92068992
v.	§	
IQ Products Company, Registrant/Defendant	§	

I. **ANSWER**

Registrant I.Q. Products Company files this Answer responsive to the Petition For Cancellation Of Registration No. 4,152,902 filed by Petitioner Prime Direct Brands, LLC. Except as indicated below, Registrant denies all of the allegations made said Petition.

1. Registrant lacks sufficient knowledge or information to form a belief as to the truth of the allegations of Paragraph 1, and thus DENIES the allegations of Paragraph 1.

2. Regarding "its ENVIE Mark", Registrant lacks sufficient knowledge or information to form a belief as to whether "ENVIE" is actually Petitioner's mark, and thus DENIES the truth of "its ENVIE Mark", and otherwise ADMITS the remaining allegations of Paragraph 2.

3. Registrant lacks sufficient knowledge or information to form a belief as to the truth of the allegations of Paragraph 3, and thus DENIES the allegations of Paragraph 3.

4. Registrant ADMITS the allegations of Paragraph 4.

5. Registrant ADMITS the allegations of Paragraph 5.

6. Registrant ADMITS the allegations of Paragraph 6.

7. Registrant ADMITS the allegations of Paragraph 7.

8. Registrant DENIES that the specimen[s] consisted of "two website printouts of pictures" when the specimens are actually two pictures taken of pictures on a webpage showing products bearing the mark, and otherwise ADMITS the allegations of Paragraph 8.

9. Registrant DENIES the allegations of Paragraph 9.

10. Registrant DENIES the allegations of Paragraph 10.

11. Registrant DENIES the allegations of Paragraph 11.

12. Registrant DENIES the allegations of Paragraph 12.

13. Registrant DENIES the allegations of Paragraph 13.

14. Registrant DENIES the allegations of Paragraph 14.

15. Registrant DENIES the allegations of Paragraph 15.

16. Registrant DENIES the allegations of Paragraph 16.

17. Registrant DENIES the allegations of Paragraph 17.

18. Registrant DENIES the allegations of Paragraph 18.

19. Registrant ADMITS the allegations of Paragraph 19.

20. Registrant DENIES the allegations of Paragraph 20.

21. Registrant DENIES the allegations of Paragraph 21.

22. Registrant DENIES the allegations of Paragraph 22.

23. Registrant DENIES the allegations of Paragraph 23.

Registrant further DENIES that Petitioner is being and will continue to be damaged by the continued existence of Registration No. 4,152,902.

II. AFFIRMATIVE DEFENSES AND COMMENTS

Registrant asserts that any of the following affirmative defenses bar Opposer's requested relief in its Petition For Cancellation Of Registration No. 4,152,902.

24. Petitioner's claims are barred by the equitable defenses of laches, estoppel, waiver, acquiescence, and/or unclean hands.

25. There has been no non-use of the mark by Registrant.

26. Registrant did not discontinue use of the mark.

27. Registrant has been and is still using the mark in commerce for at least the last three consecutive years with respect to the listed goods.

28. Registrant has been and is still using the mark in commerce for five consecutive years after the date of registration with respect to the listed goods.

29. Registrant has been and is still continuously using the mark in commerce since the date of registration with respect to the listed goods.

30. Registrant has not abandoned the mark.

31. Registrant did not make any knowingly false and material representations with the intent to deceive the Trademark Office.

32. No actions by Registrant constitute a fraud with respect to the 2018 Renewal of the Envi Mark as shown in U.S. Registration 4,152,902.

33. Registrant is entitled to continued registration of U.S. Registration 4,152,902.

34. Registrant's U.S. Registration 4,152,902 should not be cancelled.

35. Registrant reserved the right to amend this Answer to allege other defenses, claims or counterclaims in the event discovery of other information indicates they are appropriate.

Please Recognize As Attorney For Registrant In This Proceeding:

J. M. (Mark) Gilbreth

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Respectfully submitted,

Date: August 28, 2018

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CERTIFICATE OF FILING

I hereby certify that the foregoing ANSWER was filed electronically via the ESTTA, at the United States Patent and Trademark Office, Trademark Trial and Appeal Board's ESTTA electronic filing system, on August 28, 2018.

By: / J. M. (Mark) Gilbreth /
J. M. (Mark) Gilbreth

CERTIFICATE OF SERVICE

The parties have agreed to email service.

I hereby certify that a true and complete copy of the foregoing ANSWER has been served on all attorneys of record for Petitioner, including Mr. Michael J. Hickey, as well as on the Lewis Rice "IP Dept" email, by forwarding said copy on August 28, 2018, via email as shown:

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