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

Proceeding	92071236
Party	Defendant Dog Poo Crew LLC
Correspondence Address	DOG POO CREW LLC PO BOX 1023 FARGO, P O BOX 1023 FARGO, ND 58107 UNITED STATES service@dogpoocrew.com 701-219-6589
Submission	Answer
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Date	06/14/2019
Attachments	DPC answer to cancellatioon final.pdf(65599 bytes)

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

In the matter of trademark Registration No. 5,189,301
For the mark: DOG POO CREW DOG WASTE REMOVAL
AND PET SERVICES
Date registered: April 25, 2017

The Poo Crew, LLC,

Petitioner,

v.

The Dog Poo Crew, LLC,

Registrant.

Cancellation No.: 92071236

Registration No. 5,189,301

ANSWER TO PETITION FOR CANCELLATION

Registrant The Dog Poo Crew, LLC, hereby answers the Petition of
The Poo Crew, LLC as follows:

1. Registrant is without sufficient information to admit or deny the
allegations of the preamble or paragraph 1 of the Petition to Cancel and on
that basis denies them.

2. Registrant is without sufficient information to admit or deny the allegations of paragraph 2 of the Petition to Cancel and on that basis denies them.

3. There is no paragraph 3 of the Petition to Cancel.

4. Registrant admits the allegations in paragraph 4 of the Petition to Cancel.

5. Registrant is without sufficient information to admit or deny the allegations of paragraph 5 of the Petition to Cancel and on that basis denies them.

6. Registrant is without sufficient information to admit or deny the allegations of paragraph 6 of the Petition to Cancel and on that basis denies them.

7. Registrant denies each and every allegation of paragraph 7 of the Petition to Cancel.

8. Registrant is without sufficient information to admit or deny the allegations of paragraph 8 of the Petition to Cancel and on that basis denies them.

9. There is no paragraph 9 of the Petition to Cancel.

10. Registrant denies each and every allegation of paragraph 10 of the Petition to Cancel.

AFFIRMATIVE DEFENSES

11. Registrant owns prior rights in its DOG POO CREW DOG WASTE REMOVAL AND PET SERVICES mark to any rights asserted by Petitioner.

12. There is no likelihood of confusion, mistake or deception of the purchasing public between Registrant's mark and Petitioner's mark when considered in their entireties. Registrant's mark is distinctly different from Petitioner's mark in concept, sound and appearance.

13. The only common portion between Registrant's mark and Petitioner's mark are the words "poo crew". There are a considerable number of trademarks used and registered in the United States by third parties in connection with feces waste pickup and removal, which include the word "poo" as part thereof. In addition, there are pending applications for marks which include the word "poo" in connection with feces removal the U.S. Patent and Trademark Office. As a result of the proliferation of such third party usage, application and registration, the public has become accustomed to trademarks which include the word "poo" as a part thereof for feces removal and Petitioner cannot, therefore, base any alleged similarity between its mark and the mark of Registrant on such common portion of the two marks. The use of the word "poo" is therefore an

adoption of a common word known and used in feces removal, and
Petitioner cannot assert an alleged confusing similarity between
Registrant's and Petitioner's mark based on such common word.

WHEREFORE, Registrant generally denies that Petitioner is
damaged by Registrant's registration for the mark DOG POO CREW DOG
WASTE REMOVAL AND PET SERVICES and respectfully requests that the
Board dismiss Petitioner's Petition and leave Reg. No. 5,189,301
undisturbed.

Date: June 14, 2019

Respectfully submitted,

/Alan E. Engle/

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document, **ANSWER TO PETITION FOR CANCELLATION**, has been served on The Poo Crew, LLC on June 14, 2019 by uploading a copy of the document to the USPTO's online case management system and emailing a copy to their attorney of record at russell@thekinseylawoffice.com.

/Alan Engle/

Alan E. Engle