

ESTTA Tracking number: **ESTTA983071**

Filing date: **06/24/2019**

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

Proceeding	92071277
Party	Defendant Maple Mountain Group, Inc.
Correspondence Address	MAPLE MOUNTAIN GROUP INC 588 SOUTH 2000 WEST SPRINGVILLE, UT 84663 UNITED STATES no email provided no phone number provided
Submission	Answer
Filer's Name	Robyn L. Phillips
Filer's email	rphillips@wnlaw.com, JStringham@WNLaw.com
Signature	/Robyn L. Phillips, 39330/
Date	06/24/2019
Attachments	PURGE Answer 6_24_19.pdf(462713 bytes)

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

In the matter of Trademark Registration Serial No. 3,009,779
Registered: October 25, 2005
Mark: PURGE

<p>PURGE SPORTS LLC, Petitioner, v. MAPLE MOUNTAIN GROUP, INC., Registrant.</p>	<p>Petition No. 92071277 ANSWER TO PETITION FOR CANCELLATION</p>
---	--

**REGISTRANT MAPLE MOUNTAIN GROUP, INC.'S ANSWER
TO PETITION FOR CANCELLATION**

In response to the Petition for Cancellation filed May 13, 2019 by Petitioner Purge Sports LLC (“PETITIONER”), Registrant Maple Mountain Group, Inc. (“REGISTRANT”) hereby responds and answers.

ANSWER

REGISTRANT is without information and belief sufficient to form a basis to admit or deny that Petitioner is New York limited liability company with a mailing address of 47 Ward St., West Islip, NY 11795, and therefore, denies the same.

REGISTRANT admits that the records of the United States Patent and Trademark Office (“PTO”) list the current owner of United States Registration No. 3,009,779 (“the ‘779

Registration”) for the mark “PURGE” as being Maple Mountain Group, Inc. with an address of 588 South 2000 West, Springville, UT 84663.

REGISTRANT denies that PETITIONER will be damaged by the ‘799 Registration. REGISTRANT admits that PETITIONER filed a Petition for Cancellation with the Trademark Trial and Appeal Board.

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

1. REGISTRANT admits that it is the owner of the ‘779 Registration” for the mark “PURGE” for goods in International Class 005 identified as “Herbal and nutritional supplement.”

2. REGISTRANT admits that the TSDR electronic database of the PTO shows that on March 13, 2018, PETITIONER filed a United States application for the mark “PURGE SPORTS”, as an intent-to-use application under Section 1(b), for goods identified as “Dietary and nutritional supplements.”

3. REGISTRANT admits that based on the TSDR electronic database of the PTO, the application filed by Petitioner was assigned Serial No. 87/832,572 (“the ‘572 Application”). REGISTRANT admits that a document which appears to be the TSDR status and title copy of the ‘572 Application was attached to the Petition for Cancellation as Exhibit A.

4. REGISTRANT admits that based on the TSDR electronic database of the PTO, on November 20, 2018, an Office Action was issued by the PTO refusing registration of the mark “PURGE SPORTS” because of a likelihood of confusion with the “PURGE” mark covered by the “779 Registration. REGISTRANT denies any and all remaining allegations set forth in paragraph 4 of the Petition for Cancellation.

5. REGISTRANT admits it has not used the mark “PURGE” on its goods in interstate commerce in the United States during the year preceding the filing of this cancellation.

REGISTRANT denies any and all remaining allegations set forth in paragraph 5 of the Petition for Cancellation.

6. Denied.

7. Denied.

8. Denied.

9. 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 the “PURGE” mark in connection with or on goods covered by the ‘779 Registration, and as such, has not abandoned the same.

SECOND AFFIRMATIVE DEFENSE

REGISTRANT has used the “PURGE” mark in connection with or on goods covered by the ‘779 Registration in interstate commerce and has no intent to abandon its “PURGE” mark covered by the ‘779 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. 3,009,779 be upheld.

DATED this 24th day of June, 2019.

Respectfully submitted,

/Robyn L. Phillips/

John C. Stringham, Reg. No. 40,831

Robyn L. Phillips, Reg. No. 39,330

WORKMAN NYDEGGER

60 East South Temple, Suite 1000

Salt Lake City, Utah 84111

Telephone: (801) 533-9800

Facsimile: (801) 328-1707

jstringham@wnlaw.com

rphillips@wnlaw.com

ldocketing@wnlaw.com

ATTORNEYS FOR REGISTRANT
MAPLE MOUNTAIN GROUP, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **REGISTRANT MAPLE MOUNTAIN GROUP, INC.'S ANSWER TO PETITION FOR CANCELLATION** has been served on this 24th day of June, 2019, via email to the following counsel of record for Petitioner:

Kevin Haynie
YourTrademarkAttorney.com
167 Lamp and Lantern Village, #220
Chesterfield, MO 63017-8208
kevin@yourtrademarkattorney.com
morris@yourtrademarkattorney.com

/Robyn L. Phillips/
Robyn L. Phillips

42909800_1.docx