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

Proceeding	92071346
Party	Defendant The QuickZip Sheet Company, Inc.
Correspondence Address	THE QUICKZIP SHEET COMPANY INC 7003 E 47TH AVE DRIVE SUITE A 900 DENVER, CO 80216 UNITED STATES no email provided no phone number provided
Submission	Answer
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Date	06/28/2019
Attachments	GYST Answer.pdf(87783 bytes )

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

Lunya Company

Petitioner,

v.

Cancellation No. 92071346

The QuickZip Sheet Company, Inc.

Registration No. 5373422

Registrant.

Mark: GET YOUR SHEET TOGETHER

ANSWER AND DEFENSES TO  
PETITION FOR CANCELLATION

Registrant The QuickZip Sheet Company, Inc. (“QuickZip” or “Registrant”), a Colorado corporation having a principal business address of 7003 E. 47th Ave. Drive, Suite A900, Denver, CO 80216, answers the petition for cancellation of Lunya Company (“Lunya” or “Petitioner”) and submits its defenses as follows.

Answer

QuickZip answers the following numbered paragraphs contained in Lunya’s petition as follows:

1. QuickZip lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 1 of the petition.
2. QuickZip lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 2 of the petition.

3. Denied.

4. QuickZip admits that it is aware that Petitioner's trademark Application Serial No. 88073486 was published for opposition in the Official Gazette of the U.S. Patent & Trademark Office on April 30, 2019.

5. QuickZip lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 5 of the petition.

6. QuickZip lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 6 of the petition.

7. QuickZip lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 6 of the petition.

8. Admits that The QuickZip Sheet Company, Inc., is a Colorado corporation with an address at 7003 E. 47th Ave. Drive, Suite A-900, Denver, CO 80216 and that it is the owner of U.S. Trademark Registration No. 5373422 for the mark GET YOUR SHEET TOGETHER for "on-line retail store services featuring sheets, pillowcases, mattress pads" in International Class 35, and that the application on which the registration is based was filed March 30, 2017, that the registration issued on January 9, 2018, and that the date of first use in interstate commerce claimed in the application was May 5, 2017.

9. Denied.

10. Denied.

11. Denied.

12. QuickZip lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 12 of the petition.

13. Denied.

## Defenses

By way of further response to Lunya's petition, QuickZip alleges the following defenses:

1. First Defense: Failure to State a Claim. This petition for cancellation should be dismissed in whole or in part because Petitioner has failed to state one or more claims upon which relief can be granted.
  
2. Second Defense: Lack of Ownership. Lunya has failed to allege facts sufficient to establish its claim of prior ownership and use of the alleged GET YOUR SLEEP TOGETHER mark required to obtain relief under its petition for cancellation. Absent evidence of its prior ownership of the alleged GET YOUR SLEEP TOGETHER mark, the petition for cancellation should be dismissed.
  
3. Third Defense: Unclean Hands. On information and belief, Petitioner has not used its claimed GET YOUR SLEEP TOGETHER mark as a trademark since October 1, 2015 as stated in the petition. Rather, on information and belief, Petitioner has used its claimed mark only as a hashtag and not as a trademark.

WHEREFORE, Petitioner prays that this Petition for Cancellation be dismissed with prejudice.

Correspondence Address

Please direct all communications to:

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DATED this 28<sup>th</sup> day of June, 2019.

Respectfully submitted,  
Sherman & Howard, L.L.C.

/s/ Jessica Stone Levy

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