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

Proceeding	92072817
Party	Defendant Southland Tile Tools & Accessories, Inc. DBA Troxell USA
Correspondence Address	SOUTHLAND TILE TOOLS & ACCESSORIES INC 18392 ENTERPRISE LANE HUNTINGTON BEACH, CA 92648 UNITED STATES joneill@koslaw.com, TM_docket@koslaw.com 949-955-1920
Submission	Answer
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Signature	/James G. O'Neill/
Date	01/30/2020
Attachments	842-012-801-AnswerAsFiled01302020.pdf(39539 bytes)

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

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Working Concepts, Inc.	:	
	:	
Petitioner	:	Cancellation No. 92072817
	:	
	:	
v.	:	Mark: SUPER-SOFT KNEE PADS
	:	
Southland Tile Tools & Accessories, Inc. DBA Troxell USA	:	Registration No. 4,499,800
	:	
Registrant	:	Registration Date: March 18, 2014
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**ANSWER TO PETITION FOR CANCELLATION
AND AFFIRMATIVE DEFENSES**

Registrant Southland Tile Tools & Accessories, Inc. DBA Troxell USA, Inc., (“Registrant”), through counsel, hereby responds to the Petition for Cancellation of Working Concepts, Inc. (“Petitioner”) as follows:

1. Admitted.
2. Admitted as to the name of Registrant’s attorney, his firm and the attorney’s email address, Denied as to the address of the firm, which should be 16755 Von Karman Ave., Suite 275, Irvine, CA 92606.
3. Admitted.
4. Registrant admits that Reg. No. 2,454,396 for SOFT KNEES, on its face, lists

STRAPLESS KNEE PADS FOR WORKERS THAT ATTACH TO PANTS LEGS In CLASS 9, and that it shows Working Concepts, Inc. as the owner. Otherwise Registrant is without information to either admit or deny additional allegations in Paragraph 4 and, accordingly, the allegations are denied.

5. Registrant is without information to either admit or deny the allegations in Paragraph 5 and, accordingly, the allegations are denied.

6. Registrant admits that both the Petitioner's mark and Registrant's mark are in Class 9, but denies the additional allegations in Paragraph 6.

7. Denied.

8. Denied.

WHEREFORE, Registrant demands that judgement be entered for Registrant and against Petitioner, and that the Petition for Cancellation be dismissed, with prejudice.

FIRST AFFIRMATIVE DEFENSE

1. Petitioner has failed to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

2. Petitioner is estopped by laches for delaying in filing the Petition for Cancellation for over five (5) years after Registrant's date of registration of its mark, thus causing material prejudice to Registrant.

THIRD AFFIRMATIVE DEFENSE

3. Third parties have used similar marks for similar goods, thus the mark is weak and entitled to a narrow scope of protection.

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FOURTH AFFIRMATIVE DEFENSE

4. There is an absence of likelihood of confusion.

FIFTH AFFIRMATIVE DEFENSE

5. Registrant has acted in good faith at all times material hereto.

SIXTH AFFIRMATIVE DEFENSE

6. Registrant reserves the right to raise additional affirmative defenses and to supplement those asserted herein upon discovery of further information and investigation into Petitioner's claims.

WHEREFORE, Registrant demands that judgement be entered for Registrant and against Petitioner, and that the Petition for Cancellation be dismissed, with prejudice.

Registrant appoints Klein, O'Neill & Singh, LLP, 16755 Von Karman Ave., Suite 275, Irvine, CA 92606 to act as attorneys for Registrant herein, with full power to transact all relevant business with the US Patent & Trademark Office and to receive all official communications in connection with the proceeding.

Date: January 30, 2020

Respectfully Submitted,

/James G. O'Neill/
James G. O'Neill
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer to Petition for Cancellation and Affirmative Defenses was emailed to Kurt Rohlf's (kar.docket@chernofflaw.com), Attorney for Petitioner, Working Concepts, Inc. on this January 30, 2020.

Denise C. Cheung
(Print Name)

/Denise C. Cheung/
(Signature)