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

Proceeding	92073710
Party	Defendant Zume, Inc.
Correspondence Address	ZUME INC 250 254 POLARIS AVENUE MOUNTAIN VIEW, CA 94303 UNITED STATES no email provided no phone number provided
Submission	Answer
Filer's Name	Christopher Stanton
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Signature	/Christopher Stanton/
Date	05/08/2020
Attachments	2020 05 08 Motion to Accept Late Filed Answer in and Deny Default Judgment.pdf(61898 bytes ) 2020 05 08 Answer.pdf(18227 bytes )

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

ARAMARK SERVICES, INC.,

Petitioner,

v.

ZUME, INC.

Registrant.

Cancellation No.: 92073710

Marks: ZUME PIZZA  
and ZOOM PIZZA

Registration Nos.: 5757924  
and 5037458

**Motion to Accept a Late Filed Answer and Deny Petitioner's  
Motion for Default Judgment**

Registrant Zume, Inc., (“Registrant”) hereby files this Motion to Accept a Late Filed Answer to the Petition for Cancellation filed by Petitioner Aramark Services, Inc. (Petitioner) and Deny Petitioner’s Motion for Default Judgment.

On March 13, 2020, Petitioner filed its Petition for Cancellation to cancel U.S. Registration Nos. 5,757,924 and 5,037,458 (the “Petition”). The Trademark Trial and Appeal Board (the “Board”) instituted the Petition on March 18, 2020, and the Board set a deadline of April 27, 2020, for the Registrant to file its Answer to the Petition. Registrant either was not served or did not appreciate it had been served a Notice of Institution of the proceedings. On April 29, 2020, Petitioner filed a Motion for Default Judgment, which is two days after the Board set the deadline to answer.

Registrant’s counsel became aware of the Motion for Default Judgment and the Petition on May 7, 2020. Registrant’s counsel telephoned Petitioner’s counsel on May 8, 2020, to alert Petitioner that Registrant was represented by counsel.

There is no prejudice in allowing the Registrant to late file its Answer a mere eleven days after the deadline. Good cause is established in that Registrant either was not served or did not appreciate it had been served a Notice of Institution of the proceedings on April 27, 2020, and it immediately alerted its counsel on May 7, 2020, when Registrant became aware of the Petition.

Accordingly, Registrant respectfully requests the Board grant Registrant’s Motion to Accept a Late Filed Answer, deny the Petitioner’s Motion for Default Judgment, and accept the Answer to Petition, which Petitioner files concurrently herewith.

Dated: May 8, 2020

Merchant & Gould P.C.

By: s/ Christopher R. Stanton  
Christopher Stanton  
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*Attorney for Registrant Zume, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion was served on the Petitioner's Attorneys via email on May 8, 2020, to:

Camille Miller  
Mayura Noordyke  
Email: cmiller@cozen.com  
mnoordyke@cozen.com

s/Christopher R. Stanton  
Christopher R. Stanton

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**ANSWER**

Registrant Zume, Inc., (“Registrant”) responds as follows to the Petition for Cancellation filed by Petitioner Aramark Services, Inc., (“Petitioner”). All other allegations not specifically admitted are denied.

In response to the first unnumbered paragraph, Registrant denies that Petitioner will be damaged by the continued registration of the marks ZUME PIZZA and ZOOM PIZZA, U.S. Reg. Nos. 5,757,924 and 5,037,458, respectively (“Registrant’s Marks”). Registrant is without information or belief sufficient to admit or deny the remaining allegations of this paragraph and on that basis denies them.

1. Registrant is without information or belief sufficient to admit or deny the allegations of paragraph 1 and on that basis denies them.
2. Registrant is without information or belief sufficient to admit or deny the allegations of paragraph 2 and on that basis denies them.
3. Registrant admits the allegations made by the Petitioner in paragraph 3.
4. Registrant is without information or belief sufficient to admit or deny the allegations of paragraph 4 and on that basis denies them.
5. Registrant denies that it has ceased using its marks. Registrant is without information or belief sufficient to admit or deny the remaining allegations of paragraph 5 and on that basis denies them.
6. Registrant denies that the website <http://www.zoompizzafactor.com> is associated with Registrant. Registrant is without information or belief sufficient to admit or deny the remaining allegations of

paragraph 6 and on that basis denies them.

7. Registrant denies the allegations made by the Petitioner in paragraph 7.

8. Registrant denies the allegations made by the Petitioner in paragraph 8.

Dated: May 8, 2020

Merchant & Gould P.C.

By: *s/ Christopher R. Stanton*

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*Attorney for Registrant Zume, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Answer was served on the Petitioner's Attorneys via email on May 8, 2020, to:

Camille Miller  
Mayura Noordyke  
Email: cmiller@cozen.com  
mnoordyke@cozen.com

s/Christopher R. Stanton  
Christopher R. Stanton