

ESTTA Tracking number: **ESTTA1117799**

Filing date: **03/02/2021**

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

|                           |                                                                                                              |
|---------------------------|--------------------------------------------------------------------------------------------------------------|
| Proceeding                | 92076234                                                                                                     |
| Party                     | Defendant<br>Gino Iudici                                                                                     |
| Correspondence<br>Address | GINO IUDICI<br>36 HIGHVIEW AVENUE<br>TOTOWA, NJ 07512<br>UNITED STATES<br>No email provided.<br>201-953-4612 |
| Submission                | Answer                                                                                                       |
| Filer's Name              | Patrick Garrett                                                                                              |
| Filer's email             | Patrick@GarrettIP.com                                                                                        |
| Signature                 | /Patrick Garrett/                                                                                            |
| Date                      | 03/02/2021                                                                                                   |
| Attachments               | Answer_Cancellation_No_92076234.pdf(127715 bytes )                                                           |

**In the United States Patent and Trademark Office  
Before the Trademark Trial and Appeal Board**

*Republic Technologies (NA), LLC*

v.

*Gino Iudici*

In the Matter of  
Cancellation No. 92076234  
Registration No. 6,231,221  
for  
EZROLLERZ

**REGISTRANT'S ANSWER TO PETITION FOR CANCELLATION**

The following is the Answer of Gino Iudici ("Registrant"), owner of U.S. Trademark Registration No. 6,231,221 for the mark EZROLLERZ, by and through Counsel, Garrett IP, LLC, to the Petition for Cancellation filed on January 12, 2021 by Republic Technologies (NA), LLC (hereinafter "Petitioner"), and assigned Cancellation No. 92076234.

1. Registrant is without knowledge or information sufficient to form a belief as to the truth of allegations contained in the paragraph 1 of the Petition for Cancellation. Since Registrant can neither admit nor deny the paragraph as written, Registrant must deny.
2. Registrant is without knowledge or information sufficient to form a belief as to the truth of allegations contained in the paragraph 2 of the Petition for Cancellation. Since Registrant can neither admit nor deny the paragraph as written, Registrant must deny.
3. Registrant is without knowledge or information sufficient to form a belief as to the truth of allegations contained in the paragraph 3 of the Petition for Cancellation. Since Registrant can neither admit nor deny the paragraph as written, Registrant must deny.
4. Admitted as to dates of application and registration of Registrant's mark EZROLLERZ. Denied as to Petitioners use of and developments of rights in the mark E-Z WIDER.
5. Denied.
6. Denied.

FURTHERMORE, Registrant sets forth the following defenses in support of its position:

7. The *wording* in Registrant's mark EZROLLERZ differs from that of Petitioner's marks E-Z WIDER and E-Z WIDER SLOW BURNING. Specifically, Registrant's mark includes the word "ROLLERZ," which does not appear in either of Petitioner's marks. Both of Petitioner's marks also include the word "WIDER," which does not appear in Registrant's mark.
8. The word "ROLLERZ" is clearly a distinctive way of spelling "rollers."
9. Registrant's mark EZROLLERZ differs in *spelling and punctuation* from Petitioner's marks E-Z WIDER and E-Z WIDER SLOW BURNING. Specifically, Registrant's mark includes "EZ" whereas Petitioner's marks include "E-Z." Registrant's marks also includes a space after the "Z," whereas no spaces appear in Registrant's mark EZROLLERZ.
10. "E-Z" appears in 1,898 U.S. trademark registrations (*see*, Exhibit A). By itself, "E-Z" is thus not distinctive.

Registrant hereby appoints Patrick Garrett, a member of the Bars of the District of Columbia and the State of Maryland, at the firm of:

Garrett IP, LLC  
45 N. Broad Street  
Ridgewood, NJ 97450-3856  
(202) 845-0995  
Patrick@GarrettIP.com

to act as attorney in the instant proceeding, to prosecute said proceeding, to transact all business before the Trademark Trial and Appeal Board, to sign all papers which are to be filed in connection therewith, and to receive all communications relating to the same.

WHEREFORE, Registrant respectfully requests that the Trademark Trial and Appeal Board deny the Petition and sustain the continued registration of U.S. Trademark Registration No. 6,231,221.

Dated this 1<sup>st</sup> day of March 2021.

By:

Respectfully submitted,  
Garrett IP, LLC

/Patrick Garrett/

Patrick Garrett  
Registration No. 39,987  
Attorney for Registrant

# EXHIBIT A



## United States Patent and Trademark Office

Home | Site Index | Search | FAQ | Glossary | Contacts | eBusiness | eBiz alerts | News

### Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue Mar 2 04:07:22 EST 2021

[TESS HOME](#)
[NEW USER](#)
[STRUCTURED](#)
[FREE FORM](#)
[BROWSE DICT](#)
[SEARCH OG](#)
[PREV LIST](#)
[NEXT LIST](#)
[IMAGE LIST](#)
[BOTTOM](#)
[HELP](#)

Logout Please logout when you are done to release system resources allocated for you.

Start List At:  OR Jump to record:

**1898 Records(s) found (This page: 1 ~ 50)**

Refine Search

Current Search: S1: (E-Z)[COMB] docs: 1898 occ: 3833

|    | Serial Number | Reg. Number | Word Mark                                              | Check Status | Live/Dead |
|----|---------------|-------------|--------------------------------------------------------|--------------|-----------|
| 1  | 90534904      |             | E-Z BOWZ                                               | TSDR         | LIVE      |
| 2  | 90533474      |             | E-Z BOW MAKER                                          | TSDR         | LIVE      |
| 3  | 90144431      |             | E-Z RAKE                                               | TSDR         | LIVE      |
| 4  | 90367365      |             | E-Z FILL                                               | TSDR         | LIVE      |
| 5  | 90138537      |             | E-Z KITE                                               | TSDR         | LIVE      |
| 6  | 90454692      |             | E-Z CLOR                                               | TSDR         | LIVE      |
| 7  | 90124556      |             | E-Z CHEK                                               | TSDR         | LIVE      |
| 8  | 90248213      |             | E-Z STACK STORAGE MADE E-Z CONTAINER & LID ORGANIZER   | TSDR         | LIVE      |
| 9  | 90240349      |             | E-Z PARTS                                              | TSDR         | LIVE      |
| 10 | 90100562      |             | E-Z CATCH                                              | TSDR         | LIVE      |
| 11 | 88320607      |             | E-Z STACK MAKING LIFE SIMPLE CONTAINER & LID ORGANIZER | TSDR         | LIVE      |
| 12 | 88312160      |             | E-Z STACK MAKING LIFE SIMPLE                           | TSDR         | LIVE      |
| 13 | 88891801      |             | E-Z FIT                                                | TSDR         | LIVE      |
| 14 | 88885833      |             | E-Z WRAPS                                              | TSDR         | LIVE      |
| 15 | 88445822      |             | E-Z LOCK USA                                           | TSDR         | LIVE      |
| 16 | 88909493      |             | E-Z PACK                                               | TSDR         | LIVE      |
| 17 | 88864506      |             | E-Z TIE                                                | TSDR         | LIVE      |
| 18 | 88779535      |             | E-Z UP LINK LIGHT SYSTEM                               | TSDR         | LIVE      |
| 19 | 88245815      |             | E-Z RACK                                               | TSDR         | LIVE      |
| 20 | 88549452      |             | E-Z DRAWS                                              | TSDR         | LIVE      |
| 21 | 88870581      |             | E-Z 4X4                                                | TSDR         | LIVE      |
| 22 | 88458511      |             | E-Z WELD                                               | TSDR         | LIVE      |
| 23 | 88673529      |             | E-Z BURGER H3 HOT HEALTHY HALAL                        | TSDR         | DEAD      |
| 24 | 88864176      |             | E-Z TRAVEL                                             | TSDR         | LIVE      |
| 25 | 88435246      | 6219374     | E-Z WELD LOW VOC 786 CPVC CEMENT HEAVY BODY/ORANGE     | TSDR         | LIVE      |
| 26 | 88680109      |             | HAVE YOU SEEN MY E-Z KLEEN?                            | TSDR         | LIVE      |

|    |          |         |                                       |      |      |
|----|----------|---------|---------------------------------------|------|------|
| 27 | 88612052 |         | EZ WAX                                | TSDR | DEAD |
| 28 | 88862731 | 6179154 | GOLF BALL E-Z LYFT                    | TSDR | LIVE |
| 29 | 88600767 | 6114991 | E-Z CLEAN GOGGLES                     | TSDR | LIVE |
| 30 | 88391286 |         | E-Z PUR                               | TSDR | LIVE |
| 31 | 88810355 | 6152047 | E-Z INK                               | TSDR | LIVE |
| 32 | 88575367 |         | E-Z SERVE N SEAL LID                  | TSDR | LIVE |
| 33 | 88585411 |         | E-Z J                                 | TSDR | LIVE |
| 34 | 88659098 |         | E-Z TRIP TRAVEL CENTER                | TSDR | LIVE |
| 35 | 88646939 |         | EZ E-Z TRIP TRAVEL PLAZA              | TSDR | LIVE |
| 36 | 88575975 |         | E-Z TRIP TRAVEL PLAZA                 | TSDR | LIVE |
| 37 | 88622154 |         | E-Z CAMPING                           | TSDR | LIVE |
| 38 | 88458523 | 6127574 | E-Z WELD                              | TSDR | LIVE |
| 39 | 88135820 | 6110462 | POOL CARE MADE E-Z                    | TSDR | LIVE |
| 40 | 88836342 |         | E-Z RETRIGGERS                        | TSDR | LIVE |
| 41 | 88452680 | 6077966 | E-Z CHAMFER                           | TSDR | LIVE |
| 42 | 88448861 | 6077930 | E-Z CHAMFER                           | TSDR | LIVE |
| 43 | 88594422 |         | E-Z BOARD                             | TSDR | DEAD |
| 44 | 88574036 |         | AN E-Z CLOSE + STORE METAL TABLE LEGS | TSDR | DEAD |
| 45 | 88574031 |         | AN E-Z CLOSE + STORE WOOD TABLE       | TSDR | DEAD |
| 46 | 88201722 | 6061607 | E-Z ANCHOR PULLER MFG. CO.            | TSDR | LIVE |
| 47 | 88125173 | 6059528 | E-Z HEAT                              | TSDR | LIVE |
| 48 | 88167155 |         | E-Z BURGER                            | TSDR | LIVE |
| 49 | 88301650 | 6045155 | E-Z MT                                | TSDR | LIVE |
| 50 | 88626199 | 6033609 | E-Z DON                               | TSDR | LIVE |

[TESS HOME](#)
[NEW USER](#)
[STRUCTURED](#)
[FREE FORM](#)
[BROWSE DICT](#)
[SEARCH OG](#)
[PREV LIST](#)
[NEXT LIST](#)
[IMAGE LIST](#)
[TOP](#)
[HELP](#)

[.HOME](#)
[SITE INDEX](#)
[SEARCH](#)
[eBUSINESS](#)
[HELP](#)
[PRIVACY POLICY](#)

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Answer has been served on opposing counsel, Mr. Anthony J. McShane, by forwarding said copy on March 2, 2021, via email to:

ecfdockt@nge.com;

amcshane@nge.com;

aflores@nge.com;

temanuelson@nge.com; and

acrawford@nge.com.

|               |                          |
|---------------|--------------------------|
| Signature:    | <u>/Patrick Garrett/</u> |
| Printed Name: | Patrick Garrett          |
| Reg. No.      | 39,987                   |
| Date:         | March 2, 2021            |