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Filing date: **10/25/2022**

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

Proceeding no.	92080555
Party	Defendant Freedom JN LLC
Correspondence address	FREEDOM JN LLC IN CARE OF MICHAEL BARTHOLOMEW 50 WEST BROADWAY, 10TH FLOOR SALT LAKE CITY, UT 84101 UNITED STATES Primary email: jason.pritchard@greerwalker.com No phone number provided
Submission	Answer
Filer's name	Chad S Pehrson
Filer's email	cpehrson@kba.law
Signature	/Chad S Pehrson/
Date	10/25/2022
Attachments	10.25.22 - Answer_Petition for Cancellation.pdf(175783 bytes)

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

STEPHEN PERRY, AN INDIVIDUAL, Petitioner, v. FREEDOM JN LLC, A DELAWARE LIMITED LIABILITY COMPANY Registrant.	Cancellation No. 92080555 In re Trademark Registration Nos. 6634608, 6634598, 6634590, 6660943, 6660933, 6660892, 6660848, 6660842, 6660839, 6640775, 6640772, 6640763, 6640749, 6640741, 6640725, 6640713, 6640692, 6740487, 6732719, 6719831
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REGISTRANT’S ANSWER AND DEFENSES TO PETITION FOR CANCELLATION

Registrant Freedom JN LLC (“Freedom” or “Registrant”) hereby answers the allegations set forth in the Petition for Cancellation (the “Cancellation”) filed by Stephen Perry (“Perry” or “Petitioner”), as follows:

1. Lack information and therefore deny.
2. Admit.
3. Deny.
- 4.a. Deny.
- 4.b. Admit.
- 4.c. Admit.
- 4.d. Admit.
- 4.e. Admit.
- 4.f. Admit.
- 4.g. Admit.

4.h. Admit.

4.i. Admit.

4.j. Admit.

4.k. Deny.

4.l. Admit.

4.m. Deny.

4.n. Admit.

4.o. Admit.

4.p. Admit.

4.q. Admit.

4.r. Admit.

4.s. Admit.

4.t. Deny.

5. Deny.

6. Admit only that the Registered Marks correspond with certain Journey song titles;

deny the remainder.

7. Admit.

8. Admit.

9. Admit.

10. Deny.

11. Admit.

12. Lack information and therefore deny.

13. Lack information regarding an objective definition of “height of . . . success and popularity” and therefore deny.

14. Deny.

15. Admit only that that Schon, Cain and Petitioner Perry entered into an agreement on June 12, 1997; deny the remainder.

16. Lack information and therefore deny.

17. Lack information and therefore deny.

18. Lack information and therefore deny.

19. Allegation calls for a legal conclusion and makes no factual allegations and therefore no response is required.

20. Allegation calls for a legal conclusion and makes no factual allegations and therefore no response is required.

21. Applicant admits only that the Elmo Agreement was amended on April 24, 1998; deny the remainder.

22. Deny.

23. Deny.

24. Deny.

25. Deny.

26. Deny.

27. Deny.

28. Deny.

29. Deny.

30. Deny.

31. Deny.
32. Deny.
33. Incorporate prior responses by reference.
34. Deny.
35. Deny.
36. Incorporate prior responses by reference.
37. Deny.
38. Deny.
39. Deny.
40. Deny.
41. Deny.
42. Deny.
43. Incorporate prior responses by reference.
44. Deny.
45. Deny.
46. Paragraph 46 of the Cancellation does not state a claim and thus does not require
an answer.
47. Incorporate prior responses by reference.
48. Deny.
49. Deny.
50. Deny.

DEFENSES

Without admitting the allegations set forth in the Notice of Cancellation, Applicant alleges and asserts the following defenses, affirmative or otherwise, without assuming any burden of proof that it would not otherwise have. In addition to the defenses described below and subject to its responses above, Applicant specifically reserves all rights to allege additional defenses, affirmative or otherwise, that become known through the course of discovery.

1. Petitioner has failed to state a claim upon which relief may be granted.
2. Any claims alleged by Petitioner in the Notice of Cancellation are barred by the equitable doctrines of laches, estoppel, acquiescence, waiver, and unclean hands.
3. Any claims alleged by Petitioner in the Notice of Cancellation are barred by his contractual obligations, including because through such contracts, Petitioner receives benefits flowing from the challenged registrations.
4. This Cancellation Proceeding will likely be subject to stay pursuant to forthcoming litigation associated with Petitioner's breached contractual obligations.
5. Registrant reserves all affirmative defenses under Rule 8(c) of the Federal Rules of Civil Procedure, the Lanham Act, the TBMP, and any other defenses at law or in equity that may now exist or in the future be available based on discovery and further factual investigation in this case.

WHEREFORE, Registrant Freedom JN LLC respectfully requests the Cancellation proceeding be dismissed with prejudice.

Dated: October 25, 2022

Respectfully Submitted,

By: /Chad S. Pehrson/

Michael L. Bartholomew

Chad S. Pehrson

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Attorneys for Applicant,

Freedom JN LLC

CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2022, I filed the foregoing REGISTRANT'S ANSWER AND DEFENSES TO NOTICE OF CANCELLATION via the TTAB's ESTTA electronic filing system which effectuated service on all counsel of record. A copy of the foregoing has also been electronically served on Petitioner's counsel of record by email as of the same date as follows:

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/Chad S. Pehrson/

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