

ESTTA Tracking number: **ESTTA403924**

Filing date: **04/15/2011**

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

Proceeding	94002492
Party	Registrant Pangaea, Inc.
Correspondence Address	PANGAEA, INC. 509 W SPRING ST FAYETTEVILLE, AR 72701 UNITED STATES
Submission	Answer to Counterclaim
Filer's Name	Mark Murphey Henry
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Signature	/s/markmhenry
Date	04/15/2011
Attachments	Answer 4-15-11 Pangaea.pdf (2 pages)(51722 bytes)

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

FB Triangle LLC)
)
v.) Concurrent Use No. 94002492
)
Pangaea, Inc.)

ANSWER

Pangaea, Inc., responds to the notice by the TTAB of the filing of the Concurrent Use Proceeding, and takes exception to the concurrent use applicant's claim of exclusive use to all regions other than those limited geographical regions suggested in the application for concurrent use. In support, Pangaea, Inc. states:

1. On information and belief, and after performing due diligence into the existence of FB Triangle LLC after being served with this matter, Pangaea, Inc. understands that FB Triangle LLC has operated a solitary restaurant in North Carolina.
2. On information and belief, FB Triangle LLC has not maintained a substantial Internet presence, nor does it utilize web-based marketing to reach customers beyond North Carolina.
3. On information and belief, FB Triangle LLC has not franchised any component of its business and has not established evidence of desire to expand its operations to neighboring states.
4. Pangaea, Inc. affirmatively states that it has a proven track record of licensing and aggressively expanding its reach to many states.
5. Pangaea, Inc. affirmatively states that it has an intention to expand its business model well beyond the states set forth in the proposed restriction, and has actually used its mark in connection with transactions with persons in many states not listed in the restriction.
6. On information and belief, FB Triangle LLC has not continuously used its mark in connection with providing restaurant services in states other than North Carolina.
7. Pangaea, Inc. has contacted counsel for FB Triangle LLC and is very optimistic a settlement of the state-by-state restriction can be made.

WHEREFORE, Pangaea, Inc. requests opportunity to establish evidence of the comparable use among the several states by the parties to most accurately establish excepted use and does not at this time agree to the geographic limitation as proposed or suggested by FB Triangle LLC. Pangaea, Inc. additionally will require FB Triangle LLC to carry its burden in establishing entitlement to registration

Date: April 15, 2011

/s/markmhenry
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CERTIFICATE OF SERVICE

I certify that I sent the foregoing via first class mail, and also by operation of the TTAB's electronic document system, on April 15, 2011.

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