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

Proceeding no.	92081929
Party	Defendant Andrew Jimerson II
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Submission	Answer
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Date	05/05/2023
Attachments	02567508.PDF(148566 bytes)

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

Dr. Giancarlo Plastic Surgery PPLC, an entity)	
)	
Petitioner)	Cancellation No. 92081929
)	
v.)	Registration No. 5989367
)	
Andrew Jimerson II, an individual)	Mark: MAMASITA MAKEOVER
)	
Registrant)	
)	

REGISTRANT’S ANSWER TO PETITION FOR CANCELLATION

Andrew Jimerson II (“Registrant”) answers Dr. Giancarlo Plastic Surgery PPLC’s (“Petitioner”) Petition for Cancellation as follows:

Background

1. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averments asserted in Paragraph 1 of the Petition for Cancellation and therefore denies same.
2. Registrant admits that the records of the United States Patent & Trademark Office (“USPTO”) indicate that Petitioner is the owner of U.S. Trademark application Serial No. 97/855,933.
3. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averments asserted in Paragraph 3 of the Petition for Cancellation and therefore denies same.
4. Admitted.
5. Admitted.

6. Registrant admits that it submitted a Mother's Day ad as its specimen showing use of the MAMASITA MAKEOVER mark in commerce.

7. Admitted.

Registrant Has Abandoned MAMASITA MAKEOVER Through Non-Use

8. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averments asserted in Paragraph 8 of the Petition for Cancellation and therefore denies same.

9. Denied.

10. Denied.

11. Denied.

12. Admitted in part. Defendant ceased offering surgical procedures due to COVID-19, and then due to an office fire.

13. Admitted.

14. Denied.

15. Denied.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Registrant has never had any intent to abandon, and has intent to resume use.

SECOND AFFIRMATIVE DEFENSE

Registrant's nonuse is excusable.

THIRD AFFIRMATIVE DEFENSE

Petitioner fails to state a claim upon which relief can be granted, and in particular, fails to state legally sufficient grounds for sustaining the opposition.

Respondent reserves the right to assert any additional affirmative defenses as may arise

during the course of additional investigation and discovery.

WHEREFORE, Registrant requests that all relief requested in the Petition for Cancellation be denied and that the Petition for Cancellation be dismissed with prejudice.

Dated: May 5, 2023

/s/ Amanda G. Hyland
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Attorney for Registrant
Andrew Jimerson II

CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2023, a true and complete copy of the foregoing **REGISTRANT'S ANSWER TO PETITION FOR CANCELLATION** has been served on Petitioner's counsel of record by electronic mail to:

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Andrew Jimerson II*