

ESTTA Tracking number: **ESTTA24126**

Filing date: **01/21/2005**

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

<b>Proceeding</b>	91163436
<b>Party</b>	Defendant Fame Jeans, Inc. Fame Jeans, Inc. 6650 Cote de Liesse CAX St. Laurent, Quebec H4T 1E3,
<b>Correspondence Address</b>	LEWIS F. GOULD, JR. DUANE MORRIS LLP ONE LIBERTY PLACE PHILADELPHIA, PA 19103
<b>Submission</b>	Answer
<b>Filer's Name</b>	Lewis F. Gould, Jr.
<b>Filer's e-mail</b>	lfgould@duanemorris.com, mavoltchenko@duanemorris.com
<b>Signature</b>	/s/
<b>Date</b>	01/21/2005
<b>Attachments</b>	answer_jackjones1401720_2.pdf ( 6 pages )

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

U.S. Trademark Application Serial No. 78/350,085  
For the Trademark: JACK & JONES

AKTIESELSKABET AF 21. NOVEMBER 2001,	:	
Opposer,	:	
	:	<b>OPPOSITION NO. 91163436</b>
v.	:	
	:	
FAME JEANS, INC.,	:	
Applicant.	:	

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING *ELECTRONICALLY* FILED WITH THE U.S. PATENT AND TRADEMARK OFFICE, TRADEMARK TRIAL AND APPEAL BOARD, P.O. BOX 1451, ALEXANDRIA, VA 22313-1451 ON THE DATE INDICATED BELOW.

By: Maxim A. Voltchenko

Date: January 21, 2005

U.S. Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**ANSWER TO NOTICE OF OPPOSITION AND AFFIRMATIVE DEFENSES**

Fame Jeans, Inc., ("Applicant") for Answer to the Notice of Opposition of Aktieselskabet af 21.November 2001, a Danish corporation having its principal place of business at Fredskovvej 5, 7330 Brande, Denmark ("Opposer") pleads and avers as follows:

1. Applicant is without knowledge or information sufficient to form a reasonable belief as to the averments of Paragraph 1, and accordingly denies the same.
2. Applicant is without knowledge or information sufficient to form a reasonable belief as to the averments of Paragraph 2, and accordingly denies the same. Applicant admits

only that the information about Application Serial No. 78/527,823 may appear on the website of the United States Patent and Trademark Office.

3. Applicant is without knowledge or information sufficient to form a reasonable belief as to the averments of Paragraph 3, and accordingly denies the same.

4. Applicant is without knowledge or information sufficient to form a reasonable belief as to the averments of Paragraph 4, and accordingly denies the same.

5. Admitted.

6. Applicant is without knowledge or information sufficient to form a reasonable belief as to the averments of Paragraph 6, and accordingly denies the same. Applicant only admits that the marks in Application Serial Nos. 78/350,085 and 78/527,823 virtually are identical and that both applications identify goods in International Class 25. To the extent Paragraph 6 contains conclusions of law, such require no answer.

7. Applicant is without knowledge or information sufficient to form a reasonable belief as to the averments of Paragraph 7, and accordingly denies the same. To the extent Paragraph 7 contains conclusions of law, such allegations require no answer.

8. Applicant is without knowledge or information sufficient to form a reasonable belief as to the averments of Paragraph 8, and accordingly denies the same. To the extent Paragraph 8 contains conclusions of law, such allegations require no answer.

9. Applicant is without knowledge or information sufficient to form a reasonable belief as to the averments of Paragraph 9, and accordingly denies the same. To the extent Paragraph 9 contains conclusions of law, such allegations require no answer.

### **AFFIRMATIVE DEFENSES**

10. Applicant repeats and realleges its Answer in Paragraphs 1 through 9 as though fully set forth herein.

11. The Notice of Opposition fails to state any sustainable grounds on which Application Serial No. 78/350,085 should be denied and/or a claim for which this Opposition should be granted. Opposer's reliance on Danish registration (06.569.1990) and other foreign registrations and/or alleged use of the mark in international commerce and throughout Europe is irrelevant for this Opposition.

12. Applicant's filing date for Application Serial No. 78/350,085 predates that of Opposer's Application Serial No. 78/527,823 and provides Applicant superior rights in the JACK & JONES mark and priority.

13. Upon information and belief, Opposer or its affiliates has not used and/or does not use the JACK & JONES mark in commerce in the United States and is not entitled to a trademark registration therefor or grant of this opposition.

14. At the time of filing and execution of Application Serial No. 78/527,823, Opposer had no bona fide intent to use the mark in lawful commerce in the United States.

15. Applicant reserves the right to counterclaim for opposition to or cancellation for any registration that may issue or is issued on Opposer's intent to use trademark application Serial No. 78/527,823.

16. Applicant reserves the right to raise additional defenses or counterclaims as may become apparent through discovery and up to the trial.

**PRAYER FOR RELIEF**



CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing ANSWER TO NOTICE OF OPPOSITION AND AFFIRMATIVE DEFENSES was served on this 21st day of January, 2005 via first class mail, postage prepaid and addressed to:

**Oliver N. Blaise, III, Esq.**  
**COUGHLIN & GERHART, LLP**  
**20 HAWLEY St., 8<sup>th</sup> Floor East Tower**  
**P.O. Box 2039**  
**Binghamton, New York 13902-2039**  
**Email: oblaise@cglawllp.com**

/s/ \_\_\_\_\_

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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U.S. Trademark Application Serial No. 78/350,085  
For the Trademark: JACK & JONES

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Opposer,	:	
	:	<b>OPPOSITION NO. 91163436</b>
v.	:	
	:	
FAME JEANS, INC.,	:	
Applicant.	:	

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**TRANSMITTAL LETTER**

Sir:

Please find enclosed for filing:

X Answer to Notice of Opposition and Affirmative Defenses

X Please charge any fees to Deposit Account No. 04-1679.

Respectfully Submitted,

Dated: January 21, 2005

/s/ \_\_\_\_\_  
Lewis F. Gould, Jr.  
Duane Morris LLP