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

Proceeding	91164988
Party	Defendant Bugallo, Fernando Bugallo, Fernando 9479 Boca River Circle Boca Raton, FL 33434
Correspondence Address	FERNANDO BUGALLO 9479 BOCA RIVER CIRCLE BOCA RATON, FL 33434
Submission	Answer
Filer's Name	Daniel S. Polley
Filer's e-mail	dan@danpolley.com
Signature	/Daniel S. Polley/
Date	05/25/2005
Attachments	Answer to Opposition.pdf (5 pages)

5. Applicant admits that U.S. Registration No. 101.819 identifies the goods as watches, clocks, parts of watches and clocks, and their cases and that the registration has achieved an incontestable status under 15 U.S.C. §1065. As to all remaining allegations, Applicant lacks information or knowledge sufficient to form a belief concerning such remaining allegations contained in paragraph five of the Notice of Opposition and therefore deny such allegations.

6. Applicant lacks information or knowledge sufficient to form a belief concerning the allegations contained in paragraph six of the Notice of Opposition and therefore deny such allegations.

7. Applicant lacks information or knowledge sufficient to form a belief concerning the allegations contained in paragraph seven of the Notice of Opposition and therefore deny such allegations.

8. Applicant lacks information or knowledge sufficient to form a belief concerning the allegations contained in the first sentence of paragraph eight of the Notice of Opposition and therefore deny such allegations. Applicant denies the allegations contained in the second sentence of paragraph eight of the Notice of Opposition.

9. Applicant lacks information or knowledge sufficient to form a belief concerning the allegations contained in paragraph nine of the Notice of Opposition and therefore deny such allegations.

10. Applicant lacks information or knowledge sufficient to form a belief concerning the allegations contained in paragraph one of the Notice of Opposition and therefore deny such allegations.

11. Applicant lacks information or knowledge sufficient to form a belief concerning the allegations contained in paragraph one of the Notice of Opposition and therefore deny such allegations.

12. Applicant admits that it rightfully filed the trademark application identified in paragraph twelve of the Notice of Opposition. Applicant denies that any rights that Opposer has in the ROLEX trademark, if any, have any relevance to or bearing on Applicant's identified application.

13. Applicant denies all allegations contained in paragraph thirteen of the Notice of Opposition.

14. Applicant denies all allegations contained in paragraph fourteen of the Notice of Opposition.

15. Applicant denies all allegations contained in the Notice of Opposition not specifically admitted herein by Applicant.

AFFIRMATIVE DEFENSES

1. Applicant submits that there are other unrelated third parties using a mark in commerce having the terms ROLL X for products unrelated to watches, clocks, parts of watches and clocks, and their cases, such that Applicant's use of the mark ROLL-X SPEED in connection with automobile parts does not in any way dilute the value, if any, of Opposer's alleged mark ROLEX.

2. Applicant submits that there is no likelihood of confusion as alleged by Opposer because of one or more of the following: (a) The respective marks themselves are not confusingly similar; (b) The respective goods of the parties are noncompetitive and

unrelated; (c) The goods of Applicant are sold in a trade channels remote from Opposer's alleged usage.

3. The Notice of Opposition fails to state a claim for which relief can be granted.
4. By asserting its alleged registration against an unsimilar trademark used in connection with significantly different product, Opposer is using its asserted registration to violate the antitrust laws of the United States and/or has committed trademark misuse.
5. In view of Opposer's conduct described in Affirmative Defense Four, Opposer has brought this Opposition with unclean hands.

WHEREFORE, Applicant respectfully requests that this Opposition be dismissed in its entirety on all grounds in favor of Applicant, that Applicant's application be passed to allowance; and that Applicant be awarded any and all other relief deemed just or appropriate by the Trademark Trial and Appeal Board.

Respectfully submitted,

Attorney for Applicant

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by United States Mail TO PLAINTIFF'S ATTORNEY BRIAN W. BROKATE OF GIBNEY, ANTHONY & FLAHERTY, LLP, 665 FIFTH AVENUE, NEW YORK, NEW YORK 10022, this 25th day of May, 2005.

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