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Filing date: **11/17/2009**

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

Proceeding	91191881
Party	Defendant Kunshan Geoby Paragon Co., Ltd.
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Submission	Answer
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Date	11/17/2009
Attachments	ttab answer to opp.pdf (5 pages)(79501 bytes)

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

Peg Perego U.S.A., Inc.)	Opposition No. 91191881
)	
Opposer,)	Trademark Application No. 77/535,895
)	
v.)	Mark: "PEREGON HEALTHCARE FOR
)	ALL"
Kunshan Geoby Paragon Co., Ltd)	Filing Date: July 31, 2008
)	
Applicant)	Published: July 14, 2009
)	

Box TTAB-NO FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Kunshan Geoby Paragon Co., Ltd., having a place of business located Kunshan, Jiangsu Province, China ("Applicant"), without waiving any right due to any insufficiency in the statements of the grounds of the opposition, and saving to itself all defenses in law and equity, in answer to Opposer's Notice of Opposition states:

ANSWER

1. Applicant lacks sufficient information or belief to admit or deny Opposer's allegations in paragraph 1 of the Notice of Opposition and on that ground denies the allegations.
2. Applicant admits the allegations contained in paragraph 2 of the Notice of Opposition.
3. Applicant lacks sufficient information or belief to admit or deny Opposer's allegations in paragraph 3 of the Notice of Opposition and on that ground denies the allegations.

4. Applicant lacks sufficient information or belief to admit or deny Opposer's allegations in paragraph 4 of the Notice of Opposition and on that ground denies the allegations.

5. Applicant denies the allegations contained in paragraph 5 of the Notice of Opposition.

6. Applicant lacks sufficient information or belief to admit or deny Opposer's allegations in paragraph 6 of the Notice of Opposition and on that ground denies the allegations.

7. Applicant denies the allegations contained in paragraph 7 of the Notice of Opposition.

8. Applicant admits the allegations contained in paragraph 8 of the Notice of Opposition.

9. Applicant lacks sufficient information or belief to admit or deny Opposer's allegations in paragraph 9 of the Notice of Opposition and on that ground denies the allegations.

10. Applicant denies the allegations contained in paragraph 10 of the Notice of Opposition.

11. Applicant admits that it proposes to offer goods in connection with the mark "PERGON HEALTHCARE FOR ALL," but lacks sufficient information or belief to admit or deny Opposer's remaining allegations in paragraph 11 of the Notice of Opposition and on that ground denies the allegations.

12. Applicant lacks sufficient information or belief to admit or deny Opposer's allegations in paragraph 12 of the Notice of Opposition and on that ground denies the allegations.

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

14. Applicant admits the allegations contained in paragraph 14 of the Notice of Opposition.

15. Applicant admits that registration of the mark "PEREGON HEALTHCARE FOR ALL" will provide it with prima facie exclusive rights therein, but denies Opposer's remaining allegations contained in paragraph 15 of the Notice of Opposition.

16. Applicant lacks sufficient information or belief to admit or deny Opposer's allegations in paragraph 16 of the Notice of Opposition and on that ground denies the allegations.

AFFIRMATIVE DEFENSES

By way of additional answer to the Notice of Opposition, Applicant makes the following affirmative defenses:

1. As the First Affirmative Defense to the Notice of Opposition, Applicant alleges that the Notice of Opposition does not state facts sufficient to constitute grounds for opposition against the registration of the mark "PEREGON HEALTHCARE FOR ALL."

2. As a Second Affirmative Defense to the Notice of Opposition, Applicant alleges that Opposer's alleged damages, if any, were due in whole or in part to causes unrelated to Applicant, and not to Applicant's registration of the mark "PEREGON HEALTHCARE FOR ALL."

3. As a Third Affirmative Defense to the Notice of Opposition, Applicant alleges that Opposer is neither the first nor the exclusive user of the term "PEREGO."

4. As a Fourth Affirmative Defense to the Notice of Opposition, Applicant alleges that "PEREGO" merely identifies a geographical name including the name of the city Perego in Italy.

5. As a Fifth Affirmative Defense to the Notice of Opposition, Opposer is barred by the equitable doctrine of unclean hands.

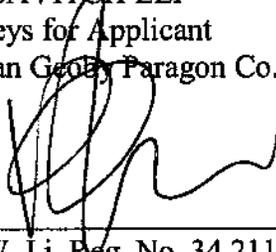
6. As a Sixth Affirmative Defense to the Notice of Opposition, Opposer is barred by the equitable doctrine of laches.

WHEREFORE, Applicant prays that the Opposition be dismissed with prejudice, and that it be accorded such other and further relief as provided by law and the rules of practice in trademark cases, and that the Trademark Trial and Appeal Board render a decision in favor of Applicant for the registration of "PEREGON HEALTHCARE FOR ALL" and that Applicant be issued a Certificate of Registration.

DATED: Nov. 17, 2009

Respectfully Submitted,

PROCOPIO, CORY, HARGREAVES
& SAVITCH LLP
Attorneys for Applicant
Kunshan Geoby Paragon Co., Ltd.

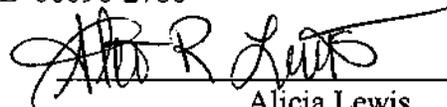
By: 
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and complete copy of the foregoing ANSWER is being mailed on November 17, 2009 via first-class U. S. mail, postage prepaid, to attorneys for Opposer, Jonathan Froemel of Barnes & Thornburg LLP, as follows:

Joseph P. Froemel
Michael Wever
Barnes & Thornburg LLP
P.O. Box 2786
Chicago, IL 60690-2786

Dated: November 17, 2009



Alicia Lewis