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Filing date: **04/08/2011**

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

Proceeding	91193275
Party	Defendant Artemides Holdings Pty Ltd
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Date	04/08/2011
Attachments	Artemides Answer to Notice of Opposition 4-8-2011.pdf ( 5 pages )(1143218 bytes )

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

In the matter of  
Trademark Application No.: 79/064,732  
Filed: December 8, 2008  
Published: July 7, 2009

Abercrombie & Fitch Trading Co. Opposer,	)	
vs.	)	
Artemides Holding Pty Ltd Applicant.	)	Opposition No. 91193275
	)	
	)	

**Answer to Notice of Opposition**

Applicant admits the allegations contained in the preamble concerning Applicant, Applicant's ownership and filing of Application No. 79/064,732 ("the Application") and the contents of the Application. Applicant denies that Opposer is or will be damaged by registration of the Application. Except as otherwise admitted or denied, Applicant lacks sufficient information to admit or deny the allegations contained in the preamble and, on that basis, denies those allegations.

1. Applicant lacks sufficient information to admit or deny the allegations of Paragraph 1, and on that basis, denies those allegations.

2. Applicant lacks sufficient information to admit or deny the allegations of Paragraph 2, and on that basis, denies those allegations.

3. Applicant lacks sufficient information to admit or deny the allegations of Paragraph 3, and on that basis, denies those allegations.

4. The allegations of Paragraph 4 are conclusions of law to which no answer is required. To the extent that an answer to any of these allegations is required, Applicant lacks sufficient information to admit or deny the allegations of Paragraph 4, and, on that basis, denies those allegations.

5. The allegations of Paragraph 5 are conclusions of law to which no answer is required. To the extent that an answer to any of these allegations is required, Applicant lacks sufficient information to admit or deny the allegations of Paragraph 5, and, on that basis, denies those allegations.

6. Applicant admits that Registration No. 3,135,750 contains the following description: “the mark consists of a pair of double-lined stitches, extending continuously across the pocket of the goods. The stitches are curved, intersecting twice, forming an eye shape in the center of the pocket. The broken lines outlining the pockets are used to indicate the positioning of the mark on the goods and are not a feature of the mark.” Except as otherwise admitted, Applicant lacks sufficient information to admit or deny the allegations of Paragraph 6, and on that basis, denies those allegations.

7. Applicant lacks sufficient information to admit or deny the allegations of Paragraph 7, and on that basis, denies those allegations.

8. Applicant lacks sufficient information to admit or deny the allegations of Paragraph 8, and on that basis, denies those allegations.

9. Applicant lacks sufficient information to admit or deny the allegations of Paragraph 9, and on that basis, denies those allegations.

10. Applicant lacks sufficient information to admit or deny the allegations of Paragraph 10, and on that basis, denies those allegations.

11. Applicant lacks sufficient information to admit or deny the allegations of Paragraph 11, and on that basis, denies those allegations.

12. Applicant lacks sufficient information to admit or deny the allegations of Paragraph 12, and on that basis, denies those allegations.

13. Applicant lacks sufficient information to admit or deny the allegations of Paragraph 13, and on that basis, denies those allegations.

14. Applicant denies each and every allegation of Paragraph 14.

15. Applicant denies each and every allegation of Paragraph 15.

16. Applicant denies each and every allegation of Paragraph 16.

17. Applicant denies each and every allegation of Paragraph 17.

18. Applicant denies each and every allegation of Paragraph 18.

19. Applicant lacks sufficient information to admit or deny the allegations of Paragraph 19, and on that basis, denies those allegations.

20. Applicant denies each and every allegation of Paragraph 20.

21. Applicant denies each and every allegation of Paragraph 21.
22. Applicant denies each and every allegation of Paragraph 22.
23. Applicant denies each and every allegation of Paragraph 23.

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**

24. Opposer's claims are barred for failure to state a claim.

**SECOND AFFIRMATIVE DEFENSE**

25. Opposer's claims are barred by laches.

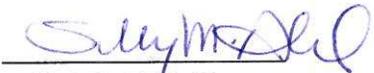
**THIRD AFFIRMATIVE DEFENSE**

26. Opposer's claims are barred by acquiescence.

**WHEREFORE**, Applicant prays that Opposer's Notice of Opposition be dismissed and that judgment be entered in favor of Applicant.

Respectfully submitted,

Dated: April 8, 2011

  
Sally M. Abel, Esq.  
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PROOF OF SERVICE BY MAIL

I declare that:

I am employed in the County of Mountain View, California.

I am over the age of eighteen years and not a party to the within cause; my business address is 801 California Street, Mountain View, California 94041. On the date indicated below, I served the within **Answer to Notice of Opposition**, on the interested parties in said cause, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Mountain View, California, addressed as follows:

Abercrombie & Fitch Trading Co.  
Susan M. Kayser  
Howrey LLP  
2941 Fairview Park Drive, Suite 200  
Falls Church, VA 22042

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed at Mountain View, California, this 8<sup>th</sup> day of April, 2011.



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Christine Sakurai