

ESTTA Tracking number: **ESTTA338451**

Filing date: **03/22/2010**

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

Proceeding	91193905
Party	Defendant Van Yorke, Yonine
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Date	03/22/2010
Attachments	Answer.pdf ( 7 pages )(136308 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Bowtie, Inc.	)	
	)	
Opposer,	)	Opposition No. 91193905
	)	Serial No. 77/760166
v.	)	
	)	
Yvonine Van Yorke	)	
	)	
Applicant.	)	
_____	)	

**ANSWER TO NOTICE OF OPPOSITION**

Applicant, Yvonine Van Yorke, by and through her attorney, hereby answers the Notice of Opposition filed by Bowtie, Inc.

1. Applicant is without knowledge or information sufficient to form a belief as to the allegations contained in paragraph 1 of Opposer's Notice of Opposition, and therefore denies the same.
2. Applicant is without knowledge or information sufficient to form a belief as to the allegations contained in paragraph 2 of Opposer's Notice of Opposition, and therefore denies the same.

3. Applicant is without knowledge or information sufficient to form a belief as to the allegations contained in paragraph 3 of Opposer's Notice of Opposition, and therefore denies the same.

4. Responding to paragraph 4 of Opposer's Notice of Opposition, Applicant denies the allegation that the Trademark Office granted any registration to Opposer in recognition of any valuable rights in or to Opposer's BOWTIE Marks. Applicant further denies that Registration Nos. 1997451, 2789520, and 2254864 were granted to Opposer. Applicant admits the remaining allegations contained in paragraph 4 of the Notice of Opposition.

5. Responding to paragraph 5 of Opposer's Notice of Opposition, Applicant admits that Opposer's BOWTIE registrations constitute prima facie evidence of the validity of the marks, and the registrations therefor. Applicant admits that Registration Nos. 2254864 and 2789520 have achieved incontestable status. Applicant denies the remaining allegations contained in paragraph 5 of the Notice of Opposition.

6. Responding to paragraph 6 of Opposer's Notice of Opposition, Applicant admits that Opposer's BOWTIE registrations issued prior to the filing date of Applicant's Serial No. 777760,166. Applicant is without knowledge or information sufficient to form a belief as to the remaining allegations contained in paragraph 6 of Opposer's Notice of Opposition, and therefore denies the same.

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

8. Applicant admits that Applicant filed Serial No. 77/760,166 for the mark BOW TIE & TAILS on June 15, 2009. Applicant denies the remaining allegations contained in paragraph 8 of the Notice of Opposition.

9. Applicant admits the allegations contained in paragraph 9 of the Notice of Opposition.

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

11. Applicant denies the allegations contained in paragraph 11 of the Notice of Opposition.

12. Applicant denies the allegations contained in paragraph 12 of the Notice of Opposition.

### **AFFIRMATIVE DEFENSES**

13. Applicant believes and on that basis alleges that neither Opposer nor any predecessor of Opposer ever opposed and never sought to cancel registration Reg. No. 3425655 for BOWTIES UNLIMITED for bow ties; neckties; pocket squares; and scarves.

14. Applicant believes and on that basis alleges that neither Opposer nor any predecessor of Opposer ever opposed and never sought to cancel registration Reg. No. 2,810,211 for BOWTIE for Eau de colognes, eau de parfum, hand and body lotions and creams.

15. Applicant believes and on that basis alleges that neither Opposer nor any predecessor of Opposer ever opposed and never sought to cancel registration Reg. No. 3469049 for BOWTIE for hot melt adhesive dispensing machinery, namely, guns, manifolds, and modules.

16. Applicant believes and on that basis alleges that neither Opposer nor any predecessor of Opposer ever opposed and never sought to cancel registration Reg. No. 3545398 BOWTIE SERVICE for automobile lubrication and oil changing services.

17. Applicant believes and on that basis alleges that neither Opposer nor any predecessor of Opposer ever opposed and never sought to cancel registration Reg. No. 3400395 BOWTIE WITH RING for fireworks.

18. Applicant believes and on that basis alleges that neither Opposer nor any predecessor of Opposer ever opposed and never sought to cancel registration Reg. No. 3530537 for BOW TIE CINEMAS for serving food and drinks.

19. Applicant believes and on that basis alleges that neither Opposer nor any predecessor of Opposer ever opposed and never sought to cancel registration Reg. No. 3065286 for BOW TIE PARTNERS for real estate services, namely, rental of residential, office and retail space.

20. Applicant believes and on that basis alleges that neither Opposer nor any predecessor of Opposer ever opposed and never sought to cancel registration Reg. No. 3065287 for BOW TIE BUILDING PARTNERS for real estate services, namely, rental of residential, office and retail space.

21. Applicant believes and on that basis alleges that neither Opposer nor any predecessor of Opposer ever opposed and never sought to cancel registration Reg. No. 2787604 for BOW TIE for automobile bumpers.

22. Applicant believes and on that basis alleges that neither Opposer nor any predecessor of Opposer ever opposed and never sought to cancel registration Reg. No. 3482250 for BOW TIE and design for surgical and medical apparatuses for use in general surgery; medical devices, namely, holders for organizing wires, cables, hoses, tubes, or other lines.

23. Applicant believes and on that basis alleges that neither Opposer nor any predecessor of Opposer ever opposed and never sought to cancel registration Reg. No. 3340189 for BOW-TIE and design for metal concrete reinforcement ties; metal reinforcement bar couplings and connectors, and for non-metal concrete reinforcement ties, couplings and connectors for construction purposes, all the aforementioned goods being for use in connecting reinforcing bars in new construction.

24. Applicant believes and on that basis alleges that in obtaining Reg. No. 3,353,481, Opposer or its predecessor made false allegations of the use of the mark on or in connection with goods and services for which it was not used at the time of the allegations, and therefore, the registration is invalid.

25. Applicant believes and on that basis alleges that in obtaining Reg. No. 3,326,299, Opposer or its predecessor made false allegations of the use of the mark on or in connection with goods and services for which it was not used at the time of the allegations, and therefore, the registration is invalid.



