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

Proceeding	91194358
Party	Defendant PANCER, JEFFREY
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Submission	Answer
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In Re Application: 76/621097
Filed: November 17, 2004
Published: December 1, 2009
For: COMEDY HALL OF FAME

COMEDY HALL OF FAME, INC.)	
)	
v.)	Opposition No. 91194358
)	
JEFFREY PANCER)	Serial No. 76/621097
)	
Applicant.)	
)	

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

Applicant, Jeffrey Pancer, through its undersigned counsel, hereby timely files its Answer to Notice of Opposition and Affirmative Defenses in response to the Notice of Opposition filed by Opposer, COMEDY HALL OF FAME, INC., within forty days from the mailing date of the Board's Scheduling Order. Applicant answers the specific allegations contained in Opposer's Notice of Opposition as follows:

1. Applicant lacks sufficient information to either admit or deny the allegations in Paragraph 1 and therefore denies those allegations.
2. Applicant admits that a logo mark including the words NATIONAL COMEDY HALL OF FAME covering the services of "museum or hall of fame relating to the history of comedy; award program recognizing outstanding past and present comedians" was the subject of US Registration No. 1,797,318. Applicant further admits that said Registration has been cancelled since July 10, 2004. Applicant specifically denies that Opposer ever had any trademark rights to the term NATIONAL COMEDY HALL OF FAME as the entirety of those words were disclaimed by Registrant. Applicant lacks

sufficient information to either admit or deny the remaining allegations as alleged in Paragraph 2 and therefore denies those allegations.

3. Admitted.

4. Applicant admits that an application was filed on August 15, 2005 for a mark identical to the mark that was the subject of US Registration No. 1,797,318, which has US Serial No. 76645601 and which the current status of the Applicant is suspended. Applicant denies the remaining allegations in Paragraph 4.

5. Applicant admits that Applicant's application received a preliminary rejection and that such rejection was withdrawn. Applicant denies Opposer's characterization of the record, which speaks for itself. To the extent any further answer to Paragraph 5 is required, Applicant denies the remaining allegations in Paragraph 5.

6. Applicant admits that Applicant's application received a preliminary rejection and that such rejection was withdrawn. Applicant denies Opposer's characterization of the record, which speaks for itself. To the extent any further answer to Paragraph 6 is required, Applicant denies the remaining allegations in Paragraph 6.

7. Applicant admits that Applicant's application received a preliminary rejection and that such rejection was withdrawn. Applicant denies Opposer's characterization of the record, which speaks for itself. To the extent any further answer to Paragraph 7 is required, Applicant denies the remaining allegations in Paragraph 7.

8. Denied.

9. Denied.

10. Denied.

11. Denied.

12. Denied.

13. Applicant lacks sufficient information about Opposer's services to either admit or deny the allegations in Paragraph 13.

14. Applicant lacks sufficient information about Opposer's services to either admit or deny the allegations in Paragraph 14.

15. Denied.

16. Applicant admits that Registration of its mark would give Applicant at least a prima facie exclusive right to use the mark COMEDY HALL OF FAME. Applicant lacks sufficient information to either admit or deny the remaining allegations as alleged in Paragraph 16 and therefore denies those allegations.

17. Denied.

18. Denied.

19. Denied.

20. Denied.

21. Applicant admits Opposer is not connected in any way to Applicant or any services Applicant offers. Applicant lacks an adequate understanding of this allegation as it is ambiguous and as such Applicant lack sufficient information to either admit or deny the remaining allegations in Paragraph 21 and therefore denies those allegations.

22. Denied.

23. Denied.

AFFIRMATIVE DEFENSES

As its affirmative defenses to the Notice of Opposition, Applicant alleges as follows:

24. Opposer fails to state a claim upon which relief can be granted.

25. Opposer is not likely to be damaged by registration of Applicant's mark and therefore, Opposer lacks standing to oppose registration of same.

26. Opposer's opposition is barred by the doctrine of unclean hands.

27. The term NATIONAL COMEDY HALL OF FAME as used in connection with the services of "museum or hall of fame relating to the history of comedy; award

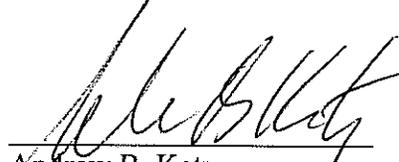
program recognizing outstanding past and present comedians” are generic or so highly descriptive that no party may claim exclusive rights.

28. Opposer’s claims are barred by the doctrine of laches, estoppel, acquiescence and/or waiver in relation to numerous third party uses of the terms National and COMEDY HALL OF FAME used on or in connection with a wide variety of services related to the subject of comedy.

WHEREFORE, Applicant requests that this Opposition proceeding be dismissed and that its application for registration of its design be allowed to register.

Respectfully submitted,

CHERNOW KATZ LLC



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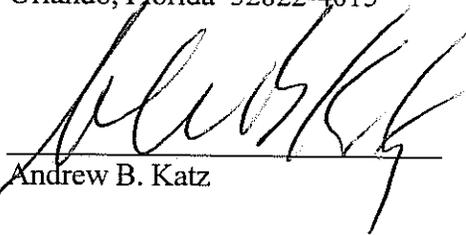
COUNSEL TO JEFFREY PANCER

DATED: MAY 7, 2010

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of Jeffrey Pancer's Answer to Notice of Opposition and Affirmative Defenses was served by First Class Mail, postage prepaid, on this 7th day of May, 2010 on the following:

Brian R. Gibbons, Esq.
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Andrew B. Katz