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Filing date: **06/29/2010**

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

Proceeding	91194969
Party	Defendant Phicon Investment Holdings (Pty) Ltd
Correspondence Address	TIMOTHY D. PECSENYE BLANK ROME LLP ONE LOGAN SQUARE, 9TH FLOOR PHILADELPHIA, PA 19103-6998 UNITED STATES pecsenye@blankrome.com
Submission	Answer
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Date	06/29/2010
Attachments	PIHL-Answer.pdf (4 pages)(84474 bytes)

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

MADONNA CICCONE
p/k/a "MADONNA"

Opposer,

v.

PHICON INVESTMENT HOLDINGS
(PTY) LTD

Applicant

Mark: MADONNA

Serial No. 77/000,702

Opposition No. 91194969

ANSWER AND AFFIRMATIVE DEFENSES

As and for its Answer to the Notice of Opposition filed by Opposer to registration of Applicant's application Serial No. 77/000,702 for MADONNA, Applicant answers as follows:

1.- 7. Applicant lacks sufficient information to form a belief as to the truth of the allegations of paragraphs 1 through 7 of the Notice of Opposition and so denies same and puts Opposer to its proof thereof.

8. Admitted.

9. Admitted as to Applicant's application being published for opposition on January 19, 2010. With respect to the remaining information in paragraph 9, Applicant lacks sufficient information to form a belief as to the truth of the allegations and so denies same and puts Opposer to its proof hereof.

10. Denied.

11. Denied.

12.-13. Applicant lacks sufficient information to form a belief as to the truth of the allegations of paragraphs 12 and 13 of the Notice of Opposition and so denies same and puts Opposer to its proof thereof.

14.-19. Denied.

AFFIRMATIVE DEFENSES

First Defense

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

Second Defense

Applicant's mark represented by Application Serial No. 77/000,702 is not likely to cause confusion or to cause mistake with Opposer's mark or to deceive consumers when used in connection with Applicant's.

Third Defense

Applicant's mark represented by Application Serial No. 77/000,702 is not likely to dilute Opposer's mark.

Fourth Defense

Applicant gives notice that it intends to rely upon any other affirmative defense that may arise or be identified during the discovery proceedings in this Opposition and hereby reserves the right to amend its Answer and Affirmative Defenses to assert any such defenses.

Wherefore, Applicant respectfully requests that the Opposition to registration of its Application Serial No.77/000,702 be dismissed and that its application be permitted to proceed to registration.

Respectfully submitted,

Woodcock Washburn LLP

A handwritten signature in black ink, appearing to read "Nancy Rubner Frandsen". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Nancy Rubner Frandsen

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Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing paper was served by first-class mail, postage prepaid upon the attorney for Opposer, Brendan J. O'Rourke, Proskauer Rose LLP, 1585 Broadway, New York, NY 10036, this 29th day of June, 2010.

A handwritten signature in black ink, appearing to read "Nancy Rubner Frandsen". The signature is fluid and cursive, with a large initial "N" and a long horizontal stroke at the end.

Nancy Rubner Frandsen