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Filing date: **10/17/2011**

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

Proceeding	91196926
Party	Plaintiff GMA Accessories, Inc.
Correspondence Address	JEFFREY I SCOTT THE BOSTANY LAW FIRM PLLC 75 WALL STREET NEW YORK, NY 10005 UNITED STATES mail@bozlaw.com
Submission	Answer to Counterclaim
Filer's Name	Kathryn C. Haertel
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Signature	/KCH/
Date	10/17/2011
Attachments	Reply to Second Amended Counterclaim 10.17.11.pdf (3 pages)(96002 bytes) Proof of Service - Reply to Second Amended Counterclaim.pdf (1 page)(22229 bytes)

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

-----x
GMA ACCESSORIES, INC.,

Opposer,

Opposition No.: 91196926

against –

**REPLY TO SECOND AMENDED
COUNTERCLAIM**

DORFMAN-PACIFIC CO.,

Applicant.
-----x

Mark: CAPPELLI STRAWORLD
Serial No.: 77-965, 616
Class (es): 18, 25

GMA Accessories, Inc., (hereinafter “GMA”), by its attorneys, replies to the Second Amended Counterclaim as follows:

- First. Answering the allegations contained in paragraph marked “1” of the Second Amended Counterclaim, Opposer repeats and realleges each and every allegation contained in paragraphs of Opposer’s Notice of Opposition numbered 1 through 32 hereof as if fully set forth at length herein.
- Second. Admits each and every allegation contained in paragraph marked “2” of the Second Amended Counterclaim.
- Third. Denies each and every allegation contained in paragraph marked “3” of the Second Amended Counterclaim.
- Fourth. Denies each and every allegation contained in paragraph marked “4” of the Second Amended Counterclaim.
- Fifth. Denies each and every allegation contained in paragraph marked “5” of the Second Amended Counterclaim.

Sixth. Denies each and every allegation contained in paragraph marked “6” of the Second Amended Counterclaim. (Opposer has filed a Motion to Dismiss this Counterclaim pursuant to Fed. R. Civ. P. 12(b)(6)).

Seventh. Denies each and every allegation contained in paragraph marked “7” of the Second Amended Counterclaim, except admits that, in its First Amended Complaint, GMA has opposed Dorfman-Pacific Co., Inc.’s (hereinafter “DP”) right to register its mark as DP’s acts are likely to cause confusion, or to cause mistake, or to deceive as to affiliation, connection, or association with GMA, or origin, sponsorship, or affiliation of GMA’s products by DP.

Eighth. Denies each and every allegation contained in paragraph marked “8” of the Second Amended Counterclaim. (Opposer has filed a Motion to Dismiss this Counterclaim pursuant to Fed. R. Civ. P. 12(b)(6)).

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

First. The claims in the Second Amended Counterclaim fail to state a claim against GMA Accessories upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Second. The claims in the Second Amended Counterclaim are barred by the doctrine of *res judicata* and collateral estoppel.

THIRD AFFIRMATIVE DEFENSE

Third. The claims in the Second Amended Counterclaim are barred, in whole or in part, by the doctrines of laches, acquiescence, and estoppel.

FOURTH AFFIRMATIVE DEFENSE

Fourth. DP is barred from seeking the relief requested, in whole or in part, by virtue of unclean hands.

FIFTH AFFIRMATIVE DEFENSE

Fifth. The claims in the Second Amendment Counterclaim are barred due to abandonment of trademarks.

SIXTH AFFIRMATIVE DEFENSE

Sixth. DP's actions constitute fraud and therefore it is barred from seeking the relief requested.

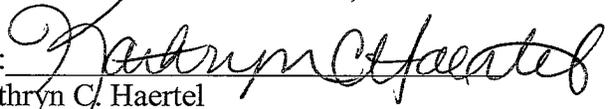
WHEREFORE, the Opposer, GMA ACCESSORIES, INC., prays:

- A. The Second Amended Counterclaim be dismissed in its entirety;
- B. Costs and attorney fees be awarded to GMA.

Dated: October 17, 2011

Respectfully Submitted,

THE BOSTANY LAW FIRM, PLLC

By: 

Kathryn C. Haertel

Attorney for Plaintiff GMA Accessories, Inc.

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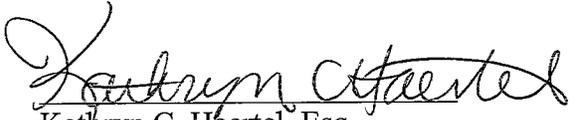
(212) 530-4400

PROOF OF SERVICE

Mark: CAPELLI STRAWORLD
Opposition No.: 91196926
Serial No.: 77/965,616
Classes (es): 18, 25

I, Kathryn C. Haertel, hereby certify that this paper (Reply to Second Amended Counterclaim) is being deposited with the United States Postal Service on October 17, 2011, postage pre-paid, addressed to the following:

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