

ESTTA Tracking number: **ESTTA450801**

Filing date: **01/12/2012**

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

Proceeding	91201400
Party	Defendant Signature Travel Network Cooperative, Inc.
Correspondence Address	TAL GRINBLAT LEWITT HACKMAN SHAPIRO ET AL 16633 VENTURA BLVD, SUITE 1100 ENCINO, CA 91436-1865 UNITED STATES tgrinblat@lewitthackman.com, dgurnick@lewitthackman.com
Submission	Answer
Filer's Name	Tal Grinblat
Filer's e-mail	tgrinblat@lewitthackman.com, nkanter@lewitthackman.com, dgurnick@lewitthackman.com
Signature	/Tal Grinblat/
Date	01/12/2012
Attachments	Signature Answer.pdf ( 6 pages )(27889 bytes )

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

In the matter of:	)	
	)	<b>Opposition No. 91201400</b>
	)	Serial No. 85/175,893
SIGNATURE FLIGHT SUPPORT UK	)	
REGIONS LIMITED	)	<b>APPLICANT SIGNATURE TRAVEL</b>
	)	<b>NETWORK COOPERATIVE, INC.’S</b>
Opposer	)	<b>ANSWER TO NOTICE OF</b>
	)	<b>OPPOSITION</b>
v.	)	
	)	
SIGNATURE TRAVEL NETWORK	)	
COOPERATIVE, INC.,	)	
	)	
Applicant	)	
<hr style="width: 40%; margin-left: 0;"/>		

**ANSWER TO NOTICE OF OPPOSITION**

Applicant Signature Travel Network Cooperative, Inc. (“Applicant”), by and through counsel, states as follows in answer to the Notice of Opposition filed by Signature Flight Support UK Regions Limited (“Opposer”) in the captioned proceeding relating to Application Serial No. 85/175,893 (the “Application”):

In response to the first unnumbered paragraph of the Notice of Opposition, Applicant denies that Opposer will be damaged by registration of the mark set forth in the Application (the “Mark”). Applicant is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations in the first unnumbered paragraph, and therefore denies the same.

Applicant answers the numbered paragraphs of the Notice of Opposition as follows:

1. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 1 and therefore denies the same.

2. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 2, and therefore denies the same.

3. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 3, and therefore denies the same.

4. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 4, and therefore denies the same.

5. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 5, and therefore denies the same.

6. Applicant denies the allegations in Paragraph 6.

7. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 7, and therefore denies the same.

8. Applicant admits that it promotes its travel-related services using the Mark on the [www.signaturetravelnetwork.com](http://www.signaturetravelnetwork.com) website. Applicant is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations in Paragraph 8, and therefore denies the same.

9. Based on the document attached as Exhibit 1 to the Notice of Opposition, Applicant denies that Opposer owns Registration No. 1,998,482. Exhibit 1 lists “Signature Flight Support Corporation,” a Delaware corporation, as owner of the “Signature” mark, and not Opposer. Applicant is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations in Paragraph 9, and therefore denies the same.

10. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 10, and therefore denies the same.

11. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 11, and therefore denies the same.

12. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 12, and therefore denies the same.

13. Applicant admits that the word mark “Signature” is not descriptive of the services listed in Application Serial No. 85/175,893.

14. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 14, and therefore denies the same.

15. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 15, and therefore denies the same.

16. Applicant admits the allegations alleged in Paragraph 16.

17. Applicant denies the allegations in Paragraph 17. Exhibit 2 to the Notice of Opposition appears to be a printout from the Trademark Electronic Search System (TESS).

18. Applicant admits that it uses the word “Signature” in connection with the words “Travel Network.” Applicant denies all other allegations in Paragraph 18.

19. Applicant admits that its “Signature” mark is spelled the same as Opposer’s “Signature” mark. Applicant admits that it offers its travel-related services in interstate commerce. Applicant is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations in Paragraph 19, and therefore denies the same.

20. Applicant denies that it had knowledge of Opposer’s “Signature” mark at the time it filed Application Serial No. 85/175,893. Applicant is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations in Paragraph 20, and therefore denies the same.

21. Applicant denies the allegations in Paragraph 21.

22. Applicant denies the allegations in Paragraph 22.

23. Applicant admits that a federal registration for “Signature” would confer upon Applicant a presumption that it is the owner of the mark and has the exclusive right to use the mark in connection with the services for which the mark is registered. Applicant denies all other allegations in Paragraph 23.

## **AFFIRMATIVE DEFENSES**

As separate and distinct affirmative defenses to the allegations asserted in the Notice of Opposition, Applicant alleges as follows:

### **First Affirmative Defense – Laches**

Applicant has used the “Signature” mark since at least as early as January 2004. Due to this long protracted use, Opposer is now barred from complaining about Applicant’s use of the mark by the doctrine of laches.

### **Second Affirmative Defense – Co-Existence**

Applicant has used its “Signature” mark in connection with the services identified in Application Serial No. 85/175,893 since as early as January 2004. Opposer alleges it first used its “Signature” mark in connection with the services identified in Registration No. 1,998,482 on October 2, 1992. Accordingly, the parties’ marks have been in use and co-existed in commerce for 7 years, without conflict or confusion. Because the parties’ marks have co-existed for this substantial period of time, Opposer’s claim that it will be damaged by the registration of Applicant’s mark is without merit.

### **Third Affirmative Defense – Estoppel**

By virtue of Opposer’s conduct, actions and inactions, the claims alleged in the Opposition are barred by the doctrine of estoppel.

### **Fourth Affirmative Defense – Failure to State a Claim**

The Notice of Opposition fails to state a claim upon which relief can be granted and, in particular, fails to state legally sufficient grounds for sustaining the opposition.

### **Fifth Affirmative Defense – Additional Affirmative Defenses**

Applicant reserves its right to assert additional affirmative defenses as it may determine through discovery.

**WHEREFORE**, Applicant prays for relief as follows:

1. That the Opposition be dismissed with prejudice;
2. That Applicant be awarded reasonable costs and attorneys' fees; and
3. That Applicant be awarded such other and further relief as the Trademark Trial and Appeal Board deems just and proper.

DATED: January 12, 2012

LEWITT, HACKMAN, SHAPIRO,  
MARSHALL & HARLAN

By: /s/ Tal Grinblat  
TAL GRINBLAT  
Attorneys for Signature Travel Network  
Cooperative, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that the above Answer was sent via first class mail, postage prepaid, to Herbert L. Allen, Esq., of Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A., attorney for Opposer, at the following address on January 12, 2012:

255 South Orange Avenue  
Suite 1401  
Orlando, Florida 32801

/NKanter/  
Nicholas Kanter