

ESTTA Tracking number: **ESTTA486298**

Filing date: **07/30/2012**

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

Proceeding	91204668
Party	Plaintiff A&E Television Networks, LLC
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Date	07/30/2012
Attachments	SINTERVENTION - Answer and Affirmative Defenses to Counterclaim of Petition for Cancellation.pdf (4 pages)(14203 bytes)

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

A&E Television Networks, LLC)	
Opposer,)	Serial No.: 85/216572
)	Mark: SINTERVENTION
)	
v.)	Opposition No.: 91204668
)	
Mark Hildreth)	
Applicant.)	
)	

Mark Hildreth)	
Counterclaim-Petitioner,)	Reg. Nos.: 3270517 and 3928022
)	Mark: INTERVENTION
)	
v.)	
)	
)	
A&E Television Networks, LLC)	
Counterclaim-Respondent.)	
)	

**ANSWER AND AFFIRMATIVE DEFENSES TO
COUNTERCLAIM OF PETITION FOR CANCELLATION**

A&E Television Networks, LLC (“Counterclaim-Respondent”) files this Answer and Affirmative Defenses to the Counterclaim respecting the above-captioned Petition for Cancellation of Registration Nos. 3270517 and 3928022, both for the mark INTERVENTION (the “Registrations”) instituted by Mark Hildreth (“Counterclaim-Petitioner”).

1. Counterclaim-Respondent states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 1 of the Counterclaim, which statement has the effect of a denial.

2. Counterclaim-Respondent admits the allegations set forth in paragraph 2 of the Counterclaim.

3. Counterclaim-Respondent denies the allegations set forth in paragraph 3 of the Counterclaim, but admits that Counterclaim-Petitioner filed the trademark application described in paragraph 3 of the Counterclaim.

4. Counterclaim-Respondent states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraph 4 of the Counterclaim, which statement has the effect of a denial.

5. Counterclaim-Respondent denies the allegations as set forth in paragraph 5 of the Counterclaim.

6. Counterclaim-Respondent denies the allegations as set forth in paragraph 6 of the Counterclaim.

7. Paragraph 7 of the Counterclaim is neither a factual nor a legal allegation to which a response from Counterclaim-Respondent is necessary.

Counterclaim-Respondent denies that Counterclaim-Petitioner is entitled to the relief it seeks.

AFFIRMATIVE DEFENSES

1. The Petition for Cancellation fails to state a claim upon which relief can be granted because, *inter alia*,

A. The sole basis of the Petition for Cancellation is that Counterclaim-Respondent's mark, INTERVENTION, is generic;

B. Counterclaim-Respondent's mark, INTERVENTION, is not generic as it is not the common or class name of any of the goods or services specified in the Registrations;

C. Counterclaim Respondent's mark, INTERVENTION, has acquired secondary meaning and has become distinctive of Counterclaim-Respondent's goods and services specified in the Registrations; and

D. The United States Patent and Trademark Office confirmed that Counterclaim-Respondent's mark, INTERVENTION, is not generic, has acquired secondary meaning and has become distinctive when it acknowledged and agreed, under 15 U.S.C. §1052(f), that the mark had become distinctive of Counterclaim-Respondent's goods and services specified in the Registrations.

WHEREFORE, Counterclaim-Respondent respectfully requests that this Petition to Cancel be denied and dismissed with prejudice.

Respectfully submitted,

A&E TELEVISION NETWORKS, LLC
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Dated: July 30, 2012

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing Answer and Affirmative Defenses to Counterclaim of Petition for Cancellation to be served upon the attorneys for Counterclaim-Petitioner:

Gregg A. Paradise
Lerner, David, Littenberg, Krumholz
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by placing same in an envelope, properly sealed and addressed, with postage prepaid and depositing same with the United States Postal Service on this 30th day of July, 2012.

/s/ /mary s. mathew/
Mary S. Mathew

Filed with the TTAB via
ESTTA on July 30, 2012