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Filing date: **01/03/2014**

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

Proceeding	91208656
Party	Defendant Sony Computer Entertainment Europe Limited
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Submission	Answer
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Date	01/03/2014
Attachments	DanceStar answer.pdf(23916 bytes)

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

In re Trademark Application Serial No.:	*	
79/105,493	*	
Filing Date: May 10, 2011	*	
Mark: DanceStar	*	
Published in the Official Gazette: August 28, 2012	*	Opposition No. 91208656
ANDY RUFFELL	*	
<i>Opposer</i>	*	
v.	*	
SONY COMPUTER ENTERTAINMENT	*	
EUROPE LIMITED	*	
<i>Applicant</i>	*	

ANSWER TO NOTICE OF OPPOSITION

Applicant, Sony Computer Entertainment Europe Limited (“SCEE”), by and through its attorneys, Lathrop & Gage LLP, hereby answers the Notice of Opposition filed on or about December 26, 2012, and denies that Opposer Andy Ruffell (“Ruffell”), will be damaged by registration of Application Serial No. 79/105,493, and, in further response to said Notice of Opposition, states as follows:

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 1 of the Notice of Opposition, and therefore denies the same.

2. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the first sentence of paragraph 2 of the Notice of

Opposition, and therefore denies the same. As to the remaining allegations of paragraph 2, Applicant denies same.

3. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 3 and footnote 1 of the Notice of Opposition, and therefore denies the same.

4. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 4 of the Notice of Opposition, and therefore denies the same.

5. Applicant denies each and every of the allegations of paragraph 5 of the Notice of Opposition.

6. Applicant admits that the principal place of business of Applicant is 10 Great Marlborough Street London, W1F 7LP, United Kingdom. Except as to so admitting, Applicant denies the remaining allegations of paragraph 6 of the Notice of Opposition.

7. Applicant admits the facts set forth in paragraph 7 of the Notice of Opposition, to the extent that they correspond with the U.S.P.T.O. records for application Serial No. 79/105,493 and to the extent they do not, Applicant denies the same.

8. Applicant admits the facts set forth in paragraph 8 of the Notice of Opposition.

9. Applicant denies each and every of the allegations of paragraph 9 of the Notice of Opposition.

10. Applicant denies each and every of the allegations of paragraph 10 of the Notice of Opposition.

11. Applicant denies each and every of the allegations of paragraph 11 of the Notice of Opposition.

12. Applicant denies each and every of the allegations of paragraph 12 of the Notice of Opposition.

WHEREFORE, Applicant respectfully requests that the Notice of Opposition be dismissed and that Application Serial No. 79/105,493 duly proceed to registration.

FIRST AFFIRMATIVE DEFENSE

13. Opposer has failed to state a claim for which the requested relief may be granted.

SECOND AFFIRMATIVE DEFENSE

14. Opposer has abandoned any and all common law rights in its mark DANCESTAR based on nonuse of three consecutive years of its mark DANCESTAR. *See* 15 U.S.C. §1127.

THIRD AFFIRMATIVE DEFENSE

15. Applicant denies that Opposer will be damaged or injured in any manner as the result of the registration of Applicant's mark DanceStar as per Application Serial No. 79/105,493.

Dated: January 3, 2014
New York, New York

Respectfully submitted,

LATHROP & GAGE LLP
Attorneys for Sony Computer
Entertainment Europe Limited

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CERTIFICATE OF SERVICE

I hereby certify that I have this date served counsel for all parties to this action with a copy of the foregoing ANSWER TO NOTICE OF OPPOSITION by depositing the same by first class mail in an envelope addressed to:

Michael B. Chesal
Josh Saltz
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One Biscayne Tower
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Miami, FL 33131

New York, New York
January 3, 2014

/Suzanna M. M. Morales/
An Attorney for Applicant
Sony Computer Entertainment
Europe Limited