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

Proceeding	91211879
Party	Defendant Conte Cozio Auctions LLC
Correspondence Address	CONTE COZIO AUCTIONS LLC CONTE COZIO AUCTIONS LLC 2016 WALLACE ST APT 1R PHILADELPHIA, PA 19130-3254 info@contecozio.com
Submission	Answer
Filer's Name	Dennis Krasnokutsky
Filer's e-mail	info@contecozio.com
Signature	/Dennis Krasnokutsky/
Date	09/15/2013
Attachments	ANSWER Tarisio.pdf(38669 bytes)

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

TARISION AUCTIONS, LLC,
Opposer

v.

CONTE COZIO AUCTIONS, LLC
Applicant.

Opposition No. 91211879

Appl. Serial No. 85756067

ANSWER TO NOTICE OF OPPOSITION

Applicant, Conte Cozio Auctions, LLC, (“Applicant”) responds to the Notice of Opposition filed by Tarision Auctions, LLC, as follows:

Applicant admits that it is the owner of U.S. Trademark Application Serial No.85756067 for the mark “CONTE COZIO FINE ISNTRUMENTS AND BOWS AND DESIGN” dated October 17, 2012. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the remaining statements in Opposer’s introductory paragraph and on that basis denies remaining statements.

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1 of the Notice of Opposition, and, on that basis, denies those allegations.

2. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 2 of the Notice of Opposition, and, on that basis, denies those allegations.

3. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3 of the Notice of Opposition, and, on that basis, denies those allegations.

4. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4 of the Notice of Opposition, and, on that basis, denies those allegations.

5. Applicant denies the allegation in paragraph 5 of the Notice of Opposition.

6. Applicant denies the allegation in paragraph 5 of the Notice of Opposition.

7. Applicant denies the allegation in paragraph 5 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

As affirmative defenses to the Notice of Opposition, Applicant alleges as follows:

1. The Notice of Opposition fails to state a claim upon which relief can be granted.

2. Opposer's claims in the Notice of Opposition are barred under the doctrine of estoppel.

3. Opposer's claims in the Notice of Opposition are barred under the doctrine of waiver.

4. Opposer's claims in the Notice of Opposition are barred under the doctrine of laches.

5. There is no likelihood of confusion between Applicant's mark and Opposer's marks.

Dated: Philadelphia, Pennsylvania
September 13, 2013

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dennis Krasnokutsky". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dennis Krasnokutsky
Conte Cozio Auctions, LLC
2016 Wallace Street, Suite 1R
Philadelphia PA, 19130-3254

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of September, 2013, a true and correct copy of the foregoing Answer to Notice of Opposition was served on counsel of record for the Opposer by United States Postal Service first class mail, postage prepaid, at Opposer's attorney's correspondence address on record in the United States Patent and Trademark Office:

Peter J. Vranum, Esq.
Gordon, Herlands, Randolph and Cox LLP
355 Lexington Avenue
New York, NY 10017

A handwritten signature in black ink, appearing to read "Dennis D. Krasnokutsky", written over a horizontal line.

Dennis D. Krasnokutsky