

ESTTA Tracking number: **ESTTA624901**

Filing date: **09/03/2014**

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

Proceeding	91212768
Party	Plaintiff INTS It Is Not The Same, GmbH
Correspondence Address	JOHN S EGBERT EGBERT LAW OFFICES PLLC 1314 TEXAS, 21ST FLOOR HOUSTON, TX 77002 UNITED STATES mail@egbertlawoffices.com
Submission	Answer to Counterclaim
Filer's Name	John S. Egbert
Filer's e-mail	mail@egbertlawoffices.com
Signature	/1433-55/
Date	09/03/2014
Attachments	1433-55 Answer Counterclaim.pdf(10141 bytes)

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

In the Matter of Application Serial No. 85/836,544
Published in the Official Gazette on August 27, 2013

INTS It Is Not The Same, GmbH,	§	
	§	
Opposer,	§	
	§	
v.	§	Opposition No. 91212768
	§	
Disidual Clothing, LLC,	§	
	§	
Applicant.	§	

ANSWER TO COUNTERCLAIM

The Opposer and Counterclaim Respondent, INTS It Is Not The Same, GmbH ("Opposer"), hereby answers the counterclaim of Disidual Clothing, LLC (hereinafter "Applicant"):

1. Answering the introductory paragraphs of the Applicant's Counterclaim, Opposer specifically denies each and every allegation contained therein.
2. Answering Paragraph 1 of the Applicant's Counterclaim, Opposer admits the allegations contained therein.
3. Answering Paragraph 2 of the Applicant's Counterclaim, Opposer admits the allegations contained therein.
4. Answering Paragraph 3 of the Applicant's Counterclaim, Opposer admits that it filed Section 8 and 15 Declarations for its "DESIGUAL" (Stylized) trademark registration. As to the remaining allegations of the Paragraph, Opposer denies the allegations contained therein.
5. Answering Paragraph 4 of the Applicant's Counterclaim, Opposer admits the allegations contained therein.

6. Answering Paragraph 5 of the Applicant's Counterclaim, Opposer admits that it filed Section 8 and 9 Declarations for its "DESIGUAL" (Stylized) trademark registration. As to the remaining allegations of the Paragraph, Opposer denies the allegations contained therein.

7. Answering Paragraph 6 of the Applicant's Counterclaim, Opposer admits the allegations contained therein.

8. Answering Paragraph 7 of the Applicant's Counterclaim, Opposer specifically denies each and every allegation contained therein.

9. Answering Paragraph 8 of the Applicant's Counterclaim, Opposer specifically denies each and every allegation contained therein.

10. Answering Paragraph 9 of the Applicant's Counterclaim, Opposer does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

11. Answering Paragraph 10 of the Applicant's Counterclaim, Opposer specifically denies each and every allegation contained therein.

12. Answering Paragraph 11 of the Applicant's Counterclaim, Opposer specifically denies each and every allegation contained therein.

13. Answering Paragraph 12 of the Applicant's Counterclaim, Opposer specifically denies each and every allegation contained therein.

Respectfully submitted,

September 3, 2014
Date

/1433-55/
John S. Egbert
Reg. No. 30,627
Kevin S. Wilson
Michael F. Swartz

Egbert Law Offices, PLLC
1314 Texas, 21st Floor
Houston, Texas 77002
(713)224-8080
(713)223-4873 (Fax)

ATTORNEYS FOR OPPOSER
INTS It Is Not The Same, GmbH

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document is being sent by regular mail on September 3, 2014, to the following attorney of record for the Applicant:

Gregory Chinlund, Esq.
Matthew Cieseilski, Esq.
Craig A. Baker, Esq.
Marshall Gerstein & Borun LLP
233 South Wacker Drive, 6300 Willis Tower
Chicago, IL 60606

ATTORNEYS FOR APPLICANT
Disidual Clothing, LLC

_____/1433-55/
John S. Egbert
Reg. No. 30,627
Kevin S. Wilson
Michael F. Swartz

Egbert Law Offices, PLLC
1314 Texas, 21st Floor
Houston, Texas 77002
(713)224-8080
(713)223-4873 (Fax)

ATTORNEYS FOR OPPOSER
INTS It Is Not The Same, GmbH

JSE: mfs
Our File: 1433-55