

ESTTA Tracking number: **ESTTA619450**

Filing date: **08/04/2014**

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

| | |
|------------------------|---|
| Proceeding | 91215100 |
| Party | Defendant Rani Sachdev |
| Correspondence Address | DARREN S RIMER RIMER & MATHEWSON LLP 30021 TOMAS , SUITE 300 RANCHO SANTA MARGARITA, CA 92688 UNITED STATES trademarks@rimermath.com |
| Submission | Answer |
| Filer's Name | Darren S. Rimer |
| Filer's e-mail | trademarks@rimermath.com |
| Signature | /Darren S. Rimer/ |
| Date | 08/04/2014 |
| Attachments | Answer.pdf(467917 bytes) |

Case **SACHD-002M**
Trademark Opposition

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|--------------------------------|---|--------------------------|
| Emilio Pucci International BV, |) | Opposition No.: 91215100 |
| |) | |
| Opposer, |) | Serial No.: 85/913,782 |
| |) | |
| vs. |) | Mark: ST. PUCCHI |
| |) | |
| Rani Sachdev, |) | |
| |) | |
| Applicant. |) | |
| _____ |) | |
| |) | |
| |) | |

ANSWER TO NOTICE OF OPPOSITION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Dear Sir/Madam:

Rani Sachdev ("Applicant") hereby responds to and answers the Notice of Opposition filed by Opposer herein as follows:

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations made 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 made in paragraph 2 of the Notice of Opposition, and therefore denies the same.
3. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in paragraph 3 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 made in paragraph 4 of the Notice of Opposition, and therefore denies the same.

5. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in paragraph 5 of the Notice of Opposition, and therefore denies the same.

6. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in paragraph 6 of the Notice of Opposition, and therefore denies the same.

However, Applicant asserts that the cited registrations speak for themselves.

7. Applicant asserts that the cited registrations speak for themselves. Applicant otherwise need not admit or deny any factual allegations in Paragraph 7.

8. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in paragraph 8 of the Notice of Opposition, and therefore denies the same.

9. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in paragraph 9 of the Notice of Opposition, and therefore denies the same.

10. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in paragraph 10 of the Notice of Opposition, and therefore denies the same.

11. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in paragraph 11 of the Notice of Opposition, and therefore denies the same.

12. Applicant denies the allegations made in paragraph 12 of the Notice of Opposition.

13. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in paragraph 13 of the Notice of Opposition, and therefore denies the same.

However, Applicant asserts that legal matters need not be admitted or denied.

14. Applicant admits the allegations made in paragraph 14 of the Notice of Opposition.

15. Applicant admits the allegations made in paragraph 15 of the Notice of Opposition.

16. Applicant admits the allegations made in paragraph 16 of the Notice of Opposition (as to herself).

17. Applicant admits the allegations made in paragraph 17 of the Notice of Opposition.

An assignment for such registration was never recorded.

18. Applicant admits that many applications have been filed and asserts that the referenced applications in Paragraph 18 speak for themselves.

19. Applicant notes the allegations made in paragraph 19 of the Notice of Opposition. Applicant asserts that the Applicant's son acted without authority to file the referenced application.

21. Applicant denies the allegations made in paragraph 21 of the Notice of Opposition.

22. Applicant denies that the goods of the parties are identical, as alleged in paragraph 22 of the Notice of Opposition. Applicant admits that the goods are theoretically related, as alleged in paragraph 22 of the Notice of Opposition. Applicant otherwise denies the allegations made in paragraph 22 of the Notice of Opposition.

23. Applicant denies the allegations made in paragraph 23 of the Notice of Opposition.

24. Applicant denies the allegations made in paragraph 24 of the Notice of Opposition.

26. Applicant denies the allegations made in paragraph 26 of the Notice of Opposition.

27. Applicant denies the allegations made in paragraph 27 of the Notice of Opposition.

29. Applicant admits the allegations made in paragraph 29 of the Notice of Opposition (as to herself).

30. Applicant admits the allegations made in paragraph 30 of the Notice of Opposition.

An assignment for such registration was never recorded.

31. Applicant denies the allegations made in paragraph 31 of the Notice of Opposition.

32. Applicant denies the allegations made in paragraph 32 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

First Affirmative Defense

33. Opposer has failed to adequately maintain, police or enforce any trademark or proprietary rights it may once have had in its alleged trademarks.

Second Affirmative Defense

34. Opposer's pleaded marks are not inherently distinctive such that purchasers do not associate such marks with Opposer.

Third Affirmative Defense

35. Opposer's claims are barred to the extent that Opposer has abandoned any rights it may once have had in its pleaded trademarks.

Fourth Affirmative Defense

36. Opposer's claims are barred because, even if Opposer does have priority of use over its pleaded trademarks, there is no likelihood of confusion between Opposer's marks and Applicant's mark.

Fifth Affirmative Defense

37. Upon information and belief, there have been no instances of actual consumer confusion between Opposer's marks and the Applicant's mark, with nearly 30 years of apparent co-existence in the marketplace.

Sixth Affirmative Defense

38. Opposer is barred from relief by the Doctrine of Acquiescence, especially given the concurrent use of these trademarks in the marketplace for nearly 30 years.

Seventh Affirmative Defense

39. Opposer is barred from relief by the Doctrine of Laches, especially given the concurrent use of these trademarks in the marketplace for nearly 30 years.

Eighth Affirmative Defense

40. Opposer is barred from relief by the Doctrine of Estoppel, especially given the concurrent use of these trademarks in the marketplace for nearly 30 years.

Ninth Affirmative Defense

41. No likelihood of confusion exists because, inter alia, the goods, trade channels, and target consumers are sufficiently different to avoid any confusion in the trade.

WHEREFORE, Applicant prays that the subject opposition proceeding be dismissed.

Respectfully submitted,

RIMER & MATHEWSON LLP



Dated: _____

8/4/14

By: _____

Darren S. Rimer
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(949) 367-1541
Counsel for Applicant

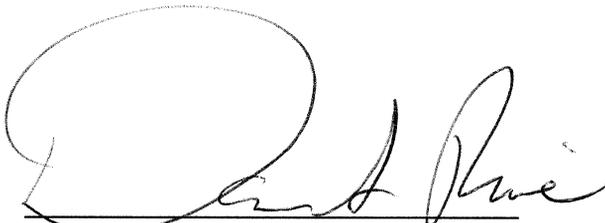
PROOF OF SERVICE

State of California)
) ss.
County of Orange)

I am over the age of 18 and not a party to the within action; my business address is 30021 Tomas, Suite 300, Rancho Santa Margarita, California 92688. On August 4, 2014, the attached **ANSWER TO NOTICE OF OPPOSITION** was served on all interested parties in this action by U.S. Mail, postage prepaid, at the address as follows:

JULIA ANNE MATHESON
FINNEGAN HENDERSON FARABOW GARRETT
& DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001

Executed on August 4, 2014. I declare under penalty of perjury that the above is true and correct. I declare that I am employed in the office of RIMER & MATHEWSON LLP at whose direction service was made.



Darren S. Rimer