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

Proceeding	91220292
Party	Plaintiff Swatch AG (Swatch SA) (Swatch Ltd)
Correspondence Address	JEFFREY A LINDENBAUM COLLEN IP INTELLECTUAL PROPERTY LAW PC THE HOLYOKE-MANHATTAN BUILDING, 80 SOUTH HIGHLAND AVENUE OSSINING, NY 10562 UNITED STATES jlindenbaum@collenip.com, docket@collenip.com
Submission	Answer to Counterclaim
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Date	02/08/2016
Attachments	Q1154_Swatch's Answer to Counterclaims_160208.pdf(10896 bytes)

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

SWATCH AG (SWATCH SA)
(SWATCH LTD.),

Opposer,

v.

THE SPARK AGENCY, INC.,

Applicant.

Mark: SWITCH

Opp. No.: 91,220,292

Serial No.: 86/267,771

ANSWER TO AMENDED COUNTERCLAIMS

The Opposer, Swatch AG (Swatch SA) (Swatch Ltd.), answers Applicant/Counterclaimant's ("Applicant") Counterclaims, as follows

1. Opposer admits it is the owner of US Registration No. 3,799,562.
2. Opposer admits the allegations of Paragraph 2.
3. Opposer admits the allegations of Paragraph 3.
4. Opposer admits the allegations of Paragraph 4.
5. Opposer admits the allegations of Paragraph 5.
6. Opposer admits the allegations of Paragraph 6.
7. Opposer denies the allegations of Paragraph 7.
8. Opposer denies the allegations of Paragraph 8.
9. Opposer denies the allegations of Paragraph 9.
10. Opposer denies the allegations of Paragraph 10.

Opposer denies that Applicant will be damaged by the continued registration of US

Registration No. 3,799,562, and denies that Applicant is entitled to cancellation of the '562 Registration in Class 35.

AFFIRMATIVE DEFENSES

Opposer hereby asserts the following affirmative defenses:

1. Applicant's counterclaim for cancellation fails to state a claim upon which relief can be granted.
2. Applicant is not entitled to relief inasmuch as it is guilty of inequitable conduct and has failed to come into this action with clean hands.
3. Applicant by its own actions is barred and estopped from any relief in this action.

Respectfully submitted for Opposer,

By: /Jeffrey A. Lindenbaum/
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*Attorneys for Opposer, Swatch A.G.,
(SWATCH SA) (SWATCH LTD)*

Dated: February 8, 2016

CERTIFICATE OF FILING AND SERVICE

I, Jeffrey A. Lindenbaum, hereby certify that I caused true and correct copy of the foregoing Answer to Amended Counterclaims to be filed electronically with the TTAB, and served upon Applicant via its attorney of record:

ANNETTE P. HELLER
HELLER & ASSOCIATES
400 CHESTERFIELD CTR STE 400
CHESTERFIELD, MISSOURI 63017-4800
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via first-class mail, postage pre-paid. Said service having taken place this 8th day of February, 2016.

_____/Jeffrey A. Lindenbaum/_____
