

ESTTA Tracking number: **ESTTA678258**

Filing date: **06/15/2015**

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

Proceeding	91221822
Party	Defendant Seven For All Mankind, LLC
Correspondence Address	Christine Hernandez VF Intellectual Property Services, Inc. 200 Hanby Bldg. 3411 Silverside Road Wilmington, DE 19810 Christine_Hernandez@vfc.com;Sharon_Bart
Submission	Answer
Filer's Name	Susan M. Kayser
Filer's e-mail	skayser@jonesday.com, jbradley@jonesday.com, kbaird@jonesday.com, apre- vatt@jonesday.com, nytef@jonesday.com
Signature	/Susan M. Kayser/
Date	06/15/2015
Attachments	Applicant's Answer to Notice of Opposition.pdf(114901 bytes)

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

Seven S.p.A.,	§	
	§	Opposition No. 91221822
Opposer,	§	
	§	
v.	§	
	§	
Seven for All Mankind, LLC,	§	
	§	
Applicant.	§	
	§	

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION

Seven For All Mankind, LLC (“SFAM” or “Applicant”) responds to the Notice of Opposition filed by Seven S.p.A. as follows:

SFAM is without knowledge or information sufficient to form a belief as to the truth of the allegations concerning Seven S.p.A.’s (“Opposer”) business address as set forth in Opposer’s introductory paragraph to its Notice of Opposition and therefore denies the same. SFAM admits that its Application No. 86/129,387 for the mark SEVEN FOR ALL MANKIND covering goods in International Class 18 published on January 6, 2015. SFAM specifically denies the remaining allegations set forth in the introductory paragraph to the Notice of Opposition.

1. SFAM admits only that United States Patent & Trademark Office (“USPTO”) records purport to show that Opposer is the owner of U.S. Reg. No. 1,708,062 for the trademark 7SEVEN & Design which lists various goods in International Class 18, and that a Section 15 was filed and acknowledged. SFAM specifically denies the remaining allegations in ¶ 1.

2. SFAM admits only that the USPTO records purport to show that Opposer is the owner of Reg. No. 4,061,897 for 7SEVEN & Design for various goods in International Class 18. SFAM specifically denies all other allegations in ¶ 2 of the Notice of Opposition.

3. SFAM admits that it filed Application No. 86/129,387 on an intent to use basis on November 26, 2013 for the mark SEVEN FOR ALL MANKIND in International Class 18 covering “[l]eather and imitation leather goods, namely, wallets, key cases, leather key chains, toiletry bags sold empty, purses, handbags, tote bags, briefcase-type portfolios, credit card cases.” Applicant admits it has not yet filed any Statement of Use. SFAM specifically denies all other allegations in ¶ 3 of the Notice of Opposition.

4. SFAM is without knowledge or information sufficient to form a belief as to the truth of the allegations in ¶ 4 of the Notice of Opposition and therefore denies the same.

5. SFAM admits only that its Application No. 86/129,387 covers goods in International Class 18. SFAM specifically denies all other allegations in ¶ 5 of the Notice of Opposition.

SFAM respectfully requests that the Notice of Opposition be dismissed in its entirety, and that SFAM’s Application No. 86/129,387 proceed to registration.

AFFIRMATIVE DEFENSES

Without prejudice to the denials set forth in its Answer and without admitting any of Opposer’s allegations not otherwise admitted, SFAM avers and asserts the following affirmative defenses to the Notice of Opposition:

FIRST DEFENSE **(Failure to State a Claim for Relief)**

Opposer’s Notice of Opposition fails to state a claim upon which relief may be granted.

SECOND DEFENSE
(Prior Registration/*Morehouse* Defense)

Opposer's Notice of Opposition is barred by the Prior Registration/*Morehouse* defense.

THIRD DEFENSE
(Defense of Laches)

Opposer's Notice of Opposition is barred by the doctrine of laches.

FOURTH DEFENSE
(Defense of Acquiescence)

Opposer's Notice of Opposition is barred by the doctrine of acquiescence.

SFAM reserves the right to amend its answer to assert any additional affirmative defenses as may become available or apparent during discovery.

Respectfully submitted,

Date: June 15, 2015

By: /Susan M. Kayser/

Susan M. Kayser
Jessica D. Bradley
Jones Day
51 Louisiana Avenue, NW
Washington, DC 20001
(202) 879-3939

Attorneys for Applicant
Seven for All Mankind LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on Opposer's counsel, by mailing said copy via overnight courier on the 15th of June 2015 to the below listed correspondence address of record:

Duane M. Byers
NIXON & VANDERHYE, P.C.
901 North Glebe Road, 11th Floor
Arlington, Virginia 22203

/Jessica D. Bradley/
Jessica D. Bradley