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Filing date: **08/19/2015**

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

Proceeding	91221822
Party	Plaintiff Seven S.p.A
Correspondence Address	DUANE M BYERS NIXON & VANDERHYE PC 901 N GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203 UNITED STATES nixonptomail@nixonvan.com
Submission	Answer to Counterclaim
Filer's Name	Duane M. Byers
Filer's e-mail	nixonptomail@nixonvan.com, dmb@nixonvan.com
Signature	/dmb/
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Attachments	4196-392 Answer to Counterclaims - filed 19 August 2015 - Seven.pdf(93620 bytes)

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

_____)	
Seven S.p.A.)	
)	
Opposer/Respondent)	
)	
v.)	Opposition No. 91221822
)	
Seven For All Mankind, LLC)	
)	
Applicant/Petitioner)	
_____)	

ANSWER TO COUNTERCLAIMS

Opposer/Respondent (counterclaim Defendant), Seven S.p.A. (“Seven”), hereby Answers the Cancellation Counterclaims of Applicant/Petitioner, Seven For All Mankind, LLC (“SFAM”), as follows.

1. Admitted.
2. Admitted.
3. Admitted that SFAM has petitioned, but, upon information and belief, Seven denies the remaining allegations.
4. Upon information and belief, denied.
5. Admitted.
6. Admitted.
7. Admitted.
8. Upon information and belief, denied.
9. Upon information and belief, denied.

10. Upon information and belief, denied.

11. Upon information and belief, denied.

12. For the first sentence, admitted that Seven filed a “Combined Declaration of Use and Incontestability of a Mark Under Sections 8 and 15” on August 12, 1998, but denied with respect to SFAM’s other allegations. For the second sentence, admitted. For the third sentence, upon information and belief, denied.

13. For the first sentence, admitted that Seven filed a “COMBINED DECLARATION OF USE IN COMMERCE/APPLICATION FOR RENEWAL OF REGISTRATION OF MARK UNDER SECTIONS 8 & 9 OF THE TRADEMARK ACT” on July 23, 2002, for the goods then existing in the Registration except for FOOTWEAR, but denied with respect to SFAM’s other allegations. For the second sentence, admitted. For the third sentence, upon information and belief, denied.

14. For the first, second, and third sentences, admitted. For the fourth sentence, upon information and belief, denied.

15. Upon information and belief, denied.

16. Seven is unsure which “representations” SFAM is referring to, but, upon information and belief, Seven denies that it knowingly tries or tried to make false representations, and Seven is without sufficient knowledge or information to form a belief about any other allegations and therefore denies the same.

17. Seven is unsure which “each such representation” SFAM is referring to, but, upon information and belief, denied with respect to any willfully or knowingly false representations, and, upon information and belief, admitted with respect to Seven’s representations in its filings

that were made to try to inform the USPTO, and Seven is without sufficient knowledge or information to form a belief about any other allegations and therefore denies the same.

18. Seven is unsure which “representations” SFAM is referring to, and it appears that SFAM’s allegations concern or intertwine the USPTO’s beliefs that Seven cannot answer for; thus, Seven is without sufficient knowledge or information to form a belief about the allegations and therefore denies the same. Seven also disagrees with and therefore denies SFAM’s apparent allegation that a Section 15 Declaration is required for maintenance or renewal of a registration.

19. Seven is unsure which “representations” SFAM is referring to, and it appears that SFAM’s allegations concern or intertwine the USPTO’s beliefs that Seven cannot answer for; thus, Seven is without sufficient knowledge or information to form a belief about the allegations and therefore denies the same.

20. Upon information and belief, denied.

21. Upon information and belief, denied.

22. Upon information and belief, denied.

AFFIRMATIVE DEFENSES

23. Upon information and belief, SFAM’s cancellation petition is barred by laches.

24. Upon information and belief, SFAM’s cancellation petition is barred by acquiescence.

25. Upon information and belief, SFAM’s cancellation petition is barred by estoppel.

WHEREFORE, Seven prays that the cancellation petition be denied and that Registration No. 1,708,062 be maintained.

Date: August 19, 2015

Respectfully submitted,

/Duane M. Byers/

Duane M. Byers
NIXON & VANDERHYE, P.C.
901 North Glebe Road, 11th Floor
Arlington, Virginia 22203
Phone: 1-703-786-7421
Authorized email:
NIXONPTOMAIL@NIXONVAN.COM

Attorneys for Opposer/Respondent,
Seven S.p.A.

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing was served on applicant/petitioner by depositing same in the United States mail, first class, postage pre-paid, on this date, addressed to applicant/petitioner's counsel of record at:

SUSAN M. KAYSER
JONES DAY
51 LOUISIANA AVE NW
WASHINGTON, DC 20001

/Duane M. Byers/