

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

-----X
AMERICAN APPAREL, L.L.C.,
Petitioner,
v.
ROOCHI TRADERS, INC.,
Registrant.
-----X

Reg. No. 2063013, 2359401
Cancellation No. 92040806



ANSWER TO PETITION FOR CANCELLATION

Registrant, Roochi Traders, Inc., answers the Consolidated Petition (“Petition”) of American Apparel, LLC for Cancellation of the referenced Registrations as follows:

1. Registrant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Petition, except denies the allegation that Petitioner has been using AMERICAN APPAREL since at least as early as 1989.

2. Registrant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the Petition, except denies the allegation that Petitioner has created and enjoys substantial consumer recognition and secondary meaning in connection with AMERICAN APPAREL.

3. Registrant denies each and every allegation contained in paragraph 3 of the Petition except admits that Petitioner sought registration of AMERICAN APPAREL, Serial No 76/238,626.

4. Registrant denies each and every allegation contained in paragraph 4 of the Petition except admits that the Examining Attorney refused registration of application Serial No. 76/238,626.

5. Registrant admits the allegations contained in paragraphs 5 and 6 of the Petition.

6. Registrant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the Petition.

7. Registrant denies each and every allegation contained in paragraph 8 of the Petition.

8. Registrant denies each and every allegation contained in paragraph 9 of the Petition.

9. Registrant denies each and every allegation contained in paragraph 10 of the Petition.

10. Registrant denies each and every allegation contained in paragraph 11 of the Petition, except refers to 15 U.S. C. Section 1065 for the provisions thereof.

11. Registrant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 12 of the Petition.

FIRST AFFIRMATIVE DEFENSE

12. The petition fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

13. Petitioner is estopped by its own actions from asserting the claims contained in the Petition.

THIRD AFFIRMATIVE DEFENSE

14. Petitioner has been denied registration of AMERICAN APPAREL on the Principal Register on the ground, among others, that AMERICAN APPAREL is descriptive and geographically descriptive, to which Petitioner acquiesced by amending its application, Serial No. 76/238,626, to seek registration on the Supplemental Register .

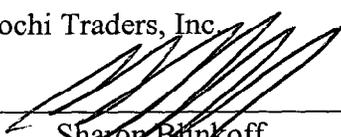
FOURTH AFFIRMATIVE DEFENSE

15. The claims in the petition are barred by the doctrine of Latches.

WHEREFORE, the Registrant prays that the petition be dismissed, and cancellation be denied, and that the Board grant such other and further relief as it may deem just and proper.

Dated Sept 6, 2002

REGISTRANT
Roochi Traders, Inc.

By 

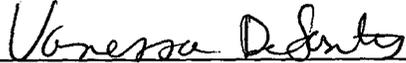
Sharon Blinkoff
HERZFELD & RUBIN P.C.
Attorneys for Registrant
40 Wall Street
New York, New York 10005
212-471-8500

CERTIFICATE OF EXPRESS MAIL

Express Mail Mailing Label No: EL229006107US

I hereby certify that the foregoing and attachments hereto are being deposited with the United States Postal Service, Express Mail service, on September 6, 2002, postage prepaid, in an envelope addressed to: Assistant Commissioner for Trademarks, Box TTAB, 2900 Crystal Drive, Arlington, VA 22202-3513.

DATE: September 6, 2002


Vanessa DeSantis
Vanessa DeSantis

CERTIFICATE OF SERVICE

I hereby certify that a copy of the ANSWER TO CONSOLIDATED PETITION FOR CANCELLATION, has been mailed on this 6th day of September, 2002 to Willmore F. Holbrow III, Esq., Blakely, Sokoloff, Taylor & Zafman, 12400 Wilshire Blvd., 7th floor, Los Angeles, CA 90025

Date: September 6, 2002

Vanessa DeSantis
Vanessa DeSantis

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09-06-2002

September 6, 2002

Vanessa DeSantis
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By U.S. Express Mail

Assistant Commissioner of Trademarks
Box TTAB
2900 Crystal Drive
Arlington, Virginia 22202-3513

Re: "ALL AMERICAN APPAREL" - Reg. No.s 2063013 & 2359401
Answer to Petition for Cancellation
Our File No. 72469.0000

Dear Sir:

Enclosed, in connection with the above referenced trademark registrations, please find attached the following:

1. Answer to Petition to Cancel with an extra copy;
2. Stamped, self-addressed postcard to acknowledge receipt of the above and to be returned to the undersigned; and,
3. A Certificate of Mailing.

Very truly yours,

Vanessa DeSantis

Vanessa DeSantis
Paralegal

Enclosures
CC: Sharon Blinkoff