

TTAB

TRADEMARK
Docket No. 110.2*4/GJN/M521

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

<p>CALIFORNIA AUDIO TECHNOLOGY</p> <p>Petitioner,</p> <p>v.</p> <p>DIETER PLADWIG-GORING</p> <p>Respondent.</p>	<p>Cancellation No. 92042518</p> <p>ANSWER TO PETITION FOR CANCELLATION OF THREE MARKS</p> <p>Mark: Design (Cat Logo) Registration No. 2,271,468</p> <p>Mark: CAT SOUND COMPANY Registration No. 2,339,731</p> <p>Mark: CAT (Stylized & Design) Registration No. 2,499,598</p>
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Respondent Dieter Pladwig-Goring, an individual and a citizen of the Federal Republic of Germany, with a place of business at Lyckallee 20, 14655 Berlin, Fed. Rep. Germany ("Respondent" or "Pladwig-Goring"), submits its Answer to Petitioner California Audio Technology's ("Petitioner") Petition For Cancellation Of Three Marks. The numbers of the following paragraphs correspond to the paragraph numbers in the petition for cancellation:

1. Respondent is without knowledge or sufficient information to form a belief as to the truth of the allegations contained in Paragraph 1 of the Petition to Cancel, and therefore denies the allegations.



2. Respondent admits that Petitioner appears to be identified as the owner of United States Trademark Application Serial Numbers 76/452,595 and 76/452,597, and that these applications appear to have been filed on September 17, 2002. Respondent denies that the Petition to Cancel has an Exhibit A containing documentation relating to these applications. Respondent denies all remaining allegations contained in Paragraph 2 of the Petition to Cancel.

3. Respondent is without knowledge or sufficient information to form a belief as to the truth of the allegations contained in Paragraph 3 of the Petition to Cancel, and therefore denies the allegations.

4. Respondent admits it filed United States Trademark Application Serial No. 75/360,399 on September 22, 1997 and that this application claimed priority to German Trademark Application No. 397376669 (filed on July 31, 1997) pursuant to 15 U.S.C. §1126(d). Respondent admits it filed United States Trademark Application Serial No. 75/442,841 on March 2, 1998 and that this application claimed priority to German Trademark Application No. 397527403 (filed on October 30, 1997) pursuant to 15 U.S.C. §1126(d). Respondent admits it filed United States Trademark Application Serial No. 75/842,019 on November 5, 1999 and that this application claimed priority to German Trademark Application No. 39926835 (filed on May 5, 1999) pursuant to 15 U.S.C. §1126(d). Respondent admits that all three of these applications matured into United States trademark registrations for the goods and services identified on the respective registration certificates. Respondent denies that the Petition to Cancel has an Exhibit

B containing information on all three of these registrations. Respondent denies all remaining allegations contained in Paragraph 4 of the Petition to Cancel.

5. Respondent is without knowledge or sufficient information to form a belief as to the truth of the allegations contained in Paragraph 5 of the Petition to Cancel, and therefore denies the allegations.

6. Respondent is without knowledge or sufficient information to form a belief as to the truth of the allegation contained in Paragraph 6 of the Petition to Cancel that Petitioner was unable to locate evidence that Respondent operates a business in the United States, and therefore denies the allegation. Respondent denies all remaining allegations contained in Paragraph 6 of the Petition to Cancel.

7. Respondent is without knowledge or sufficient information to form a belief as to the truth of the allegation contained in Paragraph 7 of the Petition to Cancel that Petitioner failed to locate evidence of Respondent's business activities when conducting an Internet search, and therefore denies the allegation. Respondent denies all remaining allegations contained in Paragraph 7 of the Petition to Cancel.

8. Respondent admits that Counsel for Respondent and Counsel for Petitioner have corresponded via telephone, written correspondence and facsimile regarding the pending dispute between the parties. Respondent denies all remaining allegations contained in Paragraph 8 of the Petition to Cancel.

9. Respondent is without knowledge or sufficient information to form a belief as to the truth of the allegation contained in Paragraph 9 of the Petition to Cancel that Petitioner has failed to locate evidence of Respondent's participation in trade shows or conventions, and therefore denies the allegation. Respondent denies all remaining allegations contained in Paragraph 9 of the Petition to Cancel.

10. Respondent admits that Petitioner has identified certain contentions being asserted by Petitioner in Paragraph 10 of the Petition to Cancel. Respondent denies these contentions, any additional contentions and all remaining allegations contained in Paragraph 10 of the Petition to Cancel.

11. Respondent admits that Petitioner alleges the subject marks of United States Trademark Registration Nos. 2157573, 2339731, and 2499598 have been abandoned. Respondent denies these specific allegations and all remaining allegations contained in Paragraph 11 of the Petition to Cancel.

12. Respondent admits that Petitioner alleges it will be harmed by the continued registration of United States Trademark Registration Nos. 2271468, 2339731, and 2499598, and Petitioner denies these specific allegations. Respondent is without knowledge or sufficient information to form a belief as to the truth of the remaining allegations contained in Paragraph 12 of the Petition to Cancel, and therefore denies the remaining allegations.

Cancellation No. 92042518

WHEREFORE, Respondent requests that this cancellation be dismissed with prejudice and that United States Trademark Registration Nos. 2,271,468 and 2,339,731 and 2,499,598 remain as valid trademark registrations.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

Date

11/18/03

By

Gary J. Nelson

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Attorneys for Respondent

GJN/bbl

CERTIFICATE OF MAILING AND SERVICE

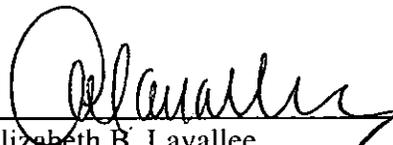
I certify that on November 18, 2003, the foregoing **ANSWER TO PETITION FOR CANCELLATION OF THREE MARKS** is being deposited with the United States Postal Service by first-class mail addressed to:

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

It is further certified that on November 18, 2003, the foregoing **ANSWER TO PETITION FOR CANCELLATION OF THREE MARKS** is being served by mailing a copy thereof by first-class mail addressed to:

Marc E. Hankin
GORDON & REES, LLP
300 South Grand Avenue
Suite 2075
Los Angeles, California 90071

By



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