

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



KARIN MODELS,)
S.A.R.L.)
)
Petitioner,)
)
v.)
)
BRUNEL, JEAN LUC)
)
Registrant.)
)
)
)
)

12-30-2005
U.S. Patent & TMO/OTM Mail Rpt Dt. #11

Cancellation No: 92044040 - 75.193, 584
Registration Nos: 2114051 & 2115957
Marks: KARIN (words only)
KARIN MODELS (and design)
International Class: 035

REGISTRANT'S ANSWER TO FIRST AMENDED PETITION TO CANCEL

Registrant JEAN LUC BRUNEL, by and through undersigned counsel, hereby files this Answer and Affirmative Defenses to Petitioner's First Amended Petition to Cancel and states the following as to the numbered allegations:

1. Denied.
2. Denied.
3. Admitted.
4. Admitted.
5. Denied.
6. Admitted.
7. Denied.
8. Denied.
9. Denied.

10. Registrant admits that the subject marks were assigned to him by MMG and that the assignments are attached to the Petition. All other allegations contained in this paragraph are Denied.

11. Registrant admits that the assignments were filed with the PTO and that copies of the abstracts are attached to the Petition. All other allegations contained in this paragraph are Denied.

12. Denied.

13. Denied.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

REGISTRANT'S AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

1. Petitioner's Petition is barred in that any assignment of the subject marks between Models Management Group, Inc., and Karin Models, S.A.R.L was invalid or void.

SECOND AFFIRMATIVE DEFENSE

2. Petitioner's Petition is barred in that Registrant's marks are incontestable as they have been in use for over five years and section 8 and section 15 declarations have been duly filed.

THIRD AFFIRMATIVE DEFENSE

3. Petitioner's Petition is barred in that Petitioner has abandoned and/or waived any rights that may have existed in Petitioner's marks.

FOURTH AFFIRMATIVE DEFENSE

4. Petitioner's Petition is barred in that Petitioner's principal shareholder and officer consented to the assignment of the marks from Models Management Group, Inc. to Registrant.

FIFTH AFFIRMATIVE DEFENSE

5. Petitioner's Petition is barred by the doctrine of Estoppel as Petitioner's principal shareholder and officer knew of the alleged first assignment of the marks from Models Management Group, Inc. to Petitioner and did not act to alert Registrant prior to the assignment from Models Management Group, Inc. to Registrant.

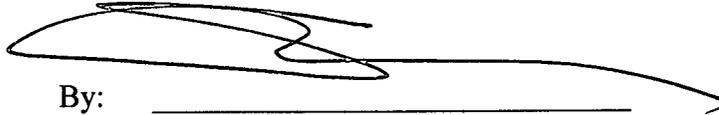
SIXTH AFFIRMATIVE DEFENSE

6. Petitioner's Petition is barred by the doctrine of Unclean Hands as Petitioner's principal shareholder and officer knew of the alleged first assignment of the marks from Models Management Group, Inc. to Petitioner and did not act to alert Registrant prior to the assignment from Models Management Group, Inc. to Registrant when such assignment was in consideration of a partial release of Registrant's claims against MMG, of which as Petitioner's principal shareholder and officer was also a shareholder and officer.

Respectfully submitted,

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By:

STEVEN ROBERT KOZLOWSKI
Fla. Bar No. 0087890
THOMAS E. RUNYAN, JR.
Fla. Bar No. 0630357

CERTIFICATE OF MAILING

I HEREBY CERTIFY that Registrant's Answer to First Amended Petition is being deposited with the United States Postal Service with sufficient pre-paid postage in an enveloped addressed to: Commissioner for Trademarks, Trademark Appeal and Trial Board, P.O. Box 1451, Alexandria, VA 22313-1451 this 23rd day of December 2005.

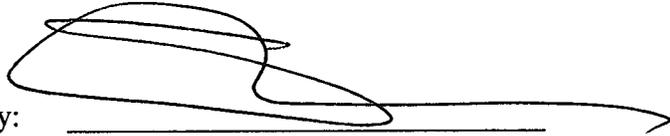


By:

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THOMAS E. RUNYAN, JR.
Fla. Bar No. 0630357

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Registrant's Answer to First Amended Petition was served on Steven E. Eisenberg, Esq., and Erica W. Stump, Esq., Attorneys for Petitioner, Feldman Gale, P.A., 201 South Biscayne Boulevard, Miami Center-Suite 1920, Miami, FL 33131 by U.S. Mail this 23rd day of December 2005.



By:

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