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Filing date: **03/07/2006**

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

Proceeding	92044571
Party	Defendant DELAN ENTERPRISES INCORPORATED DELAN ENTERPRISES INCORPORATED 8 EVEREST DRIVE HACKETTSTOWN, NJ 07840
Correspondence Address	BRET J. DANOW, ESQ. KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585
Submission	Opposition/Response to Motion
Filer's Name	Bret J. Danow
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Signature	/s/
Date	03/07/2006
Attachments	DOC005.TIF (6 pages)

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

200 Kelsey Associates, LLC,)	
)	
Petitioner,)	Cancellation No. 92044571
)	
v.)	Mark: JONATHAN LOGAN
)	
Delan Enterprises Incorporated,)	Reg. Nos.: 549,924 and 937,651
)	
Respondent.)	
)	

**RESPONDENT’S RESPONSE TO PETITIONER’S MEMORANDUM OF LAW IN
OPPOSITION TO RESPONDENT’S MOTION FOR SUMMARY JUDGMENT**

On January 23, 2006, Respondent/Registrant Delan Enterprises Incorporated filed a Motion for Summary Judgment (the “Summary Judgment Motion”) seeking dismissal of this cancellation proceeding, on the ground that it is using the challenged mark in commerce. In support of the Summary Judgment Motion, Respondent provided evidence of its continued use of the challenged mark in commerce, which evidence included specimens of use and a receipt indicating the recent purchase of products bearing the challenged mark.

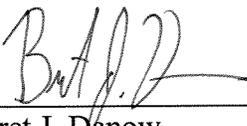
On February 27, 2006, Petitioner 200 Kelsey Associates, LLC filed a Memorandum of Law in Opposition to the Summary Judgment Motion in which it challenged the evidence provided by Respondent in the Summary Judgment Motion, claiming that the receipt attached “does not actually indicate the name of the merchandise purchased at that time.” Respondent respectfully submits that such statement is inaccurate. Specifically, the Item Numbers (10583463 and 10583470) on the receipt showing the purchase on September 20, 2005 of JONATHAN LOGAN brand pants from the Annie Sez store in Massapequa, New York which was submitted with the Summary Judgment Motion match the Item Numbers on the hangtags of

the sample products purchased. An additional copy of the receipt showing purchase as well as the digital photographs of the hangtags (which show the Item Numbers) are attached hereto.

Accordingly, since the evidence relevant to the motion shows “that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” Fed. R. Civ. P. 56(c), there is simply no basis for this cancellation proceeding and Registrant is entitled to its dismissal. Respondent respectfully requests that the Petition for Cancellation be dismissed.

Dated: March 7, 2006

Respectfully submitted,

By: 

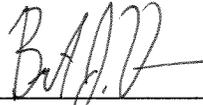
Bret J. Danow
Katten Muchin Rosenman LLP
Attorneys for Respondent
575 Madison Avenue
New York, New York 10022-2585
(212) 940-6365

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of the Registrant's Motion for Summary Judgment and Brief in Cancellation No. 92044571 to be served upon:

Jed Ferdinand, Esq.
Grimes & Battersby, LLP
488 Main Avenue, Suite 300
Norwalk, Connecticut 06851

by placing same in an envelope, properly sealed and addressed, with postage prepaid and depositing same with the United States Postal Service on this 7th day of March, 2006.



Bret J. Danow
Katten Muchin Rosenman LLP
Attorneys for Respondent
575 Madison Avenue
New York, New York 10022-2585
(212) 940-6365

ANNIE SEZ

Massapequa, NY (516) 799-9055

PANT SOFT F OTHER	10583463	24.99 12
PANT SOFT F OTHER	10583470	24.99 12
SUBTOTAL		\$49.98
(1)State 4.000%		\$2.00
(2)Local 4.625%		\$2.32
TOTAL		\$54.30
MASTERCARD		\$54.30
*****4644		
PURCHASE		
EXPIRY: 03/08 SWIPED		
AUTH# (MANUAL) R29623		

REGULAR PRICED MERCHANDISE RETURNS

We will exchange, refund or credit your charge account for regular price purchases within 30 days with a sales receipt and all tickets attached. The refund will be in the form of the original payment. *

After 30 days, or without a sales receipt and all tickets attached, a store credit will be issued for the current selling price.

SALE/CLEARANCE MERCHANDISE RETURNS

We will exchange, refund or credit your charge account for all sale / clearance priced purchases within 14 days with a sales receipt and all tickets attached. The refund will be in the form of the original payment. *

After 14 days, or without a sales receipt and all tickets attached, a store credit will be issued for the current selling price.

* All sales on Prada, Fendi and Marc Jacobs products, on 70% off merchandise and on selected clearance merchandise are final sale and may not be exchanged or returned.

Refunds on check purchases require a seven day waiting period.

WORK WHERE YOU LOVE TO SHOP!!!

Flexible Hours
30% Merchandise Discount
Excellent Hourly Rate
See Store Manager For Details

**For other locations,
visit us at
WWW.ANNIESEZ.COM**



ANNE KLEIN
Annie KLEIN

CLASS SEAS
101-3 F1

VENDOR WEEK
702 31

STYLE COLOR
4905 24

10583463



SIZE

COMPARE AT \$49.00

PRICE **\$24.99**

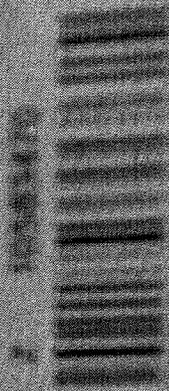
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CLASS SEAS
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VENDOR WEEK
702 31

STYLE COLOR
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SIZE

COMPARE AT \$49.00

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