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

Proceeding	92046246
Party	Defendant MAURIELLO, FRANK MAURIELLO, FRANK 23 Plaza Place , NJ 08232
Correspondence Address	FRANK MAURIELLO 23 PLAZA PL PLEASANTVILLE NJ, 08232-3518
Submission	Answer
Filer's Name	Brian Gibbons
Filer's e-mail	trademarks@briangibbons.com
Signature	/Brian Gibbons/
Date	10/11/2006
Attachments	enelle.16.answer to petition for cancellation.pdf ( 5 pages )(68316 bytes )

# BRIAN R. GIBBONS, P.A.

## Attorney at Law

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Orlando, Florida 32822-4015  
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### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

CHANEL, INC.  
a New York corporation,  
Petitioner

v.

FRANK MAURIELLO  
an individual,  
Registrant

In the matter of  
Registration No. 2,748,181  
For the mark: ENELLE

Registration upon the Principal Register  
On August 5, 2003

Cancellation No. 92046246

ANSWER

### ANSWER

Frank Mauriello, by and through its undersigned counsel, answers the Petition for Cancellation as follows:

1. Registrant lacks sufficient knowledge to admit or deny these assertions of fact or law as made by Petitioner.
2. Registrant lacks sufficient knowledge to admit or deny these assertions of fact or law as made by Petitioner.
3. Registrant lacks sufficient knowledge to admit or deny these assertions of fact or law as made by Petitioner.

Answer

TTAB Cancellation No. 92046246

Page 2 of 5

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4. Registrant lacks sufficient knowledge to admit or deny these assertions of fact or law as made by Petitioner.
5. Admitted.
6. Admitted.
7. Petitioner repeats its responses to paragraphs 1 through 6 as if fully set forth at length.
8. Registrant lacks sufficient knowledge to admit or deny these assertions of fact or law as made by Petitioner.
9. Registrant lacks sufficient knowledge to admit or deny these assertions of fact or law as made by Petitioner.
10. Denied.
11. Denied.
12. Denied.
13. Denied.
14. Denied.
15. Petitioner repeats its responses to paragraphs 1 through 14 as if fully set forth at length.
16. Registrant lacks sufficient knowledge to admit or deny these assertions of fact or law as made by Petitioner.
17. Registrant lacks sufficient knowledge to admit or deny these assertions of fact or law as made by Petitioner.

Answer  
TTAB Cancellation No. 92046246  
Page 3 of 5

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18. Denied.
19. Denied.
20. Admitted.
21. Denied. Whether or not a mark has been abandoned is a conclusion of law requiring facts not in evidence.
22. Denied.

#### AFFIRMATIVE DEFENSES

In further Answer to the Petition for Cancellation, Registrant pleads the following affirmative defenses:

23. The Petition for Cancellation fails to state a claim upon which relief may be granted.
24. Petitioner lacks standing to oppose the above-referenced applications.
25. Petitioner's claims may be barred because there is no likelihood of confusion, mistake or deception; that the goods and services are provided in different channels of trade; or that no actual confusion, mistake or deception has or will occur.
26. Petitioner's claims may be barred because it cannot show prior use.
27. Petitioner's claims may be barred due to one or more of the following defenses: waiver, laches, estoppel, acquiescence, fair use, fraud, misuse, mistake, prior registration or unclean hands.
28. Registrant also asserts that it may be entitled to registration within a certain geographic region or certain channel(s) of trade.

Answer

TTAB Cancellation No. 92046246

Page 4 of 5

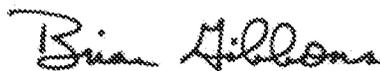
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29. Registrant reserves the right to assert additional affirmative defenses as they may become known through the process of discovery.

WHEREFORE, Registrant prays that the Petition for Cancellation be dismissed, and that this cancellation proceeding be sustained in favor of Registrant.

Frank Mauriello has appointed Brian R. Gibbons, an attorney admitted to practice before the Supreme Court of the State of Florida, whose principal office is located at 3936 S. Semoran Blvd, Suite 330, Orlando, Florida 32822-4015, as its duly authorized agent and attorney in the matter of this opposition, with full power of substitution and revocation, to transact all business with the Patent and Trademark Office and elsewhere in the United States courts, to sign all papers which may be hereinafter filed, and to receive all communications.

Respectfully submitted,



Brian R. Gibbons  
Attorney for Registrant

10/11/06

Date

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*Attorney at Law*

Answer

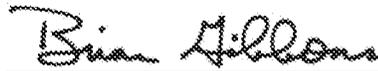
TTAB Cancellation No. 92046246

Page 5 of 5

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing document is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Laura Popp-Rosenberg, Fross Zelnick Lehrman & Zissu P.C., 866 United Nations Plaza, New York, NY 10017 this 11<sup>th</sup> day of October, 2006.



Brian R. Gibbons  
Attorney for Registrant

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