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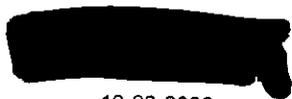
8 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
 9 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD  
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11 VICTOR HUGO ACUNA LECCA,	)	OPPOSITION NO. 92046329
	)	
12	)	<b>REGISTRANTS' ANSWER TO</b>
13 Petitioner,	)	<b>PETITION FOR CANCELLATION</b>
	)	
14 v.	)	
	)	
15 MUSIC ART PRODUCTIONS, INC.,	)	
	)	
16 Registrant.	)	
	)	

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 18 TO THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS:

19 Music Art Productions, Inc. ("Registrant"), in the above-entitled action, Petition for  
 20 Cancellation, by its attorneys, Lopez and Associates, in Answers the Petition for Cancellation of  
 21 Petitioner of Victor Hugo Acuna Lecca ("Petitioner"), states as follows:

- 22 1. Answering paragraph 1 of the Petition, Registrant admits each and every allegation  
 23 contained in paragraph 1 of the Petition.
- 24 2. Answering paragraph 2 of the Petition, Registrant admits each and every allegation  
 25 contained in paragraph 2 of the Petition.
- 26 3. Answering paragraph 3 of the Petition, Registrant denies generally and specifically  
 27 each and every allegation contained in Paragraph 3 of the Petition.
- 28 4. Answering paragraph 4 of the Petition, Registrant alleges that Registrant has





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**SECOND AFFIRMATIVE DEFENSE**

14. As a second and separate affirmative defense, Registrant has the sole and exclusive right to use the name “Los Pasteles Verdes Del Peru”, in all boundaries contained in the United States of America.

**THIRD AFFIRMATIVE DEFENSE**

15. As a third and separate affirmative defense, the context of the purported use does not contain a message of the Registrant’s endorsement nor is the message false or misleading.

**FOURTH AFFIRMATIVE DEFENSE**

16. As a fourth and separate affirmative defense, Petitioner lacks standing to assert the claims alleged in the Petition.

**FIFTH AFFIRMATIVE DEFENSE**

17. As a fifth and separate affirmative defense, Petitioner cannot establish a false or misleading representation of fact which is likely to cause confusion, mistake or to deceive.

**SIXTH AFFIRMATIVE DEFENSE**

18. As a sixth and separate affirmative defense, Petitioner abandoned any and all rights to use the name “Los Pasteles Verdes Del Peru” long prior to Registrant’s date of first use.

**SEVENTH AFFIRMATIVE DEFENSE**

19. As a seventh and separate affirmative defense, Registrant alleges that there is no violation of any standard, regulation, or requirement under the Lanham Act, Title 15 U.S.C. §§1501 et seq.

**EIGHTH AFFIRMATIVE DEFENSE**

20. As a eight and separate affirmative defense, Registrant alleges that Petitioner has not alleged and cannot prove, any facts showing that the conduct of Registrant was the proximate cause of Petitioner’s purported damages, if any, as alleged in the Petition.

**NINTH AFFIRMATIVE DEFENSE**

21. As a ninth and separate affirmative defense, Registrant alleges that Petitioner is barred from seeking any recovery from Registrant relating to the use of the name “Los Pasteles Verdes Del Peru” because Petitioner expressly and/or impliedly consented to, or had knowledge of, all such

1 activities and conditions.

2 **TENTH AFFIRMATIVE DEFENSE**

3 22. As a tenth and separate affirmative defense, Petitioner's own actions and/or inaction  
4 are the sole cause of any damages sustained by Petitioner, if any.

5 **ELEVENTH AFFIRMATIVE DEFENSE**

6 23 As a eleventh and separate affirmative defense, Petitioner's Petition is barred by the  
7 doctrines of estoppel, waiver, and laches.

8 **TWELFTH AFFIRMATIVE DEFENSE**

9 24. As a twelfth and separate affirmative defense, Petitioner's claims are barred by the  
10 doctrine of unclean hands.

11 **THIRTEENTH AFFIRMATIVE DEFENSE**

12 25. As a thirteenth and separate affirmative defense, Petitioner's claims fail because  
13 Petitioner consented to the conduct alleged to be unlawful in the Petition.

14 **FOURTEENTH AFFIRMATIVE DEFENSE**

15 26 As a fourteenth and separate affirmative defense, Petitioner's claims fail because  
16 Petitioner assumed the risk of any conduct alleged to be unlawful in the Petition.

17 **FIFTEENTH AFFIRMATIVE DEFENSE**

18 27. As a fifteenth and separate affirmative defense, any injury or damage suffered or  
19 sustained by Petitioner, either as alleged in the Petition or at all, was directly and proximately caused  
20 and contributed to by persons and entities other than Registrant.

21 **SIXTEENTH AFFIRMATIVE DEFENSE**

22 28. As a sixteenth and separate affirmative defense, Registrant is, and at all times  
23 relevant hereto was, the owner of the mark "Los Pasteles Verdes Del Peru" and its derivative forms  
24 and is entitled to full commercial use of the name.

25 **SEVENTEENTH AFFIRMATIVE DEFENSE**

26 29. As a seventeenth separate and separate affirmative defense, the Petition and each  
27 purported claim therein is barred by the applicable statute of limitations.

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**EIGHTEENTH AFFIRMATIVE DEFENSE**

30. As a eighteenth separate and separate affirmative defense, the service mark and trade name "Los Pasteles Verdes Del Peru" has not become distinctive of Petitioner or its services, or acquired a secondary meaning as to Petitioner.

**NINETEENTH AFFIRMATIVE DEFENSE**

31. As a nineteenth separate and separate affirmative defense, Petitioner intentionally abandoned all rights, title and interest in the trademark and service make, if any

**TWENTIETH AFFIRMATIVE DEFENSE**

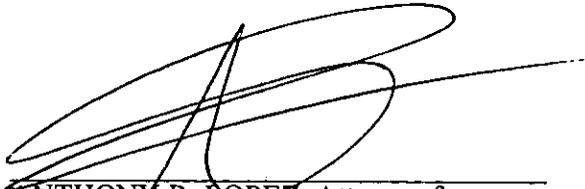
32. Petitioner adopted, registered and used the trademark prior to Petitioner's alleged adoption and use of the trademark.

**WHEREFORE**, Registrant respectfully requests that the Petition be hereby dismissed.

Registrant hereby appoints Anthony R. Lopez (State Bar No.149653), a professional corporation, Law Offices Lopez and Associates, 633 West Fifth Street, Suite 6770, Los Angeles, California 90071, to act as attorneys for Registrant herein, with full power to transact all relevant business with the Untied States Patent and Trademark Office and the United States Court and to receive all communications in connection with the Petition thereto. All such communications should be forwarded to: Anthony R. Lopez, P.C., Law Offices Lopez and Associates, 633 West Fifth Street, Suite 6770, Los Angeles, California 90071, Telephone: (213) 430-6900, Facsimile: (213)430-6905 .

DATED: October 18, 2006

LOPEZ AND ASSOCIATES

By:   
ANTHONY R. LOPEZ, Attorney for  
Applicant/Respondent, MUSIC ART  
PRODUCTIONS, INC.

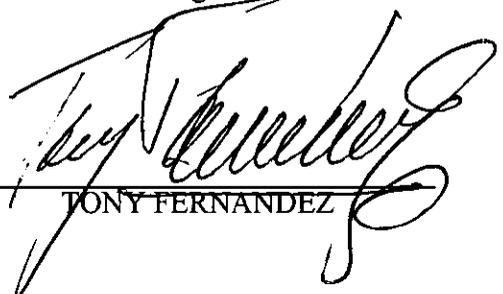


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STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

I, Tony Fernandez, the authorized representative for registrant Music Art Productions, Inc., being sworn, states I am the person authorized to sign for the Registrant named in the foregoing Answer; that I have read and authorized the Registrant's attorneys to sign the Answer on behalf of the Registrant; that I know the contents thereof; and that the allegations are true, except as to matters stated therein to be on information and belief, and as to those matters I believe them to be true.

Executed on October 18, 2006 at Los Angeles, California.



TONY FERNANDEZ