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

Proceeding	92048465
Party	Defendant Bennett Productions, Inc.
Correspondence Address	Bennett Productions, Inc. 2032 Armacost Avenue, First Floor Los Angeles, CA 90025 UNITED STATES
Submission	Answer
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Date	12/31/2007
Attachments	54747-0030 Answer to Petition to Cancel.pdf ( 5 pages )(56120 bytes )

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

VICTORIA VOGEL for VV STERLING CORPORATION,  Petitioner,  v.  BENNETT PRODUCTIONS, INC.,  Registrant.	Cancellation No.: 92048465  Registration No: 3253838  Mark: BIKINI DESTINATIONS  Registration Date: June 19, 2007  Atty. Ref. No.: 54747-0030
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Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**REGISTRANT'S ANSWER TO PETITION FOR CANCELLATION**

Registrant Bennett Productions, Inc. ("Bennett"), the owner of the above-referenced registration, Registration No. 3253838, by and through its attorneys, hereby submits its Answer to the Petition for Cancellation filed by Victoria Vogel for VV Sterling Corporation ("Petitioner"). Each paragraph below corresponds with the allegations under each separate caption in the Petition for Cancellation, except where noted. To the extent any other unnumbered paragraphs, captions or headings in the Petitioner for Cancellation are treated as allegations, such allegations are hereby denied.

1. Bennett lacks sufficient knowledge and information regarding the allegations contained under the Caption "Petitioner Information" in the Petition for Cancellation to admit or deny and, on that basis, denies each and every allegation contained therein.

2. With regard to the allegations under the caption "Registration Subject to Cancellation" in the Petition for Cancellation, Bennett admits that U.S. Trademark Reg. No. 3253838 in all respects speaks for itself and that it is the registrant for that mark. Except as specifically admitted herein, Bennett lacks sufficient knowledge and information regarding the remaining allegations contained in this paragraph to admit or deny and, on that basis, denies each and every remaining allegation contained therein.

3. With regard to the allegations under the caption "Grounds for Cancellation," Bennett denies each and every allegation contained therein.

4. With regard to the allegations under the caption "Marks Cited by Petitioner as Basis for Cancellation," Bennett admits that U.S. Trademark Application Nos. 76010035, 76010031, 76010032, 76010033, and 76010034 in all respects speak for themselves. Except as specifically admitted herein, Bennett denies each and every remaining allegation set forth in this paragraph.

5. With regard to the allegations contained in the unnumbered paragraph at the end of the application, Bennett admits that it has been using the mark "Bikini Destinations" on a television series, among other uses, since at least 2002. Except as specifically admitted herein, Bennett denies each and every remaining allegation set forth in this paragraph.

### **AFFIRMATIVE DEFENSE**

#### **FIRST AFFIRMATIVE DEFENSE**

##### **(Non-Use of Mark)**

As its First Affirmative Defense, Bennett hereby alleges that Petitioner never used the mark "Bikini Destinations," or any mark confusingly similar thereto, in commerce or otherwise.

## **SECOND AFFIRMATIVE DEFENSE**

### **(Abandonment)**

As its Second Affirmative Defense, Bennett hereby alleges that, even if Petitioner is found to have made some use of the mark "Bikini Destinations," or any mark confusingly similar thereto, Petitioner abandoned that mark prior to the time that Bennett's use of the mark commenced.

## **THIRD AFFIRMATIVE DEFENSE**

### **(Abandonment)**

As its Third Affirmative Defense, Bennett hereby alleges that Petitioner abandoned any application or intent to use for the mark "www.bikinidestinatons.com."

## **FOURTH AFFIRMATIVE DEFENSE**

### **(Laches)**

As its Fourth Affirmative Defense, Bennett hereby alleges that Petitioner has delayed unreasonably in giving notice to Bennett of the matters alleged in the Petition in commencing this litigation to the prejudice of Bennett, and the Petition is thereby barred by laches.

## **FIFTH AFFIRMATIVE DEFENSE**

### **(Acquiescence)**

As its Fifth Affirmative Defense, Bennett hereby alleges that Petitioner acquiesced to Bennett's use of the mark "Bikini Destinations."

## **SIXTH AFFIRMATIVE DEFENSE**

### **(Estoppel)**

As its Sixth Affirmative Defense, Bennett hereby alleges that Petitioner is estopped to assert any and all of the relief sought in the Petition since, in the face of her consent

and acquiescence to Bennett's use of the mark and subsequent delay in asserting the claims herein, Bennett detrimentally relied upon Petitioner's conduct.

WHEREFORE, Bennett requests that Petitioner's Petition be dismissed.

Please recognize the undersigned Paul A. Kroeger, Esq. and Melvin N.A. Avanzado, Esq., Attorneys at Law admitted to practice before the highest court of the State of California, as Applicant's attorneys of record in the above-referenced opposition. Please direct correspondence to the undersigned.

Respectfully submitted,



Dated: December 31, 2007

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### **CERTIFICATE OF SERVICE**

It is hereby certified that on December 31, 2007, a copy of the foregoing REGISTRANT'S  
ANSWER TO PETITION FOR CANCELLATION has been sent by first class mail, postage  
prepared to the attorney of record for Petitioner:

Susan Rabin  
Christopher Pham  
GareebPham, LLP  
707 Wilshire Blvd., Suite 5300  
Los Angeles, CA 90017

