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

Proceeding	92048732
Party	Defendant BECKENFELD, RONALD
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Date	03/27/2008
Attachments	Answer Monopolowa.pdf (5 pages)(181233 bytes)

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

ALTVATER GESSLER – J.A. BACZEWSKI INTERNATIONAL (USA) INC. and ALTVATER GESSLER – J.A. BACZEWSKI GMBH	:	
Petitioners,	:	
v.	:	Cancellation No. 92048732
RONALD BECKENFELD,	:	
Registrant.	:	Attorney Docket No. 70215-2

ANSWER TO PETITION FOR CANCELLATION

Ronald Beckenfeld, a United States citizen having a mailing address of 962 Somera Road, Los Angeles, CA 90077 ("Registrant"), hereby responds to the Petition for Cancellation filed with respect to U.S. Registration No. 2,731,948:

1. Registrant is without knowledge or information sufficient to form a belief as to the allegations of this paragraph, and therefore denies the same.

2. Registrant is without knowledge or information sufficient to form a belief as to the allegations of this paragraph, and therefore denies the same.

3. Registrant is without knowledge or information sufficient to form a belief as to the allegations of this paragraph, and therefore denies the same.

4. Registrant is without knowledge or information sufficient to form a belief as to the allegations of this paragraph, and therefore denies the same.

5. Registrant is without knowledge or information sufficient to form a belief as to the allegations of this paragraph, and therefore denies the same.

6. Registrant is without knowledge or information sufficient to form a belief as to the allegations of this paragraph, and therefore denies the same.

7. Registrant is without knowledge or information sufficient to form a belief as to the allegations of this paragraph, and therefore denies the same.

8. Registrant is without knowledge or information sufficient to form a belief as to the allegations of this paragraph, and therefore denies the same.

9. Admitted in part, denied in part. Registrant admits that Mutual Wholesale Liquor Inc. d/b/a International Import Export has distributed MONOPOLOWA brand vodka in the United States since the 1980s. Registrant is without knowledge concerning the remaining allegations contained in Paragraph 9, and therefore denies the same.

10. Denied.

11. Admitted.

12. Admitted.

13. Admitted.

14. Admitted.

15. Denied. Registrant denies that Petitioners have any U.S. rights in the MONOPOLOWA trademark, which mark is the subject of the registration sought to be cancelled in the instant proceeding. Registrant further denies that any goodwill or consumer recognition of the MONOPOLOWA mark in the U.S. lies with Petitioner; rather, the ownership of the mark, together with all associated goodwill and consumer recognition, lies with the Registrant. Registrant is without knowledge or information sufficient to form a belief as to the remaining allegations of this paragraph, and therefore denies the same.

16. Admitted in part, denied in part. Registrant admits that Mutual filed an application with the U.S. Patent and Trademark Office on or about September 16, 2002 to register the mark MONOPOLOWA for vodka. Registrant denies that any authority or authorization from Petitioners was required in order to undertake such filing.

17. Admitted.

18. Admitted in part, denied in part. Registrant admits that Mutual assigned the Registration to Registrant on or about October 4, 2007. Registrant denies that such assignment required any authorization from Petitioners.

19. Admitted.

20. Admitted.

21. Denied.

22. Denied.

AFFIRMATIVE DEFENSES

A. Petitioner lacks standing to bring the instant cancellation proceeding.

B. The rights relied upon by Petitioner are invalid as all such rights were previously transferred by Petitioner to Registrant's predecessor in interest and title in 1992, long prior to the filing of the instant Petition for Cancellation.

C. Petitioner has demonstrated no current or future interest in the U.S. in the mark "MONOPOLOWA".

D. Petitioner has no priority of rights in the mark "MONOPOLOWA" as applied to vodka, and thus cannot support a Section 2(d) priority claim against Registrant.

E. Petitioner cannot demonstrate injury to any rights Petitioner may establish during the cancellation proceeding.

F. Petitioner is barred under laches from obtaining relief in the instant proceeding.

G. Petitioner is barred from obtaining relief in the instant proceeding by acquiescence.

H. Petitioner is estopped from obtaining relief in the instant proceeding, having transferred all U.S. rights in the subject mark in 1992 to Registrant's predecessor in interest and title.

WHEREFORE, Registrant prays that this Cancellation proceeding be dismissed.

Respectfully submitted,

Dated: March 27, 2008 By:

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Attorneys for Registrant

CERTIFICATE OF SERVICE

I, Michael L. Lovitz, hereby certify on this 27th day of March, 2008, that a true and correct copy of the foregoing Registrant's **Answer to Petition for Cancellation** was served upon counsel of record via First Class Mail at the following address:

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Michael L. Lovitz, Esq.