

5. Respondent admits that on June 13, 2006, it filed an application to register the mark PACHRANGA with the USPTO which resulted in issuance of U.S. Registration No. 3,324,346. Respondent denies the remaining allegations contained in paragraph 5 of the Petition to Cancel Registration.

6. Respondent admits that Application Serial No. 78/906,524 which resulted in issuance of Registration No. 3,324,346 sets forth an alleged January 1, 1994 date of first use and date of first use in commerce of the mark sought to be registered. Respondent denies any allegation that Respondent may not assert or rely upon a date of first use and first use in commerce of the mark PACHRANGA which is earlier than said date and also denies all of the remaining allegations contained in paragraph 6 of the Petition to Cancel Registration.

7. Respondent denies the allegations contained in paragraph 7 of the Petition to Cancel Registration.

8. Respondent admits that there have been legal actions by the Petitioner against Respondent as well as by Respondent against Petitioner before the High Court of Delhi in India. Respondent denies the remaining allegations contained in paragraph 8 of the Petition to Cancel Registration.

9. Respondent admits that USPTO records indicate that Registration No. 2,324,346 has been cited in an Office Action issued by the USPTO in connection with Application Serial No. 77/273,356 pursuant to Section 2(d) of the Trademark Act. Since Respondent believes that Petitioner is not the owner of any lawful rights to any marks for or incorporating PACHRANGA, Respondent denies each and every other allegation contained in paragraph 9 of the Petition to Cancel Registration.

10. Since Respondent believes that Petitioner has no lawful rights to any marks for or incorporating PACHRANGA and because Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 10 of the Petition to Cancel Registration, Respondent denies the allegations in said paragraph.

11. Since Respondent believes that Petitioner has no lawful rights to any marks for or incorporating PACHRANGA and because Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 of the Petition to Cancel Registration, Respondent denies the allegations in said paragraph.

12. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 12 of the Petition to Cancel Registration and therefore denies same.

13. Respondent re-alleges and re-incorporates herein by reference its Answers to paragraphs 1-12 of the Petition to Cancel Registration as if fully set forth herein.

14. Since Respondent believes that Petitioner does not own any lawful rights to any marks for or incorporating PACHRANGA and because Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 14 of the Petition to Cancel Registration, Respondent denies that any of Respondent's activities are likely to be confused with, mistaken with or perceived to have originated from any lawful rights or activities of Petitioner and that no injury or damage can be caused to Petitioner or any goodwill or reputation of Petitioner.

15. Since Respondent believes that Petitioner owns no lawful rights to any marks for or incorporating PACHRANGA and because Respondent is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 15 of the Petition to Cancel Registration, Respondent denies that any of its activities are likely to be confused with or perceived as emanating from or as being sponsored by, connected with or affiliated with any lawful rights or activities of Petitioner and that no irreparable damage or injury to Petitioner can result from Respondent's activities.

16. Since Respondent believes that Petitioner owns no lawful rights to any marks for or incorporating PACHRANGA and because Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 16 of the Petition to Cancel Registration, Respondent denies that there is any reason why consumers would associate the activities of

Respondent or believe that any of Respondent's goods or activities are sold, approved or endorsed in relation to any lawful rights or activities of Petitioner.

17. Since Respondent believes that Petitioner owns no lawful rights to any marks for or incorporating PACHRANGA and because Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 17 of the Petition to Cancel Registration, Respondent denies the allegations contained in said paragraph.

18. Because Respondent believes that Petitioner owns no lawful rights into any marks for or incorporating PACHRANGA and because Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 18 of the Petition to Cancel Registration, Respondent denies that any activities of Respondent are likely to cause confusion, mistake and/or deception among members of the relevant purchasing public with respect to any lawful rights or activities of Petitioner and further denies that there can be any damage or injury to Petitioner or any violation by Respondent of the provisions of Section 2(d) of the Trademark Act.

19. Respondent re-alleges and re-incorporates herein by reference its Answers to paragraphs 1-18 of the Petition to Cancel Registration as if fully set forth herein.

20. Since Respondent believes that Petitioner owns no lawful rights to any marks for or incorporating PACHRANGA and because Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 20 of the Petition to Cancel Registration, Respondent denies that any activities of Respondent are likely to cause deception or to misdescribe or mislead as to the nature or origin of any goods or misdirect any purchase of goods in a manner which would violate any lawful rights of Petitioner in violation of Section 2(a) of the Trademark Act or otherwise.

21. Since Respondent believes that Petitioner owns no lawful rights to any marks for or incorporating PACHRANGA and because Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 21 of the Petition to Cancel

Registration, Respondent denies that any of its activities will falsely suggest a connection with or point to or create any false assumptions as to origin or connection pertaining to any lawful rights of Petitioner.

22. Since Respondent believes that Petitioner owns no lawful rights to any marks for or incorporating PRACHRANGA and because Respondent is without knowledge of information sufficient to form a belief as to the truth of the allegations contained in paragraph 22 of the Petition to Cancel Registration, Respondent denies that any of its activities are deceptive or will falsely suggest a connection with or approval pertaining to any lawful rights of Petitioner and further denies that there can be any damage or injury to Petitioner or any violation by Respondent of Section 2(a) of the Trademark Act.

23. Petitioner re-alleges and re-incorporates herein by reference its Answers to paragraphs 1-22 of the Petition to Cancel Registration as if fully set forth herein.

24. Respondent admits that the application leading to issuance of Registration No. 2,324,346 contained a Declaration which included, *inter alia*, essentially the text quoted in paragraph 24 of the Petition to Cancel Registration.

25. Respondent denies the allegations contained in paragraph 25 of the Petition to Cancel Registration.

26. Respondent admits that the application leading to issuance of Registration No. 3,324,346 listed January 1, 1994 as a date of first use and first use in commerce of the mark sought to be registered. Respondent denies any allegation that Respondent may not assert or rely upon a date of first use and first use in commerce of said mark which is earlier than January 1, 1994 and also denies all of the remaining allegations contained in paragraph 26 of the Petition to Cancel Registration.

27. Respondent denies the allegations contained in paragraph 27 of the Petition to Cancel.

28. Respondent denies the allegations contained in paragraph 28 of the Petition to Cancel Registration.

29. Petitioner re-alleges and re-incorporates herein by reference its Answers to paragraphs 1-29 of the Petition to Cancel Registration as if fully set forth herein.

30. Since Respondent believes that the Petitioner owns no lawful rights to any marks for or incorporating PACHRANGA and because Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 30 of the Petition to Cancel Registration, Respondent denies the allegations contained in paragraph 30 of the Petition to Cancel Registration.

31. Respondent denies the allegations contained in paragraph 31 of the Petition to Cancel Registration.

32. Respondent denies the allegations contained in paragraph 32 of the Petition to Cancel Registration.

33. Because Respondent believes that Petitioner owns no lawful rights to any marks for or incorporating PACHRANGA and because Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 33 of the Petition to Cancel Registration, Respondent denies the allegations in said paragraph.

34. Because Respondent believes that Petitioner owns no lawful rights to any marks for or incorporating PACHRANGA and because Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 34 of the Petition to Cancel Registration, Respondent denies the allegations in said paragraph.

35. Since Respondent believes that the Petitioner owns no lawful rights into any marks for or incorporating PACHRANGA and because Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 35 of the Petition to Cancel Registration, Respondent denies that there is any reason why Respondent's activities can cause a likelihood of dilution, disparagement, tarnishment or deception with respect to any lawful rights of the Petitioner.

36. Since Respondent believes that the Petitioner owns no lawful rights into any marks for or incorporating PACHRANGA and because Respondent is without knowledge or information sufficient to

form a belief as to the truth of the allegations contained in paragraph 36 of the Petition to Cancel Registration, Respondent denies the allegations in said paragraph.

37. Since Respondent believes that the Petitioner owns no lawful rights to any marks for or incorporating PACHRANGA and because Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 37 of the Petition to Cancel Registration, Respondent denies that any of its activities for any reason can cause a likelihood of damage or cause dilution of any lawful rights, reputation or goodwill of Petitioner.

38. Because Respondent believes that Petitioner owns no lawful rights to any marks for or incorporating PACHRANGA, Respondent denies the allegations contained in paragraph 38 of the Petition to Cancel Registration.

WHEREFORE, Respondent prays that the Petition to Cancel Registration be dismissed with prejudice.

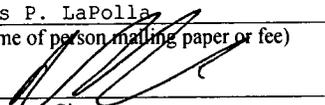
Dated: New York, New York
January 26, 2009

FIRST CLASS MAILING CERTIFICATE

Date of Deposit: January 26, 2009

I hereby certify that this paper or fee is being deposited with the United States Postal Service as First Class Mail, postage prepaid on the date indicated above and is addressed to: Box: TTAB, Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451.

Charles P. LaPolla
(Printed name of person mailing paper or fee)


Signature

CPL:sr

Respectfully submitted,

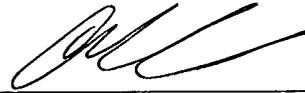

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CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of January, 2009, a true copy of the foregoing ANSWER TO PETITION TO CANCEL REGISTRATION was served on counsel for Petitioner via first class mail with sufficient postage addressed to:

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