

ESTTA Tracking number: **ESTTA333619**

Filing date: **02/23/2010**

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

Proceeding	92051860
Party	Defendant Michael Akkawi
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Submission	Answer
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Signature	/Milton Oliver/
Date	02/23/2010
Attachments	AMENDED-ANSWER-to-CANCELLATION.pdf (4 pages)(71243 bytes)

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

In the matter of Registration No.: 3,433,601
Mark: CAPE COD WATCH

La Montre Hermès S.A.,

Petitioner,

vs.

MICHAEL AKKAWI,

Registrant.

Cancellation No.: 92-051 860

RESPONDENT'S AMENDED ANSWER TO PETITION FOR CANCELLATION

Respondent Michael Akkawi hereby answers the petition for cancellation as follows:

1. Respondent admits: that he is an individual residing at 8 Plum Hollow Road, East Falmouth MA; that he owns US Reg. # 3,433,601; and that La Montre Hermès S.A. is a corporation of Switzerland located at Erlenstrasse 31A, Brügg, Switzerland. Respondent lacks sufficient information with respect to the remaining allegations of the introductory paragraph of the petition, and therefore denies the same.

2. Respondent admits that Petitioner has been manufacturing and selling watches for many years; Respondent lack sufficient information to reach a conclusion as to the truth or falsity of the remaining allegations of Paragraph 1 of the Petition, and therefore denies the same.

3. Respondent denies that CAPE COD is a valid trademark, as applied to Petitioner's goods, and further denies that Petitioner's watches are manufactured "throughout the United States."

4. Respondent lacks sufficient information to reach a conclusion as to the truth or falsity of the allegations of Paragraph 4 of the Petition, and therefore denies the same.

5. Respondent admits that, for an undetermined period of time, Petitioner has been selling watches in the United States in association with the purported mark CAPE COD 2 ZONES. On information and belief, Petitioner's watches are made **outside the United States** and the purported mark CAPE COD 2 ZONES is **geographically deceptively misdescriptive** as applied to such foreign-made watches.

5. Respondent admits that Petitioner is the owner of record of U.S. Reg. # 2,753,802 for CAPE COD 2 ZONES, and has filed a Declaration under Sections 8 & 15 in connection therewith, but denies that said registration was validly granted and denies that said Declaration under Sections 8 & 15 was properly accepted.

6. Respondent admits that he is the owner of U.S. Reg. No. 3,433,601 for CAPE COD WATCH, granted MAY 20, 2008 for "Clocks and watches; Jewellery and watches; Jewellery, clocks and watches; Jewelry watches; Watch bracelets."

7. Respondent denies the allegations of Paragraph 7 of the Petition.

8. Respondent denies the allegations of Paragraph 8 of the Petition.

WHEREFORE, Petitioner prays that the Petition for Cancellation be dismissed.

Respectfully submitted,

DATE: FEB. 23, 2010

/ Michael Akkawi/
8 Plum Hollow Road
East Falmouth MA 02536
TEL: 774-238-0202

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a PDF copy of RESPONDENT'S AMENDED ANSWER TO PETITION FOR CANCELLATION was served on FEB. 23, 2010 via email to Petitioner's counsel, Andrew Baum, Esq. of FOLEY & LARDNER at the email address: abaum@foley.com.

/Milton Oliver/