

ESTTA Tracking number: **ESTTA354772**

Filing date: **06/24/2010**

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

Proceeding	92052314
Party	Defendant Cafe Mytique Inc.
Correspondence Address	CAFÃ# MYSTIQUE INC. 166, BENJAMIN HUDON SAINT-LAURENT (QUEBEC),, CA H4N 1H8 UNITED STATES ogelber@collenip.com, tgulick@collenip.com, docket@collenip.com
Submission	Answer
Filer's Name	Thomas P. Gulick
Filer's e-mail	tgulick@collenip.com, jecollen@collenip.com, egarvey@collenip.com
Signature	/Thomas P. Gulick/
Date	06/24/2010
Attachments	K357 Answer.pdf (5 pages)(115735 bytes)

6. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6 of the Petition to Cancel and therefore denies such allegations.

7. Respondent reavers the allegations contained in Paragraphs 1 through 6 with the same force and effect as if fully set forth herein.

8. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 8 of the Petition to Cancel and therefore denies such allegations.

9. Respondent admits Respondent sells coffee under the CAFÉ MYSTIQUE Mark. Respondent otherwise is without knowledge or information sufficient to form a belief as to the truth of the allegations as to the remainder of Paragraph 9 of the Petition to Cancel and therefore denies such allegations.

10. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10 of the Petition to Cancel and therefore denies such allegations.

11. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11 of the Petition to Cancel and therefore denies such allegations.

12. Respondent denies the allegations in Paragraph 12 of the Petition to Cancel.

13. Respondent reavers the allegations contained in Paragraphs 1 through 12 with the same force and effect as if fully set forth herein.

14. Respondent denies the allegations in Paragraph 14 of the Petition to Cancel.

15. Respondent denies the allegations in Paragraph 15 of the Petition to Cancel.

16. Respondent admits there is no connection between Respondent and Petitioner and otherwise denies the remainder of the allegations in Paragraph 16 of the Petition to Cancel.

17. Respondent denies the allegations in Paragraph 17 of the Petition to Cancel.

18. Respondent reavers the allegations contained in Paragraphs 1 through 17 with the same force and effect as if fully set forth herein.

19. Respondent denies the allegations in Paragraph 19 of the Petition to Cancel.

20. Respondent denies the allegations in Paragraph 20 of the Petition to Cancel.

AFFIRMATIVE DEFENSES

1. Laches.

2. Estoppel.

3. Respondent first used the mark from a time prior to Petitioner's first use.

4. Respondent is the senior user of the mark.

Wherefore, Respondent seeks that the Petition be dismissed, with prejudice, in favor of Respondent.

Respectfully submitted,



Jess M. Collen
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Dated: June 24, 2010

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND
TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO
OUR DEPOSIT ACCOUNT 03-2465.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FILED
ELECTRONICALLY WITH THE UNITED STATES PATENT AND TRADEMARK
OFFICE.

Date: June 24, 2010



Edith Garvey

CERTIFICATE OF SERVICE

I, Edie Garvey, hereby certify that I caused true and correct copy of the following:
Applicant's Answer to Notice of Opposition to be served upon:

Baker Botts LLP
2001 Ross Avenue
Dallas, Texas 75201-2980
Attn: Priscilla L. Dunckel, Esq.

Via first-class mail, postage pre-paid.

Said service having taken place this 24th day of June, 2010.


