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

Proceeding	92053021
Party	Defendant Eminence Organic Skin Care Inc.
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Date	10/06/2010
Attachments	Answer to cancellation petition - ILCSI BEUTIFYING HERBS.pdf (4 pages)(145812 bytes)

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

In the Matter of
Trademark Registration No. 3,550,223
For the Mark ILCSI BEAUTIFYING HERBS

ILCSI SZÉPÍTÖ FÜVEK BIOKOZMETIKAI KFT., Petitioner v. EMINENCE ORGANIC SKIN CARE INC., Registrant	Cancellation No. 92053021

ANSWER TO PETITION FOR CANCELLATION

Registrant Eminence Organic Skin Care Inc. ("Registrant"), by and through its attorneys of record, answers Ilcsi SZÉPÍTÖ FÜVEK Biokozmetikai Kft.'s ("Petitioner") Petition for Cancellation as follows:

1. Answering the allegations contained in Paragraph 1 of the Petition for Cancellation, Registrant admits that Petitioner is the owner and manufacturer of a line of natural beauty and skin care products sold in certain parts of the world under the ILCSI trademark. Registrant denies that Petitioner has established a global reputation for the ILCSI Trademark in organic herbal skin care and beauty products. Registrant is without knowledge of the truth or falsity of the remaining allegations and, therefore, denies same.

2. Answering the allegations contained in Paragraph 2 of the Petition for Cancellation, Registrant denies that Petitioner manufactures products bearing the ILCSI Trademark that are sold in the United States. Registrant is without knowledge of the truth or falsity of the remaining allegations and, therefore, denies same.

3. Registrant admits the allegations contained in Paragraph 3 of the Petition for Cancellation.

4. Registrant denies the allegations contained in Paragraph 4 of the Petition for Cancellation.

5. Registrant admits the allegations contained in Paragraph 5 of the Petition for Cancellation.

6. Answering the allegations contained in Paragraph 6 of the Petition for Cancellation, Registrant admits it entered into a contract dated February 15, 2002, in which Petitioner manufactured goods for Registrant's sale in the United States as a private label product under Registrant's trademarks. Registrant admits the contract was signed on behalf of Registrant by its principals, Boldijarre Koronczay and Attila Koronczay. Registrant denies the remaining allegations.

7. Registrant admits the allegations contained in Paragraph 7 of the Petition for Cancellation.

8. Answering the allegations contained in Paragraph 8 of the Petition for Cancellation, Registrant admits its contract with Petitioner was not renewed as of February 14, 2005. Registrant denies the remaining allegations.

9. Registrant admits the allegations contained in Paragraph 9 of the Petition for Cancellation.

10. Registrant admits the allegations contained in Paragraph 10 of the Petition for Cancellation.

11. Registrant admits the allegations contained in Paragraph 11 of the Petition for Cancellation.

12. Registrant admits the allegations contained in Paragraph 12 of the Petition for Cancellation.

13. Registrant admits the allegations contained in Paragraph 13 of the Petition for Cancellation.

14. The allegations contained in Paragraph 14 of the Petition for Cancellation consist of a legal conclusion to which no answer is necessary.

15. Registrant denies the allegations contained in Paragraph 15 of the Petition for Cancellation.

16. Answering the allegations contained in Paragraph 16 of the Petition for Cancellation, Registrant admits it sent a letter to its salon customers informing them that its relationship with Petitioner had ended. Registrant denies the remaining allegations.

17. Registrant denies the allegations contained in Paragraph 17 of the Petition for Cancellation.

18. Registrant denies the allegations contained in Paragraph 18 of the Petition for Cancellation.

19. Registrant denies the allegations contained in Paragraph 19 of the Petition for Cancellation.

20. Registrant denies the allegations contained in Paragraph 20 of the Petition for Cancellation.

21. Registrant denies the allegations contained in Paragraph 21 of the Petition for Cancellation.

WHEREFORE, Registrant respectfully requests that the Petition for Cancellation be denied.

Dated this 6th day October, 2010.

Respectfully submitted,

GRAHAM & DUNN PC

/s/ Michael G. Atkins

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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of October, 2010, I served a copy of the attached document by first-class mail upon:

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Jenny R. Splitter
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/s/ Michael G. Atkins
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