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Filing date: **11/22/2010**

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

Proceeding	92053133
Party	Defendant Mark Koch
Correspondence Address	MARK KOCH 223 WEST 29TH STREET NEW YORK, NY 10001-3507 UNITED STATES mark@altny.com
Submission	Answer
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Date	11/22/2010
Attachments	8065-6_registrants_answer.pdf (5 pages)(100359 bytes)

Attorney Ref. 8065-6

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

In re Registration No. 2520857

Mark: DR NATURE

Filed: September 17, 1999

Published: October 31, 2000

Registered: December 18, 2001

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D.N.C. COSMETICS LTD.,

Petitioner,

v.

MARK KOCH,

Registrant.
-----X

Registration No. 2520857

Commissioner for Trademarks

Attn: Trademark Trial and Appeal Board

P.O. Box 1451 Alexandria, VA 22313-1451

REGISTRANT'S ANSWER

Registrant, by its attorneys, as and for its Answer to the Petition for Cancellation, alleges as follows:

1. Applicant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 1 of the Petition for Cancellation and therefore denies the same.
2. Applicant admits the allegations of paragraph 2 of the Petition for Cancellation.
3. Applicant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 3 of the Petition for Cancellation and therefore denies the same.

4. Applicant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 4 of the Petition for Cancellation and therefore denies the same.

5. Applicant admits the allegations of paragraph 5 of the Petition for Cancellation.

6. Applicant denies the factual allegations set forth in paragraph 6 of the Petition for Cancellation and otherwise states that paragraph 6 of the Petition for Cancellation sets forth a legal conclusion that does not call for a response.

7. Applicant denies the factual allegations set forth in paragraph 7 of the Petition for Cancellation and otherwise states that paragraph 7 of the Petition for Cancellation sets forth a legal conclusion that does not call for a response.

8. Applicant denies the factual allegations set forth in paragraph 8 of the Petition for Cancellation and otherwise states that paragraph 8 of the Petition for Cancellation sets forth a legal conclusion that does not call for a response.

9. Applicant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 9 of the Petition for Cancellation and otherwise states that paragraph 9 of the Petition for Cancellation sets forth a legal conclusion that does not call for a response.

10. Paragraph 10 of the Petition for Cancellation sets forth a legal conclusion that does not call for a response.

11. Paragraph 11 of the Petition for Cancellation sets forth a legal conclusion, purporting Petitioner's unfettered right to use Registrant's mark, DR NATURE, among other things, that does not call for a response.

12. Paragraph 12 of the Petition for Cancellation sets forth a legal conclusion that does not call for a response.

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AFFIRMATIVE DEFENSE

13. Petitioner fails to state a claim upon which relief can be granted.

WHEREFORE, Registrant respectfully requests that the cancellation be dismissed.

Respectfully submitted,

Dated: November 22, 2010

By:



Nathaniel T. Wallace
Reg. No. 48,909
Attorney for Registrant

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Woodbury, New York 11797
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CERTIFICATE OF SERVICE

I hereby certify that I have this 22nd day of November, 2010, I caused the foregoing Answer to be served upon Petitioner, by mailing a copy first class mail, postage prepaid to Petitioner's attorney, Maria Eliseeva, c/o Houston Eliseeva LLP, 420 Bedford St., Suite 155, Lexington, MA 02420.


Nathaniel T. Wallace