

ESTTA Tracking number: **ESTTA459347**

Filing date: **02/29/2012**

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

Proceeding	92055064
Party	Defendant MoroccanOil, Inc.
Correspondence Address	MOROCCANOIL INC 16311 VENTURA BLVD, SUITE 1200 LOS ANGELES, CA 91436 UNITED STATES
Submission	Answer
Filer's Name	Kevin R. Keegan
Filer's e-mail	k.keegan@conklelaw.com
Signature	/Kevin R. Keegan/
Date	02/29/2012
Attachments	2012-02-29 MO's Answer to Petition for Cancellation.pdf ( 6 pages )(332990 bytes )

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

3  
4 Y.P. GOLAN TRADE LTD.

5 Petitioner,

6 v.

7 MOROCCANOIL, INC.

8 Respondent.

Registration Nos. 3,478,807; 3,684,909;  
3,684,910

Marks: MOROCCANOIL & M  
MOROCCANOIL

Proceeding No. 92055064

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11 **ANSWER TO PETITION FOR CANCELLATION**

12 Applicant, MoroccanOil, Inc. (“MoroccanOil”), as and for its Answer, and  
13 Affirmative Defenses to the Petition for Cancellation by Y.P. Golan Trade, LTD.,  
14 (“YPGT”), alleges as follows:

15 **Answer to Petition to Cancel**

- 16 1. MoroccanOil admits the allegations asserted in this paragraph.  
17 2. MoroccanOil denies that Petitioner is listed as the owner of the application  
18 for “Royal Moroccan” currently pending in the United States Trademark Office as  
19 Serial No. 85/023269.  
20 3. MoroccanOil denies the allegations asserted in this paragraph.  
21 4. MoroccanOil admits that the goods described in the Subject Marks  
22 registrations are “Hair conditioners, namely, curl creams, hydrating styling creams,  
23 intense moisturizing masques, and styling and finishing oils.”  
24 5. MoroccanOil lacks information or knowledge sufficient to form a belief as  
25 to the truth of the allegations in this paragraph, and accordingly denies the same.  
26 6. MoroccanOil repeats its response to the incorporated paragraphs.  
27 7. MoroccanOil admits that it uses argan oil in its products, but denies the  
28 remainder of this paragraph.

1           8.       Moroccanoil admits that argan trees grow in Morocco, but denies the  
2 remainder of this paragraph.

3           9.       Moroccanoil denies that argan oil is referred to as Moroccan oil.  
4 Moroccanoil lacks information or knowledge sufficient to form a belief as to the truth  
5 of the remaining allegations in this paragraph, and accordingly denies the same.

6           10.      Moroccanoil denies the allegations asserted in this paragraph.

7           11.      Moroccanoil denies the allegations asserted in this paragraph.

8           12.      Moroccanoil repeats its response to the incorporated paragraphs.

9           13.      Moroccanoil denies the allegations asserted in this paragraph.

10          14.      Moroccanoil denies the allegations asserted in this paragraph.

11          15.      Moroccanoil denies the allegations asserted in this paragraph.

12          16.      Moroccanoil lacks information or knowledge sufficient to form a belief as  
13 to the truth of the allegations in this paragraph, and accordingly denies the same.

14          17.      Moroccanoil repeats its response to the incorporated paragraphs.

15          18.      Moroccanoil denies the allegations asserted in this paragraph.

16          19.      Moroccanoil denies the allegations asserted in this paragraph.

17          20.      Moroccanoil denies the allegations asserted in this paragraph.

18          21.      Moroccanoil denies the allegations asserted in this paragraph.

19          22.      Moroccanoil lacks information or knowledge sufficient to form a belief as  
20 to the truth of the desirability of Moroccan ingredients in hair care or whether such  
21 ingredients serve as a material factor in consumers decisions to purchase products, and  
22 accordingly denies the same. Moroccanoil denies the remaining allegations asserted in  
23 this paragraph.

24          23.      Moroccanoil lacks information or knowledge sufficient to form a belief as  
25 to the truth of the desirability of Moroccan ingredients in hair care or whether such  
26 ingredients serve as a material factor in consumers decisions to purchase products, and  
27 accordingly denies the same. Moroccanoil denies the remaining allegations asserted in  
28 this paragraph.

1 24. MoroccanOil denies the allegations asserted in this paragraph.  
2 25. MoroccanOil denies the allegations asserted in this paragraph.  
3 26. MoroccanOil denies the allegations asserted in this paragraph.  
4 27. MoroccanOil lacks information or knowledge sufficient to form a belief as  
5 to the truth of the desirability of Moroccan ingredients in hair care or whether such  
6 ingredients serve as a material factor in consumers decisions to purchase products, and  
7 accordingly denies the same. MoroccanOil denies the remaining allegations asserted in  
8 this paragraph.  
9 28. MoroccanOil denies the allegations asserted in this paragraph.  
10 29. MoroccanOil denies the allegations asserted in this paragraph.  
11 30. MoroccanOil denies the allegations asserted in this paragraph.  
12 31. MoroccanOil denies the allegations asserted in this paragraph.  
13 32. MoroccanOil admits that an office action was mailed on June 19, 2007  
14 which initially refused registration on the basis that the mark was descriptive.  
15 33. MoroccanOil admits that Ofer Tal submitted a declaration on December  
16 20, 2007 in support of the trademark application.  
17 34. MoroccanOil denies the allegations asserted in this paragraph.  
18 35. MoroccanOil denies the allegations asserted in this paragraph.  
19 36. MoroccanOil denies that the declaration identified in this paragraph  
20 contains any such statement.  
21 37. MoroccanOil denies the allegations asserted in this paragraph.  
22 38. MoroccanOil denies the allegations asserted in this paragraph.  
23 39. MoroccanOil denies the allegations asserted in this paragraph.  
24 40. MoroccanOil lacks information or knowledge sufficient to form a belief as  
25 to the truth of the allegation that the applications for United States Trademark  
26 Registration Numbers 3,684,909 and 3,684,910 received "similar office actions" as  
27 MoroccanOil cannot determine what Petitioner seeks to compare as similar and  
28 accordingly denies the same.



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WHEREFORE, Moroccanoil respectfully requests that the Petition for Cancellation be dismissed with prejudice.

Dated: February 29, 2012

Kevin R. Keegan, member of  
CONKLE, KREMER & ENGEL  
Professional Law Corporation

By:   
Kevin R. Keegan  
Attorneys for Respondent Moroccanoil, Inc.

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**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 3130 Wilshire Boulevard, Suite 500, Santa Monica, California 90403-2351.

On February 29, 2012, I served true copies of the following document(s) described as **ANSWER TO PETITION FOR CANCELLATION** on the interested parties in this action as follows:

Michael N. Cohen, Esq.  
Cohen I.P. Law Group, P.C.  
9025 Wilshire Blvd., Suite 301  
Beverly Hills, CA 90211  
Phone: (310) 288-4500  
Fax: (310) 246-9980

**BY OVERNIGHT DELIVERY:** I enclosed said document(s) in an envelope or package provided by the overnight service carrier and addressed to the persons at the addresses listed in the Service List. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight service carrier or delivered such document(s) to a courier or driver authorized by the overnight service carrier to receive documents.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 29, 2012, at Santa Monica, California.

  
\_\_\_\_\_  
Erlinda Bernabe