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

Proceeding	92055528
Party	Defendant David Szellos
Correspondence Address	DAVID SZELLOS 60 LONSDALE ROAD TORONTO, ON M4V1W5 CANADA
Submission	Answer
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Signature	/William C. Wright/
Date	06/07/2012
Attachments	DOC060712answer-06072012090023.pdf (5 pages)(79820 bytes)

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

----- X

SWATCH AG (SWATCH SA)
(SWATCH LTD.)

Petitioner,

v.

Cancellation No.: 92055528

DAVID SZELLOS

Registrant.

-----X

ANSWER TO PETITION FOR CANCELLATION

David Szellos (“Registrant”), by his attorneys, Epstein Drangel LLP, answers the Petition for Cancellation as set forth below. Unless specifically admitted, Registrant denies each of the allegations of the Petition for Cancellation. To the extent that any unnumbered headings in the Petition for Cancellation are deemed allegations, Registrant denies those allegations as well.

1. Registrant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 1 and therefore denies same.

2. Registrant lacks knowledge or information sufficient to form a belief as to the

truth or falsity of the allegations of Paragraph 2 and therefore denies same.

3. Registrant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 3 and therefore denies same.

4. Denied.

5. Registrant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 5 and therefore denies same.

6. Registrant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 6 and therefore denies same.

7. Denied.

8. Registrant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 8 and therefore denies same.

9. Denied.

10. Denied.

11. Denied.

12. Denied.

13. Denied.

14. Denied.

15. Applicant admits that it applied to register IWATCHZ, Ser. No. 85/137,754; admits that said application was suspended on January 5, 2011, and that it filed the U.S. application to register the same mark, Ser. No. 85/304,100, on April 25, 2011; and admits that Ser. No. 85/304,100, issued to registration as Reg. No. 4070253. Applicant denies all other allegations and characterizations of Paragraph 15.

16. Denied.

17. Denied.

18. Denied.

19. Denied.

20. Denied.

21. Denied.

22. Denied.

23. Denied.

24. Denied.

25. Denied.

FIRST AFFIRMATIVE DEFENSE

The claims, on one or more counts set forth therein, fail to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

The claims, on one or more counts set forth therein, are barred under the doctrines of laches, acquiescence and/or estoppel.

THIRD AFFIRMATIVE DEFENSE

Petitioner's claims are barred by the doctrine of unclean hands.

FOURTH AFFIRMATIVE DEFENSE

The marks at issue are distinguishable.

FIFTH AFFIRMATIVE DEFENSE

The goods covered by the marks at issue are different.

SIXTH AFFIRMATIVE DEFENSE

There is no likelihood of confusion between the marks at issue.

SEVENTH AFFIRMATIVE DEFENSE

Petitioner lacks standing to Petition to Cancel U.S. Reg. No. 4070253, particularly with regard to its claim that IWATCHZ is descriptive as applied to Registrant's goods.

EIGHTH AFFIRMATIVE DEFENSE

The mark IWATCHZ as applied to Registrant's goods is not merely descriptive.

NINTH AFFIRMATIVE DEFENSE

The mark IWATCHZ does not diminish or dilute the value and distinctive character of Petitioner's alleged SWATCH Marks.

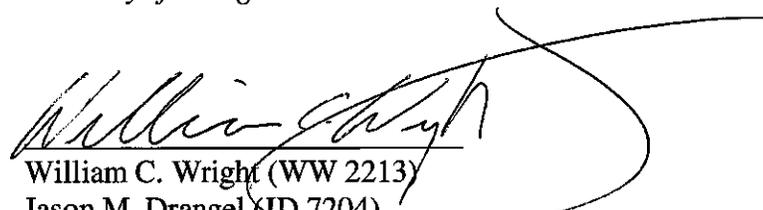
RESERVATION OF RIGHT

Registrant reserves the right, upon completion of its discovery and investigation or otherwise, to assert such additional defenses as may be appropriate.

EPSTEIN DRANGEL LLP
Attorneys for Registrant

Dated: June 7, 2012

BY:

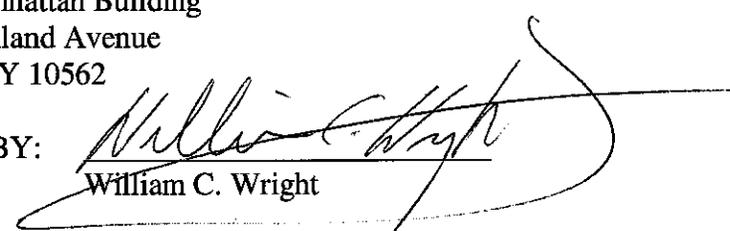

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the Answer to Petition for Cancellation was served by First Class Mail, with sufficient postage prepaid, on this 7th day of June, upon Petitioner's attorney of record:

Jess M. Collen, Esq.
Collen IP
The Holyoke-Manhattan Building
80 South Highland Avenue
Ossing, NY 10562

BY:


William C. Wright
