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

Proceeding	92055558
Party	Defendant Emmmanouil Kokologiannis and Sons, Societe Anonyme of Trade, Hotels And Tourism S.A. "with the business title "Scala" "Pangosmio"
Correspondence Address	EMMMANOUIL KOKOLOGIANIS AND SONS SOCIETE ANONYME OF TRADE HOTELS AND TOURISM SA AGIA PELAGIA, HERAKLION PC 7150 CRETE, GREECE gobat@davincipartners.com, moetteli@davincipartners.com
Submission	Answer
Filer's Name	John Moetteli
Filer's e-mail	moetteli@davincipartners.com
Signature	/s john moetteli/
Date	08/24/2012
Attachments	REGISTRANTS AMENDED ANSWER TO CANCELLATION PETITION-amended.pdf (6 pages)(40831 bytes)

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

In the matter of Registration	§	
No.: 3,256,667	§	
Registration Date: 2007-06-26	§	Cancellation No.
ECONOMY RENT-A-CAR, Inc.,	§	92055558
Petitioner	§	
v.	§	
Emmanouil Kokologiannis and Sons,	§	Atty Ref No. MUS-E026-001-C
Societe Anonyme of Trade,	§	
Hotels and Tourism S.A	§	
Registrant/Respondent		

CERTIFICATE OF SERVICE

I hereby certify that the attached:

REGISTRANT'S AMENDED ANSWER TO PETITION FOR CANCELLATION

is served on the Petitioner by email, and by fax to **001 202 659-1559**.

Date: 24 August 2012 /s/ jasmin hug/

Name: Jasmin Hug

for John Moetteli
Da Vinci Partners LLC
St. Leonhardstrasse 4
CH-9000 St. Gallen
Switzerland
Tel: 01141 71 230 1000
Fax: 01141 71 230 1001
moetteli@davincipartners.com

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**REGISTRANT’S AMENDED ANSWER TO PETITION FOR
CANCELLATION**

Registrant, Emmanouil Kokologiannis and Sons, Societe Anonyme of Trade, Hotels and Tourism S.A., by and through its undersigned counsel, hereby responds to the Petition for Cancellation as follows:

To the numbered allegations in the Petition for Cancellation, Registrant responds as follows:

1. The Registrant is without knowledge or information sufficient to form a belief as to the accuracy of this statement and therefore denies the same.

2. The Registrant is without knowledge or information sufficient to form a belief as to the accuracy of this statement and therefore denies the same.
3. Registrant admits the allegations on this point regarding the owner of the Registration no. 3256667 (hereinafter the “Mark”).
4. Registrant denies this allegation.
5. Registrant denies Petitioner’s allegation of non-use of the Mark and further states that Registrant has never lacked the intent to use the Mark. Registrant denies Petitioner’s allegation that the Mark has been abandoned.
6. Registrant is without knowledge or information sufficient to form a belief as to the accuracy of this statement.
7. The Registrant is without knowledge or information sufficient to form a belief as to the accuracy of this statement and therefore denies the same.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

(Failure to state a claim)

With respect to the Petition's ground of priority and likelihood of confusion, the Petition fails to state a claim upon which relief can be granted. Whatever rights the Petitioner may have in its alleged trademark ECONOMY RENT-A-CAR, those rights are insufficient to justify the cancellation of a federally registered trademark that is not abandoned.

SECOND AFFIRMATIVE DEFENSE

(Petitioner's trademark rights limited)

Because the trademark is not abandoned, being in current use, and in use prior to the filing of the Petition for Cancellation, the following is an affirmative defense: The Petitioner's alleged trademark, upon which the Petition is based, is an unregistered trademark. Petitioner has alleged prior use of its unregistered trademark only in the State of California. Petitioner's rights in its alleged trademark are limited to those territories where Petitioner can prove it had established rights prior to the Registrant's priority date. Therefore, to the extent that Petitioner cannot prove prior use in all States and Territories of the United States, the Petition must fail.

THIRD AFFIRMATIVE DEFENSE

(Laches)

Petitioner is barred from seeking cancellation of the Registrant's mark under the doctrine of laches, because for several years prior to filing the present Petition, Petitioner or its predecessor-in-interest has been aware of Registrant's mark and has taken no action against it.

FOURTH AFFIRMATIVE DEFENSE

(Acquiescence)

Petitioner is barred from seeking cancellation of the Registrant's mark under the doctrine of acquiescence, because prior to the present cancellation petition, Petitioner or a related company made an offer of business cooperation with the Registrant.

FIFTH AFFIRMATIVE DEFENSE

(Unclean hands)

Petitioner is barred from seeking cancellation of the Registrant's mark under the doctrine of unclean hands, because Petitioner or its related companies has acted with a bad faith intent to trade on the goodwill of Registrant's mark.

ADDITIONAL DEFENSES

Registrant reserves the right to assert additional defenses based on information learned or obtained during discovery.

WHEREFORE, Registrant prays that the Cancellation Petition be dismissed with prejudice.

Respectfully Submitted

/s john moetteli/

John Moetteli, Esq.
DC Bar No. 489310
Da Vinci Partners LLC
St. Leonhardstrasse 4
CHE-9000 St. Gallen
Switzerland
Phone: 011 4171 230 1000
Fax: 011 4171 230 1001

Date: August 24, 2012