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

Proceeding	92055655
Party	Defendant ARTEC Computer GmbH
Correspondence Address	DYAN M HOUSE CARTER STAFFORD ARNETT HAMADA & MOCKLER PLLC 8150 N CENTRAL EXPRESSWAY, STE 1950 DALLAS, TX 75206 UNITED STATES trademarks@carterstafford.com, dhouse@carterstafford.com, ipparalegal@carterstafford.com
Submission	Answer
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Date	08/02/2012
Attachments	Answer 08-02-12.pdf (4 pages)(92921 bytes)

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

EMA Design Automation, Inc.,
Petitioner,

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Cancellation No. 92055655
Registration No. 3,906,959
Registration No. 3,639,887

v.

ARTEC Computer GmbH,
Registrant.

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

ANSWER TO PETITION TO CANCEL

ARTEC Computer GmbH (“Registrant”), a limited liability company formed under the laws of Germany, having its principal place of business at Robert-Bosch-Strasse 38, 61184 Karben, Germany, responds to the Petition to Cancel as follows:

Answer

1. Registrant admits that Petitioner filed an application to register EMA DESIGN AUTOMATION and Design on July 4, 2011, which was issued Application Serial No. 85/362,651 (the “Application”). Registrant admits that Petitioner attached to the Petition to Cancel the TARR record for the Application as of May 15, 2012, and print out of the assignment history for the Application as of May 15, 2012, but otherwise denies the allegations of paragraph 1.

2. Admitted.

3. Registrant denies that Petitioner used its mark prior to Registrant’s first use of its marks. With regard to the remaining allegations of paragraph 3, Registrant does not have sufficient

knowledge or information to form a belief as to the allegations and accordingly denies said allegations.

4. Admitted.

5. Admitted.

6. Admitted.

7. Admitted.

8. Denied.

9. Denied.

Relief

10. Registrant denies that Petitioner is entitled to any relief requested by the Petition to Cancel.

Affirmative Defenses

11. To the extent not specifically addressed in paragraphs 1 through 9 above, Registrant denies each and every allegation in the Petition for Cancellation.

12. The Petition to Cancel fails in whole or in part to state a claim upon which relief can be granted.

13. Petitioner cannot recover on its claims set forth in the Petition to Cancel as Registrant is the senior user of the marks.

Right to Amend

14. Registrant reserves the right to amend and/or supplement this Answer and its affirmative defenses.

WHEREFORE, Registrant prays that the Petition to Cancel be denied.

Dated: August 2, 2012

Respectfully submitted,

By: /Dyan M. House /
Dyan M. House
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ATTORNEYS FOR REGISTRANT

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Registrant's Answer to the Petition to Cancel has been served via First Class Mail, postage prepaid, to counsel for Petitioner at the address below on this the 2nd day of August 2012:

Christopher J. Day
Law Office of Christopher Day
9977 North 90th Street, Suite 155
Scottsdale, AZ 85258

/Dyan M. House/

Dyan M. House