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

Proceeding	92055854
Party	Defendant Lai Lai Department Store Co., Ltd.
Correspondence Address	JAMES M SLATTERY BIRCH STEWART KOLASCH & BIRCH LLP PO BOX 747 FALLS CHURCH, VA 22040-0747 UNITED STATES mailroom@bskb.com
Submission	Answer
Filer's Name	James M. Slattery
Filer's e-mail	jms@bkb.com,mailroom@bskb.com,ohnst@bskb.com,bg@bskb.com
Signature	/James M. Slattery/
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Attachments	2012-08-24 Answer to Notice of Cancellation.pdf (6 pages)(188332 bytes)

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

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OASIS INTERTRADE LIMITED)
Petitioner,)
)
v.) Cancellation No.: 92055854
) Registration No. 3,576,288
LAI LAI DEPARTMENT STORE CO., LTD.))
)
Registrant – Respondent.)
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ATTENTION: BOX TTAB

ANSWER

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

Sir:

Lai Lai Department Store Co., Ltd. (hereinafter “Registrant”), a Taiwan corporation with offices located at 3F-1, No. 87, Lane 155, Dunhua N. Rd., Songshan District, Taipei City, Taiwan 105, hereby answers the Petition for Cancellation filed by Oasis Intertrade Limited (hereafter “Petitioner”), a British Virgin Islands corporation, having a business address of P. O. Box 146, Road Town, Trident Chambers, Wickhams Cay, Tortola, British Virgin Islands, in connection with the above-identified Petition for Cancellation as follows:

1. Petitioner has applied to register Application Serial No. 85/664,007 for the trademark OK in the U.S., and it is anticipated that the U.S. Patent and Trademark Office will refuse registration of Petitioner’s application based upon the allegation of a likelihood of confusion with the mark shown in Registration No. 3,576,228 (hereinafter “the Registered Mark”), thereby causing damage to Petitioner.

ANSWER:

Denied. The grounds set forth in paragraph 1 are premature since Petitioner just “anticipates” that the U.S. Patent and Trademark Office will refuse registration of Petitioner’s Application based upon the allegation of a likelihood of confusion with the mark shown in Registration No. 3,576,288 (the Registrant’s mark). Petitioner just filed the trademark Application No. 85/664,007 on June 28, 2012. To date, the U.S. Patent and Trademark Office has not assigned the application to a Trademark Attorney for examination.

2. After investigation and upon information and belief, Registrant is not currently using, the Registered Mark in the United States in connection with each of the services listed in the subject registration.

ANSWER:

Denied.

3. After investigation and upon information and belief, Registrant is not currently using, the Registered Mark in the United States in connection with any of the services listed in the subject registration.

ANSWER:

Denied.

4. After investigation and upon information and belief, Registrant has never used the Registered Mark in the United States in connection with each of the services listed in the subject registration.

ANSWER:

Denied.

5. After investigation and upon information and belief, Registrant has never used the Registered Mark in the United States in connection with any of the services listed in the subject registration.

ANSWER:

Denied.

6. After investigation and upon information and belief, Registrant has no intention to begin use of the Registered Mark in the United States in connection with each of the services listed in the subject registration.

ANSWER:

Denied.

7. After investigation and upon information and belief, Registrant has no intention to begin use of the Registered Mark in the United States in connection with any of the services listed in the subject registration.

ANSWER:

Denied.

8. After investigation and upon information and belief, Registrant has abandoned use of the Registered Mark in the United States in connection with each of the services listed in the subject registration.

ANSWER:

Denied.

9. After investigation and upon information and belief, Registrant has abandoned use of the Registered Mark in the United States in connection with all of the services listed in the subject registration.

ANSWER:

Denied.

10. If the Registrant is permitted to retain Registration No. 3,576,228, a cloud will be placed on Petitioner's Application, on the mark that is the subject of Petitioner's Application and on Petitioner's right to use, register and expand the use of that mark. Continued registration of the Registered Mark would thus be a source of damage and injury to the Petitioner.

ANSWER:

Denied.

AFFIRMATIVE DEFENSES

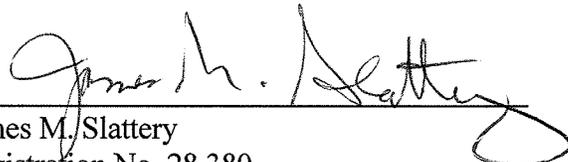
1. Petitioner has no standing to cancel Registrant's Trademark Registration.
2. The Petition for Cancellation fails to state facts sufficient to constitute any claim or basis for relief.
3. To the extent that the Petition for Cancellation alleges any intent to abandon the Registrant's trademark registration, such allegations lack the specificity required by the Federal Rules of Civil Procedure.

CONCLUSION

WHEREFORE, Registrant prays that the Petition for Cancellation be denied and dismissed with prejudice, and that Petitioner obtains no relief, and that Registrant shall obtain any other relief as the Trademark Trial and Appeal Board may find just and proper.

Dated: August 24, 2012

Respectfully submitted,

By: 

James M. Slattery

Registration No. 28,380

Attorney for Registrant

BIRCH, STEWART, KOLASCH & BIRCH, LLP

P.O. Box 747

Falls Church, Virginia 22040-0747

Telephone: (703) 205-8000

JMS/BG/adt/jns

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Answer to the Petition for Cancellation has been served upon counsel for the Petitioner:

Rebecca Liebowitz
Mark B. Harrison
Michael Hall
Jeremy Klass
VENABLE LLP
P. O. Box 34385
Washington, D.C. 20048-9998
Telephone: 202-344-4000
Facsimile: 202-344-8300

via first-class mail, postage prepaid, on this 24th day of August, 2012.

By Tiffany C. Johnson