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

Proceeding	92056995
Party	Defendant New Yorker S.H.K. Jeans GmbH & Co. KG
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRADEMARK TRIAL AND APPEAL BOARD

JACK RAJCA, Petitioner, vs. NEW YORKER S.H.K. JEANS GMBH & CO. KG, Registrant.	**Cancellation No.: 92056995** **ANSWER TO FIRST AMENDED PETITION FOR CANCELLATION**

New Yorker Jeans S.H.K. GmbH & Co. KG, a corporation, organized and existing under the laws of Germany (hereinafter "Registrant") hereby, by its undersigned attorney, Answers the First Amended Petition for Cancellation filed by Jack Rajca (hereinafter "Petitioner") and admits, denies and alleges as follows:

1. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averments in numbered paragraph 1 of the First Amended Petition for Cancellation and therefore denies same.

2. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averments in numbered paragraph 2 of the First Amended Petition for Cancellation and therefore denies same.

3. Admitted.

4. Admitted.

5. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averments in numbered paragraph 5 of the First Amended Petition for Cancellation and therefore denies same.

6. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averments in numbered paragraph 6 of the First Amended Petition for Cancellation and therefore denies same.

7. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averments in numbered paragraph 7 of the First Amended Petition for Cancellation and therefore denies same.

8. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averments in numbered paragraph 8 of the First Amended Petition for Cancellation and therefore denies same.

9. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averments in numbered paragraph 9 of the First Amended Petition for Cancellation and therefore denies same.

10. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averments in numbered paragraph 10 of the First Amended Petition for Cancellation and therefore denies same.

11. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averments in numbered paragraph 11 of the First Amended Petition for Cancellation.

12. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averments in numbered paragraph 12 of the First Amended Petition for Cancellation because the term "approached" is vague and indefinite and therefore denies same.

13. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averments in numbered paragraph 13 of the First Amended Petition for Cancellation.

14. Registrant denies the allegations of numbered paragraph 14 of the First Amended Petition for Cancellation.

15. Registrant denies the allegations of numbered paragraph 15 of the First Amended Petition for Cancellation.

16. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averments in numbered paragraph 16 of the First Amended Petition for Cancellation because "again approached" is vague and indefinite and therefore denies same.

17. Admits Fredric Knapp and Claus Reese met with Petitioner, but deny any and all other averments set forth in paragraph 17.

18. Registrant incorporates its responses to the allegations set forth in paragraphs numbered 1 through 17 as if fully set forth herein.

19. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averments in numbered paragraph 19 of the First Amended Petition for Cancellation and therefore denies same.

20. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averments in numbered paragraph 20 of the First Amended Petition for Cancellation and therefore denies same.

21. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averments in numbered paragraph 21 of the First Amended Petition for Cancellation and therefore denies same.

22. Admitted.

23. Registrant incorporates its responses to the allegations set forth in paragraphs numbered 1 through 22 as if fully set forth herein.

24. Registrant denies the allegations of numbered paragraph 24 of the First Amended Petition for Cancellation.

25. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averments in numbered paragraph 25 of the First Amended Petition for Cancellation because the term "incorporates" is vague and indefinite and therefore denies same.

26. Registrant denies the allegations of numbered paragraph 26 of the First Amended Petition for Cancellation, as the registration speaks for itself.

27. Registrant denies the allegations of numbered paragraph 27 of the First Amended Petition for Cancellation, as the registration speaks for itself.

28. Registrant denies the allegations of numbered paragraph 28 of the First Amended Petition for Cancellation, as the registration speaks for itself.

29. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averments in numbered paragraph 29 of the First Amended Petition for Cancellation and therefore denies same.

30. Registrant denies the allegations of numbered paragraph 30 of the First Amended Petition for Cancellation.

31. Registrant denies the allegations of numbered paragraph 31 of the First Amended Petition for Cancellation.

AFFIRMATIVE DEFENSES

First Affirmative Defense

The First Amended Petition for Cancellation fails to state a claim upon which relief can be granted to Petitioner.

Second Affirmative Defense

Registrant's use of its applied for mark is not likely to cause confusion with Petitioner's alleged pleaded marks.

Third Affirmative Defense

The marks at issue differ in sound, appearance, meaning, and commercial impression.

Fourth Affirmative Defense

The respective goods/services, channels of trade, marketing and distribution of the goods/services at issue differ.

Respectfully, submitted,

EPSTEIN DRANGEL, LLP
Attorneys for Registrant

Dated: June 28, 2013

By: _____

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing ANSWER TO FIRST AMENDED PETITION FOR CANCELLATION was served by First Class Mail, with sufficient postage prepaid, on this 28th day of June, 2013, upon Petitioner's attorney:

Jacqueline Patt
Venable
P.O. Box 34385
Washington, D.C. 2005

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