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Filing date: **06/17/2013**

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

Proceeding	92057179
Party	Defendant Sigma-Tau Industries Farmaceutiche Riunite S.p.A.
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Date	06/17/2013
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Marks: GIMULA, GIMLEF, GIMLIV, GIMLIF

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AstraZeneca AB :
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 Petitioner, :
 :
 v. : Cancellation No. 92057179
 :
 :
 Sigma-Tau Industrie :
 Farmaceutiche Riunite S.p.A. :
 :
 Respondent. :
 :
-----X

RESPONDENT'S ANSWER TO PETITION FOR CANCELLATION

Honorable Commissioner for Trademarks
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Respondent, Sigma-Tau Industrie Farmaceutiche Riunite S.p.A. for its answer to the Consolidated Petition for Cancellation (No. 92057179) filed by AstraZeneca AB, against registrations Nos. 3,265,365, 3,265,369 3,265,370 3,318,596 for the trademarks GIMULA, GIMLEF, GIMLIV, GIMLIF pleads and avers as follows:

1. Answering Paragraph 1 of the Petition for Cancellation, Respondent lacks sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies all the allegations, leaving Petitioner to its strict proof at trial.

2. Answering Paragraph 2 of the Petition for Cancellation, Respondent lacks sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies all the allegations, leaving Petitioner to its strict proof at trial.

3. Answering Paragraph 3 of the Petition for Cancellation, Respondent lacks sufficient knowledge or information, especially with regard to Petitioner's qualification of what constitutes trademark use or lack thereof, thus denies all the allegations leaving Petitioner to its strict proof at trial.

4. Answering Paragraph 4 of the Petition for Cancellation, Respondent lacks sufficient knowledge or information, especially with regard to Petitioner's qualification of what constitutes trademark use or lack thereof, thus denies all the allegations leaving Petitioner to its strict proof at trial.

5. Answering Paragraph 5 of the Petition for Cancellation, Respondent lacks sufficient knowledge or information, especially with regard to Petitioner's qualification of what constitutes use of a registration as a trademark, thus denies all the allegations leaving Petitioner to its strict proof at trial.

6. Answering Paragraph 6 of the Petition for Cancellation, Respondent denies the allegations contained therein.

7. Answering Paragraph 7 of the Petition for Cancellation, Respondent denies the allegations contained therein.

8. Answering Paragraph 8 of the Petition for Cancellation, Respondent denies the allegations contained therein.

9. Answering Paragraph 9 of the Petition for Cancellation, Respondent denies the allegations contained therein.

10. Answering Paragraph 10 of the Petition for Cancellation, Respondent denies.

FIRST AFFIRMATIVE DEFENSE

11. Petitioner lacks standing to petition to cancel the subject registrations.

SECOND AFFIRMATIVE DEFENSE

12. Opposer's Petition to Cancel fails to state legally sufficient grounds for sustaining the cancellation.

THIRD AFFIRMATIVE DEFENSE

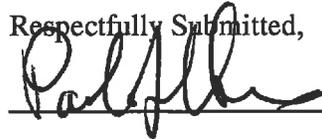
13. Petitioner's request for relief is barred by the equitable doctrines of laches, waiver and/or acquiescence.

In view of the foregoing, Respondent contends that this cancellation request is groundless and respectfully prays the Trademark Trial and Appeal Board to dismiss this proceeding with prejudice to Petitioner.

Dated: June 17, 2013

By:

Respectfully Submitted,



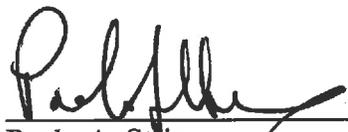
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ATTORNEYS FOR RESPONDENT

CERTIFICATE OF TRANSMISSION AND SERVICE

I hereby certify that a true and complete copy of the foregoing RESPONDENT'S ANSWER TO PETITION FOR CANCELLATION has been served on Petitioner, by mailing said copy on June 17, 2013, via express courier, postage prepaid to Petitioner's counsel Cara M. Kearney, at 1800 Concord Pike , FOP3-634, Wilmington, DE 19850-5437, USA.

The undersigned further certifies that this correspondence is being transmitted electronically to the Commissioner for Trademarks on June 17, 2013, by filing the same electronically at <http://esta.uspto.gov/filing-type.jsp>



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