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

Proceeding	92057518
Party	Defendant EMPIRE IP HOLDINGS LLC
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Date	09/25/2013
Attachments	Answer 09-25-2013.pdf(61780 bytes)

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

The George Nelson Foundation,

Petitioner,

v.

Empire IP Holdings LLC,

Registrant.

Cancellation No. 92057518

U.S. Reg. No. 3,463,818

Mark: GEORGE NELSON BY VERICHRON

Date of Registration: July 8, 2008

ANSWER

The Registrant, Empire IP Holdings LLC, answers the Petition to Cancel filed by the Petitioner, The George Nelson Foundation, as follows:

1. Registrant is without sufficient knowledge to admit or deny the allegations set forth in Paragraph 1 of the Petition to Cancel and therefore denies the same.
2. Registrant is without sufficient knowledge to admit or deny the allegations set forth in Paragraph 2 of the Petition to Cancel and therefore denies the same.
3. Registrant is without sufficient knowledge to admit or deny the allegations set forth in Paragraph 3 of the Petition to Cancel and therefore denies the same.
4. Registrant is without sufficient knowledge to admit or deny the allegations set forth in Paragraph 4 of the Petition to Cancel and therefore denies the same.
5. Registrant denies the allegations set forth in Paragraph 5 of the Petition to Cancel.
6. Registrant is without sufficient knowledge to admit or deny the allegations set forth in Paragraph 6 of the Petition to Cancel and therefore denies the same.

7. Registrant is without sufficient knowledge to admit or deny the allegations set forth in Paragraph 7 of the Petition to Cancel and therefore denies the same.
8. Registrant admits that at the time Registrant's predecessor-in-interest applied to register the mark GEORGE NELSON BY VERICHRON for clocks, he read articles about the late George Nelson. Registrant is without sufficient knowledge to admit or deny the remainder of the allegations set forth in Paragraph 8 of the Petition to Cancel and therefore denies the same.
9. Registrant admits that Registrant's licensee(s) sold and continues to sell clocks under its registered mark GEORGE NELSON BY VERICHRON. Registrant is without sufficient knowledge to admit or deny the remainder of the allegations set forth in Paragraph 9 of the Petition to Cancel and therefore denies the same.
10. Registrant admits that Registrant, nor its predecessor-in-interest, never had any affiliation with Petitioner, the late George Nelson, or Ms. Nelson. Registrant is without sufficient knowledge to admit or deny the remainder of the allegations set forth in Paragraph 10 of the Petition to Cancel and therefore denies the same.
11. Registrant re-alleges its Answers to Paragraphs 1-10 of the petition to Cancel.
12. Paragraph 12 of the Petition to Cancel alleges questions of law that do not require an answer. Any factual allegations are denied by Registrant.
13. Registrant admits the allegations set forth in Paragraph 13 of the Petition to Cancel.
14. Registrant denies the allegations set forth in Paragraph 14 of the Petition to Cancel.

15. Registrant admits the allegations set forth in Paragraph 15 of the Petition to Cancel.
16. Registrant denies the allegations set forth in Paragraph 16 of the Petition to Cancel.
17. Registrant re-alleges its Answers to Paragraphs 1-16 of the Petition to Cancel.
18. Paragraph 18 of the Petition to Cancel alleges questions of law that do not require an answer. Any factual allegations are denied by Registrant.
19. Registrant is without sufficient knowledge to admit or deny the allegations set forth in Paragraph 19 of the Petition to Cancel and therefore denies the same.
20. Registrant denies the allegations set forth in Paragraph 20 of the Petition to Cancel.
21. Registrant is without sufficient knowledge to admit or deny the allegations set forth in Paragraph 21 of the Petition to Cancel and therefore denies the same.
22. Registrant denies the allegations set forth in Paragraph 22 of the Petition to Cancel.
23. Registrant re-alleges its Answers to Paragraphs 1-22 of the Petition to Cancel.
24. Paragraph 24 of the Petition to Cancel alleges questions of law that do not require an answer. Any factual allegations are denied by Registrant.
25. Registrant denies the allegations set forth in Paragraph 25 the Petition to Cancel.
26. Registrant denies the allegations set forth in Paragraph 26 the Petition to Cancel.
27. Registrant re-alleges its Answers to Paragraphs 1-26 of the Petition to Cancel.
28. Paragraph 28 of the Petition to Cancel alleges questions of law that do not require an answer. Any factual allegations are denied by Registrant.

29. Paragraph 29 of the Petition to Cancel alleges questions of law that do not require an answer. Any factual allegations are denied.

30. Registrant admits that at the time Registrant's predecessor-in-interest, Wen Chen Wu, filed the application for mark GEORGE NELSON BY VERICHRON, he read articles about the late George Nelson. Registrant is without sufficient knowledge to admit or deny the remainder of the allegations set forth in Paragraph 30 of the Petition to Cancel and therefore denies the same.

31. Registrant admits that Registrant's authorized representative signed a declaration section of a trademark application for the mark GEORGE NELSON BY VERICHRON. Registrant denies the remainder of the allegations set forth in Paragraph 31 of the Petition to Cancel.

32. Registrant denies the allegations set forth in Paragraph 32 of the Petition to Cancel.

33. Registrant denies the allegations set forth in Paragraph 33 of the Petition to Cancel.

34. Registrant denies the allegations set forth in Paragraph 34 of the Petition to Cancel.

AFFIRMATIVE DEFENSES

1. The petition to cancel fails to state a claim upon which relief can be granted.
2. Petitioner lacks standing to file the Petition to Cancel.
3. Petitioner is not the owner of a right to the purported marks GEORGE NELSON or NELSON that is superior to Registrant's right to its federally registered mark GEORGE NELSON BY VERICHRON.
4. Petitioner's claims is barred by the doctrine of laches.
5. Petitioner's claims are barred by the doctrine of unclean hands.
6. Petitioner's claims are barred by the doctrine of acquiescence.
7. Petitioner's claims are barred by the doctrines of equitable estoppel and/or waiver.
8. Petitioner will not suffer any damage if the registration is not cancelled.

WHEREFORE, Registrant respectfully requests this Petition to Cancel be dismissed with prejudice.

Respectfully submitted,

Empire IP Holdings LLC

By its Attorney,

Dated: 09-25-2013

/Steven N. Fox/
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 25, 2013, a true copy of this paper has been served upon counsel for the Petitioner at their e-mail addresses of record (by agreement), namely, to carolyn.passen@kattenlaw.com, william.dorsey@kattenlaw.com, and julia.kasper@kattenlaw.com.

/Steven N. Fox/
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