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

Proceeding	92057674
Party	Defendant Party Fiesta, S.A.
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Date	11/19/2013
Attachments	PARTY FIESTA Ans to Pet to Cancel.pdf(69515 bytes )

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

JOSE ROLANDO IBARRA,

Petitioner,

v.

PARTY FIESTA, S.A.,

Registrant

Cancellation No. 92057674

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

**REGISTRANT'S ANSWER TO THE PETITION FOR CANCELLATION**

1. Registrant has insufficient information as to the allegations set forth in Paragraph 1 and therefore denies same.

2. Registrant acknowledges that an Official Action was issued on February 19, 2013, but has insufficient knowledge as to the remainder of the allegations asserted in this Paragraph and therefore denies same.

3. Registrant has insufficient information as to the allegations set forth in Paragraph 3 and therefore denies same.

4. Registrant denies Paragraph 4.

5. Registrant denies Paragraph 5.

6. Registrant denies Paragraph 6.

7. Registrant denies Paragraph 7.

8. Registrant has insufficient information as to the allegations set forth in Paragraph 8 and therefore denies same.

9. Registrant has insufficient information as to the allegations set forth in Paragraph 9 and therefore denies same.

10. Registrant has insufficient information concerning “Petitioner’s rights in and to Petitioner’s trademark,” set forth in Paragraph 10 and therefore denies same. Registrant admits to the filing particulars of its registration as set forth in Paragraph 10.

11. Registrant denies Paragraph 11.

12. Registrant has insufficient information as to the allegations set forth in Paragraph 12, and therefore denies same.

13. Registrant denies Paragraph 13.

14. Registrant denies Paragraph 14.

15. Registrant admits to the owner and domestic representative information listed in Paragraph 15.

#### **AFFIRMATIVE DEFENSES**

16. Registrant’s enjoys a constructive use date of February 18, 2008, which pre-dates Petitioner’s 2011 filing date.

17. Registrant opened its first PARTY FIESTA store in 1994 in Europe and has since expanded into several different countries. Registrant’s website [www.partyfiesta.com.en](http://www.partyfiesta.com.en) provides a means by which consumers around the globe, including the U.S., can obtain information on Registrant and its services.

18. Registrant has not abandoned its trademark PARTY FIESTA.

WHEREFORE, it is respectfully requested that the Petition for Cancellation be dismissed with prejudice.

Dated: November 19, 2013

Respectfully submitted,

*s/Lawrence E. Abelman/*  
LAWRENCE E. ABELMAN  
ERICA R. HALSTEAD

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PARTY FIESTA, S.A.

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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing **ANSWER TO THE PETITION FOR CANCELLATION** was sent by first class mail, postage prepaid this 19<sup>TH</sup> day of November 2013 upon the following:

Darren Rimer  
Rimer & Mathewson LLP  
30021 Tomas, Suite 300  
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*s/Erica Halstead/*  
ERICA R. HALSTEAD