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Filing date: **10/07/2013**

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

Proceeding	92057757
Party	Defendant Jewcy Media, LLC
Correspondence Address	JEWCY MEDIA LLC 37 WEST 28TH STREET NEW YORK, NY 10001 UNITED STATES
Submission	Answer
Filer's Name	Jason Vogel
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Signature	/Jason Vogel/
Date	10/07/2013
Attachments	2013-10-7 Answer to Petition to Cancel.pdf(109964 bytes)

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

AVALANCHE, LLC)	
)	
Petitioner,)	
)	
v.)	Cancellation No. 92057757
)	
JEWCY MEDIA, LLC,)	
)	
Registrant.)	
)	

ANSWER TO PETITION FOR CANCELLATION

Registrant, Jewcy Media, LLC (“Registrant”), respectfully submits its Answer to the Petition for Cancellation filed by Avalanche, LLC (“Petitioner”) in the above-referenced matter. Registrant denies any allegations not expressly admitted and responds to the Petition for Cancellation as follows:

In response to the opening un-numbered paragraph, Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegation that Petitioner is a limited liability company organized and existing under the laws of the State of Florida, located and doing business at 1691 Michigan Avenue, Suite 410, Miami Beach, Florida 33139, and therefore denies this allegation. Registrant denies that Petitioner is being or will be damaged by United States Trademark Registration No. 3,228,371.

In response to the numbered paragraphs of the Petition for Cancellation, Registrant states as follows:

1. Registrant admits the allegations of Paragraph 1.
2. Registrant lacks knowledge as to Petitioner’s information and belief, but otherwise denies the allegations of Paragraph 2.

3. Registrant lacks knowledge as to Petitioner's information and belief, but otherwise avers that Paragraph 3 sets forth legal conclusions, to which no response is required, as to Registrant's use of the mark JEWCY. To the extent any response is required as to any allegations of Paragraph 3, such allegations are denied.

4. Registrant denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4 and therefore denies the same.

5. Registrant denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5 and therefore denies the same.

6. Registrant denies the allegations of Paragraph 6 that Petitioner has been and continues to be damaged by Registrant's registration, but admits that The United States Patent and Trademark Office ("PTO") has refused to register Petitioner's trademark, under 15 U.S.C. § 1052(d) on the basis that Petitioner's mark so resembles Registrant's mark as to be likely to cause confusion, to cause mistake, or to deceive.

7. Registrant avers that Paragraph 7 sets forth legal conclusions, to which no response is required.

8. Registrant lacks knowledge as to Petitioner's information and belief, but otherwise avers that Paragraph 8 sets forth legal conclusions, to which no response is required, as to Registrant's use of the mark JEWCY. To the extent any response is required as to any allegations of Paragraph 8, such allegations are denied.

9. Registrant avers that Paragraph 9 sets forth legal conclusions, to which no response is required, as to Registrant's use of the mark JEWCY. Registrant lacks knowledge as to the allegations of Paragraph 9 concerning the extent of searching conducted by Petitioner. To the extent any response is required as to any allegations of Paragraph 9, such allegations are denied.

10. Registrant lacks knowledge as to Petitioner's information and belief, but otherwise denies the allegations of Paragraph 10.

11. Registrant lacks knowledge as to Petitioner's information and belief, but otherwise denies the allegations of Paragraph 11.

The un-numbered paragraph following Paragraph 11 contains a prayer for relief, to which no response is required.

WHEREFORE, Registrant prays that the Petition for Cancellation be dismissed in its entirety and with prejudice, and that the prayer for relief contained therein be denied.

DATED: October 7, 2013

Respectfully submitted,

/s/ Jason Vogel
Jason Vogel
Georges Nahitchevansky
Tina Mepani
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Attorneys for Registrant

CERTIFICATE OF TRANSMITTAL

I hereby certify that a true copy of the foregoing Answer to Petition for Cancellation is being filed electronically with the TTAB via ESTTA on this day, October 7, 2013.

/s/ Tina Mepani
Tina Mepani

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Petitioner,)	
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)	
JEWICY MEDIA, LLC,)	
)	
Registrant.)	
)	

CERTIFICATE OF SERVICE

A true and correct copy of the attached document has been served on counsel for
Petitioner via first class mail addressed as follows:

Ury Fischer
Stephen D. Lott
P.O. Drawer 141098
Coral Gables, FL 33114-1098

Dated: October 7, 2013

/s/ Tina Mepani
Tina Mepani