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

Proceeding	92057779
Party	Defendant J.W. Pepper & Son, Inc.
Correspondence Address	JW PEPPER & SON INC P O BOX 1795, 2480 INDUSTRIAL BOULEVARD PAOLI, PA 19301 UNITED STATES
Submission	Answer
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Date	10/09/2013
Attachments	12353743_1.pdf(173380 bytes)

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

Sony Corporation v. J.W. Pepper & Son, Inc.

Registration No.: 4,222,713

Registered: October 9, 2012

Mark: SONIFLY

SONY CORPORATION,	:	
	:	
Petitioner,	:	
	:	
v.	:	Cancel. No.: 92057779
	:	
J.W. PEPPER & SON, INC.,	:	
	:	
Registrant.	:	
	:	

Hon. Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514

Attn.: Trademark Trial and Appeal Board

ANSWER AND AFFIRMATIVE DEFENSES

Madam:

J.W. Pepper & Son, Inc., Registrant in the above-captioned action, by and through its attorneys, Blank Rome LLP, answers the allegations contained in Petitioner's Petition for Cancellation as follows:

1. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 1 of the Petition for Cancellation, and therefore denies same.

2. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 2 of the Petition for Cancellation, and therefore denies same.

3. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 3 of the Petition for Cancellation, and therefore denies same.

4. Denied as conclusion of law to which no response is required.

5. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 5 of the Petition for Cancellation, and therefore denies same.

6. Registrant admits only that the accuracy of the registration numbers, marks, and goods and services information contained in Paragraph 6 of the Petition for Cancellation is

confirmed by the Trademark Status & Document Retrieval of the PTO as of October 8, 2013. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 6 of the Petition for Cancellation, including but not limited to, ownership, validity, and enforceability, and the same are therefore denied.

7. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 7 of the Petition for Cancellation, and therefore denies same.

8. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 8 of the Petition for Cancellation, and therefore denies same.

9. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 9 of the Petition for Cancellation, and therefore denies same.

10. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in

Paragraph 10 of the Petition for Cancellation, and therefore denies same.

11. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 11 of the Petition for Cancellation, and therefore denies same.

12. Denied.

13. Admitted in part, denied in part. Registrant admits only that it had prior knowledge of Petitioner's SONY mark at the time Registrant adopted its SONIFLY mark. Registrant denies all other allegations.

14. Denied.

15. Denied.

16. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 16 of the Petition for Cancellation, and therefore denies same.

17. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 17 of the Petition for Cancellation, and therefore denies same.

18. Denied.

19. Denied.

20. Denied as a conclusion of law to which no response is required.

21. Registrant incorporates by reference its answers to paragraphs 1 through 17 as though fully set forth herein.

22. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 22 of the Petition for Cancellation, and therefore denies same. Moreover, Registrant denies Petitioner's allegations regarding the renown and fame of Petitioner's SONY mark to the extent that they are conclusions of law to which no response is required.

23. Denied as a conclusion of law to which no response is required.

24. Denied as a conclusion of law to which no response is required.

25. Denied as a conclusion of law to which no response is required.

AFFIRMATIVE DEFENSES

1. Petitioner's claims for relief are barred in whole or in part by laches, acquiescence, and estoppel.

2. Registrant reserves the right to assert all defenses disclosed or developed in the course of discovery or trial.

WHEREFORE, Registrant, having fully and completely answered the Petition for Cancellation, prays that final judgment be entered:

A. Dismissing with prejudice the Petition for Cancellation, as presented in Cancellation No. 92057779;

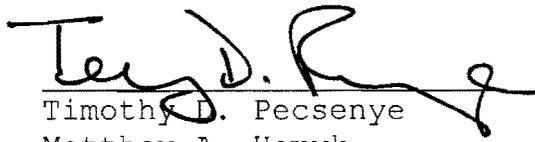
B. Granting Registrant such other and further relief as the Board deems just and proper.

Respectfully submitted,

J.W. PEPPER & SON, INC.

Date: October 9, 2013

By:


Timothy D. Pecsénye
Matthew A. Homyk
Its Attorneys

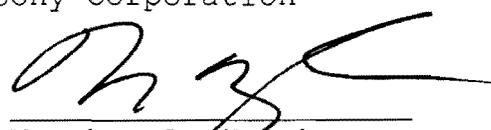
BLANK ROME LLP
ONE LOGAN SQUARE
PHILADELPHIA, PA 19103
(215) 569-5619

CERTIFICATE OF SERVICE

I, Matthew A. Homyk, do hereby certify that I have on this 9th day of October, 2013, mailed by first class United States Mail, postage prepaid, the foregoing ANSWER AND AFFIRMATIVE DEFENSES to the following:

Robert B.G. Horowitz, Esq.
Baker & Hostetler LLP
45 Rockefeller Plaza, 14th Floor
New York, NY 10111

Attorneys for Sony Corporation


Matthew A. Homyk