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

Proceeding	92058143
Party	Defendant D-Minor, Inc.
Correspondence Address	D-MINOR INC 333 EAST 75TH STREET, APT 7F NEW YORK, NY 10021 UNITED STATES
Submission	Answer
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Date	12/15/2013
Attachments	ANSWER.pdf(38467 bytes )

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

VAN DE WALL B.V.,

Petitioner,

v.

D-MINOR, INC.,

Registrant.

Mark: AFROJACKS

Canc. No.: 92058143

Reg. No.: 3,556,451

**ANSWER TO PETITION TO CANCEL**

Registrant D-MINOR, INC. (“Registrant”), a New York corporation having an address of 333 East 75<sup>th</sup> Street, New York, NY 10021, answers as follows:

1. Registrant admits the allegations of paragraph 1.
2. Registrant admits the allegations of paragraph 2.
3. Registrant admits Registrant is the record owner of U.S. Registration No. 3,556,451 and denies allegations not consistent therewith.
4. Registrant admits U.S. Registration No. 3,556,451 registered on January 6, 2009.
5. Registrant is without sufficient information to admit or deny the allegations of paragraph 5. Accordingly, allegations of paragraph 5 are denied.
6. Registrant denies the allegations of paragraph 6.
7. Registrant is without sufficient information to admit or deny the allegations of paragraph 7. Accordingly, allegations of paragraph 7 are denied.
8. Registrant is without sufficient information to admit or deny the allegations of paragraph 8. Accordingly, allegations of paragraph 8 are denied.
9. Registrant denies the allegations of paragraph 9.

10. Registrant is without sufficient information to admit or deny the allegations of paragraph 10. Accordingly, allegations of paragraph 10 are denied.

11. Registrant is without sufficient information to admit or deny the allegations of paragraph 11. Accordingly, allegations of paragraph 11 are denied.

12. Registrant's officer Brett Tabano was given the moniker "Afrojack" in 1991 and began to develop the mark thereafter for entertainment services.

13. Registrant denies the allegations of paragraph 13.

14. Registrant denies the allegations of paragraph 14.

15. Registrant has an AFROJACKSMUSIC.COM website and denies the remaining allegations of paragraph 15.

16. Registrant denies the allegations of paragraph 16.

17. Registrant denies the allegations of paragraph 17.

18. If Petitioner's AFROJACK marks described in paragraphs 7 and 8 were refused by the United States Patent & Trademark Office, then Registrant concurs with the refusal of Petitioner's marks.

19. If Petitioner's AFROJACK marks described in paragraphs 7 and 8 were refused by the United States Patent & Trademark Office, then Registrant concurs with the refusal of Petitioner's marks.

20. Registrant denies the allegations of paragraph 20.

21. Registrant denies the allegations of paragraph 21.

### **AFFIRMATIVE DEFENSES**

1. Petitioner lacks standing to plead the claims set forth in the Petition to Cancel.

2. Petitioner will not be damaged by the continued registration of Registrant's AFROJACKS mark.

3. Petitioner has no right, unlike Registrant, to use and/or register in the United States, the AFROJACK mark for the goods/services listed in the marks cited by Petitioner as basis for

cancellation.

4. Upon information and belief, Petitioner lacks priority with respect to the marks cited by Petitioner as basis for cancellation.

5. The Petition to Cancel fails to state a claim upon which relief may be granted.

6. Petitioner is precluded by laches, estoppel, acquiescence and/or unclean hands from bringing and/or maintaining the Petition to Cancel herein.

7. Upon information and belief, any use of the mark AFROJACK by Petitioner VAN DE WALL B.V. ("Petitioner") prior to that of Registrant is untrue. Upon information and belief, only after Registrant initiated its use of the AFROJACK mark and AFROJACKS mark, that is subject to the Registration at issue, did the Petitioner use the AFROJACK mark for its services to encroach upon those of Registrant.

8. Wherefore, Registrant D-Minor, Inc. prays that:

a. judgment be entered herein in favor of Registrant and against Petitioner; and the Petition to Cancel be denied and dismissed with prejudice.

Respectfully submitted,



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December 14, 2013

**CERTIFICATE OF SERVICE**

I, Leslie A. Thompson, hereby certify that on the 16<sup>th</sup> day of December 2013, a true and accurate copy of the REGISTRANT'S ANSWER TO PETITION TO CANCEL was sent to counsel for Petitioner by first class mail, postage prepaid, addressed to:

Kurosh Nasser  
Law Offices of Kurosh Nasser PLLC  
3207A M Street, NW  
Washington, D.C. 20007

I also hereby certify that on this 15<sup>th</sup> day of December, 2013, a true and accurate copy of the aforementioned ANSWER was also sent to counsel for Petitioner via electronic mail to:

[babatunde@kurosh.net](mailto:babatunde@kurosh.net)

[mail@kurosh.net](mailto:mail@kurosh.net)



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