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

Proceeding	92058295
Party	Defendant Del Vallino S.p.A.
Correspondence Address	ADAM J BRUNO BAY STATE IP LLC ONE BOSTON PLACE, 201 WASHINGTON STREET SUITE 2600 BOSTON, MA 02108 UNITED STATES trademarks@baystatepatent.com
Submission	Answer
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Date	04/28/2014
Attachments	Answer to Petition to Cancel.pdf(83542 bytes)

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

In the matter of Trademark Registration No. 4,273,847
Registered: January 15, 2013
For the mark: BUCCELLATI

)	
Buccellati Holding Italia S.P.A.)	
)	
Petitioner,)	Cancellation No. 92058295
)	
v.)	
)	
Del Vallino S.P.A.)	
)	
Respondent.)	
)	

In response to the Petition to Cancel filed November 26, 2013, Respondent Del Vallino S.P.A. (“Respondent”), answers the Petition to Cancel filed by Petitioner Buccellati Holding Italia S.P.A. (“Petitioner”) as follows:

ANSWER TO PETITION TO CANCEL

Respondent admits that according to the available records that Petitioner Buccellati Holding Italia S.P.A appears to be a corporation organized and existing under the laws of Italy, having a business location of Via Lodovico Mancini, 1, Milan 20129, Italy. Respondent lacks knowledge or information sufficient to form a basis to admit or deny the allegation that Petitioner is being damaged by US Registration No. 4,273,847 for the mark “BUCCELLATI” and, therefore, denies such allegation.

Respondent hereby answers Petitioner's grounds for cancellation as follows:

Petitioner and Its Marks

1. Respondent admits that it appears according to the records of the United States Patent & Trademark Office that Petitioner is the owner of the cited US Trademark Registrations. Respondent lacks knowledge or information sufficient to form a basis to admit or deny the remaining allegations set forth in paragraph 1, and, therefore, denies such allegations.

2. Respondent admits that the Buccellati family has been in the jewelry business since the 1700's. Respondent lacks knowledge or information sufficient to form a basis to admit or deny the remaining allegations set forth in paragraph 2, and, therefore, denies such allegations.

3. Respondent lacks knowledge or information sufficient to form a basis to admit or deny the allegation in paragraph 3, and, therefore, denies such allegations.

4. Respondent lacks knowledge or information sufficient to form a basis to admit or deny the allegation in paragraph 4, and, therefore, denies such allegations.

5. Respondent lacks knowledge or information sufficient to form a basis to admit or deny the allegation in paragraph 5, and, therefore, denies such allegations.

Respondent and Its Marks

6. Respondent admits the allegations contained in paragraph 6.
7. Respondent admits the allegations contained in paragraph 7.

Count I: Likelihood of Confusion

8. Respondent restates, and incorporates by reference, the responses contained in Paragraphs 1 through 7 as if same were fully set forth herein.

9. Respondent denies the allegations contained in paragraph 9.
10. Respondent denies the allegations contained in paragraph 10.
11. Respondent denies the allegations contained in paragraph 11.
12. Respondent denies the allegation contained in paragraph 12.
13. Respondent lacks knowledge or information sufficient to form a basis to admit or deny the allegation in paragraph 13, and, therefore, denies such allegations.
14. Respondent denies the allegations contained in paragraph 14.

Count II: Dilution

15. Respondent restates, and incorporates by reference, the responses contained in Paragraphs 1 through 14 as if same were fully set forth herein.

16. Respondent lacks knowledge or information sufficient to form a basis to admit or deny the allegations set forth in paragraph 16, and, therefore, denies such allegations.

17. Respondent denies the allegations contained in paragraph 17.

Count III: Lack of Bona Fide Intent to Use in Commerce

18. Respondent restates, and incorporates by reference, the responses contained in Paragraphs 1 through 17 as if same were fully set forth herein.

19. Respondent admits the allegations contained in paragraph 19.

20. Respondent denies the allegations contained in paragraph 20.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state facts sufficient to constitute a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Petitioner is not entitled to equitable relief inasmuch as they have been guilty of inequitable conduct and have failed to come into equity with clean hands.

THIRD AFFIRMATIVE DEFENSE

Petitioner, by their acts, errors, omissions, and course of conduct are barred and estopped from any recovery in this action.

FOURTH AFFIRMATIVE DEFENSE

Petitioner, by their acts, errors, omissions, and course of conduct, have waived their right, if any, to recovery in this action.

FIFTH AFFIRMATIVE DEFENSE

If Petitioner suffered any damages, they have failed to act in a reasonable manner to mitigate them.

SIXTH AFFIRMATIVE DEFENSE

Some or all of Petitioner's claims are barred by the doctrine of laches.

Respectfully submitted,

DEL VALLINO S.P.A.
By its Attorney,

Date: April 28, 2014

/Adam J. Bruno/
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **ANSWER TO PETITION TO CANCEL** was served upon Attorney of record for Petitioner in these proceedings by mailing a true copy thereof, by First Class Mail, postage prepaid this 28th day of April 2014, in an envelope addressed as follows:

Perla M. Kuhn
Fox Rothschild LLP
Princeton Pike Corporate Center
997 Lenox Drive, Building 3
Lawrenceville, NJ 08648-2311

By: /Adam J. Bruno/
Adam J. Bruno
Attorney for Respondent