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Filing date: **03/24/2014**

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

| | |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proceeding | 92058662 |
| Party | Defendant Brando Enterprises, L.P. |
| Correspondence Address | Kevin S. Costanza Seed IP Law Group LLP 701 Fifth Avenue, Suite 5400 Seattle, WA 98104 UNITED STATES kevinC@SeedIP.com, litcal@SeedIP.Com |
| Submission | Answer |
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| Signature | /Kevin S. Costanza/ |
| Date | 03/24/2014 |
| Attachments | Answer - Brando.pdf(384940 bytes) |

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

| | | |
|---------------------------------|---|--------------------------------|
| Nick Mascitelli Imports Pty Ltd |) | |
| |) | Cancellation No. 92058662 |
| Petitioner, |) | |
| |) | Registration No. 3,930,041 |
| v. |) | |
| |) | |
| Brando Enterprises, L.P., |) | |
| |) | |
| Respondent. |) | Attorney Docket No. 310131.820 |
| |) | |
| |) | |

RESPONDENT BRANDO ENTERPRISES, L.P.'S
ANSWER TO PETITION FOR CANCELLATION

Respondent Brando Enterprises, L.P. (“Brando” or “Respondent”), by and through its attorneys, hereby answers the Petition for Cancellation filed by Petitioner Nick Mascitelli Imports Pty Ltd (“Mascitelli Imports” or “Petitioner”), as follows:

1. Brando lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 1 of the Cancellation, and on that basis denies them.
2. Brando admits Petitioner is identified in the records for International Registration 1142443 which speaks for itself. With the exception of that fact, Brando lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 2 of the Cancellation, and on that basis denies them.
3. Brando lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 3 of the Cancellation, and on that basis denies them.
4. Brando denies the allegations of Paragraph 4 of the Cancellation.

5. Brando admits Petitioner is identified in the records for New Zealand IP Number 977908 which speaks for itself. With the exception of that fact, Brando lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 5 of the Cancellation, and on that basis denies them.

6. Brando admits the allegations of Paragraph 6 of the Cancellation.

7. Brando denies the allegations of Paragraph 7 of the Cancellation.

8. Brando denies the allegations of Paragraph 8 of the Cancellation.

9. Brando denies the allegations of Paragraph 9 of the Cancellation.

10. Brando denies the allegations of Paragraph 10 of the Cancellation.

11. Brando lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 11 of the Cancellation, and on that basis denies them.

12. Brando denies the allegations of Paragraph 12 of the Cancellation

13. The record of the U.S. Trademark Office with respect to U.S. Application Serial No. 78/462,068, which speaks for itself.

14. The record of the U.S. Trademark Office with respect to U.S. Application Serial No. 78/462,068, which speaks for itself.

15. The record of the U.S. Trademark Office with respect to U.S. Application Serial No. 78/462,068, which speaks for itself.

16. The record of the U.S. Trademark Office with respect to U.S. Application Serial No. 78/462,068, which speaks for itself.

17. The record of the U.S. Trademark Office with respect to U.S. Application Serial No. 78/462,068, which speaks for itself.

18. The record of the U.S. Trademark Office with respect to U.S. Application Serial No. 78/462,068, which speaks for itself.

19. The record of the U.S. Trademark Office with respect to U.S. Application Serial No. 78/462,068, which speaks for itself.

20. The record of the U.S. Trademark Office with respect to U.S. Application Serial No. 78/462,068, which speaks for itself.

21. The record of the U.S. Trademark Office with respect to U.S. Application Serial No. 78/462,068, which speaks for itself.

22. Brando denies the allegations of Paragraph 22 of the Cancellation.

23. Brando admits the allegations of Paragraph 23 of the Cancellation.

24. Brando admits the allegations of Paragraph 24 of the Cancellation.

25. Brando denies the allegations of Paragraph 25 of the Cancellation.

26. Brando denies the allegations of Paragraph 26 of the Cancellation.

27. Brando denies the allegations of Paragraph 27 of the Cancellation.

28. Brando denies the allegations of Paragraph 28 of the Cancellation.

29. Brando denies the allegations of Paragraph 29 of the Cancellation.

30. Brando denies the allegations of Paragraph 30 of the Cancellation.

31. Brando denies the allegations of Paragraph 31 of the Cancellation.

32. Brando denies the allegations of Paragraph 32 of the Cancellation.

33. Brando denies the allegations of Paragraph 33 of the Cancellation.

34. Brando denies the allegations of Paragraph 34 of the Cancellation.

35. Brando denies the allegations of Paragraph 35 of the Cancellation.

36. Brando denies the allegations of Paragraph 36 of the Cancellation.

37. Brando denies the allegations of Paragraph 37 of the Cancellation.

AFFIRMATIVE DEFENSES

1. The Petition for Cancellation fails to state a claim upon which relief can be granted.

2. The claim set forth in the Petition for Cancellation is barred in whole or in part by the doctrine of laches.

3. The claim set forth in the Petition for Cancellation is barred in whole or in part by the doctrines of waiver, acquiescence, and estoppel.

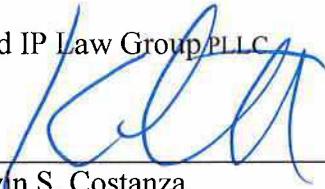
PRAYER FOR RELIEF

WHEREFORE, Brando requests judgment:

Dismissing the Petition for Cancellation, dismissing this proceeding in its entirety and allowing Respondent's registration to continue.

DATED this 24th day of March, 2014.

Seed IP Law Group PLLC



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Attorneys for Respondent
Brando Enterprises, L.P.

CERTIFICATE OF SERVICE

I hereby certify that the above applicant **Respondent Brando Enterprises, L.P.'S Answer To Petition for Cancellation** was served on Opposer's counsel by depositing same with the U.S. Postal Service, first-class postage prepaid, on March 24, 2014, addressed as follows:

Nicholas D. Wells
Wells IP Law, LLC
299 S. Main Street, #1300
Salt Lake City, UT 84111



Anne Calico