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

Proceeding	92060684
Party	Defendant Mrs Mariana Rodriguez Alvarez
Correspondence Address	H. David Starr Nath, Goldberg & Meyer 112 S. West Street Alexandria, VA 22314 UNITED STATES dstarr@nathlaw.com
Submission	Answer
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Date	02/19/2015
Attachments	Answer Canc No 92060684.pdf(150466 bytes)

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



Mark:

Registration No.: 44476854

Registered: February 4, 2014

Atalanta Corporation)

Petitioner,)

v.)

Mariana Rodriguez Alvarez,)

Respondent.)

Cancellation No. 92060684¹

ANSWER

Respondent, Mariana Rodriguez Alvarez (“Respondent”), by counsel, by way of its Answer to the Petition for Cancellation filed in this matter by Atalanta Corporation (“Petitioner”), hereby states as follows:

1. Respondent does not have knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Petition for Cancellation, and therefore denies the allegations, demanding strict proof thereof.

2. Respondent does not have knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Petition for Cancellation, and therefore denies the allegations, demanding strict proof thereof.

¹ The parties are also involved in Cancellation Nos. 92060674 and 92060680 and Opposition Nos. 91215390 and 91219805. Answers are being filed in the Cancellation proceedings only.

3. Respondent does not have knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of the Petition for Cancellation, and therefore denies the allegations, demanding strict proof thereof.

4. Respondent admits only that the Patent and Trademark Office (“PTO”) records reflect Petitioner’s ownership of U.S. Trademark Application Serial No. 86/038,612, that the PTO records reflect a filing date of August 15, 2013 for the following goods “Canned, Frozen or Otherwise Processed Meat, Seafood and Cheese; Canned Fruits; Canned Vegetables” in International Class 29. In all other respects, Respondent does not have knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 of the Petition for Cancellation, and therefore denies the allegations, demanding strict proof thereof.

5. Respondent does not have knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 5 of the Petition for Cancellation, and therefore denies the allegations, demanding strict proof thereof.

6. Respondent admits the allegations contained in the first, second and third sentence of Paragraph 6 of the Petition for Cancellation. As for the for the fourth sentence of Paragraph 6 of the Petition for Cancellation, Respondent does not have knowledge or information sufficient to form a belief as to the truth of the allegations contained in the fourth sentence of Paragraph 6 of the Petition for Cancellation, and therefore denies the allegations, demanding strict proof thereof. Furthermore, the fourth sentence of Paragraph 6 sets forth conclusions of law to which no response is required. To the extent a response is required, Respondent denies the allegations contained in the fourth sentence of Paragraph 6 of the Petition for Cancellation.

7. Paragraph 7 sets forth conclusions of law to which no response is required. To the extent a response is required, Respondent denies the allegations contained in Paragraph 7 of the Petition for Cancellation.

8. Paragraph 8 sets forth conclusions of law to which no response is required. To the extent a response is required, Respondent denies the allegations contained in Paragraph 8 of the Petition for Cancellation.

9. Paragraph 9 sets forth conclusions of law to which no response is required. To the extent a response is required, Respondent denies the allegations contained in Paragraph 9 of the Petition for Cancellation.

10. Paragraph 10 sets forth conclusions of law to which no response is required. To the extent a response is required, Respondent denies the allegations contained in Paragraph 10 of the Petition for Cancellation.

11. Paragraph 11 sets forth conclusions of law to which no response is required. To the extent a response is required, Respondent denies the allegations contained in Paragraph 11 of the Petition for Cancellation.

12. Each and every allegation in the Petition for Cancellation not specifically admitted herein is hereby denied.

AFFIRMATIVE DEFENSES

As and for separate affirmative defenses, Respondent alleges the defenses set forth below. Respondent reserves the right to amend these, raise additional affirmative defenses, or file counterclaims based on information obtained in and through discovery.

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

2. Petitioner's claims are barred by the doctrines of estoppel, waiver, unclean hands and acquiescence.

3. Petitioner is not entitled to any of the requested relief because use of Respondent's mark is not likely, when used on or in connection with the goods of the Respondent, to cause confusion, or mistake or to deceive consumers as to the affiliation, connection, or association of Respondent with Petitioner, or as to the origin, sponsorship or approval of Respondent's goods by Petitioner.

4. Petitioner is not entitled to any of the requested relief because Respondent's mark, when used on the goods of the Respondent, does not cause the public to be confused or mistakenly believe that the products provided by Respondent are associated with, endorsed or sponsored by Petitioner, or to cause injury or damage to Petitioner's reputation and goodwill.

WHEREFORE, Respondent having fully answered each and every allegation of Petitioner's Petition for Cancellation respectfully requests that the Petition for Cancellation be dismissed with prejudice.

Respectfully submitted,



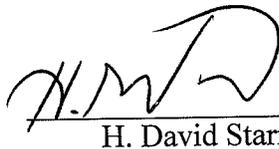
H. David Starr
Gulnaz T. Donahue
Attorneys for Respondent

Dated: February 19, 2015
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Alexandria, Virginia 22314
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CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of February, 2015, a true and correct copy of the foregoing was served by first class mail, postage pre-paid, on the following:

Ralph N. Gaboury, Esq.
F. Chau & Associates, LLC
130 Woodbury Road
Woodbury, New York 11797



A handwritten signature in black ink, appearing to read 'H. David Starr', is written over a horizontal line.

H. David Starr