

ESTTA Tracking number: **ESTTA721005**

Filing date: **01/18/2016**

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

Proceeding	92061150
Party	Defendant Fashion Television International S.A.
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Submission	Response to Board Order/Inquiry
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Date	01/18/2016
Attachments	FT Fashion Television - Response to Order.pdf(171094 bytes)

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

Fashion TV Programmgesellschaft mbH
Petitioner,

v.

Fashion Television International S.A.
Respondent.

Cancellation No. 92061150

Reg. No. 2945407
FT FASHION TELEVISION

RESPONSE TO ORDER

The following is the response of Fashion Television International S.A. (hereinafter “Respondent”) to the Order issued on January 14, 2015 in this proceeding. The Respondent, by and through its undersigned attorney hereby responds to the Order as follows:

1. The FT FASHION TELEVISION mark (Reg. No. 2945407) was cancelled on December 04, 2015 due to Respondent’s failure to file the Combined Declaration of Use/Application for Renewal under Sections 8 and 9.
2. Respondent submits that the failure to file the Declaration of Use and the Application for Renewal was a result of an honest mistake on the part of the Respondent’s attorneys. The chain of events which culminated in this error are as follows:
3. In August 2015, Fashion Television S.A. underwent an internal restructuring which involved the transfer of all legal and trademark-related matters to CKL Brands LLC (hereinafter “CKL”), the current brand-management organization for Fashion Television S.A. and its affiliates.
4. The handover process which began in mid-August between the Respondent’s previous attorneys and CKL was problematic as Respondent conducts commercial operations in various parts of the world and a large amount of cases needed to be transferred from several different law firms.
5. In order to cope with the influx of work resulting from the handover of all legal and trademark matters of the Respondent, the attorney at CKL began to hire a completely new legal team which came into being on September 6, 2015.
6. During this time, the attorney at CKL was often required to travel abroad to deal with various pressing matters and his new team had to take over the handling of trademark matters owned by the Respondent.
7. While the CKL legal team did manage to successfully handle the new influx of trademark related matters, they unfortunately failed to detect that the trademark at issue in this opposition was part of their portfolio and had an urgent deadline approaching. As a result of CKL being unaware of

the existence of the FT FASHION TELEVISION mark, the correspondence was never updated to reflect that of the new attorney nor was any indication of the upcoming deadline provided by the previous attorneys.

8. Respondent's attorney and his team first became aware of the existence of this trademark on November 16, 2015 when the notice of the Cancellation Petition was forwarded to the team. The response was quickly drafted and submitted but due to the growing backlog of tasks, the CKL legal team failed to follow up on the mark. Respondent believes that this, along with the outdated correspondence information, were the reasons why Respondent's attorney remained unaware of the then-upcoming deadline to file the Declaration of Use and Application for Renewal.
9. On the night of January 1st, 2016, Respondent discovered that the mark had been cancelled and notified CKL immediately. After an in-depth search was immediately carried out the discrepancies in CKL's records were then discovered.
10. A week after the discovery of the loss of the FT FASHION TELEVISION trademark registration, the CKL team implemented new controls and procedures to ensure that no such oversight is ever repeated.

Respondent's failure to file the Combined Declaration of Use /Application for Renewal under Sections 8 and 9 and the resulting cancellation of the mark was because of an unintentional oversight on the part of the Respondent's attorneys.

WHEREFORE, Respondent prays that the Cancellation not be deemed a "cancellation by request of Respondent without the consent of the adverse party", and that judgment is not entered against Respondent.

DATED: January 18th, 2016

By: /s/ Jonathan G. Morton/

Jonathan G. Morton, Esq.

Attorney for Respondent

General Counsel for CKL Brands LLC.

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CERTIFICATE OF SERVICE

I hereby certify that on this the 18th day of January, 2016, a copy of the foregoing NOTICE OF OPPOSITION was served upon the correspondent of record for Petitioner via international mail, postage prepaid, and addressed as follows:

Raymond J. Dowd

Dunnington Bartholomew & Miller LLP

1359 Broadway, Ste 600

New York, NY 10018,

UNITED STATES

By: /s/ Jonathan G. Morton/

Jonathan G. Morton, Esq.

Attorney for Respondent

General Counsel for CKL Brands LLC.