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

Proceeding	92062212
Party	Defendant De Thouars, Carmen Rebecca, Miller Carmen Suzanne, Danny Andrew Huybrechts
Correspondence Address	CARMEN REBECCA DE THOUARS 13193 ADELIN AVE MORENO VALLEY, CA 92553 UNITED STATES
Submission	Answer
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Signature	/Allan Grant /
Date	10/20/2015
Attachments	Answer to Cancellation of Pentjak Silat Bukti Negara Trademark.pdf(35798 bytes)

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CARMEN REBECCA DE THOUARS,
CARMEN SUZANNE MILLER, and
DANNY ANDREW HUYBRECHTS

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

In the matter of Trademark Registration No.: 2,167,035
For the design mark "PENTJAK SILAT BUKTI NEGARA"
For the mark registered on June 23, 1998

Louie Yu, an individual,)	OPPOSITION NO.: 92062212
)	
Petitioner,)	Assigned to: ROBERT COGGINS
)	Interlocutory Attorney
vs.)	
)	Opposition Filed: 09/09/2015
CARMEN REBECCA DE THOUARS,)	
CARMEN SUZANNE MILLER,)	
DANNY ANDREW HUYBRECHTS,)	RESPONDENT'S ANSWER TO
)	CANCELLATION
Respondents.)	

ANSWER TO PETITION FOR CANCELLATION

In response to the Notice of Cancellation mailed by the Trademark Trial and Appeal Board on September 10, 2015, the Respondents: Carmen Rebecca De Thouars, Carmen Suzanne Miller, and Danny Andrew Huybrechts ("Respondents"), hereby responds to the Petition For Cancellation, of Louie Yu ("Petitioner"), as follows:

1. Answering Paragraph 1, Respondents admits the following information that on November 25, 1996, a federal trademark application (serial no. 75/203,916) for the Mark was filed that eventually matured into the above registration on June 23, 1998. Respondents also admits that the registrant was Paul de Thouars as an individual. Respondents denies the remaining information in Paragraph 1.

2. Answering Paragraph 2, Respondents lacks knowledge or information sufficient to form a belief as to the truth of the allegations, and therefore denies the same.

3. Answering Paragraph 3, Respondents lacks knowledge or information sufficient to form a belief as to the truth of the allegations, and therefore denies the same.

4. Respondents admits the information in Paragraph 4.

5. Respondents admits the information in Paragraph 5.

6. Answering Paragraph 6, Respondents lacks knowledge or information sufficient to form a belief as to the truth of the allegations, and therefore denies the same.

7. Respondents denies the information in Paragraph 7.

8. Respondents denies the information in Paragraph 8. Respondents assert that they are using the mark in commerce in connection with the listed services through the use of a licensing agreement to students of Paul de Thouars.

9. Respondents denies the information in Paragraph 9.

10. Respondent Danny Andrew Huybrechts admits that he is using both trademarks "Pukulan Pentjak Silat Semangat Baru" and "Pentjak Silat Bukti Negara".

11. Respondents denies the information in Paragraph 11. Respondents respectfully assert that they have not abandoned the

mark nor have any intention to abandon the mark. Respondents further assert that they are using the mark in commerce in connection with the listed services.

AFFIRMATIVE DEFENSES

In further response to the Notice of Opposition, Respondents asserts that:

FIRST AFFIRMATIVE DEFENSE

Petitioner's Notice of Cancellation for Fraud fails to state a claim upon which relief can be granted, and in particular, Petitioner fails to state legally sufficient grounds for sustaining the Notice of Cancellation.

SECOND AFFIRMATIVE DEFENSE

On information and belief, Respondents allege, that Petitioner created and drafted the following Letters **Exhibits A** (Letter Dated 1-18-2011 signed by Paul de Thouars) and **Exhibit B** (Letter Dated 09-30-2011 signed by Paul de Thouars) that allegedly transfer the "PENTJAK SILAT BUKTI NEGARA" trademark. Respondents allege that the "original registrant" Paul de Thouars did not draft nor prepare the Letters. Respondents also allege that Paul de Thouars did not know what he was signing as English was not his first language, if that is even his signature on those Letters. Respondents allege that Paul de

Thouars was incapacitated mentally or by disability in such a way that prevented him from having legal capacity to sign the Letter and enter into a contract, rendering the contract invalid. Respondents further allege that Petitioner obtained Paul de Thouars signature through fraud, deceit, or misrepresentation by Petitioner, and that as a result the Letters would not have been signed.

THIRD AFFIRMATIVE DEFENSE

On information and belief, Respondents allege, that the Letters that Petitioner created and drafted are not a Legal Binding Assignment Agreement for the "PENTJAK SILAT BUKTI NEGARA" trademark. Respondents also allege, that the Letters did not identify the "PENTJAK SILAT BUKTI NEGARA" trademark by Serial Number nor Registration Number. Respondents further allege, that the Letters allegedly transfer the "PENTJAK SILAT BUKTI NEGARA" trademark were not contract nor were the Letters notarized.

FOURTH AFFIRMATIVE DEFENSE

On information and belief, Respondents alleges, that Petitioner has proceeded in bad faith and with fraudulent intent in an effort to cancel the "PENTJAK SILAT BUKTI NEGARA" trademark as discussed above, and with an intent to deceive the United States Patent and Trademark Office (USPTO).

FIFTH AFFIRMATIVE DEFENSE

Respondents is informed and believes, and based thereon alleges, that Petitioner is barred from filing the cancellation by the doctrine of waiver, laches, and/or acquiescence with respect to the Fraud claim and Letters.

SIX AFFIRMATIVE DEFENSE

Respondents asserts that the Petitioner has waited an unreasonable long time to record the Letters or allege the Letters are an Assignment Agreement or file a cancellation based on the Letters dated January 18, 2011 and September 30, 2011, and as a result the Respondents ability to defend this action before the TTAB has been severely prejudiced due to this unreasonable delay by denying Respondents access to: witnesses namely the signer of the Letters Paul de Thouars and documents and other physical evidence.

SEVENTH AFFIRMATIVE DEFENSE

Respondents are informed and believes, and based thereon alleges, that Petitioner has unclean hands and acted in bad faith in filing this cancellation.

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DATED: October 20, 2015

GRANT'S LAW FIRM

By: / Allan Howard Grant / _____

ALLAN HOWARD GRANT
Attorneys for Respondents &
Counter Petitioner,
Richard Purvis

PROOF OF SERVICE
(37 C.F.R. § 2.119(a); TBMP § 113)

The undersigned declares as follows:

I am over the age of eighteen years and not a party to the above entitled proceeding. My business address is 3638 University Ave. #203, Riverside, CA 92503.

On the date set forth below, following ordinary business practice, I served a copy of **ANSWER TO THE NOTICE OF CANCELLATION OF "PENTJAK SILAT BUKTI NEGARA" TRADEMARK, U.S Registration No.: 2,167,035**, on the following person(s) in this action:

Peter Martinez
Law Office of Peter Martinez, Esq.
PO Box 131313
Carlsbad, CA 92013
pmpatents@gmail.com
Phone:858-449-0612

- [X] (BY MAIL) I caused the above-mentioned document(s) to be deposited in the United States Postal Service, on the same day it is prepared, with the postage fully paid, in a sealed envelope and addressed to the person(s) being served.
- [] (BY OVERNIGHT DELIVERY) I caused the above-mentioned document(s) to be delivered to an overnight (express) delivery carrier, in an envelope designated by said overnight delivery carrier and addressed to the person(s) being served, with delivery fees provided for.
- [] (BY MESSENGER) I caused the above-mentioned document(s) to be placed in a sealed envelope and delivered by hand this date to the offices of the person(s) being served.
- [] (BY FACSIMILE) I caused the above-mentioned document(s) to be transmitted this date by facsimile transmission to the persons being served, from Newport Beach, California.
- [x] (BY EMAIL): I caused the above-mentioned document(s) to be sent via email to the email address of the person(s) being served

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed in Riverside, CA.

October 20, 2015
(Date)

/ Allan Howard Grant /
By: Allan Howard Grant