

ESTTA Tracking number: **ESTTA703211**

Filing date: **10/20/2015**

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

Proceeding	92062224
Party	Defendant Proveedores y Soluciones DAC S.A.
Correspondence Address	PROVEEDORES Y SOLUCIONES DAC SA DEL HOTEL 2DO MILENIO 100MTS, RIO SEGUNDO ALAJUELA BARRIO EL CARMEN SAN JOSE, COSTA RICA
Submission	Answer
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Signature	/Melissa Alcantara/
Date	10/20/2015
Attachments	Answer_(2nd_Petition).pdf(33338 bytes)

2. Respondent admits that Petitioner claims ownership of Registration No. 3,256,667 (hereinafter “the ‘667 registration”) that was issued on June 26, 2007, admits that the ‘667 registration includes a priority claim dating back to August 11, 2005, but is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Para. 2 of the Petition For Cancellation.

3. Respondent admits the allegations set forth in Paragraph 3 of the Petition For Cancellation.

Response to Count I

4. Respondent denies the allegations set forth in Para. 4 of the Petition For Cancellation.

5. Respondent admits that it rents cars, but denies that Exhibit A is a printout of a page from its current website. Respondent is without knowledge or information sufficient to form a belief as to the remaining allegations set forth in Para. 5 of the Petition for Cancellation.

6. Respondent denies the allegations set forth in Para. 6 of the Petition For Cancellation.

Response To Count II

7. Respondent admits the allegations set forth in Para. 7 of the Petition For Cancellation.

8. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Para. 8 of the Petition For Cancellation.

9. Respondent admits that the word “Economy” is encompassed within Petitioner’s alleged mark, “Economy Car Rentals,” but is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Para. 9 of the Petition For Cancellation.

10. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Para. 10 of the Petition For Cancellation.

11. Respondent denies the allegations set forth in Paragraph 11 of the Petition For Cancellation.

Respondent’s Affirmative Defenses

12. Petitioner’s claims in the Petition For Cancellation are barred under the doctrine of laches.

13. Petitioner's claims in the Petition For Cancellation are barred under the doctrine of unclean hands.

14. Petitioner's claims in the Petition For Cancellation concerning any rights it may have, or may have had, in the '667 registration, are barred because of its abandonment of the mark set forth in that registration.

15. Petitioner's alleged common law mark did not acquire secondary meaning in the United States before the registration of Respondent's mark and, therefore, Respondent does not have prior rights in its alleged mark in the United States.

Respectfully submitted,

Dated: Oct. 20, 2015

/Melissa Alcantara/

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