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

Proceeding	92062880
Party	Defendant Paramount Brand Roses, Inc.
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Submission	Answer
Filer's Name	Nicole G. McDonough
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Date	06/14/2016
Attachments	Paramount - Poulsen Roser - Paramount Answer to Petition for Cancellation.pdf(15651 bytes)

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

POULSEN ROSER A/S,)	Cancellation No.: 92062880
)	Registration No. 1980921
)	
Petitioner,)	Mark: PARAMOUNT
vs.)	
)	RESPONDENT’S ANSWER AND
PARAMOUNT BRAND ROSES, INC.,)	AFFIRMATIVE DEFENSES
)	
Respondent.)	

Respondent Paramount Brand Roses, Inc. (“Paramount”) submits the following Answer and Affirmative Defenses in response to the Petition for Cancellation filed by Petitioner Poulsen Roser A/S (“Petitioner”) on December 29, 2015 (the “Petition”).

1. Paramount lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 of the Petition.
2. Paramount lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2 of the Petition.
3. Paramount admits it is a New Jersey corporation with a principal place of business located at 588 Springfield Avenue, Berkeley Heights, New Jersey 07922. Paramount denies the remaining allegations in Paragraph 3 of the Petition.
4. Paramount admits the allegations in Paragraph 4 of the Petition.
5. Paramount admits the allegations in Paragraph 5 of the Petition.
6. Paramount admits that its November 30, 2016 correspondence to Petitioner advised Petitioner that it improperly and without Paramount’s authorization advertised Petitioner’s roses as “Paramount” roses on Petitioner’s Internet website and in catalogues distributed throughout the United States.

7. Paramount admits the allegations in Paragraph 7 of the Petition.
8. Paramount denies the allegations in Paragraph 8 of the Petition.
9. Paramount denies the allegations in Paragraph 9 of the Petition.
10. Paramount denies the allegations in Paragraph 10 of the Petition.
11. Paramount denies the allegations in Paragraph 11 of the Petition.
12. Paramount denies the allegations in Paragraph 12 of the Petition.

AFFIRMATIVE DEFENSES

FIRST SEPARATE DEFENSE

The Petition should be dismissed, in whole or in part, on the grounds that Petitioner failed to mitigate its damages, if any.

SECOND SEPARATE DEFENSE

The Petition should be dismissed, in whole or in part, on the grounds that Petitioner's damages, if any, are caused by its own conduct, for which Paramount is not responsible.

THIRD SEPARATE DEFENSE

Petitioner's alleged damages, if any, were proximately caused, in whole or in part, by the actions of third parties over whom Paramount does not exercise any control.

FOURTH SEPARATE DEFENSE

Petitioner's claims are barred by the doctrine of unclean hands.

FIFTH SEPARATE DEFENSE

Paramount further states that, because many of the allegations in the Petition are couched in conclusory terms, Paramount cannot possibly anticipate all affirmative defenses that may apply at this time. As such, Paramount expressly reserves its right to modify its Affirmative Defenses to assert additional Affirmative Defenses as and to the extent they become applicable.

WHEREFORE, Respondent Paramount Brand Roses, Inc. hereby requests that this Board: (i) deny the Petition for Cancellation filed by Petitioner in its entirety; and (ii) grant such other and further relief as the Trademark Trial and Appeal Board deems equitable and just.

DATED: June 14, 2016

COLE SCHOTZ P.C.
Attorneys for Respondent Paramount Brand
Roses, Inc.

By: /s/ Nicole G. McDonough
David M. Kohane
Nicole G. McDonough

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this Answer and Affirmative Defenses is being filed with the Trademark Trial and Appeal Board, Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451, via the ESTTA electronic filing system, on June 14, 2016.

DATED: June 14, 2016

COLE SCHOTZ P.C.
Attorneys for Respondent Paramount Brand
Roses, Inc.

By: /s/ Nicole G. McDonough
David M. Kohane
Nicole G. McDonough

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Answer and Affirmative Defenses has been served on
Petitioner's attorney via email and Federal Express, on June 14, 2016, at the following address:

James J. Saul
Faegre Baker Daniels LLP
311 S. Wacker Drive, Suite 4300
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james.saul@faegrebd.com

DATED: June 14, 2016

COLE SCHOTZ P.C.
Attorneys for Respondent Paramount Brand
Roses, Inc.

By: /s/ Nicole G. McDonough
David M. Kohane
Nicole G. McDonough