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

Proceeding	92063063
Party	Defendant Jollibee Foods Corporation
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Registration No. 4,426,087 registered on October 29, 2013

Bumble Bee Foods, LLC,	)	
	)	
Petitioner,	)	Cancellation No. 92063063
	)	
	)	
v.	)	
	)	
Jollibee Foods Corporation,	)	
	)	
Registrant.	)	
	)	

**REGISTRANT'S ANSWER AND AFFIRMATIVE  
DEFENSES TO PETITION TO CANCEL**

Registrant Jollibee Foods Corporation ("Jollibee") for its answer and affirmative defenses to the petition to cancel filed by Petitioner Bumble Bee Foods, LLC ("Petitioner"), states as follows:

**ANSWER**

1. Petitioner Bumble Bee is the registrant of U.S. Trademark Registration Nos. 581,074, 2,924,759, and 3,652,458 for various designs comprising an image of a bee in a chef's hat (the "Bumble Bee Chef Designs".)

**Answer:** Jollibee admits Petitioner is the owner of record of U.S. Trademark Registration Nos. 581,074, 2,924,759, and 3,652,458.

2. Petitioner has used an image of a bee in a chef's hat continuously in interstate commerce since at least as early as 1951 in connection with various goods and services, including without limitation food products.

**Answer:** Jollibee lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 2.

3. Registrant Jollibee Foods Corporation ("Jollibee") is the assignee and/or registrant of U.S. Trademark Reg. Nos. 1,610,205 and 4,426,087 for two designs comprising an image of a bee in a chef's hat (the "Jollibee Bee Chef Designs").

**Answer:** Jollibee admits the allegations of paragraph 3. Based upon the prior cancellation of U.S. Trademark Reg. No. 1,610,205 (2 TTABVUE), Jollibee shall make no further answer about this registration in the remainder of its responsive pleading.

4. Registrant's U.S. Trademark Reg. No. 1,610,205 is registered in international class 042 for "restaurant services."

**Answer:** Jollibee incorporates its answer to paragraph 3 above.

5. Registrant's U.S. Trademark Reg. No. 4,426,087 is registered in international class 029 for:

"Beef, fish, poultry; milk; fast food products, namely, frozen, prepared, or packaged meals and entrees consisting primarily of meat, fast food products, namely, frozen, prepared, or packaged meals and entrees consisting primarily of fish, fast food products, namely, frozen, prepared, or packaged meals and entrees consisting primarily of poultry, fast food products, namely, frozen, prepared, or packaged meals and entrees consisting primarily of game, fast food products, namely, frozen, prepared, or packaged meals and entrees consisting primarily of seafood, fast food products, namely, frozen, prepared, or packaged meals and entrees consisting primarily of eggs, fast food products, namely, frozen, prepared, or packaged meals and entrees consisting primarily of vegetables, fast food products, namely, frozen, prepared, or packaged meals and entrees consisting primarily of edible fats, fast food products, namely, frozen, prepared, or packaged meals and entrees consisting primarily of edible oil; fast food products, namely, frozen, prepared, or packaged meals and entrees consisting primarily of dairy products, fast food products, namely, frozen, prepared, or packaged meals and entrees consisting primarily of nuts in the nature of processed nuts, roasted nuts, seasoned nuts, shelled nuts, and flavored nuts"

and in international class 043 for "Services for providing food and drink; restaurant services."

**Answer:** Jollibee admits the allegations in paragraph 5.

6. On information and belief, registrant Jollibee did not make use of any Jollibee Bee Chef Design prior to 1989, several years after any use by petitioner of any Bumble Bee Bee Chef design. As such, petitioner has priority and senior use over registrant of any bee in a chef's hat design.

**Answer:** Jollibee denies the allegations in paragraph 6.

7. The subsequent use of the Jollibee Bee Chef design mark in U.S. Trademark Registration Nos. 1,610,205 and 4,426,087 is likely to cause confusion with petitioner's Bumble Bee Chef Designs trademarks. Petitioner thus seeks to cancel the registrations pursuant to 15 U.S.C. § 1052(d).

**Answer:** Jollibee denies the allegations in paragraph 7.

8. On information and belief, petitioner alleges that registrant did not use the trademark for all goods and services alleged in Registration Nos. 1,610,205 and 4,426,087. Because registrant did not use the claimed trademark for all goods alleged in Registration Nos. 1,610,205 and 4,426,087, petitioner thus seeks to cancel the registrations.

**Answer:** Jollibee denies the allegations in paragraph 8.

9. On information and belief, petitioner alleges that registrant ceased all use of and abandoned one or both of the Jollibee Bee Chef Designs for some or all of the claimed goods and services in Registration Nos. 1,610,205 and 4,426,087. Petitioner further alleges that registrant has no intent to continue use of one or both of the Jollibee Bee Chef Designs for all goods and

services described in said registrations. Because registrant has ceased and abandoned all use of any Jollibee Bee Chef Designs for the alleged goods and services, petitioner seeks to cancel the registrations pursuant to 15 U.S.C. § 1064(3).

**Answer:** Jollibee denies the allegations in paragraph 9.

10. Furthermore, petitioner believes that registrant's maintenance of the Jollibee Bee Chef Designs trademark registrations will result in financial and other injury and damage to petitioner in its business because registrant will have a false claim of rights to the trademarks. Moreover, petitioner's continued and legal use of its Bumble Bee Chef Designs will be impaired by the continued registrations of the Jollibee Bee Chef Designs by registrant.

**Answer:** Jollibee denies the allegations in paragraph 10.

11. By reason of the foregoing, petitioner believes that it will be damaged by registrant's registration of the trademarks and prays that this petition be sustained and U.S. Trademark Registration Nos. 1,610,205 and 4,426,087 be cancelled.

**Answer:** Jollibee denies the allegations in paragraph 11.

12. To the best of petitioner's knowledge, the name and address of the current registrant of U.S. Trademark Registration Nos. 1,610,205 and 4,426,087 is as follows:

Jollibee Foods Corporation  
7th Floor, Jollibee Plaza  
Building 10 F. Ortigas Jr. Avenue  
Pasig City, PHILIPPINES 1600

**Answer:** Jollibee admits the allegations in paragraph 12.



