

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

In the Matter of Trademark Application  
Serial No. 78/112,017 for the mark

**FETISH**

-----X  
FINANZ ST. HONORE, B.V.,

Opposer,

-against-

BLONDIE ROCKWELL, INC.,

Applicant.  
-----X



04-14-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

Opposition No. 91155564

**ANSWER**

Applicant Blondie Rockwell, Inc. ("Applicant"), by its attorneys, Pryor Cashman Sherman & Flynn LLP, as and for its Answer to the claims asserted in the Notice of Opposition ("Opposition") filed on behalf of Opposer Finanz St. Honore, B.V. ("Opposer"), denies that Opposer will be damaged by the registration of Applicant's mark FETISH (Ser. No. 78/112,017). With respect to the specific assertions in the Opposition, Applicant respectfully responds as follows:

1. Applicant denies each and every allegation set forth at Paragraph 1 of the Opposition, except that Applicant admits that the USPTO records indicate that Opposer is the owner of record of the registrations listed in 1(a) and 1(b).
2. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 2 of the Opposition, except that Applicant admits

that the USPTO records indicate that Opposer is the owner of record of the cited applications.

3. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 3 of the Opposition, except that Applicant admits that the USPTO records indicate that Opposer is the owner of record of the cited applications.

4. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 4 of the Opposition, except that Applicant admits that Exhibits B-G are TESS printouts of applications and registrations alleged to be owned by Opposer.

5. Applicant denies the allegations set forth at Paragraph 5 of the Opposition.

6. With respect to the allegations in Paragraph 6 of the Opposition, Applicant admits that it intends to use the subject mark on the goods cited in its Class 18 application but denies that such use will create confusion among consumers to the detriment of Opposer.

7. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 7 of the Opposition, except that Applicant denies that consumers will assume that Applicant's Class 18 goods are somehow connected to Opposer's Class 3 nail care products.

8. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 8 of the Opposition.

### **AFFIRMATIVE DEFENSES**

#### **FIRST AFFIRMATIVE DEFENSE**

The Oppositor fails to state any claim upon which relief can be granted.

#### **SECOND AFFIRMATIVE DEFENSE**

Applicant has prior rights in and to the subject mark.

**THIRD AFFIRMATIVE DEFENSE**

Opposer's allegations are barred by the equitable doctrines of waiver, estoppel and/or acquiescence and unclean hands.

**FOURTH AFFIRMATIVE DEFENSE**

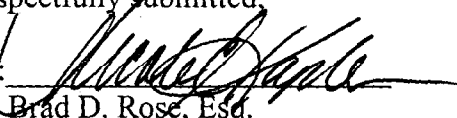
Opposer lacks standing to assert its claims.

WHEREFORE, Opposer respectfully requests that Opposition No. 91155564 be dismissed in its entirety.

Dated: April 11, 2003  
New York, New York

Respectfully submitted,

By:

  
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I hereby certify that this ANSWER is being deposited with the United States Postal Service "Express Mail" service under 37 C.F.R. § 1.10 on April 18, 2003, and is addressed to Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513, ATTN: Trademark Trial and Appeal Board.

Signed: \_\_\_\_\_

*Eugene Koeng*

Name: \_\_\_\_\_

EUGENE KOENG

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I hereby certify that a true and correct copy of ANSWER is being served by First Class Mail by depositing the same with the United States Postal Service and addressed to counsel for Opposer, on April 11, 2003 at the address listed below:

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April 11, 2003



04-14-2003

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TRADEMARK TRIAL AND  
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**RE: Finanz St. Honore, B.V. v. Blondie Rockwell, Inc.  
Application Serial No. 78/112,017  
Opposition No. 91155564**

Dear Sir or Madam:

On behalf of our client, Blondie Rockwell, Inc., enclosed herewith for filing in connection with the above-referenced proceeding are the following particulars:

1. an original plus two (2) copies of an *Answer*, with notice of service on counsel for Opposer, Finanz St. Honore, B.V.; and
2. a return post card for the foregoing filing, which the U.S. Patent and Trademark Office is requested to stamp as "RECEIVED".

Very truly yours,

Nicole E. Kaplan

NEK:ck  
Encls.