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

Opposition No. 91162098

FEDERATION OF THE
SWISS WATCH INDUSTRY

Opposer,

v.

SWISS WATCH INTERNATIONAL

Applicant.

_____/

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

APPLICANT'S ANSWER

In response to the Notice of Opposition issued by the Board on September 15, 2004, the Applicant, Swiss Watch International, answers the Opposition identified above as follows:

1. Applicant admits the averments in the first sentence of paragraph 6 and otherwise denies that paragraph.
2. Applicant admits the averments in the last sentence of paragraph 7 and otherwise denies that paragraph.
3. Applicant is without knowledge as to the averments in paragraphs 1, 2, 3, 4, and 5, and therefore demands strict proof thereof.
4. Applicant is not required to answer the averments in paragraph 12.
5. Applicant denies all other averments.

AFFIRMATIVE DEFENSES

In further response to the Notice, the Applicant asserts that:

1. LACK OF STANDING

Opposer avers it has been using the certification mark SWISS and SWISS MADE, not BELINZONA, which is the designation at issue. Opposer does not allege that Applicant is using the designations SWISS or SWISS MADE.

2. LACK OF STANDING

Upon information and belief, Petitioner has no standing to enforce certification mark standards because it is not a governmental body, a department of a government, or a body operating with governmental authorization.

3. LACK OF STANDING

Opponent lacks standing because its mark is not distinctive and not registered.

4. FAILURE TO STATE A CLAIM

The designations SWISS and SWISS MADE are apt descriptive or merely descriptive; therefore, Opposer is not entitled to exclusive use or to prevent others from using similar designations.

5. FAILURE TO MEET STATUTORY CERTIFICATION MARK STANDARDS

Upon information and belief, Petitioner does not control or is unable to legitimately exercise control over the use of the marks SWISS and SWISS MADE as applied to watches, clocks, and their component parts and fittings, or permits the use of the certification mark for purposes other than to certify, or discriminately refuses to certify or to continue to certify the goods or services of persons who maintain the standards or conditions which such mark certifies.

6. FAILURE TO MEET PETITIONER'S CERTIFICATION STANDARDS.

Upon information and belief, Petitioner has failed to apply or enforce its own certification standards.

7. UNCLEAN HANDS

Upon information and belief, Petitioner has used its certification mark to unfairly restrict competition in the marketplace.

8. NO HARM TO PETITIONER

Opposer's rights to the mark, if any, are narrow or limited in scope because its marks are weak and used by numerous third parties; therefore, taking into account these and other factors enumerated in *Polaroid Corp. v. Polarad Electronics Corp.*, 368 U.S. 820 (1961), there is no likelihood of confusion between the Applicant's and the Petitioner's marks. Consequently, Petitioner will suffer no harm from the continuing registration.

9. NO GEOGRAPHIC SIGNIFICANCE

The designation BELINZONA lacks geographic significance because it is not primarily geographically descriptive, it is remote or obscure, and has no goods/place association.

10. NO DECEPTION

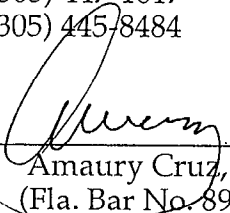
Even if there were a goods/place association and the place were not remote or obscure, the association is justified.

[SIGNATURES IN THE NEXT PAGE]

Respectfully submitted,

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By: _____


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CERTIFICATE OF SERVICE

I hereby certify that this correspondence is being deposited with the United States Postal Service's and sent Via U. S First Class Mail pursuant to 37 C.F.R. § 1.10 in an envelope addressed to Petitioner's counsel Andrew Baum, Darby & Darby, P.C., 805 Third Avenue, New York, NY 10022, on this 25th day of October, 2004.



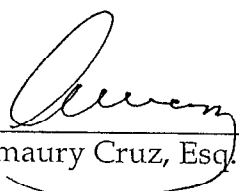
Amaury Cruz, Esq.

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I hereby certify that this correspondence is being deposited with the United States Postal Service's "First Class Post Office" to Addressee" service pursuant to 37 C.F.R. § 1.10 in an envelope addresses to the Assistant Commissioner of Trademarks, BOX: TTAB/ NO FEE, P.O. Box 1451, Alexandria, Virginia 22313-1451 on the above referenced date.

Date of Deposit: October 25, 2004 .

By: _____


Amaury Cruz, Esq.