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

Proceeding	91163527
Party	Defendant PORTER INTERNATIONAL CO., LTD. PORTER INTERNATIONAL CO., LTD. 2F, NO. 86, SEC. 1 HUAMEI WEST ST., SHI CHIU TWX TAICHUNG, TAIWAN,
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

YOSHIDA & COMPANY, LTD.)	Opposition No.
)	91163527
Opposer,)	Application
)	S.N. 76/393,498
v.)	
)	
PORTER INTERNATIONAL CO., LTD.)	
)	
Applicant.)	
)	

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Applicant, Porter International Co., Ltd., by its undersigned attorneys, hereby answers the Notice of Opposition (hereinafter "the Notice") as follows:

1. Applicant admits the allegations contained in paragraph 1 of the Notice, except that the statement of goods should read "jewelry cases" instead of "jewel cases."

2. Applicant admits the allegations contained in paragraph 2 of the Notice.

3. Applicant has insufficient knowledge or information to either deny or admit the allegations contained in paragraph 3 of the Notice, and therefore denies the same.

4. (a) As to the allegations contained in subparagraph 4(a) of the Notice, Applicant admits that on December 6, 1988, Gallant Industries Co., Ltd. (hereinafter "Gallant") and Petitioner entered into an agreement, but Applicant denies the remainder of the allegations contained in subparagraph 4(a) of the Notice.

(b) As to the allegations contained in subparagraph 4(b) of the Notice, Applicant admits that on June 2, 1993, January 30, 1996, and May 31, 2000, Gallant and Petitioner entered into subsequent agreements, but Applicant denies the allegations contained in subparagraph 4(b) of the Notice.

(c) Applicant denies the allegations contained in subparagraph 4(c) of the Notice.

(d) Applicant admits that Gallant registered the marks "PORTER" and design (Registration No. 1,602,298) and "PORTER DASH!" and design (Registration No. 2,131,161), under its own name, but Applicant denies the remainder of the allegations contained in subparagraph 4(b) of the Notice.

(e) Applicant denies the allegations contained in subparagraph 4(e) of the Notice.

(f) As to the allegations contained in subparagraph 4(f) of the Notice, Applicant admits that Gallant sent a letter to Petitioner that served as the formal, written notice of termination of the Agreement between Gallant and Yoshida dated May 31, 2000, but Applicant denies the allegations contained in subparagraph 4(f) of the Notice.

(g) Applicant denies the allegations contained in subparagraph 4(g) of the Notice.

5. (a) As to the allegations contained in subparagraph 5(a), Applicant admits that Gallant and Applicant are separate and independent corporate entities. Applicant further admits

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that there are shareholders and at least one director that are common to Applicant and to Gallant. Applicant also admits that Ming-Teng Lin acts as the president of Gallant and a supervisor of Applicant, his son I-Hsiung Lin acts as a director for both Gallant and Applicant, a second of his sons, I-Sheng Lin acts as a director for Applicant, and Ming-Teng Lin and his two sons hold a majority of Applicant's shares. Applicant denies the remainder of the allegations in paragraph 5(a).

(b) Applicant denies the allegations contained in paragraph 5(b) of the Notice.

(c) Applicant admits that Gallant assigned the mark PORTER DASH! & design in Reg. No. 2,131,161 to the applicant on February 22, 2002 and that the assignment was recorded with the United States Patent and Trademark Office Assignment Division on March 29, 2002, at Reel/Frame: 002474/0528. Applicant denies the remaining allegations contained in subparagraph 5(c) of the Notice.

(d) Applicant denies the allegations contained in subparagraph 5(d) of the Notice.

(e) Applicant admits that Gallant assigned the mark PORTER & design in Reg. No. 1,602,298 to the applicant on February 22, 2002 and that applicant submitted to the United States Patent and Trademark Office Assignment Division a request for recordation of this assignment. Applicant denies the

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remaining allegations contained in subparagraph 5(e) of the Notice.

(f) Applicant denies the allegations contained in subparagraph 5(f) of the Notice.

(g) Applicant denies the allegations contained in subparagraph 5(g) of the Notice.

6. Applicant denies the allegations contained in paragraph 6 of the Notice.

7. Applicant denies the allegations contained in paragraph 7 of the Notice.

8. Applicant denies the allegations contained in paragraph 8 of the Notice.

9. Applicant denies the allegations contained in paragraph 9 of the Notice.

10. Applicant denies the allegations contained in paragraph 10 of the Notice.

11. Applicant denies the allegations contained in paragraph 11 of the Notice.

12. As to the allegations contained in paragraph 13 of the Notice, Applicant admits that if Applicant's application is granted registration, Applicant would be awarded the prima facie right to exclusive use of the mark on the goods described in the application, but Applicant denies the allegations contained in paragraph 12 of the Notice.

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13. Applicant denies the allegations contained in paragraph 13, including all of subparts (a)-(d) of the Notice.

14. Applicant denies the allegations contained in paragraph 14 of the Notice.

AFFIRMATIVE DEFENSES

15. Claims in the Notice are barred by the doctrine of laches.

18. Claims in the Notice are barred by the doctrine of acquiescence.

Respectfully submitted,

Date: March 1, 2005

Aoi Nawashiro

Aoi Nawashiro
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CERTIFICATE OF HAND-DELIVERY

I hereby certify that the foregoing was submitted to the Trademark Trial and Appeal Board, via the on-line filing system on the USPTO website, on this 1st day of March 2005.

Aoi Nawashiro

Aoi Nawashiro

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Answer to Notice of Opposition was delivered via e-mail, addressed to counsel for Opposer, Paul A. Welter, Esquire, Merchant & Gould P.C., 3200 IDS Center, 80 South Eighth Street, Minneapolis, MN 55402, on this 1st day of March 2005.

Aoi Nawashiro
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