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

Proceeding	91169381
Party	Plaintiff Bonne Bell, Inc. Bonne Bell, Inc. ,
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Date	07/02/2007
Attachments	bbiz700328_ans.pdf (4 pages)(145517 bytes)

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

In re Application No. 76/616,812 for the mark LIP STYLE filed on October 19, 2004, and published on October 25, 2005

BONNE BELL, INC.,	)	
	)	Opposition No. 91169381
Opposer,	)	
	)	
v.	)	
	)	
INTERMARK USA, LLC,	)	
	)	
Applicant.	)	

ANSWER AND AFFIRMATIVE DEFENSES TO THE FIRST AMENDED COUNTERCLAIM FOR CANCELLATION OF OPPOSER'S REGISTRATION

Bonne Bell, Inc. ("Respondent"), by and through its undersigned counsel, answers the Counterclaim of Petitoner, Intermark USA, LLC.

Introductory Paragraph: Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation in the introductory paragraph of the Counterclaim and, therefore, denies the same.

1. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1 of the Counterclaim, and, therefore, denies the same.

2. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 2 of the Counterclaim, and, therefore, denies the same.

3. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3 of the Counterclaim, and, therefore, denies the same.

4. Respondent denies that the statement of goods as set out in paragraph 4 of the Counterclaim is correctly quoted. Respondent admits the remainder of the allegations of paragraph 4 of the Counterclaim.

5. Respondent admits the allegations of paragraph 5 of the Counterclaim.

6. Respondent admits that its stated date of first use as set out in U.S. Trademark Reg. Nos. 2,947,252 and 3,201,291 is June 15, 2002. Respondent is without knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations in paragraph 6 of the Counterclaim, and, therefore denies the same.

7. Respondent denies the allegations of paragraph 7 of the Counterclaim.

8. Respondent denies the allegations of paragraph 8 of the Counterclaim.

9. Respondent denies the allegations of paragraph 9 of the Counterclaim.

10. No answer is required.

FIRST AFFIRMATIVE DEFENSE

Petitioner's Counterclaim should be dismissed because it does not set forth a valid ground for cancellation of the EYE STYLE registrations (U.S. Trademark Reg. Nos. 2,947,252 and 3,201,291).

SECOND AFFIRMATIVE DEFENSE

Petitioner's Counterclaim is barred by the doctrines of laches and acquiescence.

THIRD AFFIRMATIVE DEFENSE

On information and belief, Petitioner has no standing to petition to cancel the EYE STYLE registration (U.S. Trademark Reg. Nos. 2,947,252 and 3,201,291).

WHEREFORE, said Counterclaim for cancellation should be dismissed with prejudice.

Respectfully submitted,

Date: July 2, 2007

/Jude A. Fry/

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CERTIFICATE OF SERVICE

I hereby certify that on **July 2, 2007**, a copy of the foregoing **Answer and Affirmative Defenses to the First Amended Counterclaim for Cancellation of Opposer's Registration** was filed electronically. Notice of this filing was served on the Applicant's counsel via First Class Mail, postage prepaid, said service addressed to:

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