

ESTTA Tracking number: **ESTTA116683**

Filing date: **12/26/2006**

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

Proceeding	91174027
Party	Defendant Gamze Ltd Gamze Ltd 1016 Chinacem Golden Plaza, 77 Mody Rd. HKX Tsim Sha Tsui,
Correspondence Address	Howard R. Fine Howard R. Fine, Attorney at law 108 Wilmot Road, Suite 330 Deerfield, IL 60015
Submission	Answer
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Date	12/26/2006
Attachments	0003494.PDF (4 pages)(125822 bytes)

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

YES ENTERTAINMENT CORPORATION.,

Opposer,

v.

GAMZE LTD,

Applicant.

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Opposition No. 91174027
Serial. No. 78/550,310
Mark: POWERPENZ

ANSWER

Applicant Gamze Ltd (“Gamze”) answers the Notice of Opposition as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Gamze lacks information sufficient to form a belief as to the truth or falsity of the allegation Paragraph 5 that Opposer used the POWERPENZ mark as early as November 20, 1995 and therefore denies that allegation. Gamze denies the remaining allegations of Paragraph 5.
6. Gamze admits that Opposer is listed as the owner of U.S. trademark application No. 77/046,894 for the mark POWERPENZ covering the goods listed therein. Gamze denies the remaining allegations of Paragraph 6.
7. Denied.
8. Denied.
9. The allegations of Paragraph 9 are vague and ambiguous. To the extent that Opposer is suggesting that the goods and/or services identified in Application Serial No.

78/550,310 overlap with Opposers goods and/or services, Gamze lacks information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 9 and therefore denies them.

10. Denied.

11. [1. sic] Denied.

AFFIRMATIVE DEFENSES

12. Based on the following grounds, Opposer has abandoned whatever trademark rights it may have had to POWERPENZ or any confusingly similar mark for pens, toys, and any related products or services:

- a. Upon information and belief, Opposer does not currently manufacture or market pens, toys, or any other related product or service in the United States under the mark POWERPENZ or any confusingly similar mark.
- b. Upon information and belief, Opposer has not manufactured or marketed pens, toys, or any other related product or service in the United States under the mark POWERPENZ, or any confusingly similar mark, for over three years.
- c. If owned by Opposer or Opposer's predecessor, Registration No. 2,129,304 for the mark POWER PENZ was cancelled on October 16, 2004 for failure to submit evidence of continued use.
- d. Upon information and belief, Opposer is no longer doing business in the United States.

13. Opposer comes to the Board with unclean hands based on its false claims to be using the POWERPENZ mark in the United States in connection with all of the goods listed in Application Serial No. 77/046,894.

14. On information and belief, Opposer is not a successor to YES! Entertainment Corporation, a California corporation that had been based in Pleasanton, California, and is not entitled to benefit from whatever trademark rights that this corporation may have had to the POWERPENZ or POWER PENZ mark.

WHEREFORE, Gamze respectfully requests that the Notice of Opposition against its pending application Serial No. 78/550,310 be dismissed and that the application proceed to registration.

Respectfully submitted,

Dated: December 26, 2007

By:



B. Brett Heavner

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Counsel for Applicant

Gamze Ltd.

CERTIFICATE OF SERVICE

I certify that the foregoing ANSWER were served this 26th day of December 2006, via first class mail, postage prepaid, upon Opposer's counsel at the following address:

Michael H. Sproule
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