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Filing date: **05/07/2009**

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

Proceeding	91186239
Party	Defendant The Havana Spice Company, Corp.
Correspondence Address	LETICIA GUERRA FLEIT GIBBONS GUTMAN BONGINI & BIANCO PL 21355 EAST DIXIE HIGHWAY, SUITE 115 MIAMI, FL 33180 UNITED STATES lguerra@fggbb.com
Submission	Answer
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Date	05/07/2009
Attachments	090507 asfiled ANSWER- Havana Spice.pdf (3 pages)(23297 bytes)

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

In the matter of Application Serial No. 77/169,853
For the mark: HAVANA SPICE & Design
Filed: June 6, 2007

Sao Paulo Alpargatas S.A.)	
)	
Opposer,)	Opposition No. 91186239
)	
v.)	
)	
The Havana Spice Company, Corp.)	
)	
Applicant.)	

ANSWER

Pursuant to 37 C.F.R. § 2.106, Applicant, The Havana Spice Company, Corp. (“Applicant”), having a place of business at 14837 S.W. 178 Terrace, Miami, Florida 33187, by and through its undersigned counsel hereby answers the Notice of Opposition of U.S. application Serial No. 77/169,853 filed by Opposer, Sao Paulo Alpargatas S.A. (“Opposer”) as follows:

1. Applicant is without sufficient information to admit or deny the allegation contained in paragraph 1 and therefore denies same.
2. Applicant admits the allegation contained in paragraph 2.
3. Applicant is without sufficient information to admit or deny the allegation contained in paragraph 3 and therefore denies same.
4. Applicant admits the allegations contained in paragraph 4.
5. Applicant is without sufficient information to admit or deny the allegations contained in paragraph 5 and therefore denies same.
6. Applicant is without sufficient information to admit or deny the allegations

contained in paragraph 6 and therefore denies same.

7. Applicant admits that the United States Patent and Trademark Office's ("USPTO") TARR database indicates that Opposer is the owner of Registration No. 3,069,819 for the word mark HAVAIANAS for footwear in International Class 25, claiming a date of first use of November 1993.

8. Applicant admits that the USPTO's TARR database indicates that Opposer is the owner of Registration No. 1,906,924 for the mark HAVAIANAS & Design, registered on the Supplemental Register, for footwear in International Class 25 with a claimed date of first use of November 1993. Applicant admits that the USPTO's TARR database indicates that Opposer is the owner of Registration No. 1,858,280 for the word mark HAVAIANAS, registered on the Supplemental Register, for footwear in International Class 25, without a claimed date of first use in commerce or anywhere in the world.

9. Applicant is without sufficient information to admit or deny whether Opposer has used or is using its HAVAINAS and HAVAIANAS & Design marks on any goods, including goods in International Class 25. Applicant denies the remaining allegations contained in paragraph 9.

10. Applicant is without sufficient information to admit or deny the allegations contained in paragraph 10 and therefore denies same.

11. Applicant denies the allegation contained in paragraph 11.

12. Applicant denies the allegations contained in paragraph 12.

13. Applicant denies the allegation contained in paragraph 13.

14. Applicant denies the allegation contained in paragraph 14.

WHEREFORE, Applicant respectfully requests that this Notice for Opposition be dismissed with prejudice.

AFFIRMATIVE DEFENSES

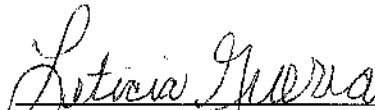
Applicant asserts the following affirmative defense:

15. Opposer fails to state a claim upon which relief may be granted.

Respectfully submitted,

THE HAVANA SPICE COMPANY, CORP.

By:


Leticia Guerra, Esq.

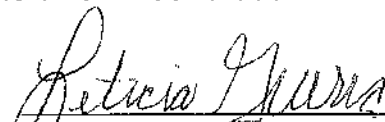
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ANSWER was served on Opposer's attorneys, Richard S. Schurin and Frank D. Decolvenaere of Gottlieb, Rackman & Reisman, P.C. on May 7, 2009 via first class mail, addressed as follows:

Richard S. Schurin
Frank D. Decolvenaere
Gottlieb, Rackman & Reisman, P.C.
270 Madison Avenue
New York, New York 10016-0601

Dated: May 7, 2009


Leticia Guerra