

ESTTA Tracking number: **ESTTA261279**

Filing date: **01/19/2009**

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

Proceeding	91186308
Party	Plaintiff The United States Playing Card Company
Correspondence Address	Cindy L. Caditz Christensen O'Connor Johnson Kindness 1420 5th Ave., Suite 2800 Seattle, WA 98101 UNITED STATES cindy.caditz@cojk.com, litdoc@cojk.com
Submission	Answer to Counterclaim
Filer's Name	Cindy L. Caditz
Filer's e-mail	litdoc@cojk.com, cindy.caditz@cojk.com
Signature	/Cindy L. Caditz/
Date	01/19/2009
Attachments	3056PL1.pdf ( 3 pages )(20915 bytes )

1  
2 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
3 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

4 THE UNITED STATES PLAYING CARD  
5 COMPANY, a Delaware corporation,

6 Opposer/Registrant,

7 v.

8 ANGEL CO., LTD., a corporation of Japan,

9 Applicant/Petitioner.

Opposition No. 91186308

REPLY TO COUNTERCLAIMS

10  
11 January 19, 2009

Seattle, WA

12  
13 Responsive to the Counterclaims filed by Applicant/Counterclaim Petitioner, Angel  
14 Company, Ltd., Opposer hereby responds as follows:

15 1. Paragraph 29 of the Answer, Affirmative Defenses and Counterclaims  
16 incorporates each and every response of the "foregoing answer and affirmative defenses" into  
17 the Counterclaims. Insofar as Applicant/Counterclaim Petitioner has incorporated its answers  
18 to the Notice of Opposition filed herein, Opposer/Counterclaim Registrant incorporates each  
19 and every allegation stated by the Notice of Opposition filed herein.

20 2. Responsive to the Affirmative Defenses stated and incorporated by  
21 Applicant/Counterclaim Petitioner, Registrant submits the following responses. Opposer  
22 denies the allegations stated by Paragraphs 21, 22, 23, 24, 25, 26, 27 and 28 of the  
23 Affirmative Defenses. Opposer denies that the Affirmative Defenses accurately state the  
24 relevant legal tests applicable to Opposer's claims.

25 3. Responsive to Paragraph 30 of the Counterclaims, Opposer admits that it has  
26 alleged the same facts on information and belief but states that Opposer is without  
27

1 information or knowledge sufficient to form a belief as to the truth of the allegations stated  
2 and therefore denies the same.

3 4. Opposer admits the allegations stated by Paragraphs 31, 33 and 34 of the  
4 Counterclaims.

5 5. Responsive to the allegations stated by Paragraph 32 of the Counterclaims  
6 Opposer admits that Opposer's rights in the mark claimed by U.S. Trademark Registration  
7 No. 48,763 and that registration represent a basis of opposition asserted by Opposer. Opposer  
8 denies that Exhibit A attached to the counterclaims is an accurate depiction of the mark  
9 claimed by U.S. Trademark Registration No. 48,763.

10 6. Opposer denies the allegations stated by Paragraph 35, 36, 37, 38, 39 and 40 of  
11 the Counterclaims.

12 7. Responsive to the allegations stated by Paragraph 41 of the Counterclaims,  
13 Opposer admits that the mark claimed by U.S. Trademark Registration No. 48,763 and that  
14 registration represent a basis of opposition asserted by the opposition. Opposer denies the  
15 remaining allegations of Paragraph 41 and the allegations stated by Paragraph 42 because the  
16 Registration is valid and therefore has not and cannot in the future cause "damage to Angel"  
17 within the Lanham Act.

18 8. Paragraph 43 of the Counterclaims repeats and realleges the allegations  
19 contained in the preceding paragraphs. Opposer repeats and realleges its responses to each of  
20 the realleged paragraphs.

21 9. Opposer denies the allegations stated by Paragraphs 44, 45, and 46 of the  
22 Counterclaims.

23 10. Responsive to the allegations stated by Paragraph 47 of the Counterclaims,  
24 Opposer admits that the mark claimed by U.S. Trademark Registration No. 48,763 and that  
25 registration represent a basis of opposition asserted by Opposer. Opposer denies the  
26 remaining allegations of Paragraph 47 and the allegations stated by Paragraph 48 because the  
27

1 Registration is valid and therefore has not and cannot in the future cause damage to Angel  
2 within the Lanham Act.

3  
4 Dated this 19th day of January, 2009.

5  
6 CHRISTENSEN O'CONNOR  
7 JOHNSON KINDNESS<sup>PLLC</sup>

8  
9 s/Cindy L. Caditz

10 \_\_\_\_\_  
11 Cindy L. Caditz,  
12 Attorneys for Opposer

13 **CERTIFICATE OF FILING**

14 I hereby certify that this REPLY TO COUNTERCLAIMS in Opposition  
15 No. 91186308 for the mark shown by the drawing submitted in Application Serial  
16 No. 77/398,049 is being filed with the Trademark Trial and Appeal Board using the ESTTA  
17 filing system of the U.S. Patent and Trademark Office on the below date.

18 Date: January 19, 2009 s/Cindy L. Caditz

19 **CERTIFICATE OF SERVICE**

20 I hereby certify that this REPLY TO COUNTERCLAIMS in Opposition  
21 No. 91186308 for the mark shown by the drawing submitted in Application Serial  
22 No. 77/398,049 is being duly served upon counsel for Applicant by mailing a copy thereof via  
23 the U.S. Postal Service in a sealed envelope as first class mail with postage thereupon fully  
24 prepaid and addressed to:

25 Neil Zipkin  
26 Amster, Rothstein & Ebenstein LLP  
27 90 Park Ave.  
New York, NY 10016

Date: January 19, 2009 s/Cindy L. Caditz