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

Proceeding	91188035
Party	Defendant ADVANCE WATCH COMPANY LTD.
Correspondence Address	MATTHEW R. MOWERS BROOKS KUSHMAN P.C. 1000 TOWN CTR FL 22 SOUTHFIELD, MI 48075-1183 UNITED STATES
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Date	12/08/2009
Attachments	ADW4205OC Answer 12-8-09.pdf (4 pages)(61581 bytes)

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

Guess? IP Holder L.P. and Guess?, Inc.,

Opposers

Opposition No. 91188035
Application No. 77/304,064

v.

Advance Watch Company Ltd.,


Applicant.

**ANSWER TO GUESS? IP HOLDER L.P. AND GUESS?, INC.’S
RENEWED AMENDED NOTICE OF OPPOSITION
AND AFFIRMATIVE DEFENSES**

Applicant, Advance Watch Company Ltd. (“Applicant”), by and through its undersigned attorneys, hereby responds to the like-numbered paragraphs of Guess? IP Holder L.P. and Guess?, Inc.’s (collectively referred to as “Opposers”) Renewed Amended Notice Of Opposition as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 1, and therefore denies the same.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 2, and therefore denies the same.

3. Applicant admits that Guess?, Inc. is identified in the USPTO Trademark Applications and Registrations Retrieval (TARR) database as the owner of US Registration No.

3,605,306 for the stylized  mark, without a Standard Character claim, for “bracelets; earrings; horological and chronometric instruments and parts thereof; cuff links and tie clips; lapel pins; necklaces; rings; watchbands; wrist watches; key rings of precious metal; jewelry; pocket watches; clocks” in International Class 14. However, Opposers have not attached a copy of the registration certificate to the Notice of Opposition.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of these allegations, and therefore denies the allegations contained in Paragraph 4.

5. Denied.

6. Denied.

AFFIRMATIVE DEFENSES

In further answer to the Renewed Amended Notice of Opposition, Applicant asserts the following affirmative defenses, without assuming the burden of proof on such defenses that would otherwise rest with Opposers:

1. Opposers’ Notice of Opposition fails to state a claim upon which relief can be granted, and in particular, fails to state legally sufficient grounds for sustaining the opposition.

2. Opposers have failed to object to a multitude of third-party uses and registrations of stylized “GC” marks in International Class 14, including but not limited to U.S. Trademark Registrations Nos. 3,472,439; 1,626,705; 1,777,807; 1,781,328; 3,146,504; and 1,633,991, and Opposers’ marks are therefore entitled to a limited scope of protection.

3. Opposers' purported rights, enigmatically identified in the Notice of Opposition as "the mark GC," would not encompass the letters "GC" in standard characters, which are highly diluted as a trademark formative and hence weak absent distinctive stylization or the addition of a design element.

4. Applicant's use of its mark will not mistakenly be thought by the public to derive from the same source as Opposers' services, nor will such use be thought by the public to be a use by Opposers with Opposers' authorization or approval.

5. Applicant's mark in its entirety is sufficiently distinctly different from the letters GC to avoid confusion, deception or mistake as to the source, sponsorship or association of Applicant's goods.

6. Applicant reserves the right to assert additional affirmative defenses learned in discovery or otherwise.

In conclusion, Applicant respectfully requests that this Opposition Proceeding be dismissed, with prejudice, and that its registration issue forthwith.

Respectfully submitted,

BROOKS KUSHMAN P.C.

By:



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Attorneys for Applicant

Dated: December 8, 2009

CERTIFICATE OF SERVICE

I certify that I served:

**ANSWER TO GUESS? IP HOLDER L.P. AND GUESS?, INC.'S
RENEWED AMENDED NOTICE OF OPPOSITION
AND AFFIRMATIVE DEFENSES**

on December 8, 2009 by:

 delivering

mailing (via First-Class mail)

a copy to:

Steven E. Lauridsen
Christie, Parker & Hale, LLP
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Attorney for Opposers

Hope Shover