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Filing date: **10/28/2009**

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

Proceeding	91191644
Party	Plaintiff Willy Bogner GmbH & Co. Kommanditgesellschaft auf Aktien
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Submission	Answer to Counterclaim
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Date	10/28/2009
Attachments	91191644 Answer to Counterclaim.pdf (3 pages)(82836 bytes)

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_____)	
Willy Bogner GmbH & Co.)	
Kommanditgesellschaft auf Aktien,)	
)	
Opposer,)	
)	
v.)	Opposition No.
)	91191644
)	
Pacific Sunwear of California, Inc.,)	Application Serial No.
)	77/646,025
Applicant.)	
_____)	

ANSWER TO COUNTERCLAIM

Opposer Willy Bogner GmbH & Co., Kommanditgesellschaft auf Aktien, by its counsel, responds as follows to the Counterclaim for Partial Cancellation filed herein.

- 26. No response required.
- 27. As to the first sentence of paragraph 27, no response is required. As to the second sentence, Opposer denies that it has abandoned its marks for “among other things, jeans, cargo pants, denims, pants, skirts, shorts, and belts, and many other items items in International Class 025.”
- 28. Denied.
- 29. Denied.
- 30. No response required.
- 31. Denied.
- 32. Denied. The statutory fee for partial cancellation of two registrations is \$600.00.

First Affirmative Defense

Applicant's Counterclaim for Partial Cancellation fails to state a claim upon which relief may be granted.

Second Affirmative Defense

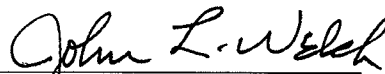
Applicant has failed to state with sufficient particularity the exact extent of the the partial cancellation that it seeks and its counterclaim is therefore legally defective and should be denied.

Third Affirmative Defense

The partial cancellation requested by Applicant in its Counterclaim is not available under Section 18 of the Trademark Act because said partial cancellation would not eliminate the likelihood of confusion between the marks as applied to the goods at issue.

WHEREFORE, Opposer prays that said Counterclaim for Partial Cancellation be denied with prejudice.

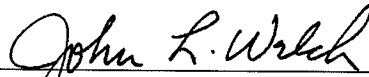
Willy Bogner GmbH & Co.
Kommanditgesellschaft auf Aktien



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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served upon Applicant this 28th day of October, 2009, by mailing a copy thereof via first-class mail, postage pre-paid, to its counsel, Matthew D. Murphey, Esq., Gordon & Rees LLP, 2100 Ross Avenue, Suite 2800, Dallas, Texas 75201.



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