

TTAB

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

In re Application of Sitos Srl

Application No.: 77/978,643

Filed: April 6, 2009

Mark: LET'S PIZZA

Jet's America, Inc., :
 :
 Opposer, :
 :
 v. : Opp. No.: 91195976
 :
 Sitos, Srl, :
 :
 Applicant. :
 :
 :
 :

Hon. Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Attn.: Trademark Trial and Appeal Board



09-23-2010

U.S. Patent & TMO/PTM Mail Report 09-23-2010

ANSWER AND AFFIRMATIVE DEFENSES

Madam:

Sitos, Srl, Applicant in the above-captioned action, by and through its attorneys, Blank Rome LLP, answers the allegations contained in Opposer's Notice of Opposition as follows:

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 1 of the Notice of Opposition, and the same are therefore denied.

2. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 2 of the Notice of Opposition, and the same are therefore denied.

3. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 3 of the Notice of Opposition, and the same are therefore denied.

4. Admitted.

5. Admitted.

6. Denied.

7. Denied.

AFFIRMATIVE DEFENSES

1. Opposer's claims for relief are barred in whole or in part by laches, fraud and unclean hands.

2. Opposer fails to state an adequate basis for some or all of its claims.

3. Opposer fails to state a claim against Defendant upon which relief may be granted.

4. Opposer is barred in whole or in part under the doctrines of waiver, estoppel, and acquiescence.

5. Defendant has acted in good faith at all times.

6. Applicant reserves the right to assert all defenses disclosed or developed in the course of discovery or trial.

WHEREFORE, Applicant, having fully and completely answered the Notice of Opposition, prays that final judgment be entered:

A. Dismissing the Notice of Opposition, as represented in Opposition No. 91195976, with prejudice; and

B. Granting Applicant such other and further relief as the Board deems just and proper.

Respectfully submitted,

SITOS, SRL

Date: September 20, 2010

By: /SWD/
Alfred W. Zaher
Sean W. Dwyer
Its Attorneys

BLANK ROME LLP
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is addressed to Hon. Commissioner for Trademarks, Attention: Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, Virginia 22202-3514, and is being deposited electronically via the ESTTA online filing database on September 20, 2010.

 /SWD/
Sean W. Dwyer

CERTIFICATE OF SERVICE

I, Sean W. Dwyer, do hereby certify that I have on this 20th day of September, 2010, mailed by first class United States mail, postage prepaid, the foregoing Answer and Affirmative Defenses to the following:

Barbara L. Mandell
Kohn & Associates, PLLC
30500 Northwestern Highway, Suite 410
Farmington Hills, MI 48334

Attorney for Opposer Jet's American, Inc.

 /SWD/
Sean W. Dwyer