

ESTTA Tracking number: **ESTTA542387**

Filing date: **06/07/2013**

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

Proceeding	91210445
Party	Defendant Sarto Antonio
Correspondence Address	SARTO ANTONIO VIA ARNO 65 I-30030 PIANIGA (VE), ITALY
Submission	Answer
Filer's Name	Michael A. Grow
Filer's e-mail	grow.michael@arentfox.com, giuliani.chiara@arentfox.com, henrye@arentfox.com, tmdocket@arentfox.com
Signature	/Michael A. Grow/
Date	06/07/2013
Attachments	Answer.pdf(188732 bytes)

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

LIGER6, LLC :
Opposer :
v. : Opposition No. 91210445
SARTO ANTONIO :
Applicant :

ANSWER

Applicant Sarto Antonio hereby answers the notice of opposition filed herein as follows:

1. Applicant admits that a copy of Application No. 85/806954 is attached to the notice of opposition. Applicant denies that Opposer owns the mark SARTO. Applicant is without knowledge sufficient to form a belief as to the remaining allegations in Paragraph No. 1 and, therefore, denies the same.
2. Applicant admits that Opposer's applications contain allegations of use. Applicant is without knowledge sufficient to form a belief as to the remaining allegations in Paragraph No. 2 and, therefore, denies the same.
3. Applicant admits the allegations in Paragraph No. 3
4. Applicant denies that Opposer ever "adopted" Applicant's mark SARTO. Opposer is without sufficient knowledge to form a belief as to the remaining allegations in Paragraph No. 4 and, therefore, denies the same.
5. Applicant denies that SARTO is Opposer's Mark or that SARTO identifies the source of "Opposer's goods" or that Opposer has any goods of its own or that Opposer owns any goodwill in the mark or that Opposer developed the mark. Applicant is without sufficient knowledge to form a belief as to the remaining allegations in Paragraph No. 5 and, therefore, denies the same.

6. Applicant admits that Opposer has purchased bicycle frames bearing Applicant's mark SARTO from Applicant. Applicant denies the remaining allegations in Paragraph No. 6.

7. Applicant denies the allegations contained in Paragraph No. 7

8. Applicant denies the allegations contained in Paragraph No. 8

9. Applicant admits that it sells bicycles and their parts to third parties. Applicant denies the remaining allegations in Paragraph No. 9.

10. Applicant denies the allegations in Paragraph No. 10.

11. Applicant admits the allegations in Paragraph No. 11.

12. Applicant admits that its U.S. application is based on its own International Registration and that the U.S. application speaks for itself. Applicant denies that February 29, 2012 is its priority date for purposes of this opposition proceeding.

13. Applicant denies the allegations contained in Paragraph No. 13.

14. Applicant admits the allegations contained in Paragraph No. 14.

15. Applicant admits that its application seeks to register the mark SARTO. Applicant denies the remaining allegations in Paragraph No. 15, including the allegation that Opposer owns an "earlier mark SARTO".

16. Applicant admits that the goods listed in its Application are bicycle parts and bicycles but Applicant is without sufficient knowledge to form a belief as to the remaining allegations in Paragraph No. 16 and, therefore, denies the same.

17. Applicant denies that the use of its mark SARTO will cause any confusion and further denies that Opposer has any right to sell goods under the mark SARTO or that Opposer's alleged reputation and goodwill will be damaged by Applicant's use of its SARTO mark. Applicant is

without knowledge sufficient to form a belief as to the remaining allegations contained in Paragraph No. 17 and, therefore, denies the same.

18. Applicant admits the allegations in Paragraph No. 18

19. Applicant denies the allegations contained in Paragraph No. 19.

AFFIRMATIVE DEFENSES

1. Opposer has failed to state a claim upon which relief may be granted.
2. Opposer's claims are barred by the fact that Opposer never acquired any rights in Applicant's Mark SARTO.
3. Opposer's claims are barred by the fact that Opposer has admitted that it has no right to claim ownership right in or to register the mark SARTO.
4. Opposer's claims are barred by the fact that at all relevant times, Opposer was a mere distributor of products made by Applicant on which Applicant had affixed Applicant's own name and mark SARTO.
5. Opposer's claims are barred by the fact that SARTO is Applicant's name and Opposer never obtained Applicant's consent to the use or registration of that name.
6. Opposer's claims are barred by the fact that because Opposer lacks standing to oppose registration of Applicant's mark.
7. Opposer's claims are barred by the fact that the applications filed by Opposer through its alter ego Marco Bonelli contain material false statements that were made with actual knowledge by Opposer of the falsity of the statements and Opposer made those statements with a deliberate intent to perpetrate a fraud on the Patent and Trademark Office and to procure registrations for marks that

Opposer knows does not own and, therefore, Opposer filed its application in bad faith with an intent to commit fraud in violation of 18 U.S.C. Section 1001.

8. Opposer's claims are barred by the doctrine of laches.

9. Opposer's claims are barred by the doctrine of acquiescence.

10. Opposer's claims are barred by the doctrine of equitable estoppel.

11. Opposer's claims are barred by the doctrine of waiver.

12. Opposer's claims are barred by the doctrine of unclean hands in that Opposer has engaged in inequitable and unlawful conduct directly related to the subject matter of this proceeding including without limitation, the fraudulent acts described herein, unlawful threats of physical violence against Applicant, violation of Applicant's right of publicity, deliberate attempts to mislead, deceive and defraud consumers and other inequitable and unlawful conduct.

In view of the foregoing, Applicant requests that this notice of opposition be dismissed, and registration granted to its mark.

SARTO ANTONIO

By

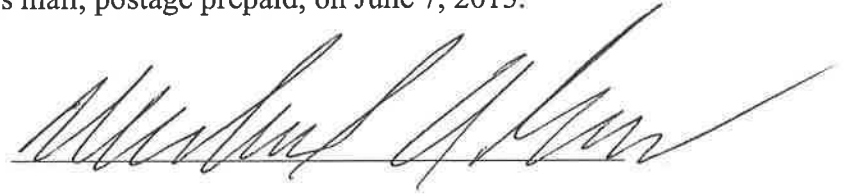


Michael A. Grow
Chiara Giuliani
Arent Fox LLP
1717 K Street, NW
Washington, DC 20036
(202) 857 6389

Attorneys for Applicant

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing is being serviced upon Opposer's counsel Kenneth F. Florek of Florek & Endres, PLLC at 1156 Avenue of the Americas, New York, New York 10036, by first class mail, postage prepaid, on June 7, 2013.

A handwritten signature in black ink, appearing to read "Michael A. Green", written over a horizontal line.