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

Proceeding	91211760
Party	Plaintiff Quintessentially (UK) Limited
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Submission	Answer to Counterclaim
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Signature	/Neil B. Friedman/
Date	05/19/2014
Attachments	Answer to Counterclaim.pdf(19209 bytes)

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

-----X
Quintessentially (UK) Limited,

Opposer / Counterclaim Defendant,
v.

101 West 57th Street Investors, LLC,

Applicant / Counterclaimant.
-----X

Opposition No. 91211760

Application Nos. 85708961 and
85708972

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(Stylized)

OPPOSER’S ANSWER AND AFFIRMATIVE DEFENSES TO COUNTERCLAIM

Opposer / Counterclaim Defendant, Quintessentially (UK) Limited (“Opposer”) hereby files its Answer to Applicant, 101 West 57th Street Investors, LLC’s (“Applicant”) Counterclaim for Cancellation.

ANSWER

1. Admitted, except that Opposer denies that an Exhibit A is attached to the Counterclaim for Cancellation.
2. To the extent that paragraph 2 of the Counterclaim is an attempt to limit or restrict the bases or arguments alleged by Opposer, the paragraph is denied. The Notice of Opposition speaks for itself. Opposer admits that the opposition is based, *inter alia*, upon Opposer’s claim of ownership of Reg. Nos. 3546992, 3888453, 3906140, and 3912687 and that Opposer alleges a likelihood of confusion. Opposer denies that Exhibit B is attached to the Counterclaim for Cancellation.

3. Opposer admits that three of its applications are based upon Section 44(e) and that one of the applications are based on Section 66A. Opposer admits that it did not file an allegation of use with the applications. Opposer denies that Exhibit B is attached to the Counterclaim.

4. Denied.

5. Denied.

6. Opposer objects to paragraph 6 of the Counterclaim as it calls for a legal conclusion.

The law and the underlying documents in Opposer's file wrappers speak for themselves.

7. Denied.

8. Denied.

9. Applicant has no right to register the marks in issue. Accordingly, paragraph 9 of the Counterclaim is denied.

AFFIRMATIVE DEFENSES

1. Opposer's has no intention of abandoning its marks for the goods and/or services set forth in its registrations.

2. Applicant has failed to plead the elements of its claims with specificity.

3. Opposer had no intent to deceive the Trademark Office at the time it filed the applications which are the subject of Applicant's Counterclaims.

4. Opposer had no willful intent to deceive the Trademark Office at any time concerning the applications which are the subject of Applicant's Counterclaims.

5. The Counterclaim fails to state a claim upon which relief can be granted as the claim of fraud fails to allege all necessary elements of such a claim.

PRAYER FOR RELIEF

Wherefore, Opposer prays that each and every Counterclaim be dismissed and that Opposer's opposition to Applicant's applications in issue be granted.

Respectfully submitted,

Baker and Rannells, PA

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Opposer's Answer and Affirmative Defenses to Counterclaim in re Opposition No. 91211760 was forwarded by first class postage prepaid mail by depositing the same with the U.S. Postal Service on this 19th of May, 2014 to counsel for the Applicant at the following address:

Michele P. Schwartz, Esq.
Andrews Kurth, LLP
1717 Main Street, Suite 3700
Dallas, TX 75201

 / Neil B. Friedman /
Neil B. Friedman