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

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| Proceeding | 91229303 |
| Party | Defendant Retrobrands USA LLC |
| Correspondence Address | JEFFREY KAPLAN RETROBRANDS USA LLC POB 11106 FORT LAUDERDALE, FL 33339 UNITED STATES eggcream@earthlink.net, jeff@retrobrands.net |
| Submission | Answer |
| Filer's Name | Jeffrey Kaplan |
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| Signature | /Jeffrey Kaplan/ |
| Date | 01/02/2017 |
| Attachments | Sunsilk Answer.pdf(150365 bytes) |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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| Conopco, Inc | Opposer | Opposition No. 91229303 |
| | | Mark: SUNSILK |
| | | Serial No. 86834945 |
| v. | | |
| Retrobrands U.S.A. L.L.C. | | |
| | Applicant | |
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APPLICANT’S ANSWER AND AFFIRMATIVE DEFENSES

Applicant, Retrobrands USA LLC hereby files its Answer and Affirmative Defenses to the First Amended Notice of Opposition (the Opposition”) as follows:

1. The allegations of Paragraph 1 of the Opposition are admitted.
2. The Applicant lacks the information to be able to readily admit or deny the allegations contained in Paragraph 2 of the Opposition and thereby denies them on that basis.
3. The Applicant lacks the information to be able to readily admit or deny the allegations contained in Paragraph 3 of the Opposition and thereby denies them on that basis.
4. The allegations of Paragraph 4 are denied in part. Applicant admits it had knowledge of Opposer’s SUNSILK mark in connection with personal care products, including, but not limited to, shampoo, hair conditioner, and hair styling creams and gels “**outside**” the United States of America but denies it had any knowledge of the SUNSILK mark in connection with personal care products, including, but not limited to, shampoo, hair conditioner, and hair styling creams and gels “**inside**” the United States of America.
5. The Applicant lacks the information to be able to readily admit or deny the allegations contained in Paragraph 5 of the Opposition and thereby denies them on that basis.

6. The allegations of Paragraph 6 of the Opposition are denied.
7. The allegations of Paragraph 7 of the Opposition are denied.
8. The allegations of Paragraph 8 of the Opposition are denied.
9. The Applicant lacks the information to be able to readily admit or deny the allegations contained in Paragraph 9 of the Opposition and thereby denies them on that basis.
10. The allegations of Paragraph 10 of the Opposition are denied.
11. The allegations of Paragraph 11 of the Opposition are denied.
12. The allegations of Paragraph 12 of the Opposition are denied.
13. The allegations of Paragraph 13 of the Opposition are denied.
14. The allegations of Paragraph 14 of the Opposition are denied.
15. The allegations of Paragraph 15 of the Opposition are denied.
16. The allegations of Paragraph 16 of the Opposition are denied.
17. The allegations of Paragraph 17 of the Opposition are denied.
18. The allegations of Paragraph 18 of the Opposition are denied.
19. The allegations of Paragraph 19 of the Opposition are denied.

AFFIRMATIVE DEFENSES

First Affirmative Defense: Opposer fails to state a claim upon which relief can be granted.

Second Affirmative Defense: In 2011 Opposer willfully abandoned its SUNSILK trademarks in the United States of America and therefore Lacks Standing to file this Opposition.

Third Affirmative Defense: Since 2011 Opposer has not used the trademark SUNSILK in commerce in the United States of America and therefore does not have any Common Law protection.

Fourth Affirmative Defense: All of Opposer's SUNSILK trademarks have been canceled by the United States Patent and Trademark office.

Fifth Affirmative Defense: On September 22nd 2010 Opposer, through the media informed the public that they were discontinuing the SUNSILK shampoo brand in the United States by the end of that year and have willfully abandoned the trademark.

Sixth Affirmative Defense: Opposer willfully abandoned its United States trademark SUNSILK in 2010 with no intent to resume use in the near future. Opposer is bound by its act of abandonment and is equitably estopped thereby from seeking to own the mark SUNSILK

Seventh Affirmative Defense: Applicant's SUNSILK mark will not cause consumer confusion with Opposer's good/services because Opposer does not have any SUNSILK products in commerce in the USA.

Eighth Affirmative Defense: Applicant's SUNSILK mark will not injure Opposer because Opposer does not have any SUNSILK products in commerce in the USA.

Ninth Affirmative Defense: The Opposer's Unclean Hands Bars All Relief. The Opposer is attempting to stifle lawful and legitimate competition by threatening the Applicant with ongoing litigation involving trademark rights to which Opposer is not legally or otherwise entitled to own, given that Opposer deliberately, consciously and intentionally abandoned such rights. The Opposer, through its actions, conduct, inactions and omissions, have represented to the Applicant and the general public that it intended to abandon the SUNSILK marks. Consequently, the Opposer is estopped from seeking the relief it demands because of its unclean hands.

Such actions, conduct, inactions and omissions on the part of Opposer bars all relief demanded by the instant Opposition

January 2nd 2017

Respectfully Submitted,

/Jeffrey Kaplan/
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this Answer to Opposition and Affirmative Defenses has been served upon all parties, at their address on record by sending a true copy thereof by U.S. First Class Mail, on January 2nd 2017, as follows:

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