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

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Lovin' Enterprises, Inc.,	Petitioner,	Trademark	
		Registration No.:	2,221,568
	v.	Issued on:	February 2, 1999
Moshi Shohet and Haron Shohet, individuals doing business as M&H Company,	Registrants.	For the Mark:	DREAM GIRL
<hr/>		Cancellation No.:	92,042,156

ANSWER

Respondents, Moshi Shohet and Haron Shohet individually, and doing business as M&H Company (hereinafter collectively referred to as "Respondents") by and through their attorneys, Berenthal & Associates, P.C. hereby Answer the Petitioner's, Lovin' Enterprises, Inc., Petition to Cancel (the "Petition") as follows:

1. Respondents deny any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Petition and therefore deny each and every allegation contained in paragraph 1 of the Petition.

2. Respondents deny any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the Petition and therefore deny each and every allegation contained in paragraph 2 of the Petition except Respondents admit that Lovin' Enterprises, Inc. is named as the applicant in United State Patent and Trademark Office Trademark Application Serial Number 76502215 for lingerie, namely bras, panties, stockings, garters, garter skirts, negligees; outer garments, namely dresses, kimonos, skirts, miniskirts, jumpers, aprons, body suits, vests, t-shirts, blouses, tops, shorts, coats, capes, hats; clothing accessories, namely, headbands, and belts,



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all in International Class 25.

3. Respondents deny any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 of the Petition and therefore deny each and every allegation contained in paragraph 3 of the Petition except Respondents admit that the Respondents first used the mark DREAM GIRL for lingerie, underwear and sleepwear, and other women's garments, at least as early as March 6, 1991.

4. Respondents deny any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the Petition and therefore deny each and every allegation contained in paragraph 4 of the Petition. Respondents further deny the conclusion of law contained in paragraph 4 of the Petition.

5. Respondents deny any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Petition and therefore deny each and every allegation contained in paragraph 5 of the Petition.

6. Respondents deny any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the Petition and therefore deny each and every allegation contained in paragraph 6 of the Petition. Respondents further deny each and every conclusion of law contained in paragraph 6 of the Petition.

7. Respondents deny any knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7(a) through and including Paragraph 7(c) of the Petition and therefore deny each and every allegation contained in Paragraph 7(a) through and including Paragraph 7(c) of the Petition. Respondents further deny each and every conclusion of law contained in Paragraph 7(a) through and including Paragraph 7(c) of the Petition.

RESPONDENTS' FIRST AFFIRMATIVE DEFENSE

8. The Petitioner is barred by the doctrine of laches in that Petitioner has unreasonably delayed in bringing these claims, and said delays have cause prejudice to Registrant.

RESPONDENTS' SECOND AFFIRMATIVE DEFENSE

9. The Petitioner is barred from asserting each and all of its causes of action in the Petition by reason of Petitioner's acquiescence of the Respondents' use of the mark DREAM GIRL.

RESPONDENTS' THIRD AFFIRMATIVE DEFENSE

10. The Petitioner and Respondents have already reached an agreement allowing the parties respective marks to co-exist without a likelihood of confusion however the Petitioner seeks to ignore the agreement.

RESPONDENTS' FOURTH AFFIRMATIVE DEFENSE

11. In the event the United Stated Patent and Trademark Office, Trademark Trial and Appeal Board (the "Board") finds that the Petitioner's goods sold under Petitioner's mark DREAMGIRL are confusingly similar to Respondents' goods sold under Respondents' registered trademark DREAM GIRL then the Registrants allege that the Petitioner is infringing on the Respondents' registered trademark DREAM GIRL.

RESPONDENTS' FIFTH AFFIRMATIVE DEFENSE

12. That upon information and belief, the mark of Petitioner and the mark of the Registrant has peacefully co-existed for at least twelve years with no actual confusion or likelihood of confusion.

RESPONDENTS' SIXTH AFFIRMATIVE DEFENSE

13. Respondents presently have insufficient knowledge or information upon which to form

a belief as to whether they may have additional, as yet unstated, affirmative defenses. Respondents reserve the right to assert additional affirmative defenses in the event the grounds therefor are learned during the course of discovery.

WHEREFORE, Respondents pray for judgment as follows:

- (A) That the Petitioner's petition be dismissed and;
- (B) Such other and further relief as the Board may deem just and proper.

Dated: New York, New York
December 15, 2004

Respectfully submitted:

BERENTHAL & ASSOCIATES, P.C.

By: 

DAVID W. BERENTHAL, ESQ. (DB 9568)
Attorneys for Respondents
Moshi Shohet and Haron Shohet, individuals
doing business as M&H Company
500 Fifth Avenue
Suite 2222
New York, New York 10110-2202
(212) 302-9494

CERTIFICATE OF MAILING

I hereby certify that the foregoing Answer, is being deposited with United States Postal Service with sufficient postage as First Class mail, in an envelope addressed to BOX TTAB Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202, on December 15, 2004.

Dated: New York, New York
December 15, 2004



DAVID W. BERENTHAL, ESQ. (DB 9568)

BERENTHAL & ASSOCIATES, P.C.

Attorneys for Respondents

Moshi Shohet and Haron Shohet, individuals doing
business as M&H Company

500 Fifth Avenue

Suite 2222

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(212) 302-9494

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Answer has been served upon the attorney for Petitioner on December 15, 2004, by depositing a copy of the same in the United States Mail, first class postage prepaid, in an envelope addressed as follows:

Mr. Frederick Gotha, Esq.
Law Offices of Frederick Gotha
80 South Lake Avenue
Suite 823
Pasadena, CA 91101

Dated: New York, New York
December 15, 2004

A handwritten signature in black ink, appearing to read "David W. Berenthal", is written over a horizontal line.

DAVID W. BERENTHAL, ESQ.
BERENTHAL & ASSOCIATES, P.C.
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