

TTAB

PAS-38-CANC

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

E STREET DENIM CO.)	
)	
Petitioner,)	Cancellation No. 92043399
)	
v.)	
)	Registration No. 2,854,690
PIERRE ANDRE SENIZERGUES)	
)	
Registrant)	

ANSWER

In response to the Petition for Cancellation filed by E Street Denim Co. (Petitioner) Registrant files this Answer.

1. Regarding paragraph 1 of the Petition for Cancellation, Registrant has insufficient information whereupon the allegations in paragraph 1 are DENIED.
2. Regarding paragraph 2, Registrant has insufficient information regarding the allegation that Petitioner filed applications to register the mark E STREET in International Classes 25 and 35 on November 10, 2003 whereupon the allegations in paragraph 2 are DENIED.
3. Paragraph 3 is ADMITTED.
4. The allegations in Paragraph 4 are DENIED.
5. The allegations in paragraph 5 are DENIED.
6. Regarding paragraph 6 of the Petition for Cancellation, Registrant has insufficient information whereupon the allegations in paragraph 6 are DENIED.



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7. The allegations in paragraph 7 are DENIED.

8. The allegations in paragraph 8 are DENIED.

AFFIRMATIVE DEFENSES

Petitioner appears to do business under the name E STREET DENIM CO., not "E STREET."

Petitioner does not appear to have used the term E STREET, per se, as a trademark or a service mark.


The words E STREET, per se, are used in a multitude of marks related to a multitude of goods and services by a multitude of entities wherein the words E STREET, per se, are a weak mark which is readily distinguishable by appended words (e.g., INTERNATIONAL or DENIM CO.)

Registrant has been using the mark E STREET INTERNATIONAL since at least as early as August 31, 2002 and, to date, has encountered no confusion with Petitioner's alleged mark.

The Examining Attorney found no prior marks to preclude Registrant's Registration.

WHEREFORE having made full ANSWER to the Petition for Cancellation, Registrant requests that the Petition for Cancellation be dismissed.

Respectfully submitted,



G. Donald Weber, Jr.
Attorney for Applicant

(714) 637-8350

Registrant

<CERTIFICATE OF MAILING>

~ I certify that the foregoing is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope

addressed to the Assistant Commissioner for Trademarks,
Mail Stop: Trademark Trial and Appeal Board, 2900
Crystal Drive, Arlington, VA 22202-3513, on August 2, 2004~

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~Signature~

~Name~



G. Donald Weber, Jr.

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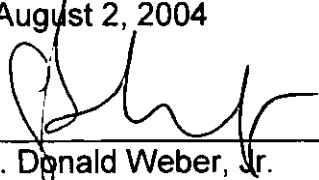
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Mary L. Grieco, Esq.
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New York NY 10018

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G. Donald Weber, Jr.