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

Proceeding	92047941
Party	Defendant Target Brands, Inc.
Correspondence Address	Target Brands, Inc. TPS-3165, 1000 Nicollet Mall Minneapolis, MN 55403 UNITED STATES trademark.info@target.com
Submission	Answer and Counterclaim
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Attachments	Answer.pdf (5 pages)(125538 bytes)

Registration Subject to Cancellation

Registration No	3089349	Registration date	05/09/2006
Registrant	VANOUNOU CLOTHING, INC. 317 North Sycamore Avenue Los Angeles, CA 90036 UNITED STATES		
Goods/Services Subject to Cancellation	Class 025. First Use: 1981/06/30 , First Use In Commerce: 1981/06/30 Goods/Services: MEN'S AND BOY'S WEARING APPAREL, NAMELY, T-SHIRTS, SWEATSHIRTS, TANK TOPS, WOVEN SHIRTS, SWEATERS, CARDIGANS, VESTS, JACKETS, PANTS, SWEATPANTS, JEANS, SHORTS, HATS, CAPS, COATS, SCARVES, NECKERCHIEFS, NECK BANDS, WRIST BANDS, HEAD BANDS, GLOVES, BELTS, PAJAMAS, SHOES, SOCKS, UNDERWEAR, SWIM WEAR, AND TRUNKS; AND WOMEN'S AND GIRL'S WEARING APPAREL, NAMELY, T-SHIRTS, SWEATSHIRTS, TANK TOPS, WOVEN SHIRTS, SWEATERS, CARDIGANS, VESTS, JACKETS, PANTS, SWEATPANTS, JEANS, SHORTS, HATS, CAPS, COATS, BELTS, SCARVES, NECKERCHIEFS, NECK BANDS, WRIST BANDS, HEAD BANDS, GLOVES, PAJAMAS, SHOES, SOCKS, UNDERWEAR, FOUNDATION GARMENTS, PANTYHOSE, TEDDIES, BRAS, SKIRTS, DRESSES, BLOUSES, SWIM WEAR, AND BIKINIS		

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

In the Matter of Trademark Registration No. 3,163,783
For the Mark "GO INTERNATIONAL" registered on
October 24, 2006

Vanounou Clothing, Inc.

Cancellation No. 92047941

Petitioner,

v.

ANSWER

Target Brands, Inc.,

Respondent.

For its Answer to the Petition for Cancellation of Vanounou Clothing, Inc. ("Petitioner"), Target Brands, Inc. ("TBI"), a Minnesota corporation having its principal place of business at TPS-3165, 1000 Nicollet Mall, Minneapolis, MN 55403, states, answers and alleges as follows:

Except as hereinafter expressly admitted, qualified or otherwise answered, TBI denies each and every allegation, matter, statement and thing asserted in the Petition for Cancellation (the "Petition").

1. TBI is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Petition.
2. TBI is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the Petition, except states that the documents attached to the Petition as Exhibit 1 and Exhibit 2 to speak for themselves.
3. TBI admits the allegations of paragraph 3 of the Petition.
4. TBI denies the allegations of paragraph 4 of the Petition.

5. TBI denies the allegations of paragraph 5 of the Petition (identified in the Petition as paragraph “6”).

6. TBI denies the allegations of paragraph 6 of the Petition (identified in the Petition as paragraph “7”).

7. TBI denies the allegations of paragraph 7 of the Petition (identified in the Petition as paragraph “8”).

8. TBI is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 8 of the Petition (identified in the Petition as the first paragraph “9”).

9. TBI denies the allegations of paragraph 9 of the Petition.

Affirmative Defenses

10. The Petition fails to state a claim against TBI upon which relief can be granted.

11. The Petition is barred by the equitable doctrines of unclean hands, estoppel, waiver, and/or laches.

Counterclaim

For its Counterclaim against petitioner and counterclaim-respondent Vanounou Clothing, Inc. (“Vanounou”), respondent and counterclaimant Target Brands, Inc. (“TBI”) makes the following averments, statements and allegations:

1. By its Petition in the above-captioned action, Vanounou has alleged, among other things, that TBI’s ownership of Registration No. 3,163,783 has caused injury to Vanounou and interferes with Vanounou’s alleged rights in Registration No. 3,089,349 (the

“‘349 Registration”), which relates to the alleged mark GO as used in connection with various items of wearing apparel.

2. TBI believes that it is or will be damaged by the continued registration of the ‘349 Registration.

3. By this Counterclaim, TBI seeks cancellation of the ‘349 Registration.

4. By reason of the widespread use in the United States by third parties in connection with wearing apparel and related goods and/or services of marks consisting of or including “GO,” the mark that is the subject of the ‘349 Registration does not function as a trademark by which the goods of Vanounou specified in the ‘349 Registration may be distinguished from the goods of others, as is required for registration by 15 U.S.C. § 1052.

5. Upon information and belief, by failing to police any rights it may at one time have had in the mark that is the subject of the ‘349 Registration and otherwise through its course of conduct, Vanounou has abandoned any rights it may once have had in the mark that is the subject of the ‘349 Registration.


6. Upon information and belief, Vanounou on and after the filing date of the ‘349 Application knew of the widespread use in the United States by third parties in connection with wearing apparel and related goods and/or services of marks consisting of or including “GO.” In view of that knowledge, Vanounou acted fraudulently in executing and further prosecuting the application that became the ‘349 Registration.

WHEREFORE, respondent and counterclaimant TBI respectfully prays that the Board cancel the ‘349 Registration.

The requisite fee of \$300, due in connection with the filing of Counterclaim in this Answer, is enclosed herewith.

Dated: September 19, 2007

FAEGRE & BENSON LLP,
Attorneys for Respondent Target
Brands, Inc.

By  _____
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CERTIFICATE OF SERVICE

I, Timothy J. Cruz, do hereby certify that a true and correct copy of the above and foregoing document has been forwarded to:

Thomas I Rozsa, Esq.
Rozsa Law Group, Inc.
18757 Burbank Boulevard
Suite 220
Tarzana, California 91356-3346
Attorney for Petitioner Vanounou Clothing, Inc.

on this 19 day of September 2007.



Timothy J. Cruz