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

Proceeding	92051037
Party	Defendant CASA LATINO LICENSING LLC
Correspondence Address	Casa Latino Licensing LLC 3 Bullet Hill Park, Suite 307 Southbury, CT 06488 UNITED STATES
Submission	Answer
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Date	06/10/2009
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Serial No.	3488702
Filed:	April 24, 2006
Mark:	CASA LATINO
Published for Opposition	June 3, 2008

CASA LATINO REAL ESTATE CORP..

Petitioner,

v.

CASA LATINO LICENSING LLC

Registrant.

Cancellation No: 92051037

**ANSWER AND AFFIRMATIVE DEFENSES**

Casa Latino Licensing LLC (“Casa Latino”), acting by and through the undersigned counsel, hereby submits its Answer to Opposer Casa Latino Real Estate Corp.’s (“Opposer”) alleged Petition for Cancellation (the “Opposition”). For the reasons set forth below, the Board should dismiss the Petition and find that Casa Latino is entitled to United States Trademark Registration No. 3488702 for CASA LATINO (the “Registration”) for “Real estate agencies; Real estate brokerage” in International Class 36.

In support thereof, Applicant relies upon the pleadings filed to date and states as follows:

1. Casa Latino denies the allegations in paragraph 1 of the Opposition.
2. Casa Latino denies the allegations in Paragraph 2 of the Opposition.

**FIRST AFFIRMATIVE DEFENSE**

Opposer does not have federal trademark or trade name rights in the mark that forms the basis for the instant Cancellation.

**SECOND AFFIRMATIVE DEFENSE**

Opposer does not have common law rights in the mark that forms the basis for the instant Cancellation.

**THIRD AFFIRMATIVE DEFENSE**

Opposer fails to state a claim upon which relief can be granted.

**FOURTH AFFIRMATIVE DEFENSE**

Opposer fails to plead fraud with particularity as required by Fed. R. Civ. P. 9(b).

**FIFTH AFFIRMATIVE DEFENSE**

Opposer fails to set forth a statutory basis for cancellation.

**SIXTH AFFIRMATIVE DEFENSE**

Opposer's alleged Notice of Opposition fails to comply with the provision of TBMP § 309.02, and should be dismissed.

**SEVENTH AFFIRMATIVE DEFENSE**

Any use by Opposer of the CASA LATINO Mark is junior to Registrant's use of the CASA LATINO Mark.

**EIGHTH AFFIRMATIVE DEFENSE**

Any use by Opposer of the CASA LATINO Mark is insufficient to confer trademark, trade name or any other rights upon Opposer.

**NINTH AFFIRMATIVE DEFENSE**

Opposer will not suffer any damages by Registrant's registration and use of the CASA LATINO Mark.

**TENTH AFFIRMATIVE DEFENSE**

Opposer lacks standing to petition for cancellation of Registrant's CASA LATINO Mark.

Dated this 10<sup>th</sup> day of June 2009.

RESPECTFULLY SUBMITTED,  
CASA LATINO LICENSING LLC

BY /Daniel E. Brusio/  
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#### **CERTIFICATE OF SERVICE**

I, Daniel E. Brusio, counsel to Registrant Casa Latino Licensing LLC in Cancellation Proceeding No. 92051037, certify that, on the 10<sup>th</sup> day of June 2009, I served a copy of the foregoing Answer and Affirmative Defenses, via first class mail, postage prepaid, upon Petitioner's attorney of record:

Mitchell P. Novick, Esq.  
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/Daniel E. Brusio/  
Daniel E. Brusio