

ESTTA Tracking number: **ESTTA337738**

Filing date: **03/17/2010**

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

| | |
|---------------------------|--|
| Proceeding | 92051960 |
| Party | Defendant PRIMA ARMI S.r.l. |
| Correspondence Address | Jason D. Voight Hahn & Voight PLLC 1012 14th Street NW, Suite 620 Washington, DC 20005 UNITED STATES jason.voight@hvpatentlaw.com |
| Submission | Motion to Amend/Amended Answer or Counterclaim |
| Filer's Name | Jason D. Voight |
| Filer's e-mail | jason.voight@hvpatentlaw.com |
| Signature | /Jason D. Voight/ |
| Date | 03/17/2010 |
| Attachments | APRA-040-100317-AmendedAnswer.pdf (4 pages)(35935 bytes) |

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

| | | |
|----------------------------------|---|---------------------------------------|
| Samson Manufacturing Corporation |) | |
| |) | |
| Petitioner, |) | |
| |) | Cancellation No. 92051960 |
| v. |) | |
| |) | |
| PRIMA ARMI S.r.l. |) | Registration Nos. 3505679 and 3505684 |
| |) | |
| Respondent/Registrant. |) | |
| |) | |

March 17, 2010

Honorable Commissioner for Trademarks
Alexandria, Virginia 22313-1451

AMENDED ANSWER

Registrant, PRIMA ARMI S.r.l., through its attorneys, hereby answers the allegations set forth in the Petition to Cancel as follows.

1. Registrant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 1 of the Petition, and therefore, denies said allegations.
2. Registrant denies that Petitioner is the owner of the “STAR” mark, but admits that Petitioner has filed application Serial No. 77/566,738 for the mark “STAR” for “gun accessories, namely, gun rails,” in International Class 013.
3. Registrant admits that Petitioner filed the aforementioned application on September 10, 2008.
4. Registrant admits that the date of first use in interstate commerce designated on the aforementioned application is October 27, 2007.
5. Registrant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 5 of the Petition, and therefore, denies said allegations.

6. Registrant admits the allegations set forth in Paragraph 6 of the Petition.
7. Registrant admits the allegations set forth in Paragraph 7 of the Petition, but notes a typographical error whereby “Reg. No. 3,506,679” should read “Reg. No. 3,505,679.”
8. Registrant admits the allegations set forth in Paragraph 8 of the Petition.
9. Registrant admits that the Examining Attorney responsible for reviewing application Serial No. 77/566,738 issued an Office Action on December 18, 2008 claiming a likelihood of confusion existed between the mark of said application and the marks of Registration Nos. 3,505,679 and 3,505,684, and denied registration of the mark of said application.
10. Registrant admits that Petitioner submitted a response to the December 18, 2008 Office Action on June 18, 2009, and thereafter, on July 14, 2009, the Examining Attorney upheld her determination of likelihood of confusion and issued a Final Office Action, again denying registration.
11. Registrant repeats and incorporates herein by reference paragraphs 1-10 of this Answer.
12. Registrant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 12 of the Petition, and therefore, denies said allegations.
13. Registrant admits the allegations set forth in Paragraph 13 of the Petition.
14. Registrant admits the allegations set forth in Paragraph 14 of the Petition.
15. Registrant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 15 of the Petition, and therefore, denies said allegations.
16. Registrant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 16 of the Petition, and therefore, denies said allegations.
17. Registrant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 17 of the Petition, and therefore, denies said allegations.
18. Registrant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 18 of the Petition, and therefore, denies said allegations.
19. Registrant repeats and incorporates herein by reference paragraphs 1-18 of this Answer.

20. Registrant admits that the Examining Attorney responsible for reviewing application Serial No. 77/566,738 has found that the mark of said application so resembles the marks of Registration Nos. 3,505,679 and 3,505,684 as to be likely to cause confusion.

21. Registrant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 21 of the Petition, and therefore, denies said allegations.

Any allegations in said Petition not expressly admitted are denied.

Wherefore, Registrant requests that this Petition be dismissed.

Please charge any shortage in fees due in connection with the filing of this paper to Deposit Account No. 50-3913.

Respectfully submitted,
HAHN & VOIGHT PLLC

/Jason D. Voight/

Jason D. Voight
DC Bar No. 461820
Attorney for Registrant

1012 14th Street, N.W.
Suite 620
Washington, D.C. 20005
jason.voight@hvpattentlaw.com
(202) 637-0022
(202) 841-2093

CERTIFICATE OF SERVICE

I hereby certify under 37 CFR 2.190(b) that this correspondence, entitled "AMENDED ANSWER," is being deposited with the Commissioner of Trademarks by electronic filing through ESTTA on March 17, 2010.

I further certify that a true and correct copy of the foregoing AMENDED ANSWER was served on March 17, 2010, by first class mail, upon counsel for Petitioner, at the following address:

Diane Noël
Burns & Levinson LLP
125 Summer Street
Boston, MA 02110

Dated: March 17, 2010

/Jason D. Voight/
Jason D. Voight