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

Proceeding	92054241
Party	Defendant Hong Kong City Toys Factory Limited
Correspondence Address	TODD BRAVERMAN ESQ BRYAN CAVE LLP 1290 AVENUE OF THE AMERICAS NEW YORK, NY 10104 UNITED STATES nyuspto@bryancave.com
Submission	Answer
Filer's Name	Patricia L. Werner
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Date	08/22/2011
Attachments	answer.PDF (5 pages)(171029 bytes)

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

In the Matter of U.S. Trademark Registration No. 1,918,153

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RETAIL BRAND ALLIANCE, INC.,)	
)	Cancellation No. 92,054,241
Petitioner,)	
)	U.S. Trademark Registration No. 1,918,153
v.)	
)	Date of Issue: September 12, 1995
HONG KONG CITY TOYS FACTORY LIMITED,)	
)	Mark: BROOKE
Registrant.)	
-----	x	

ANSWER TO PETITION FOR CANCELLATION

Hong Kong City Toys Factory Limited, a British Virgin Islands corporation, having an address Room 701-5, Silvercord, Tower 1, 30 Canton Road, Kowloon, Hong Kong (“Registrant”), by and through its undersigned attorneys, Bryan Cave LLP, for its Answer to the Petition for Cancellation of Retail Brand Alliance, Inc. (“Petitioner”), states as follows:

1. Registrant denies the allegations set forth on page one and in Paragraph 1 of the Petition for Cancellation, except admits that Registrant owns the U.S. Trademark Registration No. 1,918,153 for BROOKE for “dolls, doll clothing and doll accessories” in International Class 28, issued on September 12, 1995, and that Petitioner has filed the Petition for Cancellation, and that Registrant is without knowledge or information sufficient to form a belief as to Petitioner’s place of incorporation or business address.

2. Registrant denies the allegations in Paragraph 2 of the Petition for Cancellation, except admits that it is a British Virgin Islands corporation, having a place of business at Room 701-5, Silvercord, Tower 1, 30 Canton Road, Kowloon, Hong Kong.

3. Registrant denies the allegations in Paragraph 3 of the Petition for Cancellation, except admits that it owns a registration for BROOKE for “dolls, doll clothing and doll accessories” in International Class 28.
4. Registrant denies the allegations in Paragraph 4 of the Petition for Cancellation, except admits that U.S. Trademark Application Serial No. 85/176,491 has been refused on the ground of likelihood of confusion with U.S. Trademark Registration No. 1,918,153. In addition, Registrant states that Brooks Brothers Group, Inc. is the current owner of the U.S. Trademark Application Serial No. 85/176,491 for the mark BROOKE for teddy bears in International Class 28.
5. Registrant denies the allegations in Paragraph 5 of the Petition for Cancellation.
6. Registrant denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6 of the Petition for Cancellation, and denies that Petitioner is and will be damaged by the continued registration of the mark to Registrant.
7. Registrant denies the allegations in Paragraph 7 of the Petition for Cancellation.
8. Registrant denies the allegations in Paragraph 8 of the Petition for Cancellation.
9. Registrant denies the allegations in Paragraph 9 of the Petition for Cancellation.
10. Registrant neither admits nor denies the allegations in Paragraph 10 of the Petition for Cancellation to the extent they contain legal conclusions as to which no response is required.

GENERAL DENIAL

Unless otherwise specifically admitted herein, each and every allegation in the Petition for Cancellation is hereby denied.

ANSWER TO PRAYER FOR RELIEF

Registrant specifically denies that Petitioner is entitled to the relief requested or to any other relief.

FIRST DEFENSE

Retail Brand Alliance, Inc. is not the current owner of U.S. Trademark Application Serial No. 85/176,491, and is thus not a proper party to this proceeding.

SECOND DEFENSE

Petitioner's Petition for Cancellation fails to state a claim upon which relief can be granted.

THIRD DEFENSE

Registrant has not discontinued use of the BROOKE mark and therefore has not abandoned the same.

FOURTH DEFENSE

To the extent use of the BROOKE mark can be deemed to have been discontinued, Registrant has an intent to resume use of the mark, and therefore, has not abandoned the same.

FIFTH DEFENSE

Registrant's claims are barred by the doctrines of laches and/or acquiescence.

SIXTH DEFENSE

Registrant's claims are barred by the doctrines of estoppel and/or waiver.

SEVENTH DEFENSE

Registrant's claims are barred in whole or in part by the doctrine of unclean hands.

EIGHTH DEFENSE

Petitioner's Petition for Cancellation fails to plead the necessary and operative facts in sufficient detail to provide Registrant with adequate notice of the grounds supporting the Petition for Cancellation.

NINTH DEFENSE

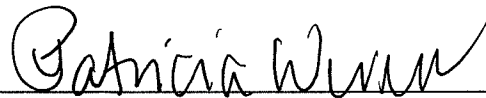
Petitioner has failed and neglected to use reasonable means to protect itself from its alleged damage and to minimize the alleged damage complained of in its Petition for Cancellation, and as a result, Petitioner's claims for relief are barred.

TENTH DEFENSE

Petitioner cannot demonstrate that it will be damaged by the continued registration of the U.S. Trademark Registration No. 1,918,153.

WHEREFORE, Registrant prays that the Petition for Cancellation be dismissed in its entirety.

Respectfully submitted,



Patricia L. Werner
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Bryan Cave LLP
1290 Avenue of the Americas
New York, NY 10104
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Dated: August 22, 2011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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In the Matter of U.S. Trademark Registration No. 1,918,153

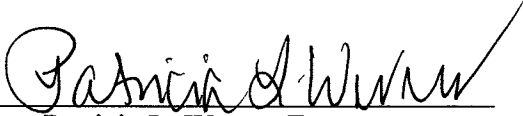
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United States Patent & Trademark Office
Trademark Trial & Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

CERTIFICATE OF FIRST-CLASS MAIL SERVICE

I hereby certify that a copy of the foregoing "ANSWER TO PETITION FOR CANCELLATION" was mailed via First Class mail, postage prepaid, to Neil B. Friedman, Esq., Baker and Rannells, PA, 575 Route 28, Suite 102, Raritan, New Jersey 08869, attorneys for Petitioner, this 22nd day of August, 2011.

Date: August 22, 2011



Patricia L. Werner Esq.