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

Proceeding	92054675
Party	Defendant Pure Detroit, Inc.
Correspondence Address	PURE DETROIT INC 500 GRISWOLD SUITE 3600 DETROIT, MI 48226 UNITED STATES
Submission	Answer
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Date	11/29/2011
Attachments	2011-11-29 Answer-Affirmative Defenses To PURE DETROIT Cancellation.pdf ( 11 pages )(44526 bytes )

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

Chrysler Group, LLC,	)	
a Delaware limited liability company,	)	Cancellation No. 92054675
	)	
Petitioner	)	Reg. No. 3,164,890
	)	
v.	)	Mark: PURE DETROIT
	)	
Pure Detroit, Inc., a Michigan corporation;	)	
and Moda Group, LLC, a Michigan limited	)	
liability company, real party in interest	)	
	)	
<u>Registrant.</u>	)	

**REGISTRANT’S ANSWER AND AFFIRMATIVE DEFENSES**

Moda Group, LLC (“Moda Group” or “Registrant”), is a Michigan limited liability company doing business as PURE DETROIT, is the assignee of the entire right, title and interest, along with the good will appurtenant thereto of the U.S. Trademark Registration No. 3,164,890 that is the subject of this Petition to Cancel, and is therefore the real party in interest. Accordingly, Moda Group, as the successor and real party in interest, by and through its undersigned counsel, hereby timely files its Answer and Affirmative Defenses in response to the Petition for Cancellation (the “Petition:” or “Cancellation”) filed by Chrysler Group, LLC (hereinafter the “Petitioner”).

1. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 1 and, therefore, denies such allegations.

2. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 2 and, therefore, denies such allegations.

3. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 3 and, therefore, denies such allegations

4. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 4 and, therefore, denies such allegations.

5. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 5 and, therefore, denies such allegations.

6. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 6 and, therefore, denies such allegations.

7. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 7 and, therefore, denies such allegations.

8. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 8 and, therefore, denies such allegations.

9. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 9 and, therefore, denies such allegations.

10. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 10 and, therefore, denies such allegations.

11. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 11 and, therefore, denies such allegations.

12. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 12 and, therefore, denies such allegations.

13. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 13 and, therefore, denies such allegations.

14. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 14 and, therefore, denies such allegations.

15. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 15 and, therefore, denies such allegations.

16. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 16 and, therefore, denies such allegations.

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26. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 26 and, therefore, denies such allegations.

27. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 27 and, therefore, denies such allegations.

28. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 28 and, therefore, denies such allegations.

29. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 29 and, therefore, denies such allegations.

30. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 30 and, therefore, denies such allegations.

31. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 31 and, therefore, denies such allegations.

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39. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 39 and, therefore, denies such allegations.

40. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 40 and, therefore, denies such allegations.

41. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 41 and, therefore, denies such allegations.

42. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 42 and, therefore, denies such allegations.

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44. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 44 and, therefore, denies such allegations.

45. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 45 and, therefore, denies such allegations.

46. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 46 and, therefore, denies such allegations.

47. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 47 and, therefore, denies such allegations.

**Registrant's First Affirmative Defense**  
**The Registered Mark Does Not Violate Section 2(a) Or Section 2(e)**

48. The PURE DETROIT registered mark is not deceptive within the meaning of 15 U.S.C. §1052(a), primarily geographically descriptive within the meaning of 15 U.S.C. §1052(e)(2), or primarily geographically deceptively misdescriptive within the meaning of 15 U.S.C. §1052(e)(3), as alleged and set forth in the Petition for Cancellation.

**Registrant's Second Affirmative Defense**  
**Petitioner Has Not Been Damaged**

49. Upon information and belief, Petitioner is unable to identify any lost opportunities, damage, or harm to Petitioner's putative designation, IMPORTED FROM

DETROIT, or other impairment of Petitioner's ability to provide their goods and/or services due to Registrant's use and registration of the PURE DETROIT registered mark.

50. Upon information and belief, Petitioner is unable to identify a specific injury suffered by Petitioner due to Registrant's use and registration of the PURE DETROIT registered mark.

51. Accordingly, Petitioner has not suffered and will not suffer in the future any loss, injury or damage due to Registrant's use and registration of the PURE DETROIT registered mark.

**Registrant's Third Affirmative Defense**  
**Failure to State a Claim**

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

**Registrant's Fourth Affirmative Defense**  
**Waiver**

53. Petitioner's Cancellation is barred by the doctrine of waiver.

**Registrant's Fifth Affirmative Defense**  
**Estoppel**

54. Petitioner's Cancellation is barred by the doctrine of estoppel.

**Registrant's Sixth Affirmative Defense**  
**Unclean Hands**

55. Petitioner's Cancellation is barred by the doctrine of unclean hands.

**Registrant's Seventh Affirmative Defense**  
**Laches**

56. Petitioner's Cancellation is barred by the doctrine of laches.

**Registrant's Eighth Affirmative Defense**  
**Lack Of Standing**

57. Upon information and belief, the named Petitioner lacks standing to bring the Cancellation.

**Registrant's Ninth Affirmative Defense**  
**No Abandonment**

58. The PURE DETROIT registered mark has not been abandoned within the meaning of 15 U.S.C. §1127.

**Registrant's Tenth Affirmative Defense**  
**Failure To Plead Fraud With Particularity**

59. At least Count VI of Petitioner's Petition for Cancellation fails to properly plead or allege the putative fraud on the U.S. Patent & Trademark Office allegedly committed by the Registrant within the meaning and pleading requirements of at least Fed.R.Civ.P. 9(b).

Dated: November 29, 2011

BY: DOBRUSIN & THENNISCH PC

*s/John VanOphem/*

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*Attorneys for Moda Group, LLC, Registrant*

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Chrysler Group, LLC,	)	
a Delaware limited liability company,	)	Cancellation No. 92054675
	)	
Petitioner	)	Reg. No. 3,164,890
	)	
v.	)	Mark: PURE DETROIT
	)	
Pure Detroit, Inc.	)	
a Michigan corporation,	)	
	)	
Registrant	)	
	)	
_____	)	

**CERTIFICATE OF SERVICE**

I, hereby certify that a true copy of the foregoing REGISTRANT'S ANSWER AND AFFIRMATIVE DEFENSES was served on counsel for Petitioners on November 29, 2011, via first class mail to:

JUDITH A POWELL  
KILPATRICK TOWNSEND & STOCKTON LLP  
1100 PEACHTREE STREET NE , SUITE 2800  
ATLANTA, GA 30309

*s/John VanOphem/*  
Attorney for Moda Group, LLC, Registrant