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

Proceeding	92056790
Party	Defendant Josef Glockl
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Submission	Answer
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Aerin LLC,)	
Petitioner,)	
v.)	Cancellation No. 92056790
)	Reg. No. 2163632
Josef Glockl,)	Mark: AERIS
Registrant.)	
)	

**JOSEF GLOCKL'S ANSWER AND AFFIRMATIVE DEFENSES
TO AERIN LLC'S PETITION FOR CANCELLATION**

Registrant Josef Glockl, for his answer to the Petition for Cancellation of Aerin LLC states as follows:

1. In response to paragraph 1 of Petitioner's Petition for Cancellation, Registrant admits that on June 9, 1998, the United States Patent and Trademark Office ("Office") issued Reg. No. 2163632 for the mark AERIS in connection with "furniture of all kinds, especially seat elements made of synthetic or other elastic materials" in Class 20.

2. In response to paragraph 2 of Petitioner's Petition for Cancellation, Registrant admits that Office records show Application Ser. No. 75245696 for AERIS was filed on February 21, 1997 based on intention to use and foreign registration.

3. In response to paragraph 3 of Petitioner's Petition for Cancellation, Registrant admits that Office records show Application Ser. No. 75245696 for AERIS was published for opposition on Dec. 02, 1997 and registered on June 9, 1998 in connection with "furniture of all kinds, especially seat elements made of synthetic or other elastic materials" in Class 20.

4. In response to paragraph 4 of Petitioner's Petition for Cancellation, Registrant admits that Office records show a Combined Declaration under Sections 8 and 15 was filed on March 17, 2004 for Application Ser. No. 75245696 for AERIS.

5. In response to paragraph 5 of Petitioner's Petition for Cancellation, Registrant admits that Office records show a Combined Use Declaration and Renewal Application under Sections 8 and 9 was filed on April 24, 2008 for Application Ser. No. 75245696 for AERIS.

6. In response to paragraph 6 of Petitioner's Petition for Cancellation, Registrant denies the allegations contained therein.

7. In response to paragraph 7 of Petitioner's Petition for Cancellation, Registrant denies the allegations contained therein.

8. In response to paragraph 8 of Petitioner's Petition for Cancellation, Registrant denies the allegations contained therein.

9. In response to paragraph 9 of Petitioner's Petition for Cancellation, Registrant denies the allegations contained therein.

10. In response to paragraph 10 of Petitioner's Petition for Cancellation, Registrant denies the allegations contained therein.

11. In response to paragraph 11 of Petitioner's Petition for Cancellation, Registrant denies the allegations contained therein.

12. In response to paragraph 12 of Petitioner's Petition for Cancellation, Registrant denies the allegations contained therein.

General Denial

All allegations in the Petition for Cancellation not otherwise expressly admitted are denied.


Affirmative Defenses

1. Petitioner has failed to state a claim upon which relief can be granted.
2. Petitioner has failed to plead and/or assert facts sufficient to allege or establish non-use.
3. Petitioner has failed to plead and/or assert facts sufficient to allege or establish abandonment.
4. Petitioner's claims are precluded by the Doctrine of Unclean Hands.
5. Petitioner's claims are precluded by the Doctrine of Estoppel.
6. Petitioner's claims are precluded by the Doctrine of Acquiescence.
7. Petitioner's claims are precluded by the Doctrine of Laches.
8. Registrant hereby gives notice that it may rely on any other defenses that may become available or arise during discovery, and hereby reserves its right to amend this Answer to assert any such defenses.

WHEREFORE, Josef Glockl requests that the Petition for Cancellation by Aerin LLC be denied and summarily dismissed with prejudice.

Respectfully submitted,

Dated: March 22, 2013

By: 
Geoffrey D. Aurini
Elizabeth K. Brock

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Attorneys for Registrant Josef Glockl

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)	Cancellation No. 92056790
v.)	Reg. No. 2163632
)	Mark: AERIS
Josef Glockl,)	
Registrant.)	
_____)	

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **Josef Glockl’s Answer And Affirmative Defenses To Aerin LLC’s Petition for Cancellation** has been served on the following counsel for Petitioner, **Aerin LLC**, by mailing said copy on March 22, 2013, via First Class Mail, postage prepaid to the following correspondent address of record with the United States Patent and Trademark Office, Trademark Trial and Appeal Board:

Safia A. Anand
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Timothy J. Comparoni