

ESTTA Tracking number: **ESTTA545922**

Filing date: **06/28/2013**

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

Proceeding	92057252
Party	Defendant Empioneer Corp
Correspondence Address	EMPIONEER CORP 241 S 3RD AVE #2 LA PUENTE, CA 91746 UNITED STATES creasy@goldenshadeusa.com
Submission	Answer
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Signature	/PAS/
Date	06/28/2013
Attachments	Answer to Petition to Cancel.pdf(206462 bytes )

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

Christian Dior Couture, S.A.,  
Petitioner,

v.

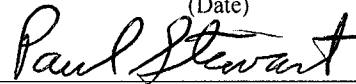
Empioneer Corp,  
Registrant.

Cancellation No. 92057252

I hereby certify that this correspondence and all marked attachments are being electronically filed with the Trademark Trial and Appeal Board through their web site located at <http://esta.uspto.gov> on

June 28, 2013

(Date)



Paul A. Stewart

**ANSWER TO PETITION TO CANCEL AND AFFIRMATIVE DEFENSES**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Dear Sir or Madam:

Empioneer Corp (“Registrant”), hereby answers the Petition to Cancel filed by Christian Dior Couture, S.A. (“Petitioner”) against Registrant’s U.S. Registration No. 3,999,239 for the mark D101 (Stylized) (“Registrant’s Mark”) as set forth below.

1. Answering Paragraph 1 of the Petition to Cancel, Registrant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and accordingly denies the allegations set forth in Paragraph 1.

2. Paragraph 2 of the Petition for Cancellation contains no allegations of fact and does not call for a response.

3. Answering Paragraph 3 of the Petition to Cancel, Registrant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and accordingly denies the allegations set forth in Paragraph 3.

4. Answering Paragraph 4 of the Petition to Cancel, Registrant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and accordingly denies the allegations set forth in Paragraph 4.

5. Answering Paragraph 5 of the Petition to Cancel, Registrant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and accordingly denies the allegations set forth in Paragraph 5.

6. Answering Paragraph 6 of the Petition to Cancel, Registrant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and accordingly denies the allegations set forth in Paragraph 6.

7. Answering Paragraph 7 of the Petition to Cancel, Registrant admits that U.S. Trademark Registration No. 1,848,630 is for the mark DIOR, that on its face the registration indicates a date of issuance of August 9, 1994, and that a copy of the registration is attached to the Petition as Exhibit B. Registrant denies any remaining allegations set forth in Paragraph 7.

8. Answering Paragraph 8 of the Petition to Cancel, Registrant admits that Registration No. 3,561,323 is for the mark DIOR, that on its face the registration indicates a date of issuance of January 13, 2009, and that a copy of the registration is attached to the Petition as Exhibit C. Registrant denies the remaining allegations set forth in Paragraph 8.

9. Answering Paragraph 9 of the Petition to Cancel, Registrant admits that Registration No. 3,002,132 is for a design mark, that on its face the registration indicates a date

of issuance of September 27, 2005, and that a copy of the registration is attached to the Petition as Exhibit D. Registrant further admits that Registration No. 954,404 is for the mark CHRISTIAN DIOR, that on its face the registration indicates a date of issuance of March 6, 1973, and that a copy of the registration is attached to the Petition as Exhibit E. Registrant denies the remaining allegations set forth in Paragraph 9.

10. Paragraph 10 of the Petition to Cancel contains no allegations of fact and does not call for a response.

11. Answering Paragraph 11 of the Petition to Cancel, Registrant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and accordingly denies the allegations set forth in Paragraph 11.

12. Answering Paragraph 12 of the Petition to Cancel, Registrant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and accordingly denies the allegations set forth in Paragraph 12.

13. Answering Paragraph 13 of the Petition to Cancel, Registrant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and accordingly denies the allegations set forth in Paragraph 13.

14. Answering Paragraph 14 of the Petition to Cancel, Registrant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and accordingly denies the allegations set forth in Paragraph 14.

15. Answering Paragraph 15 of the Petition to Cancel, Registrant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and accordingly denies the allegations set forth in Paragraph 15.

16. Answering Paragraph 16 of the Petition to Cancel, Registrant admits that it has used and is using the Subject Mark and has obtained the Subject Registration. Registrant denies the remaining allegations set forth in Paragraph 16.

17. Registrant denies the allegations set forth in Paragraph 17 of the Petition to Cancel.

18. Answering Paragraph 18 of the Petition to Cancel, Registrant admits that Petitioner has accurately reproduced the parties' respective marks. Registrant denies any remaining allegations set forth in Paragraph 18.

19. Registrant denies the allegations set forth in Paragraph 19 of the Petition to Cancel.

20. Registrant denies the allegations set forth in Paragraph 20 of the Petition to Cancel.

21. Registrant denies the allegations set forth in Paragraph 21 of the Petition to Cancel.

22. Answering Paragraph 22 of the Petition to Cancel, Registrant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and accordingly denies the allegations set forth in Paragraph 22.

23. Registrant denies the allegations set forth in in Paragraph 23 of the Petition to Cancel.

24. Registrant denies the allegations set forth in Paragraph 24 of the Petition to Cancel.

25. Registrant denies the allegations set forth in Paragraph 25 of the Petition to Cancel.

26. Registrant denies the allegations set forth in Paragraph 26 of the Petition to Cancel.

27. Registrant denies the allegations set forth in Paragraph 27 of the Petition to Cancel.

Unless specifically admitted herein, all allegations in the Petition to Cancel are denied. Registrant further denies that Petitioner is entitled to any relief, including the relief requested in the Petition to Cancel.

**AFFIRMATIVE DEFENSES**

Registrant alleges the following affirmative defense. There may be additional affirmative defenses to the claims alleged by Petitioner that are currently unknown to Registrant. Therefore, Registrant reserves the right to amend its Answer to allege any additional affirmative defenses currently unknown to Registrant, in the event that discovery of additional information indicates that they are appropriate.

**FIRST AFFIRMATIVE DEFENSE**

Registrant alleges that Petitioner is barred from bringing this cancellation by the doctrines of waiver, estoppel, laches, and/or acquiescence.

WHEREFORE, Registrant prays that Petitioner's Petition for Cancellation be dismissed in its entirety.

Respectfully submitted,

Dated: June 28, 2013

KNOBBE, MARTENS, OLSON & BEAR, LLP

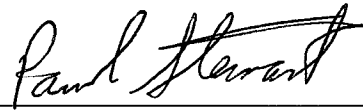
By: Paul A. Stewart

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Attorneys for Registrant, Empioneer Corp

**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing **ANSWER TO PETITION TO CANCEL AND AFFIRMATIVE DEFENSES** upon Petitioner's counsel by depositing one copy thereof in the United States Mail, first-class postage prepaid, on June 28, 2013, addressed as follows:

Philip H. Gottfried, Esq.  
AMSTER, ROTHSTEIN & EBENSTEIN LLP  
90 Park Avenue  
New York, NY 10016



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Paul A. Stewart

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