

ESTTA Tracking number: **ESTTA558733**

Filing date: **09/10/2013**

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

Proceeding	92057460
Party	Defendant ALOHA AIRLINES, INC.
Correspondence Address	ALOHA AIRLINES INC PO BOX 30028 HONOLULU, HI 96820 UNITED STATES
Submission	Answer
Filer's Name	Jennifer L. Barry
Filer's e-mail	jennifer.barry@lw.com, ipdocket@lw.com
Signature	/s/ Jennifer L. Barry
Date	09/10/2013
Attachments	92057460.pdf(152827 bytes )

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

HAWAIIAN AIRLINES, INC., a Delaware corporation,

Petitioner,

v.

YUCAIPA CORPORATE INITIATIVES  
FUND I, L.P., a Delaware limited partnership,  
and

YUCAIPA CORPORATE INITIATIVES  
FUND I, L.L.C., a Delaware limited liability  
company,

Respondents.

Cancellation No. 92057460

Registration No. 2,303,334

Mark: ALOHA AIRLINES



Date of Issue: December 28, 1999

**ANSWER TO PETITION FOR CANCELLATION AND AFFIRMATIVE DEFENSES**

YUCAIPA CORPORATE INITIATIVES FUND I, L.P. and YUCAIPA CORPORATE INITIATIVES FUND I, L.L.C., (collectively, "Respondents") hereby respond to HAWAIIAN AIRLINES, INC.'s ("Petitioner") Petition for Cancellation as follows:

**ANSWER**

With respect to the first unnumbered paragraph of the Petition, Respondents admit that Yucaipa Corporate Initiatives Fund I, L.P. is the owner of Registration No. 2,303,334, and that this registration issued on December 28, 1999 for the goods and services listed in the first unnumbered paragraph, and further admit that their mailing address is correctly listed in that paragraph. Respondents otherwise deny all of the remaining allegations in that paragraph.

1. Respondents admit the allegations in Paragraph 1.
2. Respondents admit the allegations of Paragraph 2.
3. Respondents admit the allegations of Paragraph 3.
4. Respondents deny the allegations of Paragraph 4.
5. Respondents admit the allegations in Paragraph 6.
6. Respondents state that the Renewal Application speaks for itself.

7. Respondents admit that the Chapter 7 Trustee assigned the Registration on or about February 7, 2011.

8. Respondents admit that they have not yet resumed use of the mark in commerce, but have been and are currently actively seeking to license the mark and/or otherwise resume use.

9. Respondents deny the allegations of Paragraph 9.

10. Respondents admit the allegations of Paragraph 10.

11. Respondents admit the allegations in Paragraph 11.

12. Respondents deny the allegations in Paragraph 12.

**AFFIRMATIVE DEFENSES**

1. Petitioner fails to state a claim upon which relief can be granted and, in particular, fails to state legally sufficient grounds for sustaining this cancellation action.

2. Respondents allege on information and belief that this cancellation action is barred by the doctrine of unclean hands, including, but not limited to, Petitioner's infringement of Respondents' trademark rights.

3. Respondents reserve the right to rely on all further affirmative defenses that become available or appear during discovery proceedings in this action, and Respondents reserve the right to amend this Answer for the purposes of asserting any such additional affirmative defenses.

WHEREFORE, Respondents request that the Petition be denied in its entirety.

Dated: September 10, 2013

LATHAM & WATKINS LLP

By: \_\_\_\_\_



Jennifer L. Barry  
LATHAM & WATKINS LLP  
600 West Broadway, Suite 1800  
San Diego, California 92101-3375  
(619) 236-1234 / (619) 7419 Fax  
*jennifer.barry@lw.com; ipdocket@lw.com*

Attorneys for Respondents  
YUCAIPA CORPORATE INITIATIVES

FUND I, L.P. and YUCAIPA  
CORPORATE INITIATIVES FUND, L.L.C

