

ESTTA Tracking number: **ESTTA568298**

Filing date: **10/31/2013**

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

Proceeding	92057928
Party	Defendant Times Three Clothier, LLC
Correspondence Address	TIMES THREE CLOTHIER LLC 561 SEVENTH AVENUE, 12TH FLOOR NEW YORK, NY 10018 UNITED STATES
Submission	Answer
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Date	10/31/2013
Attachments	answerluluriptfusion.PDF(93691 bytes )

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

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LULULEMON ATHLETICA CANADA, INC., :  
Petitioner, : Cancellation No. 92057928  
v. : MARK: RIP'T FUSION  
TIMES THREE CLOTHIER, LLC, : Registration No.: 3,801,158  
Respondent. :  
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**ANSWER**

TIMES THREE CLOTHIER, LLC (“Respondent”), by and through its attorneys, WILMER CUTLER PICKERING HALE AND DORR LLP, hereby responds to the Petition For Cancellation by LULULEMON ATHLETICA CANADA, INC. (“Petitioner”), as follows:

1. Respondent denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 and therefore denies the same.
2. Respondent denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2 and therefore denies the same.
3. Respondent admits the allegations in Paragraph 3, but notes that its current address is 156 Fifth Avenue, Suite 904, New York, NY 10010.
4. In response to the allegations in Paragraph 4, Respondent re-states its responses to Paragraphs 1 through 3.
5. Respondent admits the allegations with respect to the website, [www.riptfusion.com](http://www.riptfusion.com), but otherwise denies the allegations in Paragraph 5.

6. Respondent denies the allegations in Paragraph 6.
7. Respondent denies the allegations in Paragraph 7.
8. Respondent denies the allegations in Paragraph 8.

**FIRST AFFIRMATIVE DEFENSE**

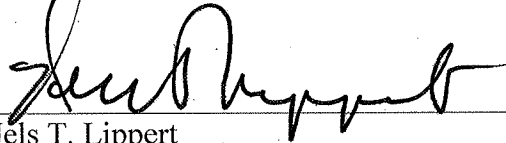
9. Respondent's registered mark RIP'T FUSION continues to be used on or in connection with the goods recited in the registrations and, therefore, Respondent has not abandoned said mark.

WHEREFORE, Respondent TIMES THREE CLOTHIER, LLC respectfully requests that the Board dismiss Petitioner's Petition to Cancel in its entirety.

Dated: New York, NY  
October 31, 2013

Respectfully submitted,

WILMER CUTLER PICKERING  
HADE AND DORR LLP



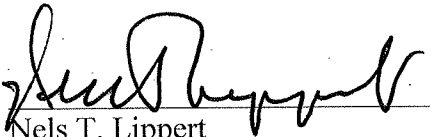
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**CERTIFICATE OF SERVICE**

I hereby certify that on October 31, 2013, a true and correct copy of the foregoing ANSWER was served via email addressed to:

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500 8th Street, NW  
Washington, DC 20004  
Email: [dctrademarks@dlapiper.com](mailto:dctrademarks@dlapiper.com)

  
Nels T. Lippert