

ESTTA Tracking number: **ESTTA1087619**

Filing date: **10/09/2020**

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

Proceeding	92073616
Party	Defendant Dainese S.p.A.
Correspondence Address	DENNIS H. CAVANAUGH D H CAVANAUGH ASSOCS. 555 FIFTH AVENUE 17TH FLOOR NEW YORK, NY 10017 UNITED STATES Primary Email: <a href="mailto:dhc@dhcavanaugh.net">dhc@dhcavanaugh.net</a> 212-856-7210
Submission	Answer
Filer's Name	Dennis H. Cavanaugh
Filer's email	<a href="mailto:dhc@dhcavanaugh.net">dhc@dhcavanaugh.net</a>
Signature	/Dennis H. Cavanaugh/
Date	10/09/2020
Attachments	AGV v. Dainese - Answer to Cancellation.pdf(83123 bytes )

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

-----X  
AGVSPORT America LLC, :  
 :  
 Petitioner, : Cancellation No.: 92073616  
 :  
 v. :  
 :  
 Dainese S.p.A., :  
 :  
 Respondent. :  
-----X

**REGISTRANT’S ANSWER TO PETITION FOR CANCELLATION**

Respondent, Dainese S.p.A. (“Respondent” or “Dainese”), by its attorneys, as and for its Answer to Petitioner’s Petition for Cancellation, states as follows (by paragraph number of the Petition):

Preamble Paragraph. Denied.

1. Respondent is without information as to the truth or falsity of the allegations contained in this paragraph (including the referenced and attached Exhibit B), and accordingly, denies same, except to admit that the records of the USPTO show the indicated application to be in the name of Petitioner, which records speak for themselves.

2. Respondent is without information as to the truth or falsity of the allegations contained in this paragraph, and accordingly, denies same, except to admit that the records of the USPTO show the indicated registrations have been cited against Petitioner, which records speak for themselves.

3. Admitted.

4. Denied.

5. Denied.

6. Denied.
7. Denied.
8. Denied.
9. Denied.
10. Denied.

Subsequent unnumbered paragraph. This unnumbered paragraph is not a pled allegation and therefore does not require a response. To the extent any response may be required, this unnumbered paragraph is denied.

WHEREFORE Paragraph. Denied.

The final unnumbered paragraph is not a pled allegation and therefore does not require a response. To the extent any response may be required, this unnumbered paragraph is denied. Furthermore, any attempt to put the attachments to the Petition for Cancellation into evidence is improper and untimely.

#### AFFIRMATIVE DEFENSES

##### FIRST AFFIRMATIVE DEFENSE

11. Petitioner's claims fail to state a cause of action upon which relief may be granted.

##### SECOND AFFIRMATIVE DEFENSE

12. Respondent reserves the right after further discovery to amend its Answer to Petitioner's Petition for Cancellation and/or to add counterclaims.

WHEREFORE, Respondent demands judgment against Petitioner dismissing Petitioner's Petition for Cancellation.

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Respectfully submitted,

Dainese S.p.A.

/Dennis H. Cavanaugh/

Dated: October 9, 2020

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

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Attorneys for Respondent

## CERTIFICATE OF SERVICE

DENNIS H. CAVANAUGH, declares that:

1. I am counsel for the Registrant in the captioned action, and that on the execution date which appears below, a true copy of the foregoing was served on Petitioner's counsel by causing the same to be sent via email to the following email addresses:

swarren@wriplaw.com  
ipdocketing@wriplaw.com  
srhoades@wriplaw.com  
nlevenson@wriplaw.com

and by U.S. first-class mail, postage pre-paid to the following address:

Sanford E. Warren, Jr.  
Warren Rhoades LLP  
2909 Turner Warnell Road, Suite 131  
Arlington, TX 76001

2. Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that all of the foregoing is true and correct.

Dated: New York, New York  
October 9, 2020

/Dennis H. Cavanaugh/  
By \_\_\_\_\_  
Dennis H. Cavanaugh