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

Proceeding	92075974
Party	Defendant Medela Holding AG
Correspondence Address	MEDELA HOLDING AG LÄ#TTICHSTRASSE 4B BAAR, 6340 SWITZERLAND No email provided. No phone number provided.
Submission	Answer
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Attachments	2021-1-25 Answer 92075974.pdf(100688 bytes)

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

AH License ApS,)	
)	
Petitioner,)	
)	Cancellation No. 92075974
v.)	
)	Registration No. 4915973
Medela Holding AG,)	
)	
Registrant.)	

ANSWER

Registrant, Medela Holding AG, through its undersigned attorneys, hereby answers the Petition to Cancel filed by Petitioner, AH License ApS, filed in connection with the above-captioned cancellation proceeding.

With respect to the preamble of the Petition to Cancel, Registrant denies that Petitioner is being or will be damaged by the continued registration of U.S. trademark registration no. 4915973 for the mark BIBI issued to Registrant on March 15, 2016.

1. Registrant is without sufficient information to admit or deny the allegations of Paragraph 1 of the Petition to Cancel and, therefore, denies them.

2. Admit.

3. Admit.

4. Registrant is without sufficient information to admit or deny the allegations of Paragraph 4 of the Petition to Cancel and, therefore, denies them.

5. Registrant is without sufficient information to admit or deny the allegations of Paragraph 5 of the Petition to Cancel and, therefore, denies them.

6. Registrant is without sufficient information to admit or deny the allegations of Paragraph 6 of the Petition to Cancel and, therefore, denies them.

7. Registrant is without sufficient information to admit or deny the allegations of Paragraph 7 of the Petition to Cancel and, therefore, denies them.

8. Registrant is without sufficient information to admit or deny the allegations of Paragraph 8 of the Petition to Cancel and, therefore, denies them.

9. Admit.

10. Admit.

11. Registrant admits that on November 12, 2019, it filed a request upon consent for a final 60-day extension of time to oppose United States trademark application serial no. 79243818 and that this requested was granted by the TTAB on the same day. Registrant is without sufficient information to admit or deny the remaining allegations of Paragraph 11 of the Petition to Cancel and, therefore, denies them.

12. Admit.

13. Admit.

14. Registrant is without sufficient information to admit or deny the allegations of Paragraph 14 of the Petition to Cancel and, therefore, denies them.

15. Admit.

16. Admit.

17. Paragraph 17 of the Petition to Cancel calls for a legal conclusion to which no response is required. To the extent that such a response is required, Registrant denies the allegations.

18. Registrant admits that it previously sought to extend its international registration number 0616942 to the United States. Registrant is without sufficient information to admit or deny the remaining allegations of Paragraph 18 of the Petition to Cancel and, therefore, denies them.

19. Registrant admits that Registration No. 3524322 was issued by the US PTO as an extension of protection of Registrant's international registration number 0616942. Registrant is without sufficient information to admit or deny the remaining allegations of Paragraph 19 of the Petition to Cancel and, therefore, denies them

20. Registrant is without sufficient information to admit or deny the allegations of Paragraph 20 of the Petition to Cancel and, therefore, denies them.

21. Registrant is without sufficient information to admit or deny the allegations of Paragraph 21 of the Petition to Cancel and, therefore, denies them.

22. Paragraph 22 of the Petition to Cancel calls for a legal conclusion to which no response is required. To the extent that such a response is required, Registrant denies the allegations.

23. Paragraph 23 of the Petition to Cancel calls for a legal conclusion to which no response is required. To the extent that such a response is required, Registrant denies the allegations.

24. Denied.

25. Paragraph 25 of the Petition to Cancel calls for a legal conclusion to which no response is required. To the extent that such a response is required, Registrant denies the allegations.

With respect to the unnumbered paragraph following Paragraph 25 of the Petition to Cancel, Registrant denies any allegation therein and respectfully requests that the Petition to Cancel be denied.

AFFIRMATIVE DEFENSES

Registrant asserts the following affirmative defenses.

First Affirmative Defense

26. Petitioner's claims are barred by unclean hands, waiver, laches, estoppel, and/or acquiescence.

Second Affirmative Defense

27. Petitioner is without standing to state a claim for cancellation of Registrant's Registration No. 4915973.

Third Affirmative Defense

28. Petitioner has failed to state a claim for the cancellation of Registrant's Registration No. 4915973.

Registrant reserves the right to raise additional defenses as may become known during the discovery and/or testimony periods.

WHEREFORE, Registrant prays that the Petition to Cancel be immediately dismissed with prejudice.

Respectfully submitted,

MEDELA HOLDING AG

By: /jmenker/
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Registrant's Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing ANSWER has been served on Katherine A. Markert of BARCLAY DAMON LLP by forwarding said copy on January 25, 2021, via email to: ip@barclaydamon.com, kmarkert@barclaydamon.com, ecominolli@barclaydamon.com.

By: /jmenker/
James R. Menker