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

Proceeding no.	92082435
Party	Defendant Bayer HealthCare LLC
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Submission	Answer
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD**

RETROBRANDS AMERICA LLC,  
Petitioner,

v.

BAYER HEALTHCARE LLC,  
Respondent.

Cancellation No. 92082435

Reg. No. 2233039

Mark: BAIN DE SOLEIL

**ANSWER**

Respondent Bayer Healthcare LLC (“Registrant”), owner of Reg. No. 2233039 to the mark BAIN DE SOLEIL in International Class 3, by and through counsel, Lowenstein Sandler LLP, submits this Answer to the Amended Petition for Cancellation (the “Petition”) filed by Retrobrands America LLC (“Petitioner”).

Registrant responds, solely for this proceeding, to each of the grounds set forth in the Petition as follows:

1. Registrant admits only that it is a company with the stated business address, but Registrant lacks knowledge or information sufficient to form a basis to admit or deny the other allegations set forth in this paragraph in the Petition, and therefore denies same.

2. Registrant lacks knowledge or information sufficient to form a basis to admit or deny the allegations set forth in this paragraph in the Petition, and therefore denies same.

**COUNT 1: FRAUD IN RESPONDENT’S COMBINED DECLARATION OF USE**

**A. Fraudulent Allegation of Use in Commerce**

1. Registrant admits the allegations set forth in this paragraph in the Petition to the extent such allegations are supported by the USPTO records.

2. Registrant denies the allegations set forth in this paragraph in the Petition.

3. Registrant denies the allegations set forth in this paragraph in the Petition.
4. Registrant denies the allegations set forth in this paragraph in the Petition.<sup>1</sup>

**B. Fraudulent Specimen of Use**

1. Registrant denies the allegations set forth in this paragraph in the Petition.
2. Registrant denies the allegations set forth in this paragraph in the Petition.
3. Registrant denies the allegations set forth in this paragraph in the Petition.
4. Registrant denies the allegations set forth in this paragraph in the Petition.

**ABANDONMENT UNDER SECTION 14(C) OF THE LANHAM ACT**

1. Registrant denies the allegations set forth in this paragraph in the Petition.
2. Registrant lacks knowledge or information sufficient to form a basis to admit or deny the allegations set forth in this paragraph in the Petition, and therefore denies same.
3. Registrant admits only that the trademark application identified by Petitioner exists within the USPTO database, but Registrant lacks knowledge or information sufficient to form a basis to admit or deny the other allegations set forth in this paragraph in the Petition, and therefore denies same.
4. Registrant admits the allegations set forth in this paragraph in the Petition to the extent such allegations are supported by the USPTO records.
5. Registrant lacks knowledge or information sufficient to form a basis to admit or deny the allegations set forth in this paragraph in the Petition, and therefore denies same.
6. Registrant admits the allegations set forth in this paragraph in the Petition to the extent such allegations are supported by the USPTO records.

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<sup>1</sup> This paragraph in the Petition is numbered 5, but follows 3.

7. Registrant lacks knowledge or information sufficient to form a basis to admit or deny the allegations set forth in this paragraph in the Petition, and therefore denies same.

WHEREFORE, Registrant requests that the Trademark Trial and Appeal Board deny Petition.

Respectfully submitted,

Dated: January 29, 2024

LOWENSTEIN SANDLER LLP  
By: /Matthew P. Hintz/  
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*Attorney for Bayer Healthcare LLC*

CERTIFICATE OF SERVICE

The undersigned certifies that a true and complete copy of the foregoing was served on:

Retrobrands America LLC  
Jeffrey Kaplan  
POB 11106  
Fort Lauderdale Florida 33339  
Jeff@Retrobrands.net

Dated: January 29, 2024

By: Vanessa A. Ignacio  
Vanessa A. Ignacio, Esq.