ESTTA Tracking number: **ESTTA1362246**
Filing date: **05/31/2024**

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

Proceeding no.	92085021
Party	Defendant DESCARTES UNDERWRITING SAS
Correspondence address	DESCARTES UNDERWRITING SAS 148 RUE DE COURCELLES F-75017 PARIS FRANCE Primary email: tardivat@witetic.eu No phone number provided
Submission	Answer
Filer's name	Michael J. Brown
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Date	05/31/2024
Attachments	Wite-0501 Answer to Petition for Cancellation.pdf(37607 bytes)

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

In the Matter of Registration No. 6473440

Atty. Ref.: Wite-0501

The Descartes Systems Group Inc.	:	
	:	
Petitioner,	:	
	:	
-against-	:	Cancellation No. 92085021
	:	
Descartes Underwriting SAS	:	
	:	
	:	
Registrant.	:	

Submitted via ESTTA

ANSWER TO PETITION FOR CANCELLATION

Descartes Underwriting SAS, a French Société Par Actions Simplifiée (SAS) ("Registrant"), hereby answers the Petition for Cancellation.

1. Registrant has no information about the allegations in paragraph 1 of the Petition for Cancellation and can neither admit nor deny said allegations.

2. Registrant has no information about the allegations in paragraph 2 of the Petition for Cancellation and can neither admit nor deny said allegations.

3. Registrant has no information about the allegations in paragraph 3 of the Petition for Cancellation and can neither admit nor deny said allegations.

4. Registrant has no information about the allegations in paragraph 4 of the Petition for Cancellation and can neither admit nor deny said allegations.

5. Registrant has no information about the allegations in paragraph 5 of the Petition for Cancellation and can neither admit nor deny said allegations.

6. Registrant has no information about the allegations in paragraph 6 of the Petition for Cancellation and can neither admit nor deny said allegations.

7. Registrant has no information about the allegations in paragraph 7 of the Petition for Cancellation and can neither admit nor deny said allegations.

8. Registrant admits the allegations in paragraph 8 of the Petition for Cancellation.

9. Registrant admits the allegations in paragraph 9 of the Petition for Cancellation.

10. Registrant admits the allegations in paragraph 10 of the Petition for Cancellation.

11. Registrant admits the allegations in paragraph 11 of the Petition for Cancellation.

12. Registrant admits the allegations in paragraph 12 of the Petition for Cancellation.

13. Registrant admits that Exhibits A, B, and C appear to be copies of U.S. registrations, and otherwise has no information about the allegations in paragraph 13 of the Petition for Cancellation and can neither admit nor deny said allegations.

14. Registrant admits that Exhibit A appears to be a copy of U.S. Reg. No. 2,828,740, and otherwise has no information about the allegations in paragraph 14 of the Petition for Cancellation and can neither admit nor deny said allegations.

15. Registrant admits that Exhibit A appears to be a copy of U.S. Reg. No. 2,828,740, and otherwise has no information about the allegations in paragraph 15 of the Petition for Cancellation and can neither admit nor deny said allegations.

16. Registrant admits that Exhibit B appears to be a copy of U.S. Reg. No. 2,826,766, and otherwise has no information about the allegations in paragraph 16 of the Petition for Cancellation and can neither admit nor deny said allegations.

17. Registrant admits that Exhibit B appears to be a copy of U.S. Reg. No. 2,826,766, and otherwise has no information about the allegations in paragraph 17 of the Petition for Cancellation and can neither admit nor deny said allegations.

18. Registrant admits that Exhibit C appears to be a copy of U.S. Reg. No. 5,971,240, and otherwise has no information about the allegations in paragraph 18 of the Petition for Cancellation and can neither admit nor deny said allegations.

19. Registrant admits that Exhibit C appears to be a copy of U.S. Reg. No. 5,971,240, and otherwise has no information about the allegations in paragraph 19 of the Petition for Cancellation and can neither admit nor deny said allegations.

20. Paragraph 20 of the Petition for Cancellation does not allege any fact for Registration to admit or deny.

21. Registrant has no information about the allegations in paragraph 21 of the Petition for Cancellation and can neither admit nor deny said allegations.

22. Registrant has no information about the allegations in paragraph 22 of the Petition for Cancellation and can neither admit nor deny said allegations.

23. Registrant has no information about the allegations in paragraph 23 of the Petition for Cancellation and can neither admit nor deny said allegations.

24. Registrant has no information about the allegations in paragraph 24 of the Petition for Cancellation and can neither admit nor deny said allegations.

25. Registrant has no information about the allegations in paragraph 25 of the Petition for Cancellation and can neither admit nor deny said allegations.

26. Registrant has no information about the allegations in paragraph 26 of the Petition for Cancellation and can neither admit nor deny said allegations.

27. Registrant has no information about the allegations in paragraph 27 of the Petition for Cancellation and can neither admit nor deny said allegations.

28. Registrant has no information about the allegations in paragraph 28 of the Petition for Cancellation and can neither admit nor deny said allegations.

29. Registrant has no information about the allegations in paragraph 29 of the Petition for Cancellation regarding Petitioner's mark and can neither admit nor deny said allegations. Registrant denies the allegations in paragraph 29 of the Petition for Cancellation regarding exclusive association of the DESCARTES mark.

30. Registrant admits that on September 4, 2020 it filed an application for International Registration for the DESCARTES mark, designating the U.S., based on Registrant's European Union registration no. 018037157, and that the U.S. designation was assigned Application No. 79/295,943.

31. Registrant admits the allegations in paragraph 31 of the Petition for Cancellation.

32. Registrant admits the allegations in paragraph 32 of the Petition for Cancellation, as proof of use was not required for Application No. 79/295,943.

33. Registrant has no information about the allegations in paragraph 33 of the Petition for Cancellation and can neither admit nor deny said allegations.

34. Registrant admits that it has no ownership relationship with Meltwater News US, Inc., which operates under the trademark "Owler" and otherwise has no information about the remaining allegations in paragraph 34 of the Petition for Cancellation and can neither admit nor deny said allegations.

35. Registrant has no information about the allegations in paragraph 35 of the Petition for Cancellation and can neither admit nor deny said allegations.

36. Registrant has no information about the allegations in paragraph 36 of the Petition for Cancellation and can neither admit nor deny said allegations.

37. Registrant has no information about the allegations in paragraph 37 of the Petition for Cancellation and can neither admit nor deny said allegations.

38. Registrant has no information about the allegations in paragraph 38 of the Petition for Cancellation and can neither admit nor deny said allegations.

39. Registrant has no information about the allegations in paragraph 39 of the Petition for Cancellation and can neither admit nor deny said allegations.

40. Registrant has no information about the allegations in paragraph 40 of the Petition for Cancellation and can neither admit nor deny said allegations.

41. Registrant denies the allegations in paragraph 41 of the Petition for Cancellation.

42. Registrant has no information about the allegations in paragraph 42 of the Petition for Cancellation and can neither admit nor deny said allegations.

43. Registrant has no information about the allegations in paragraph 43 of the Petition for Cancellation and can neither admit nor deny said allegations.

44. Registrant admits that it has no ownership relationship with World Business Media Limited and otherwise has no information about the remaining allegations in paragraph 44 of the Petition for Cancellation and can neither admit nor deny said allegations.

45. Registrant has no information about the allegations in paragraph 45 of the Petition for Cancellation and can neither admit nor deny said allegations.

46. Registrant denies the allegations in paragraph 46 of the Petition for Cancellation.

47. Registrant has no information about the allegations in paragraph 47 of the Petition for Cancellation and can neither admit nor deny said allegations.

48. Registrant denies the allegations in paragraph 48 of the Petition for Cancellation.

49. Registrant admits the allegations in paragraph 49 of the Petition for Cancellation.

50. Registrant admits the allegations in paragraph 50 of the Petition for Cancellation.

51. Registrant admits the allegations in paragraph 51 of the Petition for Cancellation.

52. Registrant admits the allegations in paragraph 52 of the Petition for Cancellation.

53. Registrant admits the allegations in paragraph 53 of the Petition for Cancellation.

54. Registrant admits the allegations in paragraph 54 of the Petition for Cancellation.

55. Registrant repeats its responses to the allegations in paragraphs 1 to 54 of the Petition for Cancellation.

56. Registrant denies the allegations and legal conclusions in paragraph 56 of the Petition for Cancellation.

57. Registrant denies the allegations and legal conclusions in paragraph 57 of the Petition for Cancellation.

58. Registrant denies the allegations and legal conclusions in paragraph 58 of the Petition for Cancellation.

59. Registrant denies the allegations and legal conclusions in paragraph 59 of the Petition for Cancellation.

60. Registrant denies the allegations in paragraph 60 of the Petition for Cancellation.

61. Registrant denies the allegations and legal conclusions in paragraph 61 of the Petition for Cancellation.

62. Registrant repeats its responses to the allegations in paragraphs 1 to 54 and 56 to 61 of the Petition for Cancellation.

63. Registrant denies the allegations and legal conclusions in paragraph 63 of the Petition for Cancellation.

64. Paragraph 64 of the Petition for Cancellation does not allege any fact for Registration to admit or deny. To the extent that paragraph 64 alleges any fact, Registrant denies the allegations and legal conclusions in paragraph 64 of the Petition for Cancellation.

65. Paragraph 65 of the Petition for Cancellation does not allege any fact for Registration to admit or deny. To the extent that paragraph 65 alleges any fact, Registrant denies the allegations and legal conclusions in paragraph 65 of the Petition for Cancellation.

66. Registrant denies the allegations in paragraph 66 of the Petition for Cancellation.

67. Paragraph 67 of the Petition for Cancellation does not allege any fact for Registration to admit or deny. To the extent that paragraph 67 alleges any fact, Registrant denies the allegations and legal conclusions in paragraph 67 of the Petition for Cancellation.

68. Registrant denies the allegations and legal conclusions in paragraph 68 of the Petition for Cancellation.

69. Registrant repeats its responses to the allegations in paragraphs 1 to 54, 56 to 61, and 63 to 68 of the Petition for Cancellation.

70. Registrant denies the allegations and legal conclusions in paragraph 70 of the Petition for Cancellation.

71. Registrant denies the allegations and legal conclusions in paragraph 71 of the Petition for Cancellation.

72. Registrant denies the allegations in paragraph 72 of the Petition for Cancellation.

73. Registrant denies the allegations and legal conclusions in paragraph 73 of the Petition for Cancellation.

74. Registrant denies the allegations in paragraph 74 of the Petition for Cancellation.

75. Registrant denies the allegations in paragraph 75 of the Petition for Cancellation.

76. Registrant denies the allegations in paragraph 76 of the Petition for Cancellation.

77. Registrant denies the allegations in paragraph 77 of the Petition for Cancellation.

78. Registrant denies the allegations in paragraph 78 of the Petition for Cancellation.

79. Registrant denies the allegations and legal conclusions in paragraph 79 of the Petition for Cancellation.

80. Registrant denies the allegations in paragraph 80 of the Petition for Cancellation.

81. Registrant denies the allegations in paragraph 81 of the Petition for Cancellation.

82. Registrant denies the allegations in paragraph 82 of the Petition for Cancellation.

83. Registrant denies the allegations in paragraph 83 of the Petition for Cancellation.

84. Registrant denies the allegations in paragraph 84 of the Petition for Cancellation.

85. Registrant denies the allegations and legal conclusions in paragraph 85 of the Petition for Cancellation.

86. Registrant denies the allegations in paragraph 86 of the Petition for Cancellation.

87. Registrant denies the allegations in paragraph 87 of the Petition for Cancellation.

88. Registrant denies the allegations in paragraph 88 of the Petition for Cancellation.

89. Registrant denies the allegations in paragraph 89 of the Petition for Cancellation.

90. Registrant denies the allegations in paragraph 90 of the Petition for Cancellation.

91. Registrant denies the allegations and legal conclusions in paragraph 91 of the Petition for Cancellation.

92. Registrant denies the allegations in paragraph 92 of the Petition for Cancellation.

93. Registrant denies the allegations in paragraph 93 of the Petition for Cancellation.

94. Registrant denies the allegations in paragraph 94 of the Petition for Cancellation.

95. Registrant denies the allegations in paragraph 95 of the Petition for Cancellation.

96. Registrant denies the allegations in paragraph 96 of the Petition for Cancellation.

97. Registrant denies the allegations and legal conclusions in paragraph 97 of the Petition for Cancellation.

98. Registrant denies the allegations in paragraph 98 of the Petition for Cancellation.

99. Registrant denies the allegations in paragraph 99 of the Petition for Cancellation.

100. Registrant denies the allegations in paragraph 100 of the Petition for Cancellation.

101. Registrant denies the allegations in paragraph 101 of the Petition for Cancellation.

102. Registrant denies the allegations in paragraph 102 of the Petition for Cancellation.

103. Registrant denies the allegations and legal conclusions in paragraph 103 of the Petition for Cancellation.

104. Registrant denies the allegations in paragraph 104 of the Petition for Cancellation.

105. Registrant denies the allegations in paragraph 105 of the Petition for Cancellation.

106. Registrant denies the allegations in paragraph 106 of the Petition for Cancellation.

107. Registrant denies the allegations in paragraph 107 of the Petition for Cancellation.

108. Registrant denies the allegations in paragraph 108 of the Petition for Cancellation.

109. Registrant denies the allegations and legal conclusions in paragraph 109 of the Petition for Cancellation.

110. Registrant denies the allegations in paragraph 110 of the Petition for Cancellation.

111. Registrant denies the allegations in paragraph 111 of the Petition for Cancellation.

112. Registrant has no information about the allegations in paragraph 112 of the Petition for Cancellation and can neither admit nor deny said allegations.

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AFFIRMATIVE DEFENSES

Registrant alleges and asserts the following defenses in response to the allegations contained in the Petition for Cancellation:

FIRST AFFIRMATIVE DEFENSE

Petitioner has failed to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Petitioner has not been damaged and is not likely to be damaged by the registration of Registrant's DESCARTES mark.

THIRD AFFIRMATIVE DEFENSE

Registrant's DESCARTES mark is not likely to cause confusion, mistake or deception with any of Petitioner's pleaded registrations.

FOURTH AFFIRMATIVE DEFENSE

There is no likelihood of confusion, mistake or deception because, inter alia, Petitioner's use of its DESCARTES mark and Registrant's use of its DESCARTES mark are offered to sophisticated purchasers with specialized needs, and as such confusion between the parties' respective marks is unlikely among relevant prospective purchasers.

WHEREFORE, Registrant, by its attorneys, requests that this cancellation be denied and the registration be allowed to continue.

Respectfully submitted,

Dated: May 31, 2024

By: /MichaelJBrown/

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Attorneys for Registrant

CERTIFICATE OF SERVICE

I hereby certify that on May 31, 2024, I served this Answer to the Petition for Cancellation on the Petitioner by email, addressed to Petitioner's correspondence address of record as follows:

lovsin@mbhb.com; moran@mbhb.com; dian@mbhb.com; dineen@mbhb.com; docketing@mbhb.com

_____/MichaelJBrown/_____
Michael J. Brown