

ESTTA Tracking number: **ESTTA1397468**Filing date: **11/22/2024**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding no.	92086459
Party	Plaintiff Gwoonsesang Cosmetics Co., Ltd.
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Signature	/Edward D. Lanquist/
Date	11/22/2024
Attachments	Answer to Counterclaim - 2024.11.22.pdf(196327 bytes)

4. Counterclaim Respondent admits the allegations contained in Paragraph 4.
5. Counterclaim Respondent admits the allegations contained in Paragraph 5.
6. Counterclaim Respondent admits the allegations contained in Paragraph 6.
7. Counterclaim Respondent admits the allegations contained in Paragraph 7.
8. Counterclaim Respondent admits the allegations contained in Paragraph 8.
9. Counterclaim Respondent admits the allegations contained in Paragraph 9.
10. Counterclaim Respondent admits the allegations contained in Paragraph 10.
11. Counterclaim Respondent admits the allegations contained in Paragraph 11.
12. Counterclaim Respondent admits the allegations contained in Paragraph 12.
13. Counterclaim Respondent admits the allegations contained in Paragraph 13.
14. Counterclaim Respondent admits the allegations contained in Paragraph 14.
15. Counterclaim Respondent admits the allegations contained in Paragraph 15.
16. Counterclaim Respondent admits the allegations contained in Paragraph 16.
17. Counterclaim Respondent admits the allegations contained in Paragraph 17.
18. Counterclaim Respondent admits the allegations contained in Paragraph 18.
19. Counterclaim Respondent admits the allegations contained in Paragraph 19.
20. Counterclaim Respondent admits the allegations contained in Paragraph 20.
21. Counterclaim Respondent admits the allegations contained in Paragraph 21.
22. Counterclaim Respondent admits the allegations contained in Paragraph 22.
23. Counterclaim Respondent admits the allegations contained in Paragraph 23.
24. Counterclaim Respondent admits the allegations contained in Paragraph 24.
25. Counterclaim Respondent admits the allegations contained in Paragraph 25.
26. Counterclaim Respondent admits the allegations contained in Paragraph 26.

27. Counterclaim Respondent denies the allegations contained in Paragraph 27.
28. Counterclaim Respondent denies the allegations contained in Paragraph 28.
29. Counterclaim Respondent admits the allegations contained in Paragraph 29.
30. Counterclaim Respondent admits the allegations contained in Paragraph 30.
31. Counterclaim Respondent admits the allegations contained in Paragraph 31.
32. Counterclaim Respondent admits the allegations contained in Paragraph 32.
33. Counterclaim Respondent denies the allegations contained in Paragraph 33.
34. Counterclaim Respondent denies the allegations contained in Paragraph 34.

WHEREFORE, Counterclaim Respondent respectfully requests that this counterclaim be dismissed and this Cancellation counter-petition be denied.

AFFIRMATIVE DEFENSES

As and for separate affirmative defenses, Counterclaim Respondent alleges the defenses set forth below. Counterclaim Respondent reserves the right to amend these defenses, raise additional affirmative defenses, or file counterclaim(s) based on information obtained in and through discovery.

1. Counterclaim Petitioner fails to state a claim upon which relief can be granted at least because, inter alia, the claim fails to allege sufficient facts to establish a likelihood of confusion.
2. Counterclaim Petitioner fails to state a claim upon which relief can be granted at least because, inter alia, the claim fails to allege sufficient facts to establish priority of use in commerce which Congress may regulate.

3. Counterclaim Petitioner's claims are barred because Counterclaim Respondent was using the mark in commerce which Congress may regulate before Counterclaim Petitioner filed the trademark application underlying the asserted trademark registration.

4. Counterclaim Petitioner's claims are barred because Counterclaim Respondent was using the mark in commerce before Counterclaim Petitioner began using the mark in its asserted trademark registration.

5. Counterclaim Petitioner's claims are barred by the doctrines of estoppel, waiver, and/or laches because Counterclaim Petitioner was or should have been aware of Counterclaim Respondent's use prior to Counterclaim Petitioner's use.

Dated: November 22, 2024

Respectfully Submitted,

BAKER, DONELSON, BEARMAN, CALDWELL &
BERKOWITZ, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that this correspondence is being filed through the Electronic System for Trademark Trial and Appeals in the United States Patent and Trademark Office.

I hereby certify that on November 22, 2024, this document ANSWER TO COUNTERCLAIM was served via email to counsel for Respondent/ Counterclaim Petitioner as set forth below:

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