

ESTTA Tracking number: **ESTTA955120**

Filing date: **02/19/2019**

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

Proceeding	91245738
Party	Defendant ROKKER LIZENZ GmbH c/o SVF Treuhand GmbH
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Date	02/19/2019
Attachments	ROKKER v.3 Answer to Notice of Opposition, Affirmative Defenses and Counterclaims .pdf(774232 bytes) ROKKER Answer - Exhibits_Part1.pdf(4969614 bytes) ROKKER Answer - Exhibits_Part2.pdf(5216382 bytes) ROKKER Answer - Exhibits_Part3.pdf(3531667 bytes) ROKKER Answer - Exhibits_Part4.pdf(3306221 bytes) ROKKER Answer - Exhibits_Part5.pdf(3022471 bytes) ROKKER Answer - Exhibits_Part6.pdf(5092714 bytes) ROKKER Answer - Exhibits_Part7.pdf(1516585 bytes)

Registrations Subject to the filing

Registration No.	3666800	Registration date	08/11/2009
International Registration No.	NONE	International Registration Date	NONE
Registrant	Ace Cafe London Limited Ace Corner North Circular Road Stonebridge London, NW10 7UD UNITED KINGDOM Email: tmdocketing@needlerosenberg.com		

Goods/Services Subject to the filing

Class 014. First Use: 0 First Use In Commerce: 0

All goods and services in the class are requested, namely: [Jewelry and imitation jewelry; precious stones; rings being jewelry, necklaces, clip-on earrings, pierced earrings, bracelets, beads, namely, beaded necklaces; precious and semi-precious gemstones, namely, body gems and adornments for the body; jewelry chains, cuff links,] tie pins; lapel pins; [key rings of precious metal; key chains of precious metal; key fobs of precious metal; badges of precious metal; charms of precious metal; jewelry collar tips; money clips of precious metal;] medallions; pendants; [horological and chronometric instruments and parts thereof; clocks; wall clocks; alarm clocks; watches and straps for

watches; alarm clocks incorporating radios; desk clocks]

Class 025. First Use: 0 First Use In Commerce: 0

All goods and services in the class are requested, namely: [Leather trousers;] T-shirts; shirts; polo shirts; sweatshirts; [jackets; leather jackets; denim jackets; hats and caps; scarves; silk scarves; trousers; jeans; shorts; waterproof jackets and pants; gloves;] belts [; leather belts; competitors' numbers of textile]

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)		
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)		
Registration No.	3666841	Registration date	08/11/2009
International Registration No.	NONE	International Registration Date	NONE
Registrant	Ace Cafe London Limited Ace Corner North Circular Road Stonebridge London, NW10 7UD UNITED KINGDOM Email: tmdocketing@needlerosenberg.com		

Goods/Services Subject to the filing

Class 026. First Use: 0 First Use In Commerce: 0

All goods and services in the class are requested, namely: [Clasps for clothing;] buckles for clothing; belt clasps and belt buckles; ornamental novelty pins; embroidered patches for clothing; adhesive patches for clothing made of rubber, plastic and vinyl; heat adhesive patches for clothing made of rubber, plastic and vinyl; brooches; buttons for clothing; [hair ornaments; competitors' numbers not of textile;] decorative studs for clothing

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)		
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)		

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

Ace Café London Limited,)	
)	
Opposer,)	
)	
vs.)	Opposition No. 91245738
)	Serial No. 87/872379
Rokker Lizenz GmbH)	Mark: ROKKER
c/o SVF Treuhand GmbH)	
)	
Applicant.)	

**ANSWER, AFFIRMATIVE DEFENSES
AND COUNTERCLAIM**

Rokker Lizenz GmbH c/o SVF Treuhand GmbH (“Applicant”), through its undersigned attorneys, hereby submits this Answer to the Notice of Opposition and states the following:

With respect to the allegations contained in the preamble, Applicant confirms its ownership of the subject application, but is without knowledge of information sufficient to admit or deny the remaining allegations and, therefore, denies the same.

1. Applicant is without knowledge of information sufficient to admit or deny the allegations of ¶ 1 of the Notice of Opposition and, therefore, denies the same.
2. Applicant is without knowledge of information sufficient to admit or deny the allegations of ¶ 2 of the Notice of Opposition and, therefore, denies the same.
3. Applicant is without knowledge of information sufficient to admit or deny the allegations of ¶ 3 of the Notice of Opposition and, therefore, denies the same.

4. Applicant is without knowledge of information sufficient to admit or deny the allegations of ¶ 4 of the Notice of Opposition and, therefore, denies the same.

5. Applicant is without knowledge of information sufficient to admit or deny the allegations of ¶ 5 of the Notice of Opposition and, therefore, denies the same.

6. Applicant is without knowledge of information sufficient to admit or deny the allegations of ¶ 6 of the Notice of Opposition and, therefore, denies the same.

7. Applicant admits that it is a GmbH organized under the laws of Switzerland which is equivalent to a Limited Liability Company with an address of Tanne 55, Wienacht-Tobel, Switzerland 9405.

8. Applicant operates under the name The Rokker Company and sells men's and women's clothing, leather goods and imitation leather goods in the United States. Applicant also operates a website found at www.therokkercompany.com. Applicant denies the remaining allegations of ¶ 8 of the Notice of Opposition.

9. Applicant admits that its website found at www.therokkercompany.com includes the statement that “[o]ur mission is to feel as safe, comfortable and stylishly dressed on the bike as after the ride.” Applicant denies the remaining allegations of ¶ 9 of the Notice of Opposition.

10. Applicant is without knowledge of information sufficient to admit or deny the allegations of ¶ 10 of the Notice of Opposition and, therefore, denies the same.

11. Applicant is without knowledge of information sufficient to admit or deny the allegations of ¶ 11 of the Notice of Opposition and, therefore, denies the same.

12. Applicant is without knowledge of information sufficient to admit or deny the allegations of ¶ 12 of the Notice of Opposition and, therefore, denies the same.

13. Paragraph 13 states a legal conclusion as to validity of the listed marks and the exclusive right to use the listed marks. To the extent ¶ 13 is construed as an allegation of fact, Applicant admits that the USPTO records show that Opposer is the record owner of Registrations listed in ¶ 13. Applicant is without knowledge of information sufficient to admit or deny the remaining allegations of ¶ 13 of the Notice of Opposition and, therefore, denies the same.

14. Applicant is without knowledge of information sufficient to admit or deny the allegations of ¶ 14 of the Notice of Opposition and, therefore, denies the same.

15. Applicant is without knowledge of information sufficient to admit or deny the allegations of ¶ 15 of the Notice of Opposition and, therefore, denies the same.

16. Applicant is without knowledge of information sufficient to admit or deny the allegations of ¶ 16 of the Notice of Opposition and, therefore, denies the same.

17. Applicant admits that the USPTO records show that Applicant filed Application Serial No. 87/872379 on April 11, 2018 based on an intent to use the mark in the United States under Section 1(b) which covers clothing, namely, jeans, hooded sweatshirts, long sleeve and short sleeve shirts, tank tops, jackets, jackets made of leather, socks, vests, underwear; footwear; headgear, namely, trucker caps baseball caps, skull caps, beanies” in International Class 25, and “leather and imitations of leather, goods made of these materials not included in other classes, namely, leather cases, traveling bags, backpacks, harness and saddlery” in International Class 18.

18. Applicant sells clothing and other goods listed in its application Serial No. 87/872379. Applicant is without knowledge of information sufficient to admit or

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