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

Proceeding	91168845
Party	Plaintiff Panthers Football LLC
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 78/522,183
Published in the Official Gazette on September 27, 2005
Mark: GROWL TOWEL

NFL PROPERTIES LLC and PANTHERS
FOOTBALL LLC,

Opposers,

-against-

REACH EVENT MARKETING LLC,

Applicant.

Opposition No. 91/168,845

**ANSWER TO APPLICANT'S
COUNTERCLAIM**

TO THE COMMISSIONER FOR TRADEMARKS:

Opposers Panthers Football LLC and NFL Properties LLC (“Opposers”), by and through their undersigned attorneys, reply to the counterclaim of Applicant Reach Event Marketing LLC (“Applicant”) as follows:

13. Opposers admit that Applicant purports to damaged by the continued registration of Registration No. 2,224,986, owned by Panther Football LLC, and has petitioned to cancel such registration. Except as so admitted, Opposers deny the allegations of Paragraph 13 of the Counterclaim.

14. Opposers lack sufficient knowledge to admit or deny the allegations of Paragraph 14 of the Counterclaim.

15. Opposers admit that the records of the United States Patent and Trademark Office (“USPTO”) state that Applicant is the owner of Application Serial No. 78/522,183 for the GROWL TOWEL designation. Except as so admitted, Opposers lack sufficient knowledge to admit or deny the remainder of the allegations of Paragraph 15 of the Counterclaim.

16. Opposers admit the allegations of Paragraph 16 of the Counterclaim.
17. Opposers admit the allegations of Paragraph 17 of the Counterclaim.
18. Opposers aver that Opposer Panthers Football LLC is the owner of Registration No. 2,224,986 for the PROWL TOWEL mark and admit the remainder of the allegations of Paragraph 18 of the Counterclaim.
19. Opposers admit the allegations of Paragraph 19 of the Counterclaim.
20. Opposers admit that they have asserted Registration No. 2,224,986 for the PROWL TOWEL mark against Application Serial No. 78/522,183 in the Notice of Opposition in the instant proceedings, that they have pleaded the existence of a likelihood of confusion, and that Applicant has denied that a likelihood of confusion or trademark dilution would result from the registration of Applicant's GROWL TOWEL designation. Except as so admitted, Opposers deny the allegations of Paragraph 20 of the Counterclaim.

**COUNT I
CANCELLATION OF TRADEMARK
REGISTRATION BASED UPON FRAUD**

21. Opposers reassert and incorporate by reference their responses to the allegations in Paragraphs 13 through 20 of the Counterclaim.
22. Opposers admit that the application to register the PROWL TOWEL mark was filed with the USPTO on January 6, 1997 and, except as so admitted, deny the allegations in Paragraph 22 of the Counterclaim. Further, Opposers aver that the registration date for the now-cancelled Registration No. 2,032,473 for the GROWL TOWEL mark was January 21, 1997 – fifteen days after the application to register the PROWL TOWEL mark was filed with the USPTO.

23. Opposers admit that an authorized agent of Richardson Sports Limited Partnership signed the following declaration and submitted it with Application Serial No. 75/221,652:

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001m and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he is properly authorized to execute this application on behalf of the applicant; he believes the applicant to be the owner of the trademark sought to be registered, or, if the application is being filed under 15 U.S.C. 1051(B), he believes applicant to be entitled to use such mark in commerce; to the best of his knowledge and belief no other person, firm, corporation, or association has the right to use the above-identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as may be likely, when used on or in connection with the goods of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

Except as so stated, Opposers deny the remainder of the allegations of Paragraph 23.

24. Opposers deny the allegations of Paragraph 24 of the Counterclaim.

25. Opposers lack sufficient knowledge to admit or deny the allegations of Paragraph 25 regarding what the USPTO relied on in relation to the application to register the PROWL TOWEL mark. Except as so stated, Opposers deny the allegations of Paragraph 25 of the Counterclaim.

26. Opposers deny the allegations of Paragraph 26 of the Counterclaim.

27. Opposers aver that Paragraph 27 of the Counterclaim does not contain any allegations that require a response. To the extent that Paragraph 27 is deemed to include allegations, Opposers deny them.

28. Opposers aver that the WHEREFORE paragraph of the Counterclaim does not contain any allegations that require a response. To the extent that the WHEREFORE paragraph is deemed to include allegations, Opposers deny them.

FIRST AFFIRMATIVE DEFENSE

Applicant fails to allege facts sufficient to state a claim upon which relief can be granted in the Counterclaim.

SECOND AFFIRMATIVE DEFENSE

Applicant's Counterclaim is barred by the doctrines of laches, estoppel, acquiescence and/or unclean hands.

WHEREFORE, Opposers request that Applicant's Counterclaim be denied in its entirety and the relief requested in Opposers' Notice of Opposition be granted.

Dated: New York, New York
May 19, 2006

Respectfully submitted,

Quinn Emanuel Urquhart Oliver
& Hedges, LLP

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