

ESTTA Tracking number: **ESTTA117639**

Filing date: **01/03/2007**

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

Proceeding	91174150
Party	Defendant Town & Country Apparel Town & Country Apparel 14 Loring Road Hopkins, MN 55305
Correspondence Address	TOWN & COUNTRY APPAREL DBA OUTDOOR ADVENTURE PRODUCTS 14 LORING RD HOPKINS, MN 55305-4431 UNITED STATES
Submission	Answer
Filer's Name	James D. Weinberger
Filer's e-mail	jweinberger@frosszelnick.com
Signature	/s/ James D. Weinberger
Date	01/03/2007
Attachments	Answer to Notice of Opposition (Class 25, Opp. 91174150) (F0003676).PDF ( 3 pages )(17098 bytes )

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

In the Matter of App. Ser. No. 78/705,174

PHILLIPS-VAN HEUSEN CORPORATION,

Opposer,

v.

TOWN & COUNTRY APPAREL, INC.,

Applicant.

Opp. No. 91174150

ANSWER TO NOTICE OF OPPOSITION

Applicant Town & Country Apparel, Inc., (“Applicant”), by its attorneys Fross Zelnick Lehrman & Zissu, for its answer to the Notice of Opposition, alleges as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 1 of the Notice of Opposition.
2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 2 of the Notice of Opposition.
3. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 3 of the Notice of Opposition.
4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 4 of the Notice of Opposition.
5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 5 of the Notice of Opposition.
6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 6 of the Notice of Opposition.

7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 7 of the Notice of Opposition.

8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 8 of the Notice of Opposition.

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 9 of the Notice of Opposition.

10. Denies the allegations of Paragraph 10 of the Notice of Opposition.

11. Admits that App. Ser. No. 78/705,174 seeks to register BASS HUNTER and otherwise denies the allegations of Paragraph 11 of the Notice of Opposition.

12. Denies the allegations of Paragraph 12 of the Notice of Opposition.

13. Denies the allegations of Paragraph 13 of the Notice of Opposition.

14. Denies the allegations of Paragraph 14 of the Notice of Opposition.

15. Denies the allegations of Paragraph 15 of the Notice of Opposition.

16. Denies the allegations of Paragraph 16 of the Notice of Opposition.

17. Denies the allegations of Paragraph 17 of the Notice of Opposition.

FIRST AFFIRMATIVE DEFENSE

18. The Notice of Opposition fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

19. Opposer's claims are barred by the doctrines of laches, acquiescence and/or estoppel.

THIRD AFFIRMATIVE DEFENSE

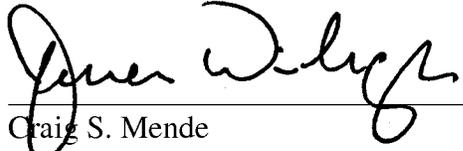
20. Because the various paragraphs of the Notice of Opposition do not comply with Fed. R. Civ. P. 8(a) and (e), which require a "short and plain statement of the claim showing that

the pleader is entitled to relief,” and 37 C.F.R. § 2.104(a) and TBMP § 312.03, which require “a short and plain statement” of the reasons why Opposer believes it would be damaged by the registration of the opposed mark and one or more grounds for opposition, Applicant is not required to separately admit or deny each averment contained therein.

WHEREFORE, Applicant demands judgment dismissing the Notice of Opposition with prejudice and granting to Applicant such other and further relief as the Board may deem just and proper.

Dated: New York, New York  
January 3, 2007

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By:   
Craig S. Mende  
James D. Weinberger

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New York, New York 10017  
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*Attorneys for Applicant*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was sent by first class mail postage pre-paid to Opposer’s attorney, Edward E. Vassallo, Fitzpatrick, Cella, Harper & Scinto, 30 Rockefeller Plaza, New York, New York 10112, this 3rd day of January, 2007.

  
James D. Weinberger