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

Proceeding	91181608
Party	Plaintiff FCC, LLC
Correspondence Address	G. Todd Whitcomb Smith, Gambrell & Russell, LLP 50 N. Laura Street, Suite 2600 Jacksonville, FL 32202 UNITED STATES
Submission	Answer to Counterclaim
Filer's Name	Elizabeth G. Borland
Filer's e-mail	egborland@sgrlaw.com, kbongiovanni@sgrlaw.com, gtwhitcomb@sgrlaw.com, mbedsole@sgrlaw.com
Signature	/Elizabeth G. Borland/
Date	05/14/2008
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

FCC, LLC)	
)	
Opposer,)	
)	Opposition No. 91181608
v.)	
)	Ser. No. 77/068086
FBD Capital Markets Group Incorporated)	
)	
Applicant.)	
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OPPOSER’S ANSWER TO APPLICANT’S COUNTERCLAIM

Opposer, FCC, LLC (hereinafter “Opposer”), hereby answers the Counterclaim set forth in the Applicant’s Answer to Notice of Opposition filed by FBD Capital Markets Group Incorporated (hereinafter “Applicant”) as follows:

22. Opposer admits that Applicant has attempted to assert a Counterclaim for cancellation of U.S. Reg. No. 2,991,709 in Paragraph 22 of the Counterclaim. Except as thus admitted, the allegations contained in Paragraph 22 are denied.

23. Opposer incorporates its allegations set forth in Paragraphs 1 through 18 of its Notice of Opposition as if fully set forth herein and states that it is not required to respond to Paragraphs 19 – 21 of Applicant’s Answer. To the extent a response is necessary, the allegations contained in Paragraphs 19-21 are denied.

24. Opposer admits that U.S. Reg. No. 2,991,709 for FIRST CAPITAL CORPORATION was registered on September 6, 2005, and that Opposer is the owner of U.S. Reg. No. 2,991,709. Except as thus admitted, the remaining allegations contained in Paragraph 24 of the Counterclaim are denied.

25. Opposer admits that it filed a REQUEST FOR POST REGISTRATION AMENDMENT dated February 28, 2006, and states that such document speaks for itself. Except as thus admitted or otherwise responded to, Opposer denies the remaining allegations set forth in Paragraph 25 of the Counterclaim.

26. Admitted.

27. Denied.

28. Denied.

29. Opposer denies every allegation, prayer, matter, fact or thing alleged in the Counterclaim not expressly admitted herein.

WHEREFORE, Opposer respectfully prays that the Counterclaim in Opposition No. 91181608 be dismissed with prejudice, that this Opposition be sustained, and that Serial No. 77/068,086 be refused registration.

This 14th day of May, 2008.

Respectfully submitted,

s/ Elizabeth G. Borland
Elizabeth G. Borland
Smith, Gambrell & Russell, LLP
Promenade II, Suite 3100
1230 Peachtree St., N.E.
Atlanta, GA 30030
Phone: (404) 815-3645
Fax: (404) 685-6945
egborland@sgrlaw.com

Kathryn K. Bongiovanni
Smith, Gambrell & Russell, LLP
50 North Laura Street, Suite 2600
Jacksonville, FL 32202
Phone: (904) 598-6137
Fax: (904) 598-6237
kbongiovanni@sgrlaw.com

Attorneys for Opposer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 14, 2008, a true and correct copy of the foregoing OPPOSER'S ANSWER TO APPLICANT'S COUNTERCLAIM was served upon counsel for Applicant by email to beleace@ratnerprestia.com and by placing a copy of same in the U.S. mail, postage prepaid, addressed as follows:

Benjamin E. Leace
RatnerPrestia
Suite 301, 1235 Westlakes Drive, Berwyn
P.O. Box 980
Valley Forge, PA 19482

s/ Elizabeth G. Borland
Elizabeth G. Borland

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