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Filing date: **03/07/2008**

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

Proceeding	91182173
Party	Defendant FF Acquisition, L.L.C.
Correspondence Address	Scott W. Johnston Merchant & Gould P.C. P.O. Box 2910 Minneapolis, MN 55402-0910 UNITED STATES
Submission	Answer
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Date	03/07/2008
Attachments	2008 03 07 Answer to Notice of Opposition 91182173.PDF (3 pages)(25119 bytes)

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

Odom's Tennessee Pride Sausage, Inc.,)	Opposition No. 91182173
Opposer,)	Mark: Boy Design
v.)	Serial No.: 77/148,503
FF Acquisition, L.L.C.,)	Filing Date: April 4, 2007
Applicant.)	Published: October 2, 2007

ANSWER TO NOTICE OF OPPOSITION

Applicant, FF Acquisition, L.L.C. hereby responds to the Notice of Opposition as follows:

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1.
2. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 2.
3. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3, except Applicant admits that the printout referenced in paragraph 3 appears to be electronic database records of the United States Patent and Trademark Office for the registrations mentioned therein.
4. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4.
5. Applicant admits the allegations in paragraph 5.
6. Applicant denies the allegations in paragraph 6.
7. Applicant denies the allegations in paragraph 7.

8. Applicant denies the allegations in paragraph 8.
9. Applicant denies the allegations in paragraph 9.
10. Applicant denies the allegations in paragraph 10.

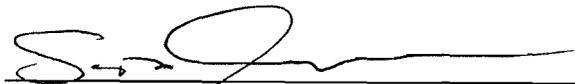
AFFIRMATIVE DEFENSES

A. The requested relief is barred by the equitable doctrine of laches, estoppel and/or acquiescence. Applicant has been using a similar design in connection with grocery and supermarket services since at least as early as 1977 without objection from Opposer. Moreover, Applicant owns Federal Registration No. 1,222,958 for a Boy Design very similar to the mark at issue in this opposition. Registration No. 1,222,958 registered January 4, 1983, and is incontestable. Applicant also owned other registrations for its Boy Design Mark for bacon (Reg. No. 1,222,760), margarine (Reg. No. 1,222,761) and bread (Reg. No. 1,222,795). At no time did Opposer object to or file any opposition to any of these previously registered marks. Because Opposer has failed to take any action against Applicant or its use of its Boy Design Mark for more than thirty (30) years, Applicant's present opposition should be barred by the equitable doctrines of laches, estoppel and/or acquiescence.

WHEREFORE, Applicant respectfully requests that the opposition be denied and that Applicant's application be approved for registration forthwith.

FF ACQUISITION, L.L.C.

By its Attorneys,



Scott W. Johnston
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was served upon the following attorney of record for Opposer by First Class Mail, postage prepaid, this 7th day of March, 2008:

Marsha G. Gentner
Jacobson Holman PLLC
400 Seventh Street, N.W.
Washington, D.C. 20004



Scott W. Johnston