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

Proceeding	91192317
Party	Defendant RTS Consultants, LLC
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Submission	Answer
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Date	01/17/2012
Attachments	2012 01 17 -- RTS's Answer to Klapperman Hollywood Brown Derby Opposition.pdf ( 5 pages )(85419 bytes )

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

<b>William A. Klapperman,</b>	)	
	)	
	)	
<b>Opposer,</b>	)	
v.	)	Opposition No. 91192317
	)	
<b>RTS Consultants, LLC,</b>	)	
	)	
<b>Applicant.</b>	)	

**APPLICANT’S ANSWER TO NOTICE OF OPPOSITION**

Applicant RTS Consultants, LLC (“RTS”), for its Answer to the Notice of Opposition filed by William A. Klapperman (“Opposer”) opposing RTS’s application for registration of the mark HOLLYWOOD BROWN DERBY, the subject of Application Serial No. 77/401523, filed February 20, 2008, and published in the Official Gazette on May 5, 2009, denies that Opposer will be damaged by the registration of Applicant’s mark. RTS answers each of the paragraphs of Opposer’s Notice of Opposition as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the averments set forth in paragraph 1 of the Notice of Opposition and, therefore, denies same.
2. Applicant admits the averments set forth in paragraph 2 of the Notice of Opposition.
3. Applicant denies the averments set forth in paragraph 3 of the Notice of Opposition.
4. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the averments set forth in paragraph 4 of the Notice of Opposition and, therefore, denies same.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the averments set forth in paragraph 5 of the Notice of Opposition and, therefore, denies same.

6. Applicant admits the averments set forth in paragraph 6 of the Notice of Opposition.

7. Applicant admits the averments set forth in paragraph 7 of the Notice of Opposition.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the averments set forth in paragraph 8 of the Notice of Opposition and, therefore, denies same.

9. Applicant denies the averments set forth in paragraph 9 of the Notice of Opposition.

10. Applicant denies the averments set forth in paragraph 10 of the Notice of Opposition.

11. Applicant denies the averments set forth in paragraph 11 of the Notice of Opposition.

12. Applicant denies the averments set forth in paragraph 12 of the Notice of Opposition.

13. Applicant denies the averments set forth in paragraph 13 of the Notice of Opposition.

14. Applicant admits that an authorized representative of RTS Consultants, LLC willfully executed an application on its behalf for federal registration of its HOLLYWOOD

BROWN DERBY mark. To the extent not admitted, Applicant denies the remaining averments set forth in paragraph 14 of the Notice of Opposition.

FIRST AFFIRMATIVE DEFENSE

There is no likelihood of confusion because, inter alia, Applicant has priority in the HOLLYWOOD BROWN DERBY mark through its long-standing rights and federal registrations.

SECOND AFFIRMATIVE DEFENSE

There is no likelihood of confusion, mistake or deception because, inter alia, Opposer's rights it claims to have in HOLLYWOOD BROWN DERBY are invalid and/or have been abandoned.

THIRD AFFIRMATIVE DEFENSE

Opposer's alleged rights it claims to have in HOLLYWOOD BROWN DERBY may be barred by the doctrines of laches, waiver, acquiescence, estoppel, or the equitable "unclean hands" doctrine.

FOURTH AFFIRMATIVE DEFENSE

Applicant reserves the right to amend this Answer and assert additional defense as they may become known through discovery.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed in its entirety, and that its Application Serial No. 77/401523 be allowed to proceed on to registration.

Respectfully submitted,

RTS CONSULTANTS, LLC

Date: January 17, 2012

By: s/Daniel B. Miller

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RTS Consultants, LLC

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing APPLICANT'S ANSWER TO NOTICE OF OPPOSITION was mailed by first-class mail, postage pre-paid, on this 17th day of January, 2012, to:

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s/ Daniel B. Miller

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