

ESTTA Tracking number: **ESTTA527682**

Filing date: **03/20/2013**

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

Proceeding	91204473
Party	Plaintiff Pickin' Cotton Communications, LLC
Correspondence Address	MATT FOGARTY MD PICKIN' COTTON COMMUNICATIONS LLC 232 IVORY STREET LAFAYETTE, LA 70506 UNITED STATES mfogartymd@hotmail.com
Submission	Answer to Counterclaim
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Date	03/20/2013
Attachments	Fratty v Edmond Fretty Amended Answer.pdf (5 pages)(17468 bytes)

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

PICKIN' COTTON COMMUNICATIONS LLC,)	
)	
Opposer)	
)	
v.)	Opposition No.: 91/204473
)	Appln. Serial No. 79/103,520
EDMUND FRETTE S.A.R.L.,)	Mark: EDMOND FRETTE
)	
Applicant.)	
)	

AMENDED ANSWER TO ANSWER TO NOTICE OF OPPOSITION WITH A
AFFIRMATIVE DEFENSES

Pickin' Cotton Communications, LLC (“Opposer”), by and through its undersigned representative, Answers the Affirmative Defenses and Counter claims to the Answer to Notice of Opposition with Affirmative Defenses and Counter Claim as follows:

1. For Paragraph 1, Opposer is without sufficient knowledge to form a belief as to the allegations of Paragraph 1, leaving Applicant to strict proof thereof.

AMENDED ANSWER TO COUNTERCLAIM

Pickin' Cotton Communications, LLC (“Opposer”), by and through its undersigned representative, Answers the Affirmative Defenses and Counter claims in the Answer to Notice of Opposition with Affirmative Defenses and Counterclaim as follows:

1. For Paragraph 1, Opposer is without sufficient knowledge to form a belief as to the allegations of Paragraph 1, leaving Applicant to strict proof thereof.

2. For Paragraph 2, Opposer is without sufficient knowledge to form a belief as to the allegations of Paragraph 2, leaving Applicant to strict proof thereof.

3. For Paragraph 3, Opposer is without sufficient knowledge to form a belief as to the allegations of Paragraph 3, leaving Applicant to strict proof thereof.

4. For Paragraph 4, Opposer is without sufficient knowledge to form a belief as to the allegations of Paragraph 4, leaving Applicant to strict proof thereof.

5. For Paragraph 5, Opposer is without sufficient knowledge to form a belief as to the allegations of Paragraph 5, leaving Applicant to strict proof thereof.

6. For Paragraph 6, Opposer denies the allegation of Paragraph 6, leaving Applicant to strict proof thereof.

7. For Paragraph 7, Opposer denies the allegations of Paragraph 7, leaving Applicant to strict proof thereof.

8. For Paragraph 8, Opposer denies the allegations of Paragraph 8, leaving Applicant to strict proof thereof.

9. For Paragraph 9, Opposer denies the allegations of Paragraph , leaving Applicant to strict proof thereof.

10. For Paragraph 10, Opposer denies the allegations of Paragraph 10, leaving Applicant to strict proof thereof.

11. For Paragraph 11, Opposer denies the allegations of Paragraph 11, leaving Applicant to strict proof thereof.

12. For Paragraph 12, Opposer is without sufficient knowledge to form a belief as to the allegations of Paragraph 12, leaving Applicant to strict proof thereof.

13. Regarding the closing paragraph Opposer denies that Applicant is entitled to the relief requested therein.

14. Opposer, Pickin' Cotton Communications, reserves the right to assert other claim(s) or further compulsory or permissive claim(s), if warranted by information obtained

through discovery or trial.

AMENDED AFFIRMATIVE DEFENSES

Pickin' Cotton Communications, LLC (“Opposer”), by and through its undersigned representative, Answers the Affirmative Defenses and Counter claims in the Answer to Notice of Opposition with Affirmative Defenses and Counterclaim as follows:

1. As and for a First Defense, Applicant's counter claim for cancellation of the Trademark FRATTY ® is barred as a matter of law on the basis of res judicata.
2. Applicant, in a prior Opposition Proceeding, No. 91202323, Plaintiff Edmund Frette S.A.R.L v Defendant Pickin' Cotton Communication's before the Trademark Trial and Appeals Board, Opposed Defendant's Application for the Trademark FRATTY ® Serial No. 85207681. The Board's final decision in this matter dismissed Plaintiff' Edmund Frette S.A.R.L.'s claim with Prejudice on March 29, 2012, therefore Applicant's claim for Cancellation of Pickin' Cotton Communications' trademark FRATTY ® Serial No. 85207681 is barred, as a matter of law, on the basis of res judicata.
3. As and for a Second Defense, Opposer reserves the right to amend and/or add additional Answers, Defenses and/or Counterclaims at a later date, if warranted by information obtained through discovery or trial.

WHEREFORE, Pickin' Cotton Communications, LLC., prays for Frette's Affirmative Defense(s) be dismissed and prays that Frette's Counterclaim(s) Petition to Cancel be dismissed; that Edmund Frette S.A.R.L.'s Application Serial No. 79/103,520 be denied.

Please address all correspondence to **Matt Fogarty, MD** at Pickin' Cotton Communications, LLC, 232 Ivory Street, Lafayette, LA 70506, EMAIL: mfogartymd@hotmail.com.

The Commissioner is hereby authorized to charge any fee or additional fees which may be required, or credit any overpayment.

Respectfully submitted,

PICKIN' COTTON COMMUNICATIONS, LLC.

By: _____/Opposer/_____ Matt Fogarty, MD
Majority Owner/Chief Operations Officer
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Representative for Opposer

Date: March 20, 2013

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing ANSWER TO ANSWER TO NOTICE OF OPPOSITION WITH AFFIRMATIVE DEFENSES AND COUNTERCLAIM was served on Applicant at Applicant's correspondence address in the records of the USPTO, this 20th day of March, 2013, by sending same via First Class mail, postage , and email, to:

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/Matt Fogarty, MD/

Matt Fogarty, MD
Majority Owner/Chief
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