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

Proceeding	91204473
Party	Plaintiff Pickin' Cotton Communications, LLC
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Attachments	Fratty v Frette Answer to Counterclaims with Affirmative Defenses 02 May 2013.pdf (5 pages)(15739 bytes)

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

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

ANSWER TO COUNTERCLAIM AFFIRMATIVE DEFENSES

Pickin' Cotton Communications, LLC (“Opposer”), by and through its undersigned representative, Answers the Affirmative Defenses and Counter claims 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.

ANSWER TO COUNTERCLAIM

Pickin' Cotton Communications, LLC (“Opposer”), by and through its undersigned representative, Answers the Affirmative Defenses and Counter claims 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.

AFFIRMATIVE DEFENSES

Pickin' Cotton Communications, LLC (“Opposer”), by and through its undersigned representative, Answers the Affirmative Defenses and Counter 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.

Respectfully submitted,

PICKIN' COTTON COMMUNICATIONS, LLC.

By: /Opposer/ Matt Fogarty, MD
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Representative for Opposer

Date: May 2, 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 2nd day of May, 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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