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

Proceeding	91206546
Party	Plaintiff The R.S. Lipman Company
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Date	08/27/2013
Attachments	Lipman-Answer_to_Counterclaim.pdf(128689 bytes)

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

In re Application No. 85-379,607
Filed: July 25, 2011
Mark: TENNESSEE CROWN
Published in the Official Gazette (Trademarks) on: July 17, 2012

THE R.S. LIPMAN COMPANY,

Opposer/Counterclaim-Respondent,

v.

MEXCOR, INC.,

Applicant/Counterclaim-Petitioner.

Opposition No. 91206546

OPPOSER’S ANSWER TO APPLICANT’S COUNTERCLAIM

The R.S. Lipman Company (the “Opposer”) respectfully submits this answer to Applicant Mexcor, Inc.’s (“Applicant”) Counterclaim, stating as follows:

Opposer admits that Applicant brings its Counterclaim based on U.S. Reg. No. 4,151,987 (the “Registration”), which is owned by Opposer, for the mark TENNESSEE for beer. Opposer denies that Applicant has been or will continue to be damaged by the Registration. Opposer denies that the statute cited by Applicant in the first unnumbered paragraph of its Counterclaim provides any valid grounds for cancellation of Opposer’s Registration. Opposer denies all other allegations contained in the first unnumbered paragraph of Applicant’s Counterclaim. Opposer further responds to the numbered paragraphs of Applicant’s Counterclaim as follows:

1. Opposer is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies them.
2. Opposer is without knowledge or information sufficient to form a belief as to the

truth of the allegations in this paragraph and therefore denies them.

3. Opposer is without information or knowledge sufficient to form a belief as to the truth of the allegation regarding the extent of Mexcor's knowledge. Opposer admits that Opposer is a Tennessee corporation with its principal office at 411 Great Circle Rd., Nashville, TN 37228. Opposer denies the remaining allegations in this paragraph.

4. Opposer admits that it owns U.S. Reg. No. 4,151,987 on the Supplemental Register for the standard character mark TENNESSEE for beer. Opposer denies the remaining allegations in this paragraph.

5. Opposer admits the allegations in this paragraph.

6. Opposer admits that the term "Tennessee" is the name of a U.S. state. Opposer is without information or knowledge sufficient to form a belief as to the truth of the allegations in the second sentence of this paragraph. Opposer denies the allegations in the third sentence of this paragraph.

7. Opposer denies the allegations and legal conclusions in this paragraph. Opposer further denies that 15 U.S.C. §§ 1064(3), 1068 provide any legal basis for the cancellation of Opposer's Registration.

Opposer denies that Applicant is entitled to any of the relief requested in Applicant's prayer for relief.

Any allegation in Applicant's Counterclaim not specifically admitted herein is hereby denied.

AFFIRMATIVE AND OTHER DEFENSES

In addition to the responses above, Opposer sets forth the following additional and affirmative defenses:

1. Applicant has failed to state a claim upon which relief can be granted.
2. Applicant is barred from any relief under the doctrine of laches.
3. Applicant is barred from any relief under the doctrine of unclean hands.
4. Applicant is barred from any relief under the doctrine of estoppel.
5. As articulated further in Opposer's Notice of Opposition, Applicant is not entitled to any of the relief requested because Applicant's mark TENNESSEE CROWN is geographically misdescriptive and should not be registered.

5. Opposer reserves its rights to amend this answer to assert additional defenses and/or to supplement these defenses upon further information and discovery and to move to dismiss this proceeding for failure to state a claim upon which relief can be granted.

WHEREFORE, having fully answered the allegations of the Counterclaim filed by Applicant, Opposer respectfully submits that the Counterclaim should be dismissed, that Applicant's application for U.S. Serial No. 85379607 ("TENNESSEE CROWN") should be denied registration, and that Opposer should be granted such other and further relief as is just and equitable.

Date: August 27, 2013

Respectfully submitted,

/s/ /Kristi M. Wilcox/

Andrea C. Barach

Kristi M. Wilcox

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing NOTICE OF OPPOSITION has been served upon the following by United States first class mail, postage prepaid:

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John A. Tang
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On this the 27th day of August 2013.

/s/ /Kristi M. Wilcox/
Kristi M. Wilcox