

ESTTA Tracking number: **ESTTA514834**

Filing date: **01/08/2013**

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

Proceeding	91208266
Party	Defendant Team John Whitaker Limited
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Attachments	818,167 AnswerNoticeOpposition.pdf ( 7 pages )(15111 bytes )

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

In the Matter of Application Serial No. 85/445,797  
Published in the Official Gazette on October 2, 2012

Uncle Milton Industries, Inc.,	§	
	§	
Opposer,	§	
	§	
v.	§	Opposition No. 91208266
	§	
Team John Whitaker Limited,	§	
	§	
Applicant.	§	

**ANSWER TO NOTICE OF OPPOSITION**

Team John Whitaker Limited (hereinafter referred to as "Applicant"), for the Answer to the Notice of Opposition filed by Uncle Milton Industries, Inc. (hereinafter referred to as "Opposer"), against the application for registration of the trademark "MILTON", U.S. Application Serial No. 85/445,797, filed on October 12, 2011, and published in the Official Gazette on October 2, 2012, pleads and avers as follows:

1. Answering the introductory paragraph of the Notice of Opposition, Applicant specifically denies Opposer's claim that it will be damaged by registration of Applicant's Mark. As to allegations regarding Applicant's mark, Applicant admits that it has filed an application for the mark "MILTON", U.S. App. Serial No. 85/445,797. As to allegations regarding Opposer, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of such allegations contained therein and accordingly denies the allegations.

2. Answering Paragraph 1 of the Notice of Opposition, Applicant admits the allegations contained therein.

3. Answering Paragraph 2 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations, including any allegations that Opposer is the owner of the cited registrations and any allegations as to the current status of the cited registrations.

3. Answering Paragraph 3 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations, including any allegations that Opposer is the owner of the cited registrations and any allegations as to the current status of the cited registrations.

5. Answering Paragraph 4 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations, including any allegations that Opposer is the owner of the cited registrations and any allegations as to the current status of the cited registrations.

6. Answering Paragraph 5 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

7. Answering Paragraph 6 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

8. Answering Paragraph 7 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

9. Answering Paragraph 8 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

10. Answering Paragraph 9 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations, including any allegations that Opposer is the owner of the cited registrations and any allegations as to the current status of the cited registrations.

11. Answering Paragraph 10 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

12. Answering Paragraph 11 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

13. Answering Paragraph 12 of the Notice of Opposition, Applicant incorporates by reference the above answers and statements. As to any other allegations included in this paragraph, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

14. Answering Paragraph 13 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

15. Answering Paragraph 14 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

16. Answering Paragraph 15 of the Notice of Opposition, Applicant specifically denies each and every allegation contained therein.

17. Answering Paragraph 16 of the Notice of Opposition, Applicant specifically denies each and every allegation contained therein.

18. Answering Paragraph 17 of the Notice of Opposition, Applicant specifically denies each and every allegation contained therein.

19. Answering Paragraph 18 of the Notice of Opposition, Applicant incorporates by reference the above answers and statements. As to any other allegations included in this paragraph, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

20. Answering Paragraph 19 of the Notice of Opposition, Applicant specifically denies each and every allegation contained therein.

21. Answering Paragraph 20 of the Notice of Opposition, Applicant specifically denies each and every allegation contained therein.

22. Answering Paragraph 21 of the Notice of Opposition, Applicant specifically denies each and every allegation contained therein.

### **AFFIRMATIVE DEFENSES**

1. Applicant affirmatively alleges that Opposer's Notice of Opposition fails to state a claim upon which relief can be granted.

2. Applicant affirmatively alleges that Applicant's mark and the alleged trademark registrations listed in Opposer's Notice of Opposition are different in sound, appearance, meaning and commercial impression, that the goods of the parties are unrelated and marketed through different channels of trade.

3. Applicant affirmatively alleges that the term "MILTON" contained in the alleged common law trademarks and trademark registrations listed in Opposer's Notice of Opposition have been used by various third parties for various goods and services and, as such, are "weak" marks that are entitled to limited protection.

WHEREFORE, Applicant contends that this opposition is groundless and baseless in fact; that Opposer has not shown wherein it will be, or likely to be, damaged by the registration of Applicant's trademark; that Applicant's trademark is manifestly distinct from any alleged mark of the Opposer or any designation of the Opposer, and Applicant prays that this opposition will be dismissed with prejudice and that Applicant be granted registration of its trademark.

Respectfully submitted,

January 8, 2013  
Date

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ATTORNEYS FOR APPLICANT  
Team John Whitaker Limited

**CERTIFICATE OF SERVICE**

I hereby certify that Applicant's Answer to Notice of Opposition is being sent by first class mail on January 8, 2013 to the attorney of record for Opposer at the following address:

Irene Y. Lee, Esq.  
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ATTORNEYS FOR OPPOSER  
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