

ESTTA Tracking number: **ESTTA551087**

Filing date: **07/29/2013**

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

Proceeding	91211204
Party	Defendant Witco Products, Inc.
Correspondence Address	WITCO PRODUCTS, INC. WITCO PRODUCTS, INC. 7286 BAYBERRY CT N OLMSTED TWP, OH 44138-3501 wolfcreekproducts@gmail.com
Submission	Answer
Filer's Name	Brent Sharp
Filer's e-mail	wolfcreekproducts@gmail.com
Signature	/Brent Sharp/
Date	07/29/2013
Attachments	Trademark.pdf(93879 bytes)

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

In Re Serial No. 85/782 593	§	OPPOSITION NO.91211204
	§	
Mark: WOLF FANG	§	
Filed: November 19, 2012	§	
Published: April 23, 2013	§	
	§	
QSR OUTDOOR PRODUCTS, INC.	§	
	§	
Opposer,	§	
	§	
v.	§	
	§	
WITCO ENTERPRISES, INC.	§	
	§	
Applicant.	§	

ANSWER TO NOTICE OF OPPOSITION WITH AFFIRMATIVE DEFENSES

Applicant, hereby submits its Answer to the Notice of Opposition filed by Opposers, QSR Outdoor Products, Inc. as follows, with the following numbered Paragraphs corresponding to the numbers of the Paragraphs of the Notice of Opposition under the headings used in the Notice of Opposition.

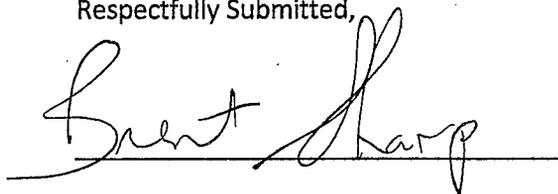
1. Opposer purchased from Clint Locklear, which he did not own. Applicant developed, produced tooling, manufactured product and marketed product. Applicant has owned product since June 20, 2010.
2. Applicant developed the trademark WOLF FANG. The name is a derivative of Wolf Creek Products, which is a dba of the Applicant. Clint Locklear did not own the WOLF FANG mark. He was involved in the development of the product but did not own the rights to it. He was paid a royalty for his involvement.
3. Opposer purchased product September 10, 2012 from Clint Locklear but did not use in commerce until December, 2012. Upon information and belief, opposer intentionally deceived the USPTO by providing an incorrect first use in commerce date.
4. Applicant filed a trademark application on WOLF FANG in association with "earth anchors" on November 19, 2012. Serial No. 85782593. Per conversation with Clint Locklear on September 9, 2012, he did not want to be associated with applicant and did not want any further royalties paid and parted on good terms.
5. Agreed
6. Agreed
7. Agreed
8. Applicant was mistaken, first use date should have been June 20, 2010.

9. Agreed. Per response to number 8, first use date should have been June 20, 2010.
10. Applicant had no intention of deceiving USPTO, only made an error, which we apologize for and wish to correct to the June 20, 2010 date. The 2010 date is still more than two years before the Opposers stated first use date.
11. Applicant has superior rights in the WOLF FANG mark with respect to the Opposer. Any use of the WOLF FANG mark by Opposer was due to a false purchase of the mark from Locklear. Locklear never established the mark. The WOLF FANG mark was developed by Wolf Creek Products, LLC, which is a dba of the Applicant. The mark, WOLF FANG, is a derivative of the WOLF CREEK Products company name.
12. Agreed. Opposer copied Applicants mark which was filed first.
13. Agreed. Opposer copied Applicants mark.
14. Applicant has spent a substantial amount of money developing the mark since 2010. Applicant has exclusive use to the mark. Allowing the Opposer to stop the registration of the mark by the Applicant would be a source of damage and injury to the Applicant. Opposer has no right to the mark, it was sold to the Opposer by someone who did not own the mark.

WHEREFORE, Applicant prays that the registration of the mark, which is subject of Opposition be granted.

This Answer to Opposition is being filed electronically. The Trademark Trial and Appeal Board is hereby authorized to charge any additional fees which may be required by this paper.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Brent Sharp", written over a horizontal line.

Date: June 29, 2013

Brent Sharp
President, Witco Enterprises, Inc.

In re Serial No. 85/782 593

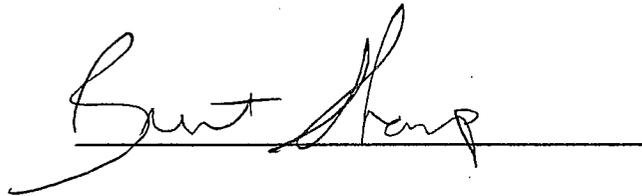
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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing ANSWER TO NOTICE OF OPPOSITION WITH AFFIRMATIVE DEFENSES was served via First Class Mail, postage pre-paid, upon Applicant at the address below on July 29, 2013

QSR Outdoor Product, Inc.
C/O Eugene J. Rath III
FLYNN, THIEL, BOUTELL & TANIS, P.C.
2026 Rambling Road
Kalamazoo, MI 49008

Attorney for the Opposer

A handwritten signature in cursive script, appearing to read "Eugene J. Rath III", is written over a solid horizontal line.