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

Proceeding	91212024
Party	Defendant Brooks Entertainment Inc.
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Submission	Motion to Amend/Amended Answer or Counterclaim
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Date	10/01/2014
Attachments	TTABAmendedAnswer (91212024).pdf(78024 bytes )

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

Opposition No.: 91212024

In the matter of trademark application Serial No. 85551808

For the mark: "S.O.B."

Filed on: February 24, 2012

Published in the Official Gazette on: July 23, 2013

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REPUBLIC TECHNOLOGIES (NA), LLC

Opposer,

v.

BROOKS ENTERTAINMENT, INC.

Applicant.

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**AMENDED ANSWER TO NOTICE OF OPPOSITION**

Answering Party

Brooks Entertainment, Inc.  
c/o M.E.T.A.L. Law Group, LLP  
5757 Wilshire Boulevard, Penthouse 3  
Los Angeles, CA 90036  
Attn: Richard B. Jefferson, Esq.

COMES NOW applicant Brooks Entertainment, Inc. ("Brooks"), and herewith answers the above-indicated Amended Notice of Opposition ("Amended Notice") brought by Republic Technologies (NA), LLC ("Opposer") as follows:

1. Brooks does not have the information or knowledge to admit or deny the averments of Paragraph 1 in the Amended Notice.

2. Brooks does not have the information to admit or deny the averments of Paragraph 2 in the Amended Notice.

3. Brooks does not have the information to admit or deny the averments of Paragraph 3 in the Amended Notice.

4. Brooks does not have the information to admit or deny the averments of Paragraph 4 in the Amended Notice.

5. Admit.

6. The averments of Paragraph 6 in the Amended Notice are the subject of Brooks' Motion To Amend Application filed herewith.

7. Deny.

8. The averments of Paragraph 8 in the Amended Notice are the subject of Brooks' Motion To Amend Application filed herewith. To the extent a response is required, Brooks denies the averments of Paragraph 8.

9. The averments of Paragraph 9 in the Amended Notice are the subject of Brooks' Motion To Amend Application filed herewith. To the extent a response is required, Brooks denies the averments of Paragraph 9.

10. The averments of Paragraph 10 in the Amended Notice are the subject of Brooks' Motion To Amend Application filed herewith. To the extent a response is required, Brooks denies the averments of Paragraph 10.

11. The averments of Paragraph 11 in the Amended Notice are the subject of Brooks' Motion To Amend Application filed herewith. To the extent a response is required, Brooks denies the averments of Paragraph 11.

12. The averments of Paragraph 12 in the Amended Notice are the subject of Brooks' Motion To Amend Application filed herewith. To the extent a response is required, Brooks denies the averments of Paragraph 12.

13. The averments of Paragraph 13 in the Amended Notice are the subject of Brooks' Motion For Summary Judgment filed herewith. To the extent a response is required, Brooks denies the averments of Paragraph 13.

**AFFIRMATIVE DEFENSES, AVOIDANCES, AND ARGUMENTS**

1. FOR A FURTHER, SEPARATE, AND DISTINCT DEFENSE, Brooks alleges the Opposition and each allegation contained therein, fails to state facts sufficient to constitute a claim upon which relief can be granted.

2. FOR A FURTHER, SEPARATE, AND DISTINCT DEFENSE, Brooks is informed and believes, and thereupon alleges, that the Opposition was filed without merit and for improper reasons, namely to hinder Brooks' business.

3. FOR A FURTHER, SEPARATE, AND DISTINCT DEFENSE, Brooks is informed and believes, and thereupon alleges, that the Opposition is a frivolous matter.

4. FOR A FURTHER, SEPARATE, AND DISTINCT DEFENSE, Brooks is informed and believes, and thereupon alleges, that Opposer is barred from any recovery sought in the Opposition because Brooks' mark is not confusingly similar to Opposer's registered trademarks.

5. FOR A FURTHER, SEPARATE, AND DISTINCT DEFENSE, Brooks is informed and believes, and thereupon alleges, that Opposer is barred from any recovery sought in the Opposition because there is no likelihood of confusion between Brooks' mark and Opposer's registered trademarks.

6. Brooks is informed and believes, and thereupon alleges, that it may have additional defenses not currently available and that may be available after completion of discovery and therefore reserve the right to set forth additional defenses as information becomes available.

WHEREFORE, Brooks prays that this Board deny Opposer's Notice of Opposition and dismiss the same with prejudice.

Dated: October 1, 2014

Respectfully submitted,

**M.E.T.A.L. LAW GROUP, LLP**  
Attorneys for Brooks Entertainment, Inc.,  
"Brooks"

By: /Richard B. Jefferson/  
Richard B. Jefferson, Esq.

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing AMENDED ANSWER TO NOTICE OF OPPOSITION was served via U.S. Mail, postage prepaid, on this 1<sup>st</sup> day of October 2014, upon the attorney of record for Opposer:

Antony J. McShane  
Neal, Gerber & Eisenberg, LLP  
2 North LaSalle Street, Suite 1700  
Chicago, Illinois 60602

By: /Richard B. Jefferson/  
Richard B. Jefferson