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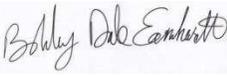
Filing date: **04/23/2014**

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

| | |
|------------------------|--|
| Proceeding | 91212483 |
| Party | Defendant Bobby Dale Earnhardt LLC |
| Correspondence Address | MATTHEW H SWYERS THE TRADEMARK COMPANY 344 MAPLE AVE W, SUITE 151 VIENNA, VA 22180-5612 UNITED STATES info@thetrademarkcompany.com, mswyers@thetrademarkcompany.com |
| Submission | Answer |
| Filer's Name | Matthew H. Swyers |
| Filer's e-mail | mswyers@thetrademarkcompany.com |
| Signature | /Matthew H. Swyers/ |
| Date | 04/23/2014 |
| Attachments | Answer to Amended Notice of Opposition.pdf(168675 bytes) |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

Serial No. 85/686,416

For the mark 

Serial No. 85/686,394

For the mark BOBBY DALE EARNHARDT

| | | |
|---------------------------|---|-----------------------------------|
| Teresa H. Earnhardt, | : | |
| | : | |
| Opposer, | : | |
| | : | Opposition No.: 91212177 (Parent) |
| vs. | : | |
| | : | Opposition No.: 91212483 (Child) |
| Bobby Dale Earnhardt LLC, | : | |
| | : | |
| Applicant. | : | |

ANSWER AND GROUNDS OF DEFENSE

COMES NOW the Applicant Bobby Dale Earnhardt LLC (hereinafter “Applicant”), by and through counsel, The Trademark Company, PLLC, and files its Answer and Grounds of Defense to the Amended Notice of Opposition and in response to Opposer’s allegations states as follows:

ANSWER

Applicant denies the allegations set forth in the first Introductory Paragraph of the Amended Notice of Opposition and demands strict proof thereof. In response to the specifically enumerated paragraphs of the Amended Notice of Opposition, Applicant responds as follows:

1. Applicant is without knowledge of the allegations set forth in Paragraph 1 of the Amended Notice of Opposition and therefore denies the same.

2. Applicant is without knowledge of the allegations set forth in Paragraph 2 of the Amended Notice of Opposition and therefore denies the same.

3. Applicant denies the allegations set forth in Paragraph 3 of the Amended Notice of Opposition as phrased and demands strict proof thereof.

4. Applicant is without knowledge of the allegations set forth in Paragraph 4 of the Amended Notice of Opposition and therefore denies the same.

5. Applicant is without knowledge of the allegations set forth in the first sentence of Paragraph 5 of the Amended Notice of Opposition and therefore denies the same. Applicant denies the allegations set forth in the second sentence of Paragraph 5 of the Amended Notice of Opposition as phrased and demands strict proof thereof.

6. Applicant admits the allegations set forth in Paragraph 6 of the Amended Notice of Opposition.

7 Applicant denies the allegations set forth in the first sentence of Paragraph 7 of the Amended Notice of Opposition as phrased and demands strict proof thereof. Applicant denies the remainder of the allegations set forth in Paragraph 7 of the Amended Notice of Opposition and demands strict proof thereof.

8. Applicant denies the allegations set forth in Paragraph 8 of the Amended Notice of Opposition as phrased and demands strict proof thereof.

9. Applicant denies the allegations set forth in Paragraph 9 of the Amended Notice of Opposition and demands strict proof thereof.

10. Applicant denies the allegations set forth in Paragraph 10 of the Amended Notice of Opposition and demands strict proof thereof.

11. Applicant denies the allegations set forth in Paragraph 11 of the Amended Notice of Opposition and demands strict proof thereof.

Applicant further denies all allegations not specifically, actually or constructively, admitted in the foregoing paragraphs of this Answer and Grounds of Defense.

WHEREFORE, Applicant prays that the Amended Notice of Opposition be dismissed.

Respectfully submitted this 23rd day of April, 2014.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/

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Counsel for Applicant

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

Serial No. 85/686,416

For the mark 

Serial No. 85/686,394

For the mark BOBBY DALE EARNHARDT

Teresa H. Earnhardt,

Opposer,

vs.

Bobby Dale Earnhardt LLC,

Applicant.

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Opposition No.: 91212177 (Parent)

Opposition No.: 91212483 (Child)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a copy of the foregoing this 23rd day of April, 2014

to be served, via first class mail, postage prepaid, upon:

Larry C. Jones
Alston & Bird LLP
101 South Tryon Street
Suite 4000
Charlotte, NC 28280

/Matthew H. Swyers/
Matthew H. Swyers