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

Proceeding	91226944
Party	Defendant Barker, Shannon, Ehrle, Michaela
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Submission	Answer
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Date	04/22/2016
Attachments	Answer to Notice of Opposition -- MTR-01 (1).pdf(83170 bytes )

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

JKL IP COMPANY, LLC,	)	
	)	
Opposer,	)	Opposition No. 91226944
	)	
v.	)	Mark: MOTHER TRUCKER & CO.
	)	
SHANNON BARKER and MICHAELA	)	Serial No. 86717479
EHRLE	)	
	)	
Applicants	)	
	)	

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**ANSWER TO NOTICE OF OPPOSITION**

Applicants Shannon Barker and Michaela Ehrle (hereafter collectively referred to as “Applicant”), responds to the Notice of Opposition filed herein as follows:

1. In response to Paragraph 1, Applicant lacks sufficient knowledge and information upon which to form a belief as to the truth or falsity of the allegations, and on that basis denies them.

2. In response to Paragraph 2, Applicant admits only that the subject registration states that it is owned by Opposer. As to all other allegations contained in said Paragraph, Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of those allegations, including but not limited to, allegations as to the validity of each of the referenced registration, and therefore denies them.

3. In response to Paragraph 3, Applicant admits only that the subject registration states that it issued on the date stated.

4. In response to Paragraph 4, Applicant admits that it has filed an application seeking to register MOTHER TRUCKER & CO. for hats in class 25.

5. In response to Paragraph 5, Applicant admits that said applicant was published on or about the stated date.

6. In response to Paragraph 6, no facts are stated requiring response, but Applicant nevertheless denies all allegations contained therein.

7. In response to Paragraph 7, Applicant admits that said application alleges a first use date of June 18, 2015.

8. In response to Paragraph 8, Applicant admits only that the subject registration states it was issued on March 13, 2012, which is prior to the date stated on Applicant's application of first use.

9. In response to Paragraph 9, no facts are stated requiring response, but Applicant nevertheless denies all allegations contained therein.

10. In response to Paragraph 10, Applicant admits only that the application declared Applicant believed it was entitled to use the MOTHER TRUCKER & CO. mark in commerce. As to all other allegations contained in said Paragraph, Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of those allegations, and therefore denies them, and further specifically denies any allegation that its statements were knowingly false or misleading.

11. In response to Paragraph 11, Applicant lacks sufficient knowledge and information upon which to form a belief as to the truth or falsity of the allegations, and on that basis denies them.

12. In response to Paragraph 12, Applicant lacks sufficient knowledge and information upon which to form a belief as to the truth or falsity of the allegations, and on that basis denies them.

13. Applicant denies all allegations contained in Paragraph 13.
14. Applicant denies all allegations contained in Paragraph 14.
15. Applicant denies all allegations contained in Paragraph 15.
16. In response to Paragraph 16, Applicant lacks sufficient knowledge and information to form a belief as to the truth or falsity of the allegations, and on that basis denies them.
17. Applicant denies all allegations contained in Paragraph 17.
18. Applicant denies all allegations contained in Paragraph 18.

### **AFFIRMATIVE DEFENSES**

1. Opposer's claims in Opposer's Notice of Opposition are barred by its unclean hands and misuse of its trademarks in an improper attempt to obtain a monopoly over the term "Mother" in clothing.
2. There is no likelihood of confusion between Opposer's MOTHER TUCKER mark for compression garments and Applicant's mark of MOTHER TRUCKER & CO. for hats.
3. Opposer does not own valid, subsisting trademark rights in the term "MOTHER" or "TRUCKER" (or "TUCKER") for all goods in Class 25.

Wherefore, Applicant prays that the Notice of Opposition be dismissed in its entirety, and that a registration issue to Applicant for its mark.

Wherefore, Applicant requests that the Opposition be dismissed in its entirety and that the registration of the subject mark be issued.

Dated: April 22, 2016

Respectfully submitted,

PAYNE IP LAW

By



Robert W. Payne

Attorneys for Applicants

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing

ANSWER TO NOTICE OF OPPOSITION

has been served on Opposer by mailing said copy on April 22, 2016, via First Class Mail,

postage prepaid to:

Emily R. Warren  
Joelson Rosenberg, PLC  
30665 Northwestern Hwy, Suite 200  
Farmington Hills, MI 48334

Signature Robert Payne

Date 4/22/16