

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

In the Matter of Registration No. 3,053,508  
For the Mark: **BING CROSBY PRODUCTIONS**  
In the name of Bing Crosby Productions, LLC  
Registered: January 31, 2006

HLC PROPERTIES LTD.,

Petitioner,

v.

BING CROSBY PRODUCTIONS, LLC,

Respondent.

78451521

**Cancellation No. 92047558**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**ANSWER TO PETITION FOR CANCELLATION**

Respondent, BING CROSBY PRODUCTIONS, LLC, a Delaware limited liability company with offices at 11845 West Olympic Boulevard, Suite 1270, Los Angeles, California 90064, is the owner of United States Trademark Registration No. 3,053,508 for the mark, BING CROSBY PRODUCTIONS, registered on January 31, 2006. Respondent, by and through its attorneys, answers Petitioner's allegations, as follows:



08-20-2007

U.S. Patent & TM/Ofc/TM Mail RcptDt. #72

1. Respondent admits that it is the owner of U.S. Trademark Registration No. 3,053,508, issued January 31, 2006, for the mark, BING CROSBY PRODUCTIONS (hereinafter, "the Mark"), for use on the goods identified in the registration (hereinafter, "the Goods").

2. Respondent admits that the date of first use in interstate commerce claimed in U.S. Trademark Application Serial No. 78/451521 for the Goods, which later was granted registration under U.S. Trademark Registration No. 3,053,508, was *at least as early as* October 2, 1961.

3. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 3 of the Petition for Cancellation and therefore denies any and all allegations therein.

4. Respondent, upon information and belief, responds that Petitioner, a Nevada limited partnership, was formed on July 14, 2005 – 74 years after Petitioner's alleged date of first use of the mark, BING CROSBY. Respondent therefore denies any and all allegations set forth in Paragraph 4 of the Petition for Cancellation and puts Petitioner to its proof.

5. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 5 of the Petition for Cancellation and therefore denies any and all allegations therein.

6. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 6 of the Petition for Cancellation and therefore denies any and all allegations therein.

7. Respondent denies the allegations set forth in Paragraph 7 of the Petition for Cancellation.

8. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 8 of the Petition for Cancellation and therefore denies any and all allegations therein.

9. Respondent notes that the Petition for Cancellation skips from Paragraph 8 to Paragraph 10. In the event that Respondent's copy of the Petition for Cancellation is not complete, Respondent denies any allegations that may have been set forth in Paragraph 9 of the Petition for Cancellation.

10. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 10 of the Petition for Cancellation.

#### **AFFIRMATIVE DEFENSES**

In further answer to the Petition for Cancellation, Respondent asserts the following:

11. Harry L. Crosby, Jr. (a.k.a. Bing Crosby), as Chairman of the Board of Bing Crosby Productions and majority shareholder in such entity, thereby authorized Respondent to use and register the Mark to carry out its intended business, including the offering of motion picture and television films, many of which were produced by or starred Mr. Crosby, as well as the Goods identified in the U.S. Trademark Registration No. 3,053,508.

12. Upon information and belief, the Petition for Cancellation, and each cause of action thereof, fails to state a claim under which relief can be granted against Respondent.

13. Petitioner has acquiesced to Respondent's use of the Mark.

14. Petitioner's request for relief is barred by the equitable doctrine of waiver.

15. Petitioner's request for relief is barred by the equitable doctrine of estoppel.

16. Petitioner's request for relief is barred by the equitable doctrine of laches.

**RELIEF REQUESTED**

WHEREFORE, Respondent requests that the Board deny the Petition for Cancellation and that Registration No. 3,053,508 be upheld.

Date: August 16, 2007

Respectfully Submitted,



Elizabeth A. Linford  
Attorney for the Respondent  
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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date identified below as First Class mail, postage prepaid, in an envelope addressed to:

Commissioner of Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Date: August 16, 2007

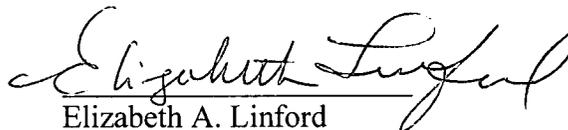
  
Elizabeth A. Linford

**PROOF OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **ANSWER TO PETITION FOR CANCELLATION** has been served on Jill M. Pietrini, Esq., counsel for Petitioner, on this 16th day of August, 2007, via First Class Mail, postage prepaid to:

Jill M. Pietrini, Esq.  
Manatt, Phelps & Phillips, LLP  
11355 West Olympic Boulevard, 10th Floor  
Los Angeles, California 90064

Date: August 16, 2007

  
Elizabeth A. Linford