

ESTTA Tracking number: **ESTTA281735**

Filing date: **05/04/2009**

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

Proceeding	92050557
Party	Plaintiff TRP Entertainment, LLC
Correspondence Address	Matthew D. Francis Watson Rounds 5371 Kietzke Lane Reno, NV 89511 UNITED STATES mfrancis@watsonrounds.com
Submission	Answer to Counterclaim
Filer's Name	Matthew D. Francis
Filer's e-mail	mfrancis@watsonrounds.com
Signature	/Matthew D. Francis/
Date	05/04/2009
Attachments	Reply to Counterclaim.pdf (4 pages)(88908 bytes)

3. Registrant's Counterclaims are barred by the doctrine of equitable estoppel.
4. Without admitting that Petitioner acted as alleged in Registrant's Counterclaims, Registrant consented to the acts as alleged to have been committed by Petitioner.
5. Without admitting that Petitioner acted in the manner alleged by Registrant, Petitioner's acts were ratified and confirmed by Registrant.
6. Without admitting that Petitioner acted as alleged in Registrant's Counterclaims, Petitioner is informed and believes, and thereupon alleges, that Registrant has failed to mitigate any damages claimed to have been suffered by it.
7. Without admitting that Registrant has suffered any damages, the incidents alleged in Registrant's Counterclaims, and any resulting damage to Registrant, was caused in whole or in part, by the acts and/or omissions of Registrant.
8. Without admitting that Petitioner acted as alleged in Registrant's Counterclaims, the conduct of Petitioner under the circumstances was reasonable, in good faith, and without malice.
9. Damages due Registrant, if any, are offset by damages due to Petitioner.
10. Petitioner reserves the right to amend this Reply to Counterclaims to allege additional affirmative defenses if subsequent investigation warrants the same.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that:

1. That Registrant takes nothing by way of its Counterclaim, and that its Counterclaim be dismissed with prejudice;
2. That Petitioner be awarded with the relief contained in its Petition for Cancellation against Registrant;
3. That Registrant's Registration No. 3220387 be cancelled; and

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4. That Petitioner be awarded such other relief that is just and proper.

Dated: May 4, 2009

Respectfully Submitted,

By:  _____

Michael D. Rounds
Matthew D. Francis
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Attorneys for Petitioner TRP Entertainment,
LLC

CERTIFICATE OF SERVICE

I certify that I am an employee of the Law Offices of Watson Rounds, a Professional Corporation, and on this day I deposited a true and correct copy in the United States mail, first class postage prepaid, of the within document entitled **Reply to Counterclaim**, addressed as follows:

JACOB L. HAFTER, ESQ.
LAW OFFICE OF JACOB L. HAFTER & ASSOCIATES
7201 W. Lake Mead Boulevard, Suite 210
Las Vegas, Nevada 89128

Dated: May 4, 2009



Carla Ousby