

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

DALLAS C. BROWN, JR.,)	
)	
Petitioner,)	
)	Cancellation No. 92050965
v.)	Registration No.s: 2791896 and 2701247
)	Mark: MAJOR TAYLOR
COURTNEY L. BISHOP,)	
)	
Respondent.)	

TO: ASSISTANT COMMISSIONER FOR TRADEMARKS
United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

ANSWER WITH DEFENSES

Comes now Respondent-Registrant Courtney L. Bishop (hereafter "Respondent"), by counsel, and in response to the Petition of Petitioner Dallas C. Brown, Jr. (hereafter "Petitioner"), hereby answers as follows:

ANSWERS

Petition for Cancellation

Response to First Paragraph (unnumbered) of the Petition: Respondent denies that Brown will be damaged by the continued registration of trademark registration numbers in question, but admits the remaining material allegations of the paragraph.

The Parties

1. **Response to Petition Paragraph 1:** Respondent is without knowledge or information sufficient to form a belief as to the truth of the material allegations of paragraph 1 of the Petitioner's Petition, and therefore denies the same.

2. **Response to Petition Paragraph 2:** Defendant admits the material allegations of paragraph 2 of the Petitioner's Petition.

Count 1 for Cancellation – Fraud on the Trademark Office

3. **Response to Petition Paragraph 3:** Respondent admits that the prior allegations of the Petition are being incorporated as if set forth at length.
4. **Response to Petition Paragraph 4:** Respondent is without knowledge or information sufficient to form a belief as to the truth of the material allegations of paragraph 4 of the Petitioner's Petition, and therefore denies the same.
5. **Response to Petition Paragraph 5:** Respondent admits only the material allegations of the first sentence of paragraph 5 of the Petitioner's Petition, and specifically denies the allegations of the last two sentences of paragraph 5 of the Petitioner's Petition, beginning with the statement, "Upon information and belief, at the time"
6. **Response to Petition Paragraph 6:** Respondent denies the material allegations of paragraph 6 of the Petitioner's Petition.

Response to Unnumbered Paragraph of the Petition: Respondent denies that Petitioner will be damaged by the continued registration of the trademark registration numbers in question.

Count 2 for Cancellation – Illegality of Adoption of Trademark Under Indiana Law

7. **Response to Petition Paragraph 7:** Respondent admits that the prior allegations of the Petition are being incorporated as if set forth at length.
8. **Response to Petition Paragraph 8:** Respondent admits the material allegations of paragraph 8 of the Petitioner's Petition.

9. **Response to Petition Paragraph 9:** Respondent denies the material allegations of paragraph 9 of the Petitioner's Petition.
10. **Response to Petition Paragraph 10:** Respondent denies the material allegations of paragraph 10 of the Petitioner's Petition.
11. **Response to Petition Paragraph 11:** Respondent denies the material allegations of paragraph 11 of the Petitioner's Petition.

Response to Unnumbered Paragraph of the Petition: Respondent denies that Petitioner will be damaged by the continued registration of the trademark registration numbers in question.

Count 3 for Cancellation – Illegality of Adoption of Trademark Under Federal Law

12. **Response to Petition Paragraph 12:** Respondent admits that the prior allegations of the Petition are being incorporated as if set forth at length.
13. **Response to Petition Paragraph 13:** Respondent denies the material allegations of paragraph 13 of the Petitioner's Petition.

RESPONDENT'S AFFIRMATIVE DEFENSES AND ADDITIONAL DEFENSES

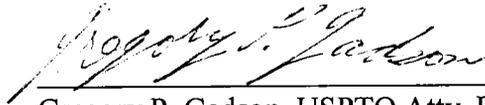
The Respondent hereby asserts the following defenses:

1. The Petition is barred under the equitable doctrines of unclean hands, laches, estoppel, and acquiescence.
2. The Petitioner lacks standing to bring and sustain the Petition under federal law.
3. The Petitioner lacks standing to bring and sustain the state claim basis for the Petition.
4. The Petitioner is not a real party in interest.
5. The Petition is barred by the doctrine of collateral estoppel.

6. The Petition is barred by the doctrine of *res judicata*.
7. The Petitioner has failed to plead with particularity, the circumstances allegedly constituting fraud.

WHEREFORE, Respondent Courtney L. Bishop prays that Petitioner take nothing by this action, that this Honorable Board render a decision in favor of the Respondent dismissing the Petition for Cancellation with prejudice, and for all other just and proper relief in the premises.

Respectfully submitted,



Gregory P. Gadson, USPTO Atty. Reg. No. 31,354
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Noblesville, Indiana 46060
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Attorney for Respondent

CERTIFICATE OF SERVICE

The undersigned hereby certifies on the 23rd day of June, 2009, that the foregoing was served via first class mail, postage prepaid to the following:

David H.E. Bursik, Esq.
401 Hamburg Turnpike, Suite 210
Wayne, New Jersey 07470

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Clifton, New Jersey 07013



Gregory P. Gadson