

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

FORT JAMES OPERATING COMPANY and GEORGIA-PACIFIC CORPORATION, Opposers, v. SAMUEL LOUIS PAUL, Applicant.	Ser. No. 78340495 Mark: BRAWNY Opposition No. 91167043
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BOARD OF PATENT APPEALS
AND INTERFERENCES
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ANSWER TO OPPOSITION

Applicant Samuel Louis Paul ("Applicant") hereby answers the Opposition of Opposers Fort James Operating Company and Georgia-Pacific Corporation (collectively "Opposers") as follows:

1. Admitted.
2. Admitted to the extent that Opposer Georgia-Pacific is a Georgia corporation with a principal place of business located at 133 Peachtree Street, N.E. Atlanta, Georgia, 30303. Otherwise, Applicant is without knowledge or information sufficient to form a belief as to the truth of this averment, and therefore denies the same.
3. Admitted to the extent that an extension of time was obtained. Otherwise, Applicant is without knowledge or information sufficient to form a belief as to the truth of this averment, and therefore denies the same.
4. Applicant is without knowledge or information sufficient to form a belief as to the truth of this averment, and therefore denies the same.
5. Applicant is without knowledge or information sufficient to form a belief as to the truth of this averment, and therefore denies the same.
6. Admitted to the extent that Opposers have filed Serial Nos. 78/443,780,

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78/404,561, 78/402,314, 78/356,377, 78/307,184, 78/307,174, 78/307,171, 78/307,170, and 78/278,384, and have obtained Registration Nos. 2929823, 2875601, 2849299, 2635343, 2766328, 2165829, and 1062207. Otherwise, Applicant is without knowledge or information sufficient to form a belief as to the truth of this averment, and therefore denies the same.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of this averment, and therefore denies the same.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth of this averment, and therefore denies the same.

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of this averment, and therefore denies the same.

10. Denied.

11. Denied.

12. Denied.

13. Admitted to the extent that Opposers filed Application Serial Number 78307314, received a Notice of Allowance for that Application, and those documents speak for themselves. Otherwise, denied.

14. Admitted to the extent Applicant's application for Serial No. 78340495 speaks for itself. Otherwise, denied.

15. Denied.

16. Denied.

17. Denied.

18. Applicant is without knowledge or information sufficient to form a belief as to the truth of this averment, and therefore denies the same.

AFFIRMATIVE DEFENSES

1. Opposers' Opposition fails to state a claim upon which relief can be granted.
2. Opposers' claims are barred by the doctrine of laches.

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3. Opposers' claims are barred by the doctrine of waiver.
 4. Opposers' claims are barred by the doctrine of estoppel.
 5. Opposers' claims are barred by the doctrine of acquiescence.
 6. Opposers' claims are barred by the doctrine of unclean hands.
 7. Applicant has priority over any rights Opposers' may have in any "Brawny" mark.

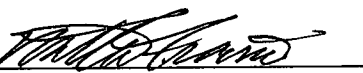
8. Applicant requests that this Opposition proceeding be suspended in light of the action commenced in the District of Nevada on April 14, 2005, styled: NexTep, Inc. v. Fort James Operating Company, et. al., Case No. CV-N-05-0227-ECR-RAM.

9. Opposers' Brawny marks are not famous.
10. Opposers Application Serial No. 78307314 should be refused registration and/or cancelled.
11. Applicant reserves the right to amend its Answer to allege additional affirmative defenses if subsequent investigation warrants the same.

WHEREFORE, Applicant prays for dismissal of Opposers' Opposition and granting registration of Serial No. 78340495.

Dated: November 17, 2005

Respectfully Submitted,

By: 
Michael D. Rounds
Matthew D. Francis
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Attorneys for Applicant
Samuel Louis Paul

CERTIFICATE OF MAILING

I certify that I am an employee of the Law Offices of Watson Rounds, a Professional Corporation, and that on this date the document entitled **ANSWER TO OPPOSITION** is being deposited with the U.S. Postal Service by "Express Mail Post Office to Addresses" service with Express Mail Label No. ED027952420US for delivery to:

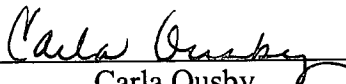
Commissioner for Trademarks
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

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Dated: November 17, 2005



Carla Ousby