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

Proceeding	91169606
Party	Defendant America's Team Properties, Inc. America's Team Properties, Inc. 20855 Kensington Boulevard Lakeville, MN 55044
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Dallas Cowboys Football Club, Ltd. and NFL
Properties LLC,

Opposers,

v.

America's Team Properties, Inc.,

Applicant.

Opposition Nos.: 91169626

91169625

91169624

91169622

91169621

91169619

91169618

91169617

91169613

91169611

91169610

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APPLICANT'S ANSWER TO OPPOSERS' NOTICE OF OPPOSITION

Applicant, America's Team Properties, Inc. states for its answer to the Notice of Opposition as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Notice of Opposition and therefore denies the same.

2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the Notice of Opposition and therefore denies the same.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 of the Notice of Opposition and therefore denies the same.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the Notice of Opposition and therefore denies the same.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Notice of Opposition and therefore denies the same.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the Notice of Opposition and therefore denies the same.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the Notice of Opposition and therefore denies the same.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first sentence of paragraph 8 of the Notice of Opposition and therefore denies the same. Applicant denies the truth of the allegations contained in the second sentence of paragraph 8 of the Notice of Opposition.

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 of the Notice of Opposition and therefore denies the same.

10. Applicant expressly denies that AMERICA'S TEAM is Opposers' mark. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 10 of the Notice of Opposition and therefore denies the same.

11. Denied.

12. Admitted.

13. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 13 of the Notice of Opposition and therefore denies the same.

14. Applicant admits to the filing date of its application, but denies the remaining allegations contained in paragraph 14 of the Notice of Opposition.

15. Applicant denies that Opposers will be damaged by registration of Applicant's mark. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 15 of the Notice of Opposition and therefore denies the same.

16. Denied. Applicant further denies that AMERICA'S TEAM points uniquely and unmistakably to the identity or persona of Opposers.

17. Applicant denies that registration should be refused under Section 2(d) of the Lanham Act. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 17 of the Notice of Opposition and therefore denies the same.

18. Denied.

19. Denied.

AFFIRMATIVE DEFENSES

1. Opposers lack standing because they have no prior rights in the AMERICA'S TEAM mark and they have admitted there is no likelihood of confusion.

2. Opposers claim under Section 2(a) of the Lanham Act is barred, inter alia, because AMERICA'S TEAM does not point uniquely and unmistakably to the identity or persona of Opposers. Indeed, members of the media and the public have used "America's Team" in reference to a wide variety of unrelated sports teams, including but not limited to: Green Bay Packers, Atlanta Braves, Washington Redskins, Arizona Diamondbacks, New England Patriots, Los Angeles Lakers, Chicago Bulls, Air Force Academy, Pittsburgh Steelers, Colorado Avalanche, Golden State Warriors, Anaheim Angels, Utah Utes, and New York Yankees, among others.

3. Opposers lack priority of rights in the AMERICA'S TEAM mark.

4. Any and all use by Opposers' of the AMERICA'S TEAM mark has been with full knowledge, direct disregard, and willful infringement of Applicant's prior federally-registered exclusive rights in the AMERICA'S TEAM mark, namely, U.S. Reg. No. 1,899,914.

5. The relief requested by Opposers is barred by the doctrine of unclean hands.

WHEREFORE, Applicant requests that this opposition proceeding be dismissed with prejudice, and that its requested registration for the AMERICA'S TEAM mark be issued.

Dated: May 15, 2006

WINTHROP & WEINSTINE, P.A.

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