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Filing date: **07/12/2006**

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

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| Proceeding | 91169664 |
| Party | Plaintiff The Coleman Company, Inc. |
| Correspondence Address | Cindy L. Caditz Klarquist Sparkman, LLP 999 Third Avenue, Suite 4200 Seattle, WA 98104 UNITED STATES cindy.caditz@klarquist.com |
| Submission | Answer to Counterclaim |
| Filer's Name | Cindy L. Caditz |
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| Signature | /Cindy L. Caditz/ |
| Date | 07/12/2006 |
| Attachments | TTAB.pdf (3 pages)(193528 bytes) |

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

5 THE COLEMAN COMPANY, INC., a Delaware
6 corporation,

7 Opposer/Counterclaim
8 Defendant,

9 v.

10 COLEMAN NATURAL PRODUCTS, INC., a
11 Delaware corporation,

12 Applicant/Counterclaim
13 Plaintiff.

Opposition No. 91169664

REPLY TO COUNTERCLAIM

14 Responsive to the counterclaim for cancellation filed by Applicant/Counterclaim
15 Plaintiff, The Coleman Company, Inc. (hereafter "Opposer/Counterclaim Defendant") replies
16 as follows:

17 1. Responsive to the allegations stated by Paragraph 1 of the counterclaim for
18 cancellation Opposer denies that Registration No. 2,522,997 should be cancelled. Opposer
19 denies that Applicant's use of the mark COLEMAN "predates the use by Opposer in
20 connection with any potentially related goods by over 20 years" and denies that Opposer has
21 "abandoned its use of the name COLEMAN in connection with products sold in Class 29."
22 Opposer is without knowledge or information sufficient to form a belief as to the truth of the
23 remaining allegations stated by Paragraph 1 and therefore denies the same.

24 2. Opposer admits the allegations stated by Paragraphs 2, 3, 4, and 5 of the
25 Counterclaim for Cancellation.

26 3. Opposer/Counterclaim Defendant is without knowledge or information
27 sufficient to form a belief as to the truth of the allegations stated by Paragraphs 6, 7, 8, 9, 10,

1 12, and 18 of the counterclaim for cancellation, and therefore denies the same. Because
2 Opposer is without knowledge or information sufficient to form a belief as to whether
3 Applicant's COLEMAN Marks are famous or, if said marks are famous, when the
4 COLEMAN Marks became famous, Opposer denies the allegations stated by Paragraphs 19,
5 20, 21, and 22 of the counterclaim for cancellation.

6 4. Responsive to the allegations stated by Paragraph 11 of the Counterclaim
7 Opposer admits that Opposer first began using the mark COLEMAN in combination with
8 prepackaged food combinations at least as early as October 2000.

9 5. Opposer denies the allegations stated by Paragraphs 13, 14, 17, 23, and 24 of
10 the counterclaim for cancellation. Opposer's Registration No. 2,522,997 issued prior to the
11 date that Applicant filed an application to register or used some of the marks included in the
12 definition of Applicant's COLEMAN Marks.

13 6. Responsive to the allegations stated by Paragraph 15 of the counterclaim for
14 cancellation, Opposer/Counterclaim Defendant admits that the mark COLEMAN is identical
15 to the mark COLEMAN, but objects to the remaining allegations stated by Paragraph 15 of
16 the counterclaim for cancellation as so vague that Opposer cannot respond thereto in that the
17 reference to "said registration" could refer to either Opposer's Registration 2,522,997 or
18 Registration No. 1,484,448.

19 7. Opposer objects to the allegations stated by Paragraph 16 of the counterclaim
20 for cancellation as so vague that Opposer cannot respond thereto in that the reference to
21 "Opposer's Registration" is vague. "Opposer's Registration" is not used in association with
22 goods per se. Opposer responds to the Paragraph by admitting that Opposer's Registration
23 2,522,997 claims the mark COLEMAN but denies that Opposer's use of the mark
24 COLEMAN with any goods claimed by Registration 2,522,997 is in violation of any rights
25 owned by Applicant and denies that Opposer's Registration 2,522,997 was granted in
26 violation of Section 2(d) of the Lanham Act.

1 WHEREFORE, Opposer/Counterclaim Defendant prays that the counterclaim be
2 dismissed.

3 Dated this 12th day of July, 2006.

4 Respectfully submitted,

5 KLARQUIST SPARKMAN, LLP

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8 Cindy L. Caditz
9 Attorneys for Opposer/Counterclaim Defendant

10 **CERTIFICATE OF FILING**

11 I hereby certify that on July 12, 2006 I electronically filed this REPLY TO
12 COUNTERCLAIM in Opposition No. 91169664 using the ESTAA electronic filing system
13 on July 12, 2006.

14 Date: July 12, 2006 

15 **CERTIFICATE OF SERVICE**

16 I hereby certify that this REPLY TO COUNTERCLAIM in Opposition No. 91169664
17 is being deposited today with the U.S. Postal Service in a sealed envelope as first class mail
18 with postage thereon fully prepaid addressed to:

19 Jill J. Chalmers, Esq.
20 Jan N. Steiert, Esq.
21 Holme Roberts & Owen, LLP
22 90 S. Cascade Ave., Suite 1300
23 Colorado Springs, CO 80903

24 Date: July 12, 2006 