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

Proceeding	91182962
Party	Plaintiff Crocs, Inc., Ocean Minded, Inc.
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Date	05/13/2008
Attachments	Crocs-Ocean Moody Creations - Answer to Counterclaim.pdf (3 pages)(22413 bytes)

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

CROCS, INC. and OCEAN MINDED, INC.

Opposition No. 91182962

Joint Opposers,

ANSWER TO COUNTERCLAIM

v.

OCEAN MOODY CREATIONS, LLC

Applicant.

In response to the Counterclaim filed by Applicant Ocean Moody Creations, LLC (“Applicant”), Opposers Crocs, Inc. and Ocean Minded, Inc. (“Opposers”) answer as follows:

1. In response to the allegations contained in paragraph 1 of the Counterclaim, Opposers state that they lack sufficient knowledge to admit or deny the allegations contained therein and therefore deny the same.

2. Opposers admit the allegations contained in paragraph 2 of the Counterclaim.

3. Opposers admit the allegations contained in paragraph 3 of the Counterclaim.

4. Opposers admit the allegations contained in paragraph 4 of the Counterclaim.

5. Opposers admit the allegations contained in paragraph 5 of the Counterclaim.

6. Opposers admit the allegations contained in paragraph 6 of the Counterclaim.

7. Opposers admit the allegations contained in paragraph 7 of the Counterclaim.

8. Opposers deny the allegations contained in paragraph 8 of the Counterclaim.

9. Opposers deny the allegations contained in paragraph 9 of the Counterclaim.

10. Opposers deny the allegations contained in paragraph 10 of the Counterclaim, including without limitation, the implied allegation that Ocean Minded ceased use of the OCEAN MINDED mark for t-shirts, sweat-shirts, shorts or hats.

11. Opposers deny the allegations contained in paragraph 11 of the Counterclaim.

ADDITIONAL DEFENSES

1. The Counterclaim fails to state a claim upon which relief can be granted.
2. The Counterclaim is barred under the doctrine of laches.

WHEREFORE, Opposers pray that Applicant's Counterclaim be dismissed with prejudice and that this opposition be sustained in favor of Opposers.

Dated: May 13, 2008

Respectfully submitted,

By: /Jennifer Daniel Collins/
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Attorneys for Opposers
Crocs, Inc. and Ocean Minded, Inc.

Filed Electronically via ESSTA.

CERTIFICATE OF SERVICE

I do hereby certify that on this 13th day of May, 2008, a true and correct copy of the above and foregoing **ANSWER TO COUNTERCLAIM** was sent via first class mail, postage prepaid, to:

Thomas L. Moses
Monahan & Moses, LLC
13-B West Washington St.
Greenville, SC 29601

/Jennifer Daniel Collins/