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Filing date: **03/17/2009**

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

Proceeding	91186977
Party	Defendant Holt Texas, Ltd.
Correspondence Address	WILLIAM B. NASH Jackson Walker L.L.P. 112 E PECAN ST STE 2400 SAN ANTONIO, TX 78205-1510 UNITED STATES dmunsch@jw.com
Submission	Answer
Filer's Name	Sean C. Crandall
Filer's e-mail	scrandallipdocket@jw.com, bnashipdocket@jw.com, llapidario@jw.com
Signature	/Sean C. Crandall/
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 76/680878  
Published in the Official Gazette on June 17, 2008

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Tele-Tracking Technologies, Inc.	.	
	.	
	Opposer,	Opposition No. 91186977
	.	Serial No. 76/680878
	.	
v.	.	
	.	
Holt Texas, Ltd.	.	
	Applicant,	.

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**ANSWER TO NOTICE OF OPPOSITION**

Holt Texas, Ltd. (hereafter “Applicant”) hereby answers the Notice of Opposition of Tele-Tracking Technologies, Inc. (hereafter “Opposer”) against the above-identified application.

When Applicant refers to paragraph numbers of the Notice of Opposition, Applicant is referring to the unnumbered paragraphs in the section “Grounds of Opposition” of the Notice of Opposition, in the order in which they appear.

1. Applicant admits that it seeks to register Application Ser. No. 76/680,878 in International Class 009.

2. Applicant admits that Opposer appears to own cancelled U.S. Trademark Reg. No. 2,233,201, as asserted in paragraph 2, to the extent that any property rights exist in a cancelled trademark registration. Applicant is without sufficient information to admit or deny

the allegations of the last sentence of paragraph 2 and accordingly denies the allegations and demands strict proof of the same. Applicant otherwise denies the allegations of paragraph 2.

3. Applicant admits that Opposer appears to own pending U.S. trademark application numbers 77/242,817, 78/742224, and 78/742223.

4. Applicant is without sufficient information to admit or deny the allegations of paragraph 4 and accordingly denies the allegations and demands strict proof of the same.

5. Applicant denies the allegations of paragraph 5.

6. Applicant denies the allegations of paragraph 6.

7. Applicant denies the allegations of paragraph 7.

8. As the nature of the alleged damage is not specified, Applicant is without sufficient information to admit or deny the allegations of paragraph 7, and accordingly denies the allegations and demands strict proof of the same.

#### **AFFIRMATIVE DEFENSES**

9. Opposer has failed to state a claim upon which relief may be granted and has failed to allege any actual damage.

10. Alternatively and/or in addition, Opposer lacks standing and has not made a prima facie pleading of harm.

11. Alternatively and/or in addition, Opposer's claims are barred by the Doctrine of Estoppel and Equitable Estoppel.

12. Alternatively and/or in addition, Opposer's claims are barred by the Doctrine of Unclean Hands.

13. Alternatively and/or in addition, each and every one of Opposer's marks are generic or descriptive with respect to Opposer's goods.

**PRAYER**

14. Accordingly, Applicant contends that this application is groundless and baseless in fact; that Opposer has not shown wherein it will be, or is likely to be, damaged by the registration of Applicant's trademark; that Applicant's trademark is manifestly distinct from and conveys a distinctly different commercial impression than any alleged mark of the Opposer or any designations of the Opposer.

Applicant respectfully requests that the Opposition be dismissed and that Applicant be granted a registration for U.S. Trademark Application Serial No. 76/682,356.

Respectfully submitted,

William B. Nash  
Sean C. Crandall  
Jackson Walker, L.L.P.  
112 East Pecan Street, Suite 2400  
San Antonio, Texas 78205  
Telephone: (210) 978-7700  
Facsimile: (210) 978-7790

/Sean C. Crandall/  
Sean C. Crandall  
[scrandall@docket@jw.com](mailto:scrandall@docket@jw.com)

Attorneys for Applicant,  
Holt Texas, Ltd.