

ESTTA Tracking number: **ESTTA440714**

Filing date: **11/11/2011**

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

Proceeding	91201968
Party	Defendant TT WoodCare A/S
Correspondence Address	CLEMENS KOCHINKE BERLINER CORCORAN & ROWE LLP 1101 17TH STREET NW STE 1100 WASHINGTON, DC 20036 UNITED STATES ck@bcr-dc.com
Submission	Answer
Filer's Name	Clemens Kochinke
Filer's e-mail	ck@bcr-dc.com, asengupta@bcr-dc.com, sp@bcr-dc.com
Signature	/clemens kochinke/
Date	11/11/2011
Attachments	Answer to Opposition.pdf ( 5 pages )(188445 bytes )

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

-----X

<b>THOMAS FLYNN,</b>	:	
	:	
<b>Opposer,</b>	:	<b>Opposition No. 91201968</b>
	:	<b>Serial No. 79002170</b>
<b>v.</b>	:	
	:	
<b>TT WoodCare A/S,</b>	:	
	:	
<b>Applicant.</b>	:	

-----X

**ANSWER TO OPPOSITION**

Applicant, TT WoodCare A/S (“WoodCare”), by and through undersigned counsel, as for their Answer to Opposer Thomas Flynn’s (“Flynn”) Opposition (“the Opposition”) to WoodCare’s trademark registration of November 12, 2010, submits the following:

1. WoodCare is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Opposition and therefore denies same.
2. Denied.
3. In reliance on a search of the USPTO’s Trademark Electronic Search System, admit that Flynn filed an application for registration of a mark containing the characters “WOCA”, on September 29, 2011, Serial No. 85/435247.
4. Denied. On information and belief, Flynn purchased WoodCare goods, labeled with WoodCare’s WOCA mark, from WoodCare, and marketed them to others. On information and belief, Flynn purchased the following products from

WoodCare, totaling approximately \$29,500.00<sup>1</sup> in goods: furniture oil (teak), wood lye (grey, white), wood cleaner, master oil (white, natural), color oil, maintenance box (white, natural), high solid master oil (white, natural), patina disc, UV oil (natural), maintenance paste (white, natural), oil refresher (natural), furniture box (teak, natural), wood quick, decking oil (redbrown, natural), outdoor wood oil (various colors), natural soap (natural), spot remover, polish cloth, replacement cotton for mop-heads.

5. Denied. On information and belief, Flynn purchased WoodCare goods labeled with WoodCare's WOCA mark.
6. Denied.
7. Denied.
8. WoodCare is without knowledge or information sufficient to form a belief as to the truth of the allegation that Flynn produces or distributes "WOCA products" and therefore denies same.
9. WoodCare is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first sentence of paragraph 9 of the Opposition and therefore denies same. WoodCare denies that the mark has become well-known in interstate commerce or otherwise as a result of Flynn's use or promotion of the mark, or as a result of any other action by Flynn.
10. Admitted.
11. WoodCare is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 and therefore denies same.

---

<sup>1</sup> Exchange rate published by Google on November 11, 2011.

12. WoodCare admits that Flynn's mark is identical to WoodCare's WOCA mark.

WoodCare denies that WoodCare's use of its WOCA mark in connection with the goods set forth in WoodCare's application for registration is likely to cause confusion or mistake, or to deceive purchasers and/or potential purchasers within the meaning of 15 U.S.C. §1052(d), as WoodCare is the owner of the mark.

13. Denied.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

**AS AND FOR AFFIRMATIVE DEFENSES  
TO THE ALLEGATIONS OF THE OPPOSITION  
WOODCARE ALLEGES:**

18. Flynn was a customer of WoodCare, and thus has no rights to the WOCA mark.

19. WoodCare is the first user of the WOCA mark in the United States, and in international commerce, and thus has superior rights to the mark in the United States.

20. WoodCare registered the WOCA mark with the German Patent and Trademark Office, registration number 306 70 930.9/02, on April 20, 2007, and thus is the owner of the mark and has superior rights to the mark in the United States.


21. WoodCare filed a Declaration of Intent to Use the WOCA Mark in the United States with the World Intellectual Property Organization on June 13, 2007, and thus has superior rights to the mark in the United States.

22. WoodCare applied for registration of the WOCA mark with the United States Patent and Trademark Office (“USPTO”) on June 7, 2011, and thus has superior rights to the mark in the United States.
23. Flynn’s alleged damages are the result of acts or omissions committed by Flynn.
24. WoodCare reserves the right to file such additional defenses as may be appropriate upon completion of its investigation and discovery.

Dated: Washington, D.C.  
November 11, 2011

BERLINER, CORCORAN & ROWE, L.L.P

By: \_\_\_\_\_

  
Clemens Kochinke  
Ankhi Sengupta

Berliner, Corcoran & Rowe, L.L.P.  
Suite 1100  
1101 17<sup>th</sup> Street, N.W.  
Washington, D.C. 20036  
Tel: (202) 293-5555  
Fax: (202) 293-9035  
Email: ck@bcr-dc.com

Counsel for TT WoodCare A/S

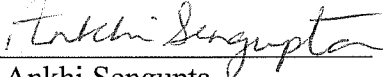
**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Answer to Opposition was served on Opposer Thomas Flynn this 11th day of November 2011, via email at:

lmaxwell@srtslaw.com;  
rdulaney@srtslaw.com.

I hereby certify that a copy of the foregoing Answer to Opposition was served on Opposer Thomas Flynn the 14th day of November 2011, via first class mail, postage pre-paid, on:

Lawrence D. Maxwell  
Robert B. Dulaney III  
Smith Risley Tempel Santos LLC  
Two Ravinia Drive, Suite 700  
Atlanta, Georgia 30346

  
Ankhi Sengupta