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

Proceeding	91202256
Party	Defendant Louisiana Swampers Group Licensing Program, L.L.C.am, L.L.C.
Correspondence Address	NAMISHA D. PATEL THE MAUGHAN LAW FIRM 634 CONNELLS PARK LN BATON ROUGE, LA 70806-6534 npatel@maughanlaw.com
Submission	Answer
Filer's Name	Roy H. Maughan, Jr.
Filer's e-mail	rmaughanjr@maughanlaw.com, npatel@maughanlaw.com, sdunaway@maughanlaw.com
Signature	/s/ Roy H. Maughan, Jr.
Date	12/06/2011
Attachments	Answer to Notice of Opposition.pdf (5 pages)(41902 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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A&E Television Networks, LLC)	
Opposer,)	
)	
Versus)	Opposition Number:
)	91202256
)	
Louisiana Swampers Group Licensing Program, LLC)	
Applicant.)	

ANSWER TO NOTICE OF OPPOSITION

Applicant, Louisiana Swampers Group Licensing Program, LLC, a Louisiana limited liability company with an address at 634 Connell’s Park Lane, Baton Rouge, Louisiana 70806 (“Applicant”), answers A&E Television Networks, LLC’s Notice of Opposition as follows:

1. The allegations of Paragraph 1 are admitted.
2. The allegations of Paragraph 2 are admitted.
3. The allegations of Paragraph 3 are admitted.
4. The allegations of Paragraph 4 are denied. Opposer registered a service mark registration for the SWAMP PEOPLE mark (Registration No. 3,874,077) on January 15, 2009. Additionally, Applicant is unaware and therefore denies that Opposer has used the Swamp People Mark as a Trademark as early as August 22, 2010.
5. The allegations of Paragraph 5 are denied.
6. The allegations of Paragraph 6 are denied.
7. The allegations of Paragraph 7 are denied.
8. The allegations of Paragraph 8 are denied.
9. The allegations of Paragraph 9 are denied.

10. The allegations of Paragraph 10 are denied.

11. The allegations of Paragraph 11 are denied.

12. The allegations of Paragraph 12 are denied.

AFFIRMATIVE DEFENSES

1.

There is no likelihood of confusion, mistake or deception because, *inter alia*, Applicant's mark and the pleaded marks of Opposer are not confusingly similar.

2.

There is no likelihood of confusion, mistake or deception because, *inter alia*, Applicant's mark is not confusingly similar to the pleaded marks of Opposer. Opposer's pleaded marks are limited to "entertainment services, namely a multimedia program series via various platforms across multiple forms of transmission media that highlights people and communities that foster an alternative or counterculture lifestyle" and there is no such connotation with Applicant's mark.

3.

Applicant further affirmatively alleges equitable principals of unclean hands, laches, estoppel and acquiescence, *inter alia*, Opposer has acquiesced in Applicant's issuance of licenses to third parties authorizing use of the Swamp People mark and has been receiving a share of the licensing income from the Applicant's licenses.

4.

There is no likelihood of confusion, mistake or deception because, *inter alia*, Applicant's mark is not confusingly similar to the pleaded marks of Opposer. Any similarity, if at all, between Applicant's mark and the pleaded marks of Opposer is in the term "Swamp" or

“People” which, upon information and belief, the terms “Swamp” and “People” refer to an indigenous people of South Louisiana and has been used and registered by numerous third parties in the clothing and clothing-related fields. As a result, Opposer cannot base any similarity between its pleaded marks and the mark of Applicant on the term “Swamp” or “People.” Further, any secondary meaning associated with the term “Swamp People” as it pertains to clothing or other goods described in Class 041 was established by Applicant through a senior and superior use by a group of individuals represented by the Louisiana Swampers Group Licensing Program who are in fact from an indigenous origin and have the right to use their name, likeness and image in commerce.

5.

Applicant further affirmatively alleges that the mark portion “Swamp” and the word portion “People” is common in the clothing field and cannot be distinctive to the Opposer. Many third party registrations and uses now exist and have existed of “Swamp” and/or “People” containing marks in the clothing field.

6.

Applicant contends that this Opposition 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 any alleged mark of the Opposer or any designation of the Opposer and Applicant prays that this Opposition be dismissed and that Applicant be granted registration of its trademark.

WHEREFORE, Applicant, Louisiana Swampers Group Licensing Program, L.L.C. prays that the Opposition filed on behalf of A&E Television Network, L.L.C. be denied and that registration of Application Serial No. 85/247160 is granted.

Respectfully submitted,

THE MAUGHAN LAW FIRM

By: /s/ Roy H. Maughan, Jr. /

ROY H. MAUGHAN, JR., #17672

NAMISHA D. PATEL, #31911

634 CONNELL'S PARK LANE

BATON ROUGE, LOUISIANA 70806

Telephone: (225) 926-8533

Rmaughanjr@maughanlaw.com

rnpatel@maughanlaw.com

*Attorneys for Louisiana Swampers Group
Licensing Program, L.L.C.*

Dated: December 4, 2011

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that I caused a true and correct copy of the foregoing ANSWER to be served upon:

Monica B. Richman, Esq.
Mary S. Mathew, Esq.
SNR Denton US LLP
P.O. Box #061080
Wacker Drive Station, Willis Tower
Chicago, IL 60606
212-768-5367
monica.richman@snrdenton.com
mary .mathew@snrdenton.com
trademarks@snrdenton.com
Attorneys for A&E Television Networks, LLC

By placing same in an envelope, properly sealed and addressed, with postage prepaid and depositing same with the United States Postal Service on this 6th day of December, 2011.

/s/ /Roy H. Maughan, Jr. /

ROY H. MAUGHAN, JR.

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