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

Proceeding	91207385
Party	Defendant Eleven IP Holdings LLC
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Submission	Answer
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Date	11/19/2012
Attachments	Applicant's Answer to the Notice of Opposition.PDF ( 4 pages )(55484 bytes )

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

EAGLE CREEK, INC.	)	
Opposer,	)	Opposition No. 91207385
	)	Serial No. 85/458,469
	)	Mark: 11 & Design
v.	)	
	)	
	)	
ELEVEN IP HOLDINGS LLC	)	
Applicant.	)	
	)	
	)	

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**APPLICANT’S ANSWER TO THE NOTICE OF OPPOSITION**

Eleven IP Holdings LLC (hereinafter referred to as “Applicant”), by and through its counsel, Foley & Lardner LLP, hereby responds to the Notice of Opposition filed by Eagle Creek, Inc. (hereinafter referred to as “Opposer”) on October 8, 2012 as follows.

First un-numbered Paragraph. With respect to Opposer’s statements concerning the serial number assigned to the Applicant’s application by the United States Patent and Trademark Office (“PTO”), the date on which the PTO published Applicant’s mark for opposition in the *Official Gazette*, the services listed in Applicant’s application, and that Opposer opposes such application, such statements are factual observations that require no answer. Applicant denies the allegation of damage set forth in the first unnumbered paragraph of the Notice of Opposition. Applicant has insufficient knowledge or information to form a belief as to the truth of the remaining information and allegations set forth in the first unnumbered paragraph of the Notice of Opposition and therefore denies the same.

Second un-numbered Paragraph. With respect to Opposer's statements concerning the purported basis for its opposition, such statements are factual observations that require no answer. Applicant has insufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in the second unnumbered paragraph of the Notice of Opposition, including the validity of Opposer's claimed registrations, applications, and rights, and therefore denies the same.

1. Applicant has insufficient knowledge or information to form a belief as to the truth of the allegations set forth in numbered Paragraph 1 of the Notice of Opposition and therefore denies the same.

2. Applicant admits only that it filed the subject application on October 27, 2011. Applicant has insufficient knowledge or information to form a belief as to the truth of the remaining allegations, including Opposer's alleged use of Opposer's Marks, the validity of its registrations and/or applications, and the dates from which any trademark rights accrue, as set forth in numbered Paragraph 2 of the Notice of Opposition and therefore denies the same. With respect to Opposer's statement that its registrations afford it exclusive rights to use Opposer's Marks, such statement is a legal conclusion that requires no answer.

3. Applicant has insufficient knowledge or information to form a belief as to the truth of the allegations set forth in numbered Paragraph 3 of the Notice of Opposition and therefore denies the same.

4. Applicant admits the allegations set forth in numbered Paragraph 4 of the Notice of Opposition.

5. Applicant denies the allegations set forth in numbered Paragraph 5 of the Notice of Opposition.

6. Applicant denies the allegations set forth in numbered Paragraph 6 of the Notice of Opposition.

7. With respect to the statement concerning the rights conferred by federal registration, such statement is a legal conclusion that requires no answer. Applicant denies the allegations of damage and injury set forth in numbered Paragraph 7 of the Notice of Opposition.

8. Applicant denies the allegations set forth in numbered Paragraph 8 of the Notice of Opposition.

9. Applicant denies the allegations set forth in numbered Paragraph 9 of the Notice of Opposition.

**AFFIRMATIVE DEFENSE**

10. The Notice of Opposition fails to state a claim upon which relief can be granted.

WHEREFORE, Applicant requests that the opposition be dismissed with prejudice and on the merits.

Respectfully submitted,  
Attorneys for Applicant, Eleven IP Holdings LLC.

Date: November 19, 2012

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

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Applicant's **Answer to the Notice of Opposition** was served on the counsel for Opponent on November 19, 2012, by mailing the same, via first class U.S. mail, postage prepaid, to the Opposer's counsel, addressed as follows:

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Bruce P. M...  
Foley & Lardner LLP