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Filing date: **12/19/2012**

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

Proceeding	91207780
Party	Plaintiff Genesco Brands, Inc.
Correspondence Address	Tywanda H. Lord Kilpatrick Townsend & Stockton LLP 1100 Peachtree Street Suite 2800 Atlanta, GA 30309-4528 UNITED STATES tlord@kilpatricktownsend.com, tmadmin@ktslaw.com, lcrumbley@ktslaw.com, jshanks@ktslaw.com
Submission	Motion to Strike
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Signature	/Jaclyn T. Shanks/
Date	12/19/2012
Attachments	2012.12.19 Motion to Strike (Genesco).pdf (3 pages)(77484 bytes)

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

GENESCO BRANDS INC.)	
)	
)	
Opposer,)	
)	Serial No.: 85/524,287
v.)	Opposition No. 91207780
)	
IRVING EARL DUNN SR.,)	
)	
Applicant.)	

MOTION TO STRIKE ANSWER

Opposer Genesco Brands Inc. (“Genesco”) filed a Notice of Opposition on October 31, 2012 against Application Serial No. 85/524,287. On November 1, 2012, the Board issued a scheduling order setting December 11, 2012 as the deadline on which Applicant Irving Earl Dunn, Sr. (“Applicant”) was required to file his Answer to the Opposition. Applicant filed a document entitled “Answer” on December 13, 2012.¹ The document Applicant filed is legally insufficient and should be stricken.

In accordance with 37 CFR § 2.106(b)(1), an “answer shall . . . admit or deny the averments upon which the opposer relies.” Applicant did not admit or deny any of the averments in the Opposition. Rather, Applicant discusses his religious affiliation and provides his interpretation of the mark’s religious meaning.

Because Applicant’s Answer is legally insufficient, it should be stricken. Genesco respectfully requests that the Board either issue an order to show cause why default judgment should not be entered or order Applicant to file an Answer that admits or denies each of the numbered paragraphs in the Notice of Opposition by a date set by the Board.

¹ Applicant’s Answer was filed by mail and did not include a certificate of mailing. Accordingly, Applicant’s answer was docketed by the Trademark Office as having been filed on December 13, 2012, two days after the deadline.

Respectfully submitted this 19th day of December, 2012.

/ Jaclyn T. Shanks/

Jaclyn T. Shanks

Tywanda H. Lord

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Attorneys for Opposer

Genesco Brands Inc.

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GENESCO BRANDS INC.)
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CERTIFICATE OF SERVICE

I hereby certify that on this date I served the foregoing **MOTION TO STRIKE ANSWER** upon Applicant by causing a copy thereof to be deposited with the United States Postal Service, postage prepaid and addressed as follows:

Irving Earl Dunn Sr.
1002 Birchwood Village Drive
Nashville, North Carolina 27856-1299

This the 19th day of December, 2012.

/Jaclyn T. Shanks/
Jaclyn T. Shanks
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Attorneys for Opposer
Genesco Brands Inc.