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Filing date: **12/18/2013**

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

Proceeding	91213395
Party	Defendant Westall Ranches, LLC
Correspondence Address	JUSTIN R. JACKSON PEACOCK MYERS, P.C. 201 3RD ST NW STE 1340 ALBUQUERQUE, NM 87102-3368 UNITED STATES info@peacocklaw.com;jjackson@peacocklaw
Submission	Answer
Filer's Name	Justin R. Jackson
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Signature	/Justin R. Jackson/
Date	12/18/2013
Attachments	Answer to Opposition 121813.pdf(999252 bytes)

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

In the Matter of Application:

Serial No.: 85/625,846
Filed: May 15, 2012
Applicant: Westall Ranches, LLC
Mark: BRINKS BRANGUS
For: Cattle semen for a breed of cattle that are a polled, black or red breed of beef cattle produced by crossbreeding of Brahman and Angus cattle, namely, Brangus cattle semen; and

Live cattle and cattle embryos that represent a breed of cattle that are a polled, black or red breed of beef cattle produced by crossbreeding of Brahman and Angus cattle, namely, Brangus live cattle and cattle embryos.

Classes: IC005 and IC031

Published in the Official Gazette of October 29, 2013.

BRINK'S NETWORK, INC.,)	
)	
Opposer,)	
)	Opposition No. 91213395
v.)	
)	
WESTALL RANCHES, LLC,)	
)	
Applicant.)	

APPLICANT'S ANSWER TO OPPOSER'S NOTICE OF OPPOSITION

Applicant, Westall Ranches, LLC, by and through its undersigned counsel, hereby responds to the following numbered paragraphs of Opposer's Notice of Opposition to the application of Westall Ranches to register its mark for BRINKS BRANGUS (U.S. Application Serial No. 85/625,846), as follows:

1. Applicant admits the allegations of this paragraph of the Opposition.

2. Applicant admits the allegations of this paragraph of the Opposition.
3. Applicant admits the allegations of this paragraph of the Opposition.
4. Applicant is without knowledge or information sufficient to admit or deny the allegations of this paragraph of the Opposition, and accordingly denies them.
5. Applicant is without knowledge or information sufficient to admit or deny the allegations of this paragraph of the Opposition, and accordingly denies them.
6. Applicant is without knowledge or information sufficient to admit or deny the allegations of this paragraph of the Opposition, and accordingly denies them.
7. Applicant denies the allegations of this paragraph of the Opposition.
8. Applicant is without knowledge or information sufficient to admit or deny the allegations of this paragraph of the Opposition, and accordingly denies them.
9. Applicant is without knowledge or information sufficient to admit or deny the allegations of this paragraph of the Opposition, and accordingly denies them.
10. Applicant is without knowledge or information sufficient to admit or deny the allegations of this paragraph of the Opposition, and accordingly denies them.
11. Applicant is without knowledge or information sufficient to admit or deny the allegations of this paragraph of the Opposition, and accordingly denies them.
12. Applicant is without knowledge or information sufficient to admit or deny the allegations of this paragraph of the Opposition, and accordingly denies them.
13. Applicant is without knowledge or information sufficient to admit or deny the

allegations of this paragraph of the Opposition, and accordingly denies them.

14. Applicant is without knowledge or information sufficient to admit or deny the allegations of this paragraph of the Opposition, and accordingly denies them.

15. Applicant is without knowledge or information sufficient to admit or deny the allegations of this paragraph of the Opposition, and accordingly denies them.

16. Applicant is without knowledge or information sufficient to admit or deny the allegations of this paragraph of the Opposition, and accordingly denies them.

17. Applicant is without knowledge or information sufficient to admit or deny the allegations of this paragraph of the Opposition, and accordingly denies them.

18. Applicant is without knowledge or information sufficient to admit or deny the allegations of this paragraph of the Opposition, and accordingly denies them.

19 – 21. The Notice of Opposition is missing paragraphs numbered 19 through 21. Applicant is without knowledge as to whether allegations that would have been set forth in paragraphs so numbered actually exist, and accordingly denies any such allegations if they do in fact exist.

22. Applicant denies the allegations of this paragraph of the Opposition.

23. Applicant denies the allegations of this paragraph of the Opposition.

24. Applicant denies the allegations of this paragraph of the Opposition.

Affirmative Defenses.

As and for its Affirmative Defenses, Applicant asserts the following:

1. Opposer's Opposition is barred by laches.
2. Opposer's Opposition is barred under principles of waiver and estoppel.
3. Opposer's Opposition represents an improper attempt to misuse Opposer's trademarks and trademark registrations for the unlawful purpose of monopolizing the use of the word "Brinks" in interstate or foreign commerce.
4. Opposer's trademarks have become generic for use in connection with financial security transportation services and accordingly do not evidence or indicate a source of origin as necessary to permit Opposer to claim exclusive use of these trademarks for any purposes; and Opposer's Opposition fails for that reason among others.
5. There is no likelihood that the relevant public will be confused as to the source or origin of Opposer's goods or services by Applicant's use or registration of the mark that is the subject of its application.
6. Applicant will assert any additional affirmative defenses that may be determined applicable during the discovery or testimony periods in this proceeding.

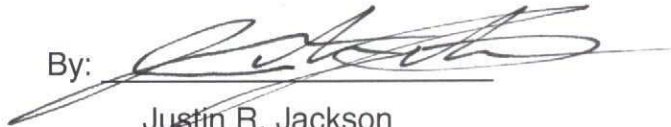
Relief

For the reasons set forth above, Opposer's Opposition should be denied and dismissed with prejudice; and Applicant should be awarded its costs and whatever further relief the Board deems just.

Respectfully submitted,
PEACOCK MYERS, P.C.

Date: 12/18/13

By:

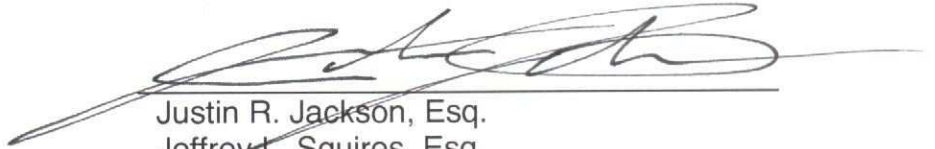


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CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **APPLICANT'S ANSWER TO OPPOSER'S NOTICE OF OPPOSITION** upon Opposer's counsel by depositing one copy thereof in the United States Mail, first-class postage prepaid, on December 18, 2013, addressed as follows:

Alan S. Cooper
Kimberly Sikora Panza
Wiley Rein LLP
1776 K Street, N.W.
Washington, D.C. 20006

A handwritten signature in black ink, appearing to read "Justin R. Jackson", is written over a horizontal line. The signature is fluid and cursive.

Justin R. Jackson, Esq.
Jeffrey L. Squires, Esq.
Attorneys for Applicant