

ESTTA Tracking number: **ESTTA658362**

Filing date: **02/27/2015**

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

Proceeding	91220439
Party	Defendant Pickin' Cotton Communications, LLC
Correspondence Address	PICKIN' COTTON COMMUNICATIONS, LLC PICKIN' COTTON COMMUNICATIONS, LLC 232 IVORY ST LAFAYETTE, LA 70506-5755 admin@hoodprepclothing.com
Submission	Answer
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Signature	/Matt Fogarty, MD/
Date	02/27/2015
Attachments	PCC - Answer - final.pdf(136375 bytes)

sufficient knowledge or information to form a belief as to the truth or accuracy of such allegations contained therein and accordingly denies the allegations.

3. Answering paragraph 2 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the truth or accuracy of such allegations contained therein and accordingly denies the allegations.

4. Answering paragraph 3 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the truth or accuracy of such allegations contained therein and accordingly denies the allegations.

5. Answering paragraph 4 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the truth or accuracy of such allegations contained therein and accordingly denies the allegations.

6. Answering paragraph 5 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the truth or accuracy of such allegations contained therein and accordingly denies the allegations.

7. Answering paragraph 6 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the truth or accuracy of such allegations contained therein and accordingly denies the allegations.

8. Answering paragraph 7 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the truth or accuracy of such allegations contained therein and accordingly denies the allegations.

9. Answering paragraph 8 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the truth or accuracy of such

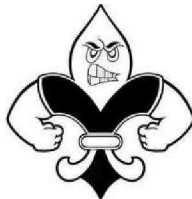
allegations contained therein and accordingly denies the allegations.

10. Answering paragraph 9 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the truth or accuracy of such allegations contained therein and accordingly denies the allegations.

11. Answering paragraph 10 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the truth or accuracy of such allegations contained therein and accordingly denies the allegations.

12. Answering paragraph 11 of the Notice of Opposition, Applicant admits allegations thereof.

13. Answering paragraph 12 of the Notice of Opposition, On May 8, 2014 Applicant admits filing intent-to-use on Application Serial No. 86/276/380 to register a mark with the Description "The mark consists of a fleur de lis with a mean facial expression. The fleur de lis appears to be flexing its muscular body", depicted below, for use in connection with "Cap visors; Golf caps; Graphic T-shirts; Hats; Jackets; Jackets and socks; Pants; Polo shirts; Shorts; Sweat pants; Sweat shirts, and Color is not claimed as a feature of the mark. As to any other allegations regarding Applicant, Applicant denies the allegations.



14. Answering paragraph 13 of the Notice of Opposition, Applicant, admits the application for Applicant's mark was first published for opposition in the Official

Gazette dated October 7, 2014. Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations, including any allegations that Opposer timely filed extensions of time to oppose the application or is allowed until February 4, 2015 to file a Notice of Opposition.

15. Answering Paragraph 14 of the Notice of Opposition, Applicant specifically denies each and every allegation contained therein.

16. Answering Paragraph 15 of the Notice of Opposition, Applicant specifically denies each and every allegation contained therein.

17. Answering Paragraph 16 of the Notice of Opposition, Applicant specifically denies each and every allegation contained therein.

18. Answering paragraph 17 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

19. Answering paragraph 18 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

20. Answering Paragraph 19 of the Notice of Opposition, Applicant specifically denies each and every allegation contained therein.

AFFIRMATIVE DEFENSES

1. Applicant affirmatively alleges that Opposer's Notice of Opposition fails to state a claim upon which relief can be granted.

2. Applicant affirmatively alleges that Applicant's mark and the alleged trademark

registrations listed in Opposer's Notice of Opposition are different in sound, appearance, meaning, and commercial impression, and that the goods of the parties are unrelated and marketed through different channels of trade.

3. Applicant affirmatively alleges that fleur de lis design and the term "FLEUR DE LIS" have been used by various third parties for various goods and services, and as such, are "weak" marks that are entitled to limited protection.

WHEREFORE, Applicant contends that this opposition is groundless and baseless in fact; that Opposer has not shown wherein it will be, or 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 will be dismissed with prejudice and that Applicant be granted registration of its trademark.

Date: February 27, 2015

Respectfully submitted,

/Matt Fogarty, MD/

Matt Fogarty, MD

Principle, Chief Operations Officer

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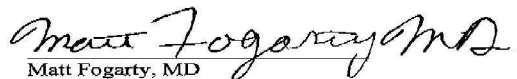
mfogartymd@hotmail.com

Applicant Representative

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was served on Opposer by first class mail at the address of record below on this 27th day of February, 2015:

Alicia Grahn Jones
KILPATRICK TOWNSEND & STOCKTON LLP
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Matt Fogarty, MD

Applicant Representative