

ESTTA Tracking number: **ESTTA669122**

Filing date: **04/28/2015**

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	MATT FOGARTY PICKIN' COTTON COMMUNICATIONS LLC 232 IVORY ST LAFAYETTE, LA 70506-5755 UNITED STATES admin@hoodprepclothing.com, mfogartymd@hotmail.com, hoodprepclothing.com
Submission	Answer
Filer's Name	Matt Fogarty, MD
Filer's e-mail	mfogartymd@hotmail.com
Signature	/Matt Fogarty,MD/
Date	04/28/2015
Attachments	PCC - Answer to Amended Notice 4 - 28 - 15 - final.pdf(137523 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 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.

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

14. Answering paragraph 13 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" in International Class 25 and US Classes 022, 039 ,and Color is not claimed as a feature of the mark. As to any other allegations regarding Applicant, Applicant denies the allegations.



15. Answering paragraph 14 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.

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 specifically denies each and every allegation contained therein.

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 does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

21. Answering paragraph 20 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.

22. Answering paragraph 21 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.

23. Answering paragraph 22 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.

24. Answering paragraph 22(a) 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.

25. Answering paragraph 22(b) 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.

26. Answering paragraph 22(c) 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.

27. Answering paragraph 22(d) 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.

28. Answering Paragraph 23 of the Notice of Opposition, Applicant specifically denies each and every allegation contained therein.

29. Answering Paragraph 24 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: April 28, 2015

Respectfully submitted,

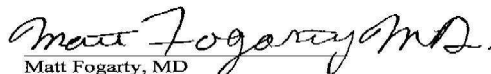
/Matt Fogarty, MD/

Matt Fogarty, MD
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Pickin' Cotton Communications, LLC
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Lafayette, LA 70506
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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 AMMENDED NOTICE OF OPPOSITION was courtesy emailed and served on Opposer by first class mail at the address of record below on this 28th of April, 2015:

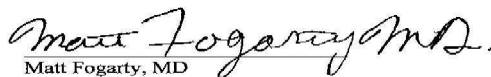
Alicia Grahn Jones
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1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309-4530
(404) 815-6500


Matt Fogarty, MD

Applicant Representative

CERTIFICATE OF TRANSMITTAL

I hereby certify that a true and correct copy of the foregoing ANSWER TO AMMENDED NOTICE OF OPPOSITION is being filed electronically with the TTAB via ESTTA on this day, 28th of April, 2015:


Matt Fogarty, MD

Applicant Representative