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

Proceeding	91234088
Party	Defendant Mississippi Children's Home Services, Inc.c.
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Submission	Answer
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Date	05/23/2017
Attachments	Answer to Notice of Opposition.pdf(92037 bytes )

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

In the Matter of Application Serial No. 87165908

Filed: September 9, 2016

Published: December 20, 2016

**HILTON INTERNATIONAL HOLDING USA  
CORPORATION,**

**Opposer**

**v.**

**Opposition No. 91234088**

**MISSISSIPPI CHILDREN'S HOME SERVICES, INC.,**

**Applicant**

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**ANSWER TO NOTICE OF OPPOSITION**

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Mississippi Children's Home Services, Inc. ("Applicant") hereby answers Hilton International Holding USA Corporation's ("Opposer") Notice of Opposition, as follows:

1. The allegations in the first unnumbered paragraph, beginning "Hilton International Holding USA Corporation" are denied.
2. As to paragraphs 1, 2, 3, and 4, Applicant is without sufficient information to form a belief therein, and thus, denies the allegations contained therein, leaving Opposer to its strict proof at the trial of this cause.
3. The allegation in paragraph 5 is admitted.
4. The allegations in paragraphs 6 and 7 are denied.
5. The allegations in the last unnumbered paragraph, beginning "WHEREFORE," are denied, and Applicant denies Opposer is entitled to any relief whatsoever.

## **AFFIRMATIVE DEFENSES**

6. Opposer has not pleaded any law or facts that justify a refusal to register Applicant's mark, and consequently, Opposer has failed to state a claim upon which relief can be granted.

7. Opposer has failed to establish any likelihood of confusion, mistake, or deception of the public given that the services offered by the respective parties are categorically and distinctively different.

8. The Trademark Examining Attorney assigned to the application at issue concluded that there were no similar registered or pending marks, including Opposer's mark, that would bar registration of Applicant's mark. Accordingly, Opposer has failed to establish that Applicant's mark is likely to cause confusion, mistake, or to deceive the public as to an association with Opposer's mark or associated services.

9. Applicant affirmatively pleads the defenses of unclean hands, laches, estoppel, and acquiescence.

WHEREFORE, Applicant requests that Opposer's Notice of Opposition be dismissed in its entirety, and that a registration issue to Applicant for its mark.

Respectfully submitted,

**MISSISSIPPI CHILDREN'S HOME SERVICES, INC.**

By: /s/ D. Jason Childress  
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### **CERTIFICATE OF ELECTRONIC MAILING**

I hereby certify that the foregoing Answer to the Notice of Opposition is being submitted electronically through the Trademark Trial and Appeal Board's ESTTA system on this 23rd day of May, 2017.

/s/ D. Jason Childress

### **CERTIFICATE OF SERVICE**

I hereby certify that, on May 23, 2017, I caused a true and correct copy of the foregoing Answer to the Notice of Opposition to be sent via email and via First-Class Mail, postage pre-paid, to Opposer's Attorneys of Record, listed below:

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/s/ D. Jason Childress