

ESTTA Tracking number: **ESTTA826278**

Filing date: **06/12/2017**

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

Proceeding	91234347
Party	Defendant Archie Ward
Correspondence Address	JULIE TENNYSON Marcum Tennyson PLLC PO Box 9551 PADUCAH, KY 42002 jtennyson@marcumtennyson.com, jultenn6@yahoo.com
Submission	Answer
Filer's Name	Julie A. Tennyson
Filer's e-mail	jtennyson@marcumtennyson.com, jultenn6@yahoo.com
Signature	/Julie A. Tennyson/
Date	06/12/2017
Attachments	Ward Answer.pdf(81047 bytes) Exhibit A Obey God .pdf(187419 bytes) Exhibit B Obey no boundaries wild dawg.pdf(195478 bytes)

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

Serial No.: 87135014
Mark: **OBED THE LAW AND NO ONE WILL FALL**
Published: January 3, 2017
Int'l Class: 025

BOLD STRATEGIES INC.)	
a California Corporation)	
)	
Opposer,)	
)	
v.)	Opposition No. 91234347
)	
)	
Archie Ward)	
)	
Applicant.)	

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

ANSWER

Comes the Applicant, Archie Ward, by and through counsel, and for his Answer to the Opposer's Notice of Opposition, states and alleges as follows:

FIRST DEFENSE

Opposer's Notice of Opposition fails to state a cause of action upon which relief can be granted and the same should be dismissed with prejudice in final bar of actions.

SECOND DEFENSE

The following numerical paragraphs correspond with the numbered paragraphs contained in the Opposer's Notice of Opposition:

1. Applicant admits Paragraph 1.
2. Applicant admits Paragraph 2.
3. Applicant admits Paragraph 3.
4. Applicant admits Paragraph 4.
5. The documents pertaining to Paragraph 5 of the Opposer's Notice of Opposition speak for themselves. To the extent they do not, the Applicant denies the allegations in Paragraph 5.
6. Applicant admits Paragraph 6.
7. Applicant admits Paragraph 7.
8. The documents pertaining to Paragraph 8 of the Opposer's Notice of Opposition speak for themselves. To the extent they do not, the Applicant denies the allegations in Paragraph 8.
9. The documents pertaining to Paragraph 9 of the Opposer's Notice of Opposition speak for themselves. To the extent they do not, the Applicant denies the allegations in Paragraph 9.
10. The documents pertaining to Paragraph 10 of the Opposer's Notice of Opposition speak for themselves. To the extent they do not, the Applicant denies the allegations in Paragraph 10.
11. The documents pertaining to Paragraph 11 of the Opposer's Notice of Opposition speak for themselves. To the extent they do not, the Applicant denies the allegations in Paragraph 11.

12. The documents pertaining to Paragraph 12 of the Opposer's Notice of Opposition speak for themselves. To the extent they do not, the Applicant denies the allegations in Paragraph 12.

13. The documents pertaining to Paragraph 13 of the Opposer's Notice of Opposition speak for themselves. To the extent they do not, the Applicant denies the allegations in Paragraph 13.

14. The documents pertaining to Paragraph 14 of the Opposer's Notice of Opposition speak for themselves. To the extent they do not, the Applicant denies the allegations in Paragraph 14.

15. The documents pertaining to Paragraph 15 of the Opposer's Notice of Opposition speak for themselves. To the extent they do not, the Applicant denies the allegations in Paragraph 15.

16. The documents pertaining to Paragraph 16 of the Opposer's Notice of Opposition speak for themselves. To the extent they do not, the Applicant denies the allegations in Paragraph 16.

17. The documents pertaining to Paragraph 17 of the Opposer's Notice of Opposition speak for themselves. To the extent they do not, the Applicant denies the allegations in Paragraph 17.

18. The documents pertaining to Paragraph 18 of the Opposer's Notice of Opposition speak for themselves. To the extent they do not, the Applicant denies the allegations in Paragraph 18.

19. The documents pertaining to Paragraph 19 of the Opposer's Notice of Opposition speak for themselves. To the extent they do not, the Applicant denies the allegations in Paragraph 19.

20. The documents pertaining to Paragraph 20 of the Opposer's Notice of Opposition speak for themselves. To the extent they do not, the Applicant denies the allegations in Paragraph 20.

21. The documents pertaining to Paragraph 21 of the Opposer's Notice of Opposition speak for themselves. To the extent they do not, the Applicant denies the allegations in Paragraph 21.

22. The Applicant is without sufficient information to admit or deny the allegations contained in Paragraph 22 of the Opposer's Notice of Opposition, and therefore denies the same.

23. The Applicant is without sufficient information to admit or deny the allegations contained in Paragraph 23 of the Opposer's Notice of Opposition, and therefore denies the same.

24. The Applicant is without sufficient information to admit or deny the allegations contained in Paragraph 24 of the Opposer's Notice of Opposition, and therefore denies the same.

25. The Applicant is without sufficient information to admit or deny the allegations contained in Paragraph 25 of the Opposer's Notice of Opposition, and therefore denies the same.

26. The Applicant is without sufficient information to admit or deny the allegations contained in Paragraph 26 of the Opposer's Notice of Opposition, and therefore denies the same.

27. The Applicant denies the allegations contained in Paragraph 27 of the Opposer's Notice of Opposition.

28. The Applicant denies the allegations contained in Paragraph 28 of the Opposer's Notice of Opposition.

29. The Applicant denies the allegations contained in Paragraph 29 of the Opposer's Notice of Opposition.

30. The Applicant denies the allegations contained in Paragraph 30 of the Opposer's Notice of Opposition.

31. The Applicant denies the allegations contained in Paragraph 31 of the Opposer's Notice of Opposition.

32. The Applicant denies the allegations contained in Paragraph 32 of the Opposer's Notice of Opposition.

33. The Applicant denies the allegations contained in Paragraph 33 of the Opposer's Notice of Opposition.

34. The Applicant denies the allegations contained in Paragraph 34 of the Opposer's Notice of Opposition.

35. The Applicant denies the allegations contained in Paragraph 35 of the Opposer's Notice of Opposition.

36. The Applicant denies the allegations contained in Paragraph 36 of the Opposer's Notice of Opposition.

37. The Applicant denies the allegations contained in Paragraph 37 of the Opposer's Notice of Opposition.

THIRD DEFENSE

Upon information and belief, Opposer's trademark did not have substantially exclusive and continuous use in commerce for the entire period that Opposer claims.

FOURTH DEFENSE

Opposer's trademarks are in whole or in part generic or merely descriptive.

FIFTH DEFENSE

Applicant's trademark is arbitrary and has a totally different meaning from Opposer's trademark.

SIXTH DEFENSE

Applicant markets its products in different marketing channels from Opposer.

SEVENTH DEFENSE

Applicant was unaware of Opposer's trademark when it began using the mark.

EIGHTH DEFENSE

Prior to filing for trademark registration, Applicant noted that many other entities used Obey in their name including but not limited to OGHBYRG Obey God & He'll Bless You Real Good (Exhibit A) in Class 025 for t-shirts and OBEY NO BOUNDARIES... WILD DAWG (Exhibit B) both in Class 025 for clothing including t-shirts and caps.

NINTH DEFENSE

Applicant's mark OBEY THE LAW AND NO ONE WILL FALL is distinguishable in meaning, sight, and sound from Opposer's marks.

TENTH DEFENSE

Applicant pleads any and all affirmative defenses available under Fed. R. Civ. Pro. 8 including but not limited to duress, estoppel, failure of consideration, fraud, illegality, laches, license, payment, release, res judicata, statute of limitations, unclean hands, inequitable conduct, acquiescence, and waiver.

WHEREFORE, Archie Ward, respectfully requests that the Board, after hearing:

- A. Order that the Opposition be dismissed with prejudice;
- B. Order the Opposer to pay the Applicant the costs of defending the Opposition, including reasonable attorneys' fees; and
- C. Order such further relief as the Board deems just and appropriate.

DATED this 12th day of June, 2017.

Respectfully submitted,

MARCUM TENNYSON PLLC

/Julie A. Tennyson/

Julie A. Tennyson

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*ATTORNEY FOR APPLICANT,
ARCHIE WARD*

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **ANSWER** has been served on Drew M. Smith and Gabrielle A. Holley by forwarding said copy on June 12, 2017 via email to:

Drew M. Smith and Gabrielle A. Holley
westdocket@hollymenker.com
dsmith@holleymenker.com
gholley@holleymenker.com

Signature: /Julie A. Tennyson/
Julie A. Tennyson

Date: June 12, 2017



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TESS was last updated on Mon Jun 12 03:47:44 EDT 2017

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OBEY GOD & HE'LL BLESS YOU REAL GOOD

Word Mark OGHBYRG OBEY GOD & HE'LL BLESS YOU REAL GOOD

Translations The wording "OGHBYRG" has no meaning in a foreign language.

Goods and Services IC 025. US 022 039. G & S: Hats; Outer jackets; Short-sleeved or long-sleeved **t-shirts**. FIRST USE: 20140301. FIRST USE IN COMMERCE: 20140404

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 02.01.01 - Busts of men facing forward; Heads of men facing forward; Men - heads, portraiture, or busts facing forward; Portraiture of men facing forward
 02.03.01 - Busts of women facing forward; Heads of women facing forward; Portraiture of women facing forward; Women - head, portraiture or busts facing forward
 02.07.03 - Groups, males and females
 26.01.02 - Circles, plain single line; Plain single line circles

Serial Number 86469858

Filing Date December 3, 2014

Current Basis 1A

Original Filing Basis 1A

EXHIBIT A

Date Amended to Current Register April 1, 2015

Registration Number 4753598

Registration Date June 9, 2015

Owner (REGISTRANT) OGHBYRG Productions, LLC DBA Pastor Marlon Lock LIMITED LIABILITY COMPANY WISCONSIN PO Box 385 Menomonee Falls WISCONSIN 53052

Description of Mark Color is not claimed as a feature of the mark. The mark consists of the acronym "OGHBYRG". Within the "O" of the acronym are the portraits of a woman on the left and a man on the right. The acronym appears above the literal element "OBEY GOD & HE'LL BLESS YOU REAL GOOD".

Type of Mark TRADEMARK

Register SUPPLEMENTAL

Live/Dead Indicator LIVE

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Word Mark OBEY NO BOUNDARIES...WILD DAWG

Goods and Services IC 025. US 022 039. G & S: Clothing, namely, shirts, jerseys, fleece pullovers, **T-shirts**, polo shirts, sweatshirts, headwear, hats, caps, beanies, visors. FIRST USE: 20070807. FIRST USE IN COMMERCE: 20070807

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code

- 01.05.25 - Sun, other representations of the sun
- 01.15.13 - Ripple (single wave); Waves, single
- 03.01.08 - Dogs; Puppies
- 03.01.24 - Stylized cats, dogs, wolves, foxes, bears, lions, tigers
- 06.01.04 - Mountains (landscapes); Scenery with mountains
- 16.03.07 - Eyeglasses; Frames, eyeglass; Glasses, eye; Glasses, safety; Goggles; Safety goggles; Spectacles; Sunglasses
- 26.03.02 - Ovals, plain single line; Plain single line ovals
- 26.03.17 - Concentric ovals; Concentric ovals and ovals within ovals; Ovals within ovals; Ovals, concentric

Trademark Search Facility Classification Code

- ANI-MAMM Mammalia;accuracte depiction of warm-blooded animals except for human beings
- ART-09.03 Clothing
- ART-16.03 Photography; cinematography; optics
- BLDG-AND-SCEN A type of building or a type of scenery
- INAN Inanimate objects such as lighting,clouds,footprints,atomic configurations,snowflakes,rainbows,flames

EXHIBIT B

LETTER-3-OR-MORE DAWG Combination of three or more letters as part of the mark
NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks
SHAPES-ASTRO Astronomical shapes consisting of celestial bodies, globes and geographical maps
SHAPES-CIRCLE Circle figures or designs including semi-circles and incomplete circles
SHAPES-OVALS Oval figures or designs including incomplete ovals and one or more ovals

Serial Number 77229378
Filing Date July 13, 2007
Current Basis 1A
Original Filing Basis 1B
Published for Opposition July 7, 2009
Registration Number 3684866
Registration Date September 22, 2009
Owner (REGISTRANT) Wild Dawg Gear, LLC LIMITED LIABILITY COMPANY NORTH CAROLINA 29 Bermuda Landing PL N. Topsail Beach NORTH CAROLINA 28460

(LAST LISTED OWNER) COLE, LAURIE INDIVIDUAL UNITED STATES 29 BERMUDA LANDING PL N TOPSAIL BEACH NORTH CAROLINA 28460
Assignment Recorded ASSIGNMENT RECORDED
Description of Mark Color is not claimed as a feature of the mark.
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

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