

ESTTA Tracking number: **ESTTA860562**

Filing date: **11/27/2017**

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

Proceeding	91236987
Party	Defendant J. Tyler Phelps
Correspondence Address	THOMAS A KULIK SCHEEF & STONE LLP 500 N AKARD SUITE 2700 DALLAS, TX 75201 UNITED STATES Email: trademarks@solidcounsel.com, eric.wood@solidcounsel.com, kari.stanish@solidcounsel.com, tom.kulik@solidcounsel.com
Submission	Answer
Filer's Name	Eric Wood
Filer's email	eric.wood@solidcounsel.com, kari.stanish@solidcounsel.com
Signature	/Eric Wood/
Date	11/27/2017
Attachments	Answer to notice of opposition.pdf(30287 bytes)

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

In the Matter of Application Serial No. 87255373, published for Opposition in the
Official Gazette on May 2, 2017

CCRB INVESTMENTS, LLC,	§	
	§	
Opposer,	§	
	§	
v.	§	Opposition No: 91236987
	§	
J. TYLER PHELPS,	§	
	§	
Applicant.	§	

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION

Applicant J. Tyler Phelps (“Applicant”), by and through his attorneys, hereby answers the Notice of Opposition filed by CCRB Investments, LLC (“Opposer”) on October 2, 2017, as follows:

I.

ANSWER

Facts & Background

1. In answer to paragraph 1 of Opposer’s Notice of Opposition, Applicant lacks sufficient information to enable him to form a belief as to the truth of the allegations therein, and therefore denies them.
2. In answer to paragraph 2 of Opposer’s Notice of Opposition, Applicant admits the allegations therein.
3. In answer to paragraph 3 of Opposer’s Notice of Opposition, Applicant admits the allegations therein.

4. In answer to paragraph 4 of Opposer's Notice of Opposition, Applicant admits the allegations therein.

5. In answer to paragraph 5 of Opposer's Notice of Opposition, Applicant lacks sufficient information to enable him to form a belief as to the truth of the allegations therein, and therefore denies them.

6. In answer to paragraph 6 of Opposer's Notice of Opposition, Applicant admits the allegations therein.

7. In answer to paragraph 7 of Opposer's Notice of Opposition, Applicant denies the allegations therein.

8. In answer to paragraph 8 of Opposer's Notice of Opposition, Applicant denies the allegations contained therein.

9. In answer to paragraph 9 of Opposer's Notice of Opposition, Applicant denies the allegations contained therein.

10. In answer to paragraph 10 of Opposer's Notice of Opposition, Applicant lacks sufficient information to enable him to form a belief as to the truth of the allegations therein, and therefore denies them.

11. In answer to paragraph 11 of Opposer's Notice of Opposition, Applicant admits LAWIT, Inc. entered into the Agreements referenced, but otherwise denies the allegations therein.

12. In answer to paragraph 12 of Opposer's Notice of Opposition, Applicant admits LAWIT, Inc. entered into the Agreements referenced but states that the documents speak for themselves, and therefore denies the remaining allegations therein.

13. In answer to paragraph 13 of Opposer's Notice of Opposition, Applicant lacks sufficient information to enable him to form a belief as to the truth of the allegations therein, and therefore denies them.

14. In answer to paragraph 14 of Opposer's Notice of Opposition, Applicant lacks sufficient information to enable him to form a belief as to the truth of the allegations therein, and therefore denies them.

15. In answer to paragraph 15 of Opposer's Notice of Opposition, Applicant denies the allegations therein.

16. In answer to paragraph 16 of Opposer's Notice of Opposition, Applicant lacks sufficient information to enable him to form a belief as to the truth of the allegations therein, and therefore denies them.

17. In answer to paragraph 17 of Opposer's Notice of Opposition, Applicant lacks sufficient information to enable him to form a belief as to the truth of the allegations therein, and therefore denies them.

18. In answer to paragraph 18 of Opposer's Notice of Opposition, Applicant admits the allegations therein.

19. In answer to paragraph 19 of Opposer's Notice of Opposition, Applicant denies the allegations therein.

20. In answer to paragraph 20 of Opposer's Notice of Opposition, Applicant denies the allegations therein.

21. In answer to paragraph 21 of Opposer's Notice of Opposition, Applicant admits it filed the Trademark Application for the Mark but otherwise denies the allegations therein.

Wrongful Ownership

22. No answer is required to paragraph 22 of Opposer's Notice of Opposition.

23. In answer to paragraph 23 of Opposer's Notice of Opposition, Applicant denies the allegations contained therein.

24. In answer to paragraph 24 of Opposer's Notice of Opposition, Applicant denies the allegations contained therein.

25. In answer to paragraph 25 of Opposer's Notice of Opposition, Applicant denies the allegations contained therein.

26. In answer to paragraph 26 of Opposer's Notice of Opposition, Applicant denies the allegations contained therein.

27. In answer to paragraph 27 of Opposer's Notice of Opposition, Applicant denies the allegations contained therein.

28. In answer to paragraph 28 of Opposer's Notice of Opposition, Applicant denies the allegations contained therein.

29. In answer to paragraph 29 of Opposer's Notice of Opposition, Applicant denies the allegations contained therein.

30. In answer to paragraph 30 of Opposer's Notice of Opposition, Applicant denies the allegations contained therein.

31. In answer to paragraph 31 of Opposer's Notice of Opposition, Applicant denies the allegations contained therein.

32. In answer to paragraph 32 of Opposer's Notice of Opposition, Applicant denies the allegations contained therein.

33. In answer to paragraph 33 of Opposer's Notice of Opposition, Applicant denies the allegations contained therein.

Fraud

34. No answer is required to paragraph 34 of Opposer's Notice of Opposition.

35. In answer to paragraph 35 of Opposer's Notice of Opposition, Applicant denies the allegations contained therein.

36. In answer to paragraph 36 of Opposer's Notice of Opposition, Applicant denies the allegations contained therein.

37. In answer to paragraph 37 of Opposer's Notice of Opposition, Applicant denies the allegations contained therein.

38. In answer to paragraph 38 of Opposer's Notice of Opposition, Applicant denies the allegations contained therein.

39. In answer to paragraph 39 of Opposer's Notice of Opposition, Applicant denies the allegations contained therein.

40. Applicant denies that Opposer is entitled to any relief.

II.

PRAYER

WHEREFORE, Applicant requests judgment dismissing Opposer's Notice of Opposition and that his Application Serial No. 87255373 be approved and his Mark registered, and for such other relief to which he may show himself entitled.

Dated: November 27, 2017

Respectfully submitted,

By: \s\ Eric C. Wood

Eric C. Wood, Esq.
SCHEEF & STONE, L.L.P.
2600 Network Blvd., Suite 400
Frisco, Texas 75034
214.472.2100 Phone
214.472.2150 Fax
eric.wood@solidcounsel.com

Thomas A. Kulik, Esq.
SCHEEF & STONE, L.L.P.
500 N. Akard, Suite 2700
Dallas, Texas 75201
214.706.4200 Phone
214.706.4242 Fax
tom.kulik@solidcounsel.com

ATTORNEYS FOR APPLICANT
J. TYLER PHELPS

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Applicant's Answer to Notice of Opposition was served on Opposer's counsel of record by sending said copy on November 27, 2017 to the following:

Via E-mail

Frances Smith

FSmith@shackelfordlaw.net

Lauren M. Spahn

lspahn@shackelfordlaw.net

Shackelford, Bowen, McKinley & Norton, LLP

47 Music Square East

Nashville, Tennessee 37203

Eric C. Wood

Eric C. Wood