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

Proceeding	92060457
Party	Defendant The Southern Shirt Company, LLC
Correspondence Address	THE SOUTHERN SHIRT COMPANY LLC 3722 PALISADES DRIVE, SUITE A TUSCALOOSA, AL 35405 UNITED STATES dee@southernshirt.com
Submission	Answer
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Date	01/13/2015
Attachments	Answer_to_Petition_to_Cancel_Trademark_Reg_Old_Row__LLC.pdf(18019 bytes)

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

OLD ROW, LLC,	§
	§
Plaintiff,	§
	§
v.	§ Cancellation No. 92060457
	§
THE SOUTHERN SHIRT	§ Registration No. 4541959
COMPANY, LLC	§
	§ Mark: OLD ROW
	§
Defendant.	§
	§

**ANSWER TO PETITION TO CANCEL
TRADEMARK REGISTRATION NO. 4541959**

The Southern Shirt Company, LLC (“Defendant”), by its attorney Bert M. Guy, hereby answers the Petition to Cancel Trademark Registration No. 4541959 (“Petition to Cancel”) filed by Old Row, LLC (“Plaintiff”) as follows:

Defendant denies knowledge or information sufficient to form a belief as to the allegations contained in the first unnumbered paragraph of the Petition to Cancel and therefore denies the same. Defendant admits that it is a limited liability company organized under the laws of the state of Alabama, and that it does business at 3722 Palisades Drive, Suite A, Tuscaloosa, Alabama 35405.

1. Defendant denies knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 1 and therefore denies the same.

2. Defendant denies knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 2 and therefore denies the same.

3. Defendant admits to the filing its Section 1(a) application on April 16, 2013 for the mark “OLD ROW” (the “Registered Mark”), but denies the remaining allegations in Paragraph 3.

4. Defendant denies allegations contained in Paragraph 4.

5. Defendant denies knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 5 and therefore denies the same.

6. Defendant denies allegations contained in Paragraph 6. Defendant denies that the Registered Mark presents any likelihood of confusion, causes mistakes, or is in any way an attempt to deceive.

7. Defendant denies allegations contained in Paragraph 7.

FIRST AFFIRMATIVE DEFENSE

The Petition to Cancel fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Defendant claims prior use of the Registered Mark “OLD ROW”.

THIRD AFFIRMATIVE DEFENSE

There is no likelihood of confusion, mistake or deception, because, *inter alia*, Defendant’s mark and Plaintiff’s purported website are not confusingly similar.

FOURTH AFFIRMATIVE DEFENSE

There is no likelihood of confusion, mistake or deception, because the goods and services of Defendant’s Registered Mark are used in Class 25 for clothing, namely, t-shirts, tank tops, v-necks, sweatshirts, pullovers, polo shirts, button down shirts, pants, shorts, hats, caps, visors, jackets, short sleeve shirts, and long sleeve shirts.in flight. Plaintiff’s claim of use for Old Row

is the website www.oldrow.net. Plaintiff's website functions as a forum or chat room and in no way resembles the Old Row clothing designed by Defendant.

FIFTH AFFIRMATIVE DEFENSE

Defendant avers that Plaintiff's claims are barred due to laches.

SIXTH AFFIRMATIVE DEFENSE

Defendant reserves the right to amend this Answer to amend these affirmative defenses and to assert any additional defenses as they become known through discovery.

WHEREFORE, Defendant prays that Plaintiff's Petition to Cancel be dismissed.

Respectfully submitted this the 13th day of January 2015.

Respectfully submitted,

/s/ Bert M. Guy

Bert M. Guy

J. Harris Hagood

Attorneys for Defendant The Southern Shirt
Company, LLC

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing *Answer to Petition to Cancel Trademark Registration No. 4541959* has been served on Wendy B. Mills, attorney for Old Row, LLC, by mailing said copy on January, 13, 2015, via First Class Mail, postage prepaid to:

Wendy B. Mills
WB Mills, PLLC
1700 Pacific Ave.
Suite 4560
Dallas, TX 75201

/s/ Bert M. Guy

Of Counsel

Date: January 13, 2015