

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

01-06-2006

U.S. Patent & TMO/OTM Mail Rpt Dt. #11

Austin Nichols & Co., Inc. dba Pernod
Ricard, U.S.A.

Opposition No. 91167758

Opposer,

ANSWER TO NOTICE OF OPPOSITION

v.

Lodestar Anstalt

Mark: WILD GEESE RARE IRISH WHISKEY
Serial No. 79/000,112
Filed: November 19, 2003

Applicant.

Applicant Lodestar Anstalt ("Lodestar Anstalt" or "Applicant") answers the Notice of Opposition filed by Opposer Austin, Nichols & Co., Inc. dba Pernod Ricard U.S.A. ("Austin Nichols" or "Opposer") in connection with the above-captioned proceeding as follows:

1. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 1 of the Notice of Opposition and, therefore denies the allegations.
2. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 2 of the Notice of Opposition and, therefore denies the allegations.
3. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 3 of the Notice of Opposition and, therefore denies the allegations.

4. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 4 of the Notice of Opposition and, therefore denies the allegations.

5. Applicant admits the allegations contained in Paragraph 5 of the Notice of Opposition.

6. Applicant admits the subject mark of United States Trademark Application Serial No. 79/000,112 ("the '112 Application") is WILD GEESE RARE IRISH WHISKEY (standard character mark) for whiskey of Irish origin in International Class 033, and that the application was published for opposition on November 1, 2005 in the Official Gazette. Applicant admits that the following words are of record in the '112 Application: "no claim is made to the exclusive right to use 'rare Irish whiskey,' apart from the mark as shown." Applicant denies all remaining allegations contained in Paragraph 6 of the Notice of Opposition.

7. Applicant admits that Applicant's mark, and Opposer's alleged marks listed in Paragraph 1 of the Notice of Opposition, both include the word "WILD". Applicant is without sufficient knowledge or information as to whether Opposer sells alcoholic beverages under its alleged marks as alleged in Paragraph 4 of the Notice of Opposition and, therefore, denies the allegation. Applicant denies all remaining allegations of Paragraph 7 of the Notice of Opposition.

8. Applicant denies that Opposer's alleged marks listed in Paragraph 1 of the Notice of Opposition identify whiskey of Irish origin and, therefore, denies the allegations contained in Paragraph 8 of the Notice of Opposition.

9. Applicant is without sufficient knowledge or information to form a belief as to the channels of trade and class of customers of Opposer and, therefore, denies the allegations contained in Paragraph 9 of the Notice of Opposition.

10. Applicant denies all allegations contained in Paragraph 10 of the Notice of Opposition.

11. Applicant denies all allegations contained in Paragraph 11 of the Notice of Opposition.

WHEREFORE, Applicant requests that the Opposition be dismissed and that Applicant's mark be registered in due course.

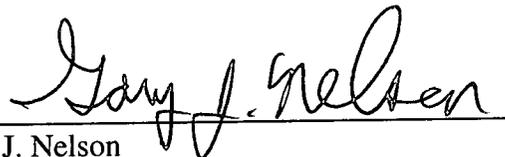
Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

Date

1/3/06

By



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GJN/smm

CERTIFICATE OF MAILING AND SERVICE

I certify that on January 3, 2006, the foregoing **ANSWER TO NOTICE OF OPPOSITION** is being deposited with the United States Postal Service by first-class mail addressed to:

Trademark Trial and Appeal Board
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

It is further certified that on January 3, 2006, the foregoing **ANSWER TO NOTICE OF OPPOSITION** is being served by mailing a copy thereof by first-class mail addressed to:

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By: 
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