

ESTTA Tracking number: **ESTTA361293**

Filing date: **08/03/2010**

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

Proceeding	91195442
Party	Defendant GWYNNE 5 BEVERAGE, LLC
Correspondence Address	PINA M. CAMPAGNA CARTER, DELUCA, FARRELL & SCHMIDT, LLP 445 BROADHOLLOW RD STE 420 MELVILLE, NY 11747-3685 docket@cdfslaw.com
Submission	Answer
Filer's Name	Jane Shih
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Signature	/Jane Shih/
Date	08/03/2010
Attachments	Answer.pdf (4 pages)(99763 bytes)

6. Applicant denies knowledge or information to form a belief as to paragraph 6 of the Notice of Opposition.

7. Applicant denies knowledge or information sufficient to form a belief as to paragraph 7 of the Notice of Opposition and therefore denies the same.

8. Applicant denies knowledge or information sufficient to form a belief as to the validity of the ownership or status of the registration listed in paragraph 8 of the Notice of Opposition except that Opposer Watermill Express, LLC is listed as the owner on the USPTO TARR printout attached as Exhibit A to the Notice of Opposition.

9. Applicant denies knowledge or information sufficient to form a belief as to paragraph 9 of the Notice of Opposition and therefore denies the same.

10. To the extent Applicant understands the allegations, Applicant admits that it is not connected in any way with Opposer.

11. Applicant denies knowledge or information sufficient to form a belief as to paragraph 11 of the Notice of Opposition and therefore denies the same.

12. Applicant admits the allegations of paragraph 12 of the Notice of Opposition, except that Applicant affirmatively alleges that Opposer's consent or permission is not required to seek registration for the mark THE WATERMILLER & Design or to use the same.

13. Applicant denies the allegations of paragraph 13 of the Notice of Opposition.

14. Applicant denies the allegations of paragraph 14 of the Notice of Opposition.

15. To the extent an allegation is made, Applicant denies the allegations of paragraph 15 of the Notice of Opposition.

WHEREFORE, Applicant prays that the instant opposition be dismissed and that its application be allowed to proceed to registration.

Dated: New York, New York
August 3, 2010

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.

By: 

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **Answer to Notice of Opposition** was served by United States Mail, First Class, by depositing it, postage prepaid, in a depository under the exclusive custody and control of the United States Postal Service, on August 3, 2010, addressed to:

Marc C. Levy, Esq.
Jennifer D. Collins, Esq.
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Lauren Cunningham