

ESTTA Tracking number: **ESTTA412216**

Filing date: **06/01/2011**

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

Proceeding	91198918
Party	Defendant DARRELL D BIRD
Correspondence Address	DARRELL D BIRD PO BOX 740181 HOUSTON, TX 77274-0181 UNITED STATES darrellbrd58@yahoo.com
Submission	Answer
Filer's Name	Gus E. Pappas
Filer's e-mail	guspappas@sbcglobal.net, hlingle@sbcglobal.net
Signature	/s/ Gus E. Pappas
Date	06/01/2011
Attachments	Answer.pdf (4 pages)(41601 bytes)

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

Abita Brewing Company, LLC,)	
)	Opposition No. 91198918
Opposer,)	
)	
v.)	Serial No. 85063984
)	
Darrell D. Bird,)	
)	Mark: GATOR
Applicant.)	

ANSWER TO NOTICE OF OPPOSITION

Dear Sir or Madam:

Applicant, Darrell Bird (“Applicant”), hereby answers Opposer’s Notice of Opposition as follows:

I.
ANSWER

1. The Applicant admits the factual allegations and legal conclusions set forth in paragraph one (1) in their entirety.

2. The Applicant is without knowledge or sufficient information with which to admit or deny the factual allegations set forth in paragraphs two (2), and is also without knowledge or sufficient information with which to admit or deny whether Exhibit A is a true and current printout for Gator’s registration.

3. The Applicant is without knowledge or sufficient information with which to admit or deny the factual and legal allegations set forth in paragraphs three (3) and four (4), and is also without knowledge or sufficient information with which to admit or deny whether Exhibit B is a sample of Gator’s trademark.

4. The Applicant is without knowledge or sufficient information with which to admit or deny the factual and legal allegations set forth in paragraphs five (5) and six (6). The Applicant admits that Exhibit C appears to evidence various items bearing the Abita Gator Mark(s).

5. The Applicant contests and denies the factual and legal allegations set forth in paragraphs seven (7), eight (8) and nine (9).

6. The Applicant contests and denies the factual and legal allegations set forth in paragraph ten (10).

7. The Applicant contests and denies the factual and legal allegations set forth in paragraph eleven (11).

8. The Applicant contests and denies the factual and legal allegations set forth in paragraphs twelve (12) and thirteen (13).

9. The Applicant contests and denies the factual and legal allegations set forth in paragraph fourteen (14).

10. The Applicant denies that the Opposer is entitled to the relief it seeks in it's prayer.

WHEREFORE, PREMISES CONSIDERED, the Applicant prays that upon due proceedings are had, that Applicant's application Serial No. 85/063,984 be approved, that the registration of the term Gator sought therein be approved and that this opposition proceeding be denied in its entirety, and for such other and further relief, at law and equity, to which he is entitled.

Respectfully submitted,

/s/ Gus E. Pappas

Gus E. Pappas
ATTORNEY FOR APPLICANT
DABNEY & PAPPAS
1770 St. James Place, Suite 408
Houston, TX 77056
Phone: 713-621-2678
Fax: 713-621-0074

Opposition No. 91198918

CERTIFICATE OF SERVICE

I, Gus E. Pappas, do hereby certify that a true and correct copy of the above and foregoing Answer has been sent to the Opposer, by and through its attorney of record, Todd S. Owers, CARVER, DARDEN, KORETZKY, TESSIER, FINN, BLOSSMAN & AREAUX, LLC, 1100 Poydras Street, Suite 3100, New Orleans, Louisiana 70163, *via certified mail, return receipt requested*, on the 1st day of June, 2011

/s/ Gus E. Pappas

Gus E. Pappas