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

Proceeding	91201905
Party	Defendant The Wine Group LLC
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Submission	Answer
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Attachments	Fortune Cookie Answer.pdf (4 pages)(80370 bytes)

1 9. Applicant denies the allegations of paragraph 9 of the Notice of Opposition.

2 10. Applicant denies the allegations of paragraph 10 of the Notice of Opposition.

3 **AFFIRMATIVE DEFENSES**

4 1. Opposer has knowingly, intentionally and deliberately submitted an application,
5 documents and a declaration to the United States Patent and Trademark Office that were materially
6 false in claiming that its mark was in use, in use continuously and in use on all of the various goods
7 specified therein, knowing that this was untrue and false and fraudulent, and it did so with the
8 specific intention of improving its litigation position before this Board and with the specific intention
9 of inducing the United States Patent and Trademark Office to rely on these false and fraudulent
10 statements, and with the specific intention to defraud the United States Patent and Trademark Office
11 and to damage Applicant.

12 2. Applicant has filing and analogous use priority over Opposer.

13 3. Opposer's claim is barred by the doctrine of inequitable conduct.

14 4. Opposer's claim is barred by the doctrine of unclean hands.

15 4. Opposer did not have prior lawful and continuous use of its claimed trademark.

16 5. Opposer's claimed use of the trademark was a token use and not bona fide commercial
17 use.

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Respectfully submitted

Dated: October 18, 2011

LAW OFFICE OF PAUL W. REIDL



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