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

Proceeding	91204871
Party	Defendant Carol Foulon dba TA Xplicit Spirits
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Submission	Answer
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Date	05/22/2012
Attachments	answer to opposition 91204871.pdf ( 2 pages )(147735 bytes )



Le Bourg Verdille  
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United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
PO Box 1451  
Alexandria, VA 22313-1451

Dated 22/5/ 2012

Re: Opposition Proceeding/ LE BLACK/SER.NO. 85360305

In response to the Opposer, Vigneron Partners LLC and their claim for opposition against Le Black and design, I herein give my answer to same.

Point no.1  
I admit

Point no.2  
I admit.

Point no.3  
I admit

Point no.4  
I deny. There is absolutely no similarity between the marks. There is no confusion or will people mistake and we certainly will not deceive the public in any way or form. Spirits and liqueurs are not related to wine. They are both in different channels. Consumers make an educated choice when purchasing their beverages. These marks do not even sound or look the same.

Point no.5  
There is no unity of interest between me, an individual and the company Black Coq wine and spirits ltd. If you had an agreement it is solely with that company. The company Black Coq wine and spirits is under new ownership. I thank you for letting us know what is written in the redacted parts of your agreement. I also wish to point out that an image is not classed as a "term"

TERM a word or group of words designating something, especially in a particular field, Source <http://dictionary.reference.com/browse/term>

Therefore your argument is unjust.

Point no.6  
I deny

I would like to point out that there are many marks registered in section 33 for WINE using either chicken or black or white. There is also a registered mark called La POULE BLANCHE 79009843, no recorded opposition from Vigneron Partners. There are numerous registered marks with images and terms -black, of chickens roosters and turkeys. No recorded opposition from Vigneron Partners.

There is no similarity in sound, connotation, visual appearance of the opposer's mark and the applicants mark. The applicants mark will not cause mistake, confusion or deceit. The marks are not identical.





I HEREBY CERTIFY THAT THIS CORRESPONDANCE IS BEING ELECTRONICALLY FILED WITH THE UNITED STATES PATENT AND TRADEMARK OFFICE THROUGH THE ESTTA SYSTEM ON April 4<sup>th</sup> 2012.

Carol, FOULON

I HEREBY CERTIFY THAT THIS CORROSPONDANCE IS BEING SERVED ON THE COUNCIL OF THE OPPOSITION, DICKENSON, PEATMAN & FOGARTY BY EMAIL AND BY AIR MAIL, AN POST, FRANCE, FIRST CLASS ON March 5<sup>TH</sup> 2012.

Carol, FOULON.

