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

Proceeding	91206666
Party	Defendant Tin Man Brewing Company LLC
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Date	09/26/2012
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application Serial No. 85/456,717  
Published in the *Official Gazette* April 24, 2012

TURNER ENTERTAINMENT CO.	)	
	)	
Opposer,	)	Opposition No. 91206666
	)	
v.	)	
	)	
TIN MAN BREWING COMPANY, LLC,	)	
	)	
Applicant.	)	

**APPLICANT'S ANSWER  
TO NOTICE OF OPPOSITION AND AFFIRMATIVE DEFENSES**

Applicant, Tin Man Brewing Company, LLC ("TMBC"), for its answer to the Notice of Opposition filed by Turner Entertainment Co. against application for registration of Tin Man's trademark TIN MAN, Serial No. 85/456,717 filed October 26, 2011, and published in the *Official Gazette* on April 24, 2012 (the "Mark"), pleads and avers as follows:

1. TMBC is without sufficient knowledge or information from which to admit or deny the allegations contained in paragraph 1 of the Notice of Opposition.
2. TMBC is without sufficient knowledge or information from which to admit or deny the allegations contained in paragraph 2 of the Notice of Opposition.
3. TMBC is without sufficient knowledge or information from which to admit or deny the allegations contained in paragraph 3 of the Notice of Opposition.
4. TMBC is without sufficient knowledge or information from which to admit or deny the allegations contained in paragraph 4 of the Notice of Opposition.
5. TMBC is without sufficient knowledge or information from which to admit or deny the allegations contained in paragraph 5 of the Notice of Opposition.

6. TMBC is without sufficient knowledge or information from which to admit or deny the allegations contained in paragraph 6 of the Notice of Opposition.

7. TMBC is without sufficient knowledge or information from which to admit or deny the allegations contained in paragraph 7 of the Notice of Opposition.

8. TMBC is without sufficient knowledge or information from which to admit or deny the allegations contained in paragraph 8 of the Notice of Opposition.

9. TMBC is without sufficient knowledge or information from which to admit or deny the allegations contained in paragraph 9 of the Notice of Opposition.

10. TMBC is without sufficient knowledge or information from which to admit or deny the allegations contained in paragraph 10 of the Notice of Opposition.

11. TMBC is without sufficient knowledge or information from which to admit or deny the allegations contained in paragraph 11 of the Notice of Opposition.

12. TMBC is without sufficient knowledge or information from which to admit or deny the allegations contained in paragraph 12 of the Notice of Opposition.

13. TMBC is without sufficient knowledge or information from which to admit or deny the allegations contained in paragraph 13 of the Notice of Opposition.

14. TMBC is without sufficient knowledge or information from which to admit or deny the allegations contained in paragraph 14 of the Notice of Opposition.

15. TMBC is without sufficient knowledge or information from which to admit or deny the allegations contained in paragraph 15 of the Notice of Opposition.

16. TMBC is without sufficient knowledge or information from which to admit or deny the allegations contained in paragraph 16 of the Notice of Opposition.

17. TMBC is without sufficient knowledge or information from which to admit or deny the allegations contained in paragraph 17 of the Notice of Opposition.

18. TMBC denies each and every allegation contained in paragraph 18 of the Notice of Opposition.

19. TMBC is without sufficient knowledge or information from which to admit or deny the allegations contained in paragraph 19 of the Notice of Opposition.

20. TMBC admits the allegations contained in paragraph 20 of the Notice of Opposition.

21. TMBC admits the allegations contained in paragraph 21 of the Notice of Opposition.

22. TMBC denies each and every allegation contained in paragraph 22 of the Notice of Opposition.

23. TMBC denies each and every allegation contained in paragraph 23 of the Notice of Opposition.

24. TMBC denies each and every allegation contained in paragraph 24 of the Notice of Opposition.

25. TMBC denies each and every allegation contained in paragraph 25 of the Notice of Opposition.

26. TMBC denies each and every allegation contained in paragraph 26 of the Notice of Opposition.

27. TMBC denies each and every allegation contained in paragraph 27 of the Notice of Opposition.

28. TMBC denies each and every allegation contained in paragraph 28 of the Notice of Opposition.

29. TMBC denies each and every allegation contained in paragraph 29 of the Notice of Opposition.

**LIKELIHOOD OF CONFUSION - §2(D)**

30. TMBC denies each and every allegation contained in paragraph 30 of the Notice of Opposition.

31. TMBC denies each and every allegation contained in paragraph 31 of the Notice of Opposition.

32. TMBC denies each and every allegation contained in paragraph 32 of the Notice of Opposition.

33. TMBC denies each and every allegation contained in paragraph 33 of the Notice of Opposition.

34. TMBC denies each and every allegation contained in paragraph 34 of the Notice of Opposition.

**DECEPTION/FALSE SUGGESTION OF CONNECTION - §2(a)**

35. TMBC denies each and every allegation contained in paragraph 35 of the Notice of Opposition.

36. TMBC denies each and every allegation contained in paragraph 36 of the Notice of Opposition.

37. TMBC denies each and every allegation contained in paragraph 37 of the Notice of Opposition.

38. TMBC denies each and every allegation contained in paragraph 38 of the Notice of Opposition.

#### **DILUTION - §43(d)**

39. TMBC is without sufficient knowledge or information from which to admit or deny the allegations contained in paragraph 39 of the Notice of Opposition.

40. TMBC denies each and every allegation contained in paragraph 40 of the Notice of Opposition.

41. TMBC is without sufficient knowledge or information from which to admit or deny the allegations contained in paragraph 41 of the Notice of Opposition.

42. TMBC denies each and every allegation contained in paragraph 42 of the Notice of Opposition.

43. TMBC denies each and every allegation contained in paragraph 43 of the Notice of Opposition.

44. TMBC denies each and every allegation contained in paragraph 44 of the Notice of Opposition.

45. TMBC denies each and every allegation contained in paragraph 45 of the Notice of Opposition.

46. TMBC denies each and every allegation contained in paragraph 46 of the Notice of Opposition.

47. TMBC denies each and every allegation contained in paragraph 47 of the Notice of Opposition.

#### **AFFIRMATIVE DEFENSES**

For its Affirmative Defenses to the Notice of Opposition, TMBC asserts the following:

**First Affirmative Defense**

Opposer fails to state a claim upon which relief can be granted.

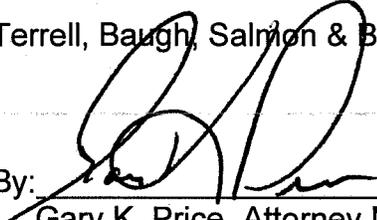
**Second Affirmative Defense**

There is no likelihood of confusion, mistake or deception because, *inter alia*, the Mark and the alleged trademark(s) of Opposer are not confusingly similar.

WHEREFORE, Applicant, Tin Man Brewing Company, LLC respectfully requests that the notice of opposition be dismissed and that TMBC's Mark be allowed to proceed to registration.

Respectfully submitted,

Terrell, Baugh, Salmon & Born, LLP

By: 

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Attorneys for Applicant

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of Applicant's Answer and Affirmative Defenses was served via Electronic Transmission and First Class U.S. Mail, postage fully pre-paid, on this 26 day of September, 2012, upon the following:

Michael A. Grow  
Elizabeth H. Cohen  
Arent Fox LLP  
1050 Connecticut Avenue, NW  
Washington, DC 20036



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Gary K. Price