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

Proceeding	91209914
Party	Defendant VENTURI SPIRITS, LLC
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Submission	Answer
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Date	05/23/2013
Attachments	Answer and AD.pdf(95286 bytes)

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

In the Matter of

Application No. : 85693721
Applicant : Venturi Spirits, LLC
Mark : Old Pepper Bourbon
Filing Date : March 25, 2013
Publication Date : January 22, 2013
Opposed Class : 33

GEORGETOWN TRADING CO. LLC :

Opposer,

v.

Opposition No. 91209914

VENTURI SPIRITS, LLC.,

Applicant.

ANSWER and AFFIRMATIVE DEFENSES

Applicant, Venturi Spirits, LLC having a mailing address at 4581 Weston Road, Suite 206, Weston, Florida 33331, files the following Answer to the Opposition filed by Opposer, Fruit of the Loom, Inc., by way of the following:

1. Without knowledge.
2. Without knowledge.
3. Without knowledge.
4. Without knowledge.
5. Without knowledge.
6. Deny.
8. Without knowledge.
9. Without Knowledge.
10. Without knowledge.
11. Without knowledge.

12. Without Knowledge.
13. Without Knowledge.
14. Deny.
15. Deny.
16. Deny.
17. Without knowledge.
18. Admit
19. Deny
20. Deny.
- 21, Admit.
22. Without knowledge
23. Deny
24. Without knowledge
25. Without knowledge
- 26, Without knowledge
27. Deny
28. Without knowledge
- 29 Without knowledge
30. Applicant realleges its answers to 1-29 above.
31. Deny
32. Without knowledge
33. Without knowledge
34. Without knowledge
35. Deny
36. Deny
37. Deny

38. Without knowledge
39. Without knowledge
40. Deny
41. Deny
42. Applicant realleges its answers to 1-29 above.
43. Deny
44. Deny
45. Deny
46. Any allegation not answered herein is hereby denied.
47. Any allegation answered without knowledge is hereby denied and the Applicant demands strict proof thereof.

AFFIRMATIVE DEFENSES

1. As a first affirmative defense, the Opposer fails to state a cause of action upon which relief may be granted.
2. As a second affirmative defense, the Applicant asserts that the marks are so dissimilar in their entireties as to appearance, connotation and commercial impression as to not cause confusion.
3. As a third Affirmative Defense, the Applicant asserts that there is a dissimilarity in the nature of the goods or services as described in the application and Opposer's marks.
4. As a fourth Affirmative Defense, the conditions under which sales are made between Applicant and Opposer will be substantially different.

5. As a fifth Affirmative Defense, there is dilution in the marketplace as to the term “old” or “pepper” and, thus, Opposer has no claim upon those words.

6. As a sixth Affirmative Defense, the Applicant claims that there is a *de minimis* potential for potential confusion in the marketplace between the marks.

7. As a seventh Affirmative Defense, the Applicant states there is no likelihood of confusion, mistake or deception in because, inter alia, the Mark and the alleged trademarks of Opposer are not confusingly similar.

WHEREFORE, Applicant prays that the Opposition be denied and Applicant’s registration be granted.

Please direct all correspondence to Kraig S. Weiss, Esq. at Silverberg & Weiss, P.A., 1290 Weston Road, Suite 218, Weston, FL 33326, and all calls to the same at (954) 384-0998.

Respectfully submitted,

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By: /s/Kraig S. Weiss.

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Date: May 23, 2013

CERTIFICATE OF FILING

I HEREBY CERTIFY that this ANSWER is being submitted electronically to the Trademark Trial and Appeal Board at the United States Patent and Trademark Office on this 23rd day of May, 2013.

By: /s/kraig s. weiss
Kraig S. Weiss, Esq.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this ANSWER is being served via United States mail, postage prepaid, to the following, on this 23rd day of May, 2013:

Andrew Spivak, Esq.
5185 MacArthur Blvd. NW
Suite 350
Washington, DC. 20016

By: /s/kraig s. weiss
Kraig S. Weiss, Esq.