

ESTTA Tracking number: **ESTTA645151**

Filing date: **12/17/2014**

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

Proceeding	91210379
Party	Defendant Atlas Brew Works LLC
Correspondence Address	ANNA L KING BANNER & WITCOFF LTD 10 S WACKER DR, SUITE 3000 CHICAGO, IL 60606 UNITED STATES bwlitdocket@bannerwitcoff.com, aking@bannerwitcoff.com, rdannenberg@bannerwitcoff.com, bwptotm@bannerwitcoff.com, lema@fklawfirm.com
Submission	Defendant's Notice of Reliance
Filer's Name	Anna L. King
Filer's e-mail	aking@bannerwitcoff.com, rdannenberg@bannerwitcoff.com, bwlitdocket@bannerwitcoff.com, mhouston@bannerwitcoff.com
Signature	/Anna King/
Date	12/17/2014
Attachments	Applicant's Notice of Reliance.pdf(90500 bytes) Exhibit A.pdf(2971751 bytes) Exhibit B.pdf(553759 bytes) Exhibit C Part 1.pdf(3035587 bytes) Exhibit C Part 2.pdf(5716070 bytes)

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

Atlas Brewing Company, LLC,)	
)	
Opposer,	)	Opposition No. 91210379
v.	)	Serial No. 85/642,549
)	
Atlas Brew Works LLC,	)	Mark: ATLAS
)	
Applicant.)	

**APPLICANT’S NOTICE OF RELIANCE
PURSUANT TO TRADEMARK RULE 2.120(j)**

Pursuant to Trademark Rules of Practice 2.120(j), Applicant, Atlas Brew Works LLC (“Atlas”), hereby introduces into evidence the following matters:

I. Opposer’s Responses to Applicant’s First Set of Interrogatories

Pursuant to Trademark Rule 2.120(j)(3)(i) & (j)(8), Applicant designates certain of Opposer’s Responses to Applicant’s First Set of Interrogatories as evidence in this proceeding. Specifically, Applicant submits and relies on Opposer’s Responses to Interrogatory Nos. 1-3, 9, 11-14, 16, 18, 24 and signature after the responses. A copy of Opposer’s Responses to Applicant’s First Set of Interrogatories is attached to this Notice of Reliance as Exhibit A.

II. Opposer’s Responses to Applicant’s First Set of Admission Requests

Pursuant to Trademark Rule 2.120(j)(3)(i) & (j)(8), Applicant designates certain of Opposer’s Responses to Applicant’s First Set of Requests for Admission as evidence in this proceeding. Specifically, Applicant submits and relies on Opposer’s Response to Request No. 6, and signature after the responses. A copy of Opposer’s Responses to Applicant’s First Request for Admission is attached to this Notice of Reliance as Exhibit B.

III. Opposer's Responses to Applicant's Second Set of Admission Requests

Pursuant to Trademark Rule 2.120(j)(3)(i) & (j)(8), Applicant designates certain of Opposer's Responses to Applicant's Second Set of Requests for Admission as evidence in this proceeding. Specifically, Applicant submits and relies on Opposer's Responses to Request Nos. 10-30, and signature after the responses. Pursuant to Fed. R. Civ. P. 36, all of Opposer's Responses to Applicant's Second Set of Requests for Admission are deemed admitted, as they were served on Applicant 41 days after Applicant's Second Set of Admission Requests were served on Opposer by first-class mail and the parties did not agree to an extension of the response time. A copy of Applicant's Second Set of Requests for Admission served on Opposer on December 24, 2013, and Opposer's Response to Applicant's Second Set of Requests for Admission served on Applicant on February 3, 2014, are attached to this Notice of Reliance as Exhibit C.

Respectfully submitted,

Date: December 17, 2014

By: /Anna King/
Anna L. King
Ross A. Dannenberg
BANNER & WITCOFF, LTD.
Ten South Wacker Drive, Suite 3000
Chicago, Illinois 60606
(312) 463-5000

Attorneys for Applicant
Atlas Brew Works LLC

U.S. Trademark Opposition No. 91210379
Atlas Brewing Company, LLC v.
Atlas Brew Works LLC
Serial No. 85/642,549
Mark: ATLAS

EXHIBIT A

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

ATLAS BREWING COMPANY, LLC,)	
)	
Opposer,	)	Opposition No. 91210379
)	
v.	)	Application Serial No. 85642549
)	
ATLAS BREW WORKS, LLC,	)	Mark: "ATLAS"
)	
Applicant.)	

**OPPOSER'S RESPONSES TO APPLICANT'S
FIRST SET OF REQUESTS FOR INTERROGATORIES**

Opposer, ATLAS BREWING COMPANY, LLC ("Opposer"), by and through its attorneys, Fuksa Khorshid, LLC, pursuant to Trademark Rule 2.120 and Federal Rule of Civil Procedure 33, hereby submits its answers to Applicant Atlas Brew Works, LLC's first set of interrogatories.

1. Identify all products and services offered for sale by Opposer under Opposer's Marks in the United States from the date Opposer's Marks were first used to the present.

ANSWER: Opposer has offered restaurant services, bar services, brewery services and beer for sale in the United States. The restaurant services and the bar services commenced on May 4, 2012. The brewery services and beer for sale commenced on July 19, 2012.

2. For each item (product or service) identified in response to Interrogatory No. 1, identify the date that Opposer's Marks were first used anywhere in connection therewith by Opposer.

ANSWER: Opposer first offered its restaurant services and bar services beginning on May 4, 2012. Opposer first offered its brewery services and beer for sale on July 19, 2012.

3. For each item (product or service) identified in response to Interrogatory No. 1, identify the date that Opposer's Marks were first use din Commerce in connection therewith by Opposer.

ANSWER: Opposer first offered its restaurant services and bar services beginning on May 4, 2012. Opposer first offered its brewery services

and beer for sale on July 19, 2012.

[REDACTED]

9. Describe in detail all transactions which relate to Opposer's ownership or right to use Opposer's Marks, including all assignments, transfers, licenses, security interests or other transactions affecting its ownership or right to use the marks.

ANSWER: Opposer operates Atlas Brewing Company, a restaurant and brewery, pursuant to an with The Lucky Strike Corporation (the "Management and Licensing Agreement"), whereby The Lucky

Opposer's Marks that have been used in the United States from the date of first use of Opposer's Marks to the present.

ANSWER: Opposer has not done any conventional advertisements. Most of Opposer's advertising has been online through its website and social media such as Twitter and/or Facebook. Opposer also markets and promotes at beer festivals. Opposer also does a lot of promotional activities and events programming through Brew Bus and Living Social. Opposer did a large of promotion with Rewards Network who featured Opposer prominently in online advertisements and promotions. Opposer also utilizes word of mouth marketing through loyal patrons of The Lucky Strike Corporation, which has been in business since 1994. Opposer also offers tastings and other promotional events, which were/are advertised by personal invitation from Steven Soble, the owner of The Lucky Strike Corporation and co-owner of Atlas Brewing Company, LLC, which were disseminated via electronic mail and word of mouth.

14. Identify all advertising agencies used to develop or create the advertisements identified in response to Interrogatory No. 13.

ANSWER: None.

[REDACTED]

16. State the total amount Opposer has expended to date on all advertisements that include Opposer's Marks that have been used in the United States, for each year, from the date that the marks were first used anywhere to the present.

ANSWER: Opposer has spent approximately \$185,000.00 in advertisements.

[REDACTED]

[REDACTED]

18. Identify and describe the Channels of Trade for each item (product or service)

identified in response to Interrogatory No. 1.

ANSWER: Opposer has utilized the Opposer's Mark in connection with a restaurant and brewery in Chicago, Illinois. Opposer has distributed its beers throughout the Chicago metropolitan area and throughout the state of Illinois, but it has marketed and promoted its beer over the Internet, purposefully targeting beer aficionados all over the world.

[REDACTED]

24. Identify all distributors, retailers or establishments selling Opposer's products.

ANSWER: Artisan Beverage is Opposer's only distributor.

[REDACTED]

Dated this 27th day of September, 2013

Respectfully submitted,
FUKSA KHORSHID, LLC



One of its Attorneys
Attorney for the Opposer

FUKSA KHORSHID, LLC
Lema A. Khorshid
Robert J. Schaul
70 W. Erie, 2nd Floor
Chicago, IL 60654
T: 312.266.2221
F: 312.266.2224

VERIFICATION

I, Steven Soble, of Atlas Brewing Company, LLC, verify under penalty of perjury that I have read the foregoing OPPOSER'S ANSWERS TO APPLICANT'S FIRST SET OF INTERROGATORIES and that my responses are true and correct to the best of my knowledge and belief.

Dated this 27th day of September, 2013



Steven Soble

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies having served a copy of this Opposer's Responses to Applicant's First Set of Interrogatories upon the parties listed below via messenger service on the 27th day of September, 2013, by causing the same to be mailed in a properly addressed envelope, postage prepaid, and, in addition thereto, by email.

Anna L. King
Banner & Witcoff, Ltd.
10 South Wacker Drive
Suite 3000
Chicago, Illinois 60606
Attorney for Atlas Brew Works, LLC

Respectfully submitted,
FUKSA KHORSHID, LLC



One of its Attorneys
Attorney for the Opposer

FUKSA KHORSHID, LLC
Lema A. Khorshid
Robert J. Schaul
70 W. Erie, 2nd Floor
Chicago, IL 60654
T: 312.266.2221
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U.S. Trademark Opposition No. 91210379
Atlas Brewing Company, LLC v.
Atlas Brew Works LLC
Serial No. 85/642,549
Mark: ATLAS

EXHIBIT B

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

ATLAS BREWING COMPANY, LLC,)	
)	
Opposer,	)	Opposition No. 91210379
)	
v.	)	Application Serial No. 85642549
)	
ATLAS BREW WORKS, LLC,	)	Mark: "ATLAS"
)	
Applicant.)	

**OPPOSER'S RESPONSES TO APPLICANT'S
FIRST SET OF REQUESTS FOR ADMISSION**

Opposer, ATLAS BREWING COMPANY, LLC ("Opposer"), by and through its attorneys, Fuksa Khorshid, LLC, pursuant to Trademark Rule 2.120 and Federal Rule of Civil Procedure 36, hereby submits its responses to Applicant Atlas Brew Works, LLC's requests for admission.

[REDACTED]

[REDACTED] r

[REDACTED]

[REDACTED]

[REDACTED] r

[REDACTED]

[REDACTED]

[REDACTED] s

[REDACTED]

[REDACTED]

[REDACTED] s

[REDACTED]

[REDACTED]

[REDACTED] pr

[REDACTED]

Request No. 6

Opposer did not have the necessary Alcohol and Tobacco Tax and Trade Bureau approvals to brew its own beer for use in Commerce prior to June 5, 2012.

ANSWER: Admit.

[REDACTED]

[REDACTED] he
[REDACTED] e

[REDACTED].

[REDACTED]

[REDACTED] he
[REDACTED] n

[REDACTED].

[REDACTED]

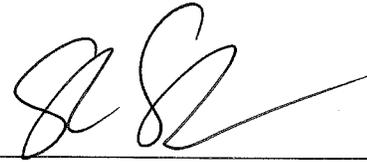
[REDACTED] r

[REDACTED]

VERIFICATION

I, Steven Soble, of Atlas Brewing Company, LLC, verify under penalty of perjury that I have read the foregoing OPPOSER'S ANSWERS TO APPLICANT'S REQUESTS FOR ADMISSION and that my responses are true and correct to the best of my knowledge and belief.

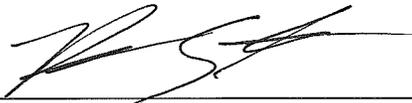
Dated: September 6th, 2013

A handwritten signature in black ink, consisting of stylized initials 'SS' followed by a long horizontal stroke extending to the right.

Steven Soble

Dated this 6th day of September, 2013

Respectfully submitted,
FUKSA KHORSHID, LLC



One of its Attorneys
Attorney for the Opposer

FUKSA KHORSHID, LLC
Lema A. Khorshid
Robert J. Schaul
70 W. Erie, 2nd Floor
Chicago, IL 60654
T: 312.266.2221
F: 312.266.2224

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies having served a copy of this Opposer's Responses to Applicant's Requests for Admission upon the parties listed below via First Class Mail on the 6th day of September, 2013, by causing the same to be mailed in a properly addressed envelope, postage prepaid, and, in addition thereto, by email.

Anna L. King
Banner & Witcoff, Ltd.
10 South Wacker Drive
Suite 3000
Chicago, Illinois 60606
Attorney for Atlas Brew Works, LLC

Respectfully submitted,
FUKSA KHORSHID, LLC



One of its Attorneys
Attorney for the Opposer

FUKSA KHORSHID, LLC
Lema A. Khorshid
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U.S. Trademark Opposition No. 91210379
Atlas Brewing Company, LLC v.
Atlas Brew Works LLC
Serial No. 85/642,549
Mark: ATLAS

EXHIBIT C

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

Atlas Brewing Company, LLC,	)	Attorney Docket 008150.00003
)	
Opposer,	)	Opposition No. 91210379
v.	)	Serial No. 85/642,549
)	
Atlas Brew Works LLC,	)	Mark: ATLAS
)	
Applicant.)	

APPLICANT’S SECOND SET OF REQUESTS FOR ADMISSION

Pursuant to Trademark Rule 2.120 and Federal Rule of Civil Procedure 33, and the Definitions and Instructions that follow, Applicant, Atlas Brew Works LLC (“Applicant”) directs the following requests for admissions to Opposer, Atlas Brewing Company, LLC (“Opposer”) to be answered within thirty (30) days of service hereof.

DEFINITIONS AND INSTRUCTIONS

The following definitions and instructions apply to Applicant’s discovery requests:

1. The definitions and instructions appearing in Applicant’s First Set of Interrogatories (Nos. 1-30) are incorporated herein specifically by reference.
2. Where an objection is made to a request, state all grounds upon which your objection is based.

REQUESTS TO ADMIT

Request No. 10

Seven Ten Lounge and Atlas Brewing Company have separate physical street entrances.

Request No. 11

Seven Ten Lounge has a sign outside of its physical location identifying the premises as “Seven Ten Lounge”.

Request No. 12

As of June 4, 2012, Seven Ten Lounge did not have a sign outside its physical location identifying Atlas Brewing Company other than the sign referred to in Request 13.

Request No. 13

Atlas Brewing Company has a sign outside of its physical location identifying the premises as “Atlas Brewing Company”.

Request No. 14

As of June 4, 2012, Atlas Brewing Company did not have a sign outside its physical location identifying Seven Ten Lounge other than the sign referred to in Request 11.

Request No. 15

Prior to June 5, 2012, consumer receipts for sales of goods/services from Seven Ten Lounge did not include any reference to Atlas Brewing Company.

Request No. 16

Prior to June 5, 2012, consumer receipts for sales of goods/services from Atlas Brewing Company did not include any reference to Seven Ten Lounge.

Request No. 17

The document designated as ATLAS A is dated May 8, 2012, and states that construction was complete on the Seven Ten Lounge premises since the previous Friday, that the first batch of beer should be brewed on the following Tuesday and that Atlas Brewing Company should be open mid-to-late June.

Request No. 18

The document designated as ATLAS B accurately reproduces a Twitter post (aka, Tweet) by Opposer dated May 4, 2012, that states “Not brewing yet but the bowling alley reopens tonight...”

Request No. 19

On May 4, 2012, the Seven Ten Lounge premises opened after renovations.

Request No. 20

On May 4, 2012, the Atlas Brewing Company premises were still under construction.

Request No. 21

On May 4, 2012, Atlas Brewing Company was not serving food or drink to the public under the name Atlas Brewing Company.

Request No. 22

The document designated as ATLAS C accurately reproduces a Tweet by Opposer dated June 22, 2012, stating, "Atlas Brewing Company Opening Today in Lincoln Park".

Request No. 23

June 22, 2012 was the opening night of Atlas Brewing Company.

Request No. 24

June 22, 2012, was the first day that food and/or drink was served to the public under the name Atlas Brewing Company.

Request No. 25

The document designated as ATLAS D accurately reproduces a Tweet by Opposer dated June 10, 2012, that states, "[h]oping to give a sneak preview of our beers at @SevenTenLounge (craft beer and bowling) before the end of the month."

Request No. 26

Before June 10, 2012, Atlas Brewing Company's ATLAS branded beers were not available for consumer purchase at Seven Ten Lounge.

Request No. 27

The document designated as ATLAS E includes a Facebook post by Opposer dated July 19, 2012, stating, "[a]t long last we will finally be serving our own beers!"

Request No. 28

Before July 19, 2012, Atlas Brewing Company's ATLAS branded beers were not available for consumer purchase at Seven Ten Lounge.

Request No. 29

Before July 19, 2012, Atlas Brewing Company's ATLAS branded beers were not available for consumer purchase anywhere.

Request No. 30

As of September 27, 2013, Atlas Brewing Company's ATLAS branded beers had only been distributed throughout the Chicago metropolitan area and throughout the state of Illinois.

Date: Dec 24, 2013

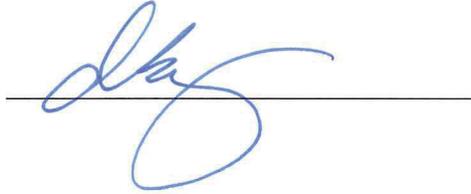
By:  _____

Anna L. King
Banner & Witcoff, Ltd.
10 South Wacker Drive, Suite 3000
Chicago, Illinois 60606
Telephone: (312) 463-5000
Facsimile: (312) 463-5001

CERTIFICATE OF SERVICE

I hereby certify that on this Dec 24, 2013, a copy of the foregoing Applicant's Second Set of Requests for Admissions (Nos. 10-30) was served by First Class Mail, postage prepaid, on counsel for Opposer, addressed as follows:

Lema A Khorshid
Fuksa Khorshid LLC
70 W Erie, 2nd Floor
Chicago, IL 60654

A handwritten signature in blue ink is written over a horizontal line. The signature is stylized and appears to be 'Lema A Khorshid'.

ATLAS A

From: **John Saller** <john.saller@gmail.com>

Date: Tue, May 8, 2012 at 2:53 PM

Subject: Re: Atlas Brewing Co. Update

To: John Saller <john.saller@gmail.com>, Ben Saller <Ben.Saller@gmail.com>

Construction is complete on the Seven Ten side of Atlas, and we have been open since Friday, with a bit more of a focus on craft beer. Today we received our initial yeast order, and placed an order for grains and hops. We should brew our first batch of beer on Tuesday. The beers will take 4 to 5 weeks before they are ready to serve, and the front-of-house construction will continue during that time. Barring setbacks in FOH construction, or delays in our federal licensing (which should, in theory, be approved on or around May 14), we should be able to open in mid-to-late June.

Cheers,

John

ATLAS B

ATLAS C

Expand Search Have an account? Sign in

Atlas Brewing Co. @AtlasBrewing 28 Jun 12
@PittoverTnT: Hey, thanks for the follow. I can't serve Atlas beers yet, but we're open. Ho love to give you & your friends a tour!
Expand

Atlas Brewing Co. @AtlasBrewing 28 Jun 12
@weemattacino: Great site. How do we get a listing? Still a couple weeks out on our own beer, but we've got guest beers, whiskey, and food.
Expand

Atlas Brewing Co. @AtlasBrewing 24 Jun 12
Atlas will be closed today, "Sunday", but starting tomorrow we'll be open seven days a week!
Expand

Atlas Brewing Co. @AtlasBrewing 23 Jun 12
@sriemthathree: We're looking forward to sharing our beer with you! Our customers are loving Kidnapped by Vikings.
View on Twitter

Atlas Brewing Co. @AtlasBrewing 23 Jun 12
@sriemthathree: sad that there's no Atlas beer yet, but awesome that we sold almost a whole keg of Kidnapped By Vikings last night!
Expand

Atlas Brewing Co. @AtlasBrewing 23 Jun 12
Thanks to everyone that came out last night. We'll be open at 5pm again today!
Expand

Atlas Brewing Co. @AtlasBrewing 23 Jun 12
@earencicago: Thanks for the article! Opening night was a blast!
View on Twitter

Atlas Brewing Co. @AtlasBrewing 22 Jun 12
@vestments: Thanks. Was Foremost! I visit you more frequently than any other liquor store. I will make sure to introduce myself next time.
View on Twitter

Atlas Brewing Co. @AtlasBrewing 22 Jun 12
@_matt_: "Lagh Moshin" "Kenwood Moshin" "Brier Moshin"
Expand

Atlas Brewing Co. @AtlasBrewing 22 Jun 12
@the_ahave: Thanks! hope to see you again soon.
View on Twitter

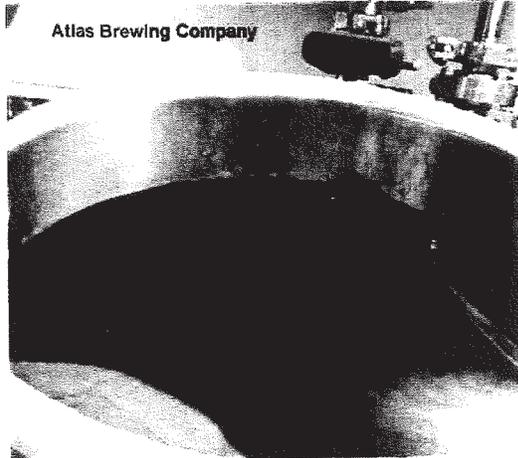
Atlas Brewing Co. @AtlasBrewing 22 Jun 12
@mishBeer: Ben and I will be imbibing too, once the dinner rush ends. It'll be fun to hang out!
View on Twitter

Atlas Brewing Co. @AtlasBrewing 22 Jun 12
Atlas Brewing Company Opening Today in Lincoln Park area! come @JD - via @Brier Chicago

A 279

ATLAS D

ATLAS E



Like Comment Share 16 0

Atlas Brewing Company July 25, 2012

We're excited to announce that Atlas will be pouring at the Great Taste of the Midwest! We can't wait!



Great Taste of the Midwest August 11, 2012 at 1:00pm Glen Park in Madison, Wisconsin Join 889 people went

Like Comment Share 6

Atlas Brewing Company July 23, 2012

I'm excited to announce that Atlas's Inaugural Beer Feast will be held on Tuesday, August 14th. We'll be pairing our beers with a special five course menu courtesy of Chef Joe Pierro. 48 seats will be available, with tickets going on sale soon. More details to come!

Like Comment Share 5 1

Atlas Brewing Company shared a link July 22, 2012

Our Brother Mauro Mild Dubbel is named after a pretty interesting guy. After all, he has both a delicious beer AND a crater on the moon named for him.



Fra Mauro - Wikipedia, the free encyclopedia en.wikipedia.org

Fra (from the Latin: frater, or Brother) Mauro, O.S.B. Cam., (+1460) was a 15th-century Camaldolese monk who lived in the Republic of

Like Comment Share 6

Atlas Brewing Company July 19, 2012



In Greek mythology, the Naiads (/ˈnaɪ.ədz/ or /ˈnaɪ.əd/ or /ˈnaɪ.ədɪ/) Ancient Greek naiades, Naiades, from *naiw* "to flow" or *naipe* "running water" were a type of nymph who presided over fountains, wells, springs, streams, and brooks.

Create Page

Atlas Brewing Company July 27, 2012

The first course of our beer feast might be local greens, with tarragon-infused grapes, duck confit, a quail egg, parmesan crisp, and a duck vinaigrette, paired with our Brother Mauro Belgian Mild.

Like Comment Share

Atlas Brewing Company July 25, 2012

Tomorrow we're brewing a beer named after the Greek deity of blood feuds. No actual blood included. But it will be red. ish.

Like Comment Share 5

Atlas Brewing Company shared a link July 24, 2012

Our Hyperion Double IPA is named for Atlas's uncle. Hyperion was brother to Kronos and father of Helios, Eos, and Selene. According to ancient greek literature, he was a great lover of powerful, hoppy beers. And no, I can't cite my sources for that.

Hyperion (mythology) - Wikipedia, the free encyclopedia en.wikipedia.org

The Twelve Titans:Oceanus and Tethys,Hyperion and Thera,Coeus and Phoebe,Cronus and Rhea,Mnemosyne, Themis,Crus, IapetusChildren of Oceanus:Oceanids, PotamoiChildren of Hyperion:Helios, Selene, EosDaughters of Coeus:Leto and AsteriaSons of Iapetus:Atlas.

Like Comment Share 8

Atlas Brewing Company shared a link July 25, 2012

We named our Diversey Pale Ale not only after the major avenue just north of Atlas, but after one of the most prominent brewers in Chicago history for which the street is named.

Michael Diversey - Wikipedia, the free encyclopedia en.wikipedia.org

Michael Diversey (born Diversy[citation needed]; December 10, 1810 - December 12, 1869) was an American beer brewer, owner of the Diversey Beer Brewery. Diversey was an immigrant from Illingen Saarland, Germany. He landed in the US in 1830, and went into

Like Comment Share 9

Atlas Brewing Company July 21, 2012

The past two nights have been incredible! Thanks to everybody who has come out to support us!

Like Comment Share 10 1

At long last, we will finally be serving our own beers! We should have a hop on our own brand pouring tonight! Come check us out!

Like Comment Share

Atlas Brewing Company
Jun 12, 2012

Atlas Brewing Co. is celebrating being completely flood-free for over three hours! Come join us and have a pint of Oublette, Burton Baton, Old 1713, and more.

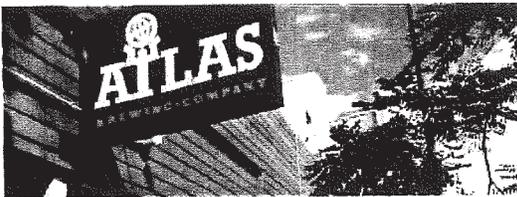
Like Comment Share

Atlas Brewing Company
Jul 7, 2012

Ben will be hanging out and giving brewhouse tours for most of tonight. We have some great hoppy drafts right now, including Three Floyd's Apocalypse Cow, Revolution Double Fist, and Solemn Oath Killed By Vikings!

Like Comment Share

Atlas Brewing Company changed their cover photo.
June 24, 2012



Like Comment Share

Atlas Brewing Company
June 23, 2012

Thanks to everyone who came out for our opening last night! And for those who couldn't make it, we'll open at 5pm today!

Like Comment Share

Atlas Brewing Company
July 18, 2012

Chef Joe has added a bunch of incredibly tasty items to our dinner menu, including a duck confit sandwich and house-made linguini carbonara. Come try them out!

Like Comment Share

Atlas Brewing Company
Jul 11, 2012

We had a great time at Haymarket Pub & Brewery last night with Drynop Brewers, Beagle Brewing, Spiteful Brewing, Illinois Crab Brewers Guild, Carazon Brew, and Lake Effect Brewing Company LLC. Let's do it again soon!

Like Comment Share

Atlas Brewing Company
June 29, 2012

Chef Joe's got a couple of killer specials on the menu tonight, including braised lamb ravioli with candied beets and roasted mushrooms in a red wine reduction as well as pork filettes made in-house.

Like Comment Share

Atlas Brewing Company
June 24, 2012

Atlas will be closed on Sunday, June 24th, but will reopen at 5pm on Monday the 25th. Starting tomorrow we'll be open seven days a week.

Like Comment Share



Joined Facebook

May 14, 2012

About Create Ad Create Page Developers Careers Privacy Cookies Terms Help

Facebook © 2013 English (US)

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

ATLAS BREWING COMPANY, LLC,)	
)	
Opposer,	)	Opposition No. 91210379
)	
v.	)	Serial No. 85/642,549
)	
ATLAS BREW WORKS LLC,	)	Mark: ATLAS
)	
Applicant.)	

**OPPOSER’S RESPONSE TO APPLICANT’S SECOND SET OF REQUESTS FOR
ADMISSION**

Opposer, ATLAS BREWING COMPANY, LLC (“Opposer”), by and through its attorneys, Fuksa Khorshid, LLC, pursuant to Trademark Rule 2.120 and Federal Rule of Civil Procedure 36, hereby submits its responses to Applicant Atlas Brew Works, LLC’s requests for admission.

Request No. 10

Seven Ten Lounge and Atlas Brewing Company have separate physical street entrances.

Answer: Admit.

Request No. 11

Seven Ten Lounge has a sign outside of its physical location identifying the premises as “Seven Ten Lounge.”

Answer: Admit.

Request No. 12

As of June 4, 2012, Seven Ten Lounge did not have a sign outside its physical location identifying Atlas Brewing Company other than the sign referred to in Request 13.

Answer: Deny.

Request No. 13

Atlas Brewing Company has a sign outside of its physical location identifying the premises as "Atlas Brewing Company".

Answer: Admit.

Request No. 14

As of June 4, 2012, Atlas Brewing Company did not have a sign outside its physical location identifying Seven Ten Lounge other than the sign referred to in Request 11.

Answer: Admit.

Request No. 15

Prior to June 5, 2012, consumer receipts for sales of goods/services from Seven Ten Lounge did not include any reference to Atlas Brewing Company.

Answer: Deny.

Request No. 16

Prior to June 5, 2012, consumer receipts for sales of goods/services from Atlas Brewing Company did not include any reference to Seven Ten Lounge.

Answer: Deny.

Request No. 17

The document designated as ATLAS A is dated May 8, 2012, and states that construction was complete on the Seven Ten Lounge premises since the previous Friday, that the first batch of beer should be brewed on the following Tuesday and that Atlas Brewing Company should be open mid-to-late June.

Answer: Objection, the document speaks for itself.

Request No. 18

The document designated as ATLAS B accurately reproduces a Twitter post (aka, Tweet) by Opposer dated May 4, 2012, that states “Not brewing yet but the bowling alley reopens tonight...”

Answer: Objection, the document speaks for itself.

Request No. 19

On May 4, 2012, the Seven Ten Lounge premises opened after renovations.

Answer: Admit.

Request No. 20

On May 4, 2012, the Atlas Brewing Company premises were still under construction.

Answer: Admit.

Request No. 21

On May 4, 2012, Atlas Brewing Company was not serving food or drink to the public under the name Atlas Brewing Company.

Answer: Deny.

Request No. 22

The document designated as ATLAS C accurately reproduces a Tweet by Opposer dated June 22, 2012, stating, "Atlas Brewing Company Opening Today in Lincoln Park."

Answer: Objection, the document speaks for itself.

Request No. 23

June 22, 2012 was the opening night of Atlas Brewing Company.

Answer: Deny.

Request No. 24

June 22, 2012, was the first day that food and/or drink was served to the public under the name Atlas Brewing Company.

Answer: Deny.

Request No. 25

The document designated as ATLAS D accurately reproduces a Tweet by Opposer dated June 10, 2012, that states "[h]oping to give a sneak preview of our beers at @SevenTenLounge (craft beer and bowling) before the end of the month."

Answer: Objection, the document speaks for itself.

Request No. 26

Before June 10, 2012, Atlas Brewing Company's ATLAS branded beers were not available for consumer purchase at Seven Ten Lounge.

Answer: Admit.

Request No. 27

The document designated as ATLAS E includes a Facebook post by Opposer dated July 19, 2012, stating "[a]t long last we will finally be serving our own beers.

Answer: Objection, the document speaks for itself.

Request No. 28

Before July 19, 2012, Atlas Brewing Company's ATLAS branded beers were not available for consumer purchase at Seven Ten Lounge.

Answer: Admit.

Request No. 29

Before July 19, 2012, Atlas Brewing Company's ATLAS branded beers were not available for consumer purchase anywhere.

Answer: Admit.

Request No. 30

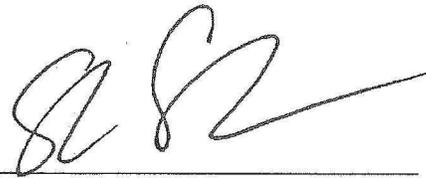
As of September 27, 2013, Atlas Brewing Company's ATLAS branded beers had only been distributed throughout the Chicago metropolitan area and throughout the state of Illinois.

Answer: Deny.

VERIFICATION

I, Steven Soble, of Atlas Brewing Company, LLC, verify under penalty of perjury that I have read the foregoing OPPOSER'S ANSWER TO APPLICANT'S REQUESTS FOR ADMISSION and that my responses are true and correct to the best of my knowledge and belief.

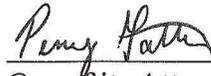
Dated this 3rd day of February, 2014

A handwritten signature in black ink, appearing to read 'Soble', written over a horizontal line.

Steven Soble

Dated this 3rd day of February, 2014

Respectfully submitted,
FUKSA KHORSHID, LLC



One of its Attorneys
Attorney for the Opposer

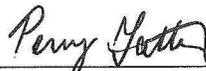
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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies having served a copy of this Opposer's Responses to Applicant's Second Set of Requests for Admission upon the parties listed below via Hand Delivery and First Class Mail on the 3rd day of February, by causing the same to be mailed in a properly addressed envelope, postage prepaid, and, in addition thereto, by email.

Anna L. King
Banner & Witcoff, Ltd.
10 South Wacker Drive
Suite 3000
Chicago, Illinois 60606
Attorney for Atlas Brew Works, LLC

Respectfully submitted,
FUKSA KHORSHID, LLC



One of its Attorneys
Attorney for the Opposer

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