

ESTTA Tracking number: **ESTTA553936**

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

Proceeding	91211914
Party	Defendant Port Brewing, LLC
Correspondence Address	POLLIE GAUTSCH, ESQ. G&A LEGAL, APC 2033 SAN ELIJO AVE # 201 CARDIFF, CA 92007-1726  pollie@gandalegal.com
Submission	Answer
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Date	08/14/2013
Attachments	AnswerVeritas Notice of Opposition pdf.pdf(89276 bytes )

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

**In the Matter of Application Serial No. 85/768-364 Int’l Class 32 and published in the *Official Gazette* 04/16/2013.**

<b>Saddleback Family Winery Vineyards and Stables, LLC</b>	)	
	)	
<b>Opposer,</b>	)	<b>Opposition No. 91211914</b>
	)	
<b>-against-</b>	)	
	)	
<b>Port Brewing, LLC</b>	)	
	)	
<b>Applicant.</b>	)	
	)	

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**ANSWER TO NOTICE OF OPPOSITION**

Commissioner for Trademarks  
Attention Trial and Appeal Board  
PO Box 1451  
Alexandria, VA 22313-1451

Dear Sir/Madam:

Applicant, Port Brewing, LLC. (hereinafter “Applicant”) hereby responds to the Notice of Opposition as follows:

1. Applicant admits Applicant seeks to register the mark VERITAS as trademark for use in connection with beer but notes that it has filed in class 32 and not 33.
2. Applicant admits the allegations of this paragraph.
3. Applicant denies the allegations of this paragraph.
4. Applicant is without sufficient information to form a belief as to matters set forth in this paragraph.
5. Applicant is without sufficient information to form a belief as to matters set forth in this paragraph.
6. Applicant is without sufficient information to form a belief as to matters set forth in this paragraph.
7. Applicant is without sufficient information to form a belief as to matters set forth in this paragraph.
8. Applicant is without sufficient information to form a belief as to matters set forth in this paragraph.

9. Applicant is without sufficient information to form a belief as to matters set forth in this paragraph.
10. Applicant is without sufficient information to form a belief as to matters set forth in this paragraph.
11. Applicant denies the allegations of this paragraph.
12. Applicant denies the allegations of this paragraph
13. Applicant is without sufficient information to form a belief as to matters set forth in this paragraph

and, on that basis, denies those allegations.

14. Applicant denies the allegations of this paragraph.
15. Applicant denies the allegations of this paragraph.
16. Applicant denies the allegations of this paragraph.

### **AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE-ABSENCE OF DAMAGES:** Opposer has not and will not be damaged by the registration of the trademark VERITAS and therefore lacks standing to oppose the registrations.

**SECOND AFFIRMATIVE DEFENSE- LACHES, ESTOPPEL, WAIVER, UNCLEAR HANDS:** Opposer is barred from seeking opposition of the Applicant's trademarks under the doctrines of laches, estoppel, waiver and/or unclean hands.

**THIRD AFFIRMATIVE DEFENSE- ABSENCE OF LIKELIHOOD OF CONFUSION:** Lanham Act Section 2(d)- the marks of the Applicant compared to the mark of the Opposer (a) are different in sound, appearance, meaning and commercial impression; (b) are unrelated and marketed through different channels of trade; (c) are provided to different classes of consumers; (d) Applicant's asserted marks are weak and entitled to only a narrow scope of protection; (e) there is no evidence of actual confusion; and (f) that recipients of the services are sophisticated and therefore less apt to be confused by the marks.

Applicant hereby gives notice that it may rely on any other defenses that may become available or appear proper during discovery, and hereby reserves its right to amend this Answer to assert any such defenses.

WHEREFORE, Applicant prays that this opposition be dismissed, and that the subject application proceed to registration and for such other and further relief as may be appropriate.

Dated August 14, 2013

Respectfully submitted,

G&A Legal, a professional corporation



BY: \_\_\_\_\_

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Attorneys for Applicant

#### CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing Answer to Notice of Opposition on the Attorney of Record for the Applicant by mailing it via First Class Mail postage prepaid, on the 14th of August, 2013 at the address indicated below:

Heather E. Balmat  
Balmat Law, PLLC  
977 Seminole Tr., #342  
Charlottesville, VA 22901

Attorneys for Opposer



BY: \_\_\_\_\_  
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