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

Proceeding	91212861
Party	Plaintiff Fairmont Holdings, Inc.
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Submission	Answer to Counterclaim
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Date	05/12/2014
Attachments	answer and affirmative defenses-counterclaim-RESTATED.pdf(31396 bytes )

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

FAIRMONT HOLDINGS, INC.,  
a Florida Corporation,

Opposer/Registrant,

vs.

Opposition No. 91212861  
Application Serial No.: 85859951  
Word Mark: DEWAR'S LIVE TRUE

BACARDI & COMPANY LIMITED,  
a Liechtenstein Company,

Applicant/Petitioner.

ANSWER AND AFFIRMATIVE DEFENSES TO RESTATED COUNTERCLAIM

Opposer/Registrant, Fairmont Holdings, Inc., by and through its undersigned counsel, responds to Applicant/Petitioner Bacardi & Company Limited's Restated Petition For Cancellation as follows:

**ANSWER**

1. Opposer/Registrant is without knowledge as to the allegations contained within paragraphs 1, 3 and 4. Registrant therefore denies said paragraphs, and demands strict proof thereof.
2. Opposer/Registrant admits paragraph 2, except that Opposer/Registrant's new address is 3700 S.W. 30th Ave. , Hollywood, Florida 33312.
3. Opposer/Registrant denies the allegations contained within paragraphs 6, 7, 8 and 9 as stated, and demands strict proof thereof.
4. Opposer/Registrant admits paragraph 5.
5. Any allegation not specifically admitted herein is denied.

**AFFIRMATIVE DEFENSES**

Further answering Applicant/Petitioner's pleading, Opposer/Registrant states in the affirmative and the alternative as follows:

- A. Opposer/Registrant was and is in compliance with all federal statutory requirements and obligations in relation to Registration No. 4,222,657.

Registrant specifically reserves the right to allege additional affirmative defenses as they may present themselves during the discovery process.

Respectfully submitted:

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By: /s/ Kimberly Kolback/  
KIMBERLY KOLBACK

**CERTIFICATE OF MAILING**

I hereby certify that a true and correct copy of the above and foregoing is being submitted electronically, via the Electronic Filing System, with the Trademark Trial And Appeal Board, on May 12, 2014. I further hereby certify that a true and correct copy of the above and foregoing was served by U.S. Mail and email on May 12, 2014 upon: Jennifer DeArmond, Schneck & Schneck, P.O. Box 2-E, San Jose, CA 95109, dearmond@patentvalley.com.

By: /s/ Kimberly Kolback/  
KIMBERLY KOLBACK