

ESTTA Tracking number: **ESTTA597825**

Filing date: **04/10/2014**

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

| | |
|------------------------|--|
| Proceeding | 91214512 |
| Party | Plaintiff Two Brothers Brewing Company |
| Correspondence Address | THOMAS L HOLT STEPTOE & JOHNSON LLP 115 S LASALLE ST, SUITE 3100 CHICAGO, IL 60603 UNITED STATES ipdocketing@steptoe.com, tholt@steptoe.com |
| Submission | Answer to Counterclaim |
| Filer's Name | Thomas L. Holt |
| Filer's e-mail | tholt@steptoe.com, ipdocketing@steptoe.com |
| Signature | /Thomas L. Holt/ |
| Date | 04/10/2014 |
| Attachments | Two Bros - Answer to Counterclaim Opp.FINAL.pdf(10558 bytes) |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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|-------------------------------|---|----------------------------|
| TWO BROTHERS BREWING COMPANY, |) | |
| |) | |
| Opposer, |) | Opposition No. 91/214,512 |
| |) | |
| v. |) | Serial No. 86/021,014 |
| |) | Serial No. 86/020,720 |
| THREE BROTHERS BREWING, LLC |) | |
| |) | Mark: 3 BROTHERS |
| |) | |
| Applicant. |) | Filing Date: July 26, 2013 |
| |) | |

ANSWER TO APPLICANT THREE BROTHERS' COUNTERCLAIM

Opposer Two Brothers Brewing Company (“Opposer”), by its undersigned counsel, sets forth its Answer to the Counterclaim of Applicant Three Brothers Brewing, LLC (“Three Brothers”) as follows:

21. Two Brothers denies the allegations contained in Paragraph 21 of the Counterclaim.
22. Two Brothers denies the allegations contained in Paragraph 22 of the Counterclaim.
23. Two Brothers admits that the mark that is the subject of Federal Trademark Registration No. 2,319,407 contains word and design elements. Two Brothers further admits that it did not file a federal word mark trademark application for “TWO BROTHERS” until the filing of Application No. 86/123,339 on November 19, 2013 for the mark TWO BROTHERS BREWING COMPANY. Two Brothers denies the remaining allegations contained in Paragraph 23 of the Counterclaim.

24. Two Brothers admits that it has used the TWO BROTHERS BREWING CO & Design mark illustrated in Exhibit A, p. 1 of its Notice of Opposition. Two Brothers denies the remaining allegations contained in Paragraph 24 of the Counterclaim.

25. Two Brothers admits that in 2010 it began using the TWO BROTHERS BREWING CO & Design mark that is the subject of Application No. 86/123,386. Two Brothers denies the remaining allegations contained in Paragraph 25 of the Counterclaim.

26. Two Brothers lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 26 of the Counterclaim and, therefore, denies such allegations.

27. Two Brothers denies the allegations of Paragraph 27 of the Counterclaim.

28. Two Brothers denies the allegations of Paragraph 28 of the Counterclaim.

29. Two Brothers denies the allegations of Paragraph 29 of the Counterclaim.

Respectfully submitted,

TWO BROTHERS BREWING COMPANY

Dated: April 10, 2014

By: /s/ Thomas L. Holt

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Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2014 I served a true and correct copy of the foregoing
ANSWER TO APPLICANT THREE BROTHERS' COUNTERCLAIM on counsel for
Applicant by U.S. mail at the following address:

Daniel L. Fitch
Wharton Aldhizer & Weaver PLC
100 S. Mason Street
Harrisonburg, VA 22801

/s/ Thomas L. Holt
One of the Attorneys for Opposer
Two Brothers Brewing Company