ESTTA Tracking number: **ESTTA600597**
Filing date: **04/25/2014**

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

Proceeding	91215475
Party	Defendant Mexcor, Inc.
Correspondence Address	WILLIAM D RAMAN FLECKMAN & MCGLYNN PLLC PO BOX 685108 AUSTIN, TX 78768-5108 UNITED STATES
Submission	Answer
Filer's Name	William D. Raman
Filer's e-mail	Raman@fleckman.com, trademarks@fleckman.com, klbynum@fleckman.com
Signature	/William D. Raman/
Date	04/25/2014
Attachments	Executed Answer.pdf(110065 bytes)

TRADEMARK

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

In the matter of Application Serial No. 85/731,118
Mark: TEXAS CROWN CLUB WHISKY and Design

DIAGEO NORTH AMERICA, INC., Opposer, v. MEXCOR, INC., Applicant.	Opposition No. 91215475

ANSWER

For its Answer to the "Notice of Opposition" of Diageo North America, Inc., and responding to numbered paragraphs thereof with similarly numbered paragraphs, Applicant, Mexcor, Inc., based upon present information, states as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 1, and therefore denies the same.

2. Admitted.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 3, and therefore denies the same.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 4, and therefore denies the same.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 5, and therefore denies the same.

6. Applicant denies that Opposer's marks are "famous" as that term is understood under Section 43(c) of the Trademark Statute. Applicant is otherwise without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 6, and therefore denies the same.

7. Applicant admits that Opposer appears to be the owner of record of the registrations cited in Paragraph 7 and that copies of certificates or data relating to the registrations were attached. Applicant is otherwise without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 7, and therefore denies the same.

8. Admitted.

9. Applicant admits that it filed its application after Opposer commenced use of the marks CROWN ROYAL and the design of a purple cloth pouch bag with gold stitching and gold drawstring. Applicant denies that Opposer's marks are famous. Because of the vagueness of the reference to "various marks" in Paragraph 3 of the Notice of Opposition, Applicant is otherwise without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 9, and therefore denies the same.

10. Denied.

11. Admitted.

12. Denied.

13. Denied.

14. Denied.

15. Denied.

16. Denied.

WHEREFORE, Applicant respectfully requests that the Notice of Opposition be dismissed with prejudice and that all relief to Opposer be denied.

Respectfully submitted,

By: Karla L. Bynum

William D. Raman
Karla L. Bynum
FLECKMAN & MCGLYNN, PLLC
P. O. Box 685108
Austin, TX 78768-5108

ATTORNEYS FOR APPLICANT

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **ANSWER** is being mailed via the United States Postal Service, as First Class Mail, postage prepaid, this 25th day of April, 2014, to counsel for Opposer, at the following address:

Brendan J. O'Rourke
Proskauer Rose LLP
11 Times Square
New York, NY 10036-8299

Karla L. By