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

Proceeding	91217284
Party	Defendant Hanson Brothers Beer, LLC
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Submission	Answer
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Date	08/14/2014
Attachments	Answer to Notice of Opposition (F1508693x96B9E).pdf(213924 bytes)

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

In the Matter of Serial No. 85/957,686
Mark: HANSON BROTHERS

MONSTER ENERGY COMPANY,

Opposer,

v.

HANSON BROTHERS BEER, LLC,

Applicant.

Opposition No. 91217284

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Applicant Hanson Brothers Beer, LLC (“Applicant”) by its attorneys, Fross Zelnick Lehrman & Zissu, P.C., for its answer to the Notice of Opposition of Monster Energy Company (“Opposer”) states as follows:

1. Applicant admits the allegations contained in Paragraph 1 of the Notice of Opposition.
2. Applicant denies knowledge or information sufficient to form of belief as to the truth of the allegations contained in Paragraph 2 of the Notice of Opposition and therefore denies the same.
3. Admit that Opposer is the owner of U.S. Trademark Registration No. 1,258,780, the content of which speaks for itself. Applicant denies knowledge or information sufficient to form of belief as to the truth of the remaining allegations contained in Paragraph 3 of the Notice of Opposition and therefore denies the same.

4. Admit that Opposer is the owner of U.S. Trademark Registration No. 2,673,954, the content of which speaks for itself. Applicant denies knowledge or information sufficient to form of belief as to the truth of the remaining allegations contained in Paragraph 4 of the Notice of Opposition and therefore denies the same.

5. Admit that Opposer is the owner of U.S. Trademark Registration No. 3,000,669, the content of which speaks for itself. Applicant denies knowledge or information sufficient to form of belief as to the truth of the remaining allegations contained in Paragraph 5 of the Notice of Opposition and therefore denies the same.

6. Admit that Opposer is the owner of U.S. Trademark Registration No. 3,049,284, the content of which speaks for itself. Applicant denies knowledge or information sufficient to form of belief as to the truth of the remaining allegations contained in Paragraph 6 of the Notice of Opposition and therefore denies the same.

7. Admit that Opposer is the owner of U.S. Trademark Registration No. 3,470,780, the content of which speaks for itself. Applicant denies knowledge or information sufficient to form of belief as to the truth of the remaining allegations contained in Paragraph 7 of the Notice of Opposition and therefore denies the same.

8. Admit that Opposer is the owner of U.S. Trademark Registration No. 4,030,269, the content of which speaks for itself. Applicant denies knowledge or information sufficient to form of belief as to the truth of the remaining allegations contained in Paragraph 8 of the Notice of Opposition and therefore denies the same.

9. Admit that Opposer is the owner of U.S. Trademark Registration No. 4,030,268, the content of which speaks for itself. Applicant denies knowledge or information sufficient to

form of belief as to the truth of the remaining allegations contained in Paragraph 9 of the Notice of Opposition and therefore denies the same.

10. Admit that Opposer is the owner of U.S. Trademark Registration No. 4,183,923, the content of which speaks for itself. Applicant denies knowledge or information sufficient to form of belief as to the truth of the remaining allegations contained in Paragraph 10 of the Notice of Opposition and therefore denies the same.

11. Admit that Opposer is the owner of U.S. Trademark Registration No. 4,485,411, the content of which speaks for itself. Applicant denies knowledge or information sufficient to form of belief as to the truth of the remaining allegations contained in Paragraph 11 of the Notice of Opposition and therefore denies the same.

12. Admit that Opposer is the owner of U.S. Trademark Registration No. 4,125,192, the content of which speaks for itself. Applicant denies knowledge or information sufficient to form of belief as to the truth of the remaining allegations contained in Paragraph 12 of the Notice of Opposition and therefore denies the same.

13. Admit that Opposer is the owner of U.S. Trademark Registration No. 4,352,637, the content of which speaks for itself. Applicant denies knowledge or information sufficient to form of belief as to the truth of the remaining allegations contained in Paragraph 13 of the Notice of Opposition and therefore denies the same.

14. Admit that Opposer is the owner of U.S. Trademark Application Serial No. 85/111452, the content of which speaks for itself. Applicant denies knowledge or information sufficient to form of belief as to the truth of the remaining allegations contained in Paragraph 14 of the Notice of Opposition and therefore denies the same.

15. Applicant avers that Paragraph 15 contains legal argument and conclusions, response to which is not required. Applicant denies knowledge or information sufficient to form of belief as to the truth of the remaining allegations contained in Paragraph 15 of the Notice of Opposition and therefore denies the same.

16. Applicant avers that Paragraph 16 contains legal argument and conclusions, response to which is not required. Applicant denies knowledge or information sufficient to form of belief as to the truth of the remaining allegations contained in Paragraph 16 of the Notice of Opposition and therefore denies the same.

17. Applicant denies knowledge or information sufficient to form of belief as to the truth of the allegations contained in Paragraph 17 of the Notice of Opposition and therefore denies the same.

18. Applicant denies knowledge or information sufficient to form of belief as to the truth of the allegations contained in Paragraph 18 of the Notice of Opposition and therefore denies the same.

19. Applicant denies knowledge or information sufficient to form of belief as to the truth of the allegations contained in Paragraph 19 of the Notice of Opposition and therefore denies the same.

20. Applicant denies knowledge or information sufficient to form of belief as to the truth of the allegations contained in Paragraph 20 of the Notice of Opposition and therefore denies the same.

21. Applicant admits the allegations contained in Paragraph 21 of the Notice of Opposition.

22. Applicant admits the allegations contained in Paragraph 22 of the Notice of Opposition.

23. Applicant denies the allegations contained in Paragraph 23 of the Notice of Opposition.

24. Applicant denies the allegations contained in Paragraph 24 of the Notice of Opposition.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

Opposer's claims are barred by laches.

WHEREFORE, Applicant respectfully requests that the Notice of Opposition be dismissed, that judgment be entered in favor of Applicant and that Application Serial No. 85/957,686 proceed to registration.

Dated: New York, New York
August 14, 2014

FROSS ZELNICK LEHRMAN
& ZISSU, P.C.

By: 
Michael Chiappetta
866 United Nations Plaza
New York, New York 10017
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Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that, on August 14, 2014, a copy of the foregoing **ANSWER TO NOTICE OF OPPOSITION** was sent by first class mail postage pre-paid, to Opposer's counsel of record as follows:

Steven J. Nataupsky
Knobbe, Martens, Olson & Bear, LLP
2040 Main Street
14th Floor
Irvine, California 92614



Michael Chiappetta