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

Proceeding	91217720
Party	Defendant Daiquiri Ice, LLC
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Date	12/12/2014
Attachments	Daiquiri Ice's Answer to Notice of Opposition.pdf(124160 bytes )

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

SAZERAC COMPANY, INC.	)	
	)	Opposition No.: 91217720
v.           Opposer,	)	
	)	Serial No.: 86/099,955
DAIQUIRI ICE, LLC	)	
	)	Mark: <b>THE TASTE OF</b>
Applicant.	)	<b>NEW ORLEANS</b>

**ANSWER TO NOTICE OF OPPOSITION AND AFFIRMATIVE DEFENSES**

Applicant Daiquiri Ice, LLC, (“Applicant”), owner of the Federal Trademark Application Serial No. 86099955 for the mark THE TASTE OF NEW ORLEANS hereby answers the Notice of Opposition filed by Sazerac Company, Inc. (“Opposer”) as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations in ¶ 1 and therefore denies all allegations therein.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations in ¶ 2 and therefore denies all allegations therein.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations in ¶ 3 and therefore denies all allegations therein. Applicant further responds that, upon information and belief, Opposer no longer uses the word mark SPIRIT OF THE FRENCH QUARTER in commerce.
4. Applicant admits the allegations of ¶ 4.
5. Applicant denies the allegations of ¶ 5.
6. Applicant denies the allegations of ¶ 6.

7. Applicant denies the allegations of ¶ 7.
8. Applicant denies the allegations of ¶ 8.
9. Applicant denies the allegations of ¶ 9.
10. Applicant denies the allegations of ¶ 10.
11. Applicant denies the allegations of ¶ 11.
12. Applicant denies the allegations of ¶ 12.
13. Applicant denies the allegations of ¶ 13.
14. Applicant denies the allegations of ¶ 14.
15. Applicant denies the allegations of ¶ 15.

#### **AFFIRMATIVE DEFENSES**

Applicant asserts that the following affirmative defenses bar Opposer's requested relief in their Notice of Opposition.

#### **FIRST AFFIRMATIVE DEFENSE**

16. Opposer has failed to state a claim upon which relief can be granted.

#### **SECOND AFFIRMATIVE DEFENSE**

17. There is no likelihood of confusion between Applicant's intended goods and Opposer's goods.

#### **THIRD AFFIRMATIVE DEFENSE**

18. Opposer's marks do not qualify for protection as "famous" marks since they are applied to goods of limited sales volume which are not widely consumed in the United States.

