

ESTTA Tracking number: **ESTTA576942**

Filing date: **12/17/2013**

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

Proceeding	92056848
Party	Plaintiff Bacardi & Company Limited
Correspondence Address	JANICE HOUSEY SYMBUS LAW GROUP LLC PO BOX 11085 MCLEAN, VA 22102 UNITED STATES jhousey@symbus.com, trademarks@symbus.com
Submission	Answer to Counterclaim
Filer's Name	Janice Housey
Filer's e-mail	jhousey@symbus.com, trademarks@symbus.com
Signature	/janice housey/
Date	12/17/2013
Attachments	92056848 BECK'S SAPPHIRE Answer to Counterclaim 12-17-13.pdf(48288 bytes)

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

Bacardi & Company Limited :
Petitioner, :
v. :
 : Cancellation No.92056848
 :
Brauerei Beck GmbH & Co. KG : Reg. No. 4,293,143
Registrant. :

ANSWER TO COUNTERCLAIM

1. Petitioner is without sufficient information to admit or deny and therefore, denies the allegations in this paragraph.
2. Petitioner admits that it is a corporation organized and existing under the laws of Liechtenstein and has a registered address at 5 Aeulstrasse, Vaduz 9490, Liechtenstein.
3. Petitioner admits.
4. Petitioner admits.
5. Petitioner admits.
6. Petitioner admits, except as to footgear.
7. Petitioner admits that Petitioner had not used the BOMBAY SAPPHIRE mark on each and every one of the goods and services listed in the '447 Registration at the time it applied to register the BOMBAY SAPPHIRE mark. Petitioner denies any implication that its application

included an allegation of use in its application. Petitioner admits that Petitioner has not used the BOMBAY SAPPHIRE mark on each and every one of the goods and services listed in the '447 Registration to this day.

8. Petitioner denies.

9. Petitioner denies.

10. Petitioner denies.

11. Petitioner is without sufficient information to understand what is meant by "those goods and services" as the same is unclear and ambiguous and therefore, denies the allegations in this paragraph.

AFFIRMATIVE DEFENSES

Petitioner alleges the following affirmative defenses and reserves the right to allege additional affirmative defenses.

1. The counterclaim petition fails to state a claim upon which relief can be granted.

2. The counterclaim petition fails to state a claim for finding that the entire '447 Registration should be cancelled.

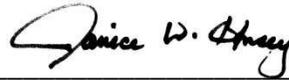
3. The counterclaim petition fails to state a claim for finding that the entire '447 Registration should be considered void *ab initio*.

WHEREFORE, Petitioner prays that its request for cancellation be granted and that Registrant's counterclaim be dismissed.

Respectfully submitted,

Bacardi & Company Limited

Date: December 17, 2013



Janice W. Housey
Counsel for Petitioner

Janice W. Housey
Symbus Law Group, LLC
PO Box 11085
McLean, VA 22102
703.957.5274 office
540.518.9037 fax

CERTIFICATE OF SERVICE

On this 17th day of December 2013, a true and correct copy of the foregoing ANSWER TO COUNTERCLAIM is being sent via first class mail, postage prepaid and addressed as follows:

BOBBY A GHAJAR
PILLSBURY WINTHROP SHAW PITTMAN LLP
725 S FIGUEROA ST, SUITE 2800
LOS ANGELES, CA 90017



Janice W. Housey