

TAB

B51-023

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

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BACARDI & COMPANY, LIMITED and	:	04-04-2003
BACARDI U.S.A., INC.,	:	U.S. Patent & TMOfr/TM Mail Rcpt Dt. #74
	:	
Opposers,	:	
	:	
v.	:	Opposition No. 91155690
	:	
DESTILERIA SERRALLES, INC.,	:	
	:	
Applicant.	:	
	:	

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ANSWER

Applicant, Destileria Serralles, Inc., hereby answers the notice of opposition in the above identified proceeding as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1 of the Notice of Opposition.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 2 of the Notice of Opposition.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3 of the Notice of Opposition.
4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4 of the Notice of Opposition.
5. Applicant admits that Registration No. 2,002,439 for RON BACARDI LIMON and Design, wherein exclusive rights to the merely descriptive word LIMON were disclaimed,

issued to Bacardi & Company Limited and is otherwise without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 5 of the Notice of Opposition.

6. Applicant admits the allegations in paragraph 6 of the Notice of Opposition.
7. Applicant denies the allegations in paragraph 7 of the Notice of Opposition.
8. Applicant denies the allegations in paragraph 8 of the Notice of Opposition.

AFFIRMATIVE DEFENSE

9. Upon information and belief, the word LIMON is merely descriptive as used in connection with opposer's product and applicant's proposed product.

10. The English translation of "LIMON" is lemon.

11. Any claim of secondary meaning attributed by opposer to a LIMON rum product is *de facto* in nature.

WHEREFORE, applicant prays that this opposition proceeding be in all respects dismissed.

Dated: April 1, 2003

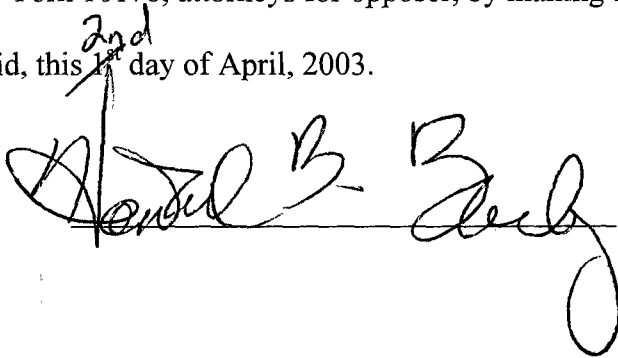
ROBIN BLECKER & DALEY

By 

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CERTIFICATE OF SERVICE

A copy of the foregoing "Answer" was served on Michele Graham, Kelley Drye & Warren, 101 Park Avenue, New York, New York 10178, attorneys for opposer, by mailing a copy thereof, first class mail, postage prepaid, this ^{2nd} day of April, 2003.

A handwritten signature in cursive script, appearing to read "Andrew B. Bely". The signature is written over a horizontal line.

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a).

Opposition No.: 91155690
Parties: Bacardi & Company, Limited and Bacardi U.S.A.,
Inc., v. Destileria Serralles, Inc.
Mark: DON Q LIMON
Document: Answer, Certificate of Mailing, Return Card

I hereby certify that the above-identified correspondence, which is attached, is being deposited with the United States Postal Service as first-class mail in an envelope addressed to:

Assistant Commissioner for Trademarks
BOX TTAB NO FEE
2900 Crystal Drive
Arlington VA 22202-3513

on: April 2, 2003

Monica Hendricks

Name of Person Making Deposit



Signature of Person Making Deposit

April 2, 2003

Date of Signature