

O I P E
JUN 21 2004
JCSB
TRADEMARK OFFICE

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

WILLIAM GRANT & SONS, INC.,

OPPOSER,

v.

OPPOSITION No.: 91,158,030

HIGH FALLS BREWING COMPANY, LLC,

APPLICANT.

TTAB



06-21-2004

U.S. Patent & TMOtr/TM Mail Rcpt Dt. #22

REQUEST FOR DECISION

Dear Sir:

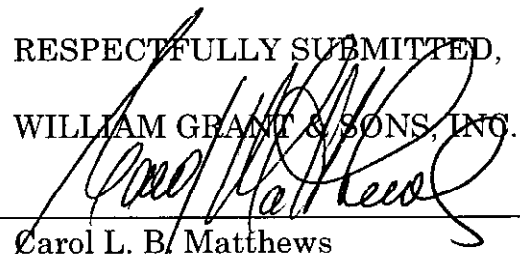
On June 16, 2004 Applicant affirmatively abandoned Application Serial No.: 76/444/158 which is herein opposed. A copy of Applicant's electronic response to the Office abandoning the application and the PTO acknowledgement is attached.

It is requested that a Decision be issued in this case sustaining the objection with prejudice to the Applicant.

RESPECTFULLY SUBMITTED,

WILLIAM GRANT & SONS, INC.

BY: _____


Carol L. B. Matthews
HOLLAND & KNIGHT LLP
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Suite 100
Washington, D.C. 20006
(202) 955-3000

DATED: 21 June 04

Law Offices
HOLLAND & KNIGHT LLP
2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006-6801

CERTIFICATE OF SERVICE

I, Carol L. B. Matthews, Attorney for Opposer, hereby certify that the foregoing copy of Request for Decision, was served by facsimile and first class mail on June 21, 2004 to:

Stephen B. Salai
Kimberly I. Shimomura
Attorneys for Applicant
1600 Bausch & Lomb Place
Rochest, NY 14604-2070

BY: _____


Carol L. B. Matthews

2031097_v1

PTO Form (Rev 4/2000)
OMB Control #0651-.... (Exp. 08/31/2004)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **76444158** is amended as follows:

Classification and Listing of Goods/Services

Applicant hereby deletes the following class of goods/services from the application.

Class 032 for Alcoholic beverages, namely, beer and ale

Additional Statements

Applicant hereby withdraws the application

Declaration Signature

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this amendment/response on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, and that the mark is in use in commerce, and was in use in commerce on the application filing date, on or in connection with the goods and/or services listed in the application; or, if the application is being filed under 15 U.S.C. Section 1051(b), 1126(d) or 1126(e), he/she believes applicant to be entitled to use such mark in commerce, and that the applicant has a bona fide intention, and had a bona fide intention on the application filing date, to use the mark in commerce on or in connection with the goods and/or services listed in the application; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods and/or services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true as set forth within the original application and/or the submitted amendment/response.

Signature: /stephen b. salai/ Date: 06/16/2004

Signatory's Name: Stephen B. Salai

Signatory's Position: Attorney for Applicant

Response Signature

Signature: /stephen b. salai/ Date: 06/16/2004

Signatory's Name: Stephen B. Salai

Signatory's Position: Attorney for Applicant

Success!

We have received your Response to Office Action Form for serial number 76444158. We will send an Email summary of the response data to 'bsalai@hselaw.com', which will be your official confirmation of receipt.

TEAS support team**Wed Jun 16 18:09:41 EDT 2004**STAMP: USPTO/OA-2497192227-20040616180941257179-76444158-200e6cde61b7590563f11601967badf4d93-N-N-20040616180841276898

**Trademark Electronic Application System (TEAS) service****U.S. Patent and Trademark Office****PrinTEAS@uspto.gov**