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

Pepsico, Inc.	)	Opposition No. 91158762
	)	
Opposer,	)	Serial No. 76/491,583
	)	
v.	)	Mark: POPY
	)	
Kornbrennerei Krugmann	)	I hereby certify that this paper or fee
GmbH & Co. KG	)	is being deposited with the United
	)	States Postal Service under 37 CFR 1.10
Applicant.	)	on JANUARY 21, 2004 in an envelope as
	)	Express Mail Post Office to Addressee
	)	mailing Label No. EV235982463 us
	)	addressed to the Commissioner for
	)	Trademarks, BOX TTAB NO FEE, 2900
	)	Crystal Drive, Arlington, VA 22202-3514



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Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514

01-21-2004

U.S. Patent & TMO's/TM Mail Rcpt Dt. #22

**APPLICANT'S ANSWER TO NOTICE OF OPPOSITION**

In answer to the notice of opposition applicant,  
Kornbrennerei Krugmann GmbH & Co. KG, responds as follows:

1. Applicant admits that opposer is engaged in the business of manufacturing, marketing, and offering for sale soft drinks, but has insufficient knowledge to admit or deny the remaining allegations of paragraph 1 of the notice of opposition and, therefore, denies such remaining allegations.

2. Applicant admits that opposer has used the mark PEPSI to identify carbonated soft drinks throughout the United States, but is without sufficient information to admit or deny the remaining allegations of paragraph 2 of the notice of opposition and, therefore, denies such remaining allegations.

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3. Applicant is without sufficient knowledge to admit or deny the allegations of paragraph 3 of the notice of opposition and, therefore, denies such allegations.

4. Applicant admits that opposer has marketed, advertised, and promoted its PEPSI soft drinks throughout the United States through varied promotional and advertising media, but is without sufficient knowledge to admit or deny the remaining allegations of paragraph 4 of the notice of opposition and, therefore, denies such remaining allegations.

5. Applicant is without sufficient knowledge to admit or deny the allegations of paragraph 5 of the notice of opposition and, therefore, denies such allegations.

6. Applicant is without sufficient knowledge to admit or deny the allegations of paragraph 6 of the notice of opposition and, therefore, denies such allegations.

7. Applicant admits the allegations of paragraph 7 of the notice of opposition.

8. Applicant admits the allegations of paragraph 8 of the notice of opposition.

9. Applicant admits the allegations of paragraph 9 of the notice of opposition.

10. Applicant admits the allegations of paragraph 10 of the notice of opposition.

11. Applicant admits the allegations of paragraph 11 of the notice of opposition.

12. Applicant denies the allegations of paragraph 12 of the

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notice of opposition.

13. Applicant denies the allegations of paragraph 13 of the notice of opposition and any implications attributable to such allegations.

14. Applicant denies the allegations of paragraph 14 of the notice of opposition.


15. Applicant is without sufficient information to admit or deny the allegations of paragraph 15 of the notice of opposition and, therefore, denies such allegations.

WHEREFORE, applicant denies that opposer is entitled to the relief requested by opposer and requests that the opposition be dismissed.

Respectfully submitted,

KORNBRENNEREI KRUGMANN  
GMBH & CO. KG  
By its attorney,

January 21, 2004

  
\_\_\_\_\_  
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of APPLICANT'S ANSWER TO NOTICE OF OPPOSITION was served on the following by placing a copy thereof in an envelope addressed as follows, with first class postage fully prepaid and depositing in United States Postal Service on January 21, 2004

Elizabeth N. Bilus, Esq.  
Pepsico, Inc.  
700 Anderson Hill Road  
Purchase, New York 10577

  
Carole L. Williams