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

Proceeding	91167278
Party	Defendant McCORMICK DISTILLING CO., INC. McCORMICK DISTILLING CO., INC. One McCormick Lane Weston, MO 64098
Correspondence Address	ROBERT D. HOVEY HOVEY WILLIAMS LLP 2405 GRAND BOULEVARD, SUITE 400 KANSAS CITY, MO 64108 rdh@hovewilliams.com, mm@hovewilliams.com, litigation@hovewilliams.com
Submission	Answer
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Date	04/06/2006
Attachments	ANSWER to Opp.pdf (3 pages)

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

Dr. Oetker Ltd.)	
)	Opposition No. 91167278
Opposer,)	Serial No. 76/586,236
v.)	
)	
McCormick Distilling Co., Inc.)	
)	
Applicant.)	

ANSWER TO NOTICE OF OPPOSITION

Applicant, McCormick Distilling Co., Inc. (“Applicant”) in answer to the Notice of Opposition, states as follows:

1. Applicant is without sufficient information to admit or deny the allegations contained in Paragraph 1 of the Notice of Opposition and therefore denies the same.
2. Applicant is without sufficient information to admit or deny the allegations contained in Paragraph 2 of the Notice of Opposition and therefore denies the same.
3. Applicant admits that on April 12, 2004, it filed Application Serial No. 76/586,236, and that Applicant amended its goods to “alcoholic beverages, namely, whipped cream liqueur.” In further answer, Applicant notes that the application is the best evidence of its content. Further, Applicant is without sufficient information to admit or deny the remaining allegations contained in Paragraph 3 of the Notice of Opposition and therefore denies the same.

4. Applicant admits the allegations contained in Paragraph 4 of the Notice of Opposition.

5. Applicant admits that its application was filed on an intent-to-use basis. Applicant is without sufficient information to admit or deny the remaining allegations contained in Paragraph 5 of the Notice of Opposition and therefore denies the same.

6. Applicant denies the allegations contained in Paragraph 6 of the Notice of Opposition.

7. Applicant denies the allegations contained in Paragraph 7 of the Notice of Opposition.

8. Applicant denies the allegations contained in Paragraph 8 of the Notice of Opposition.

9. Applicant denies the allegations contained in Paragraph 9 of the Notice of Opposition.

10. Applicant denies the allegations contained in Paragraph 10 of the Notice of Opposition.

11. Applicant denies each and every allegation contained in the Notice of Opposition not specifically admitted herein.

WHEREFORE, having fully responded, Applicant requests that the opposition be dismissed and its application be allowed to proceed to registration.

Respectfully submitted,
McCormick Distilling Co., Inc.
(Applicant)

HOVEY WILLIAMS LLP

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ATTORNEYS FOR APPLICANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of Answer to Notice of Opposition was mailed, first class, postage prepaid, this 6th day of April, 2006 to the following:

____ Bruno Tarabichi, Esq.
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ATTORNEYS FOR OPPOSER

_____/michael elbein/