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

Proceeding	91198022
Party	Plaintiff Bavaria N.V. and Bavaria USA, Inc.
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Attachments	Opposers' Answer To Counterclaim.pdf (4 pages)(9592 bytes)

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

In the Matter of Application Serial No. 85/009,664
Published in the Official Gazette of August 31, 2010

BAVARIA N.V. and BAVARIA, USA, INC.

Opposers,

vs.

Opposition No.: 91198022

MISSOURI I.P. HOLDINGS, LLC,

Applicant.

_____ /

OPPOSERS' ANSWER AND ADDITIONAL DEFENSES

This is Opposers Bavaria N.V.'s and Bavaria, USA, Inc.'s (together, "Bavaria") Answer to the Counterclaim filed by Missouri I.P. Holdings, LLC ("Missouri"). To the extent any allegations of Missouri's Counterclaim are not expressly and specifically admitted, those allegations are hereby denied.

Bavaria answers Missouri's Counterclaim as follows:

1. Bavaria admits the allegations of paragraph 1 of the Counterclaim.
2. Bavaria admits the allegations of paragraph 2 of the Counterclaim.
3. Bavaria denies the allegations of paragraph 3 of the Counterclaim because they are incorrect.
4. Bavaria denies the allegations of paragraph 4 of the Counterclaim because they are incorrect.
5. Bavaria denies the allegations of paragraph 5 of the Counterclaim because they are incorrect.

6. Bavaria denies the allegations of paragraph 6 of the Counterclaim because they are incorrect.

7. Bavaria admits that Bavaria, USA, Inc.'s goods are not produced or manufactured in any geographic location known as "Bavaria." Bavaria denies the remaining allegations of paragraph 7 of the Counterclaim because they are incorrect.

8. Bavaria denies the allegations of paragraph 8 of the Counterclaim because they are incorrect, except Bavaria admits that the geographic region known as "Bavaria" may be known by some persons for its beer.

9. Bavaria denies the allegations of paragraph 9 of the Counterclaim because they are incorrect.

ADDITIONAL DEFENSES

For its additional defenses to Missouri's Counterclaim, Bavaria states:

1. Missouri's Counterclaim fails to state a claim upon which relief may be granted.
2. Bavaria's U.S. Registration No. 2,922,101, challenged in Missouri's Counterclaim, is incontestable.
3. Missouri's claims are barred by the doctrines of estoppel and/or laches.
4. Missouri's claims are barred by the doctrines of unclean hands and/or trademark misuse.
5. Bavaria reserved its right to amend its Answer and any defenses based on information that is discovery during these proceedings.

WHEREFORE, Missouri's Counterclaim should be dismissed.

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ATTORNEYS FOR OPPOSERS

Dated: April 1, 2011

CERTIFICATE OF TRANSMITTAL

I hereby certify that on April 1, 2011, the foregoing document was electronically transmitted in PDF format to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (ESTTA)

By: /Jason R. Abel/