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

Proceeding	91198216
Party	Defendant Old European Brewery Company
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Submission	Answer
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Attachments	2011-02-23 BOURBON Design - DISCUS Answer.pdf (3 pages)(18422 bytes)

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

Distilled Spirits Council of the United States, Inc.)	Opposition No. 91198216
)	
)	In the matter of Application
Petitioner,)	No. 77833568
)	
vs.)	Mark: BOURBON AGED SIPPING
)	ALE AGED ON BOURBON OAK
)	CHIPS and Design
)	
Old European Brewery Company)	Published on July 20, 2010
)	
)	
Applicant.)	
)	
)	
)	

ANSWER TO PETITION FOR CANCELLATION

I. ANSWER

Old European Brewery Company (“Applicant”) responds to the Opposition of its mark, BOURBON AGED SIPPING ALE AGED ON BOURBON OAK CHIPS and Design, by Distilled Spirits Council of the United States, Inc. (“Petitioner”) as follows:

1. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 1 of the Opposition and denies the allegations contained therein on that basis.
2. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 2 of the Opposition and denies the allegations contained therein on that basis.
3. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 3 of the Opposition and denies the allegations contained therein on that basis.

4. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 4 of the Opposition and denies the allegations contained therein on that basis.

5. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 5 of the Opposition and denies the allegations contained therein on that basis.

6. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations regarding the reputation and goodwill of bourbon in paragraph 6 of the Opposition and denies the allegations contained therein on that basis. Applicant denies the remaining allegations of paragraph 6 of the Opposition.

7. Applicant denies the allegations of paragraph 7 of the Opposition.

8. Applicant denies the allegations of paragraph 8 of the Opposition.

9. Applicant denies the allegations of paragraph 9 of the Opposition.

10. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 10 of the Opposition and denies the allegations contained therein on that basis.

II. AFFIRMATIVE DEFENSES

1. Applicant alleges the opposition is barred by the doctrine of unclean hands.

2. Applicant alleges the opposition is barred by the doctrine of laches and acquiescence.

III. PRAYER FOR RELIEF

WHEREFORE, Applicant prays that Petitioner's Opposition be denied in its entirety.

Dated: February 25, 2011

/NSB/
Nicholas S. Barnhorst, Esq.

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing ANSWER TO PETITION FOR OPPOSITION has been served on Lynne J. Omlie, Esq. by mailing said copy on this 25rd day of February 2011 via first-class mail, postage prepaid, to: Distilled Spirits Council of the United States, Inc., 1250 I St. N.W., Suite 400, Washington, D.C. 20005.

/NSB/

Nicholas S. Barnhorst, Esq.