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Filing date: **10/10/2012**

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

Proceeding	91206356
Party	Defendant Beverage Marketing USA, Inc.
Correspondence Address	LISA B LANE FOX ROTHSCHILD LLP PO BOX 5231 PRINCETON, NJ 08543-5231 UNITED STATES ipdocket@foxrothschild.com, ghecht@foxrothschild.com, dmcgregor@foxrothschild.com
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Signature	/ Joseph Posillico /
Date	10/10/2012
Attachments	Answer - Bigelow - 91206356.pdf (3 pages)(17135 bytes)

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

In the matter of Application No. 85448932

R.C. Bigelow, Inc.	:	
	:	
Opposer,	:	Opposition 91206356
	:	
v.	:	
	:	
Beverage Marketing USA, Inc.,	:	
	:	
Applicant.	:	

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

ANSWER

Applicant Beverage Marketing USA, Inc., hereby answers the Notice of Opposition of Nestle Waters North America, Inc. as follows:

1. Admitted.
2. Denied.
3. Applicant admits that Office Actions issued in U.S. Applications 85/308,401 and 85/308,502 contain information provided by the Examiner in support of its position in the Office Action. Applicant denies the remaining allegations of paragraph 3 of the Notice of Opposition.
4. Applicant denies that the evidence cited by the Examiner in U.S. Applications 85/308,401 and 85/308,502 demonstrates that the term "half & half", sought to be registered in the subject application, is merely descriptive or

generic. Applicant admits the remaining allegations of paragraph 4 of the Notice of Opposition.

5. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 5 of the Notice of Opposition and, therefore, denies said allegations.

6. Denied.

AFFIRMATIVE DEFENSES

1. The Notice of Opposition fails to state a claim upon which relief can be granted.

Wherefore, Applicant prays that the opposition be dismissed and U.S. Application Serial No. 85448932 be issued.

Respectfully submitted,

Beverage Marketing USA, Inc.,

Dated: October 10, 2012

By: / Joseph Posillico /
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing ANSWER was served on counsel for Opposer via First Class Mail, postage prepaid, on the date listed below, addressed as follows:

WENDY E MILLER
COOPER & DUNHAM LLP
30 ROCKEFELLER PLZ
NEW YORK, NY 10112

Dated: October 10, 2012

By: /-d-/
Deanna M. McGregor