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

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| Proceeding | 91212021 |
| Party | Defendant Madikwe International, Inc. |
| Correspondence Address | JEFFREY D. HARTY MCKEE, VOORHEES & SEASE, PLC 801 GRAND AVE STE 3200 DES MOINES, IA 50309-8009 mvslit@ipmvs.com |
| Submission | Answer |
| Filer's Name | Jeffrey D. Harty |
| Filer's e-mail | mvslit@ipmvs.com |
| Signature | /Jeffrey D. Harty/ |
| Date | 10/23/2013 |
| Attachments | Answer_Notice of Opposition_91212021.pdf(26444 bytes) |

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

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| <p>THE OLD BUSHMILLS DISTILLERY COMPANY LIMITED,</p> <p style="text-align:right">Opposer,</p> <p>v.</p> <p>MADIKWE INTERNATIONAL, INC.,</p> <p style="text-align:right">Applicant.</p> | <p>Opposition No: 91212021</p> <p>In the matter of: Application No: 85/844,081 Mark: SPIRIT OF THE BUSH</p> |
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ANSWER TO NOTICE OF OPPOSITION

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Commissioner:

Applicant Madikwe International, Inc., for its answer to the Notice of Opposition filed by The Old Bushmills Distillery Company Limited against application for registration of the trademark "SPIRIT OF THE BUSH", Serial No. 85/844,081 filed February 7, 2013, and published in the *Official Gazette* on April 16, 2013, pleads and avers as follows:

1. Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained in Paragraph 1 of the Notice of Opposition, and therefore denies the allegations contained within.

2. Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained in Paragraph 2 of the Notice of Opposition, and therefore denies the allegations contained within. Applicant further specifically denies that that Opposer owns

trademarks in connection with "alcoholic beverages" generally. Rather as identified in U.S. Registration Nos. 319137, 1545581, and 1226834, Opposer's registrations are for use in connection with "whiskey" or "Irish Whiskey" only.

3. Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained in Paragraph 3 of the Notice of Opposition, and therefore denies the allegations contained within. Applicant further specifically denies that that Opposer advertises for sale "alcoholic beverages" generally. Rather, upon information and belief, and as identified in U.S. Registration Nos. 319137, 1545581, and 1226834, Opposer's trademarks are used in connection with "whiskey" or "Irish Whiskey" only.

4. Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained in Paragraph 4 of the Notice of Opposition, and therefore denies the allegations contained within. Applicant further specifically denies that that Opposer sells or offers for sale "alcoholic beverages" generally. Rather, upon information and belief, and as identified in U.S. Registration Nos. 319137, 1545581, and 1226834, Opposer's trademarks are used in connection with "whiskey" or "Irish Whiskey" only.

5. Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained in Paragraph 5 of the Notice of Opposition, and therefore denies the allegations contained within. Applicant further specifically denies that that Opposer sells or offers for sale "alcoholic beverages" generally. Rather, upon information and belief, and as identified in U.S. Registration Nos. 319137, 1545581, and 1226834, Opposer's trademarks are used in connection with "whiskey" or "Irish Whiskey" only.

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 admits that Opposer owns U.S. Reg. No. 319,137 for BUSHMILLS THE "OLD BUSHMILLS" DISTILLERY CO. and design for "Irish whiskey" in International Class 033, registered November 20, 1934; U.S. Reg. No. 1,545,581 for BUSHMILLS for "Irish whiskey" in International Class 033, registered June 27, 1989; and U.S. Reg. No. 1,226,834 for BLACK BUSH for "Whiskey" in International Class 033, registered February 8, 1983, but does not have sufficient knowledge or information to form a belief as to the remaining allegations contained in Paragraph 8 of the Notice of Opposition, and therefore denies the allegations contained within.

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

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

11. Applicant denies the allegations contained in Paragraph 11 of the Notice of Opposition.

12. Applicant denies the allegations contained in Paragraph 12 of the Notice of Opposition.

13. Applicant denies the allegations contained in Paragraph 13 of the Notice of Opposition to the extent that Opposer alleges that the goods are intended to be directed to similar or identical classes of purchasers and Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained in Paragraph 13 of the Notice of

Opposition that that the goods are intended to be distributed through overlapping or identical channels of trade in the United States, and therefore denies the allegations contained within.

14. Applicant denies the allegations contained in Paragraph 14 of the Notice of Opposition.

15. Applicant denies the allegations contained in Paragraph 15 of the Notice of Opposition.

16. Applicant denies the allegations contained in Paragraph 16 of the Notice of Opposition.

17. Applicant denies the allegations contained in Paragraph 17 of the Notice of Opposition.

In view of the foregoing, Applicant contends that this Opposition is groundless and baseless in fact; that Opposer has not shown wherein it will be, or is likely to be damaged by registration of Applicant's trademark; that Applicant's trademark is distinct from any alleged mark of the Opposer or any designation of the Opposer and Applicant prays that this Opposition is dismissed and that Applicant is granted registration of its trademark.

Respectfully submitted,

/s/ Jeffrey D. Harty _____

Jeffrey D. Harty

Christine Lebrón-Dykeman

Alexandria M. Christian

McKEE, VOORHEES & SEASE, P.L.C.

801 Grand Avenue, Suite 3200

Des Moines, IA 50309-2721

Phone: 515-288-3667

Fax: 515-288-1338

Email: mvslit@ipmvs.com

Email: jeff.harty@ipmvs.com

Email: christine.lebron-dykeman@ipmvs.com

Email: alex.christian@ipmvs.com

ATTORNEYS FOR APPLICANT

CERTIFICATE OF FILING

I hereby declare that the foregoing document has been filed via the Electronic System for Trademark Trials and Appeals (ESTTA) this 23rd day of October, 2013.

/s/ Jeffrey D. Harty

CERTIFICATE OF SERVICE

I hereby declare that the foregoing document was served upon the following this 23rd day of October, 2013, via:

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| <input checked="" type="checkbox"/> 1 st Class U.S. Mail | <input type="checkbox"/> Federal Express |
| <input type="checkbox"/> Facsimile | <input type="checkbox"/> Hand Delivery |
| <input type="checkbox"/> Other _____ | |

Evan Gourvitz
Diageo North America, Inc.
801 Main Avenue
Norwalk, CT 06851
Phone: 203-229-2100
Email: trademarks@diageo.com
Email: gina.vendittelli@diageo.com
Email: evan.gourvitz@diageo.com
Email: stuart.kauffman@diageo.com

/s/ Jeffrey D. Harty