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

Proceeding	91219198
Party	Defendant Adirondack Pub & Brewery, Inc.
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Date	12/15/2014
Attachments	Answer to MATT BREWING Opposition.pdf(18339 bytes)

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

	X	
MATT BREWING CO, INC.,	:	
a New York Corporation,	:	
Opposer,	:	
	:	
vs.	:	Opposition No. 91219198
	:	
ADIRONDACK PUB & BREWERY, INC.,	:	
a New York Corporation,	:	
Applicant.	:	
	X	

CERTIFICATE OF MAILING

I hereby certify that the original of this Answer is being electronically filed with the Trademark Trial and Appeal Board of the United States Patent and Trademark Office through the website at <http://esta.uspto.gov> on December 15, 2014
/Charles H. Knull/
CHARLES H. KNULL

ANSWER TO NOTICE OF OPPOSITION

Applicant, by its undersigned counsel of record, replies to the Notice of Opposition as follows:

1. As to the allegations in the unnumbered paragraph at the beginning of the Notice of Opposition, Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations of this paragraph concerning the status and address of Opposer, and therefore deny the same. Applicant specifically denies that any damage would be caused to Opposer by the registration of Applicant's application.

2. As to the allegations in the second unnumbered paragraph at the beginning of the Notice of Opposition, Applicant admits that the mark and serial number represent Applicant's Mark.

3. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations of paragraph 1, and therefore denies same.

4. Applicant denies the allegations of paragraph 2.

5. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations of paragraph 3, and therefore denies the same, except that Applicant admits that the registration number exists at the U.S. Patent and Office.

6. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations of paragraph 4, and therefore denies the same.

7. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations of paragraph 5, and therefore denies the same.

8. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations of paragraph 6, and therefore denies the same.

9. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations of paragraph 7, and therefore denies the same.

10. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations of paragraph 8, and therefore denies the same.

11. Applicant denies the allegations in paragraph 9 (a)-(e), and specifically denies that any damage would be caused to Opposer by the registration of Applicant's application.

AFFIRMATIVE DEFENSES

1. Opposer fails to state a claim upon which relief may be granted.

2. Opposer fails to plead its claim with adequate particularity.

3. Opposer's claims are barred by the doctrine of estoppel.

4. Opposer's claims are barred by the doctrines of waiver, laches and/or acquiescence.

5. Opposer's claims are barred by the doctrine of unclean hands.

WHEREFORE, Applicant demands that the Notice of Opposition be dismissed with prejudice.

Dated: December 15, 2014

Respectfully submitted,

 /Charles H. Knull/

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Attorneys for Applicant

CERTIFICATE OF SERVICE

It is certified that a true and complete copy of the foregoing Answer has been served on Opposer by mailing the copy by U.S. Mail, postage prepaid, on this December 15, 2014, to the attorneys for Opposer:

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/Charles H. Knull/

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