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

Proceeding	91221878
Party	Defendant Home Box Office, Inc.
Correspondence Address	JUDITH MCCOOL HOME BOX OFFICE, INC. 1100 AVENUE OF THE AMERICAS NEW YORK, NY 10036-6712 trademarks@hbo.com
Submission	Answer
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Date	06/22/2015
Attachments	Three Eyed Raven Answer.PDF(155078 bytes)

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

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Franciscan Vineyards, Inc.	:	Opposition No. 91221878
	:	Serial No. 86/309,080
Opposer,	:	ANSWER TO NOTICE
v.	:	<u>OF OPPOSITION</u>
Home Box Office, Inc.	:	
	:	
Applicant.	:	
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Mark: THREE-EYED RAVEN (Appl. Ser. No. 86/309,080)

Applicant, Home Box Office, Inc., (“Applicant”) by its undersigned attorneys, Davis Wright Tremaine LLP, hereby answers and otherwise responds to the Notice of Opposition (the “Opposition”) of Franciscan Vineyards, Inc. (the “Opposer”) against Applicant’s Serial No. 86/309,080 for the mark THREE-EYED RAVEN as follows:

1. For its response to paragraph 1 of the Opposition, Applicant refers to Opposer’s Registration Nos. cited therein and their file histories for a full and complete recitation of the contents thereof.

2. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 2 of the Opposition and, therefore, denies the same.

3. With respect to Opposer’s statement in paragraph 3 of the Opposition that “[] alcoholic beverages, namely wine . . . being in part substantially identical and in part closely related to Applicant’s Goods intended to be offered under its alleged mark THREE-EYED RAVEN”, Applicant denies each and every allegation. With respect to the remainder of

paragraph 3, Applicant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 3 of the Opposition and, therefore, denies the same.

4. Denies each and every allegation of paragraph 4 of the Opposition.

5. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 5 of the Opposition and, therefore, denies the same.

6. Denies each and every allegation of paragraph 6 of the Opposition.

7. For its response to paragraph 7 of the Opposition, since Applicant is unaware of how Opposer defines its own channels of trade, goods, and consumers, Applicant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 7 of the Opposition and, therefore, denies the same.

8. Denies each and every allegation of paragraph 8 of the Opposition.

9. Denies each and every allegation of paragraph 9 of the Opposition.

10. Denies each and every allegation of paragraph 10 of the Opposition.

11. Denies each and every allegation and conclusory statement of paragraph 11 of the Opposition.

12. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations asserted in paragraph 12 of the Opposition and, therefore, denies the same.

13. For its response to paragraph 13 of the Opposition, Applicant admits that it uses the design of a raven or ravens on or in connection with its goods and otherwise denies each and every allegation of paragraph 13 of the Opposition.

COUNT ONE

14. Denies each and every allegation and conclusory statement of paragraph 14 of the Opposition.

COUNT TWO

15. In response to the statement contained in paragraph 15 of the Opposition, Applicant restates and incorporates by reference its responses of paragraphs 1–14 above.

16. Denies each and every allegation of paragraph 16 of the Opposition.

17. Denies each and every allegation of paragraph 17 of the Opposition.

18. Denies each and every allegation of paragraph 18 of the Opposition.

19. Denies each and every allegation of paragraph 19 of the Opposition.

20. Denies each and every allegation of paragraph 20 of the Opposition.

21. Denies each and every allegation of paragraph 21 of the Opposition.

22. Denies each and every allegation of paragraph 22 of the Opposition.

23. Denies each and every allegation of paragraph 23 of the Opposition.

24. Denies each and every allegation of paragraph 24 of the Opposition.

COUNT THREE

25. In response to the statement contained in paragraph 25 of the Opposition, Applicant restates and incorporates by reference its responses of paragraphs 1–24 above.

26. Denies each and every allegation of paragraph 26 of the Opposition.

27. Denies each and every allegation of paragraph 27 of the Opposition.

28. Denies each and every allegation of paragraph 28 of the Opposition.

29. Denies each and every allegation of paragraph 29 of the Opposition.

30. Denies each and every allegation and conclusory statement of paragraph 30 of the Opposition.

31. Denies each and every allegation and conclusory statement of paragraph 31 of the Opposition.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

32. The Opposition fails, in whole or in part, to state a claim for relief.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

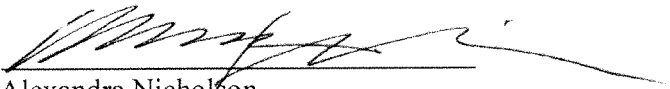
33. Opposer's claims are barred, in whole or in part, by the doctrines of waiver, acquiescence, estoppel, and/or laches.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

34. Applicant reserves the right to add additional affirmative defenses as investigation and discovery continue.

WHEREFORE, Applicant respectfully requests that the Opposition be dismissed in its entirety and that Appl. Serial No. 86/309,080 be allowed to proceed towards registration.

Respectfully submitted,


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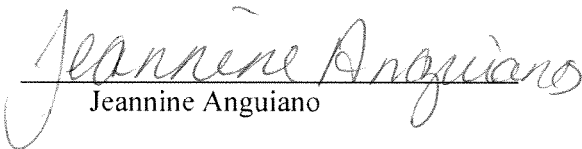
Attorneys for Applicant
Home Box Office, Inc.

Dated: June 19, 2015

CERTIFICATE OF SERVICE

This certifies that a true and correct copy of this Answer is being served by first class mail directed to Opposer's attorney Stephen L. Baker, Esq. of Baker and Rannells PA, at 575 Route 28, Raritan, NJ 08869, as well as to the email addresses listed below, on June 22, 2015.

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Jeannine Anguiano