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

Proceeding	91227651
Party	Defendant The Craft Beer Attorney, APC
Correspondence Address	CANDACE L. MOON THE CRAFT BEER ATTORNEY 5095 MURPHY CANYON ROAD, SUITE 240 SAN DIEGO, CA 92123  TM@craftbeerattorney.com
Submission	Answer
Filer's Name	Karen Hawkes
Filer's e-mail	karen@craftbeerattorney.com, candace@craftbeerattorney.com, tanya@craftbeerattorney.com
Signature	/Karen Hawkes/
Date	05/23/2016
Attachments	Answer to Gray Robinson PA.pdf(174205 bytes )

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

In the Matter of Application Serial Number **86/504,533**  
For the mark **CRAFT BEER ATTORNEY**  
Published in the Official Gazette on **January 5, 2016**

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<b>GRAY ROBINSON, P.A.</b>	)	
	)	
	)	
Opposer,	)	Opposition No.: 91227651
	)	
v.	)	
	)	
<b>THE CRAFT BEER ATTORNEY, APC,</b>	)	
	)	
	)	
Applicant.	)	

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**ANSWER TO NOTICE OF OPPOSITION**

The Craft Beer Attorney, APC, ("Applicant"), by its attorney, Karen Hawkes, hereby answers the Notice of Opposition filed by Gray Robinson, P.A. ("Opposer"):

Applicant denies the allegations contained in the first unnumbered paragraph of the Opposition.

1. In answer to Paragraph 1 of the Notice of Opposition, Applicant lacks knowledge or information sufficient to form a belief as to the allegations set forth in this paragraph and, on that basis, denies those allegations.

2. In answer to Paragraph 2 of the Notice of Opposition, Applicant lacks knowledge or information sufficient to form a belief as to the allegations set forth in this paragraph and, on that basis, denies those allegations.

3. In answer to Paragraph 3 of the Notice of Opposition, Applicant lacks knowledge or information sufficient to form a belief as to the allegations set forth in this paragraph and, on that basis, denies those allegations.

4. In answer to Paragraph 4 of the Notice of Opposition, Applicant denies that Opposer will be damaged by the registration of the mark CRAFT BEER ATTORNEY, Ser. No. 86/504/533 in that Opposer alleges it may be prevented from using the allegedly generic and/or merely descriptive term in advertising, marketing, promoting and/or offering its services. Applicant lacks knowledge or information sufficient to form a belief as to the remaining allegations set forth in this paragraph and, on that basis, denies those allegations.

5. In answer to Paragraph 5 of the Notice of Opposition, Applicant admits the allegations contained therein with the exception that Applicant's mailing address is no longer 3914 Murphy Canyon Rd., Ste. A244, San Diego, California 92123.

6. In answer to Paragraph 6 of the Notice of Opposition, Applicant admits the allegations contained therein.

7. In answer to Paragraph 7 of the Notice of Opposition, Applicant admits the allegations contained therein.

8. In answer to Paragraph 8 of the Notice of Opposition, Applicant admits the allegations contained therein.

9. In answer to Paragraph 9 of the Notice of Opposition, Applicant admits the allegations contained therein.

10. In answer to Paragraph 10 of the Notice of Opposition, Applicant admits the allegations contained therein.

11. In answer to Paragraph 11 of the Notice of Opposition, Applicant denies the allegations contained therein. For clarity, Applicant alleged in its Application that its first use in commerce date was “at least as early” as December 10, 2009.

12. In answer to Paragraph 12 of the Notice of Opposition, Applicant denies the allegations contained therein.

13. In answer to Paragraph 13 of the Notice of Opposition, Applicant admits the allegations contained therein with the exception of the allegation stating “given the highly descriptive, if not generic, nature of Applicant’s alleged mark” which Applicant denies.

14. In answer to Paragraph 14 of the Notice of Opposition, Applicant admits the allegations contained therein.

15. In answer to Paragraph 15 of the Notice of Opposition, Applicant denies the allegations contained therein.

16. In answer to Paragraph 16 of the Notice of Opposition, Applicant denies the allegations contained therein.

17. In answer to Paragraph 17 of the Notice of Opposition, Applicant admits the allegations contained therein.

18. In answer to Paragraph 18 of the Notice of Opposition, Applicant admits the allegations contained therein.

19. In answer to Paragraph 19 of the Notice of Opposition, Applicant admits the allegations contained therein.

20. In answer to Paragraph 20 of the Notice of Opposition, Applicant contends that there are no allegations with which to admit or deny and that Applicant's responses to allegations contained above should be referred to by paragraph and allegation.

21. In answer to Paragraph 21 of the Notice of Opposition, Applicant admits the allegations contained therein.

22. In answer to Paragraph 22 of the Notice of Opposition, Applicant denies the allegations contained therein.

23. In answer to Paragraph 23 of the Notice of Opposition, Applicant admits the allegations contained therein with the exception that Applicant denies the allegation "in a generic manner," and denies that Opposer's Exhibit A is made part of the record in these proceedings.

24. In answer to Paragraph 24 of the Notice of Opposition, Applicant admits that the quoted portions contained therein were submitted by Applicant in response to an Office Action as part of a sentence stating that the mark was not generic.

25. In answer to Paragraph 25 of the Notice of Opposition, Applicant denies the allegations contained therein.

26. In answer to Paragraph 26 of the Notice of Opposition, Applicant admits the allegations contained therein.

27. In answer to Paragraph 27 of the Notice of Opposition, Applicant admits the allegations contained therein.

28. In answer to Paragraph 28 of the Notice of Opposition, Applicant admits the allegations contained therein.

29. In answer to Paragraph 29 of the Notice of Opposition, Applicant admits the allegations contained therein with the exception that Applicant denies the allegation “Applicant’s book.”

30. In answer to Paragraph 30 of the Notice of Opposition, Applicant denies the allegations contained therein.

31. In answer to Paragraph 31 of the Notice of Opposition, Applicant denies the allegations contained therein.

32. In answer to Paragraph 32 of the Notice of Opposition, Applicant denies the allegations contained therein.

33. In answer to Paragraph 33 of the Notice of Opposition, Applicant denies the allegations contained therein.

34. In answer to Paragraph 34 of the Notice of Opposition, Applicant denies the allegations contained therein.

35. In answer to Paragraph 35 of the Notice of Opposition, Applicant denies the allegations contained therein.

36. In answer to Paragraph 36 of the Notice of Opposition, Applicant denies the allegations contained therein.

37. In answer to Paragraph 37 of the Notice of Opposition, Applicant denies the allegations contained therein.

38. In answer to Paragraph 38 of the Notice of Opposition, Applicant denies the allegations contained therein.

39. In answer to Paragraph 39 of the Notice of Opposition, Applicant denies the allegations contained therein.

40. In answer to Paragraph 40 of the Notice of Opposition, Applicant denies the allegations contained therein.

41. In answer to Paragraph 41 of the Notice of Opposition, Applicant contends that there are no allegations with which to admit or deny and that Applicant's responses to allegations contained above should be referred to by paragraph and allegation.

42. In answer to Paragraph 42 of the Notice of Opposition, Applicant denies the allegations contained therein.

43. In answer to Paragraph 43 of the Notice of Opposition, Applicant admits the allegations contained therein that are quoted were part of a sentence by the Examining Attorney in the Office Action but denies the allegation "determined."

44. In answer to Paragraph 44 of the Notice of Opposition, Applicant denies the allegations contained therein.

45. In answer to Paragraph 45 of the Notice of Opposition, Applicant denies the allegations contained therein.

46. In answer to Paragraph 46 of the Notice of Opposition, Applicant denies the allegations contained therein.

47. In answer to Paragraph 47 of the Notice of Opposition, Applicant denies the allegations contained therein.

48. In answer to Paragraph 48 of the Notice of Opposition, Applicant denies the allegations contained therein.

49. In answer to Paragraph 49 of the Notice of Opposition, Applicant contends that there are no allegations with which to admit or deny and that Applicant's responses to allegations contained above should be referred to by paragraph and allegation.

50. In answer to Paragraph 50 of the Notice of Opposition, Applicant denies the allegations contained therein.

51. In answer to Paragraph 51 of the Notice of Opposition, Applicant denies the allegations contained therein.

52. In answer to Paragraph 52 of the Notice of Opposition, Applicant admits the allegations contained therein with the exception of the allegation "specifically" which Applicant denies, as it appears to pertain to paragraph 51.

53. In answer to Paragraph 53 of the Notice of Opposition, Applicant admits the allegations contained therein with the exception of the allegation "also" which Applicant denies, as it appears to pertain to paragraph 51.

54. In answer to Paragraph 54 of the Notice of Opposition, Applicant admits the allegations contained therein with the exception of the allegation "also" which Applicant denies, as it appears to pertain to paragraph 51.

55. In answer to Paragraph 55 of the Notice of Opposition, Applicant admits the allegations contained therein with the exception of the allegations "and her false declarations are attributable to the Applicant by the doctrine of respondeat superior, as if Applicant had itself made such statements" which Applicant denies.

56. In answer to Paragraph 56 of the Notice of Opposition, Applicant denies the allegations contained therein.



57. In answer to Paragraph 57 of the Notice of Opposition, Applicant denies the allegations contained therein.

58. In answer to Paragraph 58 of the Notice of Opposition, Applicant denies the allegations contained therein.

59. In answer to Paragraph 59 of the Notice of Opposition, Applicant denies the allegations contained therein.

60. In answer to Paragraph 60 of the Notice of Opposition, Applicant denies the allegations contained therein.

61. In answer to Paragraph 61 of the Notice of Opposition, Applicant denies the allegations contained therein.

62. In answer to Paragraph 62 of the Notice of Opposition, Applicant denies the allegations contained therein.

63. In answer to Paragraph 63 of the Notice of Opposition, Applicant denies the allegations contained therein.

64. In answer to Paragraph 64 of the Notice of Opposition, Applicant denies the allegations contained therein.

65. In answer to Paragraph 65 of the Notice of Opposition, Applicant denies the allegations contained therein.

66. In answer to Paragraph 66 of the Notice of Opposition, Applicant denies the allegations contained therein.

## **AFFIRMATIVE DEFENSES**

By way of affirmative defense and amplified denials, as grounds in support of its Application, Applicant alleges:

67. Applicant affirmatively alleges that the Notice of Opposition fails to state a claim upon which relief can be granted.

68. Applicant affirmatively alleges that the Opposer is barred from bringing its claim due to unclean hands in that Opposer is attempting to appropriate the goodwill of Applicant's mark.

69. As Applicant lacks sufficient knowledge or information sufficient to form a belief as to whether it may have additional separate or affirmative defenses not stated in this Answer, Applicant reserves the right to assert additional separate or affirmative defenses based on further discovery, investigation, or analysis.

WHEREFORE, Applicant respectfully prays that the Notice of Opposition be denied and that the Application should be registered, and any such further relief be granted to Applicant as may be deemed appropriate.

Dated: May 23, 2016

By: /Karen Hawkes/  
Karen Hawkes, Esq.  
Attorney for Applicant  
The Craft Beer Attorney, APC

The Craft Beer Attorney, APC  
5059 Murphy Canyon Road, Suite 240  
San Diego, California 92123  
Tel: (866) 290-5553  
Fax: (619) 752-2224

**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this paper is being deposited with the United States Patent and Trademark Office, Trademark Trial and Appeal Board via the electronic filing procedure on May 23, 2016 at San Diego, California.

By: /Karen Hawkes/  
Karen Hawkes, Esq.

**CERTIFICATE OF SERVICE**

I, Karen Hawkes, counsel for The Craft Beer Attorney, APC, hereby certify that a copy of the foregoing Answer to Notice of Opposition, was served upon the attorney for the Opposer, via first class mail, postage prepaid on May 23, 2016, at the following address:

Kevin P. Crosby  
Gray Robinson, P.A.  
301 E. Pine Street, Suite 1400  
Orlando, FL 33802

By: /Karen Hawkes/  
Karen Hawkes, Esq.