

ESTTA Tracking number: **ESTTA747957**

Filing date: **05/23/2016**

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

Proceeding	91227783
Party	Defendant The Craft Beer Attorney, APC
Correspondence Address	CANDACE L MOON THE CRAFT BEER ATTORNEY 5095 MURPHY CANYON RD , STE 240 SAN DIEGO, CA 92123 UNITED STATES tm@craftbeerattorney.com, TM@craftbeerattorney.com
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Signature	/Karen Hawkes/
Date	05/23/2016
Attachments	Answer to Eugene Pak.pdf(175429 bytes )



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 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.

5. In answer to Paragraph 5 of the Notice of Opposition, Applicant denies the allegations contained therein.

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 with the exception of the last parenthetical sentence which Applicant denies.

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 admits the allegations contained therein.

12. In answer to Paragraph 12 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.

13. In answer to Paragraph 13 of the Notice of Opposition, Applicant denies the allegations contained therein.

14. In answer to Paragraph 14 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.

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

21. In answer to Paragraph 21 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.

22. In answer to Paragraph 22 of the Notice of Opposition, Applicant admits the allegations contained therein but clarifies that legal issues not pertaining to craft beer are a small percentage of its business.

23. In answer to Paragraph 23 of the Notice of Opposition, Applicant denies the allegations contained therein.

24. In answer to Paragraph 24 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.

25. In answer to Paragraph 25 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.

26. In answer to Paragraph 26 of the Notice of Opposition, Applicant denies 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.

30. In answer to Paragraph 30 of the Notice of Opposition, Applicant admits that it has used the term “The Original” with reference to Craft Beer Attorney and/or Lawyer, and that Ms. Moon was admitted to the practice of law in December 2008 and began practicing law shortly thereafter, that Ms. Moon may have seen Mr. Soroni speak on issues of distribution, but denies the remaining 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 admits the allegations contained therein with the exception that Applicant denies the allegation “Applicant’s book.”

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 denies the allegations contained therein.

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 denies the allegations contained therein.

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 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.

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 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."

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 denies the allegations contained therein.

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 denies the allegations contained therein.

53. In answer to Paragraph 53 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.

54. In answer to Paragraph 54 of the Notice of Opposition, Applicant denies the allegations contained therein.

55. In answer to Paragraph 55 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 54.

56. In answer to Paragraph 56 of the Notice of Opposition, Applicant admits the allegations contained therein with the exception of the allegation "also specifically" which Applicant denies, as it appears to pertain to paragraph 54.

57. In answer to Paragraph 57 of the Notice of Opposition, Applicant admits the allegations contained therein with the exception of the allegation "also specifically" which Applicant denies, as it appears to pertain to paragraph 54.



58. In answer to Paragraph 58 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.

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.

67. In answer to Paragraph 67 of the Notice of Opposition, Applicant denies the allegations contained therein.

68. In answer to Paragraph 68 of the Notice of Opposition, Applicant denies the allegations contained therein.

69. In answer to Paragraph 69 of the Notice of Opposition, Applicant denies the allegations contained therein.

70. In answer to Paragraph 70 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:

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

72. 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.

73. 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.  
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The Craft Beer Attorney, APC

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**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 addresses:

Eugene M. Pak  
Wendel Rosen Black & Dean LLP  
1111 Broadway, 24<sup>th</sup> Fl  
Oakland, CA 94607

By: /Karen Hawkes/  
Karen Hawkes, Esq.