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

Proceeding	91231435
Party	Defendant Iowa Brewing Company, LLC
Correspondence Address	GREGORY G. WILLIAMS SIMMONS PERRINE MOYER BERGMAN PLC 1150 5TH STREET, SUITE 170 CORALVILLE, IA 52241 trademarks@simmonsperrine.com;trademarks@simmonsperrine.com
Submission	Answer
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Date	01/05/2017
Attachments	Answer.pdf(53502 bytes)

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

Braxton Brewing Company, LLC,)	
)	OPPOSITION No. 91231435
Plaintiff,)	
)	Serial No. 86843794
)	Mark: HOP EAGLE word
)	
)	Serial No 86843791
)	Mark: IOWA BREWING CO
vs.)	ARTISAN CRAFTED logo
)	
Iowa Brewing Company, LLC,)	ANSWER TO NOTICE OF
)	OPPOSITION
Defendant.)	
)	

The Trademark Trial and Appeal Board
Box 1451
Alexandria, VA 22313-1451

ANSWER TO NOTICE OF OPPOSITION

Iowa Brewing Company, LLC (“Iowa” or “Defendant”), by and through its attorneys, answers the enumerated grounds in the Notice of Opposition submitted by Braxton Brewing Company, LLC (“Braxton” or “Plaintiff”) in the above identified matter as follows:

1. Denied.
2. Admitted.
3. Denied. However, Defendant avers that the records for Registration No. 4852068 for a stylized word mark BRAXTON BREWING COMPANY speak for themselves.

4. Denied. However, Defendant avers that the records for the Registration No. 4852068 for a stylized word mark BRAXTON BREWING COMPANY and Application No. 86944968 for a subset of the mark of Registration No. 4852068 speak for themselves and do not require a responsive pleading.
5. Denied. To the extent that the allegations in this paragraph contain legal conclusions, no response is required.
6. Denied. To the extent that the allegations in this paragraph contain legal conclusions, no response is required and Defendant avers that the USPTO records speak for themselves and do not require a responsive pleading.
7. Defendant avers that the USPTO records speak for themselves and do not require a responsive pleading. With respect to the last sentence, Defendant admits use of the mark within the state of Iowa and denies the remainder of the allegations therein.
8. Defendant avers that the USPTO records speak for themselves and do not require a responsive pleading. With respect to the last sentence, Defendant admits use of the mark within the state of Iowa and denies the remainder of the allegations therein.
9. Defendant admits this paragraph with respect to beer and denies it with respect to brewery services.
10. Denied.
11. Defendant avers that the USPTO records speak for themselves and all else is denied.
12. Defendant denies that Braxton has used any mark which is accurately described as a hop eagle, denies whether the content of Application No. 86944968 was used in commerce as a trademark. Defendant denies the non-existence of itself on March 23, 2015 and avers that it was in existence more than one year earlier. Defendant denies that it opened for

business on September 30, 2016. Defendant avers that it was open for business before September 30, 2016.

13. Denied.

14. Defendant admits that it sells beer and denies for lack of information and belief any identical nature of the Defendant's services compared with any services provided by Braxton.

15. Defendant admits that it uses the Iowa Marks for marketing and selling beer and taproom services and denies the remainder for lack of information and belief.

16. Denied.

17. Denied.

18. Denied.

19. Defendant admits use of the Iowa Mark but denies that authorization or permission by Braxton is required.

AFFIRMATIVE DEFENSES

Plaintiff's Notice of Opposition does not set forth a claim upon which the relief sought may be granted.

Defendant reserves the right to raise additional defenses or counterclaims as may become known through discovery and up to the trial.

WHEREFORE, Defendant respectfully requests that the Notice of Opposition in this matter be dismissed, and that the Board enter judgment in favor of Defendant.

SIMMONS PERRINE MOYER BERGMAN PLC

By: /s/ Gregory G. Williams

Gregory G. Williams

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Date: January 5, 2017

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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Answer to Notice of Opposition has been served on Philip Bautista of Taft Stettinius & Hollister LLP by mailing said copy on January 5, 2017, via First Class Mail, postage prepaid and by email delivery to: pbautista@taftlaw.com and mgordon@taftlaw.com.

Signature /s/ Julie Agnew

Date January 5, 2017

Copy to:

Philip Bautista

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UNITED STATES

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