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Filing date: **01/08/2018**

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

Proceeding	91238044
Party	Defendant The Old Nick Williams Company, Inc.
Correspondence Address	JAMES L. LESTER MACCORD MASON PLLC PO BOX 2974 GREENSBORO, NC 27402 Email: dcottelli@maccordmason.com
Submission	Answer
Filer's Name	James L. Lester
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Signature	/James L. Lester/
Date	01/08/2018
Attachments	Answer to Beer Opposition.pdf(27857 bytes)

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

Application No. 87/296,776

Mark: OLD NICK

Goods: Beer in Class 32

_____)	
ALLIED LOMAR, INC.,)	
)	Opposition No. 91/238,044
)	
Opposer,)	
)	ANSWER TO
v.)	NOTICE OF OPPOSITION
)	
THE OLD NICK WILLIAMS)	
COMPANY, INC.,)	
)	
)	
Applicant.)	
_____)	

Applicant, The Old Nick Williams Company Inc., by and through its attorneys, hereby responds to the Notice of Opposition as follows:

1. Admitted on information and belief.
2. Admitted.
3. Admitted on information and belief that Opposer owns Reg. No. 2,002,734 and that it issued on September 24, 1996, otherwise denied.
4. Admitted that Opposer owns Reg. No. 4,851,340 and that it issued on November 10, 2015, otherwise denied.
5. Denied.

6. Denied.

7. Denied.

8a. Admitted that Applicant applied to register OLD NICK for beer on January 11, 2017 and was assigned Serial No. 87/296,776, otherwise denied.

8b. Admitted that the parties are currently engaged in Opposition No. 91/233,476 and that Applicant has filed a counterclaim in that proceeding for cancellation of the asserted registrations No. 2,002,734 and 4,851,340.

9. Denied.

10. Denied.

11. Denied.

12. Denied.

AFFIRMATIVE DEFENSE

(Unclean Hands)

13. Opposer's claims are barred, in whole or in part, by the doctrine of unclean hands.

14. On information and belief, Opposer has never used in commerce the specimens filed by Opposer with the U.S. Patent and Trademark Office as proof of use for the VERY OLDE ST. NICK RARE + design mark or for the OLDE ST. NICK mark.

15. On information and belief, Opposer knew that it had not used the specimens it filed in commerce for the VERY OLDE ST. NICK RARE + design mark or for the OLDE ST. NICK mark at the time it filed them with the U.S. Patent and Trademark Office.

16. On information and belief, Opposer falsely stated material facts on declarations with the intent to deceive the U.S. Patent and Trademark Office to obtain registration or renewal

of the VERY OLDE ST. NICK RARE + design and the OLDE ST. NICK marks, including falsely attesting that the mark was being used in commerce at the time of such declarations.

WHEREFORE, Applicant prays that the opposition be denied and registration on the application be granted.

Respectfully submitted,

/James L. Lester/

James L. Lester
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ATTORNEY FOR APPLICANT

Date: January 8, 2018

Applicant's Counsel's File No.: 9964-007A

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of January 2018, I served a copy of the foregoing
ANSWER by email in accordance with the Board's Rules and the agreement of the parties to:

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