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

Proceeding	91239589
Party	Plaintiff Maker's Mark Distillery, Inc.
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**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

MAKER'S MARK DISTILLERY, INC.,

Opposer,

v.

BOWMAKER'S WHISKEY COMPANY,

Applicant.

Opposition No. 91239589

Serial No. 87,383,989

Mark: BOWMAKER'S WHISKEY

OPPOSER'S RESPONSE TO APPLICANT'S MOTION TO STRIKE

Opposer Maker's Mark Distillery, Inc. ("Opposer") hereby responds to Applicant Bowmaker's Whiskey Company's ("Applicant") motion to strike styled "Applicant's Objections to Opposer's Reply Brief on Opposer's Rule 56(d) Motion" (the "Objections") (16 TTABVUE).

Section 502.02(b) of the Trademark Trial and Appeal Board Manual of Procedure states that after a movant's reply brief is filed, "[n]o further papers (including surreply briefs) will be considered by the Board." Accordingly, the Board should disregard the Objections.

In addition to being improperly filed in contravention of the Board's rules, the Objections cite no rule or precedent in support of Applicant's contention that Opposer cannot file a supplemental declaration to support a 56(d) motion. The Supplemental Declaration of Richard M. Assmus (the "Supplemental Declaration") addressed an alleged deficiency in the original Assmus Declaration and consisted only of facts that were contained in Opposer's signed opening brief in support of the motion. Applicant suffers no prejudice as a result of the filing and the Supplemental Declaration should not be stricken.

Respectfully submitted,

MAKER'S MARK DISTILLERY, INC.

Dated: March 13, 2019

By: /s/ Richard M. Assmus
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CERTIFICATE OF SERVICE

I certify that, on March 13, 2019, I caused a copy of the foregoing **RESPONSE TO APPLICANT'S MOTION TO STRIKE** to be served upon Bowmaker's Whiskey Company by e-mail at the following addresses:

tbreiner@bbpatlaw.com, elisedelatorre@bbpatlaw.com, docketclerk@bbpatlaw.com

With courtesy copies sent by USPS Express mail to Bowmaker's Whiskey Company at the following address:

Theodore A. Breiner
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Dated: March 13, 2019

/s/ Richard M. Assmus
Richard Assmus
Attorney for Opposer
Maker's Mark Distillery, Inc.