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

Proceeding	91239589
Party	Defendant Bowmaker's Whiskey Company
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Date	05/30/2018
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

MAKER'S MARK DISTILLERY, INC.,)
)
) Opposer,)
)
 v.) Opposition No. 91239589
)
)
) Serial No. 87/383,989
 BOWMAKER'S WHISKEY COMPANY,) Mark: BOWMAKER'S WHISKEY
)
)
 Applicant.)

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ANSWER

Applicant Bowmaker's Whiskey Company ("applicant") answers opposer Maker's Mark Distillery, Inc.'s ("opposer") opposition as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1, and, therefore, the allegations of paragraph 1 are denied.

2. Admitted that applicant is a Michigan corporation. The remainder of the allegations of paragraph 2 are denied.

3. Admitted that applicant filed Application Serial No. 87/383,989 and that the U.S. Patent and Trademark Office records are the best evidence and speak for

themselves. The remainder of the allegations of paragraph 3 are denied.

4. Applicant incorporates herein by reference its responses to paragraphs 1 through 3 of the notice of opposition.

5. Denied.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 6, and, therefore, the allegations of paragraph 6 are denied.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 7, and, therefore, the allegations of paragraph 7 are denied.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 8, and, therefore, the allegations of paragraph 8 are denied.

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 9, and, therefore, the allegations of paragraph 9 are denied.

10. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 10, and, therefore, the allegations of paragraph 10 are denied.

11. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 11, and, therefore, the allegations of paragraph 11 are denied.

12. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 12, and, therefore, the allegations of paragraph 12 are denied.

13. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 13, and, therefore, the allegations of paragraph 13 are denied.

14. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 14, and, therefore, the allegations of paragraph 14 are denied.

15. Admitted that applicant filed Application Serial No. 87/383,989 and that the U.S. Patent and Trademark Office records are the best evidence and speak for themselves. The remainder of the allegations of paragraph 15 are denied.

16. Admitted that applicant is not yet selling goods under the BOWMAKER'S WHISKEY trademark as applied for in Application Serial No. 87/383,989. The remainder of the allegations of paragraph 16 are denied.

17. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 17, and, therefore, the allegations of paragraph 17 are denied.

18. Denied.

19. Admitted that applicant filed Application Serial No. 87/383,989 and that the U.S. Patent and Trademark Office records are the best evidence and speak for themselves. The remainder of the allegations of paragraph 19 are denied.

20. Admitted that the name "whiskey" is a type of liquor. The remainder of the allegations of paragraph 20 are denied.

21. Admitted that applicant is not applying for the word "whiskey." The remainder of the allegations of paragraph 21 are denied.

22. Denied.

23. Denied.

24. Denied.

25. Denied.

26. Denied.

27. Denied.

28. Denied.

29. Denied.

30. Denied.

31. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 31, and, therefore, the allegations of paragraph 31 are denied.

32. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 32, and, therefore, the allegations of paragraph 32 are denied.

33. Denied.

34. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 34, and, therefore, the allegations of paragraph 34 are denied.

35. Admitted that applicant filed Application Serial No. 87/383,989 and that the U.S. Patent and Trademark Office records are the best evidence and speak for themselves. The remainder of the allegations of paragraph 35 are denied.

36. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 36, and, therefore, the allegations of paragraph 36 are denied.

37. Applicant is without knowledge or information sufficient to form a belief as to the truth of the

allegations of paragraph 37, and, therefore, the allegations of paragraph 37 are denied.

38. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 38, and, therefore, the allegations of paragraph 38 are denied.

39. Denied.

40. Denied.

41. Denied.

42. Denied.

43. Denied.

44. Applicant denies all allegations not specifically admitted, denied, controverted or otherwise addressed in the above opposition.

45. Applicant denies that opposer is entitled to any of the relief requested in the opposition and the opposition should be dismissed with prejudice.

Affirmative Defenses

1. The opposition fails to state a claim upon which relief can be granted.

2. Applicant is the owner of and is entitled to exclusive use and registration of the trademark BOWMAKER'S WHISKEY for the goods identified in Application Serial No. 87/383,989.

3. Opposer is entitled to no relief as claimed in the opposition on the ground that opposer has not been and will not be damaged by applicant's use and registration of the trademark BOWMAKER'S WHISKEY as applied for in Application Serial No. 87/383,989.

4. Applicant reserves the right to raise additional affirmative defenses as discovery proceeds in this opposition.

WHEREFORE, applicant prays that the opposition be dismissed with prejudice.

Respectfully submitted,

BOWMAKER'S WHISKEY COMPANY

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May 30, 2018

Attorneys for Applicant

CERTIFICATE OF SERVICE

It is hereby certified that on this 30th day of
May, 2018, a true copy of the foregoing paper entitled-

ANSWER

was served by email on -

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