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Filing date: **09/08/2018**

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

Proceeding	91242735
Party	Defendant Barnstormer Distilleries Inc
Correspondence Address	BARNSTORMER DISTILLERIES INC BARNSTORMER DISTILLERIES INC 6969 S MAIN ST ROCKFORD, IL 61102 tim.ford@gvdistillery.com no phone number provided
Submission	Answer
Filer's Name	Timothy Ford
Filer's email	tim.ford@gvdistillery.com
Signature	/Timothy H Ford/
Date	09/08/2018
Attachments	Answer to Opposition 91242735.pdf(1165410 bytes)

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

In the Matter of Application Serial No. 87667513
For the mark: GRANT VIEW DISTILLERY
Published: April 3, 2018

William Grant & Sons Limited,)		
)		
Opposer,)		
)		
v.)	Opposition No.	91242735
)		
Barnstormer Distilleries, Inc.)		
DBA Grant View Distillery,)		
)		
Applicant.)		

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Applicant, Barnstormer Distilleries, Inc. DBA Grant View Distillery, composed of Timothy Ford, for its/his answer to the Notice of Opposition filed by William Grant & Sons Limited, against application for registration of Barnstormer Distilleries, Inc. DBA Grant View Distillery's trademark Grant View Distillery, Serial No. 87667513 filed November 01, 2017, and published in the Official Gazette of April 02, 2018, pleads and avers as follows:

1. Answering paragraph 1 of the Notice of Opposition, Applicant admits the allegations thereof.
2. Answering paragraph 2 of the Notice of Opposition, Applicant admits the allegations thereof.
3. Answering paragraph 3 of the Notice of Opposition, Applicant admits the allegations thereof.

4. Answering paragraph 4 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

5. Answering paragraph 5 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

6. Answering paragraph 6 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

7. Answering paragraph 7 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

8. Answering paragraph 8 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

9. Answering paragraph 9 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

10. Answering paragraph 10 of the Notice of Opposition, Applicant admits the allegations thereof.

11. Answering paragraph 11 of the Notice of Opposition, Applicant admits the allegations thereof.

12. Answering paragraph 12 of the Notice of Opposition, Applicant admits the allegations thereof.

13. Answering paragraph 13 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

14. Answering paragraph 14 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

15. Answering paragraph 15 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

16. Answering paragraph 16 of the Notice of Opposition, Applicant admits the allegations thereof.

17. Answering paragraph 17 of the Notice of Opposition, Applicant admits the allegations thereof.

18. Answering paragraph 18 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

19. Applicant further affirmatively alleges that there is no likelihood of confusion, mistake or deception because, *inter alia*, Applicant's mark and the pleaded marks of Opposer are not confusingly similar. Any similarity, if at all, between Applicant's mark and the pleaded marks of Opposer is in the portion "Grant" which, upon information and belief, has been used by other third parties in the Distilled Spirits businesses.

20. Applicant further affirmatively alleges that any trademark or service mark rights that Opposer may have are narrowly circumscribed to "alcoholic beverages, namely, scotch whisky" and any other use would not lead to a likelihood of confusion. As "scotch whiskey" can only be produced in Scotland, it is a product that could never be manufactured

by the Applicant.


21. Applicant further affirmatively alleges that there is no likelihood of dilution of Opposer's mark by tarnishment because while the Opposer's parent organization does market high quality spirits under other marks, the Opposer's "Grant's" mark are associated with inexpensive low quality distilled spirits whereas Applicant's mark is associated with high quality craft distilled spirits.

22. Applicant further affirmatively alleges that there is no likelihood of dilution by blurring because, *inter alia*, Applicant's mark and the pleaded marks of Opposer are not confusingly similar. Any similarity, if at all, between Applicant's mark and the pleaded marks of Opposer is in the portion "Grant" which, upon information and belief, has been used by other third parties in the Distilled Spirits businesses. The Applicant does not intended any association with Opposer's marks and upon information and belief, ordinary prospective purchaser's of Applicant's products do not associate Applicant's and Opposer's marks.

WHEREFORE, Applicant requests that the notice of opposition be dismissed.

Respectfully submitted,

Barnstormer Distilleries, Inc. DBA Grant View Distillery

By: 
Timothy Ford
President
Barnstormer Distilleries, Inc.
DBA Grant View Distillery
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Dated : September 8, 2018