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

Proceeding	91247554
Party	Defendant River Bandit, LLC
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Submission	Answer
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Date	07/19/2019
Attachments	River Bandit Answer to Opposition Proceeding.pdf(22108 bytes )

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

_____	)	
REBEL WINE CO., LLC,	)	
	)	
Opposer,	)	Opposition No.: 91247554
	)	
v.	)	
	)	Mark: RIVER BANDIT CRAFT BEER
RIVER BANDIT, LLC,	)	RIVER BANDIT CRAFT BEER
	)	(and Design)
Applicant.	)	Class: 32
_____	)	

**ANSWER TO NOTICE OF OPPOSITION**

River Bandit, LLC (the “Applicant”) hereby sets forth the following Answer to the Notice of Opposition filed by Rebel Wine Co., LLC (“Opposer”). The Applicant denies the allegations contained in the unnumbered introduction of the Notice of Opposition.

In response to the specifically enumerated paragraphs of the Notice of Opposition, the Applicant responds as follows:

1. The Applicant admits that it filed with the U.S. Patent and Trademark Office (“USPTO”) U.S. Trademark Application Serial No. 88/131,984 for the mark RIVER BANDIT CRAFT BEER and Design on September 26, 2018 and that the application published for opposition on February 12, 2019. The application is in writing and speaks for itself and the Applicant denies the allegations contained in Paragraph 1 to the extent they differ from the application.

2. The Applicant admits that it filed with the USPTO U.S. Trademark Application Serial No. 88/131,990 for the mark RIVER BANDIT CRAFT BEER on September 26, 2018 and that the application published for opposition on February 12, 2019. The application is in writing

speaks for itself and the Applicant denies the allegations contained in Paragraph 2 to the extent they differ from the application.

3. The Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 3 of the Notice of Opposition, and therefore denies the same.

4. The Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 4 of the Notice of Opposition, and therefore denies the same. Additionally, Paragraph 4 states a legal conclusion, to which no response is required.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 5 of the Notice of Opposition and, therefore, denies the same.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 6 of the Notice of Opposition and, therefore, denies the same.

7. Denied.

8. Denied.

The Applicant denies that the Opposer is entitled to the relief requested in the Wherefore Clause following Paragraph 8.

## **AFFIRMATIVE AND OTHER DEFENSES**

### **First Defense**

Applicant's use and registration of its applied-for marks are not likely to cause confusion with Opposer's pleaded trademarks.

**Second Defense**

Opposer's pleaded mark is weak and entitled to only a narrow scope of protection.

**Third Defense**

There is no likelihood of confusion, mistake or deception because Applicant's marks and the pleaded marks of Opposer are not confusingly similar in sight, sound and meaning.

**Fourth Defense**

The goods offered by Applicant and Opposer are dissimilar.

Further, Applicant hereby gives notice that it intends to rely upon such other and further defenses as may become available through discover or otherwise, and reserves its right to assert and rely upon such further defenses as of right or by appropriate motion.

WHEREFORE, the Applicant requests that the Notice of Opposition be dismissed with prejudice.

Respectfully submitted,

River Bandit, LLC

Dated: July 19, 2019

/ Alexander P. Montgomery/  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Answer to Notice of Opposition has been served on Opposer's counsel, set forth below, by forwarding said copy on July 19, 2019, via email to: [jdurand@dpf-law.com](mailto:jdurand@dpf-law.com).

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/Alexander P. Montgomery/