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Filing date: **12/16/2019**

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

Proceeding	91252091
Party	Defendant Papou's Craft Distillery, LLC
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Submission	Answer
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Date	12/16/2019
Attachments	Papous Craft Distillery Answer to Notice of Opposition PAPOUS.PDF(225629 bytes)

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

In the matter of application Serial No. 88/499629
For the mark PAPOU'S
Opposition Filing Date: November 6, 2019

TGMJM Intellectual Holdings, LLC,
Opposer,

Opposition No. 91252091

v.

Papou's Craft Distillery, LLC,
Applicant.

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Applicant Papou's Craft Distillery, LLC ("Applicant") files this Answer to the Notice of Opposition ("Notice") filed by TGMJM Intellectual Holdings, LLC ("Opposer"). In support hereof, Applicant would show as follows:

I. ADMISSIONS & DENIALS

Pursuant to Federal Rule of Civil Procedure 8(b) and 37 C.F.R. § 2.106(b)(2), Applicant denies each and every allegation contained in Opposer's Notice except for those expressly admitted herein. The numbered paragraphs and headings herein correspond to the paragraphs and headings within the body of Opposer's Notice:

1. Applicant admits that Opposer is the owner of record of Reg. No. 3,446,992 according the USPTO's files.

2. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies the same.

3. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies the same.

4. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies the same.

5. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies the same.

6. Applicant admits that on July 3, 2019, Applicant filed an application to register the mark PAPOU'S for "distilled spirits" in Class 33. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph and therefore denies the same.

7. Applicant admits that it filed its application under section 1(b).

8. Applicant admits that Opposer does not consent to Applicant's application to register the mark PAPOU'S, but denies the allegations in this paragraph to the extent Opposer suggests that such consent is required.

9. Deny.

10. Deny.

II. AFFIRMATIVE AND OTHER DEFENSES

Applicant further asserts the following affirmative and other defenses and reserves the right to timely amend its answer to include such additional defenses as they become apparent during the course of this case.

1. Applicant asserts that its Mark, PAPOU'S, is not confusingly similar to Opposer's Mark, PAPI, and there is no likelihood of consumer confusion.

2. Applicant asserts that Opposer's Mark is not strong as there are a number of

marks with similar or same meaning for wine or spirits.

3. Applicant asserts that Opposer's Mark, PAPI, is not famous.
4. Applicant asserts that there has been no actual confusion between the Marks or any actual confusion has been *de minimis* and not actionable.
5. Applicant asserts that its alleged acts or omissions were not willful or intentional or made in bad faith.
6. Applicant asserts that Opposer's relief, if any, is subject to the applicable statutory cap(s) and other statutes or law.
7. Applicant asserts that Opposer's opposition may fail, in whole or in part, under the doctrines of unclean hands, acquiescence and/or estoppel.
8. As Applicant lacks sufficient knowledge or information sufficient to form a belief as to some of Opposer's allegations as stated in this Answer, Applicant reserves the right to assert additional separate or affirmative defenses based on further discovery, investigation, or analysis.
9. Applicant contends that the Opposer's Notice is groundless and baseless in fact; and that Opposer has not shown wherein it will be, or is likely to be, damaged by the registration of Applicant's trademark.

PRAYER

Applicant respectfully requests that the Opposition be dismissed and that the trademark application for the mark PAPOU'S (Serial No. 88/499629) be passed through to allowance on the Principal Register.

Dated: December 16, 2019.

Respectfully submitted,

By /s/ Trent E. Rinebarger

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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this Answer to Notice of Opposition, pursuant to 37 C.F.R. § 1.8, is being electronically filed with United States Patent and Trademark Office, Trademark Trial and Appeal Board, via ESTTA on:

Date: December 16, 2019

By: ____/s/ Trent E. Rinebarger

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Answer was served pursuant to 37 C.F.R. § 2.119 via e-mail at the address and on the date indicated below:

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Date: December 16, 2019

By: ____/s/ Trent E. Rinebarger