

ESTTA Tracking number: **ESTTA1069653**

Filing date: **07/21/2020**

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

Proceeding	91263461
Party	Defendant Bepensa Spirits, S.A. de C.V.
Correspondence Address	JUSTIN R. YOUNG DINEFF TRADEMARK LAW LIMITED 160 N. WACKER DRIVE CHICAGO, IL 60606 UNITED STATES Primary Email: jyoung@dineff.com 312-338-1000
Submission	Answer
Filer's Name	Justin R. Young
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Date	07/21/2020
Attachments	3 Answer Opp 91263461.pdf(42068 bytes)

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

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Indian River Beverage Corporation,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91263461
)	
Bepensa Spirits, S.A. de C.V.)	
)	
Applicant,)	
)	
<hr/>)	

Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION

Bepensa Spirits, S.A. de C.V. (“Applicant”), for its answer to the Notice of Opposition filed by Indian River Beverage Corporation (“Opposer”), against application for registration of Applicant’s trademark “CARIBE COOLER” Serial No. 88/671219 filed on October 28, 2019 and published in the Official Gazette of March 10, 2020, pleads and avers as follows:

1. Answering Paragraph 1 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 all the allegations, leaving Opposer to its strict proof at trial.

2. Answering Paragraph 2 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 all the allegations, leaving Opposer to its strict proof at trial.

3. Answering Paragraph 3 of the Notice of Opposition, Applicant denies the allegations contained therein, thus, leaving Opposer to its strict proof at trial. Contrary to what is stated in said paragraph, Registration No. 5,999,820 and Application No. 87/117822 only cover “*hard cider*” in International Class 33.

4. Answering Paragraph 4 of the Notice of Opposition, Applicant admits the allegations contained therein.

5. Answering Paragraph 5 of the Notice of Opposition, Applicant admits the allegations contained therein.

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 all the allegations, leaving Opposer to its strict proof at trial.

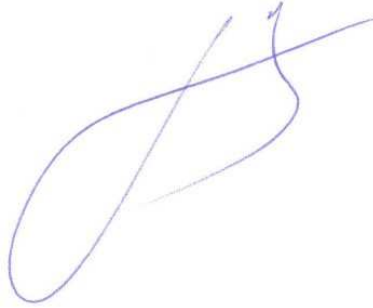
7. Answering Paragraph 7 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies all the allegations, leaving Opposer to its strict proof at trial.

8. Answering Paragraph 8 of the Notice of Opposition, Applicant denies the allegations and legal conclusions contained therein, thus, leaving Opposer to its strict proof at trial.

9. Answering Paragraph 9 of the Notice of Opposition, Applicant denies the allegations and legal conclusions contained therein, thus, leaving Opposer to its strict proof at trial.

Bepensa Spirits, S.A. de C.V.

By and through they attorney



Dated: July 21, 2020

Justin R. Young
DINEFF TRADEMARK LAW LIMITED
160 N. Wacker
Chicago, Illinois 60606
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Certificate of Service

I hereby certify that a copy of the foregoing **APPLICANT'S ANSWER TO OPPOSER'S NOTICE OF OPPOSITION** was served this date July 21, 2020 upon Opposer's Attorney address of record by email, as follows:

Zamani Thomas
Spiritus Law LLC
zamani.thomas@spirituslaw.com



Justin R. Young