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

Proceeding no.	91269584
Party	Defendant Kretek International, Inc.
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Date	07/27/2022
Attachments	ANSWER.pdf(106758 bytes )

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

In the matter of Applications Serial Nos. 88/499,664 and 88/499,702



For the marks **VENTURA CIGAR** and  
Published in the Official Gazette on February 2, 2021

Republic Brands L.P.  
  
Opposer,  
  
v.  
  
Kretek International, Inc.,  
  
Applicant.

Opposition No. 91269584

**ANSWER TO NOTICE OF OPPOSITION  
AND SECOND AMENDED AFFIRMATIVE DEFENSES**

Applicant Kretek International, Inc. (“Kretek” or “Applicant”), by and through its undersigned counsel, submits its Answer to the Notice of Opposition filed by Republic Brands L.P. (“Opposer”) and states:

1. In response to Paragraph 1 of Opposer’s Notice of Opposition Applicant states that the allegations state legal conclusions to which no response is required. To the extent a response is required, Applicant is without knowledge or information sufficient upon which to form a basis of belief as to the accuracy of the allegations set forth therein, and therefore denies the same.

2. In response to Paragraph 2 of Opposer’s Notice of Opposition Applicant states that the allegations state legal conclusions to which no response is required. To the extent a response

is required, Applicant is without knowledge or information sufficient upon which to form a basis of belief as to the accuracy of the allegations set forth therein, and therefore denies the same.

3. In response to Paragraph 3 of Opposer's Notice of Opposition Applicant states that the allegations state legal conclusions to which no response is required. To the extent a response is required, Applicant is without knowledge or information sufficient upon which to form a basis of belief as to the accuracy of the allegations set forth therein, and therefore denies the same.

4. In response to Paragraph 4 of Opposer's Notice of Opposition Applicant states that the allegations state legal conclusions to which no response is required. To the extent a response is required, Applicant is without knowledge or information sufficient upon which to form a basis of belief as to the accuracy of the allegations set forth therein, and therefore denies the same.

5. In response to Paragraph 5 of Opposer's Notice of Opposition, Applicant states that the allegations state legal conclusions to which no response is required. To the extent a response is required, Applicant admits that it filed applications for the marks VENTURA CIGAR (standard character mark) and V VENTURA CIGAR VENTURACIGAR.COM and Design based on Section 1(a) in connection with cigars; lighters for smokers; cigar cutters; ashtrays; tobacco pipes; pipe tobacco; humidors; humidors having digital hygrometers; cigar humidifiers. The allegations are otherwise denied.

6. In response to Paragraph 6 of Opposer's Notice of Opposition, Applicant states that the allegations state legal conclusions to which no response is required. To the extent a response is required, Applicant denies that Opposer will be damaged by the registration of Trademark Application Numbers 88/499,664 and 88/499,702 for the marks VENTURA CIGAR and V VENTURA CIGAR VENTURACIGAR.COM and Design. To the extent a further response is

required, Applicant is without knowledge or information sufficient upon which to form a basis of belief as to the accuracy of the allegations set forth therein, and therefore denies the same.

7. Applicant denies each and every allegation set forth in Opposer's Notice of Opposition that is not specifically set forth herein.

**SECOND AMENDED AFFIRMATIVE DEFENSES**

8. Opposer does not have continuous use.

9. Opposer's claims are barred in whole or in part by estoppel, acquiescence, and/or waiver, based on Applicant's use of the marks VENTURA CIGAR and V VENTURA CIGAR VENTURACIGAR.COM and Design.

10. Absence of likelihood of confusion.

11. Applicant alleges it lacks sufficient knowledge or information upon which to ascertain whether as yet unstated additional affirmative defenses are available. Applicant reserves the right to assert additional defenses ascertained by further investigation and discovery.

WHEREFORE, Applicant Kretek International, Inc. respectfully requests that the notice of opposition be dismissed with prejudice.

Respectfully submitted,

Date: July 27, 2022

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Attorneys for Kretek International, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing has been served on Counsel for Opposer by forwarding said copy on July 27, 2022, via email to:

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