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

Proceeding	92043340
Party	Defendant SPIRITS INTERNATIONAL N.V. SPIRITS INTERNATIONAL N.V. 700 ANDERSON HILL ROAD PURCHASE, NY 10577
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Submission	Other Motions/Papers
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Signature	/s/
Date	12/28/2006
Attachments	Spirits International-Objection to petitioner's notices of reliance.pdf (6 pages)(189327 bytes)

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

A.V. IMPORTS, INC., Petitioner, vs. SPIRITS INTERNATIONAL, N.V., Respondent.	Cancellation No. 92043340 Registration No. 1,487,042 Mark: RUSSKAYA

Attorney's Reference: 38793-199035

RESPONDENT'S OBJECTIONS TO
PETITIONER'S FIRST AND SECOND NOTICES OF RELIANCE

Respondent Spirits International, N.V. interposes the following objections to the materials submitted by Petitioner A.V. Imports, Inc. in its First and Second Notices of Reliance.

1. Attached hereto as Exhibit A is a true and correct copy of the application, VOA Sojuzplodoimport filed on September 2, 1986 with the United States Patent and Trademark Office (the "PTO") to register the RUSSKAYA mark for use in the U.S.

OBJECTION: Improper identification. The document references V/O Sojuzplodoimport, not VOA Sojuzplodoimport.

2. Attached hereto as Exhibit B is a true and correct copy of the trademark registration for RUSSKAYA which the PTO issued to VOA Sojuzplodoimport on May 3, 1988.

OBJECTION: Improper identification. The document references V/O Sojuzplodoimport, not VOA Sojuzplodoimport.

3. Attached hereto as Exhibit C is a true and correct copy of VOA Sojuzplodoimport's recorded assignment of the RUSSKAYA mark to Pepsico dated March 18, 1993.

OBJECTION: Improper identification. The document references V/O Sojuzplodoimport, not VOA Sojuzplodoimport.

4. Attached hereto as Exhibit D is a true and correct copy of the Section 8 affidavit filed by Pepsico Vice President and Intellectual Property counsel, William Finkelstein, on or around May 3, 1994 with the PTO, stating that Pepsico owned the RUSSKAYA mark and that the mark was in use in interstate commerce.

5. Attached hereto as Exhibit E is a true and correct copy of the parties March 6, 2002 recordation of the assignment of the RUSSKAYA mark from Pepsico to Spirits International.

OBJECTION: Lack of foundation; the document is incorrectly identified.

6. Attached hereto as Exhibit F is a true and correct copy of the search results for the word "RUSSKAYA" from the ATF COLA registry, and true and correct copies of COLAs for RUSSKAYA provided by Spirits International numbered SPIG 00001-00019. These official records of the Bureau of Alcohol, Tobacco, and Firearms ("ATF") are relevant to the issue of whether any RUSSKAYA branded product could have been legally sold in the United States for the relevant time period.

OBJECTION: Lack of foundation as to the statement that Exhibit F is a true and correct copy of the search results for the word "RUSSKAYA" from the ATF COLA registry. Lack of foundation and relevance as to documents bearing production numbers SPIG 00004-8, 00017, 00019.

7. Attached hereto as Exhibit G is a true and correct copy of Respondent's Responses to Petitioner's First Set of Requests for Admission, served on February 9, 2005.

8. Attached hereto as Exhibit H is a true and correct copy of Respondent's Responses to Petitioner's First Set of Interrogatories, served on February 9, 2005.

9. Attached hereto as Exhibit I are true and correct copies of purchase orders and invoices dating from March to November 1994 produced as documents numbered SPIG 00218-00227.

10. Attached hereto as Exhibit J is a true and correct copy of a print-out of a search of COLA Online dated April 8, 2005 reflecting a search for RUSSKAYA label approvals from 2001 to present. These official records of the Bureau of Alcohol, Tobacco, and Firearms ("ATF") are relevant to the issue of whether any RUSSKAYA branded product could have been legally sold in the United States for the relevant time period.

OBJECTION: Lack of foundation.

11. Attached hereto as Exhibit K is a true and correct copy of Exhibit 4.1 to the Form 20-F that Allied Domecq PLC filed with the Securities Exchange Commission on July 26, 2002. Exhibit 4.1 to the July 26, 2002 Allied Domecq Form 20-F is the Trademark, Supply and Distribution Agreement (the "Agreement") between Allied Domecq Spirits, USA and SPI dated November 15, 2000. This Agreement was located by searching for all filings made in the past five (5) years to the Securities Exchange Commission by Allied Domecq, SPI's U.S. distributor, on the Internet at http://www.sec.gov and http://pro.edgar-online.com and entering the ticker symbol, AED, for Allied Domecq. These official records of the Securities and Exchange Commission are relevant to the issue of whether there was any

agreement between Registrant and its U.S. Distributor to sell any goods with the RUSSKAYA brand in the United States after 2000.

12. Attached hereto as Exhibit L is a true and correct copy of SPI's Responses to A.V. Imports First Set of Requests for Production of Documents.

13. Attached hereto as Exhibit M is a true and correct copy of Registrant Spirits International, N.V.'s Memorandum in Response to Petitioner's Motion for Summary Judgment. This pleading contains statements against registrants interest on the issue of whether the RUSSKAYA brand was used in the United States.

OBJECTION: Lack of relevance.

14. Attached hereto as Exhibit N is a true and correct copy of the Order of the Trademark Trial and Appeal Board dated Board's order of September 19, 2005 in the instant cancellation proceeding. This official record of the Trademark Trial and Appeal Board, United States Patent and Trademark Office, is relevant because the Board found that Petitioner has established a *prima facie* case of abandonment to which the respondent must answer and that there was no dispute among the parties as to the fact that the mark RUSSKAYA was not used in the United States for the three years preceding the filing date of the instant cancellation petition.

OBJECTION: Lack of relevance.

15. Attached hereto as Exhibit O is a true and correct copy of a printout from the U.S. Patent and Trademark Office TARR database showing that A.V. Imports owns U.S. trademark Application Serial No. 76/573,600 for the mark RUSSKAYA. This official record of the U.S. Patent and Trademark Office is relevant to establish that Petitioner has alleged a

bona fide intent to use the mark RUSSKAYA in the United States and has filed a trademark application for this mark.

16. Exhibit P hereto is a true and correct copy of an office action issued in connection with Application Serial No. 76/573,600, citing Registration No. 1,487,042 as a bar to registration of A.V. Import's RUSSKAYA mark. This official record of the U.S. Patent and Trademark Office is relevant to establish that Petitioner will be harmed by the continued registration of Registration No. 1,487,042.

17. Exhibit Q hereto, to be filed under seal, is a true and correct copy of a document entitled "worldwide Sales of vodka RUSSKAYA," produced by Registrant as SPIG 03874-3875. Registrant elected to Answer Interrogatories 8 and 14, among others, by producing business records. This document is responsive to Interrogatory Answers 8 and 14 and is submitted pursuant to 37 CFR 2.120(j) and TBMP 704.10.

OBJECTION: Lack of foundation.

Respectfully submitted,

Date: December 21, 2006

By: _____

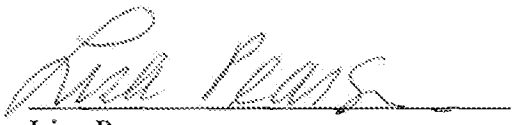
Lisa Pearson, Esq.
Kilpatrick Stockton LLP
31 West 52nd Street, 14th Floor
New York, New York 10019
Attorneys for Respondent

CERTIFICATE OF SERVICE

The undersigned, attorney for Respondent, hereby certifies that she caused to be served, by first class mail, postage prepaid, a copy of the foregoing Respondent's Objections To Petitioner's First And Second Notices Of Reliance upon:

Andrew C. Aitken
Janet F. Satterthwaite
Venable LLP
P.O. Box 34385
Washington, D.C. 20043-9998

This 27th day of December, 2006.



Lisa Pearson