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

Proceeding	92057478
Party	Defendant Christopher Lohring
Correspondence Address	CHRISTOPHER LOHRING 19 CARLTON STREET SALEM, MA 01970 UNITED STATES
Submission	Answer
Filer's Name	Daniel N. Smith
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Date	08/13/2013
Attachments	ANSWER to Petition to Cancel.pdf(19267 bytes)

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

In the matter of:

Trademark Registration No. 3,955,799

Registered on May 3, 2011

International Class: 032

Filed: March 13, 2010

Mark: **NOTCH**

Uinta Brewing Company)	
)	
Petitioner)	Cancellation No.: 92057478
)	
v.)	ANSWER TO PETITION TO CANCEL
)	
Christopher Lohring)	
)	
Respondent)	
)	

Commissioner for Trademarks
P.O. Box 1451
Arlington, VA 22313-1451

In response to the Petition to Cancel, filed July 2, 2013, Respondent Christopher Lohring ("Respondent"), answers the Petition To Cancel filed by Petitioner Uinta Brewing Company ("Petitioner") as follows:

ANSWER TO PETITION TO CANCEL

Respondent admits that according to the available records of the Secretary of State of Utah, Petitioner Uinta Brewing Company, appears to be a Utah corporation having an address of 1722 South Fremont Drive, Salt Lake City, Utah, 84104. Respondent lacks knowledge or information sufficient to form a basis to admit or deny the allegation that Petitioner has been

and continues to be damaged by U.S. Registration No. 3,955,799 for the mark "NOTCH" and, therefore, denies such allegation.

Respondent hereby answers Petitioner's grounds for cancellation as follows:

1. Respondent admits that Petitioner is in the business of producing and selling ale under the trademark HOP NOTCH. Respondent denies that Petitioner is the owner of the trademark HOP NOTCH for beer.

2. Respondent denies that the trademark HOP NOTCH identifies the source and origin of Petitioner's beer. Respondent denies that the trademark HOP NOTCH serves to distinguish Petitioner's beer from those of others. Respondent lacks knowledge or information sufficient to form a basis to admit or deny the remaining allegations set forth in paragraph 2 of the Petition To Cancel and, therefore, denies such allegations.

3. Respondent admits the allegations set forth in paragraph 3 of the Petition To Cancel.

4. Respondent admits the allegations set forth in paragraph 4 of the Petition To Cancel.

5. Respondent lacks knowledge or information sufficient to form a basis to admit or deny the allegations set forth in paragraph 5 of the Petition To Cancel and, therefore, denies such allegations.

6. Respondent admits the allegations set forth in paragraph 6 of the Petition To Cancel.

7. Respondent denies the allegations set forth in paragraph 7 of the Petition To Cancel.

8. Respondent lacks knowledge or information sufficient to form a basis to admit or

deny any and all allegations set forth in paragraph 8 of the Petition To Cancel and, therefore, denies such allegations.

9. Respondent lacks knowledge or information sufficient to form a basis to admit or deny the allegations set forth in paragraph 9 of the Petition To Cancel and, therefore, denies such allegations.

10. Respondent denies the allegations set forth in paragraph 10 of the Petition To Cancel.

11. Respondent lacks knowledge or information sufficient to form a basis to admit or deny any and all allegations set forth in paragraph 11 of the Petition To Cancel and, therefore, denies such allegations.

12. Respondent lacks knowledge or information sufficient to form a basis to admit or deny any and all allegations set forth in paragraph 12 of the Petition To Cancel and, therefore, denies such allegations.

13. Respondent denies the allegations set forth in paragraph 13 of the Petition To Cancel.

14. Respondent denies the allegations set forth in paragraph 14 of the Petition To Cancel.

15. Respondent denies the allegations set forth in paragraph 15 of the Petition To Cancel.

16. Respondent lacks knowledge or information sufficient to form a basis to admit or deny any and all allegations set forth in paragraph 16 of the Petition To Cancel and, therefore, denies such allegations.

17. Respondent denies the allegations set forth in paragraph 17 of the Petition To

Cancel.

18. Respondent lacks knowledge or information sufficient to form a basis to admit or deny any and all allegations set forth in paragraph 18 of the Petition To Cancel and, therefore, denies such allegations.

AFFIRMATIVE DEFENSES

By way of defense to the allegations set forth in the Petition To Cancel, Respondent asserts the following Affirmative Defenses:

FIRST AFFIRMATIVE DEFENSE

19. Petitioner's Petition To Cancel fails to state claims upon which relief can be granted.

20. Respondent reserves the right to rely on the defenses of waiver and estoppel.

21. Respondent reserves the right to rely on the defense that plaintiffs have unclean hands.

DATED this 13th day of August 2013.

Respectfully submitted,

/s/Daniel N. Smith

Daniel N. Smith, Esq.

Counsel For Respondent

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **ANSWER TO PETITION TO CANCEL** was served on Petitioner by mailing a true copy thereof, by First Class Mail; postage prepaid this 13th day of August, 2013, in an envelope addressed as follows:

GLENN A. RICE
FUNKHOUSER VEGOSEN LIEBMAN & DUNN LTD.
55 W. MONROE, SUITE 2300,
CHICAGO, ILLINOIS 60603

/s/Daniel N. Smith
Daniel N. Smith, Esq.
Counsel for Respondent