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Filing date: **03/09/2016**

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

Proceeding	92062712
Party	Defendant Lake Bowl Inc. dba Ten Pin Brewing Co.
Correspondence Address	LAKE BOWL INC DBA TEN PIN BREWING CO 1165 N STRATFORD RD MOSES LAKE, WA 98837 UNITED STATES danielle@reiserlegal.com,doug@reiserlegal.com,tm@reiserlegal.com
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Date	03/09/2016
Attachments	Lake Bowl Answer.pdf(92876 bytes)

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

In the Matter of Trademark Registration No. 4,832,381

Mark: TEN PIN BREWING

Date Registered: October 13, 2015

Ska Brewing Co.,

Petitioner,

v.

Lake Bowl Inc. d/b/a Ten Pin Brewing
Co.,

Registrant

Cancellation No. 92062712

ANSWER

Lake Bowl Inc. d/b/a Ten Pin Brewing Co. (“Registrant”) hereby answers the Petition for Cancellation filed by Ska Brewing Co. (“Petitioner”) against U.S. Trademark Registration No. 4,832,381 for the TEN PIN BREWING mark (the “Registered Mark”), as follows:

1. Registrant admits the allegations contained in Paragraph 1.
2. Registrant admits the allegations contained in Paragraph 2.
3. Registrant admits the allegations contained in Paragraph 3.
4. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 and, therefore, denies same.
5. Registrant admits the allegations contained in Paragraph 5.
6. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6 and, therefore, denies same.
7. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 and, therefore, denies same.

8. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first sentence of Paragraph 8 and, therefore, denies same. The remainder of Paragraph 8 contains legal conclusions to which no answer is required.

9. Answering the allegations contained in Paragraph 9, Registrant denies that Registrant's mark is highly similar to Petitioner's claimed mark. Registrant admits that the Registered Mark and Petitioner's claimed mark contain the words "TEN PIN"; that the phrase "TEN PIN" is distinctive when applied to beer, as it typically refers to the game of bowling or the bowling pin itself; that Petitioner's claimed mark contains the distinctive term "NEFARIOUS"; and that Registrant's mark contains the additional term "BREWING." To the extent the allegations contained in Paragraph 9 refer to Petitioner's own actions, products, and reputation, Registrant is without knowledge or information sufficient to form a belief as to the truth of those allegations and, therefore, denies same. Registrant denies the remaining allegations.

10. Registrant admits the allegations contained in Paragraph 10.

11. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 11 and, therefore, denies same.

COUNT I: LIKELIHOOD OF CONFUSION

12. Registrant incorporates its answers to the allegations contained in Paragraphs 1 through 11.

13. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13 and, therefore, denies same.

14. Answering the allegations contained in Paragraph 14, Registrant admits that the Examining Attorney for Petitioner's trademark application has suspended Petitioner's application based on a perceived likelihood of confusion. Registrant denies the remaining allegations, including any suggestion that the Examining Attorney's perception is relevant here.

COUNT II: FRAUD

15. Registrant incorporates its answers to the allegations contained in Paragraphs 1 through 14.

16. Registrant denies the allegations contained in Paragraph 16.
17. Registrant denies the allegations contained in Paragraph 17.
18. Answering the allegations contained in Paragraph 18, Registrant admits its CEO signed the declaration and Allegation of Use. Respondent denies the remaining allegations.

RELIEF REQUESTED

WHEREFORE, Registrant respectfully requests that the U.S. Trademark Trial and Appeal Board deny Petitioner's petition in its entirety, and dismiss this proceeding with prejudice.

Dated: March 9, 2016

REISER LEGAL PLLC

By /s/ Danielle M. Teagarden

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Attorneys for Registrant

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served on March 9, 2016, by ESTTA and First-Class Mail on:

Kathleen S. Ryan
The Ollila Law Group LLC
2569 Park Lane, Suite 202
Lafayette, CO 80026

Attorneys for Petitioner

/s/ Danielle M. Teagarden
Danielle M. Teagarden