

ESTTA Tracking number: **ESTTA1336294**

Filing date: **01/25/2024**

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

| | |
|------------------------|---|
| Proceeding no. | 92083154 |
| Party | Defendant VSWC LLC |
| Correspondence address | WALTER CLEMENTS VSWC LLC 1148 WESLEY AVENUE EVANSTON, IL 60202 UNITED STATES Primary email: walter@meta.wine 773-368-0101 |
| Submission | Answer |
| Filer's name | Walter Clements |
| Filer's email | walter@meta.wine |
| Signature | /Walter Clements/ |
| Date | 01/25/2024 |
| Attachments | Respondent VSWC LLC Answer and Affirmative Defenses to the First Amended Petition for Cancellation.pdf(120230 bytes) |

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

| | | |
|-------------|---|---------------------------|
| Metabev LLC |) | |
| |) | |
| |) | |
| Petitioner, |) | |
| |) | Cancellation No. 92083154 |
| |) | Reg. No. 5617930 |
| vs. |) | |
| |) | |
| VSWC LLC |) | |
| |) | |
| Respondent. |) | |
| _____ |) | |

**Respondent VSWC LLC’s Answer and Affirmative Defenses
to First Mended Petition for Cancellation**

Applicant, VSWC LLC (“Respondent”), by and through its undersigned counsel, hereby files its Answer to Petitioner, Metabev LLC’s Petition for Cancellation and states the following:

(Any allegation of Petitioner’s Petition for Cancellation not specifically admitted herein is hereby denied).

1. Without Knowledge, therefore, paragraph 1 is denied herein.
2. Without Knowledge, therefore, paragraph 2 is denied herein.
3. Without Knowledge, therefore, paragraph 3 is denied herein.
4. Admitted.
5. Admitted.
6. Denied.
7. Denied.
8. Denied.
9. Denied.

10. Denied. Paragraph 10 is labeled as 7 [sic] by Petitioner.
11. Denied. Paragraph 11 is labeled as 8 [sic] by Petitioner.
12. Denied. Paragraph 12 is labeled as 9 [sic] by Petitioner.
13. Denied. Paragraph 13 is labeled as 10 [sic] by Petitioner.
14. Denied. Paragraph 14 is labeled as 11 [sic] by Petitioner.
15. Denied. Paragraph 15 is labeled as 12 [sic] by Petitioner.
16. Denied. Paragraph 16 is labeled as 13 [sic] by Petitioner.
17. Denied. Paragraph 17 is labeled as 14 [sic] by Petitioner.
18. Denied. Paragraph 18 is labeled as 15 [sic] by Petitioner.
19. Denied. Paragraph 19 is labeled as 14 [sic] by Petitioner.
20. Denied. Paragraph 20 is labeled as 15 [sic] by Petitioner.
21. Denied. Paragraph 21 is labeled as 15 [sic] by Petitioner.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Petitioner has no priority in the disputed mark.

SECOND AFFIRMATIVE DEFENSE

Petitioner is not entitled to the relief requested in its Complaint because Respondent has use of the mark META WINE mark since as early as June 9, 2017.

WHEREFORE, Respondent, VSWC LLC respectfully requests that this First Amended Petition for Cancellation be dismissed, with judgment entered in its favor and against Metabev LLC and that this Honorable Court award all other relief to Respondent which it deems fair and reasonable under the circumstances of this case.

--- SIGNATURE PAGE TO FOLLOW ---

Dated: January 25, 2024

Respectfully submitted,

Walter Clements
Respondent
1148 Wesley Avenue
Evanston, IL 60202
Telephone: (773) 368-0101
Email: walter@meta.wine

By: /Walter Clements/
Walter Clements, Respondent

CERTIFICATE OF ONLINE SUBMISSION

I certify that a true and correct copy of the foregoing was filed online with the Trademark Trial and Appeal Board using ESTTA, this 25th day of January 2024.

By: /Walter Clements/
Walter Clements, Respondent

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served per agreement electronically via e-mail this 25th day of January 2024 to the following person(s).

Counsel for Petitioner:

Hank Fasthoff, Esq.
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21 Waterway Avenue
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The Woodlands, Texas 77380

Phone: 713 929 9314
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By: /Walter Clements/
Walter Clements, Respondent