

Lawrence E. Abelman
Jeffrey A. Schwab
Victor M. Tannenbaum
Peter J. Lynfield
Alan J. Hartnick
Caridad Piñero Scordato
Michael Aschen
Julianne Abelman
Jonathan W. Gumpert
Julie B. Seyler
Marie Anne Mastrovito
Joseph J. Catanzaro
Anthony A. Coppola
Richard L. Crisona
Ned W. Branthover

ABELMAN, FRAYNE & SCHWAB

Attorneys at Law
666 Third Avenue
New York, New York 10017-5621

Telephone: (212) 949-9022
Facsimile: (212) 949-9190
e-mail@lawabel.com

Of Counsel:
Norman S. Beier
Alan D. Gilliland
Thomas E. Spath
Melvin L. Ortner
Constance Golden
J. David Dainow
David Toren

Jay S. Cinamon
Anthony J. DiFilippi
Wayne J. Gu
Michael J. Schwab
Jennifer R. Waitman
Natasha J. Burns
Stephen J. Quigley
Frank Terranella
Anthony J. Natoli
Steven M. Hertzberg
John H. Choi

November 21, 2005

TTAB

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Attention: TRADEMARK TRIAL AND APPEAL BOARD

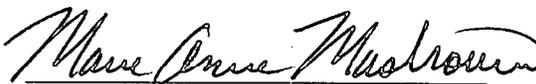
Our Ref.: 212789

Re: Applicant's Answer to Notice of Opposition and
Counterclaim for Cancellation of Opposer's
Registration Nos. 2,579,008; 1,541,794; 1,935,272 and 2,494,093
In the matter of: Appln. No. 78/152459 – Opposition No. 91160944

Dear Sir:

1. We submit herewith one copy of Applicant's Answer to Notice of Opposition and Counterclaim for Cancellation of Opposer's Registration Nos. 2,579,008; 1,541,794; 1,935,272 and 2,494,093 for the above referenced application.
2. The official fee of \$4,000.00 is covered by the attached check. Please charge Deposit Account No. 01-0035 for any additional fees not fully covered by said check.
3. Kindly acknowledge receipt by returning the attached card.

Respectfully Submitted,

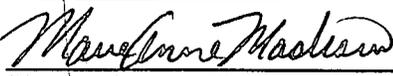

MARIE-ANNE MASTROVITO

Abelman Frayne & Schwab
666 Third Avenue
New York, NY 10017
212-949-9022

CERTIFICATE OF MAILING

Date of Deposit: November 21, 2005
I hereby certify that this correspondence is being deposited with the United States Postal service as First Class Mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451

MARIE-ANNE MASTROVITO


(Signature of person mailing paper or fee)

MAM:rd



11-28-2005

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #64

CC: Martin Greenstein, Esq.

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

In the Matter Of: Trademark Application No. 78/152459 for the mark MATADOR in
Classes 32 and 33 in the United States

RED BULL GMBH

Opposer,

v.

TEQUILA CUERVO LA ROJENA, S.A. DE C.V.,

Applicant.

Opposition No. 91160944

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

**APPLICANT'S ANSWER TO NOTICE OF OPPOSITION
AND COUNTERCLAIM FOR CANCELLATION OF OPPOSER'S
REGISTRATION NOS. 2,579,008; 1,541,794; 1,935,272 AND 2,494,093**

Applicant, Tequila Cuervo la Rojena, S.A. de C.V., hereby answers the Notice of
Opposition of Red Bull GmbH, and counterclaims for cancellation of the Registrations recited
below.

I. ANSWER TO NOTICE OF OPPOSITION

In answer to the Notice of Opposition, Applicant states:

1. Applicant is without knowledge or information sufficient to form a belief as to the
truth of the allegations contained in paragraph 1 of the Notice of Opposition, and therefore denies
same.

2. Applicant is without knowledge or information sufficient to form a belief as to the
truth of the allegations contained in paragraph 2 of the Notice of Opposition, and therefore denies
same.

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3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Notice of Opposition, and therefore denies same.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the Notice of Opposition, and therefore denies same.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Notice of Opposition, and therefore denies same.

6. Applicant admits that it filed Application No. 78/152459 on August 8, 2002, and that the application was based on Applicant's intention to use the mark MATADOR on the goods enumerated in the application. Applicant denies that the application as filed covered "non-alcoholic cocktail mixes for mixing with alcoholic beverages," however, this is the current description of goods in Class 32. The application also covers "prepared alcoholic cocktails; tequila, tequila liqueurs" in Class 33.

7. Applicant denies the allegations in Paragraph 7 of the Notice of Opposition because they are misleading.

8. Applicant admits the allegations in Paragraph 8 of the Notice of Opposition.

9. Applicant denies the allegations in Paragraph 9 of the Notice of Opposition.

10. Applicant denies the allegations in Paragraph 10 of the Notice of Opposition.

11. Applicant denies the allegations in Paragraph 11 of the Notice of Opposition and further notes that Applicant's mark has been misidentified as MATADOR ENERGY DRINK.

12. Applicant denies the allegations in Paragraph 12 of the Notice of Opposition and further notes that Applicant's mark has been misidentified as MATADOR ENERGY DRINK.

13. Applicant denies the allegations in Paragraph 13 of the Notice of Opposition.

14. Applicant denies the allegations in Paragraph 14 of the Notice of Opposition.

15. Applicant admits that U.S. Registration No. 1,199,016 was canceled under Section 8 of the Trademark Act on March 29, 2003, however, Applicant denies the remaining allegations in Paragraph 15 of the Notice of Opposition.

16. Applicant denies the allegations in Paragraph 16 of the Notice of Opposition.

WHEREFORE, Applicant requests that the Notice of Opposition be dismissed in its entirety and that a registration be issued with respect to the subject application.

II. COUNTERCLAIMS TO CANCEL REGISTRATION PLEADED IN NOTICE OF OPPOSITION

Pursuant to Trademark Rules 2.114(b)(2), Tequila Cuervo la Rojena, S.A. de C.V. ("Cuervo") hereby counterclaims for cancellation of Registration Nos. 1541794, 1935794, 2494093, and 2579008.

A. Registration No. 1,541,794

1. The Opposer relies on its ownership of Registration No. 1,541,794 ("Opposer's '794 Registration") as a basis for its Opposition against the Applicant's mark.

2. Opposer's '794 Registration covers the stylized mark RED BULL in connection with "malt liquor" (Opposer's '794 Mark).

3. Opposer's '794 Registration was originally owned by The Stroh Brewery Company and was assigned to Pabst Brewing Company in April 30, 1999.

4. Opposer's '794 Registration was assigned from Pabst Brewing Company to Red Bull GmbH on July 31, 2001.

5. On information and belief Opposer is not currently using the Opposer's '794 Mark in connection with the goods identified in Opposer's '794 Registration.

6. On information and belief Opposer has not made use of the Opposer's '794 Mark in connection with the goods identified in the Opposer's '794 Registration for at least the past three years.

7. On information and belief, even if Opposer's '794 Mark is currently being used for malt liquor, Opposer does not control the nature and quality of the goods.

8. On information and belief, Opposer's '794 Mark has lost all trademark significance as a result of Opposer's failure to control the nature and quality malt liquor currently sold under this mark.

9. On information and belief Opposer has abandoned the mark shown in Opposer's '794 Registration through non-use or the abandonment of the mark.

10. Applicant used the mark MATADOR in the United States in connection with tequila well in advance of the September, 1985 first use date claimed in Opposer's '794 Registration.

11. Although Applicant temporarily suspended use of the mark MATADOR, Applicant intended to, and has in fact, resumed use of the mark. Hence, the mark was never abandoned.

12. Opposer has alleged a likelihood of confusion between the "794 Mark and Applicant's mark MATADOR for "tequila."

13. If Opposer shows a likelihood of confusion between the marks MATADOR AND Opposer's '794 Mark in this Opposition, Opposer's '794 Registration should be cancelled because Applicant has priority.

B. Registration No. 1,935,272

14. The Opposer relies on its ownership of Registration No. 1,935,272 (Opposer's '272 Registration") as a basis for its Opposition against the Applicant's mark.

15. Opposer's '272 Registration covers the mark RED BULL in connection with "malt liquor" (Opposer's '272 Mark).

16. Opposer's '272 Registration was originally owned by The Stroh Brewery Company and was assigned to Pabst Brewing Company in April 30, 1999.

17. Opposer's '272 Registration was assigned from Pabst Brewing Company to Red Bull GmbH on July 31, 2001.

18. On information and belief Opposer is not currently using the mark RED BULL in connection with the goods identified in Opposer's '272 Registration.

19. On information and belief Opposer has not made use of the mark RED BULL in connection with the goods identified in Opposer's '272 Registration for at least the past three years.

20. On information and belief, even if the mark RED BULL is currently being used for malt liquor, Opposer does not control the nature and quality of the goods.

21. On information and belief, the mark RED BULL has lost all trademark significance as a result of Opposer's failure to control the nature and quality of any malt liquor currently sold under Opposer's Mark.

22. On information and belief, Opposer has abandoned the mark shown in Opposer's '272 Registration through non-use or the abandonment of the mark.

23. Applicant used the mark MATADOR in the United States in connection with tequila well in advance of the September, 1985 first use date claimed in Opposer's '272 Registration.

24. Although Applicant temporarily suspended use of the mark MATADOR, Applicant intended to, and has in fact, resumed use of the mark. Hence, the mark was never abandoned.

25. Opposer has alleged a likelihood of confusion between Opposer's '272 Mark and Applicant's mark MATADOR for "tequila."

26. If Opposer shows a likelihood of confusion between the marks MATADOR and the Opposer's 272 mark in this Opposition, Opposer's '272 Registration should be cancelled because Applicant has priority.

C. Registration No 2,494,093

27. Opposer's Registration No. 2,494,093 ("Opposer's '093 Registration") covers the mark RED BULL on a wide variety of goods and services in class 3, 5, 12, 14, 16, 18, 20, 25, 26, 28, 30, 32, 34, 35, 39, 41 and 42.

28. Opposer's '093 Registration was based on a home registration under Section 44(e) of the Trademark Act

29. On information and belief Opposer is not currently using the mark RED BULL in connection with the body soaps identified in Opposer's '093 Registration.

30. On information and belief Opposer has not made use of the mark RED BULL in connection with the body soaps identified in Opposer's '093 Registration for at least the past three years.

31. On information and belief with respect to body soaps Opposer has abandoned the mark shown in Opposer's '093 Registration through non-use or the abandonment of the mark on these goods.

32. On information and belief Opposer is not currently using the mark RED BULL in connection with the perfumes identified in Opposer's '093 Registration.

33. On information and belief Opposer has not made use of the mark RED BULL in connection with the perfumes identified in Opposer's '093 Registration for at least the past three years.

34. On information and belief with respect to perfumes Opposer has abandoned the mark shown in Opposer's '093 Registration through non-use or the abandonment of the mark on these goods.

35. On information and belief Opposer is not currently using the mark RED BULL in connection with the lipstick identified in Opposer's '093 Registration.

35. On information and belief Opposer has not made use of the mark RED BULL in connection with the lipstick identified in Opposer's '093 Registration for at least the past three years.

36. On information and belief with respect to lipstick Opposer has abandoned the mark shown in Opposer's '093 Registration through non-use or the abandonment of the mark on these goods.

37. On information and belief Opposer is not currently using the mark RED BULL in connection with the lip gloss identified in Opposer's '093 Registration.

38. On information and belief Opposer has not made use of the mark RED BULL in connection with the lipgloss identified in Opposer's '093 Registration for at least the past three years.

39. On information and belief with respect to lip gloss Opposer has abandoned the mark shown in Opposer's '093 Registration through non-use or the abandonment of the mark on these goods.

40. On information and belief Opposer is not currently using the mark RED BULL in connection with the eyeliner identified in Opposer's '093 Registration.

41. On information and belief Opposer has not made use of the mark RED BULL in connection with the eyeliner identified in Opposer's '093 Registration for at least the past three years.

42. On information and belief with respect to eyeliner Opposer has abandoned the mark shown in Opposer's '093 Registration through non-use or the abandonment of the mark on these goods.

43. On information and belief Opposer is not currently using the mark RED BULL in connection with the vitamin and mineral supplements identified in Opposer's '093 Registration.

44. On information and belief Opposer has not made use of the mark RED BULL in connection with the vitamin and mineral supplements identified in Opposer's '093 Registration for at least the past three years.

45. On information and belief with respect to vitamin and mineral supplements. Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods.

46. On information and belief Opposer is not currently using the mark RED BULL in connection with the nutritional supplement tonics identified in Opposer's '093 Registration.

47. On information and belief Opposer has not made use of the mark RED BULL in connection with the nutritional supplement tonics identified in Opposer's '093 Registration for at least the past three years.

48. On information and belief with respect to nutritional supplement tonics Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

49. On information and belief Opposer is not currently using the mark RED BULL in connection with the bicycles in Opposer's '093 Registration.

50. On information and belief Opposer has not made use of the mark RED BULL in connection with the bicycles identified in Opposer's '093 Registration for at least the past three years.

51. On information and belief with respect to bicycles Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

51. On information and belief Opposer is not currently using the mark RED BULL in connection with the luggage carriers in Opposer's '093 Registration.

53. On information and belief Opposer has not made use of the mark RED BULL in connection with the luggage carriers identified in Opposer's '093 Registration for at least the past three years.

54. On information and belief with respect to luggage carriers Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

55. On information and belief Opposer is not currently using the mark RED BULL in connection with the bells and air pumps in Opposer's '093 Registration.

56. On information and belief Opposer has not made use of the mark RED BULL in connection with the bells and air pumps identified in Opposer's '093 Registration for at least the past three years.

57. On information and belief with respect to bells and air pumps Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

58. On information and belief Opposer is not currently using the mark RED BULL in connection with the pendants and medals in Opposer's '093 Registration.

59. On information and belief Opposer has not made use of the mark RED BULL in connection with the pendants and medals identified in Opposer's '093 Registration for at least the past three years.

60. On information and belief with respect to pendants and medals Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

61. On information and belief Opposer is not currently using the mark RED BULL in connection with the jewelry charms in Opposer's '093 Registration.

61. On information and belief Opposer has not made use of the mark RED BULL in connection with the jewelry charms identified in Opposer's '093 Registration for at least the past three years.

62. On information and belief with respect to jewelry charms Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

63. On information and belief Opposer is not currently using the mark RED BULL in connection with the chains in Opposer's '093 Registration.

64. On information and belief Opposer has not made use of the mark RED BULL in connection with the chains identified in Opposer's '093 Registration for at least the past three years.

65. On information and belief with respect to chains Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

66. On information and belief Opposer is not currently using the mark RED BULL in connection with the tie clips in Opposer's '093 Registration.

67. On information and belief Opposer has not made use of the mark RED BULL in connection with the tie clips identified in Opposer's '093 Registration for at least the past three years.

68. On information and belief with respect to tie clips Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

69. On information and belief Opposer is not currently using the mark RED BULL in connection with the cuff links in Opposer's '093 Registration.

70. On information and belief Opposer has not made use of the mark RED BULL in connection with the cuff links identified in Opposer's '093 Registration for at least the past three years.

71. On information and belief with respect to cuff links Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

71. On information and belief Opposer is not currently using the mark RED BULL in connection with the flasks in Opposer's '093 Registration.

72. On information and belief Opposer has not made use of the mark RED BULL in connection with the flasks identified in Opposer's '093 Registration for at least the past three years.

73. On information and belief with respect to flasks Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

74. On information and belief Opposer is not currently using the mark RED BULL in connection with the costume jewelry in Opposer's '093 Registration.

75. On information and belief Opposer has not made use of the mark RED BULL in connection with the costume jewelry identified in Opposer's '093 Registration for at least the past three years.

76. On information and belief with respect to costume jewelry Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

77. On information and belief Opposer is not currently using the mark RED BULL in connection with the cuff links and tie pins in Opposer's '093 Registration.

78. On information and belief Opposer has not made use of the mark RED BULL in connection with the cuff links and tie pins identified in Opposer's '093 Registration for at least the past three years.

79. On information and belief with respect to cuff links and tie pins Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

80. On information and belief Opposer is not currently using the mark RED BULL in connection with the clocks in Opposer's '093 Registration.

81. On information and belief Opposer has not made use of the mark RED BULL in connection with the clocks identified in Opposer's '093 Registration for at least the past three years.

82. On information and belief with respect to clocks Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

83. On information and belief Opposer is not currently using the mark RED BULL in connection with the watches in Opposer's '093 Registration.

84. On information and belief Opposer has not made use of the mark RED BULL in connection with the watches identified in Opposer's '093 Registration for at least the past three years.

85. On information and belief with respect to watches Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

86. On information and belief Opposer is not currently using the mark RED BULL in connection with the stopwatches in Opposer's '093 Registration.

87. On information and belief Opposer has not made use of the mark RED BULL in connection with the stopwatches identified in Opposer's '093 Registration for at least the past three years.

88. On information and belief with respect to stopwatches Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

89. On information and belief Opposer is not currently using the mark RED BULL in connection with the timing devices and chronometers in Opposer's '093 Registration.

90. On information and belief Opposer has not made use of the mark RED BULL in connection with the timing devices and chronometers identified in Opposer's '093 Registration for at least the past three years.

91. On information and belief with respect to timing devices and chronometers Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

92. On information and belief Opposer is not currently using the mark RED BULL in connection with the table napkins in Opposer's '093 Registration.

93. On information and belief Opposer has not made use of the mark RED BULL in connection with the table napkins identified in Opposer's '093 Registration for at least the past three years.

94. On information and belief with respect to napkins Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

95. On information and belief Opposer is not currently using the mark RED BULL in connection with the magazines in Opposer's '093 Registration.

96. On information and belief Opposer has not made use of the mark RED BULL in connection with the magazines identified in Opposer's '093 Registration for at least the past three years.

97. On information and belief with respect to magazines Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

98. On information and belief Opposer is not currently using the mark RED BULL in connection with the newsletters and publications featuring information and articles on sports in Opposer's '093 Registration.

99. On information and belief Opposer has not made use of the mark RED BULL in connection with the newsletters and publications featuring information and articles on sports identified in Opposer's '093 Registration for at least the past three years.

100. On information and belief with respect to newsletters and publications featuring information and articles on sports Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

101. On information and belief Opposer is not currently using the mark RED BULL in connection with the newsletters and publications featuring information and articles on health in Opposer's '093 Registration.

102. On information and belief Opposer has not made use of the mark RED BULL in connection with the newsletters and publications featuring information and articles on health identified in Opposer's '093 Registration for at least the past three years.

103. On information and belief with respect to newsletters and publications featuring information and articles on health Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

104. On information and belief Opposer is not currently using the mark RED BULL in connection with the newsletters and publications featuring information and articles on nutrition and diet and general topic information identified in Opposer's '093 Registration.

105. On information and belief Opposer has not made use of the mark RED BULL in connection with the newsletters and publications featuring information and articles on nutrition and diet and general topic information identified in Opposer's '093 Registration for at least the past three years.

106. On information and belief with respect to newsletters and publications featuring information and articles on nutrition and diet and general topic information Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

107. On information and belief Opposer is not currently using the mark RED BULL in connection with the mounted photographs identified in Opposer's '093 Registration.

108. On information and belief Opposer has not made use of the mark RED BULL in connection with the mounted photographs identified in Opposer's '093 Registration for at least the past three years.

109. On information and belief with respect to mounted photographs Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

110. On information and belief Opposer is not currently using the mark RED BULL in connection with instructional and teaching material in the fields of sports identified in Opposer's '093 Registration.

112. On information and belief Opposer has not made use of the mark RED BULL in connection with the instructional and teaching material in the fields of sports identified in Opposer's '093 Registration for at least the past three years.

113. On information and belief with respect to instructional and teaching material in the fields of sports Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

114. On information and belief Opposer is not currently using the mark RED BULL in connection with instructional and teaching material in the fields of health identified in Opposer's '093 Registration.

115. On information and belief Opposer has not made use of the mark RED BULL in connection with the instructional and teaching material in the fields of health identified in Opposer's '093 Registration for at least the past three years.

116. On information and belief with respect to instructional and teaching material in the fields of health Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

117. On information and belief Opposer is not currently using the mark RED BULL in connection with instructional and teaching material in the fields of nutrition identified in Opposer's '093 Registration.

118. On information and belief Opposer has not made use of the mark RED BULL in connection with the instructional and teaching material in the fields of nutrition identified in Opposer's '093 Registration for at least the past three years.

119. On information and belief with respect to instructional and teaching material in the fields of nutrition Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

120. On information and belief Opposer is not currently using the mark RED BULL in connection with instructional and teaching material in the fields of diet and general lifestyle activities identified in Opposer's '093 Registration.

121. On information and belief Opposer has not made use of the mark RED BULL in connection with the instructional and teaching material in the fields of general lifestyle activities identified in Opposer's '093 Registration for at least the past three years.

122. On information and belief with respect to instructional and teaching material in the fields of diet and general lifestyle activities Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

123. On information and belief Opposer is not currently using the mark RED BULL in connection with knapsacks identified in Opposer's '093 Registration.

124. On information and belief Opposer has not made use of the mark RED BULL in connection with the knapsacks identified in Opposer's '093 Registration for at least the past three years.

125. On information and belief with respect to knapsacks Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

126. On information and belief Opposer is not currently using the mark RED BULL in connection with purses identified in Opposer's '093 Registration.

127. On information and belief Opposer has not made use of the mark RED BULL in connection with the purses identified in Opposer's '093 Registration for at least the past three years.

128. On information and belief with respect to purses Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

129. On information and belief Opposer is not currently using the mark RED BULL in connection with pocket wallets identified in Opposer's '093 Registration.

130. On information and belief Opposer has not made use of the mark RED BULL in connection with the pocket wallets identified in Opposer's '093 Registration for at least the past three years.

131. On information and belief with respect to pocket wallets Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

132. On information and belief Opposer is not currently using the mark RED BULL in connection with key cases identified in Opposer's '093 Registration.

133. On information and belief Opposer has not made use of the mark RED BULL in connection with the key cases identified in Opposer's '093 Registration for at least the past three years.

134. On information and belief with respect to key cases Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

135. On information and belief Opposer is not currently using the mark RED BULL in connection with trunks and traveling bags identified in Opposer's '093 Registration.

136. On information and belief Opposer has not made use of the mark RED BULL in connection with the trunks and traveling bags identified in Opposer's '093 Registration for at least the past three years.

137. On information and belief with respect to trunks and traveling bags Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

138. On information and belief Opposer is not currently using the mark RED BULL in connection with garment bags for travel identified in Opposer's '093 Registration.

139. On information and belief Opposer has not made use of the mark RED BULL in connection with the garment bags for travel identified in Opposer's '093 Registration for at least the past three years.

140. On information and belief with respect to garment bags for travel Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

141. On information and belief Opposer is not currently using the mark RED BULL in connection with umbrellas identified in Opposer's '093 Registration.

142. On information and belief Opposer has not made use of the mark RED BULL in connection with the umbrellas identified in Opposer's '093 Registration for at least the past three years.

143. On information and belief with respect to umbrellas Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

144. On information and belief Opposer is not currently using the mark RED BULL in connection with furniture mirrors identified in Opposer's '093 Registration.

145. On information and belief Opposer has not made use of the mark RED BULL in connection with the furniture mirrors identified in Opposer's '093 Registration for at least the past three years.

146. On information and belief with respect to furniture mirrors Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

147. On information and belief Opposer is not currently using the mark RED BULL in connection with picture frames identified in Opposer's '093 Registration.

148. On information and belief Opposer has not made use of the mark RED BULL in connection with the picture frames identified in Opposer's '093 Registration for at least the past three years.

149. On information and belief with respect to picture frames Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

150. On information and belief Opposer is not currently using the mark RED BULL in connection with money clips identified in Opposer's '093 Registration.

151. On information and belief Opposer has not made use of the mark RED BULL in connection with the money clips identified in Opposer's '093 Registration for at least the past three years.

152. On information and belief with respect to money clips Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

153. On information and belief Opposer is not currently using the mark RED BULL in connection with key chain tags identified in Opposer's '093 Registration.

154. On information and belief Opposer has not made use of the mark RED BULL in connection with the key chain tags identified in Opposer's '093 Registration for at least the past three years.

155. On information and belief with respect to key chain tags Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

156. On information and belief Opposer is not currently using the mark RED BULL in connection with footwear identified in Opposer's '093 Registration.

157. On information and belief Opposer has not made use of the mark RED BULL in connection with the footwear identified in Opposer's '093 Registration for at least the past three years.

158. On information and belief with respect to footwear Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

159. On information and belief Opposer is not currently using the mark RED BULL in connection with shirts in Opposer's '093 Registration.

160. On information and belief Opposer has not made use of the mark RED BULL in connection with the shirts identified in Opposer's '093 Registration for at least the past three years.

161. On information and belief with respect to shirts Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

162. On information and belief Opposer is not currently using the mark RED BULL in connection with T-shirts in Opposer's '093 Registration.

163. On information and belief Opposer has not made use of the mark RED BULL in connection with the T-shirts identified in Opposer's '093 Registration for at least the past three years.

164. On information and belief with respect to T-shirts Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

165. On information and belief Opposer is not currently using the mark RED BULL in connection with sweat shirts and sweat pants in Opposer's '093 Registration.

166. On information and belief Opposer has not made use of the mark RED BULL in connection with the sweat shirts and sweat pants identified in Opposer's '093 Registration for at least the past three years.

167. On information and belief with respect to sweat shirts and sweat pants Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

168. On information and belief Opposer is not currently using the mark RED BULL in connection with shorts in Opposer's '093 Registration.

169. On information and belief Opposer has not made use of the mark RED BULL in connection with the shorts identified in Opposer's '093 Registration for at least the past three years.

170. On information and belief with respect to shorts Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

171. On information and belief Opposer is not currently using the mark RED BULL in connection with blouses in Opposer's '093 Registration.

172. On information and belief Opposer has not made use of the mark RED BULL in connection with the blouses identified in Opposer's '093 Registration for at least the past three years.

173. On information and belief with respect to blouses Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

174. On information and belief Opposer is not currently using the mark RED BULL in connection with skirts in Opposer's '093 Registration.

175. On information and belief Opposer has not made use of the mark RED BULL in connection with the skirts identified in Opposer's '093 Registration for at least the past three years.

176. On information and belief with respect to skirts Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

177. On information and belief Opposer is not currently using the mark RED BULL in connection with jumpers in Opposer's '093 Registration.

178. On information and belief Opposer has not made use of the mark RED BULL in connection with the jumpers identified in Opposer's '093 Registration for at least the past three years.

179. On information and belief with respect to jumpers Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

180. On information and belief Opposer is not currently using the mark RED BULL in connection with socks in Opposer's '093 Registration.

181. On information and belief Opposer has not made use of the mark RED BULL in connection with the socks identified in Opposer's '093 Registration for at least the past three years.
182. On information and belief with respect to socks Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods
183. On information and belief Opposer is not currently using the mark RED BULL in connection with hats in Opposer's '093 Registration.
184. On information and belief Opposer has not made use of the mark RED BULL in connection with the hats identified in Opposer's '093 Registration for at least the past three years.
185. On information and belief with respect to hats Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods
186. On information and belief Opposer is not currently using the mark RED BULL in connection with caps in Opposer's '093 Registration.
187. On information and belief Opposer has not made use of the mark RED BULL in connection with the caps identified in Opposer's '093 Registration for at least the past three years.
188. On information and belief with respect to caps Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods
189. On information and belief Opposer is not currently using the mark RED BULL in connection with jackets and coats in Opposer's '093 Registration.
190. On information and belief Opposer has not made use of the mark RED BULL in connection with the jackets and coats identified in Opposer's '093 Registration for at least the past three years.
191. On information and belief with respect to jackets and coats Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods
192. On information and belief Opposer is not currently using the mark RED BULL in connection with shorts in Opposer's '093 Registration.

193. On information and belief Opposer has not made use of the mark RED BULL in connection with the shorts identified in Opposer's '093 Registration for at least the past three years.

194. On information and belief with respect to shorts Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

195. On information and belief Opposer is not currently using the mark RED BULL in connection with shirts in Opposer's '093 Registration.

196. On information and belief Opposer has not made use of the mark RED BULL in connection with the shirts identified in Opposer's '093 Registration for at least the past three years.

197. On information and belief with respect to shirts Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

198. On information and belief Opposer is not currently using the mark RED BULL in connection with hats in Opposer's '093 Registration.

199. On information and belief Opposer has not made use of the mark RED BULL in connection with the hats identified in Opposer's '093 Registration for at least the past three years.

200. On information and belief with respect to hats Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods with hats in Opposer's '093 Registration.

201. On information and belief Opposer is not currently using the mark RED BULL in connection with caps and visors in Opposer's '093 Registration.

202. On information and belief Opposer has not made use of the mark RED BULL in connection with the caps and visors identified in Opposer's '093 Registration for at least the past three years.

203. On information and belief with respect to caps and visors Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

204. On information and belief Opposer is not currently using the mark RED BULL in connection with bandannas in Opposer's '093 Registration.

205. On information and belief Opposer has not made use of the mark RED BULL in connection with the bandannas identified in Opposer's '093 Registration for at least the past three years.

206. On information and belief with respect to bandannas Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

207. On information and belief Opposer is not currently using the mark RED BULL in connection with neckerchiefs in Opposer's '093 Registration.

208. On information and belief Opposer has not made use of the mark RED BULL in connection with the neckerchiefs identified in Opposer's '093 Registration for at least the past three years.

209. On information and belief with respect to neckerchiefs Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

210. On information and belief Opposer is not currently using the mark RED BULL in connection with coats in Opposer's '093 Registration.

211. On information and belief Opposer has not made use of the mark RED BULL in connection with the coats identified in Opposer's '093 Registration for at least the past three years.

212. On information and belief with respect to coats Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

213. On information and belief Opposer is not currently using the mark RED BULL in connection with jackets in Opposer's '093 Registration.

214. On information and belief Opposer has not made use of the mark RED BULL in connection with the jackets identified in Opposer's '093 Registration for at least the past three years.

215. On information and belief with respect to jackets Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

216. On information and belief Opposer is not currently using the mark RED BULL in connection with sweaters in Opposer's '093 Registration.

217. On information and belief Opposer has not made use of the mark RED BULL in connection with the sweaters identified in Opposer's '093 Registration for at least the past three years.

218. On information and belief with respect to sweaters Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

219. On information and belief Opposer is not currently using the mark RED BULL in connection with sleepwear in Opposer's '093 Registration.

220. On information and belief Opposer has not made use of the mark RED BULL in connection with the sleepwear identified in Opposer's '093 Registration for at least the past three years.

221. On information and belief with respect to sleepwear Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

222. On information and belief Opposer is not currently using the mark RED BULL in connection with shorts in Opposer's '093 Registration.

223. On information and belief Opposer has not made use of the mark RED BULL in connection with the shorts identified in Opposer's '093 Registration for at least the past three years.

224. On information and belief with respect to shorts Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

225. On information and belief Opposer is not currently using the mark RED BULL in connection with shirts in Opposer's '093 Registration.

226. On information and belief Opposer has not made use of the mark RED BULL in connection with the shirts identified in Opposer's '093 Registration for at least the past three years.

227. On information and belief with respect to shirts Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

228. On information and belief Opposer is not currently using the mark RED BULL in connection with T-shirts and pants in Opposer's '093 Registration.

229. On information and belief Opposer has not made use of the mark RED BULL in connection with the T-shirts and pants identified in Opposer's '093 Registration for at least the past three years.

230. On information and belief with respect to T-shirts and pants Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

231. On information and belief Opposer is not currently using the mark RED BULL in connection with suspenders in Opposer's '093 Registration.

232. On information and belief Opposer has not made use of the mark RED BULL in connection with the suspenders identified in Opposer's '093 Registration for at least the past three years.

233. On information and belief with respect to suspenders Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

234. On information and belief Opposer is not currently using the mark RED BULL in connection with belt clasps in Opposer's '093 Registration.

235. On information and belief Opposer has not made use of the mark RED BULL in connection with the belt clasps identified in Opposer's '093 Registration for at least the past three years.

236. On information and belief with respect to belt clasps Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

237. On information and belief Opposer is not currently using the mark RED BULL in connection with toy action figures in Opposer's '093 Registration.

238. On information and belief Opposer has not made use of the mark RED BULL in connection with the toy action figures identified in Opposer's '093 Registration for at least the past three years.

239. On information and belief with respect to toy action figures Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

240. On information and belief Opposer is not currently using the mark RED BULL in connection with basketballs and backboards in Opposer's '093 Registration.

241. On information and belief Opposer has not made use of the mark RED BULL in connection with the basketballs and backboards identified in Opposer's '093 Registration for at least the past three years.

242. On information and belief with respect to basketballs and backboards Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

243. On information and belief Opposer is not currently using the mark RED BULL in connection with skis in Opposer's '093 Registration.

244. On information and belief Opposer has not made use of the mark RED BULL in connection with the skis identified in Opposer's '093 Registration for at least the past three years.

245. On information and belief with respect to skis Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

246. On information and belief Opposer is not currently using the mark RED BULL in connection with ski poles in Opposer's '093 Registration.

247. On information and belief Opposer has not made use of the mark RED BULL in connection with the ski poles identified in Opposer's '093 Registration for at least the past three years.

248. On information and belief with respect to ski poles Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

249. On information and belief Opposer is not currently using the mark RED BULL in connection with bags for skis in Opposer's '093 Registration.

250. On information and belief Opposer has not made use of the mark RED BULL in connection with the bags for skis identified in Opposer's '093 Registration for at least the past three years.

251. On information and belief with respect to bags for skis Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

252. On information and belief Opposer is not currently using the mark RED BULL in connection with ski parts in Opposer's '093 Registration.

253. On information and belief Opposer has not made use of the mark RED BULL in connection with the ski parts identified in Opposer's '093 Registration for at least the past three years.

254. On information and belief with respect to ski parts Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

255. On information and belief Opposer is not currently using the mark RED BULL in connection with snowboards in Opposer's '093 Registration.

256. On information and belief Opposer has not made use of the mark RED BULL in connection with the snowboards identified in Opposer's '093 Registration for at least the past three years.

257. On information and belief with respect to snowboards Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

258. On information and belief Opposer is not currently using the mark RED BULL in connection with non-motorized golf carts in Opposer's '093 Registration.

259. On information and belief Opposer has not made use of the mark RED BULL in connection with the non-motorized golf carts identified in Opposer's '093 Registration for at least the past three years.

260. On information and belief with respect to non-motorized golf carts Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

261. On information and belief Opposer is not currently using the mark RED BULL in connection with balls and bags in Opposer's '093 Registration.

262. On information and belief Opposer has not made use of the mark RED BULL in connection with the balls and bags identified in Opposer's '093 Registration for at least the past three years.

263. On information and belief with respect to balls and bags Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

264. On information and belief Opposer is not currently using the mark RED BULL in connection with balls for soccer in Opposer's '093 Registration.

265. On information and belief Opposer has not made use of the mark RED BULL in connection with the balls for soccer identified in Opposer's '093 Registration for at least the past three years.

266. On information and belief with respect to balls for soccer Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

267. On information and belief Opposer is not currently using the mark RED BULL in connection with balls for football in Opposer's '093 Registration.

268. On information and belief Opposer has not made use of the mark RED BULL in connection with the balls for football identified in Opposer's '093 Registration for at least the past three years.

269. On information and belief with respect to balls for football Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

270. On information and belief Opposer is not currently using the mark RED BULL in connection with balls for volleyball in Opposer's '093 Registration.

271. On information and belief Opposer has not made use of the mark RED BULL in connection with the balls for volleyball identified in Opposer's '093 Registration for at least the past three years.

272. On information and belief with respect to balls for volleyball Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

273. On information and belief Opposer is not currently using the mark RED BULL in connection with balls for baseball in Opposer's '093 Registration.

274. On information and belief Opposer has not made use of the mark RED BULL in connection with the balls for baseball identified in Opposer's '093 Registration for at least the past three years.

275. On information and belief with respect to balls for baseball Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

276. On information and belief Opposer is not currently using the mark RED BULL in connection with hockey sticks and pucks in Opposer's '093 Registration.

277. On information and belief Opposer has not made use of the mark RED BULL in connection with the hockey sticks and pucks identified in Opposer's '093 Registration for at least the past three years.

278. On information and belief with respect to hockey sticks and pucks Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

279. On information and belief Opposer is not currently using the mark RED BULL in connection with roller-skates in Opposer's '093 Registration.

280. On information and belief Opposer has not made use of the mark RED BULL in connection with the roller-skates identified in Opposer's '093 Registration for at least the past three years.

281. On information and belief with respect to roller-skates Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

282. On information and belief Opposer is not currently using the mark RED BULL in connection with ornaments for Christmas trees in Opposer's '093 Registration.

283. On information and belief Opposer has not made use of the mark RED BULL in connection with the ornaments for Christmas trees identified in Opposer's '093 Registration for at least the past three years.

284. On information and belief with respect to ornaments for Christmas trees Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

285. On information and belief Opposer is not currently using the mark RED BULL in connection with flavored ices in Opposer's '093 Registration.

286. On information and belief Opposer has not made use of the mark RED BULL in connection with the flavored ices identified in Opposer's '093 Registration for at least the past three years.

287. On information and belief with respect to flavored ices Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

288. On information and belief Opposer is not currently using the mark RED BULL in connection with milkshakes in Opposer's '093 Registration.

289. On information and belief Opposer has not made use of the mark RED BULL in connection with the milkshakes identified in Opposer's '093 Registration for at least the past three years.

290. On information and belief with respect to milkshakes Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

291. On information and belief Opposer is not currently using the mark RED BULL in connection with frozen yogurt and ice cream in Opposer's '093 Registration.

292. On information and belief Opposer has not made use of the mark RED BULL in connection with the frozen yogurt and ice cream identified in Opposer's '093 Registration for at least the past three years.

293. On information and belief with respect to frozen yogurt and ice cream Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

294. On information and belief Opposer is not currently using the mark RED BULL in connection with flavored waters in Opposer's '093 Registration.

295. On information and belief Opposer has not made use of the mark RED BULL in connection with the flavored waters identified in Opposer's '093 Registration for at least the past three years.

296. On information and belief with respect to flavored waters Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

297. On information and belief Opposer is not currently using the mark RED BULL in connection with tobacco tins in Opposer's '093 Registration.

298. On information and belief Opposer has not made use of the mark RED BULL in connection with the tobacco tins identified in Opposer's '093 Registration for at least the past three years.

299. On information and belief with respect to tobacco tins Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

300. On information and belief Opposer is not currently using the mark RED BULL in connection with cigar and cigarette holders in Opposer's '093 Registration.

301. On information and belief Opposer has not made use of the mark RED BULL in connection with the cigar and cigarette holders identified in Opposer's '093 Registration for at least the past three years.

302. On information and belief with respect to cigar and cigarette holders Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

303. On information and belief Opposer is not currently using the mark RED BULL in connection with matches in Opposer's '093 Registration.

304. On information and belief Opposer has not made use of the mark RED BULL in connection with the matches identified in Opposer's '093 Registration for at least the past three years.

305. On information and belief with respect to matches Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

306. On information and belief Opposer is not currently using the mark RED BULL in connection with cigar and cigarette cases in Opposer's '093 Registration.

307. On information and belief Opposer has not made use of the mark RED BULL in connection with the cigar and cigarette cases identified in Opposer's '093 Registration for at least the past three years.

308. On information and belief with respect to cigar and cigarette cases Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

309. On information and belief Opposer is not currently using the mark RED BULL in connection ashtrays in Opposer's '093 Registration.

310. On information and belief Opposer has not made use of the mark RED BULL in connection with the ashtrays identified in Opposer's '093 Registration for at least the past three years.

311. On information and belief with respect to ashtrays Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

312. On information and belief Opposer is not currently using the mark RED BULL in connection pipe stands in Opposer's '093 Registration.

313 On information and belief Opposer has not made use of the mark RED BULL in connection with the pipe stands identified in Opposer's '093 Registration for at least the past three years.

314. On information and belief with respect to pipe stands Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

315. On information and belief Opposer is not currently using the mark RED BULL in connection smoking pipe cleaners in Opposer's '093 Registration.

316. On information and belief Opposer has not made use of the mark RED BULL in connection with the smoking pipe cleaners identified in Opposer's '093 Registration for at least the past three years.

317. On information and belief with respect to smoking pipe cleaners Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

318. On information and belief Opposer is not currently using the mark RED BULL in connection cigar cutters in Opposer's '093 Registration.

319. On information and belief Opposer has not made use of the mark RED BULL in connection with the cigar cutters identified in Opposer's '093 Registration for at least the past three years.

320. On information and belief with respect to cigar cutters Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

321. On information and belief Opposer is not currently using the mark RED BULL in connection smoking pipes in Opposer's '093 Registration.

322. On information and belief Opposer has not made use of the mark RED BULL in connection with the smoking pipes identified in Opposer's '093 Registration for at least the past three years.

323. On information and belief with respect to smoking pipes Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

324. On information and belief Opposer is not currently using the mark RED BULL in connection cigarette lighters not of precious metal in Opposer's '093 Registration.

325. On information and belief Opposer has not made use of the mark RED BULL in connection with the cigarette lighters not of precious metal identified in Opposer's '093 Registration for at least the past three years.

326. On information and belief with respect to cigarette lighters not of precious metal Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

327. On information and belief Opposer is not currently using the mark RED BULL in connection pocket machines for rolling cigarettes in Opposer's '093 Registration.

328. On information and belief Opposer has not made use of the mark RED BULL in connection with the pocket machines for rolling cigarettes identified in Opposer's '093 Registration for at least the past three years.

329. On information and belief with respect to pocket machines for rolling cigarettes Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

330. On information and belief Opposer is not currently using the mark RED BULL in connection cigarette paper and filters in Opposer's '093 Registration.

331. On information and belief Opposer has not made use of the mark RED BULL in connection with the cigarette paper and filters identified in Opposer's '093 Registration for at least the past three years.

332. On information and belief with respect to cigarette paper and filters Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

333. On information and belief Opposer is not currently using the mark RED BULL in connection matches in Opposer's '093 Registration.

334. On information and belief Opposer has not made use of the mark RED BULL in connection with the matches identified in Opposer's '093 Registration for at least the past three years.

335. On information and belief with respect to matches Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

336. On information and belief Opposer is not currently using the mark RED BULL in connection with promoting goods and services in the beverage, sports, auto racing, motorcycle racing, bicycle racing, boating racing, food, fragrance, toiletries, tobacco, and automobile industries through the distribution of printed, audio and visual promotional material in Opposer's '093 Registration.

337. On information and belief Opposer has not made use of the mark RED BULL in connection with promoting goods and services in the beverage, sports, auto racing, motorcycle racing, bicycle racing, boating racing, food, fragrance, toiletries, tobacco, and automobile industries through the distribution of printed, audio and visual promotional material identified in Opposer's '093 Registration for at least the past three years.

338. On information and belief with respect to promoting goods and services in the beverage, sports, auto racing, motorcycle racing, bicycle racing, boating racing, food, fragrance, toiletries, tobacco, and automobile industries through the distribution of printed, audio and visual

promotional material Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

339. On information and belief Opposer is not currently using the mark RED BULL in connection with promoting sports events and competitions for others in Opposer's '093 Registration.

340. On information and belief Opposer has not made use of the mark RED BULL in connection with promoting sports events and competitions for others identified in Opposer's '093 Registration for at least the past three years.

341. On information and belief with respect to promoting sports events and competitions for others Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

342. On information and belief Opposer is not currently using the mark RED BULL in connection with making reservations and bookings for transportation in Opposer's '093 Registration.

343. On information and belief Opposer has not made use of the mark RED BULL in connection with making reservations and bookings for transportation identified in Opposer's '093 Registration for at least the past three years.

344. On information and belief with respect to making reservations and bookings for transportation Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

345. On information and belief Opposer is not currently using the mark RED BULL in connection with tour guide services in Opposer's '093 Registration.

346. On information and belief Opposer has not made use of the mark RED BULL in connection with tour guide services identified in Opposer's '093 Registration for at least the past three years.

347. On information and belief with respect to tour guide services Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

348. On information and belief Opposer is not currently using the mark RED BULL in connection with airplane rental in Opposer's '093 Registration.

349. On information and belief Opposer has not made use of the mark RED BULL in connection with airplane rental identified in Opposer's '093 Registration for at least the past three years.

350. On information and belief with respect to airplane rental Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

351. On information and belief Opposer is not currently using the mark RED BULL in connection with conducting seminars in the fields of sports and general lifestyle activities in Opposer's '093 Registration.

352. On information and belief Opposer has not made use of the mark RED BULL in connection with conducting seminars in the fields of sports and general lifestyle activities identified in Opposer's '093 Registration for at least the past three years.

353. On information and belief with respect to conducting seminars in the fields of sports and general lifestyle activities Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

354. On information and belief Opposer is not currently using the mark RED BULL in connection with entertainment in the nature of live music performances in Opposer's '093 Registration.

355. On information and belief Opposer has not made use of the mark RED BULL in connection with entertainment in the nature of live music performances identified in Opposer's '093 Registration for at least the past three years.

356. On information and belief with respect to entertainment in the nature of live music performances Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

357. On information and belief Opposer is not currently using the mark RED BULL in connection ongoing and special event television shows featuring sports competitions in Opposer's '093 Registration.

358. On information and belief Opposer has not made use of the mark RED BULL in connection with ongoing and special event television shows featuring sports competitions identified in Opposer's '093 Registration for at least the past three years.

359. On information and belief with respect to ongoing and special event television shows featuring sports competitions Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

360. On information and belief Opposer is not currently using the mark RED BULL in connection racing competition for autos, motorcycles, bicycles, boats, musical and/or dance performances in Opposer's '093 Registration.

361. On information and belief Opposer has not made use of the mark RED BULL in connection with racing competition for autos, motorcycles, bicycles, boats, musical and/or dance performances identified in Opposer's '093 Registration for at least the past three years.

362. On information and belief with respect to racing competition for autos, motorcycles, bicycles, boats, musical and/or dance performances Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

363. On information and belief Opposer is not currently using the mark RED BULL in connection baseball and football games in Opposer's '093 Registration.

364. On information and belief Opposer has not made use of the mark RED BULL in connection with baseball and football games identified in Opposer's '093 Registration for at least the past three years.

365. On information and belief with respect to baseball and football games Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

366. On information and belief Opposer is not currently using the mark RED BULL in connection with organizing exhibits for cultural purposes in Opposer's '093 Registration.

367. On information and belief Opposer has not made use of the mark RED BULL in connection with organizing exhibits for cultural purposes identified in Opposer's '093 Registration for at least the past three years.

368. On information and belief with respect to organizing exhibits for cultural purposes Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

369. On information and belief Opposer is not currently using the mark RED BULL in connection with hotel services and boarding house services in Opposer's '093 Registration.

370. On information and belief Opposer has not made use of the mark RED BULL in connection with hotel services and boarding house services identified in Opposer's '093 Registration for at least the past three years.

371. On information and belief with respect to hotel services and boarding house services Opposer has abandoned the mark shown in the '093 Registration through non-use or the abandonment of the mark on these goods

372. Applicant used the mark MATADOR in the United States in connection with tequila well in advance of the February 28, 1995 filing date of the application underlying Opposer's '093 Registration.

373. Although Applicant temporarily suspended use of the mark MATADOR, Applicant intended to, and has in fact, resumed use of the mark. Hence, the mark was never abandoned.

374. Opposer has alleged a likelihood of confusion between Opposer's '093 mark and Applicant's mark MATADOR for "tequila."

375. If Opposer shows a likelihood of confusion between the marks MATADOR and Opposer's '093 Mark in this Opposition, Opposer's '093 Registration should be cancelled because Applicant has priority.

D. Registration No. 2,579,008

376. The Opposer relies on its ownership of Registration No. 2,479,008 ("Opposer's '008 Registration") as a basis for its Opposition against the Applicant's mark.

377. Opposer's '008 Registration covers the mark BULL in connection with "non-alcoholic beverages, namely, soft drinks; and energy and sports drinks" (Opposer's '008 Mark).

378. On information and belief Opposer is not currently using the mark BULL in connection with the goods identified Opposer's '008 Registration.

379. On information and belief Opposer has not made use of the mark BULL in connection with the goods identified in Opposer's '008 Registration for at least the past three years.

380. On information and belief, Opposer has abandoned the mark shown in Opposer's '008 Registration through non-use or the abandonment of the mark.

381. Applicant used the mark MATADOR in the United States in connection with tequila well in advance of the January, 1987 first use date claimed in Opposer's '008 Registration.

382. Opposer has alleged a likelihood of confusion between Opposer's '008 Mark and Applicant's mark MATADOR for "tequila."

383. If Opposer shows a likelihood of confusion between the marks MATADOR and Opposer's '008 Mark in this Opposition, Opposer's '008 Registration should be cancelled because Applicant has priority.

WHEREFORE, Applicant-Petitioner believes that it is being and/or will be damaged by the continued subsistence of Opposer's '794, '272, '093 and '008 Registrations and respectfully requests that the Board grant the Applicant-Petitioner's counterclaim and cancel said registrations.

The check in the amount of \$4,000 is attached to cover the official fee for the counterclaims/Petitions to Cancel herein. Please charge deposit account 01-0035 for any additional fees or other amounts not covered by that check.

Respectfully submitted,



**LAWRENCE E. ABELMAN
MARIE-ANNE MASTROVITO**

**ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE
NEW YORK, NEW YORK 10017
(212) 949-9022**

*Attorneys for Applicant,
Tequila Cuervo La Rojena, S. A. de C.V.*

Date: November 21, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **APPLICANT'S ANSWER TO NOTICE OF OPPOSITION AND COUNTERCLAIM FOR CANCELLATION OF OPPOSER'S REGISTRATION NOS. 2,579,008; 1,541,794; 1,935,272 AND 2,494,093** was served by first class mail, postage prepaid, this 21st day of November, 2005 upon counsel for Opposer:

Martin R. Greenstein, Esq.
TECHMARK
55 So Market Street, 16th Floor
San Jose California 95113


MARIE-ANNE MASTROVITO