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

Proceeding	91202243
Party	Defendant Western Holdings, LLC
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Submission	Answer
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Date	03/05/2012
Attachments	Answer.Xantrex.pdf (3 pages)(9639 bytes)

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

VICTUS, INC.

Opposer,

vs.

WESTERN HOLDINGS, LLC.

Applicant.

ANSWER

Opposition No. 91202243

Western Holdings, LLC, a Nevada limited liability company (hereinafter “Western” or “Applicant”), for its Answer to the Notice of Opposition filed by Opposer Victus, Inc. (hereinafter “Victus” or “Opposer”) states as follows:

FIRST DEFENSE

1. Applicant admits that Opponent purports to be the owner of the trademark ENTEREX for the goods set forth in Paragraph 1.
2. Applicant admits that Opponent purports to be the owner of the trademark ENTEREX for the goods set forth in Paragraph 2 (a-c).
3. Applicant lacks information sufficient to admit or deny the allegations in Paragraph 3 and, therefore, denies the same.
4. Applicant lacks information sufficient to admit or deny the allegations in Paragraph 4 and, therefore, denies the same.

5. Applicant lacks information sufficient to admit or deny the allegations in Paragraph 5 and, therefore, denies the same.

6. No response is required.

7. Admit.

8. Deny.

9. Deny.

10. Deny.

11. Deny.

12. Deny.

SECOND DEFENSE

There is no likelihood of confusion between Opposer's ENTEREX marks and Applicant's XANTREX mark because the marks are not confusingly similar.

WHEREFORE, Applicant respectfully requests that the Opposition be overruled and that the XANTREX mark proceed to registration.

Dated: March 5, 2012

Respectfully submitted,

Western Holdings, LLC

/s/ David R. Parkinson

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Attorney for Applicant

CERTIFICATE OF SERVICE

I hereby certify that on March 5, 2012, I caused a true and correct copy of ANSWER to be sent by first class mail, postage paid, to the following:

Jennie Sue Malloy
Oliver Alan Ruiz
MALLOY & MALLOY, P.A.
2800 SW Third Avenue
Miami, FL 33129

/s/ David R. Parkinson