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

Proceeding	91209633
Party	Defendant Branden Weaver
Correspondence Address	BRANDEN WEAVER 398 13TH STREET, APARTMENT 2C BROOKLYN, NY 11215-5175 UNITED STATES BrandenW1@aol.com
Submission	Answer
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Date	06/13/2013
Attachments	Answer To Notice Of Opposition.txt(5248 bytes)

In The United States Patent And Trademark Office

Before the Trademark Trial And Appeal Board

In The Matter of:

Application Serial No. 85/656,471

Published in the Official Gazette

Nov 13, 2012

Cervezas Cuauhtemoc Moctezuma SA de CV,)

)

Opposer,)

)

v.)

Opposition No.

91209633)

)

Branden Weaver,)

)

Applicant)

)

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Applicant, Branden Weaver, for his answer to the Notice of Opposition filed by HOLLAND & KNIGHT LLP for the registration of Branden Weaver's trademark Stay Hydrated, My Friends, Serial No. 85/656,471 filed June 20, 2012 and published in the Official Gazette Nov 13, 2012, pleads and avers as follows:

1. Answering paragraphs 1 through 13 of the Notice of Opposition, Applicant admits the allegations thereof.
2. Answering paragraph 14 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
3. Answering paragraph 15 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
4. Answering paragraph 16 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
5. Answering paragraph 17 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
6. Answering paragraph 18 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
7. Answering paragraph 19 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
8. Answering paragraph 20 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

9. Answering paragraph 21 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

10. Answering paragraph 22 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

11. Answering paragraph 23 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

12. Answering paragraph 24 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

13. Answering paragraphs 25 through 30 of the Notice of Opposition, Applicant denies each and every allegations contained therein.

14. Answering paragraphs 31 through 36 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

15. Applicant further affirmatively alleges that there is no likelihood of dilution, because of the following:

- A) Being "Thirsty" is in fact distinct from being "Hydrated".
- B) Being "Thirsty" has no relation to being "Hydrated" with water.
- C) Beer is not identical to a healthy sport drink or water.
- D) The class 32 is identical but the type of beverage is not.
- E) Applicants Mark will not cause dilution, it's two different meanings.

F) Applicants Mark is distinguished by it's type of beverage.

16. Applicant further affirmatively alleges that there is no likelihood of confusion, mistake or deception because, inter alia, Applicants mark and the pleaded mark of the Opposer are not confusingly similar.

WHEREFORE, Applicant requests that the Notice of Opposition be dismissed.

Respectfully Submitted,

Signature

/Branden Weaver/

Branden Weaver

398 13th Street Apt. 2C

Brooklyn, NY 11215

DATE: 06/13/2013

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served

upon all parties, at their address record by First Class Mail on this date to:

SCOTT W PETERSON

HOLLAND & KNIGHT LLP

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UNITED STATES

Signature

/Branden Weaver/

Name

Branden Weaver

Date

06/13/2013