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Filing date: **11/11/2013**

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

Proceeding	91212812
Party	Defendant Cerveceria Artesanal Lach, S.A. DE C.V.
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Date	11/11/2013
Attachments	Answer Cerveceria Artesanal LACH.pdf(583250 bytes)

IN THE UNITED STATES PATENT AND TRADEMAR OFFICE

BEFORE THE TRADEMAR TRIAL AND APPEAL BOARD

Cerveceria Artesanal LACH, S.A. de C.V. * Opposition No.: **91212812**

Applicant * Serial No. **85/828,864**

Abita Brewing Company, LLC * Proposed Design:

Opposer *



ANSWER TO OPOSITION

Cerveceria Artesanal LACH, S.A. de C.V. a company registered under the laws of Mexico, whose address is Asturias #1, Colonia Alamos, Mexico, D.F., CP 03400 will answer to the Opposition # 919212812 filed by Abita Brewing Company, LLC.

As ground for answer, the Applicant responds:

- 1) The complete design includes **AMARGATOR IPA**. This is different from the opposer trade mark **ANDYGATOR**.
- 2) The **AMARGATOR IPA** design description clearly states: *The mark consists of the wording **AMARGATOR IPA** with a variable triangle -edged figure in the back*, which is significantly different from any of the **ANDYGATOR** design that the opposer's shows on any of the exhibits.

- 3) **AMARGATOR** comes from the Spanish word *AMARGA* which translates to *BITTER* therefore, there is no claim for Cervercería Artesanal LACH S.A. de C.V. to use the ending “Gator” word to make any relation to the Abita Gator Marks as the opposer claims.
- 4) The **AMARGATOR IPA** design does not features any Alligator which could confuse the consumer into believing it is related to any Abita Gator Marks as the oppose claims. Exhibits A, B and C show packaging and labeling of **AMARGATOR IPA** brand.

WHEREFORE, Applicant, Cerveceria Artesanal LACH, S.A. de C.V., prays that after due proceedings are had, Opposer’s opposition No. 91212812 be dismissed, and that registration of **AMARGATOR IPA** Design for beer, be accepted.

Respectfully Submitted,

/IAS/

CERVECERIA ARTESANAL LACH, S.A. DE C.V.

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Legal representative of Cerveceria Artesanal LACH, S.A. de C.V.

Certificate of Service

I hereby certify that a true and complete copy of foregoing Answer to Opposition has been served on Applicant by mailing said copy on November 11th, 2013 via first-class mail to the correspondence address of record listed in the Trademark Status and Document Retrieval (TDSR) system located at <http://tdsr.uspto.gov>:

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/IAS/

Isaac Aroche



Exhibit A



Exhibit B

Answer to Opposition
Serial No. 85/828,864

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Cerveceria Artesanal LACH, S.A. de C.V.



Exhibit C