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

Proceeding	91215014
Party	Defendant Kahala Franchising, L.L.C.
Correspondence Address	RENEE MITCHELL KAHALA MANAGEMENT, L.L.C. 9311 E VIA DE VENTURA SCOTTSDALE, AZ 85258-3423 rlmitchell@kahalamgmt.com;gsciara@kahal
Submission	Answer
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Date	04/01/2014
Attachments	Answer.pdf(13123 bytes)

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

24-7 DISTRIBUTION, LLC,)	
)	Opposition No.: 91215014
Opposer,)	
)	Mark: SUGAR SKULL
v.)	
)	Application No.: 85871716
KAHALA FRANCHISING, L.L.C.,)	
)	
Applicant.)	
)	
)	
)	

ANSWER TO NOTICE OF OPPOSITION

Sugar Skull Rum Company, LLC, an Arizona limited liability company having its principal place of business at 9311 E. Via De Ventura, Scottsdale, AZ 85258, as assignee of the trademark SUGAR SKULL (the “Mark”), Application No. 85871716, hereby responds to the Opposition filed by 24-7 Distribution, LLC (“Opposer”).

Effective January 1, 2014, Kahala Franchising, LLC assigned the Mark, the application, and the good will associated with the trademark to Sugar Skull Rum Company, LLC (“Applicant”). The assignment has been recorded with the United States Patent & Trademark Office, ETAS ID number TM299960.

1. Applicant admits the allegations in Paragraph 1 of the Notice of Opposition.
2. Applicant admits the allegations in Paragraph 2 of the Notice of Opposition.
3. Applicant lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 3 of the Notice of Opposition, and therefore denies them.
4. Applicant lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 4 of the Notice of Opposition, and therefore denies them.
5. Applicant denies the allegations in Paragraph 5 of the Notice of Opposition.

6. Applicant admits the allegations in Paragraph 6 of the Notice of Opposition.
7. Applicant denies the allegations in Paragraph 7 of the Notice of Opposition.
8. Applicant denies the allegations in Paragraph 8 of the Notice of Opposition.
9. Applicant lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 9 of the Notice of Opposition regarding Opposer's licensed goods and services, and therefore denies them. Applicant admits that Applicant's goods are rum. Applicant denies the remaining allegations in Paragraph 9 of the Notice of Opposition.
10. Applicant denies the allegations in Paragraph 10 of the Notice of Opposition.
11. Applicant admits the allegations in Paragraph 11 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

1. Opposer lacks standing.

Wherefore, Applicant submits that the Opposition should be rejected and the Mark should proceed to registration.

Respectfully submitted,
JABURG & WILK, P.C.

Date: April 1, 2014

s/Maria Crimi Speth
Maria Crimi Speth
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602-248-1089
Attorneys for Applicant

CERTIFICATE OF MAILING

I hereby certify that the original Notice of Opposition is filed electronically via ESTTA and a copy mailed to the following on April 1, 2014:

Christopher J. McGeehan
McGeehan Technology Law, Ltd.
P.O. Box 810
Chicago, IL 60690-0810
Attorney for Opposer

s/Debra Gower_____