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

Proceeding	91226307
Party	Defendant Heir LLC
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Date	04/21/2016
Attachments	Trophy Room Answer to Opposition.pdf(44722 bytes)

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

In the Matter of:	Serial No. 86/637,212
Date of Filing:	May 21, 2015
Mark:	TROPHY ROOM
Publication:	December 15, 2015

Gondola Hotel, LLC dba Trophy Room,	)	
	)	
Opposer,	)	
	)	
v.	)	Opp. No. 91,226,307
	)	
Heir LLC,	)	
	)	
Applicant.	)	

ANSWER TO NOTICE OF OPPOSITION

Applicant, Heir LLC ("Heir") a Florida corporation with a principal place of business at 7174 Regina Way, Orlando, FL, 32819 is the owner of U.S. Application No. 86/637,212 for the mark TROPHY ROOM. Heir responds to the Notice of Opposition as follows:

1. Opposer is the original applicant of the U.S. trademark application number 86650955 in International Classes 25, 32, 33 and 35.

ANSWER: Applicant admits the allegations contained in Paragraph 1.

2. Opposer, since at least March 12, 2015 has been and is now using the mark TROPHY ROOM in connection with clothing, accessories, beer, lager, ale, distilled spirits, alcoholic beverages, wine, champagne, sparkling wine, and retail and on-line store services, as set forth in the subject application, as well as more specific items. Said use has been valid and continuous since said date of first use and has not been abandoned. Opposer's TROPHY ROOM mark is symbolic of extensive good will and consumer recognition built up by Opposer through substantial amounts of time and effort in advertising and promotion. In view of the similarity of the respective marks and the similar nature of the services of the respective parties, it is alleged that Applicant's mark so resembles Opposer's mark, previously used in the United States, and not abandoned, as to be likely to cause confusion, or to cause mistake or to deceive.

ANSWER: Applicant denies the allegations in Paragraph 2.

3. Opposer, since at least March 12, 2015, has been, and is now, selling clothing, accessories, beer, lager, ale, distilled spirits, alcoholic beverages, wine, champagne, and sparkling wine, and has operated an retail and on-line store services under the name TROPHY ROOM. Said use has been valid and continuous since said date of first use and the relevant class of the public has come to associate Opposer with said designation. In view of the similarity of Applicant's marks with Opposer's designation, and in view of the related nature of the uses thereof, it is alleged that Applicant's mark consists of and comprises matter that may disparage and falsely suggest a connect with Opposer.

ANSWER: Applicant denies the allegations in Paragraph 3.

4. Opposer therefore requests that registration of the opposed mark be denied.

ANSWER: Paragraph 4 is a prayer for relief for which no answer is required.

5. Additionally, Opposer requests such other and further relief as is deemed just and proper.

ANSWER: Paragraph 5 is a prayer for relief for which no answer is required.

WHEREFORE, Applicant requests that the Opposition be dismissed with prejudice and that the application be granted.

Respectfully submitted,

HEIR LLC

By: _____

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Answer to the Notice of Opposition has been served on Opposer's counsel of record on this 21st day of April, 2016, by depositing a copy of the same in the United States mail, postage prepaid and properly addressed as follows:

Christie Gaumer
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