

ESTTA Tracking number: **ESTTA473505**

Filing date: **05/21/2012**

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

Proceeding	92055269
Party	Defendant Tango Mango, LLC
Correspondence Address	GEORGE A HERBSTER LAW OFFICES OF GEORGE A HERBSTER 100 CUMMINGS CENTER, SUITE 213C BEVERLY, MA 01915 UNITED STATES gah.docket@gherbster.com
Submission	Answer
Filer's Name	George A. Herbster
Filer's e-mail	gah.docket@gherbster.com
Signature	/George A Herbster/
Date	05/21/2012
Attachments	01Answer.pdf (4 pages)(55431 bytes)

- Registrant further admits that each of the registrations identify the goods and services listed in Paragraph 1 of the Petition. Registrant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 1 and therefore denies the same.
2. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 2 and therefore denies the same.
 3. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3 and therefore denies the same.
 4. Registrant admits that the United States Patent and Trademark Office records at the time this Petition to Cancel was filed indicated that Knightspin, LLC owned U.S. Reg. No. 3,328,882. Registrant denies that Knightspin, LLC currently owns U.S. Reg. No. 3,328,882 or owned U.S. Reg. No. 3,328,882 on the filing date of the Petition to Cancel.
 5. Registrant admits the allegations in Paragraph 5, except that Registrant's use of TANGO MANGO started at least as early as July 25, 2005.
 6. Registrant denies each and every allegation of Paragraph 6.
 7. Registrant denies each and every allegation of Paragraph 7.
 8. Registrant denies each and every allegation of Paragraph 8.
 9. Registrant denies each and every allegation of Paragraph 9.
 10. Registrant denies each and every allegation of Paragraph 10.
 11. Registrant denies each and every allegation of Paragraph 11.

Affirmative Defenses

12. The Petition to Cancel fails to state a claim upon which relief can be granted.
13. Petitioner is not entitled to maintain its Petition to Cancel by reason of estoppel, laches, acquiescence and/or unclean hands.
14. Petitioner is not entitled to maintain its Petition to Cancel because Registrant's mark TANGO MANGO taken in its entirety is not similar in sound, connotation or appearance with and has not and is not likely to cause confusion with any of Petitioner's marks that are the subject of Registration Nos. 3,284,057, 3,108,906, 3,700,648, 3,512,984 and 3,649,192.

15. Petitioner is not entitled to maintain its Petition to Cancel because Petitioner lacks trademark rights in and lacks valid registration for Petitioner's purported rights in "MANGOS TROPICAL CAFÉ" and "MANGO'S MAMBO BAR".
16. Petitioner is not entitled to maintain its Petition to Cancel because Registrant's mark TANGO MANGO taken in its entirety and used in connection with carry-out restaurants, restaurant services, restaurants or take-out restaurant services is not confusingly similar to Petitioner's marks that are the subject of Registration Nos. 3,284,057, 3,108,906, 3,700,648, 3,512,984 and 3,649,192 and is not likely to cause confusion Petitioner's marks.
17. Upon information and belief, Petitioner will not be damaged in any way by the continued use and registration of Registrant's mark Reg. No. 3,328,822 for TANGO MANGO.

Wherefore, Registrant prays that judgment be granted in its favor, declaring that Petitioner is not entitled to the relief prayed for and that the Petition to Cancel and this Cancellation proceeding be dismissed.

Respectfully submitted,
TANGO MANGO, LLC

/George A Herbster/

By:
George A. Herbster
Attorney for Registrant

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Answer of Registrant to Petition to Cancel been served on David K. Friedland, Esq. and Jaime Vining, Esq. by email on May 21, 2012 addressed to:

David K, Friedland, Esq.
Jamie Vining, Esq.
Friedland Vining P.A.
1500 San Remo Avenue
Suite 200
Coral Gables, FL 33146
dkf@friedlandvining.com
JRV@friedlandvining.com

/George A Herbster/

George A. Herbster