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

Proceeding	92063115
Party	Defendant Tequila Supremo, S.A. de C.V.
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

JENNI RIVERA ENTERPRISES, INC., Petitioner, v. TEQUILA SUPREMO S.A. DE C.V., Registrant.
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Cancellation No. 92063115

Registration No. 4,737,318

Mark: **LA GRAN SEÑORA**

ANSWER TO PETITION FOR CANCELLATION

Registrant Tequila Supremo S.A. de C.V. (“Registrant”), by its counsel, hereby answers the Petition for Cancellation (“Petition”) of Jenni Rivera Enterprises, Inc. (“Petitioner”) as follows:

ANSWER

In response to the first unnumbered paragraph, Registrant denies that Petitioner is a California corporation. Registrant further denies that Petitioner will be damaged by the continued registration of the trademark shown in Reg. No. 4,737,318.

1. Registrant admits that at the time it filed the application that matured to Reg. No. 4,737,318, it had a bona fide intent to use the subject mark in commerce. Registrant admits that Reg. No. 4,737,318 matured to registration based on Section 44(e) of the Lanham Act. Registrant lacks sufficient information to form a belief as to the truth of the remaining allegations contained in Paragraph 1 of the Petition, and on that basis denies these allegations.
2. Registrant lacks sufficient information to form a belief as to the truth of the allegations contained in Paragraph 2 of the Petition, and on that basis denies these allegations.

3. Registrant lacks sufficient information to form a belief as to the truth of the allegations contained in Paragraph 3 of the Petition, and on that basis denies these allegations.

4. Registrant lacks sufficient information to form a belief as to the truth of the allegations contained in Paragraph 4 of the Petition, and on that basis denies these allegations.

5. Registrant lacks sufficient information to form a belief as to the truth of the allegations contained in Paragraph 5 of the Petition, and on that basis denies these allegations.

6. Registrant lacks sufficient information to form a belief as to the truth of the allegations contained in Paragraph 6 of the Petition, and on that basis denies these allegations.

7. Registrant lacks sufficient information to form a belief as to the truth of the allegations contained in the first sentence Paragraph 7 of the Petition, and on that basis denies these allegations. Registrant denies the allegation contained in the second sentence of Paragraph 7 of the Petition.

8. Registrant lacks sufficient information to form a belief as to the truth of the allegations contained in Paragraph 8 of the Petition, and on that basis denies these allegations.

9. Registrant lacks sufficient information to form a belief as to the truth of the allegations contained in Paragraph 9 of the Petition, and on that basis denies these allegations.

10. Registrant lacks sufficient information to form a belief as to the truth of the allegations contained in Paragraph 10 of the Petition, and on that basis denies these allegations.

11. Registrant admits that Jenni Rivera and Registrant discussed a potential business arrangement. Registrant lacks sufficient information to form a belief as to the truth of the remaining allegations contained in Paragraph 12 of the Petition, and on that basis denies these allegations.

12. Registrant admits that on October 19, 2012, Registrant filed an application to register the mark LA GRAN SEÑORA in Class 33 for “tequila” with the Office. Registrant

admits that the application that matured to Reg. No. 4,737,318, claimed a priority date of May 31, 2012. Registrant denies that Jenni Rivera's consent and/or knowledge and/or a license from Jenni Rivera was required for Registrant to file said application. Registrant lacks sufficient information to form a belief as to the truth of the remaining allegations contained in Paragraph 12 of the Petition, and on that basis denies these allegations.

13. Registrant admits that, according to records available through the Office's website, Petitioner is the owner of U.S. Application Serial No. 85/865,088 for the stylized

mark . Registrant lacks sufficient information to form a belief as to the truth of the remaining allegations contained in Paragraph 13 of the Petition, and on that basis denies the remaining allegations.

14. Registrant lacks sufficient information to form a belief as to the truth of the allegations contained in Paragraph 14 of the Petition, and on that basis denies these allegations.

15. Registrant admits that, according to records available through the Office's website, Petitioner's application to register the stylized mark  was suspended due to Registrant's prior filed application to register the mark LA GRAN SEÑORA. Registrant denies the remaining allegations contained in Paragraph 15 of the Petition.

16. Registrant lacks sufficient information to form a belief as to the truth of the allegations contained in Paragraph 16 of the Petition, and on that basis denies these allegations.

17. Registrant lacks sufficient information to form a belief as to the truth of the allegations contained in Paragraph 17 of the Petition, and on that basis denies these allegations.

18. Registrant admits that Reg. No. 4,737,318 will achieve incontestable status pursuant to 15 U.S.C. § 1065 five year after the date of registration. Registrant lacks sufficient

information to form a belief as to the truth of the remaining allegations contained in Paragraph 18 of the Petition, and on that basis denies these allegations.

19. Registrant denies the allegations contained in Paragraph 19 of the Petition.

20. Registrant lacks sufficient information to form a belief as to the truth of the allegations contained in Paragraph 20 of the Petition, and on that basis denies these allegations.

21. Registrant denies the allegations contained in Paragraph 21 of the Petition.

22. Paragraph 22 does not require a response.

23. Registrant admits that its ownership of U.S. Registration No. 4,737,318 comes with the legal presumption of Registrant's ownership of the mark and Registrant's exclusive right to use the mark nationwide on or in connection with tequila. Registrant denies the remaining allegations contained in Paragraph 23 of the Petition.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE (Lack of Standing)

Petitioner identifies itself in the Petition for Cancellation as Jenni Rivera Enterprises, Inc., a California corporation. Petitioner was dissolved well before the filing of the Petition for Cancellation. Petitioner did not exist at the time the Petition for Cancellation was filed. Therefore, Petitioner lacks standing to bring the Petition for Cancellation. Because Petitioner lacks standing to bring the Petition for Cancellation, Petitioner has failed to state a claim upon which the relief sought can be granted.

SECOND AFFIRMATIVE DEFENSE (Use Not Required for Applications Based on Sections 44(d) or 44(e))

Registrant's application that matured into Reg. No. 4,737,318 was based on Section 44(d) of the Lanham Act. Reg. No. 4,737,318 matured to registration based on Section 44(e) of the

Lanham Act. Accordingly, Registrant was not required to use the LA GRAN SEÑORA mark in commerce prior to registration.

**THIRD AFFIRMATIVE DEFENSE
(Priority)**

The application that matured to Registrant's Reg. No. 4,737,318, claimed a priority date of May 31, 2012. Registrant's May 31, 2012, priority date precedes the July 1, 2013, first use date



of the stylized mark claimed by Petitioner. Therefore, Registrant's LA GRAN SEÑORA mark has priority over Petitioner's mark.

ADDITIONAL DEFENSES RESERVED

Registrant reserves the right to raise additional defenses based upon information learned or obtained through additional investigation or discovery.

Respectfully submitted,

Dated: May 2, 2016

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **Answer** has been served on Petitioner's correspondent of record by mailing said copy on May 2, 2016, via First Class Mail, postage pre-paid to:

George L. Prajin
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By: /Aaron Y. Silverstein/
Aaron Y. Silverstein