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Filing date: **02/14/2011**

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

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|------------------------|---|
| Proceeding | 91197668 |
| Party | Plaintiff Rainforest Cafe, Inc. |
| Correspondence Address | SANDRA EPP RYAN FAEGRE & BENSON LLP 2200 WELLS FARGO CENTER, 90 SOUTH SEVENTH STREET MINNEAPOLIS, MN 55402 UNITED STATES seppryan@faegre.com, trademarkmpls@faegre.com |
| Submission | Answer to Counterclaim |
| Filer's Name | Sandra Epp Ryan |
| Filer's e-mail | seppryan@faegre.com, trademarkmpls@faegre.com |
| Signature | /Sandra Epp Ryan/ |
| Date | 02/14/2011 |
| Attachments | 91197668-AnsCounterclaim.pdf (3 pages)(88183 bytes) |

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|---------------------------|---|----------------------------------|
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| Rainforest Cafe, Inc. |) | |
| |) | Opposition No. 91197668 |
| Opposer, |) | Serial No. 77/896,604 |
| |) | Mark: RAINFOREST COLA and Design |
| v. |) | |
| |) | |
| Rainforest Beverages, LLC |) | |
| |) | |
| Applicant. |) | |
| _____ |) | |

OPPOSER'S ANSWER TO
APPLICANT'S COUNTERCLAIM FOR CANCELLATION

Opposer, Rainforest Cafe, Inc., by and through its attorneys, hereby answers Applicant's Counterclaim with Petition for Cancellation of U.S. Registration Nos. 2,256,706 and 2,319,752 filed by Applicant Rainforest Beverages, LLC, as follows:

1. Opposer admits the allegations set forth in paragraph 1 of Applicant's counterclaim.
2. Opposer admits the allegations set forth in paragraph 2 of Applicant's counterclaim.
3. Opposer denies the allegations set forth in paragraph 3 of Applicant's counterclaim.
4. Opposer admits that the U.S. Patent and Trademark Office issued Opposer's Registration and approved Opposer's Declaration of Use and Incontestability under Sections 8 & 15 of the Trademark Act, but denies the remaining allegations set forth in paragraph 4 of Applicant's counterclaim.

5. Opposer denies the allegations set forth in paragraph 5 of Applicant's counterclaim.

6. Opposer denies the allegations set forth in paragraph 6 of Applicant's counterclaim.

7. Opposer admits the allegations set forth in paragraph 7 of Applicant's counterclaim.

8. Opposer admits the allegations set forth in paragraph 8 of Applicant's counterclaim.

9. Opposer denies the allegations set forth in paragraph 9 of Applicant's counterclaim.

10. Opposer admits that the U.S. Patent and Trademark Office issued Opposer's Registration and approved Opposer's Declaration of Use and Incontestability under Sections 8 & 15 of the Trademark Act, but denies the remaining allegations set forth in paragraph 10 of Applicant's counterclaim.

11. Opposer denies the allegations set forth in paragraph 11 of Applicant's counterclaim.

12. Opposer denies the allegations set forth in paragraph 12 of Applicant's counterclaim.

FIRST AFFIRMATIVE DEFENSE

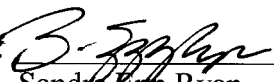
Applicant's Counterclaim fails, in whole or in part, to state a claim upon which relief may be granted.

Opposer reserves the right to assert additional affirmative defense in the event that discovery indicates they would be appropriate.

WHEREFORE, Opposer denies that Applicant is entitled to the relief prayed for, or any other relief, and therefore Opposer prays that Applicant's Counterclaim with Petition for Cancellation be dismissed, and that this opposition be sustained in favor of Opposer.

Respectfully submitted,

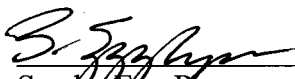
Date: February 14, 2011

By:  _____
Sandra Epp Ryan
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Attorneys for Opposer Rainforest Cafe, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing OPPOSER'S ANSWER TO APPLICANT'S COUNTERCLAIM FOR CANCELLATION was served via U.S. First Class mail, postage prepaid, on this 14th day of February, 2011, as follows: Elisabeth Townsend Bridge, Whyte Hirschboeck Dudek S.C., 555 E. Wells Street, Suite 1900, Milwaukee, WI 53202.

Date: February 14, 2011

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Sandra Epp Ryan