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

Proceeding	91202973
Party	Defendant ENERGY DRINKS INC.
Correspondence Address	CHRISTOPHER J. MAIER MAIER & MAIER, PLLC 1000 DUKE ST ALEXANDRIA, VA 22314-3512 info@maierandmaier.com
Submission	Answer
Filer's Name	Christopher J. Maier
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Date	12/22/2011
Attachments	HERBST-004-TMOP-Answer-AsFiled-12-22-11.pdf (3 pages)(16987 bytes)

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

Russell G. Weiner,	§	
	§	
Opposer,	§	Opposition No. 91/202,973
	§	
v.	§	Application Serial No. 85/221,778
	§	
Energy Drinks Inc.,	§	Published: November 15, 2011
	§	
Applicant.	§	

APPLICANT’S ANSWER TO THE NOTICE OF OPPOSITION

Applicant, Energy Drinks Inc. ("Applicant"), through its undersigned attorneys, hereby submits its answer to the opposition.

1. Applicant admits the allegations set forth in Paragraph 1 of the Notice of Opposition.
2. Applicant admits the allegations set forth in Paragraph 2 of the Notice of Opposition.
3. Applicant admits the allegations set forth in Paragraph 3 of the Notice of Opposition
4. Applicant admits the allegations set forth in Paragraph 4 of the Notice of Opposition
5. Applicant admits the allegations set forth in Paragraph 5 of the Notice of Opposition.
6. Applicant denies the allegations set forth in Paragraph 6 of the Notice of Opposition.
7. Applicant admits the allegations set forth in Paragraph 7 of the Notice of Opposition.
8. Applicant admits the allegations set forth in Paragraph 8 of the Notice of Opposition.
9. Applicant denies the allegations set forth in Paragraph 9 of the Notice of Opposition.

Wherefore, Applicant respectfully requests that the Notice of Opposition be dismissed with prejudice, that judgment be entered against Opposer, and that Applicant's Application be permitted to proceed to Registration.

Respectfully submitted,

Energy Drinks Inc.

Date: December 22, 2011

By: /Christopher J. Maier/
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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Answer to the Notice of Opposition was served on counsel for Opposer, Ian K. Boyd, Esq., Harvey Siskind LLP, 4 Embarcadero Center, 39th Floor, San Francisco, CA 94111 by First Class mail, this 22 day of December, 2011.

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