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Filing date: **03/23/2015**

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

| | |
|------------------------|---|
| Proceeding | 91220529 |
| Party | Defendant J Pinon Enterprises of Tampa,Inc |
| Correspondence Address | FRANCISCO J FERREIRO MALLOY & MALLOY PL 2800 SW 3RD AVE MIAMI, FL 33129 UNITED STATES |
| Submission | Answer |
| Filer's Name | Francisco J. Ferreiro |
| Filer's e-mail | fferreiro@malloylaw.com, litigation@malloylaw.com |
| Signature | /Francisco J. Ferreiro/ |
| Date | 03/23/2015 |
| Attachments | Answer and Affirmative Defenses.pdf(117593 bytes) |

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

In the matter of application Serial No. 86/042,404
For the mark "HENO DE ESPAÑA"
Published in the Official Gazette on August 12, 2014

| | | |
|----------------------|---|-------------------------|
| _____ |) | |
| Antonio Puig, S.A. |) | |
| |) | |
| Opposer, |) | |
| |) | |
| vs. |) | Opposition No. 91220529 |
| |) | |
| J. Pinon Enterprises |) | |
| of Tampa, Inc. |) | |
| |) | |
| Applicant. |) | |
| _____ |) | |

ANSWER AND AFFIRMATIVE DEFENSES

COMES NOW, J. Pinon Enterprises of Tampa, Inc. ("Applicant"), the owner of and applicant named in application Serial No. 86/042,404 and, pursuant to Rules 2.106 and 2.116 of the Trademark Rules of Practice, files the following Answer and Affirmative Defenses in response to the Notice of Opposition filed by Antonio Puig, S.A. ("Opposer").

ANSWER TO OPPOSITION

Applicant denies the allegations contained in the first unnumbered paragraph of the Notice of Opposition, namely, that Opposer will be damaged by Applicant's registration of the mark shown in application Serial No. 86/042,404 ("the Application").

1. Applicant is without knowledge or information sufficient to form a belief as to the allegations set forth in

paragraph 1 of the Notice of Opposition and, therefore, denies same.

2. Applicant is without knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 2 of the Notice of Opposition and, therefore, denies same.

3. Applicant admits that the three registrations referenced in paragraph 1 of the Notice of Opposition appear to have been registered in connection with a variety of Class 3 goods. Applicant is without knowledge or information sufficient to form a belief as to any remaining allegations set forth in paragraph 3 of the Notice of Opposition and, therefore, denies same.

4. Applicant admits that the Application was filed on an intent-to-use basis.

5. Applicant denies the allegations contained in paragraph 5 of the Notice of Opposition.

6. Applicant denies that there is no doubt as to seniority in this case, Applicant is without knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 6 of the Notice of Opposition and, therefore, denies same.

7. Applicant denies the allegations contained in paragraph 7 of the Notice of Opposition.

8. Applicant denies that the mark shown in the Application is a close approximation of or likely to be confused with the alleged "HENO DE PRAVIA" Mark. Applicant is without knowledge or information sufficient to form a belief as to remaining allegations set forth in paragraph 8 of the Notice of Opposition and, therefore, denies same.

9. Applicant denies the allegations contained in paragraph 9 of the Notice of Opposition.

10. Applicant denies the allegations contained in paragraph 10 of the Notice of Opposition.

11. Applicant admits the allegations contained in paragraph 11 of the Notice of Opposition.

12. Applicant denies the allegations contained in paragraph 12 of the Notice of Opposition.

13. Applicant denies the allegations contained in paragraph 13 of the Notice of Opposition.

14. Applicant denies the allegations contained in paragraph 14 of the Notice of Opposition.

15. Applicant admits that a Federal registration affords a trademark owner a presumptive right to use of a mark on the trademark owner's goods/services. Applicant denies the remaining allegations contained in paragraph 15 of the Notice of Opposition.

16. Applicant denies that Opposer is entitled to the relief set forth in the "WHEREFORE" paragraph of the Notice of Opposition.

17. Applicant denies each and every allegation not specifically admitted herein.

AFFIRMATIVE DEFENSES

1. The Notice of Opposition fails to state any law or facts that justify the rejection of the Application or a refusal to register Applicant's mark.

2. Upon information and belief, the Opposer has not established that it has standing to maintain this claim against Applicant.

3. Applicant reserves the right to challenge the validity, use, or abandonment of the Opposer's alleged mark, following the commencement of discovery in this matter.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed with prejudice.

Dated: March 23, 2015

By: Francisco J. Ferreiro/
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Attorney for Applicant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was served on, by United States Mail, postage pre-paid this 23rd day of March, 2015.

Brooks R. Bruneau, Esq.
FISHERBROYLES
100 Overlook Center, Second Floor
Princeton, NJ 08540
United States

Respectfully submitted,

By: Francisco J. Ferreiro/
Francisco J. Ferreiro
Florida Bar No. 37,464

CERTIFICATE OF FILING

I HEREBY CERTIFY that the foregoing document was filed electronically via the ESTTA, at the United States Patent and Trademark Office, Trademark Trial and Appeal Board's ESTTA electronic filing system, this 23rd day of March, 2015.

Respectfully submitted,

By: Francisco J. Ferreiro/
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