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

Proceeding	91221447
Party	Defendant THE TANK, LLC
Correspondence Address	STEWART L GITLER WELSH FLAXMAN & GITLER LLC 2000 DUKE ST STE 100 ALEXANDRIA, VA 22314-6101 mail@iplawsolutions.com;gitler@iplawsol
Submission	Answer
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Date	05/07/2015
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of App. Serial No.: 86/227,340
Mark: PADRON
Published: March 10, 2015

Patrón Spirits International AG)	
)	
)	
Opposer,)	
)	
v.)	Opposition No. 91221447
)	
THE TANK, LLC)	
)	
Applicant.)	
)	
)	

APPLICANT’S ANSWER TO OPPOSER’S NOTICE OF OPPOSITION

THE TANK, LLC (“Applicant”), a Limited Liability Company organized in the state of Florida, having an address of 201 Alhambra Circle, Suite 702, Coral Gables, Florida 33134, responds to the Notice of Opposition in the following manner:

1. Applicant admits the allegations in Paragraph 1.
2. Applicant admits the allegations in Paragraph 2.
3. Applicant admits the allegations in Paragraph 3.
4. Applicant is without knowledge and information sufficient to form a belief as to Opposer’s averment in Paragraph 4, and therefore denies same.
5. Applicant is without knowledge and information sufficient to form a belief as to Opposer’s averment in Paragraph 5, and therefore denies same.
6. Applicant is without knowledge and information sufficient to form a belief as to Opposer’s averment in Paragraph 6, and therefore denies same.

7. Applicant is without knowledge and information sufficient to form a belief as to Opposer's averment in Paragraph 7, and therefore denies same.

8. Applicant is without knowledge and information sufficient to form a belief as to Opposer's averment in Paragraph 8, and therefore denies same.

9. Applicant is without knowledge and information sufficient to form a belief as to Opposer's averment in Paragraph 9, and therefore denies same.

10. Applicant is without knowledge and information sufficient to form a belief as to Opposer's averment in Paragraph 10, and therefore denies same.

11. Applicant is without knowledge and information sufficient to form a belief as to Opposer's averment in Paragraph 11, and therefore denies same.

12. Applicant is without knowledge and information sufficient to form a belief as to Opposer's averment in Paragraph 12, and therefore denies same.

13. Applicant is without knowledge and information sufficient to form a belief as to Opposer's averment in Paragraph 13, and therefore denies same.

14. Applicant denies the allegations in Paragraph 14.

15. Applicant denies the allegations in Paragraph 15.

16. Applicant denies the allegations in Paragraph 16.

17. Applicant denies the allegations in Paragraph 17.

18. Applicant denies the allegations in Paragraph 18.

19. Applicant denies the allegations in Paragraph 19.

20. Applicant admits the allegations in Paragraph 20.

21. Applicant denies the allegations in Paragraph 21.

22. Applicant denies the allegations in Paragraph 22.

23. Applicant denies the allegations in Paragraph 23.

RELIEF SOUGHT

24. Opposer's marks, and Applicant's mark, are markedly dissimilar, they pass through different channels of trade, and more importantly, the goods associated therewith are distinctly different and used by a different universe of sophisticated purchasers.

25. Applicant's mark was independently adopted and approved for registration by the Examining Attorney in charge of the application and consequently, the opposition should be dismissed, and Application Serial No. 86/227,340 should proceed to registration.

Respectfully submitted,

By  _____

Stewart L. Gitler

Howard N. Flaxman

John L. Welsh

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ATTORNEYS FOR APPLICANT

Date: 5/7/2015

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing APPLICANT'S ANSWER TO OPPOSER'S NOTICE OF OPPOSITION, was served on Counsel for Opposer, by U.S. first-class mail, postage prepaid, this 7th day of May, 2015, to:

Bernard R. Gans
Attorney for Opposer
Jeffer Mangels Butler & Mitchell LLP
1900 Avenue of the Stars, Seventh Floor
Los Angeles, California 90067-5010

By: 
Stewart L. Gitler