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

Proceeding	91245374
Party	Defendant Margaritaville Enterprises, LLC
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Submission	Answer
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Attachments	91245374 - Answer.pdf(197878 bytes)

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

_____)	
LAIRD & COMPANY,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91245374
)	
MARGARITAVILLE ENTERPRISES, LLC,)	
)	
Applicant.)	
_____)	

ANSWER

Applicant Margaritaville Enterprises, LLC (“Margaritaville”), by and through its undersigned counsel, responds to Opposer Laird & Company’s Notice of Opposition as set forth below. Except as otherwise expressly admitted, Margaritaville denies each and every allegation contained in the Notice of Opposition.

1. Margaritaville lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 1.
2. Margaritaville admits the allegations of Paragraph 2.
3. Margaritaville lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 3.
4. Margaritaville admits that the online TSDR records of the U.S. Patent and Trademark Office (“USPTO”), which are printed and attached to the notice of opposition, are consistent with the allegations set forth in Paragraph 4.
5. Margaritaville lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 5.

6. Margaritaville lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 6.

7. Margaritaville admits that the online TSDR records of the USPTO are consistent with the allegations set forth in Paragraph 7.

8. Margaritaville admits that its U.S. Application Serial No. 88398254, filed April 23, 2019, identifies distilled spirits as the applied-for goods; its U.S. Application Serial No. 88398235, filed April 23, 2019, identifies distilled spirits as the applied-for goods; and its U.S. Application Serial No. 88515215, filed July 15, 2019, identifies wine, table wine, sparkling wine, fortified wine, wine-based cocktails, and wine coolers as the applied-for goods.

9. Margaritaville admits the allegations of Paragraph 9.

10. Margaritaville admits the allegations of Paragraph 10.

11. Margaritaville denies the allegations of Paragraph 11.

12. Margaritaville denies the allegations of Paragraph 12.

13. Margaritaville admits that the distilled spirits identified in U.S. Application Serial Nos. 88398254 and 88398235 include gin. Margaritaville denies the remaining allegations of Paragraph 13.

14. Margaritaville denies the allegations of Paragraph 14.

15. Margaritaville denies the allegations of Paragraph 15.

16. Margaritaville denies the allegations of Paragraph 16.

17. Margaritaville denies the allegations of Paragraph 17.

18. Margaritaville admits that it previously filed U.S. Application Serial Nos. 85613556, 85932529, 86896006 based on its *bona fide* intent to use the respective applied-for marks for the respective applied-for goods, and that it filed five extensions of time to file a

statement of use for each of these applications based on its ongoing *bona fide* intent to use the respective applied-for marks for the respective applied-for goods. Margaritaville admits that U.S. Application Serial Nos. 85613556, 85932529, and 86896006 are now abandoned.

Margaritaville denies the remaining allegations of Paragraph 18.

19. Margaritaville denies the allegations of Paragraph 19.

20. Margaritaville admits that, on November 13, 2019, the USPTO issued an office action against U.S. Application 88569591, which included a prior-pending application(s) advisory stating, in pertinent part: “The filing dates of pending U.S. Application Serial Nos. 88308876, 88398254, 87005754, and 88515215 precede applicant’s filing date. See attached referenced applications. If one or more of the marks in the referenced applications register, applicant’s mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion with the registered mark(s).” Margaritaville denies the remaining allegations of Paragraph 20.

21. Margaritaville admits the allegations of Paragraph 21.

22. Margaritaville denies the allegations of Paragraph 22.

Date: February 21, 2020

Respectfully submitted,
GREENBERG TRAURIG, LLP



By: _____

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CERTIFICATE OF SERVICE

I certify that on February 21, 2020, I served the foregoing Answer by electronic mail to:

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