

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

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 OLIVE INDUSTRIES, LTD., :
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 :
 Petitioner, :
 :
 v. :
 :
 TANGO CHIX PRODUCTIONS, INC., :
 :
 Registrant. :

Cancellation No. 92043001
 Cancellation No. 92043008
 (As Consolidated)

**REGISTRANT'S RESPONSE
 TO PETITIONER'S MOTION FOR
 LEAVE TO AMEND/SUPPLEMENT
 PETITIONS FOR CANCELLATION
 AND FOR MONETARY SANCTIONS**

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 TANGO CHIX PRODUCTIONS, INC. :
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 Petitioner, :
 :
 v. :
 :
 OLIVE INDUSTRIES, LTD., :
 :
 Registrant. :

Cancellation No. 92032958

**PETITIONER'S RESPONSE TO
 REGISTRANT'S MOTIONS FOR
 LEAVE TO AMEND/SUPPLEMENT
 ANSWER TO PETITION FOR
 CANCELLATION AND FOR
 MONETARY SANCTIONS AND TO
 CONSOLIDATE PETITIONS**

Registrant and Petitioner, Tango Chix Productions, Inc. ("Tango Chix"), by its attorneys of record, hereby responds (this "Response") to: (i) the Motion for Leave to Amend/Supplement Petitions for Cancellation and for Monetary Sanctions; (ii) the Motion for Leave to Amend/Supplement Answer to Petition for Cancellation and for Monetary Sanctions; and (iii) the Motion to Consolidate Petitions for Cancellation (the "Motions") filed by Petitioner and Registrant, Olive Industries, Ltd. ("Olive").



I. OLIVE'S MOTION FOR LEAVE TO AMEND/SUPPLEMENT ITS CONSOLIDATED PETITIONS FOR CANCELLATION

Having now considered issues of expense and judicial economy, Tango Chix does not oppose Olive's Motion for leave to amend and/or supplement its Petitions in the now consolidated Cancellation Nos. 92043001 and 92043008. To the extent that the Board views Olive's motion as arising under Fed. R. Civ. P. Rule 15(d), and not Rule 15(a), Tango Chix requests that it be permitted, and be granted leave to answer Olive's Amended Petitions.

Regarding Olive's request for "monetary sanctions," as the Board is well aware it is not empowered to, and does not award attorneys' fees or monetary sanctions under its Rule 11, inherent, or any other sanctioning authority. *See, Central Manufacturing, Inc. v. Third Millenium Technology Inc.*, 61 U.S.P.Q.2d 1210, 2001 WL 1734486, *3 (T.T.A.B. 2001).

II. OLIVE'S MOTION FOR LEAVE TO AMEND/SUPPLEMENT ANSWER TO TANGO CHIX' PETITION FOR CANCELLATION

Tango Chix similarly does not oppose Olive's Motion for leave to amend and/or supplement its answer to Tango Chix Petition for Cancellation in Cancellation No. 92032958. The Board, however, is not empowered to, and does not award attorneys' fees or monetary sanctions under its Rule 11, inherent, or any other sanctioning authority. *See, Central Manufacturing, Inc.*, 2001 WL 1734486, *3.

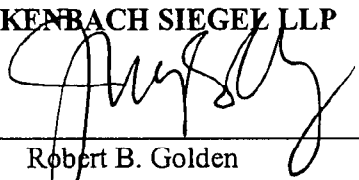
III. OLIVE'S MOTION TO CONSOLIDATE

Tango Chix does not oppose Olive's Motion to Consolidate the matters currently pending between the parties before the Board.

Dated: Westchester, New York
November 22, 2004

LACKENBACH SIEGEL LLP

By: _____



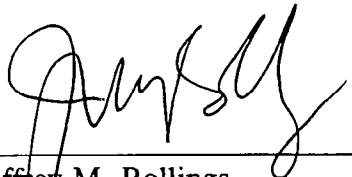
Robert B. Golden
Jeffrey M. Rollings
Attorneys for Opposer
One Chase Road
Scarsdale, New York 10583
(914) 723-4300

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the enclosed Response to Petitioner/Registrant's Motion for Leave to Amend/Supplement Petitions for Cancellation, Motion for Leave to Amend/Supplement Answer to Petition for Cancellation, and Motion to Consolidate was served on counsel for Opposer, this day, by first class mail, postage prepaid, addressed to Opposer's attorneys, as follows:

Val D. Hornstein
Hornstein Law Offices
20 California St., 7th Floor
San Francisco, CA 94111

Dated: Westchester, New York
November 22, 2004



Jeffrey M. Rollings