



09-10-2002

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

E. & J. Gallo Winery

Opposer,

v.

Dalmont Foods, L.L.C.

Applicant.

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Opposition No.
91152288

Box TTAB-NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

ANSWER TO NOTICE OF OPPOSITION

Dalmont Foods, L.L.C., by its attorneys, hereby Answers the Notice of Opposition of E. & J. Gallo Winery and admits, denies and alleges as follows:

1. Applicant admits the allegations of Paragraph 1 of the Notice of Opposition.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 2 of the Notice of Opposition.
3. Applicant admits the allegations of Paragraph 3 of the Notice of Opposition.
4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 4.

5. In regards to the first five sentences of Paragraph 5, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations. Applicant denies each and every further allegation contained within Paragraph 5.
6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 6.
7. Applicant admits the first sentence of Paragraph 7 of the Notice of Opposition. Applicant denies each and every further allegation contained within Paragraph 7.
8. In regards to the first four sentences of Paragraph 8, Applicant is without knowledge or information sufficient to form a belief as to the allegations. Applicant denies each and every further allegation contained within Paragraph 8.
9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 9.
10. Applicant denies each and every allegation of Paragraph 10.

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

Respectfully submitted,
Leon & Hosmer, L.L.P.
By:


Michael L. Diaz
Registration No. 40,588

Dated: 9-10-02

Michael L. Diaz
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Plano, Texas 75074
(972) 578-5669

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was served on the 10th day of September 2002, by "Express Mail Post Office to Addressee" service of the United States Postal Service to the following counsel of record:

Paul W. Reidl
600 Yosemite Boulevard
Modesto, California 95354
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Michael L. Diaz

TTAB

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††ADMITTED TO PRACTICE BEFORE THE U.S. PATENT AND TRADEMARK OFFICE

September 10, 2002

In re application of:

"EXPRESS MAIL" Label No. . . . EU432396080US. . . .
Date of Deposit: September 10, 2001

Applicant: Dalmont Foods L.L.C.
Mark: JUANA GALLO
Class: 42
Serial No.: 76313866
Opposition
No.: 91152288

U.S. Patent & TMO/c/TM Mail Rcpt. Dt. #57

09-10-2002

Box TTAB-NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

02 SEP 24 PM 9:44
TRADEMARK TRI. DIV.
Arlington, VA

Dear Sir:

Transmitted for filing with the Commissioner for Trademarks are the following documents for the above mark:

1. An Answer to Notice of Opposition;
2. Certificate of Service to counsel of record for opposer; and
3. Postcard for date receipt stamping.

Very truly yours,

Michael L. Diaz

Michael L. Diaz
Registration No. 40,588

Enclosures

cc: Paul W. Reidl