



Opposition Action No. 91155195  
Answer and Affirmative Defenses  
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3. Applicant is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations of paragraph 3 of the Notice of Opposition and, therefore, denies the same.

4. Applicant is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations of paragraph 4 of the Notice of Opposition and, therefore, denies the same.

5. Applicant is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations of paragraph 5 of the Notice of Opposition and, therefore, denies the same.

6. Applicant is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations of paragraph 6 of the Notice of Opposition and, therefore, denies the same.

7. Applicant is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations of paragraph 7 of the Notice of Opposition and, therefore, denies the same.

8. Applicant denies the allegations of paragraph 8 and further requests that the allegations be stricken as irrelevant to the present action.

9. Applicant is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations of paragraph 9 of the Notice of Opposition and, therefore,

denies the same. Furthermore, Applicant requests that the allegations of paragraph 9 of the Notice of Opposition be stricken as irrelevant to the present action.

10. Applicant is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations of paragraph 10 of the Notice of Opposition and, therefore, denies the same. Furthermore, Applicant requests that the allegations of paragraph 10 of the Notice of Opposition be stricken as irrelevant to the present action.

11. Applicant denies the allegations of paragraph 11 of the Notice of Opposition.

12. Applicant is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations of paragraph 12 of the Notice of Opposition and, therefore, denies the same.

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

#### **AFFIRMATIVE DEFENSES**

1. Opposer is estopped from arguing its alleged GALLO mark is similar to that of Applicant's GALLITO mark by virtue of Opposer's prior representations and admissions that GALLO is a surname and represents the family name of certain individuals associated with Opposer.

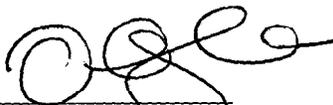
2. Opposer is estopped from claiming exclusive rights to words having meanings equivalent or similar to ROOSTER in connection with food and beverages because of numerous third party uses and registrations of ROOSTER and/or ROOSTER designs.

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**RELIEF REQUESTED**

Respondent prays that the Notice of Opposition be denied and that the application herein opposed be allowed to proceed to registration.

Respectfully submitted,  
OLGA GONZALEZ, P.A.  
Counsel for Opposer

By:   
Olga Gonzalez, Esq.  
Reg. No. 35,523  
Date: 4/14/2003

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Answer and Affirmative Defenses has been furnished by first class, postage prepaid mail to Paul W. Reidl, 600 Yosemite Boulevard, Modesto, California 95354 this 14 day of April, 2003.

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



E & J Gallo Winery )  
Opposer )  
vs. )  
Cerveceria Centroamericana, S.A. )  
Applicant. )  
\_\_\_\_\_ )

04-04-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #34

Opposition No. 91155195

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United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202

TRANSMITTAL

Attached hereto for filing are the following items:

1. Answer and Affirmative defenses of Applicant, Cerveceria Centroamericana, S.A.
2. Return Postcard to acknowledge your receipt of the foregoing items.

Applicant believes no charge is occasioned by the present filing, however, any deficiency of fees associated with this communication should be charged to Deposit Account 07-1550 of OLGA GONZALEZ, P.A.

Respectfully submitted,

By: \_\_\_\_\_

Olga Gonzalez  
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Date: 4/4/2003

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Date of Deposit: April 4, 2003

I hereby certify that this paper of fee and its attachments are being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, TTAB, 2900 Crystal Drive, Arlington, Virginia 22202-3513

OLGA GONZALEZ

Typed or printed name of person mailing paper or fee

Signature of person mailing paper or fee