

ESTTA Tracking number: **ESTTA449232**

Filing date: **01/03/2012**

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

Proceeding	91201511
Party	Plaintiff Paramount Farms International LLC
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Date	01/03/2012
Attachments	Opposer's Answer to Counterclaim 059324.pdf ( 7 pages )(28164 bytes )

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

PARAMOUNT FARMS	)
INTERNATIONAL LLC,	)
	) Opposition No. 91201511
Opposer-Registrant,	)
	) Application Serial No. 85/197,617
v.	)
	) Mark: SECRET STASH
PREMIER GROCERY, INC.,	)
	) Application Filing Date: Dec. 14, 2010
Applicant-Petitioner.	)
_____	)

**OPPOSER’S ANSWER TO COUNTERCLAIM AND PETITION FOR CANCELLATION  
OF OPPOSER’S REGISTRATION NOS. 3,360,553 AND 3,295,108**

Paramount Farms International LLC (“Opposer-Registrant”), the owner of registration numbers 3,360,553 and 3,295,108, by and through its attorneys, answers the Counter-claim and Petition for Cancellation (“Counter-claim”) filed by Premier Grocery, Inc. (“Applicant-Petitioner”), as follows:

1. Opposer-Registrant admits that Applicant-Petitioner filed an intent-to-use-based application for federal registration of the mark SECRET STASH on the Principal Register in Class 30 in connection with “rice-based snack foods.” Opposer-Registrant further admits that Applicant-Petitioner’s application was accorded Application Serial No. 85/197,617 and that the United States Patent and Trademark Office (“USPTO”) published the SECRET STASH mark for Opposition on May 10, 2011. Opposer-Registrant lacks knowledge or information sufficient to form a belief as to the remaining allegations set forth in Paragraph 1 of the Counter-claim, and on that basis denies such allegations.

2. Opposer-Registrant admits that it filed a Notice of Opposition with the USPTO on

September 7, 2011 which was subsequently accorded Opposition No. 91201511, opposing registration of Applicant-Petitioner's Application Serial No. 85/197,617 on likelihood of confusion grounds.

3. Opposer-Registrant admits it owns a federal registration for the mark STACH, Reg. No. 3,360,553, which was registered on the Principal Register on December 25, 2007 in International Class 29 for "flavored nuts, salted nuts, shelled nuts, roasted nuts, processed nuts, snack mix consisting primarily of processed nuts" and in International Class 31 for "raw natural nuts."

4. Opposer-Registrant admits the allegations set forth in Paragraph 4 of the Counter-claim.

5. Opposer-Registrant admits the allegations set forth in Paragraph 5 of the Counter-claim.

6. Opposer-Registrant admits the allegations set forth in Paragraph 6 of the Counter-claim.

7. Opposer-Registrant denies each and every allegation set forth in Paragraph 7 of the Counter-claim.

8. Opposer-Registrant denies each and every allegation set forth in Paragraph 8 of the Counter-claim.

9. Opposer-Registrant admits it owns a federal registration for the mark ADVENTURES OF STACH, Reg. No. 3,295,108, which was registered on the Principal Register on September 18, 2007 in International Class 29 for "flavored nuts, salted nuts, shelled nuts, roasted nuts, processed nuts, snack mix consisting primarily of processed nuts" and in International Class 31 for "raw natural nuts."

10. Opposer-Registrant admits the allegations set forth in Paragraph 10 of the Counter-claim.

11. Opposer-Registrant admits the allegations set forth in Paragraph 11 of the Counter-claim.

12. Opposer-Registrant admits the allegations set forth in Paragraph 12 of the Counter-claim.

13. Opposer-Registrant denies each and every allegation set forth in Paragraph 13 of the Counter-claim.

14. Opposer-Registrant denies each and every allegation set forth in Paragraph 14 of the Counter-claim.

15. Opposer-Registrant denies each and every allegation set forth in Paragraph 15 of the Counter-claim.

16. Opposer-Registrant denies each and every allegation set forth in Paragraph 16 of the Counter-claim.

17. Opposer-Registrant denies each and every allegation set forth in Paragraph 17 of the Counter-claim.

18. Opposer-Registrant denies each and every allegation set forth in Paragraph 18 of the Counter-claim.

19. Opposer-Registrant denies each and every allegation set forth in Paragraph 19 of the Counter-claim.

20. Opposer-Registrant denies each and every allegation set forth in Paragraph 20 of the Counter-claim.

21. Opposer-Registrant denies each and every allegation set forth in Paragraph 21 of

the Counter-claim.

22. Opposer-Registrant denies each and every allegation set forth in Paragraph 22 of the Counter-claim.

23. Opposer-Registrant denies each and every allegation set forth in Paragraph 23 of the Counter-claim.

24. Opposer-Registrant denies each and every allegation set forth in Paragraph 24 of the Counter-claim.

25. Opposer-Registrant denies each and every allegation set forth in Paragraph 25 of the Counter-claim.

26. Opposer-Registrant denies each and every allegation set forth in Paragraph 26 of the Counter-claim.

27. Opposer-Registrant denies each and every allegation set forth in Paragraph 27 of the Counter-claim.

The remaining allegations are prayers for relief that do not require an admission or denial by Opposer-Registrant. To the extent a response is required, the allegations are denied. Unless specifically admitted herein, all allegations in the Counter-claim are denied. Opposer-Registrant further denies that Applicant-Petitioner is entitled to any relief, including the relief requested in the Counter-claim.

## **AFFIRMATIVE DEFENSES**

In addition to the foregoing, and as separate and distinct affirmative defenses to Applicant-Petitioner's Counter-claim, Opposer-Registrant alleges as follows:

### **FIRST AFFIRMATIVE DEFENSE**

Applicant-Petitioner has failed to state a claim for which relief may be granted pursuant to Federal Rule of Civil Procedure 12(b)(6).

### **SECOND AFFIRMATIVE DEFENSE**

Applicant-Petitioner's Counter-claim is barred pursuant to the doctrine of acquiescence.

### **THIRD AFFIRMATIVE DEFENSE**

Applicant-Petitioner's Counter-claim is barred pursuant to the doctrine of laches.

### **FOURTH AFFIRMATIVE DEFENSE**

Applicant-Petitioner's Counter-claim is barred pursuant to the doctrine of estoppel.

### **FIFTH AFFIRMATIVE DEFENSE**

Applicant-Petitioner's Counter-claim is barred pursuant to the doctrine of unclean hands.

### **SIXTH AFFIRMATIVE DEFENSE**

Applicant-Petitioner is not likely to be damaged by Opposer-Registrant's STACH and ADVENTURES OF STACH marks because these marks do not result in a likelihood of confusion with Applicant-Petitioner's applied-for mark.

### **SEVENTH AFFIRMATIVE DEFENSE**

Applicant-Petitioner's mark is weak.

WHEREFORE, Opposer-Registrant requests that Applicant-Petitioner's Petition for Cancellation be denied.

Please address all correspondence to Michael M. Vasseghi, Esq., Litigation Counsel, Roll Law Group P.C., 11444 West Olympic Boulevard, Los Angeles, CA 90064.

Respectfully Submitted,

Date: January 3, 2012

PARAMOUNT FARMS  
INTERNATIONAL LLC

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**CERTIFICATE OF SERVICE**

I, Jan Henry, hereby certify that a copy of this ANSWER has been served upon:

Frank G. Long  
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by first class mail, postage prepaid, on this 3rd day of January, 2012.

By: /s/ Jan Henry

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