

TTAB

LAW OFFICES OF
SMITH, LANDMEIER & ELDERS, P.C.

15 NORTH SECOND STREET
P.O. BOX 127
GENEVA, ILLINOIS
60134-0127

ALLEN L. LANDMEIER
VINCENT J. ELDERS

TEL: (630) 232-2880
FAX: (630) 232-2889
E-Mail: v_elders@smithlandmeier.com

HOWARD E. SMITH, JR.
OF COUNSEL

March 19, 2012

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Re: AutoZone Parts, Inc. v. ALDI Inc.
Opposition No.: 91203289
Trademark: WORKZONE (and Design)
U.S. Serial No.: 77566286

Dear Sir/Madam:

Enclosed herewith please find Applicant's Answer to Notice of Opposition for the above matter. Would you please affix the Patent and Trademark Office date stamp to the enclosed self-addressed postcard and return it to us, evidencing receipt of the document.

Thank you.

Very truly yours,

SMITH, LANDMEIER & ELDERS, P.C.



Vincent J. Elders

Enc.

cc: Mr. Deeb Dweik, Director of Corporate Buying, ALDI Inc.
Mr. Michael How, Group Director of Corporate Buying, ALDI Inc.



03-22-2012

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

In the Matter of Trademark

Appl. Ser. No.: 77/566,286

For the mark: WORKZONE (and Design)

Publication Date: July 12, 2011

----- :
AutoZone Parts, Inc., :

Opposer, :

v. :

ALDI Inc., :

Applicant. :
----- :

Opposition No. 91203289

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

ANSWER TO NOTICE OF OPPOSITION

NOW COMES the Applicant, ALDI Inc., by its attorneys, Smith, Landmeier & Elders, P.C., and for its Answer to the Notice of Opposition filed herein, respectfully states as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Notice of Opposition. Therefore, these allegations stand denied.

2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Notice of Opposition. Therefore, these allegations stand denied.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of the Notice of Opposition. Therefore, these allegations stand denied.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 of the Notice of Opposition. Therefore, these allegations stand denied.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 5 of the Notice of Opposition. Therefore, these allegations stand denied.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6 of the Notice of Opposition. Therefore, these allegations stand denied.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 of the Notice of Opposition. Therefore, these allegations stand denied.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 of the Notice of Opposition. Therefore, these allegations stand denied.

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of the Notice of Opposition. Therefore, these allegations stand denied.

10. Applicant admits the allegations in Paragraph 10 of the Notice of Opposition.

11. Applicant denies the allegations in Paragraph 11 of the Notice of Opposition.

12. Applicant denies the allegations in Paragraph 12 of the Notice of Opposition.

13. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13 of the Notice of Opposition. Therefore, these allegations stand denied.

14. Applicant denies the allegations in Paragraph 14 of the Notice of Opposition.

15. Applicant denies the allegations in Paragraph 15 of the Notice of Opposition.

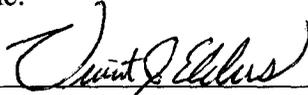
16. Applicant denies the allegations in Paragraph 16 of the Notice of Opposition.

17. Applicant denies the allegations in Paragraph 17 of the Notice of Opposition.

WHEREFORE, Applicant prays that the Notice of Opposition filed herein be denied, that registration issue forthwith and that Applicant be granted such additional and further relief as the Board deems equitable and just.

Dated: March 19, 2012

ALDI Inc.

By: 

Vincent J. Elders
SMITH, LANDMEIER & ELDERS, P.C.
15 North Second Street
P.O. Box 127
Geneva, Illinois 60134-0127
Telephone: 630-232-2880
Facsimile: 630-232-2889
Attorney for Applicant

CERTIFICATE OF MAILING

I hereby certify that this Answer to Notice of Opposition is being deposited with the United States Postal Service as first class mail in a prepaid envelope addressed to:

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

on March 19, 2012.



Vincent J. Elders

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Answer to Notice of Opposition has been served on the following Attorney of Record for Opposer, by mailing said copy on March 19, 2012, via United States first class mail, postage prepaid to:

Kathryn Bina
ALSTON & BIRD LLP
1201 West Peachtree Street
Atlanta, Georgia 30309



Vincent J. Elders

Vincent J. Elders
SMITH, LANDMEIER & ELDERS, P.C.
15 North Second Street
P.O. Box 127
Geneva, Illinois 60134-0127
Telephone: 630-232-2880
Facsimile: 630-232-2889