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Filing date: **05/25/2012**

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

Proceeding	91203706
Party	Plaintiff Chatham Imports, Inc.
Correspondence Address	PETER D VOGL JONES DAY 222 E 41ST ST FL 2 NEW YORK, NY 10017 UNITED STATES pdvogl@jonesday.com
Submission	Answer to Counterclaim
Filer's Name	Peter D. Vogl
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Signature	/PDV/
Date	05/25/2012
Attachments	Answer to Counterclaim and Counterclaim.pdf (6 pages)(152316 bytes) Exhibit A.pdf (2 pages)(50821 bytes)

CERTIFICATION UNDER 37 C.F.R. 1.10

I hereby certify that this correspondence is being electronically filed with the Trademark Trial and Appeal Board through the ESTTA system located at <http://estta.uspto.gov>.

Dated: May 25, 2012 By: 
Stephen F. Kampmeier Esq.

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

In the matter of Application Serial No. 77/962,565
Mark: KNOW THY FARMER
Published in the *Official Gazette* on 2011-10-11

CHATHAM IMPORTS, INC.,

Opposer /
Counterclaim Respondent /
Petitioner,

v.

WASHINGTON PLACE LLC,

Applicant /
Petitioner.

Opposition No.: 91203706

Attorney Docket No.: 011730-0401-999

**ANSWER TO COUNTERCLAIM
FOR CANCELLATION**

UNITED STATES PATENT AND TRADEMARK OFFICE

ATTN: Trademark Trial and Appeal Board

P.O. Box 1451

Alexandria, Virginia 22313-1451

**ANSWER TO
COUNTERCLAIM FOR CANCELLATION
OF U.S. REGISTRATION NUMBER 3,829,294**

TO THE TRADEMARK TRIAL AND APPEAL BOARD:

CHATHAM IMPORTS, INC. (“Chatham”), by and through its attorneys, answers the Counterclaim for Cancellation of U.S. Registration Number 3,829,294 (the “Counterclaim”) as follows:

ANSWER

Chatham declines to respond to so much of the initial unnumbered paragraphs of the Counterclaim as constitutes a legal conclusion on the grounds that no response is required thereto.

1. Chatham admits that Exhibit A to the Counterclaim purports to be the Trademark Electronic Search System (TESS) record and the Trademark Applications and Registrations Retrieval (TARR) record for United States Trademark Registration No. 3,899,559 for the designation “Know Thy Farmer.” Chatham has no knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 1 of the Counterclaim and therefore denies the same.
2. Chatham has no knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 2 of the Counterclaim and therefore denies the same.
3. Chatham has no knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 3 of the Counterclaim and therefore denies the same.
4. Chatham denies each and every allegation in paragraph 4 of the Counterclaim.
5. Chatham denies each and every allegation in paragraph 5 of the Counterclaim.
6. Chatham denies each and every allegation in paragraph 6 of the Counterclaim.
7. Chatham denies each and every allegation in paragraph 7 of the Counterclaim.
8. Chatham denies each and every allegation in paragraph 8 of the Counterclaim.

Accordingly, Chatham denies that Petitioner is entitled to any of the relief it seeks in this action.

FIRST AFFIRMATIVE DEFENSE

9. Petitioner's claims are barred, in whole or in part, because they fail to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

10. Petitioner's claims are barred, in whole or in part, by the doctrine of equitable estoppel, unclean hands, unjust enrichment, laches and other equitable doctrines.

THIRD AFFIRMATIVE DEFENSE

11. Petitioner's claims are barred, in whole or in part, by the doctrine of acquiescence.

FOURTH AFFIRMATIVE DEFENSE

12. Petitioner's claims are barred, in whole or in part, by the doctrine of waiver.

COUNTERCLAIM FOR CANCELLATION OF U.S. REGISTRATION NO. 3,899,559

Chatham requests that United States Trademark Registration Number 3,899,559 for the designation "Know Thy Farmer" be cancelled pursuant to 15 U.S.C. § 1064, 37 C.F.R. §2.111 and 15 U.S.C. §1052(e).

As grounds for cancellation, Chatham alleges the following:

1. United States Trademark Registration Number 3,899,559 referencing the designation "Know Thy Farmer" for use in connection with:

Fruit preserves, preserved fruit and vegetables, pickled vegetables, pickles, eggs, milk in International Class 29; and

Pancake mixes, flour, salt, popcorn, coffee, coffee mixes, cakes, frozen confections, ice cream, granola, wheat based cereal, fruit cakes, edible ices, baked products, namely, cookies, cakes, breads, scones, croissants, crackers in International Class 30

owned by Petitioner and which Petitioner has asserted in its Counterclaim (“Petitioner’s Designation”) should be cancelled on the basis that it is descriptive under Lanham Act Section 2(e)(1) for the goods for which it is registered.

2. The designation “Know Thy Farmer” is merely an informational slogan used in the ordinary course of the restaurant business to describe and promote restaurants that source foods grown by local farmers and fails to serve any source indicating significance for Petitioner’s goods.
3. The primary significance and commonly understood meaning of the slogan “Know Thy Farmer” relates to the “farm to table” or “farm to fork” trend within the restaurant industry of chefs selecting and incorporating ingredients from local farms in close proximity to their restaurants for use in the restaurants’ cuisine. Indeed, Petitioner references this fact on its website at <http://www.bluehillfarm.com/farms/know-thy-farmer> with the statement “Great cooking starts with great ingredients. And great ingredients start with great farmers. Scroll over the map to your right for a look at the farms that inspire our menus, including Blue Hill Farm in Great Barrington, Massachusetts, Stone Barns Center for Food and Agriculture, and other farms in our neighborhood, contained within a 250-mile radius.” *See* Exhibit A attached hereto.
4. For this reason, consumers who encounter Petitioner’s Designation are likely to believe that the designation merely instructs and invites consumers to get to know the local farmer from which Petitioner’s goods originate or are sourced. Petitioner’s Designation is therefore descriptive of the goods for which it is registered, and, accordingly is not entitled to registration on the Principal Register.

5. Chatham is, and will continue to be, damaged by continued registration of Petitioner's Designation because registration of Petitioner's Designation improperly grants Petitioner exclusive rights to a designation which merely describes and provides information about Petitioner's goods.

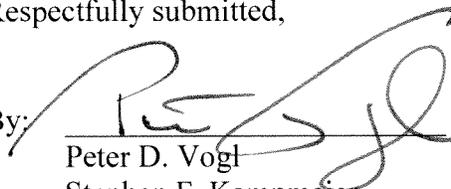
WHEREFORE, Chatham prays for Petitioner's Counterclaim to be dismissed with prejudice and that U.S. Registration No. 3,829,294 for the mark FARMER'S be maintained. In addition, Chatham prays that U.S. Registration No. 3,899,559 for the designation "Know Thy Farmer" be cancelled.

Please charge the Jones Day Deposit Account Nr. 50-3013 the \$300 Cancellation filing fee and any other fees which may be necessary to effect the filing of the Counterclaim for Cancellation of U.S. Registration No. 3,899,559 for the designation "Know Thy Farmer".

Dated: May 25, 2012

Respectfully submitted,

By:



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Attorneys for
CHATHAM IMPORTS, INC. as
Opposer / Counterclaim Respondent /
Petitioner.

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of May, 2012, a true and complete copy of the foregoing **Answer to Counterclaim and Counterclaim for Cancellation of U. S. Registration No. 3,899,559** has been served upon WASHINGTON PLACE LLC by mailing said copy via First Class Mail, postage prepaid upon its attorney at the correspondence address of record for this proceeding before the Trademark Trial and Appeal Board, namely:

JEFFREY A LINDENBAUM
COLLEN IP INTELLECTUAL PROPERTY LAW PC
THE HOLYOKE MANHATTAN BUILDING,
80 SOUTH HIGHLAND AVENUE
OSSINING, NY 10562



Stephen F. Kampmeier

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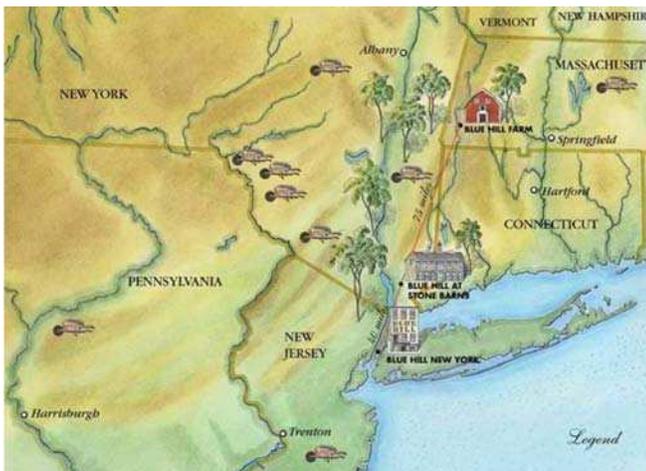
EXHIBIT A

[KNOW THY FARMER™](#) [BLUE HILL FARM](#) [FARMS WE LOVE](#) [BLOG](#)

KNOW THY FARMER™

Great cooking starts with great ingredients. And great ingredients start with great farmers. Scroll over the map to your right for a look at the farms that inspire our menus, including Blue Hill Farm in Great Barrington, Massachusetts, Stone Barns Center for Food and Agriculture, and other farms in our neighborhood, contained within a 250-mile radius.

Meet Matt Halloran, part-time nurse, full-time farmer, learn the foraging philosophies of mushroom man Leo Mondragon, or discover why the best onions grow in Paffenroth Gardens' coveted "muck soil."



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