

ESTTA Tracking number: **ESTTA539562**

Filing date: **05/23/2013**

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

Proceeding	91210287
Party	Defendant Quintessential, LLC
Correspondence Address	BERNARD W. GERDELMAN PAULE, CAMAZINE & BLUMENTHAL, P.C. 165 N MERAMEC AVE STE 110 SAINT LOUIS, MO 63105-3789  bgerdelman@pcblawfirm.com
Submission	Answer
Filer's Name	Bernard W. Gerdelman
Filer's e-mail	bgerdelman@pcblawfirm.com
Signature	/Bernard W. Gerdelman/
Date	05/23/2013
Attachments	Answer to Notice of Opposition (01415927).PDF(78084 bytes )

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

In the matter of Application Serial No. 85839837  
For the Trademark:  
NINE GENERATIONS  
Published in the Official Gazette on April 16, 2013

C. Mondavi & Sons,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91210287
	)	
Quintessential, LLC,	)	
	)	
Applicant.	)	
<hr style="border: 0.5px solid black;"/>		
	)	

**ANSWER TO NOTICE OF OPPOSITION**

Applicant, Quintessential, LLC, hereby answers the Notice of Opposition of C. Mondavi & Sons (“Opposer”) as follows:

1. As to paragraphs 1, 2 and 3, Applicant has insufficient information to form a belief as to the truth or falsity of the allegations contained therein, and therefore Applicant denies same.
2. Applicant admits the allegations contained in paragraph 4.
3. Applicant denies the allegations contained in paragraphs 5 and 6.
4. Applicant admits the allegations contained in paragraph 7.
5. As to paragraph 8, Applicant denies that Opposer has priority, admits that Applicant’s filing date is February 4, 2013 and that Applicant’s alleged date of first use in its application is at least as early as February 24, 2012. Applicant denies the balance of the

allegations contained in paragraph because it has insufficient information to form a belief as to the truth or falsity of same.

6. As to paragraph 9, Applicant has insufficient information to form a belief as to the truth or falsity of the allegations contained therein, and therefore Applicant denies same.
7. As to paragraph 10, Applicant admits that its description of goods contains no restrictions or limitation as to Applicant's channels of trade, but denies the balance of the allegations set forth therein.
8. Applicant denies the allegations contained in paragraphs 11 through 15.

Further Answering:

9. Because Opposer's mark is a word in common usage and because there are multiple registrations for marks containing the word "Generation" or Generations" in connection with identical or related goods, and because an unregistered mark identical to Opposer's mark has been in prominent use in interstate commerce in connection with identical goods for many years, Opposer's mark is weak and entitled to only limited protection.
10. There is no likelihood of confusion because Applicant's mark creates a different commercial impression from that of Opposer's mark, and the marks are not confusingly similar.

Wherefore, Applicant prays that this Opposition be dismissed and that a registration be granted to Applicant.

Respectfully submitted,

PAULE, CAMAZINE & BLUMENTHAL, P.C.

By: /Bernard W. Gerdelman/  
Bernard W. Gerdelman, MO Bar ID #26628  
165 North Meramec Avenue, Suite 110  
St. Louis, MO 63105  
Phone: 314-727-2266  
Fax: 314-727-2101  
E-mail: [bgerdelman@pcblawfirm.com](mailto:bgerdelman@pcblawfirm.com)  
Attorneys for Applicant Quintessential LLC

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

In the matter of Application Serial No. 85839837  
For the Trademark:  
NINE GENERATIONS  
Published in the Official Gazette on April 16, 2013

C. Mondavi & Sons,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91210287
	)	
Quintessential, LLC,	)	
	)	
Applicant.	)	
<hr style="border: 0.5px solid black;"/>		

**CERTIFICATE OF SERVICE**

I hereby certify that on this 23rd day of May, 2013, the foregoing ANSWER TO NOTICE OF OPPOSITION was sent via U.S. first class mail, postage prepaid, to:

Sophie Cohen  
Tsan Abrahamson  
Shabnam Malek  
Cobalt, LLP  
918 Parker Street, Building A21  
Berkeley, California 94170-2596

Correspondent and Attorney of Record

*/Bernard W. Gerdelman/*  
Attorney for Applicant  
Quintessential, LLC