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Filing date: **09/30/2015**

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

Proceeding	91222903
Party	Defendant DAVIS ESTATES, LLC
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Submission	Answer
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Date	09/30/2015
Attachments	Ravishing Raven Applicant's Answer to Opp filed by Franciscan.pdf(32234 bytes )



1 allegations set forth in Paragraph 1 and therefore denies the allegations contained therein. Upon  
2 information and belief, Opposer does not use, never has used or had any bona fide intent to use the  
3 mark RAVENS for wine or any alcoholic beverage in Class 033. Upon information and belief,  
4 statements made by Registrant, by and through counsel, to the United States Patent and Trademark  
5 Office on February 2, 2003, March 14, 2003, June 1, 2004, September 2, 2010, November 30, 2011  
6 and April 29, 2014 regarding use of the mark RAVENS for wine were false and intended to procure  
7 registration of the RAVENS mark in Class 33.  
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9           2.       Applicant does not have sufficient knowledge or information to form a belief as to the  
10 allegations set forth in Paragraph 2 and therefore denies the allegations contained therein.  
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12           3.       Applicant does not have sufficient knowledge or information to form a belief as to the  
13 allegations set forth in Paragraph 3 and therefore denies the allegations contained therein.  
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15           4.       Applicant denies the allegations set forth in paragraph 4 in their entirety.  
16

17           5.       Applicant does not have sufficient knowledge or information to form a belief as to the  
18 allegations set forth in Paragraph 5 and therefore denies the allegations contained therein.  
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20           6.       Applicant does not have sufficient knowledge or information to form a belief as to the  
21 allegations set forth in Paragraph 6 and therefore denies the allegations contained therein.  
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23           7.       Applicant does not have sufficient knowledge or information to form a belief as to the  
24 allegations set forth in Paragraph 7 and therefore denies the allegations contained therein.  
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26           8.       Applicant denies the allegations set forth in paragraph 8 in their entirety.  
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28           9.       Applicant does not have sufficient knowledge or information to form a belief as to the  
allegations set forth in Paragraph 9 and therefore denies the allegations contained therein.

          10.       Paragraph 10 contains legal conclusions to which no response is required. To the extent  
a response is required, Applicant denies the allegations contained therein.

          11.       Paragraph 11 contains legal conclusions to which no response is required. To the extent

1 a response is required, Applicant denies the allegations contained therein.

2 12. Paragraph 12 contains legal conclusions to which no response is required. To the extent  
3 a response is required, Applicant denies the allegations contained therein.

4 13. Paragraph 13 contains legal conclusions to which no response is required. To the extent  
5 a response is required, Applicant denies the allegations contained therein.

6  
7 14. Applicant does not have sufficient knowledge or information to form a belief as to the  
8 allegations set forth in Paragraph 14 and therefore denies the allegations contained therein.

9 15. Applicant denies the allegations set forth in paragraph 15 in their entirety. Applicant  
10 has no intent to use the design of a raven on any label and has repeatedly informed Opposer that it  
11 intends to use the design of a dark-haired woman in association with its RAVISHING RAVEN mark,  
12 as evidenced by U.S. Registration No. 4,823,829 filed by Applicant with the United States Patent and  
13 Trademark Office on November 4, 2014.  
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15 **AFFIRMATIVE DEFENSES**

16 Applicant pleads the following Affirmative Defenses to the Opposition:

- 17
- 18 1. The Opposition fails to state a claim on which relief can be granted.
  - 19 2. The Opposition is barred by the doctrine of unclean hands.
  - 20 3. The Opposition is barred by fraud.
  - 21 4. There is no likelihood of confusion between Applicant's mark and Opposer's mark.
  - 22 5. Opposer's marks are not famous.
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1 In view of the foregoing, Applicant contends that this Opposition is groundless and baseless in  
2 fact; that Opposer has not shown wherein it will be, or is likely to be damaged by the registration of  
3 Applicant's mark. Applicant prays that this Opposition be dismissed and that Applicant be granted  
4 registration of its mark.

5  
6 Respectfully Submitted,

7 September 30, 2015

8 By: /Daniel A. Reidy/  
9 Daniel A. Reidy  
10 *Attorney for Applicant*

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Answer and Grounds of Defense has been served on Stephen L. Baker, counsel for Franciscan Vineyards, Inc., by mailing said copy on September 30, 2015, via First Class Mail, postage prepaid to 575 Route 28, Suite 102, Raritan, NJ 08869.

September 30, 2015

By: /Daniel A. Reidy/  
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