

ESTTA Tracking number: **ESTTA575688**

Filing date: **12/10/2013**

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

Proceeding	92058000
Party	Plaintiff Nash-Finch Company
Correspondence Address	JOHN A CLIFFORD MERCHANT & GOULD PC PO BOX 2910 MINNEAPOLIS, MN 55402-0910 UNITED STATES jclifford@merchantgould.com, aavery@merchantgould.com, dockmpls@merchantgould.com
Submission	Answer to Counterclaim
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Signature	/John A. Clifford/
Date	12/10/2013
Attachments	2013 12 10 Petitioners and Counterclaim Defendants Nash-Finch Answer to Counterclaim.PDF(83276 bytes)

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

Nash-Finch Company					
	Petitioner,)))	Cancellation No. 92058000
	v.)))	Registration No. 4,283,988
Ahold Licensing Sarl,)))	Mark: OUR FAMILY FOUNDATION & DESIGN
	Respondent.)))	

**PETITIONER'S AND COUNTERCLAIM DEFENDANT'S,
NASH-FINCH COMPANY ANSWER TO COUNTERCLAIM**

To The Assistant Commissioner for
Trademarks
ATTN: BOX TTAB
2900 Crystal Drive
Arlington, VA 22202-3513

Dear Sir:

COMES NOW the Petitioner and Counterclaim Defendant to answer the counterclaim seeking cancellation of U.S. Registration No. 1,704,384. All allegations in the counterclaim not specifically admitted herein are denied. As for the numbered allegations, Nash-Finch pleads as follows:

1. Admitted.
2. Admitted.
3. Admitted in part and denied in part. Nash-Finch Company no longer operates brick and mortar retail grocery stores under the banner OUR FAMILY FOODS. It is denied that Nash-Finch Company does not offer retail grocery store services of any kind under the OUR FAMILY FOODS mark because the mark is in use on advertising and in grocery

stores where retail grocery store services are provided, advertised, and promoted under the OUR FAMILY FOODS mark.

4. Denied.
5. Denied.

AFFIRMATIVE DEFENSES TO COUNTERCLAIM

1. The counterclaim fails to state a claim upon which relief can be granted.
2. At no time has Nash-Finch Company abandoned the OUR FAMILY FOODS trademark.
3. Nash-Finch Company is presently seeking to develop an online retail store under the name and mark OUR FAMILY FOODS and the mark will transition from brick and mortar stores to online environments over time.
4. Nash-Finch Company never ceased use of the OUR FAMILY FOODS mark with the intent never to resume use.

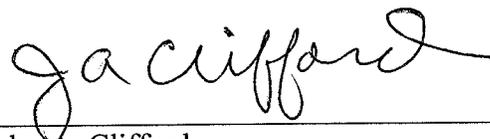
WHEREFORE Nash-Finch asks that the counterclaim Plaintiff take nothing by the counterclaim and that Registration No. 1,704,384 not be cancelled with the counterclaim being dismissed, with prejudice.

Respectfully submitted,

NASH-FINCH COMPANY

By its attorneys,

Date: Dec 10, 2013

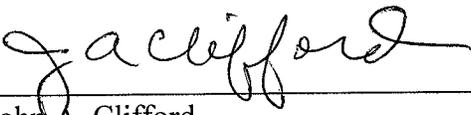


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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing PETITIONER'S AND COUNTERCLAIM DEFENDANT'S, NASH-FINCH COMPANY ANSWER TO COUNTERCLAIM was served, via first-class mail, postage prepaid on this 10th day of December 2013.

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100 Pine Street
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Counsel for Ahold Licensing Sarl



John A. Clifford