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

Proceeding	92058482
Party	Defendant E. & J. Gallo Winery
Correspondence Address	E & J GALLO WINERY 600 YOSEMITE BOULEVARD MODESTO, CA 95354 UNITED STATES
Submission	Answer
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8

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

11 \_\_\_\_\_ ) **ANSWER TO PETITION FOR**  
12 DARK STAR CELLARS LLC, ) **CANCELLATION AND**  
a California limited liability company, ) **AFFIRMATIVE DEFENSES**  
13 )  
Petitioner, ) Petition No. 92058482  
14 ) Registration No. 4347035  
15 v. )  
16 E. & J. GALLO WINERY )  
a California corporation, )  
17 )  
Respondent. )  
18 \_\_\_\_\_ )

19  
20 **ANSWER TO PETITION TO CANCEL**

21 Respondent E. & J. Gallo Winery (“Gallo”), by and through its undersigned counsel, answers  
22 the Petition for Cancellation (“Petition”) filed by Petitioner Dark Star Cellars, LLC (“Dark Star Cellars”  
23 or “Petitioner”) as follows. Subject matter in the Petition not specifically admitted or denied is hereby  
24 denied.

25 1. Gallo believes that no Answer is required to paragraph 1 of the Petition. To the extent an  
26 answer is required, Gallo admits that Petitioner purports to be a California limited liability company in  
27 good standing, located at a certain California address.

28 2. Gallo admits the allegations in paragraph 2 of the Petition.



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**CERTIFICATE OF TRANSMISSION**

I hereby certify that a true and correct copy of the attached ANSWER TO PETITION FOR CANCELLATION AND AFFIRMATIVE DEFENSES is being electronically transmitted to the Trademark Trial and Appeal Board on February 18, 2014.

/Thomas A. Harvey/  
Thomas A. Harvey

