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

Proceeding	92060880
Party	Plaintiff Union Wine Company
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Submission	Answer to Counterclaim
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Date	04/07/2015
Attachments	Union Answer Bella Union.pdf(35631 bytes)

UNITED STATE PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Registration No. 4,618,420

Trademark: BELLA UNION

Goods: Wine in Class 33

UNION WINE COMPANY,

Petitioner,

v.

FN CELLARS, LLC,

Respondent.

)
) Cancellation No. 92060880
)
)

ANSWER TO COUNTERCLAIM

Petitioner, Union Wine Company (“Union”), by and through its counsel, hereby answers the Counterclaim as follows:

1. Petitioner admits that Respondent is the record owner of the trademark but otherwise denies the allegations of Paragraph 1 of the Counterclaim. The second sentence of Paragraph 1 is a statement of law to which no responsive pleading is required.

2. Petitioner admits the allegations of Paragraph 2 of the Counterclaim.

3. Petitioner admits the allegations of Paragraph 3 of the Counterclaim.

4. Petitioner admits the allegations of Paragraph 4 of the Counterclaim.

5. Petitioner denies the allegations of Paragraph 5 of the Counterclaim.

6. In response to Paragraph 6 of the Counterclaim, Petitioner incorporates its responses to Paragraphs 1-5 of the Counterclaim.

7. Petitioner denies the allegations of Paragraph 7 of the Counterclaim.

1 8. Petitioner denies the allegations of Paragraph 8 of the Counterclaim.

2 9. Petitioner denies the allegations of Paragraph 9 of the Counterclaim.

3 10. In response to Paragraph 10 of the Counterclaim, Petitioner incorporates its responses
4 to Paragraphs 1-9 of the Counterclaim.

5 11. Petitioner denies the allegations of Paragraph 11 of the Counterclaim.

6 12. Petitioner denies the allegations of Paragraph 12 of the Counterclaim.

7 13. Petitioner denies the allegations of Paragraph 13 of the Counterclaim.

8 **FIRST AFFIRMATIVE DEFENSE**

9 **(Failure to State a Claim on Which Relief Can be Granted – Claim 1)**

10 Claim 1 fails to state a claim on which relief can be granted because Petitioner has pleaded
11 prior common law and trade name rights in the term UNION WINE CO. so even if its registration
12 were cancelled it would still have priority.

13 **SECOND AFFIRMATIVE DEFENSE**

14 **(Failure to State a Claim on Which Relief Can be Granted – Claim 2)**

15 Claim 2 fails to state a claim for fraud on the Trademark Office because it does not comply
16 with the pleading requirements for pleading fraud under Federal Rule of Civil Procedure 9 and
17 applicable decisions of the Trademark Trial and Appeal Board.

18 Respectfully submitted,

19 Dated: April 7, 2015

LAW OFFICE OF PAUL W. REIDL

/s/ Paul W. Reidl

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