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

Proceeding	92062168
Party	Defendant Lavinia Seleccion, Sociedad Anonima
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

KORE WINE COMPANY,)	
)	
Petitioner,)	Cancellation No. 92062168
)	Reg. No. 2682282
v.)	
)	
LAVINIA SELECCION,)	
SOCIEDAD ANONIMA,)	
)	
<u>Registrant.</u>)	

LAVINIA’S ANSWER TO PETITION FOR CANCELLATION

Now comes Lavinia Lavinia Seleccion, Sociedad Anonima (“Lavinia” or “Lavinia”), before this honorable Board and hereby answers the Petition for Cancellation filed by Kore Wine Company (“Petitioner”). In response to the first unnumbered paragraph of the Petitioner’s Petition for Cancellation, Lavinia lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth regarding the corporate name and address of Petitioner and denies the same. Lavinia admits that it owns Registration No. 2,682,282. Lavinia denies that Petitioner will be damaged by the registration of this Application. Lavinia denies all remaining allegations in this first unnumbered paragraph. As to the specific allegations, Lavinia answers as follows:

1. Lavinia is without sufficient information to form a belief as to the allegations in paragraph 1 of the Petition for Cancellation, and therefore denies the same.
2. Lavinia is without sufficient information to form a belief as to the allegations in paragraph 2 of the Petition for Cancellation, and therefore denies the same.
3. Lavinia is without sufficient information to form a belief as to the allegations in paragraph 3 of the Petition for Cancellation, and therefore denies the same.

4. Admitted.

5. Denied.

6. Lavinia is without sufficient information to form a belief as to whether or not Petitioner conducted an investigation and the results of any such investigation, and therefore denies the same. Lavinia's website speaks for itself.

7. Lavinia admits it sells and offers for sale the wine, champagne, and spirits of others. Lavinia denies that it does not sell or offer for sale any alcoholic beverages branded with the LAVINIA mark, as the LAVINIA mark appears on labels of certain alcoholic beverages sold by Lavinia. Lavinia is without sufficient information to form a belief as to whether or not Petitioner conducted research and the results of any such research, and therefore denies the same.

8. Lavinia admits it uses its LAVINIA mark in connection with retail store services for alcoholic beverages. Lavinia denies that it does not use and has never used the LAVINIA mark on alcoholic beverages, as the LAVINIA mark appears on labels of certain alcoholic beverages sold by Lavinia.

9. Lavinia admits it operates LAVINIA retail stores in Spain, France, Switzerland, and the Ukraine. Lavinia denies that it does not have a retail store in the United States since U.S. consumers can (and do) view products on Lavinia's website and call or e-mail Lavinia to place orders and have products shipped to them. As to any remaining allegations of paragraph 9 of the Petition for Cancellation, Lavinia denies the same.

10. Lavinia's website speaks for itself and is accessible by computer users worldwide. Lavinia denies that its website targets consumers from Spain, Switzerland, and France since the website also targets consumers in other countries to which Lavinia ships products, including the U.S. Lavinia denies that the Spanish language on its lavinia.es website is only for users from

Spain since it is available to users in the U.S. Lavinia denies that the French language on its website is only for users from Switzerland and France since it is available to users in the U.S. Lavinia denies that its website does not target consumers in the U.S. since the website targets all potential consumers. While Lavinia admits its website does not include an English-language section, it denies the website is not available in English since websites are readily translatable for free through online translation services such as Google Translate. Lavinia denies that United States consumers cannot purchase alcoholic beverages through its website since U.S. consumers can (and do) view products on Lavinia's website and call or e-mail Lavinia to place orders and have products shipped to them. As to any remaining allegations of paragraph 10 of the Petition for Cancellation, Lavinia denies the same.

11. Denied.

12. Admitted.

13. Admitted.

14. Admitted.

15. Denied.

16. The allegations of Paragraph 16 are a legal argument to which no response is required. As to any factual allegations contained in Paragraph 16, Lavinia denies the same.

17. Admitted.

18. Admitted.

19. Admitted.

20. Denied.

21. The allegations of Paragraph 21 are a legal argument to which no response is required. As to any factual allegations contained in Paragraph 21, Lavinia denies the same.

22. Denied.

23. The allegations of Paragraph 23 are a legal argument to which no response is required. As to any factual allegations contained in Paragraph 23, Lavinia denies the same.

24. Lavinia denies the allegations of Paragraph 24 as the mark LAVINIA appears on certain alcoholic beverage labels on products sold into the United States. As to any remaining allegations of Paragraph 24, Lavinia denies the same.

25. Denied.

26. Denied.

27. Lavinia denies the allegations of Paragraph 27 as the mark LAVINIA appears on certain alcoholic beverage labels on products sold into the United States. As to any remaining allegations of Paragraph 27, Lavinia denies the same.

28. Lavinia denies the allegations of Paragraph 28 as the mark LAVINIA appears on certain alcoholic beverage labels on products sold into the United States. As to any remaining allegations of Paragraph 28, Lavinia denies the same.

29. The allegations of Paragraph 29 are a legal argument to which no response is required. As to any factual allegations contained in Paragraph 29, Lavinia denies the same.

30. The allegations of Paragraph 30 are a legal argument to which no response is required. As to any factual allegations contained in Paragraph 30, Lavinia denies the same.

31. Denied.

WHEREFORE, Registrant prays that the Petition to Cancel against its U.S. trademark registration for LAVINIA be dismissed.

Respectfully submitted,

Date: October 30, 2015

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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that the attached Lavinia's Answer to Petition for Cancellation was filed electronically with the Trademark Trial and Appeal Board on October 30, 2015.

/Michelle L. Zimmermann/

Michelle L. Zimmermann

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Lavinia's Answer to Petition for Cancellation was served by first class mail to the following address on October 30, 2015:

Melville Owen
Emily Poole
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/Michelle L. Zimmermann/

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