

ESTTA Tracking number: **ESTTA701858**

Filing date: **10/13/2015**

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

Proceeding	92062372
Party	Defendant Vinocopia, Inc.
Correspondence Address	VINOCOPIA INC 6636 CEDAR AVE SO , SUITE 300 RICHFIELD, MN 55423 UNITED STATES
Submission	Answer
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Date	10/13/2015
Attachments	Answer.pdf(73153 bytes)

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

BEARCO, LLC,)	
)	
Petitioner,)	
)	
v.)	Cancellation No.: 92/062,372
)	
Vincopia, Inc.,)	Re: Reg. No.: 4,262,446
)	Mark: CAPRICCIO
Registrant.)	
)	

ANSWER TO PETITION FOR CANCELLATION

Registrant Vinocopia, Inc., (“Vinocopia”) states the following for its Answer to the Petition for Cancellation (“Petition”) filed by Petitioner Bearco, LLC. (“Petitioner”). All allegations (including any assumptions or predicates included in Petitioner’s allegations) that are not expressly admitted are denied. Without waiving any right, Vinocopia responds to the allegations contained in the Petition as follows:

ANSWER

1. Vinocopia is without sufficient information to respond to the allegations contained in paragraph 1 of the Petition and therefore denies the same.
2. Vinocopia is without sufficient information to respond to the allegations in paragraph 2 of the Petition and therefore denies the same.
3. In response to the allegations contained in paragraph 3 of the Petition, Vinocopia submits that the referenced application document speaks for itself. Vinocopia is

without sufficient information to respond to the remaining allegations contained in paragraph 3 of the Petition and therefore denies the same.

4. Vinocopia is without sufficient information to respond to the allegations in paragraph 4 of the Petition and therefore denies the same.

5. In response to the allegations contained in paragraph 5 of the Petition, Vinocopia submits that the referenced registration document speaks for itself.

6. In response to the allegations contained in the first paragraph 6 of the Petition, Vinocopia submits that the referenced application document speaks for itself.¹

7. In response to the allegations contained in the second paragraph 6 of the Petition, Vinocopia submits that the referenced application document speaks for itself.

8. Vinocopia denies the allegations contained in paragraph 7 of the Petition.

9. Vinocopia denies the allegations contained in paragraph 8 of the Petition.

10. In response to the allegations contained in paragraph 9 of the Petition, Vinocopia submits that the referenced application document speaks for itself.

11. In response to the allegations contained in paragraph 10 of the Petition, Vinocopia submits that the referenced document speaks for itself.

12. Vinocopia denies the allegations contained in paragraph 11 of the Petition.

13. Vinocopia denies the allegations contained in paragraph 12 of the Petition.

14. Vinocopia denies the allegations contained in paragraph 13 of the Petition.

15. Vinocopia denies the allegations contained in paragraph 14 of the Petition.

16. Vinocopia denies the allegations contained in paragraph 15 of the Petition.

¹ The Petition contains two consecutive paragraphs numbered 6.

17. Vinocopia denies the allegations contained in the unnumbered “WHEREFORE” paragraph of the Petition.

AFFIRMATIVE DEFENSES

Vinocopia, without assuming any burden of proof that it would not otherwise bear under applicable law, and still urging and relying on matters already alleged in its Answer, further alleges by way of the following affirmative defenses:

First Defense

The Petition fails to state a claim upon which relief may be granted.

Second Defense

Petitioner is precluded from asserting its claims under the equitable doctrines of laches, waiver, unclean hands, and/or estoppel.

Third Defense

Vinocopia’s actions at all times were reasonable, justified, and undertaken in good faith, and Vinocopia did not directly or indirectly undertake or fail to undertake any action in violation of the law.

Fourth Defense

Petitioner’s claims are barred in whole or in part by the principles of consent, acquiescence, novation, and/or legal justification.

RESERVATION OF RIGHTS

Vinocopia reserves the right to rely on any statutory defenses pursuant to Sections 2, 14, and 33 of the Lanham Act to the extent that such defenses are supported by

information developed through discovery or by evidence at a hearing before the Trademark Trial and Appeal Board.

Vinocopia also gives notice that it intends to rely upon such other and further affirmative defenses as may become available during discovery in this action and reserves the right to amend its Answer to assert any such defenses.

Vinocopia therefore requests dismissal of Petitioner's Petition and such other and further relief as may be just and proper.

Respectfully submitted,
DuFAULT LAW FIRM, P.C.



Date: **October 13, 2015**

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**ATTORNEY FOR REGISTRANT
VINOCOPIA, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on counsel for Petitioner via First Class Mail addressed as follows:

Ms. Cristina Arenas Solís
Mr. Germán Corcino Medina
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DuFAULT LAW FIRM, P.C.



Date: **October 13, 2015**

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