

ESTTA Tracking number: **ESTTA598382**

Filing date: **04/14/2014**

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

| | |
|------------------------|---|
| Proceeding | 94002596 |
| Party | Registrant D'Amico Holding Company |
| Correspondence Address | BRADLEY J WALZ WINTHROP WEINSTINE PA 225 S SIXTH ST, STE 3500 CAPELLA TWR MINNEAPOLIS, MN 55402-4629 UNITED STATES bwalz@winthrop.com, jrezac@winthrop.com, trademark@winthrop.com |
| Submission | Other Motions/Papers |
| Filer's Name | Bradley J. Walz |
| Filer's e-mail | trademark@winthrop.com, bwalz@winthrop.com, emcdermott@winthrop.com |
| Signature | /Bradley J. Walz/ |
| Date | 04/14/2014 |
| Attachments | 20140414 Defendant's Answer to Concurrent Use Application.pdf(79357 bytes) |

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

In the matter of Application Serial No.: 76/685,731
Filed: January 14, 2008
For the mark: MASA
Published in the Trademark Official Gazette on August 23, 2011

Masayoshi Takayama,

Plaintiff,

v.

Concurrent Use No. 94002596

D'Amico Holding Company,

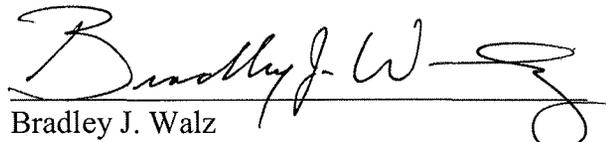
Defendant.

DEFENDANT'S ANSWER TO CONCURRENT USE APPLICATION

D'Amico Holding Company ("D'Amico"), pursuant to Trademark Rule 2.99(d)(2), hereby responds to the concurrent use statement recited in Masayoshi Takayama's ("Plaintiff") Concurrent Use Application. D'Amico denies that Plaintiff is entitled to a Concurrent Use Registration claiming the entire United States with the exceptions of the state of Minnesota, the area within fifty miles of Minneapolis, Minnesota, and the state of Florida.

Respectfully Submitted,

WINTHROP & WEINSTINE, P.A.



Bradley J. Walz
Timothy D. Sitzmann

Date: April 14, 2014

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ATTORNEYS FOR DEFENDANT
D'AMICO HOLDING COMPANY

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Defendant.

CERTIFICATE OF SERVICE BY MAIL

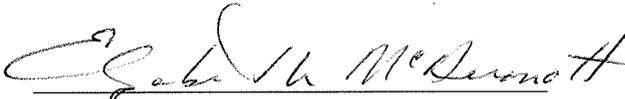
STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Elizabeth K. McDermott, of the City of Minneapolis, County of Hennepin, in the State of Minnesota, being duly sworn, says that on the 14th day of April, 2014, she e-mailed a true and correct copy of Defendant's:

1. Answer to Concurrent Use Application

in the above-captioned action to the last known e-mail address, to-wit:

David A. Plumley
david.plumley@cph.com


Elizabeth K. McDermott