

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

GARY TAKAHASHI, dba MARYHILL ORCHARDS & VINEYARDS,	)	
	)	
Opposer,	)	In the Matter of Trademark
	)	Application Serial No. 76/217,169
v.	)	filed February 27, 2001
	)	for registration of
	)	MARYHILL VINTNERS
V & C, LLC	)	Published April 9, 2002
	)	
Applicant.	)	Opposition No. 91151618

Assistant Commissioner for Trademarks  
Box TTAB No Fee  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

**ANSWER TO NOTICE OF OPPOSITION**

Applicant, V & C, LLC ("V&C" or "Applicant"), in answer to the Notice of Opposition filed by Gary Takahashi dba Maryhill Orchards and Vineyards ("Takahashi" or "Opposer"), hereby alleges and states:

Regarding Opposer's preliminary and unnumbered statement, Applicant admits that it has filed a trademark application for the registration of the mark MARYHILL VINTNERS, and the application speaks for itself. Applicant admits that the application was published for opposition in the *Official Gazette* but denies that Opposer would be damaged if the registration of the mark MARYHILL VINTNERS is granted.

In more particular response to the numbered grounds of opposition, Applicant states and alleges:

1. Applicant admits paragraph 1.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 2, and on that basis, denies same.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3, and on that basis, denies same.
4. Applicant denies paragraph 4.
5. Applicant denies paragraph 5.
6. Applicant denies paragraph 6.
7. Applicant denies paragraph 7.
8. Applicant denies paragraph 8.

Having answered each of the specific allegations and paragraphs of Opposer's Notice of Opposition, Applicant prays that Opposer's Notice of Opposition be dismissed with prejudice, and that the requests included therein be denied, and further that the subject V & C, LLC trademark application proceed to registration.

## **AFFIRMATIVE DEFENSES**

Having answered each of the specific allegations of Opposer's Notice of Opposition, and by way of further answer, and/or as affirmative defenses, Applicant states and alleges as follows:

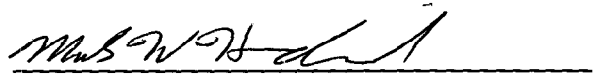
1. Opposer's Notice of Opposition fails to state grounds upon which the relief requested may be granted;
2. Opposer is attempting to extend, or overly extend, the scope of trademark and/or trade name rights as alleged in its Notice of Opposition, constituting a misuse of its trademarks.
3. There is no likelihood that the relevant consumers will be confused or misled as to the source of goods.
4. Opposer should be estopped and/or has waived any rights to claim the extended protection it is now claiming for purposes of its Notice of Opposition, due to other prior marks and/or later marks which it has knowingly allowed to coexist, and for allowing the Applicant to utilize its mark as set forth in the application.
5. The Opposer has abandoned some or all of its trademark and/or trade name rights alleged in its Notice of Opposition.

Applicant reserves the right to amend and supplement its Answer and Affirmative Defenses once discovery has been completed.

Dated this 1st day of July, 2002.

V & C, LLC

By:



Mark W. Hendricksen, Reg. No. 32,356  
Wells St. John P.S.  
601 West First Avenue, Suite 1300  
Spokane, WA 99201-3828  
Telephone: 509/624-4276  
Telefax: 509/838-3424

ATTORNEYS FOR APPLICANT

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that the original and two copies of the Answer to Notice of Opposition by V & C, LLC are being deposited with the U.S. Postal Service as Express Mail on the below-indicated date, addressed to:

Box TTAB No Fee  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

EV077330343US

Express Mail No. \_\_\_\_\_

I also hereby certify a copy of said Answer to Notice of Opposition is being deposited with the U.S. Postal Service as Express Mail on the below-indicated date, addressed to:

Patrick H. Ballew  
Stratton Ballew, PLLC  
213 South 12th Avenue  
Yakima, WA 98902

EV077330357US

Express Mail No. \_\_\_\_\_

Date: 7/1/02

By: Jane E. Boone  
Jane E. Boone

TTAB  
EV 077330343

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07-03-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #73

**PTO TRANSMITTAL LETTER**

Enclosed are:

1. PTO Return Postcard Receipt
2. PTO Transmittal Letter
3. Original and 2 copies of Answer to Notice of Opposition

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TRADEMARK TRIAL AND  
APPEAL BOARD

**Deposit Account Authorization:** The Commissioner is hereby authorized to charge payment of any applicable fees to Deposit Account No. 23-0925.

Date: 7/1/02

By: Mark W. Hendricksen  
Mark W. Hendricksen  
Reg. No. 32,356

Wells St. John P.S.  
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