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Name of Person Signing Certificate: John E. Russell, Esq.

Signature: 

Date of Signing: 11/20/2006

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

Federacion National de Cafeterios de)
Columbia, a/k/a National Federation of)
Coffee Growers of Columbia,)

Opposer,)

v.)

Ulises Valdez and Adelina Valdez,)

Applicant.)

Opposition No. 91173301

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

**APPLICANTS ULISES VALDEZ AND ADELINA VALDEZ'S ANSWER TO NOTICE
OF OPPOSITION**

Ulises Valdez and Adelina Valdez, (hereinafter "Applicants"), for their answer to the Notice of Opposition filed by Federacion National de Cafeterios Columbia, a/k/a National Federation Coffee Growers of Columbia, (hereinafter "Opposer"), against application for registration of Applicant's words trademark for VALDEZ FAMILY VINEYARDS, Serial No.

78/717,575, filed on September 21, 2005, and published in the Official Gazette on June 13, 2006 (the "Application"), pleads and avers as follows:

1. Answering the preamble to the Notice of Opposition on page 1 of the Notice of Opposition, Applicants are without information or belief sufficient to admit or deny the allegations concerning Opposers' non-profit status, incorporation or location, and on that basis denies these allegations. Applicants deny that Opposer will be damaged by Applicant's registration of the Mark.

2. Answering paragraph 1 of the Notice of Opposition, Applicants are without information or belief sufficient to admit or deny the allegations concerning Opposer's corporate status or responsibilities, and on that basis deny these allegations.

3. Answering paragraph 2 of the Notice of Opposition, Applicants are without information or belief sufficient to admit or deny the allegations of paragraph 2, and on that basis denies these allegations.

4. Answering paragraph 3 of the Notice of Opposition, Applicants are without information or belief sufficient to admit or deny the allegations of paragraph 3, and on that basis deny these allegations.

5. Answering paragraph 4 of the Notice of Opposition, Applicants are without information or belief sufficient to admit or deny the ownership status or validity of the marks cited by Opposer, and on that basis deny each and every allegation in paragraph 4.

6. Answering paragraph 5 of the Notice of Opposition, Applicants are without information or belief sufficient to admit or deny the allegations of paragraph 5, and on that basis deny these allegations.

7. Answering paragraph 6 of the Notice of Opposition, Applicants are without information or belief sufficient to admit or deny the allegations of paragraph 6, and on that basis deny these allegations.

8. Answering paragraph 7 of the Notice of Opposition, Applicants are without information or belief sufficient to admit or deny the allegations of paragraph 7, and on that basis deny these allegations.

9. Answering paragraph 8 of the Notice of Opposition, Applicants note that Ulises Valdez name is incorrectly spelled as "Ulysses Valdez." Applicants otherwise admit the allegations contained paragraph 8.

10. Answering paragraph 9 of the Notice of Opposition, Applicant admits that it filed U.S. Trademark Application Serial No. 78/717,575, and that the Application speaks for itself

11. Answering paragraph 10 of the Notice of Opposition, Applicants are without information or belief sufficient to admit or deny the allegations of paragraph 10, and on that basis deny these allegations.

12. Answering paragraph 11 of the Notice of Opposition, Applicants are without information or belief sufficient to admit or deny the allegations of paragraph 11, and on that basis deny these allegations.

13. Answering paragraph 12 of the Notice of Opposition, Applicants admit that the terms "FAMILY VINEYARDS" are disclaimed in the Application. Applicants deny the remaining allegations of paragraph 12.

14. Answering paragraph 13 of the Notice of Opposition, Applicants deny each and every allegation therein.

15. Answering paragraph 14 of the Notice of Opposition, Applicants admit that their application concerns “wine,” and that the application speaks for itself.

16. Answering paragraph 15 of the Notice of Opposition, Applicants admit that their application concerns “wine,” and that the application speaks for itself.

17. Answering paragraph 16 of the Notice of Opposition, Applicants are without sufficient information and belief sufficient to admit or deny the allegations of paragraph 16, and on that basis deny these allegations.

18. Answering paragraph 17 of the Notice of Opposition, Applicants are without sufficient information and belief sufficient to admit or deny the allegations of paragraph 17, and on that basis deny these allegations.

19. Answering paragraph 18 of the Notice of Opposition, Applicants are without sufficient information and belief sufficient to admit or deny the allegations of paragraph 18, and on that basis deny these allegations.

20. Answering paragraph 19 of the Notice of Opposition, Applicants are without sufficient information and belief sufficient to admit or deny the allegations of paragraph 19, and on that basis deny these allegations.

21. Answering paragraph 20 of the Notice of Opposition, Applicants deny each and every allegation therein.

22. Answering paragraph 21 of the Notice of Opposition, Applicants deny each and every allegation therein.

23. Answering paragraph 22 of the Notice of Opposition, Applicants deny each and every allegation therein.

Affirmative Defenses

In further answer to the Notice of Opposition, Applicants asserts as separate and affirmative defenses that:

1. The Notice, and each paragraph thereof, taken individually or collectively, fails to state a basis for the relief sought.
2. Opposer lacks standing to oppose registration of the Mark in that, on information and belief, Opposer does not have rights, superior or otherwise, sufficient to support a likelihood of confusion claim.
3. Opposer lacks standing to oppose the Application in that Opposer is not likely to be damaged or injured by Applicant's use and registration of the Mark.
4. No likelihood of confusion, mistake or deception exists between the Mark and Opposer's assorted marks for "JUAN VALDEZ" for "coffee" and related goods, since "coffee" and "wine" are entirely distinct from one another. Applicants are the producers of high end "fine wines," intended for a particular segment of the wine drinking marketplace. On information and belief, there exist no instances of a fine wine producer also selling coffee under the same Mark. The reverse also applies to manufacturers of coffee, none of which also produce wines under a similar Mark. Coffee and wine are found in distinct International Classes (30 and 33), and this is consistent with their unique characteristics. There can be absolutely no confusion between these respective marks, since they concern products which could not be more distinct.
5. No likelihood of confusion, mistake or deception exists between the Mark and Opposer's assorted marks for "JUAN VALDEZ," since the parties' respective uses of their marks are decidedly different in sight, sound, spelling, and commercial impression. To the extent the "JUAN VALDEZ" trademark is known to the coffee purchasing public, it is intimately tied to

the image of a mustached farmer, with donkey in tow. This image has been actively promoted by Opposer, and very few consumers would think of anything else when hearing this mark. The connotation projected by Applicants' mark is entirely distinct from this image. As a grower of top flight wine grapes in the Northern California, the Mark VALDEZ FAMILY VINEYARDS projects an image of a family owned wine estate. Absent the term "JUAN," the mark "JUAN VALDEZ" would have no reasonable connection to coffee products (or any other goods for that matter). It is only through the image of the fictitious Columbian coffee farmer, that "JUAN VALDEZ" has any connection to coffee in the minds of consumers. There is no such connection to VALDEZ FAMILY VINEYARDS and coffee. In addition, the appearance and sound of the respective marks are very distinct as well.

6. No likelihood of confusion, mistake or deception exists between the parties' respective uses of their marks because the prospective purchasers for these respective services are sophisticated. On information and belief, Applicant Ulises Valdez began in the wine industry as an immigrant field worker when he was sixteen years of age, and steadily gained expertise over the next thirty years to become one of Sonoma's top wine grape growers. In fact, some of the top winemakers in the Sonoma region use Applicant's grapes, including Mark Aubert (known for his award winning "cult" Chardonnays). Those customers who seek out the wines of VALDEZ FAMILY VINEYARDS are typically those who are very knowledgeable about fine wines, and have very discriminating tastes. In fact, of all consumers, wine drinkers are known to be very sophisticated in their choice of wines. In addition, the price of fine wines (such as those sold by Applicants), tends to be quite high, especially when compared to "basic" consumer goods. Such wines are also often very difficult to locate, and are available only through the wineries themselves, or select wine outlets. Although the price for coffee is considerably less for than for

fine wines, the product still has many "connoisseurs," who seek out special coffee varieties and blends. On the basis of these distinctions, each set of prospective purchasers is sophisticated, and would immediately discern the difference between the respective Marks and their products.

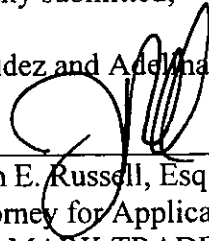
WHEREFORE, Applicant prays for relief and that the Notice of Opposition be dismissed in its entirety and that a registration issue to Applicant for the mark VALDEZ FAMILY VINEYARDS (Serial # 78/717,575)

DATED this 20th day of November, 2006.

Respectfully submitted,

Ulises Valdez and Adelina Valdez

By: _____


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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Applicant's Answer to Notice of Opposition** was mailed on November 20, 2006, first-class postage prepaid, to counsel for Opposer:

David J. Kera, Esq.
Oblon, Spivak, McClelland, Maier, & Neustadt, P.C.
1940 Duke Street
Alexandria, VA 22314

Date: _____

11/20/2006

John E. Russell, Esq.