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

Proceeding	91195671
Party	Defendant Clover-Stornetta Farms, Inc.
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Submission	Answer
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Signature	/Allison Fries/
Date	08/20/2010
Attachments	Clover Farmstead Answer to Opposition.pdf ( 5 pages )(44763 bytes )

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

In re: Trademark Application of )  
Clover-Stornetta Farms, Inc. )  
Mark: "CLOVER FARMSTEAD" )  
Serial No: 76/680,932 )  
Filed: August 20, 2007 )  
Published in the Official Gazette on )  
January 26, 2010 )  

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CLOVER FARMS DAIRY COMPANY, )  
Opposer, )  
vs. )  
CLOVER-STORNETTA FARMS, INC. )  
Applicant. )  

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**ANSWER TO OPPOSITION**

Opposition No. 91195671

**ANSWER TO OPPOSITION**

Applicant, CLOVER-STORNETTA FARMS, INC., a California Corporation ("Applicant") denies each and every allegation of the Notice of Opposition not expressly admitted herein and further answers the Notice of Opposition of CLOVER FARMS DAIRY COMPANY, a Pennsylvania corporation ("Opposer") as follows:

1. Applicant admits Paragraph 1 of the Notice of Opposition.

1           2.     Applicant is without adequate information and belief to admit or deny  
2 Paragraph 2 of the Notice of Opposition, and on that basis denies each and every  
3 allegation contained in said Paragraph 2 of the Notice of Opposition.

4           3.     Applicant is without adequate information and belief to admit or deny  
5 Paragraph 3 of the Notice of Opposition, and on that basis denies each and every  
6 allegation contained in said Paragraph 3 of the Notice of Opposition.

7           4.     Applicant is without adequate information and belief to admit or deny  
8 Paragraph 4 of the Notice of Opposition, and on that basis denies each and every  
9 allegation contained in said Paragraph 4 of the Notice of Opposition.

10          5.     Applicant is without adequate information and belief to admit or deny  
11 Paragraph 5 of the Notice of Opposition, and on that basis denies each and every  
12 allegation contained in said Paragraph 5 of the Notice of Opposition.

13          6.     Applicant is without adequate information and belief to admit or deny  
14 Paragraph 6 of the Notice of Opposition, and on that basis denies each and every  
15 allegation contained in said Paragraph 6 of the Notice of Opposition.

16          7.     Applicant denies Paragraph 7 of the Notice of Opposition, except as to the  
17 following statements contained therein “Opposer’s Mark and Applicant’s Mark each  
18 consist solely of text. Applicant’s Mark consists solely of two terms – “CLOVER  
19 FARMSTEAD.”

20          8.     Applicant denies Paragraph 8 of the Notice of Opposition.

21          9.     Applicant denies Paragraph 9 of the Notice of Opposition.

22          10.    Applicant is without adequate information and belief to admit or deny  
23 Paragraph 10 of the Notice of Opposition, and on that basis denies each and every  
24 allegation contained in said Paragraph 10 of the Notice of Opposition.

25          11.    Applicant denies Paragraph 11 of the Notice of Opposition.

26          12.    Applicant is without adequate information and belief to admit or deny  
27 Paragraph 12 of the Notice of Opposition, and on that basis denies each and every  
28 allegation contained in said Paragraph 12 of the Notice of Opposition.



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**FIFTH AFFIRMATIVE DEFENSE**

5. Opposer has abandoned use of its alleged mark.

**SIXTH AFFIRMATIVE DEFENSE**

6. Applicant hereby gives notice that it intends to rely upon any other defenses that may become available or apparent upon further investigation and/or discovery in this matter and hereby reserves its right to amend this answer to assert any such defense.

**SEVENTH AFFIRMATIVE DEFENSE**

7. Opposer has failed to state a cause of action upon which relief can be granted.

**EIGHTH AFFIRMATIVE DEFENSE**

8. Opposer has acquiesced to Applicant's use and registration of its mark.

WHEREFORE, Applicant prays for relief as follows:

- 1. That the Opposition be dismissed in its entirety, with prejudice;
- 2. That Applicant's Application proceed to registration; and
- 3. That Applicant be awarded such other and further relief as is just.

ANDERSON, ZEIGLER, DISHAROON,  
GALLAGHER & GRAY,

Date: August 20, 2010

By  /s/Allison C. Fries

Allison C. Fries

Catherine J. Banti, Esq. (Bar No. 222836)  
Allison C. Fries Esq. (Bar No. 260306)  
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Telephone: 707/545-4910  
Facsimile: 707/544-0260  
Attorneys for Applicant Clover-Stornetta  
Farms, Inc.

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**PROOF OF SERVICE**

I am a citizen of the United States and a resident of Sonoma County, California. I am over the age of 18 years and not a party to the within action. My business address is 50 Old Courthouse Square, 5<sup>th</sup> Floor, Santa Rosa, CA 95404 (P.O. Box 1498, Santa Rosa, CA 95402-1498).

On August 20, 2010, I served  a true copy  the original of the within **ANSWER TO OPPOSITION**, as follows:

**BY MAIL**

**BY FEDERAL EXPRESS**

By placing said document(s) in a sealed envelope with postage thereon (or Federal Express charges) fully prepaid, for collection and mailing, addressed as follows:

Tristram R. Fall, III, Esq.  
Edward L. Brandt, Esq.  
FOX ROTHCHILD LLP  
P.O. Box 5231  
Princeton, NJ 08543-5231  
Telephone: 215-299-2016

**BY PERSONAL SERVICE**

By causing said document(s) to be delivered to the offices of the addressee as set forth herein.

**BY FACSIMILE TRANSMISSION**

By sending said document(s) by facsimile transmission to the facsimile number set forth herein.

I am readily familiar with this firm's practice of collection and processing correspondence for mailing/Federal Express. It is deposited with the U.S. Postal Service or Federal Express depository on that same day in the ordinary course of business. I am aware that on motion of a party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 20, 2010, at Santa Rosa, California.

\_\_\_\_\_  
*/s/Virginia A. Kaderabek*  
Virginia A. Kaderabek