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

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|------------------------|---|
| Proceeding | 91198750 |
| Party | Defendant Sempio Food Service, Inc. |
| Correspondence Address | FREDERIC M. DOUGLAS 15333 CULVER DR STE 340 PMB 114 IRVINE, CA 92604-3051 fdouglas@cox.net |
| Submission | Answer |
| Filer's Name | Frederic M. Douglas |
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| Date | 04/04/2011 |
| Attachments | Fontana_Answer_to_Opposition_April_4_2011.pdf (5 pages)(13158 bytes) |

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

Cargill, Incorporated,

Opposer,

- against -

Sempio Food Service, Inc.,

Applicant.

In the Matter of Opposition No. 91198750
For the mark: Fontana & Design

Serial No. 85-022,361

ANSWER TO NOTICE OF OPPOSITION

Applicant, Sempio Food Services, Inc. (“Sempio” or “Applicant”), hereby files this answer to Cargill, Incorporated’s Notice of Opposition (“Opposition”) filed on February 25, 2011.

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 1 of the Opposition and, therefore, denies the allegations of this paragraph.

2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 2 of the Opposition and, therefore, denies the allegations of this paragraph.

3. Applicant admits that on June 30, 2009 the United States Patent & Trademark Office registered a stylized mark containing the words, “Fontina Foods”, under Registration No. 3,648,878. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining averments of paragraph 3 of the Opposition and, therefore, denies the remaining allegations of this paragraph.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 4 of the Opposition and, therefore, denies the allegations of this paragraph.

5. Applicant admits that on March 10, 2009 the United States Patent & Trademark Office registered a word mark containing the words, "Fontina Foods", under Registration No. 3,587,701. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining averments of paragraph 5 of the Opposition and, therefore, denies the remaining allegations of this paragraph.

6. Applicant admits that Application Serial No. 77-652,218 is presently pending registration before the United States Patent & Trademark Office. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining averments of paragraph 6 of the Opposition and, therefore, denies the remaining allegations of this paragraph.

7. Applicant admits that Application Serial No. 77-652,216 is presently pending registration before the United States Patent & Trademark Office. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining averments of paragraph 7 of the Opposition and, therefore, denies the remaining allegations of this paragraph.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 8 of the Opposition and, therefore, denies the allegations of this paragraph.

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 9 of the Opposition and, therefore, denies the allegations of this paragraph.

10. Registration of the mark should be cancelled because the Registrant Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 10 of the Opposition and, therefore, denies the allegations of this paragraph.

11. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 11 of the Opposition and, therefore, denies the allegations of this paragraph.

12. Admit.

13. Admit.

14. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 14 of the Opposition and, therefore, denies the allegations of this paragraph.

15. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 15 of the Opposition and, therefore, denies the allegations of this paragraph.

16. Applicant admits that Opposer purports to incorporate paragraphs 1-15 by reference.

17. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 17 of the Opposition and, therefore, denies the allegations of this paragraph.

18. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 18 of the Opposition and, therefore, denies the allegations of this paragraph.

19. Deny.

20. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 20 of the Opposition and, therefore, denies the allegations of this paragraph.

21. Deny.

22. Deny.

23. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 23 of the Opposition and, therefore, denies the allegations of this paragraph.

24. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 24 of the Opposition and, therefore, denies the allegations of this paragraph.

25. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 25 of the Opposition and, therefore, denies the allegations of this paragraph.

26. Deny.

WHEREFORE, Applicant prays that the Opposition be dismissed.

Please direct all correspondence to Applicant's counsel, Frederic M. Douglas at the below-state address

Dated: April 4, 2011

Respectfully Submitted,

/s/ Frederic M. Douglas
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CERTIFICATE OF SERVICE

This certifies that a copy of the Answer to Notice of Opposition was served this 4th day of April 2011 by Express Mail (EG822571355US) upon counsel for Opposer:

William D. Schultz
Merchant & Gould, Inc.
P.O. Box 2910
Minneapolis, Minnesota 55402-0910

/s/ Frederic M. Douglas
Frederic M. Douglas

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