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

Proceeding	91200843
Party	Defendant La Rioja Import & Export, LLC
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

OPPOSITION NO.: 91200843

Applicant: La Rioja Import & Export, LLC

Serial No.: 77/910,862

Filing Date: January 13, 2010

Mark: LA RIOJA

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CONSEJO REGULADOR de la  
DENOMINACION de ORIGEN RIOJA,

Opposer,  
vs.

La Rioja Import & Export, LLC,

Applicant.

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**APPLICANT'S ANSWER AND AFFIRMATIVE DEFENSES**

COMES NOW, Applicant, La Rioja Import & Export, LLC, by and through undersigned counsel, and files this Answer and Affirmative Defenses to the complaint filed by Opposer, CONSEJO REGULADOR de la DENOMINACION de ORIGEN RIOJA, and states:

**ANSWER**

1. Applicant is without knowledge or information sufficient to form a belief as to the truth.

2. Applicant is without knowledge or information sufficient to form a belief as to the truth.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth.
4. Applicant is without knowledge or information sufficient to form a belief as to the truth.
5. Admitted
6. Applicant is without knowledge or information sufficient to form a belief as to the truth.
7. Applicant is without knowledge or information sufficient to form a belief as to the truth.
8. Denied
9. Denied
10. Denied.
11. Denied
12. Denied
13. Denied
14. Denied

#### **AFFIRMATIVE DEFENSES**

1. Applicant's mark "LA RIOJA" is distinct and eligible for registration on the Principal Register pursuant to U.S. trademark law.

2. Applicant's mark "LA RIOJA" is distinct and eligible for registration on the Principal Register pursuant to U.S. trademark law by making minor restrictions to the identification of goods
3. Registration of Applicant's mark "LA RIOJA" will not cause any confusion in the marketplace as to the source of goods.
4. Applicant's mark "LA RIOJA" was not created or used with the intent to palm off or dilute Opposer's mark "RIOJA" .
5. Applicant's mark "LA RIOJA" and any mark used by the Opposer involve products that are in different streams of commerce and therefore the likelihood of confusion is non-existent.

Respectfully submitted,

**THE LAW OFFICE OF JERRY D. HAYNES, P.A.**

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## PROOF OF FILING AND SERVICE

The undersigned hereby certifies that the foregoing Answer and Affirmative Defenses was filed online via ESTTA and served on Opposer on this 25<sup>th</sup> day of October, 2011 via email and U.S. Mail to:

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