

ESTTA Tracking number: **ESTTA506891**

Filing date: **11/20/2012**

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

Proceeding	91207443
Party	Defendant Red Mountain Viticulture, LLC
Correspondence Address	ANNE W. GLAZER STOEL RIVES LLP 900 SW 5TH AVE STE 2600 PORTLAND, OR 97204-1268 TM-PDX@STOEL.COM
Submission	Answer
Filer's Name	Steven E. Klein
Filer's e-mail	seklein@stoel.com, awglazer@stoel.com, PPHARTIGAN@stoel.com, tm-pdx@stoel.com
Signature	/s Steven E. Klein/
Date	11/20/2012
Attachments	Answer to Notice of Opposition.pdf (5 pages)(23748 bytes)

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

In the Matter of Trademark Application Ser. No. 85/460,699
For the mark AMBASSADOR VINEYARD
Published on April 17, 2012

Hanzell Vineyards, Ld.,

Opposer

v.

Red Mountain Viticulture,

Applicant.

Opposition No. 91207443

ANSWER TO NOTICE OF OPPOSITION

For its answer to Opposer's Notice of Opposition (the "Opposition"), Applicant responds as follows:

With respect to the first unnumbered introductory paragraph of the Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth or falsity of the averments contained in this paragraph pertaining to Opposer, its form of organization, or its principal place of business and therefore denies those allegations. Applicant denies the remaining averments and specifically denies that Opposer will be damaged by registration of Applicant's Mark.

With respect to the numbered paragraphs of the Opposition, Applicant responds as follows:

1. Admit.
2. Admit..

3. Applicant is without sufficient knowledge or information to form a belief as to the truth or falsity of the averments contained in Paragraph 3 of the Opposition and therefore denies those allegations.

4. Admit that the U.S. Patent and Trademark Office's TSDR database reflects the filing of an application in Opposer's name to register AMBASSADOR'S 1953 VINEYARD for "wine" in International Class 33, that the application was assigned Serial No. 85/730,979, and that copies of pages relating to Opposer's application printed from TSDR appear to be attached as Exhibit A to the Opposition. Applicant is without sufficient knowledge or information to form a belief as to the truth or falsity of the remaining averments contained in Paragraph 4 of the Opposition and therefore denies those allegations.

5. Applicant is without sufficient knowledge or information to form a belief as to the truth or falsity of the averments contained in Paragraph 5 of the Opposition and therefore denies those allegations.

6. Admit that Applicant filed Application Serial No. 85/460,699 for AMBASSADOR VIENYARD on October 31, 2011, as an intent-to-use application based on Section 1(b) of the Lanham Act. Applicant is without sufficient knowledge or information to form a belief as to the truth or falsity of the remaining averments contained in Paragraph 6 of the Opposition and therefore denies those allegations.

7. Admit that AMBASSADOR is the dominant portion of Applicant's AMBASSADOR VINEYARD mark. Applicant denies the remaining averments of paragraph 7 and specifically denies that Applicant's mark is confusingly similar to Opposer's mark.

8. Deny that Applicant's mark creates a similar commercial impression as Opposer's mark or that consumers are likely to assume that Applicant's mark is associated with Opposer's

mark and wines. Applicant is without sufficient knowledge or information to form a belief as to the truth or falsity of the remaining averments contained in Paragraph 8 of the Opposition and therefore denies those allegations.

9. Admit.

10. Admit that Opposer has not licensed, approved or otherwise authorized Applicant's use of the AMBASSADOR VINEYARD mark, but deny that Applicant has any legal obligation to obtain Opposer's license, approval or authorization to use the AMBASSADOR VINEYARD mark. Applicant specifically denies that consumers are likely to believe that Opposer has licensed, approved or otherwise authorized Applicant's use of the AMBASSADOR VINEYARD mark. Applicant is without sufficient knowledge or information to form a belief as to the truth or falsity of the remaining averments contained in Paragraph 10 of the Opposition and therefore denies those allegations.

11. Deny.

12. Admit that registration of Applicant's proposed mark will grant Applicant a *prima facie* exclusive right to use the proposed mark with the goods recited in the Application. Applicant specifically denies that Applicant's mark will cause a likelihood of confusion or injury to Opposer's goodwill. Applicant is without sufficient knowledge or information to form a belief as to the truth or falsity of the remaining averments contained in Paragraph 12 of the Opposition and therefore denies those allegations.

13. Deny.

WHEREFORE, Applicant respectfully requests that the Opposition be dismissed and judgment be entered in its favor.

Dated: November 20, 2012

Respectfully Submitted,

/s Steven E. Klein/

Anne W. Glazer
Steven E. Klein
STOEL RIVES LLP
900 SW Fifth Avenue, Ste. 2600
Portland, Oregon 97204
(503) 294-9138

Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **ANSWER TO NOTICE OF OPPOSITION** on the following named persons on the date indicated below by:

- mailing with postage prepaid
- hand delivery
- facsimile transmission
- overnight delivery
- e-mail attachment in PDF format

to said persons a true copy thereof, contained in a sealed envelope, addressed to said persons' last-known address indicated below.

Susan E. Hollander
Jocelyn M. Belloni
K&L Gates
630 Hansen Way
Palo Alto, CA 94304

Attorneys for Petitioner

DATED: November 20, 2012

/s Steven E. Klein/
Steven E. Klein