

ESTTA Tracking number: **ESTTA631703**

Filing date: **10/08/2014**

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

Proceeding	91215114
Party	Defendant Stillhouse Vineyards, LLC
Correspondence Address	PHILIP CARTER STROTHER STROTHER LAW OFFICES, PLC 15 E FRANKLIN ST RICHMOND, VA 23219-2105 UNITED STATES pstrother@strotherlaw.com;jthomas@strot
Submission	Answer
Filer's Name	Jarrod A. Thomas
Filer's e-mail	jthomas@strotherlaw.com, pstrother@strotherlaw.com
Signature	/Jarrod A. Thomas/
Date	10/08/2014
Attachments	Shirley Plantation Answer.pdf(164233 bytes )

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

In the matter of Application Serial No. 85/947,562: SHIRLEY PLANTATION  
Published in the Official Gazette on October 29, 2013

SHIRLEY PLANTATION, LLC  
and  
UPPER SHIRLEY VINEYARDS, LLC

Opposers,

v.

STILLHOUSE VINEYARDS, LLC

Applicant.

Opposition No.: 91215114

Application No: 85/947,562

Mark: SHIRLEY PLANTATION

**ANSWER TO OPPOSER'S AMENDED OPPOSITION**

Stillhouse Vineyards, LLC ("Applicant") answers Shirley Plantation, LLC's and Upper Shirley Vineyard's (collectively "Opposers") Notice of Opposition as follows:

1. Paragraph 1 is admitted.
2. Paragraph 2 is admitted.
3. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 3 and therefore denies the same.
4. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 4 and therefore denies the same.
5. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 5 and therefore denies the same.

6. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 6 and therefore denies the same.

7. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 7 and therefore denies the same.

8. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph.

9. Paragraph 9 is admitted.

10. Paragraph 10 is admitted.

11. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 11 and therefore denies the same.

12. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 12 and therefore denies the same.

13. Upon information and belief, Applicant denies that Opposers have ever produced wine. Applicant is without knowledge or information sufficient to form a belief as to the remainder of the allegations of Paragraph 13 and therefore denies the same.

14. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 13 and therefore denies the same.

15. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 13 and therefore denies the same.

16. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 13 and therefore denies the same.

17. Upon information and belief, Applicant denies that Opposers have ever produced wine. Applicant neither admits nor denies the remainder of paragraph 17, lacking sufficient information upon which to answer, and leaves Opposers to their proofs.

18. Applicant neither admits nor denies paragraph 18, lacking sufficient information upon which to answer, and leaves Opposers to their proofs.

19. Applicant neither admits nor denies paragraph 19, lacking sufficient information upon which to answer, and leaves Opposers to their proofs.

20. Applicant neither admits nor denies paragraph 20, lacking sufficient information upon which to answer, and leaves Opposers to their proofs.

21. Applicant neither admits nor denies paragraph 21, lacking sufficient information upon which to answer, and leaves Opposers to their proofs.

22. Upon information and belief, Applicant denies that Opposers have ever produced wine. Applicant neither admits nor denies the remainder of paragraph 22, lacking sufficient information upon which to answer, and leaves Opposers to their proofs.

23. Upon information and belief, Applicant denies that Opposers have ever produced wine. Applicant neither admits nor denies the remainder of paragraph 23, lacking sufficient information upon which to answer, and leaves Opposers to their proofs.

24. Applicant admits that Upper Shirley Vineyards, LLC made an intent to use filing on November 25, 2013, after Applicants filing.

25. Applicant admits that Shirley Plantation, LLC holds the mark Shirley Plantation solely in regards to International Class 41 for museum services and International Class 35 for gift shop services.

26. Paragraph 26 is denied.

27. Applicant admits that Upper Shirley Vineyards, LLC filed an intent to use application on November 25, 2013, after Applicant's filing.

28. Paragraph 28 is admitted in regards to the suspension of Upper Shirley's application. The remainder of Paragraph 28 is denied.

29. Paragraph 29 is admitted.

30. Paragraph 30 is admitted.

31. Paragraph 31 is admitted to the extent that it provides a description of the label, and denied to the extent it draws conclusions.

32. Paragraph 32 refers to documents which speak for themselves. Applicant neither admits nor denies the remainder of paragraph 23, lacking sufficient information upon which to answer, and leaves Opposers to their proofs.

33. Paragraph 33 is admitted.

34. Paragraph 34 is denied.

35. Paragraph 35 is denied.

36. Paragraph 36 is denied.

37. Paragraph 37 is denied.

38. Paragraph 38 is denied.

39. Paragraph 39 is denied.

40. Paragraph 40 requires no response.

Respectfully submitted,

Philip Carter Winery, et al.  
By Counsel



---

Philip Carter Strother

Jarrold A. Thomas

Strother Law Offices, P.L.C.

The Hillyard-Maury House

15 East Franklin Street

Richmond, Virginia 23219

Telephone: 804-523-2000

Facsimile: 804-523-2008

[pstrother@strotherlaw.com](mailto:pstrother@strotherlaw.com)

[jthomas@strotherlaw.com](mailto:jthomas@strotherlaw.com)

Attorneys for Applicantf

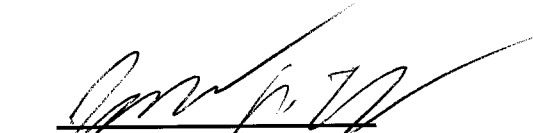
**CERTIFICATE OF ELECTRONIC TRANSMISSION**

The undersigned hereby certifies that on this 8th day of October 2014, the foregoing *Answer to Opposer's Notice of Opposition* was deposited with the United States Patent and Trademark Office, Trademark Trial and Appeal Board via electronic filing through their website at <http://esta.uspto.gov/>.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 8th day of October 2014, the foregoing *Answer to Opposer's Notice of Opposition* was served upon Opposers by delivering a true and correct copy of same to counsel for Opposers via electronic mail and first class mail, certified, return receipt requested, as follows:

Michael W. Vary  
Kristen M. Hoover  
McCarthy, Lebit, Crystal & Liffman, Co., L.P.A.  
101 West Prospect Ave. Suite 1800  
Cleveland, Ohio 44115  
[mwv@mccarthylebit.com](mailto:mwv@mccarthylebit.com)  
[kmh@mccarthylebit.com](mailto:kmh@mccarthylebit.com)  
Attorneys for Opposers

  
Jarrod A. Thomas  
Strother Law Offices, PLC  
Attorney for Applicant