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

Proceeding	91219049
Party	Defendant Natural Selection 357, LLC
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Date	12/05/2014
Attachments	GB CRANE v Beckstoffer Answer.pdf(45137 bytes)

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

3
4 BECKSTOFFER VINEYARDS,

5 Opposer,

6 v.

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8 NATURAL SELECTION 357, LLC,

9 Applicant.

OPPOSITION NO. 91219049

Serial No. 85/956,881

Filed: June 11, 2013

Mark: G.B. CRANE

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12 **ANSWER AND GROUNDS OF DEFENSE**

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14 COMES NOW, Natural Selection 357, LLC, with an address at 1556 Parkside Drive, Walnut Creek, CA
15 94596 (hereinafter, “Applicant”) and files its Answer and Grounds of Defense to Beckstoffer Vineyards’
16 (hereinafter, “Opposer”) Notice of Opposition and in response to Opposer’s allegations states as follows:

17 **ANSWER**

18 Applicant does not have sufficient knowledge or information to form a belief as to the allegations set
19 forth in the First Introductory Paragraph and therefore denies the allegations contained therein.

20 1. Applicant does not have sufficient knowledge or information to form a belief as to the
21 allegations set forth in Paragraph 1 and therefore denies the allegations contained therein.

22 2. Applicant does not have sufficient knowledge or information to form a belief as to the
23 allegations set forth in Paragraph 2 and therefore denies the allegations contained therein.

24 3. Applicant does not have sufficient knowledge or information to form a belief as to the
25 allegations set forth in Paragraph 3 and therefore denies the allegations contained therein.

26 4. Applicant does not have sufficient knowledge or information to form a belief as to the
27 allegations set forth in Paragraph 4 and therefore denies the allegations contained therein.
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1 5. Applicant does not have sufficient knowledge or information to form a belief as to the
2 allegations set forth in Paragraph 5 and therefore denies the allegations contained therein.

3 6. Applicant does not have sufficient knowledge or information to form a belief as to the
4 allegations set forth in Paragraph 6 and therefore denies the allegations contained therein.

5 7. Applicant does not have sufficient knowledge or information to form a belief as to the
6 allegations set forth in Paragraph 7 and therefore denies the allegations contained therein.

7 8. Applicant does not have sufficient knowledge or information to form a belief as to the
8 allegations set forth in Paragraph 8 and therefore denies the allegations contained therein.

9 9. Applicant does not have sufficient knowledge or information to form a belief as to the
10 allegations set forth in Paragraph 9 and therefore denies the allegations contained therein.

11 10. Applicant does not have sufficient knowledge or information to form a belief as to the
12 allegations set forth in Paragraph 10 and therefore denies the allegations contained therein.

13 11. Applicant does not have sufficient knowledge or information to form a belief as to the
14 allegations set forth in Paragraph 11 and therefore denies the allegations contained therein.

15 12. Applicant does not have sufficient knowledge or information to form a belief as to the
16 allegations set forth in Paragraph 12 and therefore denies the allegations contained therein.

17 13. Applicant does not have sufficient knowledge or information to form a belief as to the
18 allegations set forth in Paragraph 13 and therefore denies the allegations contained therein.

19 14. Applicant admits that it filed its U.S. Application Serial No. 85/956,881 on June 11, 2013 for
20 G.B. CRANE based on an intent-to-use the mark in commerce under Section 1(b) of the Trademark Act for
21 “wines” and “Vineyard and winery services, namely, the cultivation of grapes for others.” As to each of the
22 remaining allegations in Paragraph 14, Applicant does not have sufficient knowledge or information to form a
23 belief as to the allegations and therefore denies the allegations contained therein.

24 15. Paragraph 15 contains legal conclusions to which no response is required. To the extent a
25 response is required, Applicant does not have sufficient knowledge or information to form a belief as to the
26 allegations contains in Paragraph 15 and therefore denies the allegations contained therein.
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1 16. Applicant admits that its U.S. Application Serial No. 85/956,881 covers “wines” and “Vineyard
2 and winery services, namely, the cultivation of grapes for others.” As to each of the remaining allegations in
3 Paragraph 16, Applicant does not have sufficient knowledge or information to form a belief as to the allegations
4 and therefore denies the allegations contained therein.

5 17. Applicant admits that its mark G.B. CRANE refers to Dr. George Belden Crane, who originally
6 planted vines on its property. As to each of the remaining allegations in Paragraph 17, Applicant does not have
7 sufficient knowledge or information to form a belief as to the allegations and therefore denies the allegations
8 contained therein.

9 18. Applicant admits that it is using the mark G.B. Crane in connection with the sale of wines.
10 Applicant admits that it or its affiliates is the registrant of the domain name “gbcrane.com.” As to each of the
11 remaining allegations in Paragraph 18, Applicant does not have sufficient knowledge or information to form a
12 belief as to the allegations and therefore denies the allegations contained therein.

13 19. Applicant admits that it uses a stylized form of the mark G.B. CRANE in connection with the
14 sale of wines. As to each of the remaining allegations in Paragraph 19, Applicant does not have sufficient
15 knowledge or information to form a belief as to the allegations and therefore denies the allegations contained
16 therein.

17 20. Applicant does not have sufficient knowledge or information to form a belief as to the
18 allegations set forth in Paragraph 20 and therefore denies the allegations contained therein.

19 21. Applicant admits that its mark G.B. CRANE refers to Dr. George Belden Crane. As to each of
20 the remaining allegations in Paragraph 21, Applicant does not have sufficient knowledge or information to form
21 a belief as to the allegations and therefore denies the allegations contained therein.

22 22. Applicant denies the allegations set forth in paragraph 22 in their entirety.

23 23. Applicant admits that it purchased approximately eight acres of vineyard property in St. Helena,
24 California that was planted by Dr. George Belden Crane. As to each of the remaining allegations in Paragraph
25 23, Applicant does not have sufficient knowledge or information to form a belief as to the allegations and
26 therefore denies the allegations contained therein.
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1 24. Applicant does not have sufficient knowledge or information to form a belief as to the
2 allegations set forth in Paragraph 24 and therefore denies the allegations contained therein.

3 25. Applicant admits that it is using the mark G.B. Crane in connection with the sale of wines
4 produced with grapes from its vineyard in St. Helena. As to each of the remaining allegations in Paragraph 25,
5 Applicant does not have sufficient knowledge or information to form a belief as to the allegations and therefore
6 denies the allegations contained therein.

7 26. Applicant does not have sufficient knowledge or information to form a belief as to the
8 allegations set forth in Paragraph 26 and therefore denies the allegations contained therein.

9 27. Applicant admits that its mark G.B. CRANE refers to Dr. George Belden Crane and that it is
10 using the mark G.B. Crane in connection with the sale of wines produced with grapes from its vineyard in St.
11 Helena. As to each of the remaining allegations in Paragraph 27, Applicant does not have sufficient knowledge
12 or information to form a belief as to the allegations and therefore denies the allegations contained therein.

13 28. Applicant admits that it filed a Response to Office Action dated March 12, 2014 with the U.S.
14 Patent and Trademark Office during the prosecution of its U.S. Application Serial No. 85/956,881. Applicant
15 admits that the excerpted statements were included in its Response to Office Action dated March 12, 2014. As
16 to each of the remaining allegations in Paragraph 28, Applicant does not have sufficient knowledge or
17 information to form a belief as to the allegations and therefore denies the allegations contained therein.

18 29. Applicant denies the allegations set forth in paragraph 29 in their entirety.

19 30. Paragraph 30 contains legal conclusions to which no response is required. To the extent a
20 response is required, Applicant denies the allegations set forth in paragraph 30 in their entirety.

21 31. Paragraph 31 contains legal conclusions to which no response is required. To the extent a
22 response is required, Applicant does not have sufficient knowledge or information to form a belief as to the
23 allegations contains in Paragraph 31 and therefore denies the allegations contained therein.

24 32. Paragraph 32 contains legal conclusions to which no response is required. To the extent a
25 response is required, Applicant does not have sufficient knowledge or information to form a belief as to the
26 allegations contains in Paragraph 32 and therefore denies the allegations contained therein.
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1 In view of the foregoing, Applicant contends that this Opposition is groundless and baseless in fact; that
2 Opposer has not shown wherein it will be, or is likely to be damaged by the registration of Applicant's mark;
3 that Applicant's mark is manifestly distinct from any alleged mark of the Opposer and Applicant prays that this
4 Opposition be dismissed and that Applicant be granted registration of its mark.

5 December 5, 2014

Respectfully Submitted,

6 By: /Daniel A. Reidy/
7 Daniel A. Reidy
8 *Attorney for Applicant*

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Answer and Grounds of Defense has been served on Barry J. Parker, counsel for Beckstoffer Vineyards, by mailing said copy on December 5, 2014, via First Class Mail, postage prepaid to Parker Rightside IP Law, 80 N. Cabrillo Highway, Suite Q #505, Half Moon Bay, CA 94019.

December 5, 2014

By: /Daniel A. Reidy/
Daniel A. Reidy
Attorney for Applicant

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