

ESTTA Tracking number: **ESTTA711375**

Filing date: **11/30/2015**

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

Proceeding	91222458
Party	Defendant OMEGA VALLEY FARMERS, LLC, AGRICULTURAL OMEGA SOLUTIONS, LLC
Correspondence Address	JOSEPH S. HEINO DAVIS & KUELTHAU, S.C. 111 E KILBOURN AVE STE 1400 MILWAUKEE, WI 53202-6613 UNITED STATES jheino@dkattorneys.com
Submission	Answer
Filer's Name	Patrick M. Bergin
Filer's e-mail	pbergin@dkattorneys.com
Signature	/Patrick M. Bergin/
Date	11/30/2015
Attachments	Answer - Filed (12347936).pdf(15168 bytes)

1. Applicants do not have sufficient knowledge or information concerning the allegations in paragraph 1 of the Notice of Opposition and therefore deny the allegations in paragraph 1.

2. Applicants do not have sufficient knowledge or information concerning the allegations in paragraph 2 of the Notice of Opposition and therefore deny the allegations in paragraph 2.

3. Applicants admit that the Registration No. 3,529,330 for OMEGA FARMS was cancelled due to Opposer's failure to file an acceptable declaration under Section 8 and deny that the Registration No. 3,529,330 included dairy products in class 29. Applicants admit that Registration No. 3,283,104 was cancelled on June 5, 2015 due to Opposer's failure to file an acceptable declaration under Section 8. Applicants deny the remainder of the allegations in paragraph 3 of the Notice of Opposition

4. Applicants admit that Serial No. 86/318,628 is for the mark OMEGA FARMS mark and that Serial No. 86/318,640 is for the mark OMEGA FARMS (and design) and deny the remainder of the allegations in paragraph 4 of the Notice of Opposition

5. Applicants deny the allegations in paragraph 5 of the Notice of Opposition

AFFIRMATIVE DEFENSES

1. As a first Affirmative Defense, Applicants allege that the Opposer has failed to state a claim upon which relief can be granted.

2. As a second Affirmative Defense, Applicants allege that Applicants' OMEGA VALLEY FARMERS mark, when applied to the goods identified in Application Serial No. 85/518,752, is sufficiently distinctive so that there is no likelihood of confusion with any of the marks applied for by the Opposer.

CERTIFICATE OF MAILING

I hereby certify that a true and complete copy of the foregoing Omega Valley Farmers, LLC, and Agricultural Omega Solutions, LLC, answer to Notice of Opposition has been served on counsel for Omega Farms, Inc. by mailing said copy on November 30, 2015, via First Class Mail, postage prepaid, to:

Donald L. Bartels
Bartels Law Group
PO BOX 1999
Burlingame, CA 94011

/Linda Brick/
Lina Bricko

November 30, 2015
Date