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

Proceeding	91237743
Party	Defendant Vino & Vinyl LLC
Correspondence Address	KEVAL PATEL LAW OFFICE OF KEVAL PATEL PC 19855 SOUTHWEST FREEWAY STE 330 SUGARLAND, TX 77479 UNITED STATES kpatel@patel-law.com, lmackay@patel-law.com 281-313-5300
Submission	Answer
Filer's Name	Keval Patel
Filer's email	kpatel@patel-law.com, lmackay@patel-law.com
Signature	/s/ Keval Patel
Date	11/27/2018
Attachments	Answer.pdf(129728 bytes )

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

**HRHH IP, LLC & JC Hospitality, LLC  
(by assignment)  
Opposer**

**Opposition No. 91237743**

**v.**

**Serial No. 87/772,461**

**Vino & Vinyl, LLC  
Applicant**

**Mark: Vino & Vinyl**

**ANSWER OF VINO AND VINYL, LLC**

Applicant Vino & Vinyl, LL (“Vino”) by and through its attorney of record, hereby answers the notice of opposition (the “opposition”) filed by HRHH IP, LLC & JC Hospitality, LLC, by assignment (“HRHH”) as follows. To the extent not explicitly admitted, all allegations in the opposition are denied

**ANSWER**

1. Vino lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 1 and, on that basis denies them.

2. The materials referenced in Paragraph 2 speak for themselves, and to the extent the allegations in Paragraph 2 vary therewith, Vino denies them. Vino denies any all remaining allegation and/or legal conclusions contained in Paragraph 2.

3. The materials referenced in Paragraph 3 speak for themselves, and to the extent the allegations in Paragraph 3 vary therewith, Vino denies them. Vino denies any all remaining allegation and/or legal conclusions contained in Paragraph 3.

4. The materials referenced in Paragraph 4 speak for themselves, and to the extent the allegations in Paragraph 4 vary therewith, Vino denies them. Vino denies any all remaining allegation and/or legal conclusions contained in Paragraph 4

5. Vino admits the information contained in Paragraph 5.

6. Vino admits the information contained in Paragraph 6.

7. Paragraph 7 does not require a response.

8. Vino denies the information contained in Paragraph 8.

9. Vino denies the information contained in Paragraph 9.

10. Vino denies the information contained in Paragraph 10.

11. Paragraph 11 does not require a response.

12. Vino denies the information contained in Paragraph 12.

13. Vino denies the information contained in Paragraph 13.

14. Vino denies the information contained in Paragraph 14.

15. Vino denies the information contained in Paragraph 15.

#### **AFFIRMATIVE DEFENSES**

Vino undertakes the burden of proof only as to those defenses deemed affirmative defenses by law, regardless of how such defenses are denominated below. Vino expressly reserves the right to plead additional affirmative and other defenses should any such defenses be revealed by discovery in this case. As and for its affirmative and other defenses, Vino states as follows:

#### **First Affirmative Defense**

The notice of opposition fails to state a claim upon which relief can be granted.

### **Second Affirmative Defense**

There is no likelihood of confusion, mistake, or deception between opposer's mark and Vino's mark.

### **Third Affirmative Defense**

Vino alleges on information and belief that as a result of opposer's own acts and/or omissions, the opposition is barred by the doctrine of laches.

### **Fourth Affirmative Defense**

Vino alleges on information and belief that the opposition is barred by the doctrine of estoppel.

### **Fifth Affirmative Defense**

Vino alleges on information and belief that as a result of its own acts and omissions, opposer has waived any right to pursue its opposition.

### **Sixth Affirmative Defense**

Vino alleges on information and belief that the opposition is barred by the doctrine of acquiescence.

### **Seventh Affirmative Defense**

Vino alleges on information and belief that the opposition is barred by the doctrine of unclean hands.

### **Eighth Affirmative Defense**

Any and all acts alleged to have been committed by Vino were performed with lack of knowledge and lack of willful intent.

**PRAYER**

Wherefore, Vino requests that the notice of opposition be dismissed with prejudice,  
together with whatever other relief the Board may deem appropriate

DATED: November 27, 2018

Law Office of Keval Patel, PC

/s/ Keval Patel  
State Bar No. 24052895  
19855 Southwest Freeway, Suite 330  
Sugar Land, Texas 77478  
Tel: 281-313-5300  
Fax: 281-313-5305  
kpatel@patel-law.com  
ATTORNEY FOR VINO & VINYL, LLC

**CERTIFICATE OF SERVICE**

This is to certify that on this \_\_\_\_\_ day of November 2018, a true and correct copy of the foregoing document was served via e-service upon all parties of record.

Jill Pietrini  
1901 Avenue of the Stars 16<sup>th</sup> Floor  
Los Angeles, CA 90067

/s/ Keval Patel  
Keval Patel