

ESTTA Tracking number: **ESTTA920126**

Filing date: **09/05/2018**

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

Proceeding	91242143
Party	Defendant E. & J. Gallo Winery
Correspondence Address	MICHAEL J SALVATORE HOLMES WEINBERG PC 30765 PACIFIC COAST HIGHWAY SUITE 411 MALIBU, CA 90265 UNITED STATES msalvatore@holmesweinberg.com, hwtrademarks@gmail.com no phone number provided
Submission	Answer
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Date	09/05/2018
Attachments	2018.09.04_Answer re SENSI - 91242143.pdf(87096 bytes)

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

In re App. Serial No. 87/730,890

Sensi Vigne & Vini S.R.L.,

Opposer,

v.

E. & J. Gallo Winery,

Applicant.

Opposition No. 91242143

ANSWER

TO: ASSISTANT COMMISSIONER FOR TRADEMARKS
BOX TTAB –FEE
2900 Crystal Drive
Arlington, VA 22202-3513

Applicant E. & J. Gallo Winery (“Applicant”), by its attorneys Holmes Weinberg, P.C., hereby answers the Notice of Opposition (the “Opposition”) filed by Sensi Vigne & Vini S.R.L. (“Opposer”) in this matter as follows:

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the preamble Paragraph of the Opposition, and therefore denies the same.
2. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 1 of the Opposition, and therefore denies the same.
3. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 2 of the Opposition, and therefore denies the same.

4. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 3 of the Opposition, and therefore denies the same.
5. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 4 of the Opposition, and therefore denies the same.
6. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 5 of the Opposition, and therefore denies the same.
7. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 6 of the Opposition, and therefore denies the same, noting that the term “mark” as used in Paragraph 6 of the Opposition is not a defined term such that Paragraph 6 of the Opposition is unintelligible.
8. Applicant denies the allegations set forth in Paragraph 7 of the Opposition.
9. Applicant denies the allegations set forth in Paragraph 8 of the Opposition.
10. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 9 of the Opposition, and therefore denies the same.
11. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 10 of the Opposition, and therefore denies the same.
12. Applicant denies the allegations set forth in Paragraph 11 of the Opposition.
13. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 12 of the Opposition, and therefore denies the same.
14. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 13 of the Opposition, and therefore denies the same.
15. Applicant admits that as of the date of this Answer, Applicant is aware of the marks that are the subject of USPTO Reg. Nos. 2380123, 4676944, 4824537, 4848506 and 4374139,

and lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 14 of the Opposition, and therefore denies the same.

16. Applicant denies the allegations set forth in Paragraph 15 of the Opposition.
17. Applicant denies the allegations set forth in Paragraph 16 of the Opposition.
18. Applicant denies the allegations set forth in Paragraph 17 of the Opposition.
19. Applicant denies the allegations set forth in Paragraph 18 of the Opposition.
20. Applicant denies the allegations set forth in Paragraph 19 of the Opposition.
21. Applicant denies the allegations set forth in Paragraph 20 of the Opposition that “consumers will undoubtedly believe that the Applicant’s products are sold by, affiliated with, or sponsored or endorsed by the Opposer,” admits the allegation “which they are not,” and lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 20 of the Opposition, and therefore denies the same.
22. Applicant denies the allegations set forth in Paragraph 21 of the Opposition.
23. Applicant denies the allegations set forth in the closing Paragraph of the Opposition.

Affirmative Defenses

1. Opposer has failed to state any claim upon which relief may be granted.
2. The marks at issue are not similar in appearance, sound, meaning or connotation and confusion is not likely.

Dated: September 5, 2018

Respectfully submitted,

By: /s/ Michael J. Salvatore
Michael J. Salvatore

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Attorneys for Applicant E. & J. Gallo Winery

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing ANSWER was served by email to Opposer's counsel at the following email addresses:

JESS M COLLEN

jcollen@collenip.com, mnesheiwat@collenip.com, docket@collenip.com,
pmulhern@collenip.com

DATED: September 5, 2018

By: /s/ Michael J. Salvatore
Michael J. Salvatore