

ESTTA Tracking number: **ESTTA1089355**

Filing date: **10/16/2020**

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

Proceeding	91264972
Party	Defendant The Vineyard House LLC
Correspondence Address	FARAH P. BHATTI BUCHALTER, A PROFESSIONAL CORPORATION 18400 VON KARMAN AVE., SUITE 800 IRVINE, CA 92612 UNITED STATES Primary Email: fbhatti@buchalter.com Secondary Email(s): ipdocket@buchalter.com 949-224-6272
Submission	Answer
Filer's Name	Farah P. Bhatti
Filer's email	fbhatti@buchalter.com, ipdocket@buchalter.com, hblan@buchalter.com
Signature	/fbhatti/
Date	10/16/2020
Attachments	Answer to Notice of Opposition - CRABBS BLACK BURGUNDY.pdf(28293 bytes)

6. Applicant admits that H.W. Crabb previously owned property which he called HERMOSA VINEYARD. Applicant also admits that Hamilton W. Crabb is also known as Henry Walker Crabb and H.W. Crabb. To the extent not expressly admitted or denied, Applicant denies all other allegations in Paragraph 6 of the Opposition.

7. Applicant admits that H.W. Crabb owned property which he called "To Kalon." To the extent not expressly admitted or denied, Applicant denies all other allegations in Paragraph 7 of the Opposition.

8. Applicant admits that H.W. Crabb was associated with the brand "To Kalon." To the extent not expressly admitted or denied, Applicant denies all other allegations in Paragraph 8 of the Opposition.

9. Applicant denies the allegations in Paragraph 9 of the Opposition.

10. Applicant denies the allegations in Paragraph 10 of the Opposition.

11. Applicant lacks sufficient information or knowledge sufficient to admit or deny the allegations of Paragraph 11 of the Opposition and based upon said lack of information or knowledge, denies each and every allegation contained therein.

12. Applicant lacks sufficient information or knowledge sufficient to admit or deny the allegations of Paragraph 12 of the Opposition and based upon said lack of information or knowledge, denies each and every allegations contained therein.

13. Applicant lacks sufficient information or knowledge sufficient to admit or deny the allegations of Paragraph 13 of the Opposition and based upon said lack of information or knowledge, denies each and every allegation contained therein.

14. Applicant lacks sufficient information or knowledge sufficient to admit or deny the allegations of Paragraph 14 of the Opposition and based upon said lack of information or knowledge, denies each and every allegation contained therein.

15. Applicant admits that it has adopted and intends to use the CRABB'S BLACK BURGUNDY Mark. To the extent not expressly admitted or denied, Applicant denies all other allegations in Paragraph 15 of the Opposition.

16. Applicant admits that it filed Application Serial No. 88/008025 for the mark CRABB'S BLACK BURGUNDY on June 20, 2018 for use in connection with "wines" in Class 33. To the extent not expressly admitted or denied, Applicant denies all other allegations in Paragraph 16 of the Opposition.

17. Applicant denies the allegations in Paragraph 17 of the Opposition.

18. Applicant admits that in the January 13, 2020, Applicant stated that "The goods are not intended to be made with grapes originate in or near Cahors, France" and in response to the inquiry "List the geographical origin of the ingredients and/or intended ingredients for Applicant's goods," Applicant stated that "the intended ingredients will be from Applicant's vineyard in Oakville California." To the extent not expressly admitted or denied, Applicant denies all other allegations in Paragraph 18 of the Opposition.

19. Applicant repeats and realleges the afore-mentioned responses in Paragraphs 1 to 18, as if fully set forth herein.

20. Applicant admits that CRABB'S is a reference to H.W. Crabb and that H.W. Crabb is a deceased person of historical importance in the Napa Valley. To the extent not expressly admitted or denied, Applicant denies all other allegations in Paragraph 20 of the Opposition.

21. Applicant lacks sufficient information or knowledge sufficient to admit or deny the allegations of Paragraph 21 of the Opposition and based upon said lack of information or knowledge, denies each and every allegation contained therein.

22. Applicant denies the allegations in Paragraph 22 of the Opposition.

23. Applicant denies the allegations in Paragraph 23 of the Opposition.

24. Applicant admits the allegations in Paragraph 24 of the Opposition.

25. Applicant denies the allegations in Paragraph 25 of the Opposition.
26. Applicant denies the allegations in Paragraph 26 of the Opposition.
27. Applicant denies the allegations in Paragraph 27 of the Opposition.
28. Applicant repeats and reallages the afore-mentioned responses in Paragraphs 1 to 27, as if fully set forth herein.
29. Applicant denies the allegations in Paragraph 29 of the Opposition.
30. Applicant denies the allegations in Paragraph 30 of the Opposition.
31. Applicant repeats and realleges the afore-mentioned responses in Paragraphs 1 to 30, as if fully set forth herein.
32. Applicant lacks sufficient information or knowledge sufficient to admit or deny the allegations of Paragraph 32 of the Opposition and based upon said lack of information or knowledge denies each and every allegation contained therein.
33. Applicant denies the allegations in Paragraph 33 of the Opposition.
34. Applicant denies the allegations in Paragraph 34 of the Opposition.
35. Applicant denies the allegations in Paragraph 35 of the Opposition.
36. Applicant denies the allegations in Paragraph 36 of the Opposition.

* * * * *

WHEREFORE, Applicant respectfully requests that the Notice of Opposition be dismissed in its entirety, with prejudice, and Applicant's marks may be allowed to proceed towards registration.

Dated: October 16, 2020

Respectfully Submitted,

To Kalon Stock Farm, LLC

By: _____/fbhatti/_____

Farah P. Bhatti
Buchalter, a Professional Corporation
18400 Von Karman Ave., Suite 800
Irvine, California 92612
Phone: 949.224.6272
Fax: 949.720.0182

fbhatti@buchalter.com
ipdocket@buchalter.com

Attorneys for Applicant

