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Filing date: **12/28/2022**

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

Proceeding no.	91276157
Party	Defendant Gamba Vineyards & Winery, LLC
Correspondence address	J. SCOTT GERIEN DICKENSON, PEATMAN & FOGARTY 1500 FIRST STREET, STE 200 NAPA, CA 94559 UNITED STATES Primary email: tmdept@dpf-law.com 707-252-7122
Submission	Answer
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Date	12/28/2022
Attachments	Answer to Amended Notice of Opposition.pdf(134176 bytes)

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

ZHS IP Americas Srl,
Opposer,
vs.
Gamba Vineyards & Winery, LLC,
Applicant.

OPPOSITION NO. 91276157

ANSWER TO AMENDED NOTICE OF
OPPOSITION

TO THE COMMISSIONER OF TRADEMARKS:

Gamba Vineyards & Winery, LLC (“Applicant”), responds and answers the Amended Notice of Opposition filed by ZHS IP Americas Srl (“Opposer”) as follows:

1. Applicant is without sufficient information or belief as to answer the allegations contained in Paragraph 1 of the Amended Notice of Opposition and on such basis denies the allegations in Paragraph 1 in their entirety.
2. Applicant is without sufficient information or belief as to answer the allegations contained in Paragraph 2 of the Amended Notice of Opposition and on such basis denies the allegations in Paragraph 2 in their entirety.
3. Admitted.
4. Applicant is without sufficient information or belief as to answer the allegations contained in Paragraph 4 of the Amended Notice of Opposition and on such basis denies the allegations in Paragraph 4 in their entirety.

1 5. Applicant is without sufficient information or belief as to answer the allegations
2 contained in Paragraph 5 of the Amended Notice of Opposition and on such basis denies the
3 allegations in Paragraph 5 in their entirety.

4 6. Applicant is without sufficient information or belief as to answer the allegations
5 contained in Paragraph 6 of the Amended Notice of Opposition and on such basis denies the
6 allegations in Paragraph 6 in their entirety.

7 7. Applicant is without sufficient information or belief as to answer the allegations
8 contained in Paragraph 7 of the Amended Notice of Opposition and on such basis denies the
9 allegations in Paragraph 7 in their entirety.

10 8. Applicant is without sufficient information or belief as to answer the allegations
11 contained in Paragraph 8 of the Amended Notice of Opposition and on such basis denies the
12 allegations in Paragraph 8 in their entirety.

13 9. Applicant is without sufficient information or belief as to answer the allegations
14 contained in Paragraph 9 of the Amended Notice of Opposition and on such basis denies the
15 allegations in Paragraph 9 in their entirety.

16 10. Applicant is without sufficient information or belief as to answer the allegations
17 contained in Paragraph 10 of the Amended Notice of Opposition and on such basis denies the
18 allegations in Paragraph 10 in their entirety.

19 11. Applicant is without sufficient information or belief as to answer the allegations
20 contained in Paragraph 11 of the Amended Notice of Opposition and on such basis denies the
21 allegations in Paragraph 11 in their entirety.

22 12. Applicant is without sufficient information or belief as to answer the allegations
23 contained in Paragraph 12 of the Amended Notice of Opposition and on such basis denies the
24 allegations in Paragraph 12 in their entirety.

25 13. Admitted.

26 14. Applicant admits that it has not yet used its SOLI mark, but denies the remaining
27 allegations in paragraph 14 of the Amended Notice of Opposition.

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1 15. Applicant is without sufficient information or belief as to answer the allegations
2 contained in Paragraph 15 of the Amended Notice of Opposition and on such basis denies the
3 allegations in Paragraph 15 in their entirety.

4 16. Denied.

5 17. Denied.

6 18. Denied.

7 19. Denied.

8 20. Denied.

9 21. Applicant is without sufficient information or belief as to answer the allegations
10 contained in Paragraph 21 of the Amended Notice of Opposition and on such basis denies the
11 allegations in Paragraph 21 in their entirety.

12 22. Denied.

13 23. Denied.

14 24. Denied.

15 **AFFIRMATIVE DEFENSES**

16 25. Applicant moves the Board to amend Applicant's Application Serial No.
17 90522420, which is the subject of this Opposition, to amend and limit the goods from "alcoholic
18 beverages except beer," to "wine." Such amendment will alleviate any alleged concerns of
19 likelihood of confusion contained in the Notice of Opposition as the marks, STOLI vs. SOLI,
20 and goods, vodka vs. wine, will be sufficiently distinct so that there is no likelihood of consumer
21 confusion. Plaintiff is not using and will not use the mark on alcoholic beverages other than
22 wine.

23 WHEREFORE, Applicant prays that Opposer's opposition be denied in its entirety and
24 that Applicant be granted to requested registration for SOLI for "wine."

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1 Dated: December 28, 2022

DICKENSON, PEATMAN & FOGARTY



By: J. Scott Gerien
Joy L. Durand

1500 First Street, Suite 200
Napa, California 94559
Telephone: (707) 340-7239

Attorneys for Opposer,
Gamba Vineyards & Winery, LLC

DICKENSON PEATMAN & FOGARTY

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PROOF OF SERVICE

I declare that I am over the age of 18 years, employed in the County of Napa, and not a party to the within action; my business address is 1500 First Street, Suite 200, Napa, California 94559.

On December 28, 2022, I caused a copy of the following document(s) to be served by email:

- **ANSWER TO AMENDED NOTICE OF OPPOSITION**

The persons served are as follows:

JANICE HOUSEY
LITMUS LAW, PLLC

jhousey@litmuslaw.com

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed December 28, 2022, at Napa, California.

Barbara Barrera
Legal Secretary