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Filing date: **06/21/2022**

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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Signature	/Jamie Fernane/
Date	06/21/2022
Attachments	Answer to Notice of Opposition - GAMB001-0005.pdf(411142 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 NOTICE OF OPPOSITION

TO THE COMMISSIONER OF TRADEMARKS:

Gamba Vineyards & Winery, LLC (“Applicant”), responds and answers the 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 Notice of Opposition and on such basis denies the allegations in Paragraph 1 in their entirety.
2. Admitted.
3. Applicant is without sufficient information or belief as to answer the allegations contained in Paragraph 3 of the Notice of Opposition and on such basis denies the allegations in Paragraph 3 in their entirety.
4. Admitted.

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1 5. Applicant is without sufficient information or belief as to answer the allegations
2 contained in Paragraph 5 of the Notice of Opposition and on such basis denies the allegations in
3 Paragraph 5 in their entirety, although Applicant admits that there was an Exhibit A attached to
4 the Notice of Opposition.

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

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

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

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

17 10. Applicant denies the allegations contained in sentences 1-4 in Paragraph 10 of the
18 Notice of Opposition. Applicant is without sufficient information or belief as to answer the
19 remaining allegations contained in Paragraph 10 of the Notice of Opposition and on such basis
20 denies the remaining allegations in Paragraph 10.

21 11. Denied.

22 12. Denied.

23 13. Denied.

24 14. Denied.

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1 **AFFIRMATIVE DEFENSES**

2 15. Applicant moves the Board to amend Applicant’s Application Serial No.
3 90522420, which is the subject of this Opposition, to amend and limit the goods from “alcoholic
4 beverages except beer,” to “wine.” Such amendment will alleviate any alleged concerns of
5 likelihood of confusion contained in the Notice of Opposition as the marks, STOLI vs. SOLI,
6 and goods, vodka vs. wine, will be sufficiently distinct so that there is no likelihood of consumer
7 confusion. Applicant is not using and will not use the mark on alcoholic beverages other than
8 wine.

9 WHEREFORE, Applicant prays that Opposer’s opposition be denied in its entirety and
10 that Applicant be granted the requested registration for SOLI for “wine.”

11
12
13 Dated: June 21, 2022

DICKENSON, PEATMAN & FOGARTY

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15 
16 By: J. Scott Gerien
Joy L. Durand

17 1500 First Street, Suite 200
18 Napa, California 94559
19 Telephone: (707) 252-7122

20 Attorneys for Opposer,
Gamba Vineyards & Winery, LLC
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PROOF OF SERVICE

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DICKENSON PEATMAN & FOGARTY

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 June 21, 2022, I caused a copy of the following document(s) to be served by email:

- **ANSWER TO NOTICE OF OPPOSITION**

The persons served are as follows:

PATRICK K. STEELE
STEELE IP LAW, PLLC

tmcketing@steeleiplaw.com
patrick_k_steele@yahoo.com

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

Executed June 21, 2022, at Fairfield, California.



Jamie Fernane