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

Proceeding	92046504
Party	Defendant Lidestri Foods, Inc. Lidestri Foods, Inc. 1069 Lyell Avenue , NY 14606
Correspondence Address	Lidestri Foods, Inc. 1605 John Street Fort Lee, NJ 07024
Submission	Answer
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Date	11/29/2006
Attachments	AV Imports v LiDestri Foods - BEL MONDO - Answer to Petition to Cancellation.pdf (2 pages)(24249 bytes)

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

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A. V. Imports, Inc., :
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 : Petitioner, : Cancellation No.: 92046504
 : : In the Matter of Registration No. 1,710,829
v. :
LiDestri Foods, Inc., :
 :
 :
 : Registrant. :
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ANSWER TO PETITION FOR CANCELLATION

LiDestri Foods, Inc., a corporation organized and existing under the laws of the State of New York (“Registrant”), located and doing business at 1605 John Street, Fort Lee, New Jersey 07024, answers the Petition for Cancellation of A.V. Imports, Inc. (“Petitioner”) as to the numbered paragraphs, as follows:

1. Admits that Petitioner is the listed owner of Application Serial No. 78/665,759, an intent-to-use application for the mark BELMONDO filed July 7, 2005 for “balsamic vinegar”, avers that the record for such application speaks for itself, and denies all other allegations contained in paragraph 1.

2. Admits that according to the Office Action issued on September 20, 2006, the Trademark Office has refused registration of Petitioner’s intent-to-use application to register the mark BELMONDO based on likelihood of confusion with Registrant’s Registration No. 1,710,829 for BEL MONDO for “food products, namely, tomato-based sauces for pasta” (hereinafter “the Registered Mark”).

3. Registrant admits that it has obtained Registration No. 1,710,829, but denies that such registration issued on August 25, 1995 as stated in the Petition. In fact, the Registered

Mark for BEL MONDO issued on August 25, 1992 for use in connection with “food products, namely, tomato-based sauces for pasta.” Registrant denies each and every other allegation contained in such paragraph 3.

4. Registrant denies the allegations contained in Paragraph 4.

5. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph 5, and therefore denies such allegations.

WHEREFORE, Registrant prays that this Petition for Cancellation be dismissed in its entirety.

Please recognize as attorneys for Registrant in this proceeding Darren M. Geliebter and Jon A. Dorf, at THE DORF LAW FIRM, LLP, 115 East 57th Street, 11th Floor, New York, New York 10022, telephone (212) 233-4444, fax (212) 452-2048 and email: dgeliebter@dorflaw.com.

Dated: November 29, 2006

THE DORF LAW FIRM, LLP

By: /Darren M. Geliebter/
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