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

Proceeding no.	92080063
Party	Defendant Delicato Vineyards
Correspondence address	DELICATO VINEYARDS 12001 S. HIGHWAY 99 MANTECA, CA 95336 UNITED STATES Primary email: legal@delicato.com No phone number provided
Submission	Answer
Filer's name	Simone M. Katz-O'Neill
Filer's email	trademark@delicato.com
Signature	/Simone M. Katz-O'Neill/
Date	08/10/2022
Attachments	Answer to Petition for Cancellation.pdf(54851 bytes)

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

In the Matter of Trademark Registration No. 6,201,352
For the mark BOLD WINE FOR A REBELLIOUS TIME
Registered: November 17, 2020

TOUCHSTONE CELLARS, LLC)	
)	
Petitioner,)	Cancellation No. 92080063
)	
v.)	
)	
DELICATO VINEYARDS, LLC)	
)	
Registrant.)	
)	

ANSWER TO PETITION TO CANCEL

Delicato Vineyards, LLC, a Delaware limited liability company, successor-in-interest to Delicato Vineyards, a California corporation (“Registrant” or “Delicato”)¹ hereby answers the Petition to Cancel (“Petition”) filed by Touchstone Cellars, LLC (“Petitioner”). In response to the individually numbered paragraphs of the Petition, Registrant, by and through its counsel, responds as follows:

1. Registrant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 1 of the Petition, and on that basis denies each and every allegation contained therein.

2. Registrant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 2 of the Petition, and on that basis denies each and every allegation contained therein.

¹ Concurrently, herewith, Delicato Vineyards, LLC, a Delaware limited liability company, is filing a Motion to Substitute, to substitute in for Delicato Vineyards, a California corporation, as Registrant in this matter.

3. Registrant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 3 of the Petition, and on that basis denies each and every allegation contained therein.

4. Registrant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 4 of the Petition, and on that basis denies each and every allegation contained therein.

5. Registrant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 5 of the Petition, and on that basis denies each and every allegation contained therein.

6. Registrant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 6 of the Petition, and on that basis denies each and every allegation contained therein.

7. Registrant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 7 of the Petition, and on that basis denies each and every allegation contained therein.

8. Registrant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 8 of the Petition, and on that basis denies each and every allegation contained therein.

9. Registrant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 9 of the Petition, and on that basis denies each and every allegation contained therein.

10. Admitted that Registrant was a California corporation with a listed address of 12001 South Highway 99, Manteca, California 95336. Delicato Vineyards, LLC, a Delaware limited liability company, recorded its corporate conversion from Delicato Vineyards, a California corporation, on July 7, 2021, which shows in the official records of the Assignment Division of the United States Patent & Trademark Office, Reel/Frame: 7347/0717 & Reel/Frame: 7347/0725.

11. Admitted.

12. Admitted that Registrant claims use of BOLD WINE FOR A REBELLIOUS TIME at least as early as July 14, 2020. Denied as to the other allegations in Paragraph 12 of the Petition.

13. Denied.

14. Admitted that Registrant has used BOLD WINE FOR A REBELLIOUS TIME in connection with its line of 1924 wines. Denied as to the other allegations in the Paragraph 14 of the Petition.

15. Denied.

Count 1

16. Registrant realleges and incorporates by reference as though fully set forth herein the answers in Paragraphs 1-15 above.

17. Registrant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 17 of the Petition and on that basis denies each and every allegation contained therein.

18. Registrant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 18 of the Petition, and on that basis denies each and every allegation contained therein.

19. Registrant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 19 of the Petition, and on that basis denies each and every allegation contained therein.

20. Registrant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 20 of the Petition, and on that basis denies each and every allegation contained therein.

21. Registrant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 21 of the Petition, and on that basis denies each and every allegation contained therein.

22. Registrant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 22 of the Petition, and on that basis denies each and every allegation contained therein.
23. Registrant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 23 of the Petition, and on that basis denies each and every allegation contained therein.
24. Registrant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 24 of the Petition, and on that basis denies each and every allegation contained therein.
25. Registrant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 25 of the Petition, and on that basis denies each and every allegation contained therein.
26. Registrant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 26 of the Petition, and on that basis denies each and every allegation contained therein.
27. Denied.
28. Denied.
29. Denied.
30. Denied.

AFFIRMATIVE DEFENSES

1. The Petition is barred by the doctrine of estoppel by consent.
2. The Petition is barred by the doctrine of estoppel by acquiescence.
3. The Petition is barred by the doctrine of estoppel by laches.
4. The Petition is barred by the doctrine of equitable estoppel.
5. Registrant reserves the right to amend its answer to add additional or other affirmative defenses as may become necessary after a reasonable opportunity for appropriate discovery.

WHEREFORE, Registrant requests that the Petition and the relief sought therein be denied and dismissed in its entirety, with prejudice.

Dated: August 10, 2022

Respectfully submitted,

/s/ Simone M. Katz-O'Neill
Simone M. Katz-O'Neill

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Napa, CA 94558
Attorneys for Registrant
DELICATO VINEYARDS, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ANSWER TO PETITION TO CANCEL was served on LEELA MADAN, Attorney of Record for Touchstone Cellars, LLC Co on August 10, 2022 via email to leela@madan-law.com & admin@madan-law.com.

Dated: August 10, 2022

/s/ Simone M. Katz-O'Neill
Simone M. Katz-O'Neill