

ESTTA Tracking number: **ESTTA16573**

Filing date: **10/07/2004**

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

Proceeding	91161939
Party	Defendant Chiquita Brands, Inc. Chiquita Brands, Inc. 2500 Chiquita Center 250 East Fifth Stre Cincinnati, OH 45202
Correspondence Address	Michael D. Johns Dinsmore & Shohl LLP 1900 Chemed Center 255 East Fifth Street Cincinnati OH U, SA 45202
Submission	Answer
Filer's Name	Kristi Wells
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Signature	/s/ Kristi Wells
Date	10/07/2004
Attachments	luberski v chiquita answer2.pdf (4 pages)

5. Chiquita admits that Chiquita Brands, Inc. was a corporation organized and existing under the laws of Delaware with its principal place of business located at 2500 Chiquita Center, 250 East Fifth Street, Cincinnati, Ohio 45202. That corporation has been converted into a Delaware Limited Liability Company by the name of Chiquita Brands LLC with the same principal place of business.

6. Chiquita admits that it filed an intent-to-use trademark application (S/N 78/197,625) on December 24, 2002 to register the mark CHIQUITA PERFECTLY FRESH for a goods recitation later amended to read "fresh cut fruits and vegetables; fresh packaged fruit and vegetable salads."

7. Chiquita is without information or knowledge sufficient to form a belief as to the truth or falsity of the allegations contained in the seventh paragraph of the Notice of Opposition and denies the same.

8. Chiquita is without information or knowledge sufficient to form a belief as to the truth or falsity of the allegations contained in the eighth paragraph of the Notice of Opposition and denies the same.

9. Chiquita is without information or knowledge sufficient to form a belief as to the truth or falsity of the allegations contained in the ninth paragraph of the Notice of Opposition and denies the same.

10. Chiquita is without information or knowledge sufficient to form a belief as to the truth or falsity of the allegations contained in the tenth paragraph of the Notice of Opposition and denies the same.

11. Chiquita is without information or knowledge sufficient to form a belief as to the truth or falsity of the allegations contained in the eleventh paragraph of the Notice of Opposition and denies the same.

WHEREFORE, Chiquita prays that Opposition No. 91161939 be dismissed with prejudice.

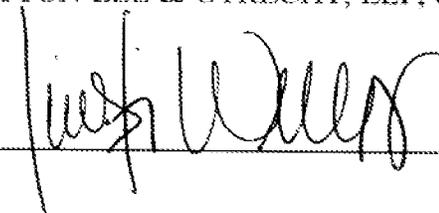
Respectfully submitted,

By: 

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by First Class Mail this 7th day of October, 2004, on Stephen J. Strauss, FULWIDER PATTON LEE & UTRECHT, LLP, 6060 Center Drive, Tenth Floor, Los Angeles, California 90045.

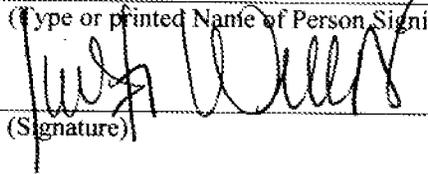


CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted by electronic mail to the United States Patent and Trademark Office on the date shown below.

Kristi Wells

(Type or printed Name of Person Signing Certificate)



(Signature)

October 7, 2004

(Date)