

ESTTA Tracking number: **ESTTA608926**

Filing date: **06/10/2014**

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

**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Paramount Citrus LLC
Granted to Date of previous extension	06/11/2014
Address	11444 W. Olympic Blvd. 7th Floor Los Angeles, CA 90064 UNITED STATES

Attorney information	Danielle M. Criona 11444 W. Olympic Blvd. 7th Floor Los Angeles, CA 90064 UNITED STATES dcriona@roll.com, mrivera@roll.com
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**Applicant Information**

Application No	85668196	Publication date	02/11/2014
Opposition Filing Date	06/10/2014	Opposition Period Ends	06/11/2014
International Registration No.	NONE	International Registration Date	NONE
Applicant	Luthufuddeen Puthiya Kutty Mappelagath P.O. Box 31794 Dubai, UNITED ARAB EMIRATES		

**Goods/Services Affected by Opposition**

<p>Class 029. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Compotes; edible oils and fats; eggs; jellies, jams; meat extracts; meat, fish, poultry and game; milk; milk products excluding ice cream, ice milk and frozen yogurt; preserved, dried and cooked fruit and vegetables</p>
<p>Class 031. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Agricultural grains for planting; agricultural seeds; animal foodstuffs; bulbs for agricultural purposes; bulbs for horticultural purposes; fresh fruit and vegetables; live animals; malt for brewing and distilling; natural plants and flowers; seeds and bulbs; seeds for agricultural purposes; seeds for fruit and vegetables; seeds for horticultural purposes; sowing seeds; spores and spawn; unprocessed cereal seeds; unprocessed edible seeds; unprocessed grain; unprocessed grains for eating; unprocessed seeds for agricultural use; vegetable seeds for planting; wheat seed</p>

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
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## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2828177	Application Date	03/27/2000
Registration Date	03/30/2004	Foreign Priority Date	NONE
Word Mark	HALO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 031. First use: First Use: 2003/09/00 First Use In Commerce: 2003/09/00 live commercial fruit trees and fresh fruit, namely of peento type peaches and nectarines		

U.S. Application No.	86004775	Application Date	07/08/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	HALO		
Design Mark			
Description of Mark	The mark consists of the stylized word "Halo". To the left is an anthropomorphic-like fruit, with a halo above its head, sitting on top of a tree branch with leaves.		
Goods/Services	Class 031. First use: First Use: 2003/09/00 First Use In Commerce: 2003/09/00 Live commercial fruit trees; fresh fruit, namely of peento type peaches and nectarines; fresh fruit; fresh citrus fruit		

U.S. Application No.	85938886	Application Date	05/21/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	HALOS		

Design Mark	<h1>HALOS</h1>
Description of Mark	NONE
Goods/Services	Class 031. First use: First Use: 0 First Use In Commerce: 0 Fresh citrus fruit; fresh fruits

U.S. Application No.	85938902	Application Date	05/21/2013
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	HALOS
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Design Mark	
Description of Mark	The mark consists of the word HALOS with an anthropomorphic citrus fruit with a halo above its head in place of the letter "o".
Goods/Services	Class 031. First use: First Use: 0 First Use In Commerce: 0 Fresh citrus fruit; fresh fruits

U.S. Application No.	86236902	Application Date	03/31/2014
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	HALOS BABIES
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Design Mark	<b>HALOS BABIES</b>
Description of Mark	NONE
Goods/Services	Class 031. First use: First Use: 2013/12/03 First Use In Commerce: 2013/12/03 Fresh citrus fruits; Fresh fruit

U.S. Application No.	86237555	Application Date	03/31/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	HALOS BABIES		
Design Mark			
Description of Mark	The mark consists of the word HALOS with an anthropomorphic citrus fruit with a halo above its head in place of the letter "o" and the word babies.		
Goods/Services	Class 031. First use: First Use: 2013/12/03 First Use In Commerce: 2013/12/03 Fresh citrus fruits; Fresh fruit		

Attachments	76011285#TMSN.gif( bytes ) 86004775#TMSN.jpeg( bytes ) 85938886#TMSN.jpeg( bytes ) 85938902#TMSN.jpeg( bytes ) 86236902#TMSN.jpeg( bytes ) 86237555#TMSN.jpeg( bytes ) HAROL Notice of Opposition.pdf(18076 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/s/ Danielle M. Criona /s/
Name	Danielle M. Criona
Date	06/10/2014

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

Paramount Citrus LLC	)	Opposition No.: _____
	)	
	)	
Opposer,	)	Mark: HAROL
	)	Application Ser. No.: 85/668,196
v.	)	Published in the <i>Official Gazette</i> of
	)	February 11, 2014
Luthufuddeen Puthiya Kutty Mappelagath	)	
	)	
Applicant.	)	<b>NOTICE OF OPPOSITION</b>
_____	)	

Paramount Citrus LLC, a Delaware limited liability company located and doing business at 11444 W. Olympic Blvd., Los Angeles, CA 90064 (“Opposer”), believes it will be damaged by the registration of the trademark HAROL in Class 29 for “Compotes; edible oils and fats; eggs; jellies, jams; meat extracts; meat, fish, poultry and game; milk; milk products excluding ice cream; ice milk and frozen yogurt; preserved dried and cooked fruit and vegetables” and in Class 31 for “Agricultural grains for planting; agricultural seeds; animal foodstuffs; bulbs for agricultural purposes; bulbs for horticultural purposes; fresh fruit and vegetables; live animals; malt for brewing and distilling; natural plants and flowers; seeds and bulbs; seeds for agricultural purposes; seeds for fruit and vegetables; seeds for horticultural purposes; sowing seeds; spores and spawn; unprocessed cereal seeds; unprocessed edible seeds; unprocessed grain; unprocessed grains for eating; unprocessed seeds for agricultural use; vegetable seeds for planting; wheat seed” in Application Serial No. 85/668,196 (the “HAROL Application” or the “HAROL Mark”), filed by Luthufuddeen Puthiya Kutty Mappelagath, an individual with the address P.O. Box 31794 Dubai, United Arab Emirates (“Applicant”), and hereby oppose the same.

As grounds for this Opposition, Opposer alleges:

1. Opposer is the largest grower and processor of citrus fruits in the United States, engaging in the growing, packaging, marketing and selling of a variety of fruit products.
2. Opposer owns the several trademarks it uses in interstate commerce, either registered or at common law with applications pending, including:
  - a. HALO for, Ser. No. 76011285, for live commercial fruit trees; fresh fruit, namely of peento type peaches and nectarines; fresh fruit; fresh citrus fruit;
  - b. HALO & Design, Ser. No. 86004775, for live commercial fruit trees; fresh fruit, namely of peento type peaches and nectarines; fresh fruit; fresh citrus fruit;
  - c. HALOS, Ser. No. 85938886, for fresh citrus fruit; fresh fruit;
  - d. HALOS & Design Ser. No. 85938902, for fresh citrus fruits; fresh fruit;
  - e. HALOS BABIES, Ser. No. 86236902, for fresh citrus fruits; fresh fruit; and
  - f. HALOS BABIES & Design, Ser. No. 86237555, for fresh citrus fruits; fresh fruit.  
(collectively, the “HALO Marks”)
3. Applicant filed the HAROL Application with the United States Patent and Trademark Office (“USPTO”) on July 3, 2012 as an “intent to use” application.
4. Opposer’s earliest of the HALO Marks was filed on March 27, 2000, approximate 12 years prior to the filing of the HAROL Application by Applicant for use in connection with “live commercial fruit trees and fresh fruit, namely of peento type peaches and nectarines.”
5. Since that time, Opposer has begun offering for sale, selling and marketing its goods in connection with the HALO Marks and has been building valuable goodwill associated with, and symbolized by, its HALO Marks.
6. In the HAROL Application, Applicant applied for registration of the HAROL Mark

in International Class 29 for “Compotes; edible oils and fats; eggs; jellies, jams; meat extracts; meat, fish, poultry and game; milk; milk products excluding ice cream; ice milk and frozen yogurt; preserved dried and cooked fruit and vegetables” and in International Class 31 for “Agricultural grains for planting; agricultural seeds; animal foodstuffs; bulbs for agricultural purposes; bulbs for horticultural purposes; fresh fruit and vegetables; live animals; malt for brewing and distilling; natural plants and flowers; seeds and bulbs; seeds for agricultural purposes; seeds for fruit and vegetables; seeds for horticultural purposes; sowing seeds; spores and spawn; unprocessed cereal seeds; unprocessed edible seeds; unprocessed grain; unprocessed grains for eating; unprocessed seeds for agricultural use; vegetable seeds for planting; wheat seed” (the “Applicant’s Goods”).

7. Applicant’s use of the HAROL Mark for Applicant’s Goods in International Class 29 and International Class 31 is without Opposer’s consent or permission.

8. Upon information and belief, neither Applicant nor any predecessor or related company of Applicant had made actual use of the HAROL Mark in the United States, or claimed an intent-to-use date in the United States, prior to the July 3, 2012 filing date of the HAROL Application.

### **LIKELIHOOD OF CONFUSION**

9. Opposer incorporates the allegations of Paragraphs 1 through 8.

10. Applicant’s use of the HAROL Mark for Applicant’s Goods is likely to cause confusion, mistake, or deception in that consumers are likely to believe Applicant’s Goods are Opposer’s products or the products of a person or company that is sponsored, authorized, or licensed by, or in some other way legitimately connected with or affiliated with, Opposer.

WHEREFORE, Opposer respectfully requests that this Opposition be sustained and that Application Serial No. 85/668,196 be denied registration.

Please debit our Deposit Account No. 502934 for the \$300 filing fee and for any additional necessary fees.

Please address all correspondence to Danielle M. Criona, Esq., Senior Intellectual Property Counsel at Roll Law Group P.C., 11444 West Olympic Boulevard, 7<sup>th</sup> Floor, Los Angeles, CA 90064.

Respectfully Submitted,

Date: June 10, 2014

Paramount Citrus LLC

By: /s/ Danielle M. Criona /s/  
Danielle M. Criona, Esq.  
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Email dcriona@roll.com  
*Attorney for Opposer*

**CERTIFICATE OF SERVICE**

I, Mark Rivera, hereby certify that a copy of this **NOTICE OF OPPOSITION** has been served upon Applicant:

Mr. Stephen L. Anderson  
Anderson & Associates  
27247 Madison Ave., Ste. 121  
Temecula, CA 92590

by first class mail, postage prepaid, with a courtesy copy to the email address on file with the USPTO, [attorneys@brandexperts.com](mailto:attorneys@brandexperts.com), on this 10<sup>th</sup> day of June, 2014.

By: /s/ Mark Rivera /s/  
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