

ESTTA Tracking number: **ESTTA550218**

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

Proceeding	91211107
Party	Defendant Currie, Lawson
Correspondence Address	CURRIE, LAWSON 4138 APPLETON WAY WILMINGTON, NC 28412-7338 coastalprideco@gmail.com
Submission	Answer
Filer's Name	Frank B. Gibson, Jr.
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Date	07/24/2013
Attachments	COASTAL PRIDE Answer to Opposition No. 91211107.PDF(76554 bytes)

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

In the matter of Application Serial No. 85792008
Mark: COASTAL PRIDE and design

Erin Patrick Murphy	:	
	:	
Opposer,	:	Opposition No. 91211107
	:	
v.	:	
	:	
Lawson Currie	:	
	:	
Applicant.	:	

ANSWER TO NOTICE OF OPPOSITION

Lawson Currie, the Applicant herein, hereby answers the Notice of Opposition filed by the Erin Patrick Murphy (the “Opposer”), as follows:

Count 1

Likelihood of Confusion

1. Applicant is without knowledge and information sufficient to form a belief as to the truth of the allegations of paragraph 1 of the Notice of Opposition and therefore denies same.

2. Applicant is without knowledge and information sufficient to form a belief as to the truth of the allegations of paragraph 2 of the Notice of Opposition and therefore denies same.

3. Applicant is without knowledge and information sufficient to form a belief as to the truth of the allegations of paragraph 3 of the Notice of Opposition and therefore denies same.

4. Answering the allegations of paragraph 4 of the Notice of Opposition, the Applicant admits that Applicant filed a trademark application for a trademark in special form consisting of an image of an anchor and below the anchor the stylized text “COASTAL PRIDE”, used in connection with “Dress Shirts, Hats, Polo Shirts T-Shirts” in International Class 025 (the “Applicant’s Mark”). Applicant’s application was assigned the serial number 85792008. Applicant’s effective filing date was November 30, 2012 and Applicant’s application was published for opposition April 30, 2013. Applicant denies all other allegations of paragraph 5 of the Notice of Opposition.

5. Applicant denies the allegations of paragraph 5 of the Notice of Opposition.

6. Answering the allegations of paragraph 6 of the Notice of Opposition, Applicant admits that the Applicant’s Mark and Opposer’s COASTAL trademarks contain the word “COASTAL”. Applicant denies all other allegations of paragraph 6 of the Notice of Opposition.

7. Applicant denies the allegations of paragraph 7 of the Notice of Opposition.

8. Applicant denies the allegations of paragraph 8 of the Notice of Opposition.

9. Answering the allegations of paragraph 9 of the Notice of Opposition, Applicant admits the effective filing date of the Applicant’s application is November 30,

2012 and its date of first use in interstate commerce occurred on October 3, 2012. Applicant is without knowledge and information sufficient to form a belief as to the truth of all other allegations of paragraph 9 of the Notice of Opposition and therefore denies same.

10. Applicant is without knowledge and information sufficient to form a belief as to the truth of the allegations of paragraph 10 of the Notice of Opposition and therefore denies same.

11. Applicant is without knowledge and information sufficient to form a belief as to the truth of the allegations of paragraph 11 of the Notice of Opposition and therefore denies same.

Count 2

False Suggestion of Connection

1. Applicant denies the allegations of paragraph 12 of the Notice of Opposition.

2. Applicant denies the allegations of paragraph 13 of the Notice of Opposition.

3. Applicant denies the allegations of paragraph 14 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

First Affirmative Defense

The Notice of Opposition fails to state a claim on which relief can be granted.

Second Affirmative Defense

There is no likelihood of confusion, mistake or deception because the Applicant's

Mark is not confusingly similar to the marks alleged by the Opposer (the “Opposer’s Marks”), the customers and channels of trade of the Applicant’s Mark are different from those of the Opposer’s marks, and the consumers of the goods identified by the marks are knowledgeable and will make decisions based on factors other than “branding.”

Third Affirmative Defense

Numerous registered marks or applications containing the word “COASTAL” applicable to articles of clothing in Class 025 have been identified on the web site of the U. S. Patent and Trademark Office. Such widespread use of the word “COASTAL” indicates that the Opposer’s Marks are weak and entitled to only a narrow scope of protection.

Fourth Affirmative Defense

The goods produced and sold by the Applicant under the Applicant’s Mark would not be encountered by consumers in the same channels of trade.

Fifth Affirmative Defense

There is no evidence of any actual confusion between the Applicant’s Mark and the Opposer’s Marks.

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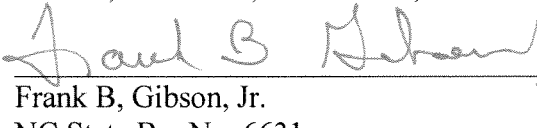
WHEREFORE, Applicant respectfully requests that the Notice of Opposition be dismissed with prejudice.

This the 24th day of July, 2013.

Respectfully submitted,

MURCHISON, TAYLOR, & GIBSON, PLLC

BY:



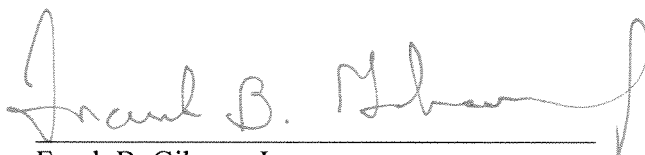
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Answer to Notice of Opposition was this day served upon the below-named counsel by mailing, postage prepaid, first class mail, of a copy of such instrument to counsel at the address shown below:

Evan Anderson
Brand Ventures Intellectual Property Law
2434 Lincoln Blvd., Floor 2
Los Angeles, CA 90291
Attorney for Opposer, Erin Murphy

This 24th day of July, 2013.



Frank B. Gibson, Jr.
MURCHISON, TAYLOR & GIBSON, PLLC
16 North Fifth Avenue
Wilmington, NC 28401
Attorneys for Applicant