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Filing date: **04/26/2017**

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

Proceeding	91224476
Party	Plaintiff McKee Foods Kingman, Inc.
Correspondence Address	SANDRA EDELMAN DORSEY & WHITNEY LLP 51 WEST 52ND STREET NEW YORK, NY 10019-6119 UNITED STATES ny.trademark@dorsey.com, edelman.sandra@dorsey.com, sun- derji.fara@dorsey.com, osowski.kaydi@dorsey.com
Submission	Testimony For Plaintiff
Filer's Name	Sandra Edelman
Filer's e-mail	ny.trademark@dorsey.com, edelman.sandra@dorsey.com, sun- derji.fara@dorsey.com, osowski.kaydi@dorsey.com
Signature	/se/
Date	04/26/2017
Attachments	Hammontree Rebuttal Declaration.pdf(616603 bytes)

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


-----X	:	
MCKEE FOODS KINGMAN, INC.,	:	
	:	Opposition No. 91224476
Opposer,	:	
	:	REBUTTAL DECLARATION OF
v.	:	<u>KENNY HAMMONTREE</u>
	:	
COASTAL SUNBELT PRODUCE, LLC,	:	
	:	
Applicant.	:	
-----X	:	

Kenny Hammontree hereby declares, under penalty of perjury, as follows:

1. I am Associate Brand Manager-Sunbelt Bakery at McKee Foods Corporation, manufacturer of the products sold under the registered SUNBELT trademarks owned by related company McKee Foods Kingman, Inc. I make this rebuttal declaration based on personal knowledge of the matters stated herein.

2. Attached as Exhibit AA is a true and correct copy of a photograph I took at The Village Market, located at 5002 University Drive in Collegedale, Tennessee on March 6, 2017. As shown in the photograph, granola is sold in the same area of the produce section at this store, where organic and traditional fruits and vegetables are sold. Based on my personal and professional experience visiting retail food stores, this is not an uncommon shelf display for these products.

Dated: April 21, 2017



Kenny Hammontree

CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2017 the foregoing REBUTTAL DECLARATION OF KENNY HAMMONTREE is being served on the Applicant's attorney of record by email a true copy thereof to:

David J. Ervin
edocket@crowell.com
dervin@crowell.com
bsepulveda@crowell.com

/klo/
Kaydi Osowski

EXHIBIT AA



Grand-Ola
ALL NATURAL

NUTRITION FACTS

PER 1/2 CUP (40g)	
Total Fat	10g
Total Carbohydrate	35g
Protein	5g
Fiber	2g
Sugar	10g
Sodium	10mg
Calcium	10%
Iron	10%

NET WT. 1 LB. (454g)

Organic

SHRIMP CHERRY BROWNIES

12.88

Organic

SHRIMP CHERRY BROWNIES

12.88

Organic

MAIN FRESH

AMOUNT FRESH

