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

Proceeding	91224476
Party	Defendant Coastal Sunbelt Produce, LLC, Coastal Sunbelt Produce LLC
Correspondence Address	DAVID J. ERVIN Crowell & Moring Llp PO Box 14300 Washington, DC 20044-4300 edocket@crowell.com;dervin@crowell.com;
Submission	Answer
Filer's Name	Brendan Sepulveda
Filer's e-mail	bsepulveda@crowell.com
Signature	/Brendan Sepulveda/
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial Nos.:

- 86/542,924 SUNBELT ORGANIC, published September 22, 2015
- 86/542,882 SUNBELT ORGANIC & Design, published September 22, 2015
- 86/542,895 SUNBELT ORGANIC, published October 13, 2015
- 86/542,911 SUNBELT ORGANIC, published August 25, 2015
- 86/542,872 SUNBELT ORGANIC & Design, published August 25, 2015
- 86/542,854 SUNBELT ORGANIC & Design, published July 14, 2015

MCKEE FOODS KINGMAN, INC.,)	
)	
Opposer,)	
)	Opposition No.: 91224476
v.)	
)	
COASTAL SUNBELT PRODUCE, LLC)	
)	
Applicant.)	
)	

ANSWER TO NOTICE OF OPPOSITION

Coastal Sunbelt Produce, LLC (“Applicant”), by and through its undersigned counsel, responds to the Notice of Opposition as follows:

1. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 1 and therefore denies those allegations.

2. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 2 and therefore denies those allegations.

3. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 3 and therefore denies those allegations.

4. Applicant admits that Opposer is the identified owner of Registration No. 1,228,969 for SUNBELT, issued March 1, 1983, for “cookies and cakes” in International Class 30 and that the U.S. Patent and Trademark Office lists its status as “live.” Applicant admits that Opposer is the identified owner of Registration No. 1,875,441 for SUNBELT, issued January 24, 1995, for “breakfast cereals, granola-based snack bars [and candy]” in International Class 30 and that the U.S. Patent and Trademark Office lists its status as “live.” Applicant lacks knowledge or information sufficient to form a belief about the validity or incontestability of the registrations and therefore denies those allegations.
5. Applicant admits that Opposer is the identified owner of Registration No. 4,831,911 for SUNBELT BAKERY, issued October 13, 2015, for “Granola; breakfast cereal; granola-based snack bars; grain-based snack bars; grain-based snack bars also containing fruit; cereal-based snack bars; cookie bars” in International Class 30 and that the U.S. Patent and Trademark Office lists its status as “live.” Applicant admits that Opposer is the identified owner of Registration No. 4,836,630 for SUNBELT BAKERY & Design, issued October 20, 2015, for “Granola; breakfast cereal; granola-based snack bars; grain-based snack bars; grain-based snack bars also containing fruit; cereal-based snack bars; cookie bars” in International Class 30 and that the U.S. Patent and Trademark Office lists its status as “live.” Applicant lacks knowledge or information sufficient to form a belief about the validity of the registrations and therefore denies those allegations.
6. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 6 and therefore denies those allegations.

7. Applicant affirmatively alleges that there is no likelihood of confusion, mistake, or deception because Applicant and Opposer are not direct competitors, their respective goods are not related, and the “SUNBELT ORGANIC” mark is sufficiently distinct from Opposer’s registrations. Applicant otherwise denies the allegations of paragraph 7 of the Notice of Opposition.

8. Applicant further affirmatively alleges that as a result of its continuous substantial usage of its mark “SUNBELT ORGANIC” since adoption, this mark is a valuable asset to Applicant and carries considerable goodwill and consumer acceptance of its goods and services sold under the mark. Applicant otherwise denies the allegations of paragraph 8 of the Notice of Opposition.

Applicant further denies all allegations not specifically admitted in the foregoing paragraphs of this Answer to Notice of Opposition.

WHEREFORE, Applicant requests that the Notice of Opposition be dismissed with prejudice and that judgment be entered in favor of Applicant.

November 30, 2015

Respectfully submitted,

/David J. Ervin/

David J. Ervin
Brendan Sepulveda
Attorneys for Applicant
Coastal Sunbelt Produce, LLC

CROWELL & MORING LLP
1001 Pennsylvania Avenue, N.W.
Washington, DC 20004
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-5116

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and complete copy of the foregoing ANSWER TO NOTICE OF OPPOSITION to be served on counsel for Opposer this 30th day of November, 2015, by sending same First Class United States Mail, postage prepaid, to:

Sandra Edelman
Dorsey & Whitney LLP
51 West 52nd Street
New York, NY 10019-6119

/David J. Ervin/
David J. Ervin