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

Proceeding	91245424
Party	Defendant King Reef Ltd. Co.
Correspondence Address	WILLIAM HUNTER STEWART 1104 CLUB CIR PAWLEY'S ISLAND, SC 29585 stewartwh@g.cofc.edu no phone number provided
Submission	Answer
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Date	01/24/2019
Attachments	KR ANSWER 01242019.pdf(176615 bytes)

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

	:	Opposition No. 91245424
Trestles IP Holdings, LLC:		
Reef Lifestyle, LLC,	:	Application No. 87681028
	Opposers,	
v.	:	Mark: KING REEF
		Class: 25
	:	
King Reef, Ltd. Co.,	:	Published: October 30, 2018
	Applicant.	:

APPLICANT’S ANSWER AND DEFENSES IN RESPONSE TO OPPOSITION

NOW COMES King Reef, Ltd. Co. (hereinafter “Applicant”), having submitted its application for registration of KING REEF trademark, as shown in Application Serial No. 87681028, does hereby submit its Answer and Defenses in Response to the Notice of Opposition filed by Trestles IP Holdings, LLC (hereinafter “Opposers”), having a business address of 1220 Washington Street, West Newton, MA. 02465.

Applicant’s responses in Answer and Defenses of the claims and allegations included in Opposers’ Notice of Opposition follow:

1. King Reef Ltd. Co. (hereinafter “Applicant”), admits, as reflected in Application No. 87681028, it has applied for and seeks registration of KING REEF trademark in connection with a variety of clothing goods including “Clothing, namely,

t-shirts, shorts, socks, shirts, boxers, hats, underwear, pants, swimwear” in Class 25 (hereinafter “Clothing Goods”).

2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 2, and, therefore, the allegations of paragraph 2 are denied.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 3 regarding the asserted rights in multiple trademarks for the REEF marks and admits only to the existence of the Federal Registration Numbers listed in paragraph 3, and therefore, except to the limited extent admitted, the allegations of paragraph 3 are denied.
4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 4, and, therefore, the allegations of paragraph 4 are denied.
5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 5, and, therefore, the allegations of paragraph 5 are denied.
6. Applicant admits that, as reflected in Application No. 87681028, it has applied for and seeks registration of its KING REEF trademark in connection with a variety of clothing goods which includes not only swimwear but other clothing goods in Class 25 listed in the REEF marks registrations set forth above including t-shirts, shirts, and shorts.
7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 7, and, therefore, the allegations of paragraph

- 7 are denied.
8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 8, and, therefore, the allegations of paragraph 8 are denied.
 9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 9, and, therefore, the allegations of paragraph 9 are denied.
 10. Applicant denies the allegations of paragraph 10.
 11. Applicant denies the allegations of paragraph 11.
 12. Applicant denies the allegations of paragraph 12.
 13. Applicant denies the allegations of CONCLUSION paragraph 13.

In further answer to the Opposition, Applicant asserts the following defenses:

DEFENSES

14. Applicant's Application No.87681028 filing was based upon actual "... use in commerce under 15 U.S.C. § 1051(a) ..." and its mark was used on all goods in commerce before filing, as indicated therein.
15. Applicant's and Opposers' customers are sufficiently knowledgeable and sophisticated as to not be confused by Applicant's use of the KING REEF mark and Opposers' marks.
16. Applicant's use of its KING REEF mark will not be mistakenly considered by the public to derive from the same marks or source as Opposers' goods, nor will such use be considered by the public to be used by Opposers or with Opposers' authorization or approval.

17. Applicant's mark, in its entirety, is sufficiently distinctive from Opposers' marks so as to avoid confusion, deception or mistake as to the source or relationship with Opposers' marks and goods.
18. Applicant's mark, when used on Applicant's goods, is not likely to cause confusion, mistake, or deception regarding any affiliation, connection or association of Applicant with Opposers' marks, or regarding the origin, sponsorship, or approval of Applicant's goods by Opposers.
19. The term "reef" is a commonly used term in International Class Code 25, as evidenced by numerous active registrations of the term "Reef" used with other terms.
20. The examiner assigned to Applicant's mark gave consideration to the multiple active and inactive registrations of the term "Reef," including uses by Petitioner, in International Class Code 25.
21. Opposers have no right to the generic descriptive term "reef" (or "REEF") for all usage or combined usage of said term; Opposers have thereby assumed the risk of use of said term and related damages; and, Opposers failed to accurately identify its interest in the generic descriptive term REEF prior to its adoption by the general public.
22. The Opposers have not and will not be damaged by the registration of the trademark for King Reef and therefore lacks standing to petition to oppose the registration.
23. In the alternative, Applicant uses its mark on casual outdoor wear clothing relating to and supporting its business interests and charitable interests in

protecting the Great Barrier Reef, and even if the Board ultimately finds against Applicant's strong position and arguments to the contrary), Opposers are entitled to judgment with respect to certain of Applicant's Class 25 goods as identified, Applicant is still entitled to registration of its KING REEF mark with a restricted identification reflecting the particular type and nature of its various goods.

24. Applicant expressly reserves its right to affirmatively assert any and all applicable counterclaims and/or affirmative defenses per rule 8 of the Federal Rules of Civil Procedure, if additional facts to support such defenses or counterclaims are subsequently discovered.

WHEREFORE, Applicant hereby requests that Opposers' request for denial of registration of Application Serial NO. 87681028 under Trademark Act Section 2(D) and Section 1(a) be denied and Opposers' Notice of Opposition be dismissed with prejudice.

Respectfully submitted:

King Reef, LTD, Co.

Dated: January 24, 2019

By: /William Gerald Stewart/
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CERTIFICATE OF ELECTRONIC FILING

I hereby certify this Notice of opposition was electronically filed with the Trademark Trial And Appeal Board this 24TH Day of January, 2019.

/William Gerald Stewart/
(Signature)
January 24, 2019
(Date of Signature)

PROOF OF SERVICE

I certify that a true copy of the foregoing APPLICANT'S AND DEFENSES IN RESPONSE TO OPPOSITION has been served on Brooks R. Bruneau, Counsel for Opposers, as well as copies to denise.mcculloch@fisherbroyles.com and docketing@fisherbroyles.com, on January 24, 2019 via electronically email to:

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