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

Proceeding	91251644
Party	Defendant CoastalStates Bank
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Attachments	2019-11-25 Answer of Coastal States Bank to Notice of Opposition of Coast Acceptance Corp v2.pdf(84985 bytes)

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

_____)	
Coast Acceptance Corporation,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91251644
)	
CoastalStates Bank,)	
)	
Applicant.)	
_____)	

ANSWER

Respondent, Coastal States Bank¹ (“CSB” or “Applicant”), respectfully submits this Answer to the Notice of Opposition filed by Opposer, Coast Acceptance Corporation (“Opposer”).

1. CSB is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Notice of Opposition, and therefore denies the same.
2. CSB is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Notice of Opposition, and therefore denies the same.
3. CSB is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of the Notice of Opposition, and therefore denies the same.

¹ In May 2019 Applicant formally changed its name with the South Carolina Secretary of State’s office to “Coastal States Bank.” Applicant is in the process of recording this name change with the USPTO.

4. CSB is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 of the Notice of Opposition, and therefore denies the same.

5. CSB is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 5 of the Notice of Opposition, and therefore denies the same.

6. CSB is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6 of the Notice of Opposition, and therefore denies the same.

7. CSB admits that it filed Trademark Application Ser. No. 88/312,667 covering “Banking services, Online banking services; Banking services featuring the provision of certificates of deposit; Financial services, namely, deposit services, consumer lending, commercial lending, mortgage lending in International Class 036. CSB denies each and every other allegation contained in Paragraph 7 of the Notice of Opposition.

8. CSB denies that COAST and COASTAL are identical terms. Applicant admits that its CSB COASTAL STATES BANK and Design Mark is used in connection with certain financial services, but denies that these services are identical or similar to those provided by Opposer. Applicant denies each and every other allegation in Paragraph 8 of the Notice of Opposition.

9. CSB denies that Opposer has any rights which conflict with its rights in the CSB COASTAL STATES BANK and Design Mark. CSB admits that it filed an application to register the CSB COASTAL STATES BANK and Design Mark on February 22, 2019. Applicant denies each and every other allegation in Paragraph 9 of the Notice of Opposition.

10. CSB denies the allegations contained in Paragraph 10 of the Notice of Opposition.

11. CSB is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 11 of the Notice of Opposition, and therefore denies the same.

12. CSB denies the allegations contained in Paragraph 12 of the Notice of Opposition.

13. CSB denies the allegations contained in Paragraph 13 of the Notice of Opposition.

DEFENSES AND AFFIRMATIVE DEFENSES

1. Opposer has failed to state a claim on which relief can be granted.

2. U.S. Trademark Reg. Nos. 3,027,937 (COASTALSTATES BANK (incontestable)) and 3,333,631 (CSB COASTALSTATES BANK (incontestable)) are under common ownership and/or control as Applicant's CSB COASTAL STATES BANK and Design mark, predate Opposer's COAST registration by more than a decade and have not been challenged or contested by Opposer. The prior registration (Morehouse) defense acts as a bar to the relief sought by Opposer.

3. Opposer's claim similarly is barred by the equitable doctrines of waiver, estoppel and/or acquiescence.

4. CSB reserves all rights, including, but not limited to, the right to add additional affirmative defenses as discovery develops.

Respectfully submitted,

Dated: November 25, 2019

/s/ Sarah C. Hsia

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Certificate of Filing and Service

The undersigned counsel of record certifies that a copy of the foregoing **ANSWER** was filed on November 25, 2019 through electronic means via the ESTTA website, which constitutes service to the Applicant pursuant to 37 C.F.R. § 2.105.

/s/ Sarah C. Hsia

An Attorney for Applicant