

ESTTA Tracking number: **ESTTA1070496**

Filing date: **07/24/2020**

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

Proceeding	91256413
Party	Defendant Cerveza Citrus L.L.C.
Correspondence Address	RICHARD A. RYAN ATTORNEY AT LAW 401 W. FALLBROOK AVENUE, SUITE 101 FRESNO, CA 93711 UNITED STATES Primary Email: richard@fresnopatentlaw.com No phone number provided.
Submission	Answer
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Signature	/Richard A. Ryan/
Date	07/24/2020
Attachments	Answer.pdf(41665 bytes)

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

In the Matter of Application Serial No. 88/646,951

Mark: OLÉ CHAMOYLE

Filing Date: 10/08/2019

Published: 02/18/2020

For: Packaged combinations consisting of chamoy and chile lime seasoning in separate compartments.

Class: International Class 030

OLÉ MEXICAN FOODS, INC.,)	
)	
Opposer,)	
)	Opposition No. 91256413
v.)	
)	
CERVEZA CITRUS L.L.C.,)	
)	
Applicant-Respondent.)	

ANSWER TO NOTICE OF OPPOSITION

Applicant-Respondent CERVEZA CITRUS L.L.C. (hereinafter, the “Applicant”) of the above-identified trademark application hereby answers the Notice of Opposition of Opposer OLÉ MEXICAN FOODS, INC. (the “Opposer”) as follows:

1. As to Paragraph 1 of the Notice of Opposition, Applicant acknowledges that Opposer claims Opposer is the owner of the trademark OLÉ and that Opposer alleges it has continuously used the trademark in conjunction with tortillas and other food products since long prior to Applicant’s first use and the filing date of the application to register Applicant’s mark

OLÉ CHAMOYLE, however, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 1 and therefore, on that basis, denies each and every allegation of Paragraph 1.

2. As to Paragraph 2 of the Notice of Opposition, Applicant acknowledges the marks identified by Opposer are registered on the Principal Register in Opposer's name and that Opposer alleges the registrations are duly and validly registered, however, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 2 and therefore, on that basis, denies each and every allegation of Paragraph 2.

3. As to Paragraph 3 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 3 and therefore, on that basis, denies each and every allegation of Paragraph 3.

4. As to Paragraph 4 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 4 and therefore, on that basis, denies each and every allegation of Paragraph 4.

5. As to Paragraph 5 of the Notice of Opposition, Applicant denies each and every allegation of Paragraph 5.

6. As to Paragraph 6 of the Notice of Opposition, Applicant acknowledges that Opposer claims Opposer will be damaged by registration of Applicant's mark and admits that such registration will create statutory rights for Applicant, however, Applicant denies that Opposer will be damaged by the registration of Applicants' mark OLÉ CHAMOYLE and that the registration of Applicant's mark will in any manner be in violation of Opposer's rights.

RELIEF REQUESTED

Wherefore, Applicant requests judgment as follows:

1. The Notice of Opposition be dismissed in its entirety;
2. Application Serial No. 88/646,951 be allowed to proceed to registration;

and

3. For such other and further relief as the TTAB deems just, proper and

equitable.

Respectfully submitted,

/Richard A. Ryan/ Date: 07/24/2020
Richard A. Ryan (PTO Reg. #39,014)
Attorney for Applicant

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CERTIFICATE OF SERVICE BY EMAIL

I hereby certify that a true and complete copy of the foregoing ANSWER TO NOTICE OF OPPOSITION has been served on Paul S. Owens, Esq. by forwarding said copy on 07/24/2020 via email to Paul S. Owens, Esq. (email: psowens@bellsouth.net), Attorney for Opposer - Olé Mexican Foods, Inc.

Signature: /Richard A. Ryan/ Date: 07/24/2020
Richard A. Ryan (PTO Reg. #39,014)
Attorney for Applicant

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