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

Proceeding no.	91282912
Party	Defendant Quality Plus Manufacturing, Inc.
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Date	02/23/2023
Attachments	Answer to Notice of Opposition.pdf(149892 bytes )

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

SYNGENTA PARTICIPATIONS AG,

Opposer,

v.

QUALITY PLUS MANUFACTURING,  
INC.,

Applicant.

Opposition No. 91282912

Serial No. 97250821

**APPLICANT’S ANSWER TO OPPOSER’S NOTICE OF OPPOSITION**

Applicant QUALITY PLUS MANUFACTURING, INC. (“*Applicant*”), having a place of business located at 1007 Industrial Park Drive, Oelwein, Iowa 50662, for its Answer to the Notice of Opposition filed on January 19, 2023 (the “*Notice of Opposition*”), by Opposer SYNGENTA PARTICIPATIONS AG (“*Opposer*”), opposing Applicant’s Application Serial No. 97250821 (the “*Application*”) to register the mark “MYCRA” (“*Applicant’s Mark*”) for “Biologic preparations for use in agriculture, namely, preparations made of microalgae for the treatment of seeds” (“*Applicant’s Biological Seed Treatment Goods for Agricultural Use*”) in International Class 1, states as follows:

1. Applicant answers the initial, unnumbered paragraph of the Notice of Opposition, by stating that Applicant filed the Application on February 2, 2022, for Applicant’s Mark in connection with Applicant’s Biological Seed Treatment Goods For Agricultural Use. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in said initial paragraph, and it therefore denies the allegations.

2. Applicant admits the allegations in paragraph 1 of the Notice of Opposition.

3. Applicant answers paragraph 2 of the Notice of Opposition by stating that it is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 2 of the Notice of Opposition, and it therefore denies the same.

4. Applicant answers paragraph 3 of the Notice of Opposition by stating that it is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 3 of the Notice of Opposition, and it therefore denies the same.

5. Applicant answers paragraph 4 of the Notice of Opposition by stating that it is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 4 of the Notice of Opposition, and it therefore denies the same.

6. Applicant answers paragraph 5 of the Notice of Opposition by admitting that Opposer owns Registration No. 4238054 for the mark “MICORA” (“*Opposer’s Mark*”) for “Fungicides for turf and ornamental use” (“*Opposer’s Fungicide Goods for Turf and Ornamental Use*”) in International Class 5, and that the registration issued on November 6, 2012. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in paragraph 5, and it therefore denies the allegations.

7. Applicant answers paragraph 6 of the Notice of Opposition by stating that it is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 6, and it therefore denies the same.

8. Answering paragraph 7 of the Notice of Opposition, Applicant admits, pursuant to 15 U.S.C. § 1057(b), that a certificate of registration of a mark upon the principal register is *prima facie* evidence of the validity of the registered mark and of the registration of the mark, of the owner’s ownership of the mark, and of the owner’s exclusive right to use the registered mark in

commerce on or in connection with the goods or services specified in the certificate, subject to any conditions or limitations stated in the certificate. Except as so admitted, Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in paragraph 7 of the Notice of Opposition and therefore denies the allegations.

9. Answering paragraph 8 of the Notice of Opposition, Applicant admits, pursuant to 15 U.S.C. § 1115(b), that an incontestable registration is conclusive evidence of the validity of the registered mark and of the registration of the mark, of the registrant's ownership of the mark, and of the registrant's exclusive right to use the registered mark in commerce on or in connection with the specified goods or services, subject to any conditions or limitations in the registration or post-registration documents. Applicant is without or information sufficient to form a belief as to the truth of falsity of the remaining allegations in paragraph 8 of the Notice of Opposition and therefore denies the allegations.

10. Applicant answers paragraph 9 of the Notice of Opposition by stating that the words of the pleaded registration and the Application speak for themselves. Applicant denies the remaining allegations in paragraph 9 of the Notice of Opposition.

11. Applicant answers paragraph 10 of the Notice of Opposition by stating that it is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 10 of the Notice of Opposition, and it therefore denies the same.

12. Applicant denies the allegations in paragraph 11 of the Notice of Opposition.

13. Applicant denies the allegations in paragraph 12 of the Notice of Opposition.

14. Applicant denies the allegations in paragraph 13 of the Notice of Opposition.

15. Applicant denies the allegations in paragraph 14 of the Notice of Opposition.

16. Applicant denies the allegations in paragraph 15 of the Notice of Opposition.

17. Applicant denies the allegations in paragraph 16 of the Notice of Opposition.
18. Applicant denies the allegations in paragraph 17 of the Notice of Opposition.
19. Applicant denies each and every allegation of the Notice of Opposition not heretofore specifically admitted, denied, or otherwise converted.

**AFFIRMATIVE DEFENSES**

20. Opposer fails to state a claim for which relief can be granted in this proceeding.
21. Based on the differences between Opposer’s “MICORA” mark and Applicant’s “MYCRA” mark, and between Opposer’s Fungicide Goods for Turf and Ornamental Use and Applicant’s Biological Seed Treatment Goods for Agricultural Use, there is no likelihood of confusion between the sources of the parties’ respective goods.

WHEREFORE, Applicant respectfully requests that the Notice of Opposition be dismissed with prejudice and that Opposer’s request for refusal of registration be denied in its entirety.

DATED: Honolulu, Hawaii, February 23, 2023.

*/s/ Colin O. Miwa*  
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