

ESTTA Tracking number: **ESTTA1109202**

Filing date: **01/21/2021**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Krave Pure Foods, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	117 WEST NAPA ST. SUITE C SONOMA, CA 95476 UNITED STATES		
Attorney information	SANJAY S. KARNIK AMIN TALATI WASSERMAN, LLP 100 S. WACKER DR. SUITE 2000 CHICAGO, IL 60606 UNITED STATES Primary Email: Sanjay@amintalati.com Secondary Email(s): gspatz@amintalati.com, amanda@amintalati.com, trademark@amintalati.com 3123273327		
Docket Number			

Applicant Information

Application No.	90165312	Publication date	12/22/2020
Opposition Filing Date	01/21/2021	Opposition Period Ends	01/21/2021
Applicant	Cargill Meat Solutions Corporation 825 EAST DOUGLAS AVENUE WICHITA, KS 67202 UNITED STATES		

Goods/Services Affected by Opposition

Class 029. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: meat substitutes; plant-based meat substitutes; vegetable-based meat substitutes

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3873310	Application Date	03/31/2010
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Registration Date	11/09/2010	Foreign Priority Date	NONE
Word Mark	KRAVE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2009/11/00 First Use In Commerce: 2009/11/00 Beef jerky; Jerky		

U.S. Registration No.	5013100	Application Date	03/02/2012
Registration Date	08/02/2016	Foreign Priority Date	NONE
Word Mark	KRAVE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2009/11/00 First Use In Commerce: 2009/11/00 Marinated meat and poultry; Meat-based snack foods; Packaged meats; Prepared meat; Preserved meats; Seasoned meat and poultry		

Attachments	KRAVE Notice of Opp. v Cargill Meats.pdf(41402 bytes) Notice of Opp Ex A KRAVE Registrations.pdf(424642 bytes) Notice of Opp Ex B 5013100 KRAVE Registration.pdf(59703 bytes)
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Signature	/Sanjay S. Karnik/
Name	Sanjay S. Karnik
Date	01/21/2021

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

Krave Pure Foods, Inc.,

Opposer,

v.

Cargill Meat Solutions Corporation,

Applicant.

Opposition Proceeding No. _____

Application Serial No.: 90/165,312

Mark: CRAVE HOUSE

Date of Publication: Dec. 22, 2020

NOTICE OF OPPOSITION

Opposer, Krave Pure Foods, Inc. (“Opposer”) will be damaged by the registration of the mark CRAVE HOUSE by Cargill Meat Solutions Corporation (“Cargill” or “Applicant”).

Accordingly, Krave Pure Foods, Inc., by its attorneys Amin Talati Wasserman LLP, hereby opposes Applicant’s intent-to-use U.S. Application Serial No. 90/165,312 for CRAVE HOUSE in International Class 029, which published for Opposition on December 22, 2020. Krave Pure Foods, Inc. hereby opposes the same under the provisions set forth in 15 U.S.C. § 1052(d).

As grounds for opposition, Opposer asserts as follows:

I. BACKGROUND

A. Opposer

1. Opposer Krave Pure Foods, Inc. is a Delaware Corporation whose place of business is located at 117 West Napa Street, Suite C, Sonoma, California 95476. Opposer is a food company founded in 2009 that makes and sells high quality and all-natural meat snacks.

2. Opposer has used KRAVE as its name and primary trademark on a variety of goods sold in the United States since at least as early as November 2009.

3. To protect the extensive and highly valuable goodwill accrued in its KRAVE

name, brand, and trademark, Opposer has obtained the following United States trademark registrations (“KRAVE Marks” and “KRAVE Registrations”):

Trademark	U.S. Reg. No.	Filing Date	Goods and Classes
KRAVE	5,013,100	March 2, 2012	Marinated meat and poultry; Meat-based snack foods; Packaged meats; Prepared meat; Preserved meats; Seasoned meat and poultry; in Int. Cl. 029
KRAVE	3,873,310	March 31, 2010	Beef jerky; Jerky; in Int. Cl. 029

4. A combined Declaration of Use and Incontestability under Sections 8 and 15 of the Lanham Act has been filed and accepted for the U.S. Reg. No. 3,873,310 KRAVE Registration. Accordingly, the U.S. Reg. No. 3,873,310 KRAVE Registration is incontestable under Section 15 of the Lanham Act. Additionally, on October 26, 2020, Opposer filed a combined Declaration of Use and Application for Renewal under Sections 8 and 9 of the Lanham Act for the U.S. Reg. No. 3,873,310 KRAVE Registration.

5. Attached hereto as **Exhibit A** is true and correct copy of the certificate of registration and acceptance and acknowledgement of the combined Declaration of Use and Incontestability under Sections 8 and 15 of the Lanham Act for the U.S. Reg. No. 3,873,310 KRAVE Registration. Attached hereto as **Exhibit B** is a true and correct copy of the certificate of registration for the U.S. Reg. No. 5,013,100 KRAVE Registration. These registrations are valid, subsisting, and in full force and effect.

6. In addition, for many years, Opposer has expended tremendous resources advertising and promoting its KRAVE Marks throughout the United States in connection with

the goods identified in the KRAVE Registrations.

7. As a result of Opposer's longstanding and continuous use of its KRAVE Marks, the relevant consuming public recognizes the KRAVE Marks as identifying Opposer as the source of the goods offered under the KRAVE Marks and serving to distinguish Opposer's goods from those of others. Accordingly, Opposer has established valuable common law rights in its KRAVE Marks.

8. Opposer has expended substantial effort and resources to advertise and promote the KRAVE Marks and the services provided under the mark. As a result of its continuous, widespread and prominent interstate use of the KRAVE Mark, and their maintenance of high quality standards for the services provided under the mark, Opposer has developed extensive goodwill in the KRAVE Marks.

B. Applicant

9. On information and belief and according to USPTO records, Applicant, Cargill Meat Solutions Corporation., is a Delaware Corporation with a principal place of business address of 825 East Douglas Avenue, Wichita, Kansas 67202.

10. According to USPTO records, Applicant is the listed owner of U.S. Application Serial No. 90/165,312 for CRAVE HOUSE, filed September 8, 2020 under Trademark Act Section 1(b) in connection with the following goods in International Class 029: "meat substitutes; plant-based meat substitutes; vegetable-based meat substitutes" (hereinafter "CRAVE HOUSE Mark"). The CRAVE HOUSE Mark published for Opposition on December 22, 2020.

11. No issue as to priority of use exists here. Opposer's KRAVE Marks registered well before Applicant even filed for its CRAVE HOUSE Mark.

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