

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Boldr Beverages, LLC

Examining Attorney: Michelle Ribaud

Application Ser. No.: 88169850

Law Office: 126

Mark: BOLDR

Date of Office Action: February 9, 2019

Class: 5

RESPONSE TO OFFICE ACTION

On February 9, 2019, the Examining Attorney issued an Office Action refusing registration of Applicant Boldr Beverages, LLC's (the "Applicant") Serial No. 88169850 (the "Application") for the BOLDR mark (the "Mark") in Class 5.

In the Office Action, the Examining Attorney requested clarification of the identification of goods and stated that Applicant's Mark is likely to cause confusion with two U.S. trademark registrations: (1), BOLD, U.S. Registration No. 4392357, in Classes 5, 29, and 32 owned by BeBold Foods LLC, and (2) WILDE BOLDR, U.S. Registration No. 4823591, in Class 29 owned by Wilde Brands LLC (collectively "the Cited Registrations").

Applicant hereby submits an amendment to its identification of goods and presents arguments and evidence to support that there is no likelihood of confusion between Applicant's Mark and the Cited Registrations. As such, Applicant respectfully requests that the Examining Attorney reconsider her position and approve Applicant's Mark for publication.

I. Amendment to Identification of Goods

The Examining Attorney has objected to certain goods in the application and proposed amending the identification of goods in Class 5, if appropriate. Applicant amends the identification of goods as follows:

[Class 5]: Non-Medical Nutraceutical products solely in nature of powders **for use as a dietary supplement**, expressly excluding any liquid beverage, namely, nutritionally fortified beverages; Dietary supplements, expressly excluding nutritionally fortified beverages; Dietary supplements, namely, protein-based, nutrient-dense snack bars; powdered nutritional supplement drink mix containing one or more of the following ingredients, soy, oat oil, creatine, soy oil, dextrose, protein, non-fat milk, milk protein, or whey protein concentrate; dietary supplements; nutritional supplements **for weight loss purposes** in the nature of protein-based drinks, protein-fortified meal replacement bars, protein-fortified ~~snack energy~~ bars, and protein **supplements formed and packaged as-based-food** bars; protein supplements; ready to drink nutritional **supplement** beverages for use as a meal **replacement beverages adapted substitute** for medical purposes; nutritionally fortified beverages for medical purposes; nutritional shakes for use as a meal substitute for medical purposes; dietary and nutritional supplements containing protein;

food supplements; nutritional supplements; dietary supplements in the nature of powdered drink mixes and weight loss powders; dietary supplement drinks, namely, nutritional supplements for weight loss, health and bodybuilding; dietary and nutritional food supplements and powdered drink mixes containing soluble and insoluble fiber; dietary and nutritional supplement for weight loss, diet, health, sports nutrition, body building, muscle gain and training; nutritional supplements in the form of non-fruit meal replacement bars and powders **for medical purposes; and** nutritional supplements in the form of non-chocolate meal replacement bars and powders **for medical purposes;** chocolate-based meal replacement bars and powders for weight loss purposes; nutritional supplement meal replacement bars and powders for boosting energy; Dietary and nutritional supplements, in gel, bar, powder and liquid form; vitamin supplements; mineral supplements; vitamins; vitamin, mineral, dietary and nutritional supplements.

There is No Likelihood of Confusion

The likelihood of confusion between two marks “is determined on a case-specific basis, applying the factors set out in *In re E.I DuPont DeNemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ (BNA) 563, 567 (CCPA 1973) (enumerating factors that may be considered when relevant evidence is of record).” *Recot, Inc. v. Becton*, 214 F.3d 1322, 1326, 54 USPQ2d (BNA) 1894 (2000). These factors include:

- The similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression;
- The relatedness of the goods or services as described in the application and registration(s);
- The similarity or dissimilarity of established, likely-to-continue trade channels;
- The conditions under which and buyers to whom sales are made, i.e., “impulse” vs. careful, sophisticated purchasing;
- The number and nature of similar marks in use on similar goods;
- The existence of a valid consent agreement between the applicant and the owner of the previously registered mark.

Id. (citing *DuPont* 476 F.2d at 1361). Notwithstanding the above, “[t]here is no *mechanical test* for determining likelihood of confusion.”

Here, the dissimilarities of the marks in their entireties as well as the goods covered in each respective mark outweigh any other relevant factors and should be dispositive of the issue of the likelihood of confusion.

- A) There is No Likelihood of Confusion with the BOLD mark, U.S. Reg. No. 4392357 in Classes 5, 29, and 32 (“Cited Registration 1”) owned by BeBold Foods LLC (“Cited Registrant 1”)**

i) Comparison of Marks

As set forth below, Applicant's Mark is not confusingly similar to Cited Registration 1 when the marks are properly considered in their entirety. See *DuPont*, 476 F.2d 1357, 1361, 177 USPQ 563 (CCPA 1973) (to determine the similarity or dissimilarity between two marks, one must compare the marks in their entirety as to appearance, sound, meaning and commercial impression). An analysis concerning a likelihood of confusion cannot be predicated on dissecting the marks into their various components; that is, the decision must be based on the *entire* marks, not just part of the marks. *Columbian Steel Tank Co. v. Union Tank & Supply Co.*, 125 USPQ 406 (CCPA 1960); *King of the Mountain Sports, Inc. v. Chrysler Corp.*, 51 USPQ2d 1349 (10th Cir. 1999). See also *Franklin Mint Corp. v. Master Mfg. Co.*, 667 F.2d 1005, 1007 (CCPA 1981) ("It is axiomatic that a mark should not be dissected and considered piecemeal; rather, it must be considered as a whole in determining likelihood of confusion").

Likelihood of confusion between Applicant's Mark and Cited Registration 1 cannot be assumed solely because the marks contain a term in common. Even when such marks are used on similar goods or services, the mere presence of such shared elements within the marks does not on its own make confusion likely. *Freedom Savs. & Loan Ass'n*, 757 F.2d at 1183 ("[T]he use of an identical word, even a dominant word, does not automatically mean that two marks are similar."); *In re Lancer Orthodontics, Inc.*, 1998 WL 377664, *2 (T.T.A.B. 1998) (no likelihood of confusion between IN ADVANCE and ADVANCE, both for dental products). In fact, the mere addition or deletion of a space or a single letter has sufficed to distinguish marks, even with respect to marks covering substantially similar services. See *McGregor-Doniger Inc. v. Drizzle Inc.*, 599 F.2d 1126, 1133, 202 U.S.P.Q. 81, 89 (DRIZZLE for ladies' coats not confusingly similar to DRIZZLER for golf jackets).

In the instant application, when comparing the marks, the Examining Attorney appears to have ignored the addition of the prominent letter "R" in Applicant's mark. When the marks are compared in their entirety, there are significant differences between the marks in overall appearance, sound and meaning, which render any likelihood of confusion unlikely.

First, the appearance and sound of the two marks are fundamentally different. Cited Registration 1, BOLD, consists of four letters, whereas Applicant's Mark, BOLDR, consists of five letters. The letter "R" is consequential, as it plays an important role as it adds the "er" sound in Applicant's Mark and the pronunciation of an additional syllable. While Cited Registration 1 consists of only one syllable, Applicant's Mark consist of two syllables due to the addition of the letter "R."

Additionally, the meaning of Cited Registration 1 is significantly different from that of Applicant's Mark. According to Merriam-Webster dictionary, the term "BOLD" has seven different dictionary definitions including fearless before danger, showing or requiring a fearless daring spirit, impudent and presumption, and assured and confident. Merriam-Webster's complete definition of "bold" is attached as Exhibit A.

When a term is not a recognized word in the English language, there is no correct pronunciation of the mark. See *In re Belgrade Shoe Co.*, 411 F.2d 1352, 1353 (CCPA 1969).

“BOLDR” is a term created by the Applicant and not a recognized term in the English language. As such, there is no correct pronunciation or an official dictionary definition of the Applicant’s Mark. When consumers encounter the BOLDR mark, they may pronounce it in several different ways, such as “BOLD-R,” where the word “bold” and the letter “R” are pronounced separately. Alternatively, and more likely, some may understand the addition of the letter “R” as an “er” word, and thus pronounce the mark as “boulder” or “bolder.” As such, consumers will interpret Applicant’s Mark as “boulder”, which Merriam-Webster defines as “a detached and rounded or much-worn mass of rock.” Merriam-Webster’s definition of “boulder” is attached as Exhibit B. Alternatively, some consumers will understand Applicant’s Mark to mean the comparative adjective of the term “bold.” Since there are multiple possible meanings of Applicant’s Mark, it is unlikely that consumers will understand the mark to mean specifically one word. As such, the addition of “R” in Applicant’s Mark is significant to the overall appearance, sound, and meaning of Applicant’s Mark.

Furthermore, while consumers may understand Applicant’s Mark as the phonetic equivalent of “boulder” or “bolder,” it is obvious that Applicant’s Mark is not a recognized word in the English language. Therefore, the deliberate misspelling of the Applicant’s Mark creates a distinctive, unique word, enabling consumers to differentiate Applicant’s Mark from Cited Registration 1. As such, a likelihood of confusion is unlikely.

Lastly, Applicant offers the following representative samples of contemporaneously registered marks owned by unrelated owners for goods in Classes 5 and 29. In all of these examples, like the case at hand, there is an overlapping component, with one mark having an additional letter “R” or the “er” sound. This supports the fact Applicant’s Mark and the Cited Registration 1 can also peacefully co-exist on the register and avoid a likelihood of confusion. Copies of these registrations issued from the PTO are attached as Exhibit C.

<p>BOOST RN: 4619723</p> <p>(Int'l Class: 05) liquid nutritional supplements for human use; liquid nutritional supplement for oral feeding; nutritionally fortified beverages and bars for use as a meal replacement and adapted for medical use</p> <p>(Int'l Class: 29) dairy-based food beverages containing fortified nutrients</p>	<p>BOOSTER RN: 4493576</p> <p>(Int'l Class: 05) veterinary preparations and products, namely, vitamin, mineral and dietary supplements for pets</p>
<p>CULTIVA and Design RN: 5178606</p> <p>(Int'l Class: 29) vegetable mousses; vegetable salads; vegetables, cooked; vegetables, dried; vegetable soup preparations; fruit, preserved; fruit pulp; fruit peel; fruit salads; fruit-based snack food; jams; bottled vegetables; canned vegetables; cooked vegetables; dried vegetables; frozen vegetables; pickled vegetables; preserved vegetables;</p>	<p>CULTIVAR RN: 5581299</p> <p>(Int'l Class: 29) Olive oil; Olive oil for food; Olive oils; Flavored olive oil</p>

processed vegetables; tempura vegetables; tinned vegetables; canned fruits and vegetables; cooked fruits and vegetables; dried fruit and vegetables; fruit and vegetable salads; preserved/dried and cooked fruit and vegetables; bottled fruits; canned fruits; dried fruits ...	
<p>KIND RN: 4161495</p> <p>(Int'l Class: 29) sweet snacks, namely, fruit based snack food, dried fruit mixes; snack mixes consisting primarily of processed fruits and processed nuts; nutrition bars, namely, nut and seed based snack bars; fruit based snack food bars also containing grains, cereals, dried fruit, fruit juice; nut based snack food</p>	<p>KINDER RN: 4762649</p> <p>(Int'l Class: 29) preserved, dried and cooked fruits; jellies, jams; milk and milk products excluding ice cream, ice milk and frozen yogurt</p>
<p>MD and Design RN: 2839490</p> <p>(Int'l Class: 29) fruit jams; jellies and preserves; marmalades; fruit sauces; fruit pulp; fruit purees; canned fruits; fruit toppings; candied citrus fruit peels; pickles; vegetable preserves; tomato puree; tomato paste; paste of garlic and salt, for use as a spread and as an ingredient in prepared dishes; goraka paste; tamarind paste; vegetables preserved in brine; chips of dried fish for consumption as a snack and for use as an ingredient in prepared dishes</p>	<p>MDR RN: 4135218</p> <p>(Int'l Class: 05) dietary and nutritional supplements; vitamin supplements</p>
<p>MOVE RN: 5169381</p> <p>(Int'l Class: 29) nut- and dried fruit- based snack bars; fruit-based snack food; nut-based snack foods; seed-based snack bars</p>	<p>MOVER RN: 2135834</p> <p>(Int'l Class: 05) dietary supplement, namely, capsule preparation of selected herbs, namely, yellow dock, onion, sage, wahoo bark and rhubarb root</p>
<p>PRIME RN: 1099206</p> <p>(Int'l Class: 05) food supplements and vitamins</p>	<p>PRIMER RN: 5693810</p> <p>(Int'l Class: 05) nutritional supplement that helps replace nutrients that alcohol depletes</p>
<p>Q (Stylized) RN: 3615802</p> <p>SN: 77582689 (Int'l Class: 29) salads comprised primarily of lettuce and choice of chicken or steak; garden salads; vegetable salads; soups; chili; cheese; potato chips</p>	<p>QR RN: 4356025</p> <p>(Int'l Class: 05) vitamin preparations; vitamin supplements; vitamin tablets; vitamins; dietary substances for medical use, namely, dietary supplement drink mixes; mineral dietary supplements for humans;</p>

	nutritional supplements; oral electrolytes; electrolyte replacement beverages for medical purposes; electrolyte solutions for medical use; analgesics
RESURRECT RN: 5581907 (Int'l Class: 05) Crystal remedies made with spring water and crystalline energy, preserved with brandy, namely, medicinal preparations in the nature of crystal remedies made with water and crystalline energy for enhancing sexual arousal and increasing libido	RESURRECTOR (Stylized) RN: 4427163 (Int'l Class: 29) protein-rich concentrates and supplements made of whey, milk, meat, vegetables enriched with vitamins, mineral salts and amino acids, dairy products, namely, milk, yoghurts, kefir, cheeses, protein milk, wheys, milk drinks and drinks with predominance of milk, namely, milk drinks containing fruits, milk-based beverages containing milk concentrates, vegetable oil and added nutrients, egg whites, food proteins, namely, protein milk, meat extracts, preserved, dried and cooked fruits and vegetables, edible oils and fats



As evidenced from the chart above, there are numerous peacefully co-existing marks – each for similar goods in Classes 5 and 29 where there is one overlapping term and an additional letter “R” or the “er” sound. As such, the Examining Attorney’s position appears to be inconsistent with prior determinations shown over many years and by numerous different Examining Attorneys of the Trademark Office, which clearly supports the argument that Applicant’s Mark and Cited Registration 1 are sufficiently different and unlikely to result in confusion.


ii) The Term “BOLD” Should be Afforded a Narrow Scope of Protection


The BOLD mark is diluted in connection with registrations for goods in Classes 5 and 29. Accordingly, the BOLD mark should only be afforded a narrow scope of protection. In a crowd of similar marks, customers will not likely confuse one mark for the other given that there are so many that co-exist. Customers will recognize that not all of the BOLD marks come from the same source. *See Standard Brands Incorporated v. RJR Foods, Inc.*, 192 USPQ 383, 385, 1976 WL 21135 (TTAB 1976); *In re Broadway Chicken Inc.*, 38 USPQ2d 1559, 1996 WL 253841 (TTAB 1996) (“Evidence of widespread third-party use, in a particular field, of marks containing a certain shared term is competent to suggest that purchasers have been conditioned to look to other elements of the marks as a means of distinguishing the source of goods or services in the field.”). Further, “in a ‘crowded’ field, each member of the crowd, is relatively “weak” in its ability to prevent use by others in the crowd.” J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition*, § 11:85 at 11-163 (4th Ed. 2001).

Set forth below is a chart that lists numerous registered marks (and pending applications) at the PTO, which include the term “BOLD” in Class 5 or Class 29, that peacefully co-exist on the register. As seen in the chart below, Cited Registrant 1 is not the only trademark owner who has been granted the right to use the term “BOLD” in connection with goods in Classes 5 and 29.

Accordingly, Applicant's Mark should also be allowed to co-exist among these registrations. Copies of these registrations issued from the PTO are attached as Exhibit D.

MARK	APP. NO. / REG. NO.	CLASS: GOODS/SERVICES	STATUS / KEY DATES	OWNER INFORMATION
BE BALANCED BE BOLD BE BEAUTIFUL	RN: 5157102 SN: 86780522	(Int'l Class: 03) non-medicated skin cream with probiotics; facial cleansers; non-medicated skin toners; non-medicated skin serum; eye cream; night cream; sun-block lotion (Int'l Class: 05) nutritional supplements, namely, probiotic compositions	Registered March 7, 2017 Int'l Class: 03,05 First Use: May 30, 2015 Filed: October 7, 2015	Bebe & Bella, LLC (Georgia Limited Liability Company) 2443 Park Central Boulevard, Suite A Decatur Georgia 30035
BLUE DIAMOND BOLD and Design 	RN: 3048415 SN: 76629656	(Int'l Class: 29) processed nuts	Renewed January 24, 2016 Int'l Class: 29 First Use: November 20, 2004 Filed: January 28, 2005 Registered: January 24, 2006	Blue Diamond Growers (California Corp.) 1802 C Street Sacramento California 95811
BOAR'S HEAD BOLD	RN: 4226045 SN: 77900359	(Int'l Class: 29) cheese; processed meat	Registered 8 & 15 October 13, 2018 Int'l Class: 29 First Use: April 2, 2012 Filed: December 23, 2009 Registered: October 16, 2012	Frank Brunckhorst Co., L.L.C. (New York Limited Liability Company) 24 Rock Street Brooklyn New York 11206
BOLD and Design 	RN: 4660569 SN: 86036100	(Int'l Class: 29) processed meat; cheese (Int'l Class: 30) condiments, namely, mayonnaise-based spreads, and oil-based dressings for sandwiches and salads	Registered December 23, 2014 Int'l Class: 29,30 First Use: February 28, 2014 Filed: August 13, 2013	Delta Faucet Company (Indiana Corp.) 55 East 111Th Street Indianapolis Indiana 46280

MARK	APP. NO. / REG. NO.	CLASS: GOODS/SERVICES	STATUS / KEY DATES	OWNER INFORMATION
BOLD	RN: 4392357 SN: 85869108	(Int'l Class: 05) nutritionally fortified beverages (Int'l Class: 29) fruit-based food beverages (Int'l Class: 32) energy drinks enhanced with vitamins, minerals, and nutrients	Registered 8 & 15 April 2, 2019 Int'l Class: 05,29,32 First Use: April 13, 2012 Filed: March 6, 2013 Registered: August 27, 2013	Bebold Foods LLC (Massachusetts Limited Liability Company) 48 East Chestnut Street Sharon Massachusetts 02067
BOLD BURGER	RN: 4939633 SN: 86687141	(Int'l Class: 29) prepared and packaged meals consisting of meat, seafood and/or vegetables	Registered April 19, 2016 Int'l Class: 29 First Use: July 11, 2014 Filed: July 8, 2015	Angus Meats, Inc. (Washington Corp.) 2810 N. Hogan Street Spokane Washington 98207
BOLD EATS	RN: 3517815 SN: 77311375	(Int'l Class: 29) frozen meals consisting primarily of meat, fish, poultry and/or vegetables	Renewed October 14, 2018 Int'l Class: 29 First Use: April 25, 2008 Filed: October 23, 2007 Registered: October 14, 2008	Angus Meats, Inc. (Washington Corp.) P.O. Box 7209 Spokane Washington 99207
BOLD KETO	RN: 5708628 SN: 88037194	(Int'l Class: 05) Dietary supplements	Registered March 26, 2019 Int'l Class: 05 First Use: June 1, 2018 Filed: July 13, 2018	Rebold, Thomas (United States Citizen) 735 Woodcreek Ranch Rd Wimberley Texas 78676
BOLD KETO and Design 	RN: 5708647 SN: 88037839	(Int'l Class: 05) Dietary supplements	Registered March 26, 2019 Int'l Class: 05 First Use: June 1, 2018 Filed: July 14, 2018	Rebold, Thomas (United States Citizen) 735 Woodcreek Ranch Rd Wimberley Texas 78676

MARK	APP. NO. / REG. NO.	CLASS: GOODS/SERVICES	STATUS / KEY DATES	OWNER INFORMATION
DISCOVER BOLD FLAVOR	RN: 4247484 SN: 85558972	(Int'l Class: 29) cheese; processed meat	Registered 8 & 15 November 13, 2018 Int'l Class: 29 First Use: May 31, 2012 Filed: March 2, 2012 Registered: November 20, 2012	Frank Brunckhorst Co., L.L.C. (New York Limited Liability Company) 24 Rock Street Brooklyn New York 11206
FIESTA BOLD POPPERS	RN: 4584621 SN: 77391914	(Int'l Class: 29) breaded processed vegetable and cheese pieces	Registered August 12, 2014 Int'l Class: 29 First Use: March 31, 2008 Filed: February 8, 2008	H.J. Heinz Company Brands LLC (Delaware Limited Liability Company) One Ppg Place Pittsburgh Pennsylvania 15222
GENUINE BOLD	RN: 4296454 SN: 85541305	(Int'l Class: 29) processed meat; cheese (Int'l Class: 30) condiments, namely, mustard, relish, mayonnaise, horseradish, barbeque sauce, hot sauce and oil-based dressings for sandwiches and salads; tartar sauce; and seasonings	Registered February 26, 2013 Int'l Class: 29,30 First Use: June 13, 2012 Filed: February 13, 2012	Frank Brunckhorst Co., L.L.C. (New York Limited Liability Company) 24 Rock Street Brooklyn New York 11206
GENUINE BOLD QUALITY SINCE 1905 and Design 	RN: 4278696 SN: 85613425	(Int'l Class: 29) processed cheese; processed meat	Registered January 22, 2013 Int'l Class: 29 First Use: April 2, 2012 Filed: May 1, 2012	Frank Brunckhorst Co., L.L.C. (New York Limited Liability Company) 24 Rock Street Brooklyn New York 11206
GO BOLD LIFE IS TOO SHORT FOR BLAND	RN: 5734987 SN: 87790430	(Int'l Class: 29) Jerky and packaged meat	Registered April 23, 2019 Int'l Class: 29	Meat Heads Snack Co., LTD. (Nevada Corp.)

MARK	APP. NO. / REG. NO.	CLASS: GOODS/SERVICES	STATUS / KEY DATES	OWNER INFORMATION
			First Use: July 1, 2018 Filed: February 8, 2018	1945 Pama Lane Las Vegas Nevada 89119
IT'S BOLD TO BE KIND	RN: 4466296 SN: 85956075	(Int'l Class: 29) healthy snacks, namely, food bars comprised primarily of nuts, fruits and nuts, and also containing other ingredients	Registered January 14, 2014 Int'l Class: 29 First Use: June 10, 2013 Filed: June 11, 2013	Kind Management Inc. (Delaware Corp.) 1372 Broadway, 3rd Floor New York New York 10018
MAKE IT LOUD. MAKE IT BOLD. MAKE IT LOCAL. MAKE IT TIM'S!	RN: 5360509 SN: 86891715	(Int'l Class: 29) potato chips	Registered December 19, 2017 Int'l Class: 29 First Use: February, 2015 Filed: January 29, 2016	Birds Eye Foods LLC (Delaware Limited Liability Company) 399 Jefferson Road Parsippany New Jersey 070543707
NOOSH BOLD & ROBUST	RN: 5226222 SN: 87019950	(Int'l Class: 29) edible oil; nut-based spread; nut-based spread also containing chocolate; nut butters; nut butters, namely, almond, walnut, pistachio, pecan, cashew, hazelnut, coconut, brazil, macadamia, paradise, pine, ginkgo, cycad, palm, chestnut, peanut, soy; nut oils; oil, namely, tree nut oils	Registered June 20, 2017 Int'l Class: 29 First Use: April 15, 2016 Filed: April 29, 2016	Nut Butter Concepts, LLC (California Limited Liability Company) 4439 Ish Drive Simi Valley California 93063
NUTTZO BOLD BITEZ	RN: 5482071 SN: 87340304	(Int'l Class: 05) nutritional supplement energy bars; dietary and nutritional supplement formed and packaged as protein based snack bars; protein bars in the nature of nutritional supplement energy bars (Int'l Class: 29) nut-based snack bars; seed- based snack bars; nut and	Registered May 29, 2018 Int'l Class: 05,29 First Use: February 9, 2018 Filed: February 17, 2017	Nuttzo LLC (California Limited Liability Company) #728 3525 Del Mar Heights Road San Diego California 92130

MARK	APP. NO. / REG. NO.	CLASS: GOODS/SERVICES	STATUS / KEY DATES	OWNER INFORMATION
		seed-based snack bars; fruit and nut and seed-based snack bars		
POWERFULLY BOLD FLAVOR UNIQUELY TENDER BITE	RN: 4269131 SN: 85402533	(Int'l Class: 29) meat snacks	Registered January 1, 2013 Int'l Class: 29 First Use: July 15, 2011 Filed: August 19, 2011	Link Snacks, Inc. (Wisconsin Corp.) One Snackfood Lane, P.O. Box 397 Minong Wisconsin 54859
SAVOR BOLD FLAVOR	RN: 4632979 SN: 85815751	(Int'l Class: 29) processed meat; cheese (Int'l Class: 30) condiments, namely, mustard, relish, mayonnaise, horseradish, barbeque sauce, hot sauce and oil-based dressings for sandwiches and salads; tartar sauce; and seasonings	Registered November 4, 2014 Int'l Class: 29,30 First Use: April 30, 2013 Filed: January 4, 2013	Frank Brunckhorst Co., L.L.C. (New York Limited Liability Company) 24 Rock Street Brooklyn New York 11206
SNACKS FOR THE BOLD	RN: 3664993 SN: 77610925	(Int'l Class: 29) meat snacks	Registered 8 & 15 August 31, 2015 Int'l Class: 29 First Use: October 5, 2008 Filed: November 10, 2008 Registered: August 4, 2009	Link Snacks, Inc. (Wisconsin Corp.) One Snackfood Lane, P.O. Box 397 Minong Wisconsin 54859
THE BOLD FLAVOR ADVENTURE BEGINS	RN: 4247485 SN: 85558986	(Int'l Class: 29) cheese; processed meat	Registered 8 & 15 November 13, 2018 Int'l Class: 29 First Use: June 13, 2012 Filed: March 2, 2012 Registered: November 20, 2012	Frank Brunckhorst Co., L.L.C. (New York Limited Liability Company) 24 Rock Street Brooklyn New York 11206
BOLDER BEANS	RN: 5468843 SN: 87638096	(Int'l Class: 29) pickled vegetables	Registered May 15, 2018 Int'l Class: 29	Rogue's Bolder Beans, LLC, Db Bolder Beans

MARK	APP. NO. / REG. NO.	CLASS: GOODS/SERVICES	STATUS / KEY DATES	OWNER INFORMATION
			First Use: May 1, 2010 Filed: October 9, 2017	(Colorado Limited Liability Company) Po Box 7692 Broomfield Colorado 80021
THE BOLDER SIDE OF BUSH'S	RN: 5195974 SN: 86375987	(Int'l Class: 29) canned beans	Registered May 2, 2017 Int'l Class: 29 First Use: September 24, 2016 Filed: August 25, 2014	Bush Brothers & Company (Tennessee Corp.) 1016 East Weisgarber Road Knoxville Tennessee 37909

Given the crowded field of “BOLD” marks, each owner is entitled to an extremely narrow scope of protection. As such, the evidence presented above clearly supports the arguments that Applicant’s Mark and the Cited Registrations can peacefully co-exist on the Register amongst other trademark registrations that include the term “BOLD.”

iii) Comparison of Goods Covered

Confusion is not likely, even where two marks are identical, “if the goods or services in question are not related or marketed in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source.” TMEP § 1207.01(a)(i). Furthermore, there is no per se rule that certain goods or services are related such that there must be a likelihood of confusion conclusion drawn from the use of similar marks in connection with such goods or services. TMEP § 1207.01(a)(iv).

Cited Registration 1 is for “Nutritionally fortified beverages” in Class 5, “Fruit- based food beverages” in Class 29, and “Energy drinks enhanced with vitamins, minerals, and nutrients” in Class 32. Applicant’s application does not cover goods in Classes 29 and 32, therefore, these goods are not at issue in this case.

In contrast, Applicant offers dietary and nutritional food supplemental beverages with medical benefits. For example, Applicant’s goods include “protein supplements,” “dietary and nutritional supplements containing protein,” “food supplements,” “nutritional supplements,” “dietary supplements in the nature of powdered drink mixes and weight loss powders,” “dietary and nutritional food supplements and powdered drink mixes containing soluble and insoluble fiber; dietary and nutritional supplement for weight loss, diet, health, sports nutrition, body building, muscle gain and training,” “nutritional supplements in the form of non-fruit meal replacement bars and powders and nutritional supplements in the form of non-chocolate meal replacement bars and powders,” “chocolate-based meal replacement bars and powders for weight loss purposes,” and “nutritional supplement meal replacement bars and powders for boosting energy”

Further, while Cited Registration 1 is for “nutritionally fortified beverages” in Class 5, Applicant expressly excludes these goods from its identification of goods, Applicant identification of goods in Class 5 reads, “non-medical nutraceutical products solely in the nature of powders, **expressly excluding any liquid beverage, namely nutritionally fortified beverages; dietary supplements, expressly excluding nutritionally fortified beverages. . .**” As such, since Applicant’s goods are sufficiently distinct from the goods offered by Cited Registration 1, a likelihood of confusion is unlikely.

B) There is No Likelihood of Confusion with the WILDE BOLDR mark, U.S. Reg. No. 4823591 in Classes 5, 29, and 32 (“Cited Registration 2”) owned by Wilde Brands, LLC (“Cited Registrant 2”).

i) Comparison of Marks

As set forth below, Applicant’s Mark is not confusingly similar to Cited Registration 2 when the marks are properly considered in their entirety. An analysis concerning a likelihood of confusion cannot be predicated on dissecting the marks into their various components; that is, the decision must be based on the *entire* marks, not just part of the marks. *Columbian Steel Tank Co. v. Union Tank & Supply Co.*, 125 USPQ 406 (CCPA 1960); *King of the Mountain Sports, Inc. v. Chrysler Corp.*, 51 USPQ2d 1349 (10th Cir. 1999). *See also Franklin Mint Corp. v. Master Mfg. Co.*, 667 F.2d 1005, 1007 (CCPA 1981) (“It is axiomatic that a mark should not be dissected and considered piecemeal; rather, it must be considered as a whole in determining likelihood of confusion”).

Likelihood of confusion between Applicant’s Mark and the Cited Registration 2 cannot be assumed simply because the marks contain a term in common. Even when such marks are used on similar goods or services, the mere presence of such shared elements within the marks does not on its own make confusion likely. *Freedom Savs. & Loan Ass’n*, 757 F.2d at 1183 (“[T]he use of an identical word, even a dominant word, does not automatically mean that two marks are similar.”); *see also Time Inc. v. Peterson Publ’g Co.*, 173 F.3d 113, 119, 50 U.S.P.Q.2d 1474, 1478 (2d Cir. 1999) (no likelihood of confusion between TEEN and TEEN PEOPLE, both for magazines); *First Savs. Bank*, 101 F.3d at 653 (no likelihood of confusion between FIRST BANK and FIRST BANK SYSTEM marks); *Gruner + Jahr USA Publ’g v. Meredith Corp.*, 991 F.2d 1072, 1080, 26 U.S.P.Q.2d 1583, 1588 (2d Cir. 1993) (no likelihood of confusion between PARENTS and PARENT’S DIGEST, both for magazines); *In re Ferrero*, 479 F.2d 1395, 1398 (C.C.P.A. 1973) (no likelihood of confusion between TIC TAC for candy and TIC TAC TOE for ice cream); *In re Lancer Orthodontics, Inc.*, 1998 WL 377664, *2 (T.T.A.B. 1998) (no likelihood of confusion between IN ADVANCE and ADVANCE, both for dental products).

Here, the Examining Attorney has improperly dissected the Cited Registration 2 by ignoring the entire additional and most prominent element of the mark, namely, “WILDE,” and based the citation solely on the use of the term “BOLDR.” However, simply because Applicant’s Mark and the Cited Registration 2 contain the term “BOLDR,” the marks are not necessarily confusingly similar. Instead, when the marks are compared in their entirety, there are

significant differences between the marks in overall appearance, sound, and meaning, which serve to render confusion unlikely.

First, the appearances and sounds of the two marks are fundamentally different. Applicant’s Mark is a unitary mark which consists of one word, “BOLDR,” which is only five letters and consists of only two syllables. In contrast, Cited Registration 2 is composed of two separate and distinct words “WILDE” and “BOLDR.” The additional term at the beginning of Cited Registration 2 creates an immediately difference impression and requires the pronunciation of two additional syllables, thus making the mark look and sound different in overall appearance and sound.

Further, the meaning of Cited Registration 2 is significantly different from that of Applicant’s Mark. Cited Registration 2 includes the term “WILDE,” a common American surname which is derived from “wild, violent, untamed.” Explanations of the Wilde surname is attached as Exhibit E. As such, it can be argued that the surname reference in Cited Registration 2 serves as the most important part of the mark, since it serves as the identifier of the source of the goods provided by Cited Registration 2. Therefore, given the distinct difference in the overall meaning of the two marks and the important “WILDE”, it is likely that consumers will not be confused as to the source of goods.

Lastly, to support this argument, Applicant offers the following representative samples of contemporaneously registered marks, owned by different owners, for related goods in Classes 5 and 29 (descriptions have been shorted for brevity). In all of these examples, like the case at hand, one mark is a standalone mark and the other includes the same mark along with an additional term. Copies of these registrations issued from the PTO are attached as Exhibit F.

ANTIOXIDANT FORCE RN: 5418596 (Int'l Class: 29) fruit-based food beverages	FORCE RN: 2048052 (Int'l Class: 05) sports training nutritional supplements
ATHLETIC WONDER RN: 5692873 (Int'l Class: 05) Vitamin supplements	WONDER RN: 1119364 (Int'l Class: 29) vegetable oils, shortening,[and non-dairy creamer for use in coffee, tea and like beverages]
ATOMIC BLUE RN: 4407243 (Int'l Class: 29) blue cheese dip	BLUE RN: 4523151 (Int'l Class: 29) olive oil; extra virgin olive oil
BEST BUENO RN: 5348083 (Int'l Class: 05) herbal supplements	BUENO RN: 3351120 (Int'l Class: 29)

	prepared food products, namely, processed vegetables in the nature of cut chile peppers for sale and use in the restaurant setting
<p>BLUE BLAZES RN: 5757107</p> <p>(Int'l Class: 29) Blueberry jalapeno preserves</p>	<p>BLAZE RN: 3063603</p> <p>(Int'l Class: 05) dietary supplement</p>
<p>BRAIN SELECT RN: 5512619</p> <p>(Int'l Class: 05) dietary and nutritional supplements</p>	<p>SELECT</p> <p>(Int'l Class: 29) Fillings, namely, fruit and fruit pectin based, and cream cheese for use in doughnuts, pastries, muffins, loaf cakes, pies, and cheesecakes, and not bread and buns</p>
<p>COOL BLAZE RN: 4180428</p> <p>(Int'l Class: 05) topical burn gel; burn dressings; and a burn kit, comprised of topical burn gel, gauze pads, and adhesive tape for first aid purposes</p>	<p>BLAZE RN: 3063603</p> <p>(Int'l Class: 05) dietary supplement</p>
<p>CRASH FREE RN: 4984496</p> <p>(Int'l Class: 05) dietary and nutritional supplements; dietary and nutritional supplements used for weight loss; dietary supplemental drinks in the nature of vitamin and mineral beverages; dietary supplements; herbal supplements; liquid herbal supplements; liquid nutritional supplement; nutritional supplements; vitamin supplements; weight management supplements</p>	<p>FREE RN: 3165514</p> <p>(Int'l Class: 29) non-dairy based whipped topping</p>
<p>DOUBLE RED RN: 3675247</p> <p>(Int'l Class: 29) dried fruits</p>	<p>RED RN: 4306884</p> <p>(Int'l Class: 05) dietary supplements</p>
<p>ELITE HEAT RN: 5480766</p> <p>(Int'l Class: 05) dietary and nutritional supplements</p>	<p>HEAT RN: 2316839</p> <p>(Int'l Class: 29) processed nuts</p>
<p>EYE LOVE RN: 5383403</p> <p>(Int'l Class: 05)</p>	<p>LOVE* RN: 4331797</p> <p>(Int'l Class: 05) dietary and nutritional supplements</p>

<p>nutritional supplements, health supplements, and dietary supplements, namely, omega three fish oil and vitamins</p>	
<p>FULL CIRCLE RN: 3318879</p> <p>(Int'l Class: 29) vegetable shortening, sandwich spread, namely, fruit-based sandwich spread and meat-based sandwich spread, canned and frozen fruits and vegetables, frozen fish and poultry, dairy products, namely, cheese, butter, and canned evaporated milk, and miscellaneous grocery products, namely, mincemeat, shelled nuts, applesauce, jellies and jams, dried fruits, unflavored and unsweetened gelatin, processed olives, peanut butter, olive oil, and pickles</p>	<p>CIRCLE RN: 2396675</p> <p>(Int'l Class: 05) nutritional supplement, namely, food concentrates in gelatin capsules</p>
<p>FUTURE KIND RN: 5640919</p> <p>(Int'l Class: 05) dietary supplements; health products in the nature of vitamin and mineral dietary supplements; vegan dietary supplements; vegan products in the nature of vitamin and mineral dietary supplements; vegetarian products in the nature of vitamin and mineral dietary supplements</p>	<p>KIND RN: 4161495</p> <p>(Int'l Class: 29) sweet snacks, namely, fruit based snack food, dried fruit mixes; snack mixes consisting primarily of processed fruits and processed nuts; nutrition bars, namely, nut and seed based snack bars; fruit based snack food bars also containing grains, cereals, dried fruit, fruit juice; nut based snack food</p>
<p>GOLD NUGGET RN: 1982109</p> <p>(Int'l Class: 05) medicated skin care preparations and hoof conditioners for horses</p>	<p>NUGGET RN: 205122</p> <p>(Int'l Class: 046) canned fruits and canned vegetables</p>
<p>HEALTHY ENERGY RN: 5538261</p> <p>(Int'l Class: 05) food and nutritional supplements, herbal supplements; dietary supplements; nutraceuticals for use as a dietary supplement; nutritional supplements in the nature of nutritionally fortified soft chews and hard coated chews; chewable nutritional supplements; nutritional supplements in the form of beverages</p>	<p>ENERGY RN: 4273670</p> <p>(Int'l Class: 29) snack mix consisting primarily of dried fruits and processed nuts</p>
<p>NEW SUN RN: 3472198</p> <p>(Int'l Class: 05)</p>	<p>SUN RN: 5763936</p> <p>(Int'l Class: 29) Vegetable-based snack foods</p>

herbal supplements; mineral supplements; vitamins and homeopathic herbal supplements	
ONION RINGERS RN: 1965143 (Int'l Class: 29) frozen onion rings	RINGERS RN: 5616475 (Int'l Class: 29) processed fruits, namely, peppers rings with cauliflower florettes in sweet sauce
PURITY PEAK RN: 5802413 (Int'l Class: 05) Vitamins and dietary supplements	PEAK RN: 2119628 (Int'l Class: 29) [vegetable oils,] dried beans, dried peas, dried lentils, mixed beans, soup mixes with or without spice or flavor packets
SISTER BUTCHER RN: 5659013 (Int'l Class: 29) Meat substitutes	BUTCHER RN: 5403234 (Int'l Class: 05) albumin dietary supplements; albumin-based meal replacement bars and shakes for medical purposes, nutritional supplement shakes; albumin nutritional supplements; dietetic food preparations, namely, pasta, crackers adapted for medical use; enzyme food supplements; glucose food supplements; nutritional supplements; protein food supplements; mineral food supplements; dietary nutritional supplement bars for medical purposes; animal and livestock nutritional supplements feed for medicinal use; vitamin and mineral supplements for medicinal use; food supplement bars for medical use; liquid nutritional supplements for medical use; powdered nutritional supplements for medical use

More specifically, there are several examples where the PTO has allowed contemporaneously registered marks by unrelated owners for goods in Classes 5 and 29. In all of these examples, like the case at hand, there is an overlapping term, with one mark having the additional term “WILD.”¹ These registrations support the fact that Applicant’s Mark and Cited Registration 2 can peacefully co-exist on the register and avoid a likelihood of confusion. Copies of these registrations issued from the PTO are attached as Exhibit G.

ACRES RN: 5398820 (Int'l Class: 29) meat; poultry; game; prepared meat, prepared meat products, namely, processed meat, ground beef, beef	WILD ACRES RN: 4391802 (Int'l Class: 29) processed and smoked poultry, namely, turkey, chicken, goose, quail, duck, and pheasant; eggs,
--	--

¹ Applicant understands that Cited Registration 2 uses the term “WILDE” instead of “WILD.” However, the pronunciation of the two terms are the same. See <https://www.youtube.com/watch?v=ZjsXiOZc1Wo>

tallow, fresh meat, canned cooked meat, meat extracts, preserved meats and sausages, ribs, dried meat; prepared dishes consisting principally of meat; meat stocks, meat jellies; edible oils and fats; meat, namely, offal	namely duck eggs, quail eggs, and pheasant eggs; duck fat; and chicken feet
CARNIVORE RN: 4183621 (Int'l Class: 05) herbicides for agricultural use; insecticide for agricultural use; pesticides for agricultural use	WILD CARNIVORE RN: 5414845 (Int'l Class: 05) animal feed supplements
CHOICE RN: 5801669 (Int'l Class: 05) cotton alcohol swabs for medical use; disposable sanitizing wipes; test strips for measuring blood glucose levels	WILD CHOICE RN: 5734920 (Int'l Class: 29) Seafood, not live
ELEMENT RN: 3829502 (Int'l Class: 05) meal replacement shakes; nutritional drink mix for use as a meal replacement; nutritional supplement in the nature of a nutrient-dense, protein-based drink mix	WILD ELEMENTS RN: 3948239 (Int'l Class: 05) pet dietary food supplements
FORCE RN: 2048052 (Int'l Class: 05) sports training nutritional supplements	WILD FORCE RN: 5096860 (Int'l Class: 05) herbal supplements
HARVEST RN: 5561715 (Int'l Class: 29) Prepared foods and packaged foods for retail sale, namely, prepackaged meals and boxed dinners composed primarily of meats, poultry, fish, pre-cooked curry stew, or vegetables, garden salads, fruit salads, vegetable salads, fruit and vegetable salads, chicken salads, potato salads; prepared meals to go comprised primarily of meats, poultry, fish, pre-cooked curry stew, or vegetables, fruit salads, vegetable salad, fruit and vegetable salads, garden salads, fruit salads, vegetable salads, fruit and vegetable salads, chicken salads, potato salads	WILD HARVEST RN: 5807549 (Int'l Class: 29) cheese; coffee creamer; milk substitutes; olives, preserved; pickles; potato puffs; soups; canned beans; dried beans; hash brown potatoes; hot dogs; sliced meat
NUTRITION (STYLIZED) RN: 3078744	WILD NUTRITION RN: 5577146

(Int'l Class: 29) processed nuts and shelled nuts	(Int'l Class: 05) natural and non-synthetic dietary and nutritional vitamin supplements for human beings and animals; none of the foregoing being in the nature of pharmaceuticals
SNACKERS RN: 4916559 (Int'l Class: 29) dips	WILD SNACKERS RN: 4926227 (Int'l Class: 29) snack pack consisting primarily of hummus



Accordingly, the evidence presented above clearly supports the arguments that Applicant's Mark and Cited Registration 2 can peacefully co-exist on the Register and avoid any likelihood of confusion.


ii) The Term "BOULDER" Should be Afforded a Narrow Scope of Protection

As stated above, in addition to "BOLD-R" and "bolder," some consumers may pronounce Applicant's Mark as "boulder." As shown in the chart below, there are numerous registered marks (and pending applications) at the PTO that include the term "BOULDER" in Classes 5 and 29 that peacefully co-exist on the Register. Therefore, the "BOULDER" mark should be afforded only a narrow scope of protection since it is diluted in connection with registrations for goods in Classes 5 and 29. Accordingly, Applicant's Mark should also be allowed to co-exist among these registrations. Copies of the registration issued from the PTO are attached as Exhibit H.

MARK	APP. NO. / REG. NO.	CLASS: GOODS/SERVICES	STATUS / KEY DATES	OWNER INFORMATION
BLUE MOOSE OF BOULDER	RN: 4369909 SN: 85655322	(Int'l Class: 29) [Cheese;] Cheese spreads; [Cream cheese;] Dips; [Tapenades] ; Vegetable-based spreads (Int'l Class: 30) salsa	Registered 8 & 15 February 26, 2019 Int'l Class: 29,30 First Use: 2012 Filed: June 19, 2012 Registered: July 16, 2013	Blue Moose of Boulder, LLC (Delaware Limited Liability Company) 67 Prospect Street Greenwich Connecticut 06830
BOULDER BITES	RN: 5692573 SN: 87507096	(Int'l Class: 29) Fruit-based snack food, namely, snack foods containing fruit and protein powder in a rounded shape, excluding grain, multi-grain, or potato based snack foods	Registered March 5, 2019 Int'l Class: 29 First Use: December 1, 2018 Filed: June 27, 2017	Deyenno, Lauren (United States Citizen) 1042 Harriman Court West Chester Pennsylvania 19380

MARK	APP. NO. / REG. NO.	CLASS: GOODS/SERVICES	STATUS / KEY DATES	OWNER INFORMATION
BOULDER BURGER COMPANY	RN: 4580483 SN: 85422134	(Int'l Class: 29) uncooked hamburger patties; turkey burger patties	Registered August 5, 2014 Int'l Class: 29 First Use: March, 2013 Filed: September 14, 2011	Topco Holdings, Inc. (Wisconsin Corp.) 150 Northwest Point Blvd Elk Grove Village Illinois 60007
BOULDER CANYON	RN: 3720046 SN: 78556283	(Int'l Class: 29) snacks, namely, potato based snack foods (Int'l Class: 30) food products, namely, multi-grain snacks, namely, multi-grain based chips	Renewed December 1, 2019 Int'l Class: 29 First Use: December 31, 1994 Int'l Class: 30 First Use: September 30, 2008 Filed: January 28, 2005 Registered: December 1, 2009	Inventure Foods, Inc. (Delaware Corp.) 5415 E. High Street Phoenix Arizona 85054
BOULDER CANYON AUTHENTIC FOODS and Design 	RN: 4846002 SN: 86593665	(Int'l Class: 29) snack foods, namely, potato based chips, vegetable based sticks, bean based chips and hummus based chips (Int'l Class: 30) snack foods, namely, multi- grain based chips and rice based chips	Registered November 3, 2015 Int'l Class: 29,30 First Use: June, 2014 Filed: April 10, 2015	Inventure Foods, Inc. (Delaware Corp.) 5415 E. High Street, Suite 350 Phoenix Arizona 85054
BOULDER CANYON NATURAL FOODS	RN: 4079713 SN: 85314906	(Int'l Class: 29) snacks, namely, potato based snack foods	Registered January 3, 2012 Int'l Class: 29 First Use: February 1, 2004 Filed: May 6, 2011	Inventure Foods, Inc. (Delaware Corp.) 5415 E. High Street, Ste. 350 Phoenix Arizona 85054
BOULDER CLEAN	RN: 4948265 SN: 86751773	(Int'l Class: 03) laundry detergent; fabric softener; glass cleaner; all- purpose cleaner; hand and dish liquid soap; automatic	Registered Supplemental Register April 26, 2016 Int'l Class: 03,05	1908 Brands, Inc. (Colorado Corp.) 3640 Walnut Street Boulder Colorado 80301

MARK	APP. NO. / REG. NO.	CLASS: GOODS/SERVICES	STATUS / KEY DATES	OWNER INFORMATION
		dishwasher liquid soap; granite and stainless steel cleaner; pretreated spray cleaners for use on fabrics, toilet bowl cleaner and other household cleaners, namely, furniture cleaners, rug and upholster cleaner, tub and tile cleaner, drain cleaner, oven cleaner, bleach, liquid laundry detergent, powder laundry detergent, single unit dose laundry detergent, single unit dose automatic dishwashing detergent, and fruit and vegetable wash (Int'l Class: 05) spray disinfectants; wipe disinfectants impregnated with disinfecting compounds therefor for household use	First Use: October 1, 2014 Filed: September 9, 2015	
BOULDER NATURAL MEATS "TASTE THE TENDERNESS" and Design 	RN: 3882556 SN: 77961399	(Int'l Class: 29) beef; poultry	Registered 8 & 15 February 9, 2017 Int'l Class: 29 First Use: April, 2009 Filed: March 17, 2010 Registered: November 30, 2010	Bolder Enterprises, LLC (Delaware Limited Liability Company) Po Box 16005 Denver Colorado 80216
BOULDER ORGANIC and Design 	RN: 5069151 SN: 86354132	(Int'l Class: 29) organic soups	Registered October 25, 2016 Int'l Class: 29 First Use: June 15, 2014 Filed: July 31, 2014	Boulder Organic Foods, LLC (Colorado Limited Liability Company) 6363 Horizon Lane Niwot Colorado 80503
BOULDER SAUSAGE	RN: 4595936 SN: 86117355	(Int'l Class: 29) sausage	Registered Principal Register - Sec. 2(F) September 2, 2014 Int'l Class: 29 First Use: September	Gbs Partners, Inc. (Colorado Corp.) 513 South Pierce Avenue Louisville Colorado 80027

MARK	APP. NO. / REG. NO.	CLASS: GOODS/SERVICES	STATUS / KEY DATES	OWNER INFORMATION
			1, 1975 Filed: November 13, 2013	
BOULDER SAUSAGE	RN: 1822132 SN: 74356428	(Int'l Class: 29) sausage	Renewed Supplemental Register February 15, 2014 Int'l Class: 29 First Use: September, 1975 Filed: February 8, 1993 Registered: February 15, 1994	Gbs Partners, Inc. (Colorado Corp.) 513 South Pierce Avenue Louisville Colorado 80027
BOULDER VITALITY	RN: 4646150 SN: 86029827	(Int'l Class: 05) vitamin and mineral supplements	Registered November 25, 2014 Int'l Class: 05 First Use: July 1, 2014 Filed: August 6, 2013	Nyiri, Tom (United States Citizen) 1761 Yellow Pine Lane Boulder Colorado 80304
BOULDERS	RN: 4293416 SN: 85588623	(Int'l Class: 29) fruit-based snack food	Registered February 19, 2013 Int'l Class: 29 First Use: April 5, 2012 Filed: April 4, 2012	Jessica R Mccaulley, Db Boulders (Colorado Limited Liability Company) 370 Martin Dr. Boulder Colorado 80305
CURED BOULDER · COLORADO and Design 	RN: 5218688 SN: 87975109	(Int'l Class: 29) vegetable and garden salads; dips and vegetable-based spreads; hummus; pate; cheese spreads (Int'l Class: 30) baked goods, namely, cookies, crostini and bread sticks; pastas	Registered June 6, 2017 Int'l Class: 29,30 First Use: April 3, 2012 Filed: September 13, 2016	Cured, LLC (Colorado Limited Liability Company) 1825 B Pearl Street Boulder Colorado 80302

MARK	APP. NO. / REG. NO.	CLASS: GOODS/SERVICES	STATUS / KEY DATES	OWNER INFORMATION
LIVE BETTER. EAT BOULDER.	RN: 5702284 SN: 88060952	(Int'l Class: 29) snack foods, namely, potato based chips, vegetable based sticks, bean based chips and hummus based chips (Int'l Class: 30) snack foods, namely, multi-grain based chips and rice based chips	Registered March 19, 2019 Int'l Class: 29,30 First Use: August 1, 2018 Filed: August 1, 2018	Inventure Foods, Inc. (Delaware Corp.) 5415 E. High Street, Suite 350 Phoenix Arizona 85054

Given the crowded field of “BOULDER” marks, each owner is entitled to an extremely narrow scope of protection. As such, the evidence presented in the chart above clearly supports the argument that Applicant’s Mark and Cited Registration 2 can also peacefully co-exist on the Register among other trademark registrations that include the term “BOULDER.”

iii) Comparison of Goods Covered

As stated above, confusion is not likely, even where two marks are identical, “if the goods or services in question are not related or marketed in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source.” TMEP § 1207.01(a)(i). Furthermore, there is no per se rule that certain goods or services are related such that there must be a likelihood of confusion conclusion drawn from the use of similar marks in connection with such goods or services. TMEP § 1207.01(a)(iv).

Cited Registration 2 is for “Protein meat-based snack bars” in Class 29. Applicant does offer any goods under Class 29, but instead offers an entirely different type of “bars” to its consumers, as classified in Class 5. Applicant’s products are not “meat-based” nor “snack” products,” but instead have dietary, nutritional, and medical benefits. Applicant’s goods include “powdered nutritional supplement drink mix containing one or more of the following ingredients, soy, oat oil, creatine, soy oil, dextrose, protein, non-fat milk, milk protein, or whey protein concentrate,” “ready to drink nutritional beverages for use as a meal substitute for medical purposes,” “nutritionally fortified beverages for medical purposes,” “nutritional shakes for use as a meal substitute for medical purposes,” and “dietary and nutritional food supplements and powdered drink mixes containing soluble and insoluble fiber.” Accordingly, Applicant’s products have a specific purpose to promote weight loss, diet, health, body building, and muscle gain and is not a mere snack bar for general consumption. In this regard, since Applicant’s goods are sufficiently distinguishable from the goods offered by Cited Registration 2, a likelihood of confusion is unlikely.

I. Conclusion

In view of the foregoing arguments set forth above and the evidence submitted herewith, Applicant contends that Applicant’s Mark is not likely to cause confusion with the Cited

Registrations. Therefore, Applicant respectfully requests that the Examining Attorney reconsider her position and approve Application Serial No. 88169850 for the BOLDR mark for publication in the *Official Gazette*.

Should anything further be required, a telephone call to the undersigned at (949) 732 – 6810 is respectfully solicited.

Respectfully submitted,

GREENBERG TRAURIG, LLP

Date: August 2, 2019

 /Susan L. Heller/
By: Susan L. Heller
3161 Michelson Dr., Suite 1000
Irvine, CA 92612
Phone: (949) 732-6810
Fax: (949) 266-9468

Attorney for Applicant
Boldr Beverages, LLC

EXHIBIT A



SINCE 1828

bold

X



DICTIONARY

THESAURUS

bold adjective

\ 'bɒld \

Definition of bold (Entry 1 of 2)

- 1 **a** : fearless before danger : INTREPID
// *bold* settlers on some foreign shore
— William Wordsworth
- b** : showing or requiring a fearless daring spirit
// *a bold* plan
- 2 : IMPUDENT, PRESUMPTUOUS
// punishing a *bold* child for talking back
// If I may be so *bold*, I'd like to make a few suggestions.
- 3 *obsolete* : ASSURED, CONFIDENT
- 4 : SHEER, STEEP
// *bold* cliffs
- 5 : ADVENTUROUS, FREE
// *a bold* thinker
- 6 : standing out prominently
// *bold* headlines
- 7 : being or set in **boldface**
// *bold* lettering

SEPHORA

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\$20.00 ★★★★★

YES, PLEASE

WORD OF THE DAY

phalanx


an organized body of persons

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TEST YOUR VOCABULARY

What's that Smell?! Quiz



Someone who is hircine smells like a:

EXHIBIT B



SINCE 1828

boulder



DICTIONARY THESAURUS

boulder noun

boul·der | \ 'b\u0254l-d\u0251r \

variants: or less commonly **bowlder**

Definition of *boulder* (Entry 1 of 2)

: a detached and rounded or much-worn mass of rock

Boulder geographical name

Boul·der | \ 'b\u0254l-d\u0251r \

Definition of *Boulder* (Entry 2 of 2)

city northwest of Denver in north central Colorado *population* 97,385

Other Words from *boulder*

Example Sentences

Learn More about *boulder*

Other Words from *boulder*

Noun

bouldered \ 'b\u0254l-d\u0251rd \ *adjective*



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EXHIBIT C

United States of America
United States Patent and Trademark Office

BOOST

Reg. No. 4,619,723

Registered Oct. 14, 2014

Int. Cls.: 5 and 29

TRADEMARK

PRINCIPAL REGISTER

SOCIETE DES PRODUITS NESTLE S.A. (SWITZERLAND SOCIÉTÉ ANYONYME)
CASE POSTALE 353
1800 VEVEY, SWITZERLAND

FOR: LIQUID NUTRITIONAL SUPPLEMENTS FOR HUMAN USE; LIQUID NUTRITIONAL SUPPLEMENT FOR ORAL FEEDING; NUTRITIONALLY FORTIFIED BEVERAGES AND BARS FOR USE AS A MEAL REPLACEMENT AND ADAPTED FOR MEDICAL USE, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 4-22-1994; IN COMMERCE 4-22-1994.

FOR: DAIRY-BASED FOOD BEVERAGES CONTAINING FORTIFIED NUTRIENTS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 4-22-1994; IN COMMERCE 4-22-1994.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,333,938, 4,267,198 AND OTHERS.

SER. NO. 86-053,910, FILED 9-3-2013.

JIM RINGLE, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

United States of America
United States Patent and Trademark Office

BOOSTER

Reg. No. 4,493,576

Registered Mar. 11, 2014

Int. Cl.: 5

TRADEMARK

PRINCIPAL REGISTER

ZOOLOGICAL EDUCATION NETWORK, INC. (FLORIDA CORPORATION)
SUITE 2A
2324 S. CONGRESS AVE.
WEST PALM BEACH, FL 33406

FOR: VETERINARY PREPARATIONS AND PRODUCTS, NAMELY, VITAMIN, MINERAL AND DIETARY SUPPLEMENTS FOR PETS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 11-1-2007; IN COMMERCE 11-1-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SEC. 2(F).

SER. NO. 85-820,439, FILED 1-10-2013.

JAY BESCH, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 5,178,606

Registered Apr. 11, 2017

Int. Cl.: 29, 31

Trademark

Principal Register

CULTIVA SOCIETA' AGRICOLA O.P. CONSORTILE A RESPONSABILITA' LIMITATA (ITALY Limited liability agricultural consortium)
129, VIA SAN BASILIO
TAGLIO DI PO (RO)
ITALY

CLASS 29: Vegetable mousses; vegetable salads; vegetables, cooked; vegetables, dried; vegetable soup preparations; fruit, preserved; fruit pulp; fruit peel; fruit salads; fruit-based snack food; jams; bottled vegetables; canned vegetables; cooked vegetables; dried vegetables; frozen vegetables; pickled vegetables; preserved vegetables; processed vegetables; tempura vegetables; tinned vegetables; canned fruits and vegetables; cooked fruits and vegetables; dried fruit and vegetables; fruit and vegetable salads; preserved/dried and cooked fruit and vegetables; bottled fruits; canned fruits; dried fruits; packaged meals consisting primarily of vegetables; prepared meals consisting primarily of vegetables; ready-to-eat meals consisting primarily of vegetables; blended vegetable oils; combined fruit and vegetables purees; bagged, canned or bottled cut vegetables; dried vegetables in powder form; edible oil, namely, vegetable oil; formed textured vegetable protein for use as a meat substitute; freeze-dried vegetables; frozen, frosted, preserved, processed, dried, cooked or crystallized fruit and vegetables extracts for use in prepared meals or food; fruit and vegetable granules for use in prepared meals or food; marinated vegetables; meat, fish, fruit and vegetable jellies; meat, fish, fruit and vegetable preserves; prepared entrees consisting primarily of vegetables, soups, fruit salads and vegetable salads; prepared food kits composed of meat, poultry, fish, seafood, and/or vegetables and also including sauces or seasonings, ready for cooking and assembly as a meal; preserved fruit and vegetables; preserved vegetables (in oil); preserved, dried and cooked fruit and vegetables; preserved, dried and cooked vegetables; preserved, dried, cooked and grilled vegetables; preserved, frozen, dried or cooked vegetables; pre-cut vegetable salad; pre-packaged dinners consisting of vegetables; processed vegetables and fruits; salads, namely, garden salads, fruit salads, vegetable salads; bagged, canned or bottled sliced vegetables; sliced vegetables preserved in soy sauce, soybean paste or vinegar; tempura vegetables; vegetable chips; vegetable juice for cooking; vegetable mousse; vegetable oils; vegetable paste, vegetable pudding being savory pudding; vegetable puree; vegetables in vinegar; vegetable-based cooking spray; vegetable juices for cooking; vegetable-based meat substitutes; vegetable-based raw food bars; vegetable-based snack foods; processed goji berries; processed acai berries; processed edible seeds

CLASS 31: Vegetables, fresh; fresh lettuce; fresh fruits and vegetables; raw vegetable; unprocessed goji berries; unprocessed acai berries

The mark consists of the stylized wording "CULTIVA" appearing to the right of a design that features five overlapping leaves.

PRIORITY DATE OF 06-12-2015 IS CLAIMED

OWNER OF INTERNATIONAL REGISTRATION 1284477 DATED 07-23-2015,
EXPIRES 07-23-2025



Michelle K. Lee

Director of the United States
Patent and Trademark Office

The wording "CULTIVA" has no meaning in a foreign language.

SER. NO. 79-181,057, FILED 07-23-2015
ERIC MICHAEL SABLE, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

cultivar

Reg. No. 5,581,299

Registered Oct. 09, 2018

Int. Cl.: 29

Trademark

Principal Register

Caspar Wine LLC (CALIFORNIA LIMITED LIABILITY COMPANY)
Po Box 627
Rutherford, CALIFORNIA 94573

CLASS 29: Olive oil; Olive oil for food; Olive oils; Flavored olive oil

FIRST USE 6-30-2011; IN COMMERCE 6-30-2011

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 87-093,895, FILED 07-06-2016



Andrei Iancu

Director of the United States
Patent and Trademark Office

United States of America
United States Patent and Trademark Office

KIND

Reg. No. 4,161,495

Registered June 19, 2012

Int. Cls.: 25, 29, and 30

TRADEMARK

PRINCIPAL REGISTER

KIND LLC (DELAWARE LIMITED LIABILITY COMPANY)
P.O. BOX 705 MIDTOWN STATION
NEW YORK, NY 10018

FOR: CLOTHING AND APPAREL, NAMELY, T-SHIRTS, SWEATSHIRTS, CAPS, VESTS, JACKETS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 5-31-2011; IN COMMERCE 9-26-2011.

FOR: SWEET SNACKS, NAMELY, FRUIT BASED SNACK FOOD, DRIED FRUIT MIXES; SNACK MIXES CONSISTING PRIMARILY OF PROCESSED FRUITS AND PROCESSED NUTS; NUTRITION BARS, NAMELY, NUT AND SEED BASED SNACK BARS; FRUIT BASED SNACK FOOD BARS ALSO CONTAINING GRAINS, CEREALS, DRIED FRUIT, FRUIT JUICE; NUT BASED SNACK FOOD, IN CLASS 29 (U.S. CL. 46).

FIRST USE 2-18-2003; IN COMMERCE 2-18-2003.

FOR: SNACKS, NAMELY, CEREAL BASED SNACK FOOD; CEREAL BASED SNACK FOOD BARS, GRANOLA BASED SNACK FOOD BARS, GRAIN BASED SNACK FOOD; SNACK FOODS, NAMELY, GRANOLA BASED MIXES, RICE BASED SNACK FOOD, WHOLE GRAIN BASED SNACK FOOD, IN CLASS 30 (U.S. CL. 46).

FIRST USE 6-8-2011; IN COMMERCE 6-8-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,984,772.

SN 77-333,800, FILED 11-20-2007.

HOWARD SMIGA, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office

KINDER

Reg. No. 4,762,649

Registered June 30, 2015

Int. Cls.: 29, 30 and 32

TRADEMARK

PRINCIPAL REGISTER

FERRERO S.P.A. (ITALY CORPORATION)
PIAZZALE PIETRO FERRERO 1
ALBA, CUNEO, ITALY 12051

FOR: PRESERVED, DRIED AND COOKED FRUITS; JELLIES, JAMS; MILK AND MILK PRODUCTS EXCLUDING ICE CREAM, ICE MILK AND FROZEN YOGURT, IN CLASS 29 (U.S. CL. 46).

FOR: COFFEE, TEA, SUGAR, RICE, COFFEE SUBSTITUTES; BREAD, BISCUITS, CAKES, PASTRY, CONFECTIONERY, NAMELY, CANDY, CHOCOLATE BARS, CHOCOLATE EGGS, CHOCOLATE-BASED SNACK FOODS; EDIBLE ICES; HONEY, TREACLE, COCOA, COCOA PRODUCTS, NAMELY, COCOA SPREAD, COCOA PASTE FOR DRINKS, CHOCOLATE PASTE; TOPPINGS, NAMELY, TOPPING MADE OF CHOCOLATE, PRALINES, CONFECTIONERY OF CHOCOLATE FOR DECORATING CHRISTMAS TREES, IN CLASS 30 (U.S. CL. 46).

FOR: MINERAL AND AERATED WATERS; NON-ALCOHOLIC DRINKS, NAMELY, ENERGY SHOTS; NON-ALCOHOLIC BEVERAGES, NAMELY, CARBONATED BEVERAGES; ISOTONIC NON-ALCOHOLIC DRINKS; NON-ALCOHOLIC BEVERAGES CONTAINING FRUIT JUICES; NON-ALCOHOLIC COCKTAIL MIXES; NON-ALCOHOLIC FRUIT FLAVOURED BEVERAGES; NON-CARBONATED, NON-ALCOHOLIC FROZEN FLAVOURED BEVERAGES; SYRUPS FOR MAKING BEVERAGES; PREPARATIONS FOR MAKING BEVERAGES, NAMELY, CONCENTRATES OR POWDERS USED IN THE PREPARATION OF SOFT DRINKS OR TEA-FLAVOURED BEVERAGES, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).



THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF ITALY REG. NO. 168843, DATED 3-29-1965, RENEWED AS REG. NO. 168843, DATED 1-28-2015, EXPIRES 1-28-2025.

OWNER OF ITALY REG. NO. 602760, DATED 8-5-1993, RENEWED AS REG. NO. 602760, DATED 6-15-2013, EXPIRES 6-15-2023.

OWNER OF U.S. REG. NOS. 1,691,821, 3,296,061 AND OTHERS.

THE ENGLISH TRANSLATION OF "KINDER" IN THE MARK IS "CHILDREN".

Michelle K. Lee
Director of the United States
Patent and Trademark Office

Reg. No. 4,762,649 SER. NO. 85-651,006, FILED 6-13-2012.

LOURDES AYALA, EXAMINING ATTORNEY

Int. Cls.: 29, 30 and 32

Prior U.S. Cls.: 45, 46 and 48

Reg. No. 2,839,490

United States Patent and Trademark Office

Registered May 11, 2004

TRADEMARK
PRINCIPAL REGISTER



LANKA CANNERIES LTD. (SRI LANKA LIMITED LIABILITY COMPANY)
P.O. BOX 341, NAWALA ROAD
COLOMBO 5, SRI LANKA

FOR: FRUIT JAMS; JELLIES AND PRESERVES; MARMALADES; FRUIT SAUCES; FRUIT PULP; FRUIT PUREES; CANNED FRUITS; FRUIT TOPPINGS; CANDIED CITRUS FRUIT PEELS; PICKLES; VEGETABLE PRESERVES; TOMATO PUREE; TOMATO PASTE; PASTE OF GARLIC AND SALT, FOR USE AS A SPREAD AND AS AN INGREDIENT IN PREPARED DISHES; GORAKA PASTE; TAMARIND PASTE; VEGETABLES PRESERVED IN BRINE; CHIPS OF DRIED FISH FOR CONSUMPTION AS A SNACK AND FOR USE AS AN INGREDIENT IN PREPARED DISHES, IN CLASS 29 (U.S. CL. 46).

FIRST USE 3-24-1968; IN COMMERCE 12-19-1991.

FOR: MUSTARD PASTE, NAMELY A MIXTURE OF MUSTARD, MARGARINE, VINEGAR, CORN STARCH, SUGAR, SALT AND SPICES, FOR USE AS A CONDIMENT AND AS AN INGREDIENT IN PREPARED DISHES; FLAVORING SYRUP; GOLDEN TABLE SYRUP, NAMELY SYRUP MADE FROM CANE SUGAR, INVERTED WITH CITRIC ACID AND FLAVORED AND COLORED WITH CARAMELIZED SUGAR; CHILI SAUCES; KETCHUP; TOMATO SAUCE; SWEET AND SOUR SAUCE; CHUTNEYS; TREACLE; VINEGAR; AND SAUCE

MADE FROM GARLIC FOR USE AS AN INGREDIENT IN PREPARED DISHES, SAMBOLS, NAMELY, MIXTURES OF CHOPPED ONION, FISH, TAMARIND AND CHILIES, SUGAR, SPICES, HERBS, SALT AND LIME JUICE, FOR USE AS A CONDIMENT AND AS AN INGREDIENT IN PREPARED DISHES, LUNU MIRIS, NAMELY, A MIXTURE OF CHOPPED ONIONS, CHILIES, FISH, SALT AND LIME JUICE, FOR USE AS A CONDIMENT AND AS AN INGREDIENT IN PREPARED DISHES, AND GINGER PASTE FOR USE AS A SPREAD AND AS AN INGREDIENT IN PREPARED DISHES, IN CLASS 30 (U.S. CL. 46).

FIRST USE 3-24-1968; IN COMMERCE 12-19-1991.

FOR: SYRUPS FOR MAKING FRUIT DRINKS; FRUIT JUICES; NON-ALCOHOLIC FRUIT CORDIALS AND FRUIT JUICE CONCENTRATES, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 3-24-1968; IN COMMERCE 12-19-1991.

THE MARK CONSISTS OF THE LETTERS "MD", AND A HEXAGON DESIGN.

SER. NO. 76-373,868, FILED 2-21-2002.

LINDA M. KING, EXAMINING ATTORNEY

United States of America
United States Patent and Trademark Office

MDR

Reg. No. 4,135,218

MDR FITNESS CORP. (FLORIDA CORPORATION)
14101 NW 4TH STREET
SUNRISE, FL 33325

Registered May 1, 2012

Int. Cl.: 5

FOR: DIETARY AND NUTRITIONAL SUPPLEMENTS; VITAMIN SUPPLEMENTS, IN CLASS
5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

TRADEMARK

FIRST USE 7-21-1983; IN COMMERCE 7-21-1983.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-412,015, FILED 8-31-2011.

WILLIAM BRECKENFELD, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

MOVE

Reg. No. 5,169,381

The BOSS Food Company (TEXAS CORPORATION)
2503 South Blvd, Ste 203
Houston, TX 77098

Registered Mar. 28, 2017

Int. Cl.: 29

CLASS 29: Nut- and dried fruit- based snack bars; Fruit-based snack food; Nut-based snack foods; Seed-based snack bars

Trademark

FIRST USE 10-00-2015; IN COMMERCE 10-00-2015

Principal Register

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 86-872,946, FILED 01-12-2016
ELI J HELLMAN, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52

Reg. No. 2,135,834

United States Patent and Trademark Office

Registered Feb. 10, 1998

Amended

OG Date Feb. 12, 2008

**TRADEMARK
PRINCIPAL REGISTER**

MOVER

KROEGER HERB PRODUCTS CO., INC.
(COLORADO CORPORATION)
805 WALNUT STREET
BOULDER, CO 80302

FOR: DIETARY SUPPLEMENT,
NAMELY, CAPSULE PREPARATION OF
SELECTED HERBS, NAMELY, YELLOW
DOCK, ONION, SAGE, WAHOO BARK
AND RHUBARB ROOT, IN CLASS 5 (U.S.
CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 8-15-1983; IN COMMERCE
8-15-1983.

SER. NO. 75-248,591, FILED 2-27-1997.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Feb. 12, 2008.*

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

Int. Cl.: 5

Prior U.S. Cl.: 18

United States Patent and Trademark Office

Reg. No. 1,099,206
Registered Aug. 15, 1978

TRADEMARK

Principal Register

PRIME

Organic Health Natural Products, Inc. (California corporation)
5420 W. 104th St.
Los Angeles, Calif. 90045

For: FOOD SUPPLEMENTS AND VITAMINS, in CLASS 5 (U.S. CL. 18).

First use in or about January 1973; in commerce in or about January 1974.

Ser. No. 118,836, filed Mar. 14, 1977.

M. MERCHANT, Examiner

United States of America

United States Patent and Trademark Office

PRIMER

Reg. No. 5,693,810

Intelligent Drinking, LLC (TEXAS LIMITED LIABILITY COMPANY)
301 Main Plaza #131

Registered Mar. 05, 2019

New Braunfels, TEXAS 78130

Int. Cl.: 5

CLASS 5: Nutritional supplement that helps replace nutrients that alcohol depletes

Trademark

FIRST USE 6-7-2018; IN COMMERCE 6-7-2018

Supplemental Register

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 88-009,775, FILED P.R. 06-21-2018; AM. S.R. 12-20-2018



Andrei Iancu

Director of the United States
Patent and Trademark Office

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,615,802

Registered May 5, 2009

**TRADEMARK
PRINCIPAL REGISTER**



QIP HOLDER LLC (DELAWARE LIMITED LIABILITY COMPANY)
1475 LAWRENCE STREET, SUITE 400
DENVER, CO 80202

FOR: SALADS COMPRISED PRIMARILY OF LETTUCE AND CHOICE OF CHICKEN OR STEAK; GARDEN SALADS; VEGETABLE SALADS; SOUPS; CHILI; CHEESE; POTATO CHIPS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 0-0-2003; IN COMMERCE 0-0-2003.

OWNER OF U.S. REG. NOS. 2,714,443, 3,279,229 AND OTHERS.

THE MARK CONSISTS OF THE STYLIZED LETTER "Q".

SER. NO. 77-582,689, FILED 9-30-2008.

KARANENDRA S. CHHINA, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

QR

Reg. No. 4,356,025

Registered June 25, 2013

Int. Cls.: 5 and 32

THE TRUSTEE OF THE HYDRATION PHARMACEUTICALS TRUST COMPRISING
GEOFFREY FREDERICK O'BRIEN (AUSTRALIA TRUST)
LEVEL 5
114 WILLIAM STREET
MELBOURNE VIC 3000, AUSTRALIA

TRADEMARK

PRINCIPAL REGISTER

FOR: VITAMIN PREPARATIONS; VITAMIN SUPPLEMENTS; VITAMIN TABLETS; VITAMINS; DIETARY SUBSTANCES FOR MEDICAL USE, NAMELY, DIETARY SUPPLEMENT DRINK MIXES; MINERAL DIETARY SUPPLEMENTS FOR HUMANS; NUTRITIONAL SUPPLEMENTS; ORAL ELECTROLYTES; ELECTROLYTE REPLACEMENT BEVERAGES FOR MEDICAL PURPOSES; ELECTROLYTE SOLUTIONS FOR MEDICAL USE; ANALGESICS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FOR: PREPARATIONS FOR MAKING FRUIT FLAVORED DRINKS CONTAINING VITAMINS OR ELECTROLYTES; ELECTROLYTE REPLACEMENT BEVERAGES FOR GENERAL AND SPORTS PURPOSES; SPORTS DRINKS CONTAINING VITAMINS OR ELECTROLYTES; ISOTONIC DRINKS; POWDERS FOR MAKING FRUIT FLAVORED BEVERAGES CONTAINING VITAMINS OR ELECTROLYTES; MINERAL AND AERATED WATERS CONTAINING VITAMINS OR ELECTROLYTES; SYRUPS CONTAINING VITAMINS OR ELECTROLYTES FOR MAKING FRUIT FLAVORED DRINKS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

PRIORITY DATE OF 12-22-2011 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION 1135211 DATED 6-19-2012, EXPIRES 6-19-2022.

SER. NO. 79-120,251, FILED 6-19-2012.

LEIGH CAROLINE CASE, EXAMINING ATTORNEY



Lea Street Lee

Acting Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

RESURRECT

Reg. No. 5,581,907

Anami Universal (HONG KONG CORPORATION)
1962 Menalto Ave, Unit B
Menlo Park, CALIFORNIA 94025

Registered Oct. 09, 2018

Int. Cl.: 5

CLASS 5: Crystal remedies made with spring water and crystalline energy, preserved with brandy, namely, medicinal preparations in the nature of crystal remedies made with water and crystalline energy for enhancing sexual arousal and increasing libido

Trademark

FIRST USE 1-20-2017; IN COMMERCE 3-20-2017

Principal Register

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 87-543,185, FILED 07-26-2017



Andrei Iancu

Director of the United States
Patent and Trademark Office

United States of America
United States Patent and Trademark Office

Resurrector

Reg. No. 4,427,163

Registered Nov. 5, 2013

**Int. Cls.: 16, 25, 29, 30,
35 and 44**

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

OLIMP LABORATORIES SP. Z O.O. (POLAND LIMITED LIABILITY COMPANY)
NAGAWCZYNA 109C
PL-39-200 DEBICA, POLAND

FOR: NEWSPAPERS, MAGAZINES IN THE FIELD OF HEALTH, SPORT, CLOTHING, NUTRITION, PHARMACY, BODYBUILDING, FITNESS, GYMNAS TIC, RECREATION, CATALOGUES IN THE FIELD OF HEALTH, SPORT, CLOTHING, NUTRITION, PHARMACY, BODYBUILDING, FITNESS, GYMNAS TIC, RECREATION, BOOKS IN THE FIELD OF HEALTH, SPORT, CLOTHING, NUTRITION, PHARMACY, BODYBUILDING, FITNESS, GYMNAS TIC, RECREATION, PHOTO AND EVENT ALBUMS, BROCHURES IN THE FIELD OF HEALTH, SPORT, CLOTHING, NUTRITION, PHARMACY, BODYBUILDING, FITNESS, GYMNAS TIC, RECREATION, POSTERS, PROSPECTUSES IN THE FIELD OF HEALTH, SPORT, CLOTHING, NUTRITION, PHARMACY, BODYBUILDING, FITNESS, GYMNAS TIC, RECREATION, FOLDERS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FOR: T-SHIRTS, POLO SHIRTS, SHIRTS, SOCKS, HOODED SWEATSHIRTS, SWEATSHIRTS WITHOUT HOOD, TROUSERS, JEANS, BONNETS, TANK TOPS, TRACKSUIT BOTTOMS, SHORTS, CAPS, BELTS WITH BUCKLES, UNDERWEAR, LADIES' TUNICS, JACKETS, SKIRTS, DENIM SKIRTS, LEATHER JACKETS, SPORTS SHOES, SWEATERS, BATHING SUITS, DRESSES, FOOTWEAR, SHAWLS, SCARVES, GLOVES, IN CLASS 25 (U.S. CLS. 22 AND 39).

FOR: PROTEIN-RICH CONCENTRATES AND SUPPLEMENTS MADE OF WHEY, MILK, MEAT, VEGETABLES ENRICHED WITH VITAMINS, MINERAL SALTS AND AMINO ACIDS, DAIRY PRODUCTS, NAMELY, MILK, YOGHURTS, KEFIRS, CHEESES, PROTEIN MILK, WHEYS, MILK DRINKS AND DRINKS WITH PREDOMINANCE OF MILK, NAMELY, MILK DRINKS CONTAINING FRUITS, MILK-BASED BEVERAGES CONTAINING MILK CONCENTRATES, VEGETABLE OIL AND ADDED NUTRIENTS, EGG WHITES, FOOD PROTEINS, NAMELY, PROTEIN MILK, MEAT EXTRACTS, PRESERVED, DRIED AND COOKED FRUITS AND VEGETABLES, EDIBLE OILS AND FATS, IN CLASS 29 (U.S. CL. 46).

FOR: HYDROCARBON CONCENTRATES AND SUPPLEMENTS, NAMELY, CARBOHYDRATES IN POWDERED FORM AS WELL AS ENERGY-RICH BAKERY PRODUCTS SUPPLEMENTED WITH VITAMINS AND MINERAL SALTS, NAMELY, CEREAL BASED SNACK FOOD, HIGH-PROTEIN CEREAL BARS, SPECIAL BAKERY PRODUCTS, NAMELY, CEREAL BASED SNACK FOOD, HIGH-PROTEIN CEREAL BARS, BREAKFAST MIXES,



Sean Street

Deputy Director of the United States Patent and Trademark Office

Reg. No. 4,427,163 NAMELY, MUESLI, CORN FLAKES, PORRIDGE OATS, PROCESSED BRAN, FARINACEOUS PRODUCTS, NAMELY, FARINACEOUS FOOD PASTES FOR HUMAN CONSUMPTION, CEREAL PRODUCTS, NAMELY, CEREAL BARS, PROCESSED CEREAL-BASED FOOD TO BE USED AS A BREAKFAST FOOD, SNACK FOOD OR INGREDIENT FOR MAKING OTHER FOODS, COFFEE AND CHOCOLATE DRINKS, NAMELY, CHOCOLATE SYRUP, CHOCOLATES CONTAINING NUTRIENTS, CHOCOLATE-BASED MEAL REPLACEMENT BARS, MILK CHOCOLATE, BEVERAGES MADE OF COFFEE, SOY, NAMELY, SOY-BASED BEVERAGES NOT BEING MILK SUBSTITUTES, IN CLASS 30 (U.S. CL. 46).

FOR: WHOLESALE, RETAIL AND ONLINE WHOLESALE AND RETAIL STORE SERVICES FEATURING VARIOUS GOODS INCLUDING: NEWSPAPERS, MAGAZINES, CATALOGUES, BOOKS, ALBUMS, BROCHURES, POSTERS, PROSPECTUSES, FOLDERS, T-SHIRTS, POLO SHIRTS, SHIRTS, SOCKS, HOODED SWEATSHIRTS, SWEATSHIRTS WITHOUT HOOD, TROUSERS, JEANS, BONNETS, TANK TOPS, TRACKSUIT BOTTOMS, SHORTS, CAPS, BELTS WITH BUCKLES, UNDERWEAR, LADIES' TUNICS, JACKETS, SKIRTS, JEANS SKIRTS, LEATHER JACKETS, SPORTS SHOES, SWEATERS, BATHING SUITS, DRESSES, FOOTWEAR, SHAWLS, SCARVES, GLOVES, PROTEIN-RICH CONCENTRATES AND SUPPLEMENTS ENRICHED WITH VITAMINS, MINERAL SALTS AND AMINO ACIDS, DAIRY PRODUCTS, MILK, YOGHURTS, KEFIRS, CHEESES, MILK PROTEINS, WHEYS, MILK DRINKS OR DRINKS WITH PREDOMINANCE OF MILK, EGG WHITES, FOOD PROTEINS, MEAT EXTRACTS, PRESERVED, DRIED AND COOKED FRUITS AND VEGETABLES, EDIBLE OILS AND FATS, HYDROCARBON CONCENTRATES AND SUPPLEMENTS AS WELL AS ENERGY-RICH BAKERY PRODUCTS SUPPLEMENTED WITH VITAMINS AND MINERAL SALTS, SPECIAL BAKERY PRODUCTS, BREAKFAST MIXES INCLUDING: MUESLI, CORN FLAKES, PORRIDGE OATS, BRAN, FARINACEOUS PRODUCTS, CEREAL PRODUCTS, COFFEE AND CHOCOLATE DRINKS, SOY, ALLOWING THE PURCHASER TO EXAMINE AND BUY THEM COMFORTABLY IN SHOPS, WHOLESALE OUTLETS AND ON WEBSITES, SALE OF GOODS BY MEANS OF AN INTERNET STORE, ADVERTISING AND MARKETING SERVICES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FOR: INFORMATION AND ADVISORY CONCERNING HEALTH CARE; CONSULTATIONS IN SCOPE OF DIETETICS, INFORMATION AND ADVISORY CONCERNING USE OF PRODUCTS DESIGNED FOR HEALTH AND BEAUTY CARE, IN CLASS 44 (U.S. CLS. 100 AND 101).

THE MARK CONSISTS OF THE WORD "RESURRECTOR" IN STYLIZED WHITE FONT, OUTLINED IN BLACK AND RED.

OWNER OF INTERNATIONAL REGISTRATION 1143670 DATED 4-23-2012, EXPIRES 4-23-2022.

THE COLOR(S) WHITE, BLACK AND RED IS/ARE CLAIMED AS A FEATURE OF THE MARK.

SER. NO. 79-123,507, FILED 4-23-2012.

FRANK LATTUCA, EXAMINING ATTORNEY

EXHIBIT D

United States of America

United States Patent and Trademark Office

BE BALANCED BE BOLD BE
BEAUTIFUL

Reg. No. 5,157,102

BEBE & BELLA, LLC (GEORGIA LIMITED LIABILITY COMPANY)
2443 PARK CENTRAL BOULEVARD, SUITE A
Decatur, GA 30035

Registered Mar. 07, 2017

Int. Cl.: 3, 5

CLASS 3: Non-medicated skin cream with probiotics; facial cleansers; non-medicated skin toners; non-medicated skin serum; eye cream; night cream; sun-block lotion

Trademark

FIRST USE 5-30-2015; IN COMMERCE 5-30-2015

Principal Register

CLASS 5: Nutritional supplements, namely, probiotic compositions

FIRST USE 5-30-2015; IN COMMERCE 5-30-2015

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 86-780,522, FILED 10-07-2015
GIANCARLO CASTRO, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,048,415

Registered Jan. 24, 2006

**TRADEMARK
PRINCIPAL REGISTER**



CALIFORNIA ALMOND GROWERS EXCHANGE
(CALIFORNIA CORPORATION), DBA BLUE
DIAMOND GROWERS
1802 "C" STREET
SACRAMENTO, CA 95814

OWNER OF U.S. REG. NOS. 159,301, 2,364,697 AND
OTHERS.

FOR: PROCESSED NUTS, IN CLASS 29 (U.S. CL.
46).

SER. NO. 76-629,656, FILED 1-28-2005.

FIRST USE 11-20-2004; IN COMMERCE 11-20-2004.

JENNIFER KRISP, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

BOAR'S HEAD BOLD

Reg. No. 4,226,045

Registered Oct. 16, 2012

Int. Cl.: 29

TRADEMARK

PRINCIPAL REGISTER

FRANK BRUNCKHORST CO., L.L.C. (NEW YORK LIMITED LIABILITY COMPANY)
24 ROCK STREET
BROOKLYN, NY 11206

FOR: CHEESE; PROCESSED MEAT, IN CLASS 29 (U.S. CL. 46).

FIRST USE 4-2-2012; IN COMMERCE 4-2-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,789,549, 2,173,144, AND 3,030,744.

SN 77-900,359, FILED 12-23-2009.

ANNE E. GUSTASON, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 4,660,569

Registered Dec. 23, 2014

Int. Cls.: 29 and 30

TRADEMARK

PRINCIPAL REGISTER

FRANK BRUNCKHORST CO., L.L.C. (NEW YORK LIMITED LIABILITY COMPANY)
24 ROCK STREET
BROOKLYN, NY 11206

FOR: PROCESSED MEAT; CHEESE, IN CLASS 29 (U.S. CL. 46).

FIRST USE 2-28-2014; IN COMMERCE 2-28-2014.

FOR: CONDIMENTS, NAMELY, MAYONNAISE-BASED SPREADS, AND OIL-BASED DRESSINGS FOR SANDWICHES AND SALADS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 2-28-2014; IN COMMERCE 2-28-2014.

OWNER OF U.S. REG. NO. 4,278,696.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BOLD", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE WORD "BOLD" IN A SERIES OF CONCENTRIC CIRCLES AND INCLUDING VINES AT A LOWER END OF THE OUTER CIRCLES.

SN 86-036,100, FILED 8-13-2013.

PAUL MORENO, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

United States of America
United States Patent and Trademark Office

BOLD

Reg. No. 4,392,357

VEVMA NUTRITION COMPANY (ARIZONA CORPORATION)
8322 E. HARTFORD DRIVE
SCOTTSDALE, AZ 85255

Registered Aug. 27, 2013

Int. Cls.: 5, 29 and 32

FOR: NUTRITIONALLY FORTIFIED BEVERAGES, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

TRADEMARK

FIRST USE 4-13-2012; IN COMMERCE 1-30-2013.

PRINCIPAL REGISTER

FOR: FRUIT-BASED FOOD BEVERAGES, IN CLASS 29 (U.S. CL. 46).

FIRST USE 4-13-2012; IN COMMERCE 1-30-2013.

FOR: ENERGY DRINKS ENHANCED WITH VITAMINS, MINERALS, AND NUTRIENTS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 4-13-2012; IN COMMERCE 1-30-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-869,108, FILED 3-6-2013.

AMY C. KEAN, EXAMINING ATTORNEY



Amy C. Kean

Acting Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

BOLD BURGER

Reg. No. 4,939,633

ANGUS MEATS, INC. (WASHINGTON CORPORATION)
2810 N. HOGAN STREET
SPOKANE, WA 98207

Registered Apr. 19, 2016

Int. Cl.: 29

FOR: PREPARED AND PACKAGED MEALS CONSISTING OF MEAT, SEAFOOD AND/OR VEGETABLES, IN CLASS 29 (U.S. CL. 46).

TRADEMARK

FIRST USE 7-11-2014; IN COMMERCE 7-11-2014.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BURGER", APART FROM THE MARK AS SHOWN.

SER. NO. 86-687,141, FILED 7-8-2015.

EMILY CHUO, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,517,815

Registered Oct. 14, 2008

**TRADEMARK
PRINCIPAL REGISTER**

BOLD EATS

ANGUS MEATS, INC. (WASHINGTON COR-
PORATION)

P.O. BOX 7209

SPOKANE, WA 99207

FOR: FROZEN MEALS CONSISTING PRIMAR-
ILY OF MEAT, FISH, POULTRY AND/OR VEGETA-
BLES, IN CLASS 29 (U.S. CL. 46).

FIRST USE 4-25-2008; IN COMMERCE 4-25-2008.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "EATS", APART FROM THE MARK
AS SHOWN.

SN 77-311,375, FILED 10-23-2007.

RON FAIRBANKS, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

BOLD KETO

Reg. No. 5,708,628

Morrison, Courtney (UNITED STATES INDIVIDUAL)
735 Woodcreek Ranch Rd
Wimberley, TEXAS 78676

Registered Mar. 26, 2019

Int. Cl.: 5

Rebold, Thomas (UNITED STATES INDIVIDUAL)
735 Woodcreek Ranch Rd
Wimberley, TEXAS 78676

Trademark

Principal Register

CLASS 5: Dietary supplements

FIRST USE 6-1-2018; IN COMMERCE 7-10-2018

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown:
"KETO"

SER. NO. 88-037,194, FILED 07-13-2018



Andrei Iancu

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 5,708,647

Registered Mar. 26, 2019

Int. Cl.: 5

Trademark

Principal Register

Morrison, Courtney (UNITED STATES INDIVIDUAL)
735 Woodcreek Ranch Rd
Wimberley, TEXAS 78676

Rebold, Thomas (UNITED STATES INDIVIDUAL)
735 Woodcreek Ranch Rd
Wimberley, TEXAS 78676

CLASS 5: Dietary supplements

FIRST USE 6-1-2018; IN COMMERCE 7-10-2018

The mark consists of a square box with the stylized word "Bold" within a rectangular box and underneath with the stylized word "Keto" with the letter "O" in "Keto" partially formed with a leaf.

No claim is made to the exclusive right to use the following apart from the mark as shown:
"KETO"

SER. NO. 88-037,839, FILED 07-14-2018



Andrei Iancu

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

DISCOVER BOLD FLAVOR

Reg. No. 4,247,484

FRANK BRUNCKHORST CO., L.L.C. (NEW YORK LIMITED LIABILITY COMPANY)
24 ROCK STREET

Registered Nov. 20, 2012

BROOKLYN, NY 11206

Int. Cl.: 29

FOR: CHEESE; PROCESSED MEAT, IN CLASS 29 (U.S. CL. 46).

TRADEMARK

FIRST USE 5-31-2012; IN COMMERCE 5-31-2012.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-558,972, FILED 3-2-2012.

KELLY TRUSILO, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

FIESTA BOLD POPPERS

Reg. No. 4,584,621

H. J. HEINZ COMPANY, L.P. (DELAWARE LIMITED PARTNERSHIP)
357 SIXTH AVENUE

Registered Aug. 12, 2014

PITTSBURGH, PA 15222

Int. Cl.: 29

FOR: BREADED PROCESSED VEGETABLE AND CHEESE PIECES, IN CLASS 29 (U.S. CL. 46).

TRADEMARK

FIRST USE 3-31-2008; IN COMMERCE 3-31-2008.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,908,676 AND 1,922,249.

SN 77-391,914, FILED 2-8-2008.

MICHELLE DUBOIS, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

GENUINE BOLD

Reg. No. 4,296,454

Registered Feb. 26, 2013

Int. Cls.: 29 and 30

TRADEMARK

PRINCIPAL REGISTER

FRANK BRUNCKHORST CO., L.L.C. (NEW YORK LIMITED LIABILITY COMPANY)
24 ROCK STREET
BROOKLYN, NY 11206

FOR: PROCESSED MEAT; CHEESE, IN CLASS 29 (U.S. CL. 46).

FIRST USE 6-13-2012; IN COMMERCE 6-13-2012.

FOR: CONDIMENTS, NAMELY, MUSTARD, RELISH, MAYONNAISE, HORSERADISH, BARBEQUE SAUCE, HOT SAUCE AND OIL-BASED DRESSINGS FOR SANDWICHES AND SALADS; TARTAR SAUCE; AND SEASONINGS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 6-13-2012; IN COMMERCE 6-13-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-541,305, FILED 2-13-2012.

KELLY TRUSILO, EXAMINING ATTORNEY



Lisa Street Lee

Acting Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 4,278,696

FRANK BRUNCKHORST CO., L.L.C. (NEW YORK LIMITED LIABILITY COMPANY)
24 ROCK STREET
BROOKLYN, NY 11206

Registered Jan. 22, 2013

Int. Cl.: 29

FOR: PROCESSED CHEESE; PROCESSED MEAT, IN CLASS 29 (U.S. CL. 46).

TRADEMARK

FIRST USE 4-2-2012; IN COMMERCE 4-2-2012.

PRINCIPAL REGISTER

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BOLD" AND "QUALITY SINCE 1905", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE WORDS "GENUINE BOLD QUALITY SINCE 1905" IN A SERIES OF CONCENTRIC CIRCLES AND INCLUDING VINES AT A LOWER END OF THE OUTER CIRCLES.

SER. NO. 85-613,425, FILED 5-1-2012.

KELLY TRUSILO, EXAMINING ATTORNEY



David J. Kyfos

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

GO BOLD LIFE IS TOO SHORT
FOR BLAND

Reg. No. 5,734,987

Meat Heads Snack Co., Ltd. (NEVADA CORPORATION)
1945 Pama Lane

Registered Apr. 23, 2019

Las Vegas, NEVADA 89119

Int. Cl.: 29

CLASS 29: Jerky and packaged meat

Trademark

FIRST USE 7-1-2018; IN COMMERCE 7-1-2018

Principal Register

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 87-790,430, FILED 02-08-2018



Andrei Iancu

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

It's BOLD to be KIND

Reg. No. 4,466,296

KIND LLC (DELAWARE LIMITED LIABILITY COMPANY)

Registered Jan. 14, 2014

P.O. BOX 705 MIDTOWN STATION

NEW YORK, NY 10018

Int. Cl.: 29

FOR: HEALTHY SNACKS, NAMELY, FOOD BARS COMPRISED PRIMARILY OF NUTS, FRUITS AND NUTS, AND ALSO CONTAINING OTHER INGREDIENTS, IN CLASS 29 (U.S. CL. 46).

TRADEMARK

FIRST USE 6-10-2013; IN COMMERCE 6-10-2013.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-956,075, FILED 6-11-2013.

MARTHA SANTOMARTINO, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

MAKE IT LOUD. MAKE IT
BOLD. MAKE IT LOCAL. MAKE
IT TIM'S!

Reg. No. 5,360,509

Birds Eye Foods LLC (DELAWARE LIMITED LIABILITY COMPANY)
399 Jefferson Road

Registered Dec. 19, 2017

Parsippany, NEW JERSEY 070543707

Int. Cl.: 29

CLASS 29: Potato chips

Trademark

FIRST USE 2-00-2015; IN COMMERCE 2-00-2015

Principal Register

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 86-891,715, FILED 01-29-2016



Joseph Matal

Performing the Functions and Duties of the
Under Secretary of Commerce for
Intellectual Property and Director of the
United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

NOOSH BOLD & ROBUST

Reg. No. 5,226,222

Nut Butter Concepts, LLC (CALIFORNIA LIMITED LIABILITY COMPANY)
4439 Ish Drive
Simi Valley, CA 93063

Registered Jun. 20, 2017

Int. Cl.: 29

CLASS 29: Edible oil; Nut-based spread; Nut-based spread also containing chocolate; Nut butters; Nut butters, namely, almond, walnut, pistachio, pecan, cashew, hazelnut, coconut, brazil, macadamia, paradise, pine, ginkgo, cycad, palm, chestnut, peanut, soy; Nut oils; Oil, namely, tree nut oils

Trademark

Principal Register

FIRST USE 4-15-2016; IN COMMERCE 4-19-2016

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 87-019,950, FILED 04-29-2016

JACLYN KIDWELL WALKER, EXAMINING ATTORNEY



Joseph Matal

Performing the Functions and Duties of the
Under Secretary of Commerce for
Intellectual Property and Director of the
United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

NUTTZO BOLD BITEZ

Reg. No. 5,482,071

NuttZo LLC (CALIFORNIA LIMITED LIABILITY COMPANY)

Registered May 29, 2018

4875 Caminito Exquisito
San Diego, CALIFORNIA 92130

Int. Cl.: 5, 29

CLASS 5: Nutritional supplement energy bars; dietary and nutritional supplement formed and packaged as protein based snack bars; protein bars in the nature of nutritional supplement energy bars

Trademark

FIRST USE 2-9-2018; IN COMMERCE 3-6-2018

Principal Register

CLASS 29: Nut-based snack bars; seed-based snack bars; nut and seed-based snack bars; fruit and nut and seed-based snack bars

FIRST USE 2-9-2018; IN COMMERCE 3-6-2018

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 3592258

No claim is made to the exclusive right to use the following apart from the mark as shown:
"BITES"

SER. NO. 87-340,304, FILED 02-17-2017



Andrei Iancu

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

POWERFULLY BOLD FLAVOR UNIQUELY TENDER BITE

Reg. No. 4,269,131

Registered Jan. 1, 2013

Int. Cl.: 29

TRADEMARK

PRINCIPAL REGISTER

LINK SNACKS, INC. (WISCONSIN CORPORATION)
ONE SNACKFOOD LANE, P.O. BOX 397
MINONG, WI 54859

FOR: MEAT SNACKS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 7-15-2011; IN COMMERCE 7-15-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-402,533, FILED 8-19-2011.

JANICE KIM, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

SAVOR BOLD FLAVOR

Reg. No. 4,632,979

Registered Nov. 4, 2014

Int. Cls.: 29 and 30

TRADEMARK

PRINCIPAL REGISTER

FRANK BRUNCKHORST CO., L.L.C. (NEW YORK LIMITED LIABILITY COMPANY)
24 ROCK STREET
BROOKLYN, NY 11206

FOR: PROCESSED MEAT; CHEESE, IN CLASS 29 (U.S. CL. 46).

FIRST USE 4-30-2013; IN COMMERCE 4-30-2013.

FOR: CONDIMENTS, NAMELY, MUSTARD, RELISH, MAYONNAISE, HORSERADISH, BARBEQUE SAUCE, HOT SAUCE AND OIL-BASED DRESSINGS FOR SANDWICHES AND SALADS; TARTAR SAUCE; AND SEASONINGS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 4-30-2013; IN COMMERCE 4-30-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-815,751, FILED 1-4-2013.

DAYNA BROWNE, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,664,993

Registered Aug. 4, 2009

**TRADEMARK
PRINCIPAL REGISTER**

SNACKS FOR THE BOLD

LINK SNACKS, INC. (WISCONSIN CORPORATION)
ONE SNACKFOOD LANE, P.O. BOX 397
MINONG, WI 54859

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "SNACKS", APART FROM THE
MARK AS SHOWN.

FOR: MEAT SNACKS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 10-5-2008; IN COMMERCE 2-0-2009.

SN 77-610,925, FILED 11-10-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

VERNA BETH RIRIE, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

THE BOLD FLAVOR ADVENTURE BEGINS

Reg. No. 4,247,485

FRANK BRUNCKHORST CO., L.L.C. (NEW YORK LIMITED LIABILITY COMPANY)
24 ROCK STREET

Registered Nov. 20, 2012

BROOKLYN, NY 11206

Int. Cl.: 29

FOR: CHEESE; PROCESSED MEAT, IN CLASS 29 (U.S. CL. 46).

TRADEMARK

FIRST USE 6-13-2012; IN COMMERCE 6-13-2012.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-558,986, FILED 3-2-2012.

KELLY TRUSILO, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

Bolder Beans

Reg. No. 5,468,843

Registered May 15, 2018

Int. Cl.: 29

Trademark

Principal Register

Rogue's Bolder Beans, LLC (COLORADO LIMITED LIABILITY COMPANY), DBA
Bolder Beans
Po Box 7692
Broomfield, COLORADO 80021

CLASS 29: Pickled vegetables

FIRST USE 5-1-2010; IN COMMERCE 5-1-2010

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown:
"BEANS"

SER. NO. 87-638,096, FILED 10-09-2017



Andrei Iancu

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

THE BOLDER SIDE OF BUSH'S

Reg. No. 5,195,974

Registered May 02, 2017

Int. Cl.: 29

Trademark

Principal Register

Bush Brothers & Company (TENNESSEE CORPORATION)
1016 East Weisgarber Road
Knoxville, TN 37909

CLASS 29: CANNED BEANS

FIRST USE 9-24-2016; IN COMMERCE 9-24-2016

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 1616897, 1113725, 0520028

SER. NO. 86-375,987, FILED 08-25-2014
LINDA M KING, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

EXHIBIT E

We found records about
Wilde

10,000+ Birth Records

10,000+ Marriage Records

Show all records



Articles - Company -

Search

Search

HISTORY STATISTICS

Last name: Wilde

SDB Popularity ranking: 2262

This English surname recorded in many spellings including: Wilde, Whilde, Wyde, Wyldes, Weald, Weild, Weld, Welds, Wyeld, Wield, and others, has two possible origins. The first is or rather was, a medieval nickname for a high spirited, or over boisterous person. The derivation is from the Old English pre 7th Century 'wilde' meaning undisciplined or out of control. Secondly the name may be residential for a person who lived on at a village called Wild, Wyde or Wilde, or from an area of uncultivated land called a weald. This was descriptive for a large area of land used only for grazing, and forming part of the local common grazing rights. The surname was first recorded in the latter part of the 11th Century, making it one of the earliest on record. Examples taken from surviving rolls and registers of those ancient times include: William le Wilde, in the 1177 Pipe Rolls of the county of Leicestershire, and Henry le Wyde, who appears in the Court Rolls of the county of Essex in 1236. William de Wilde, who was recorded in the Pipe Rolls of Sussex, in the year 1200, came from a place called Wilde. This may have been the village now called Wild, in Berkshire, or from some now 'lost' medieval site. Other recordings showing some of the spelling forms include: John Wyeld, who was christened on March 5th 1610 at St. Olave church, in Old Jewry, city of London, whilst Sarah Wield married William Atkins on August 3rd 1763 at St. George's church, Botolph Lane, also in the city of London. The first recorded spelling of the family name is believed to be that of Ulricus Wilde. This was dated 1086, in the Domesday Book of the county of Lincolnshire, during the reign of King William 1st of England, 1066 - 1087. Surnames became necessary when governments introduced personal taxation. In England this was sometimes known as Poll Tax. Throughout the centuries, surnames in every country have continued to "develop", often leading to astonishing variants of the original spelling.

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SurnameDatabase
11,359 Words
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MyHeritage DNA
Find your ancestors with one simple DNA test

Wilde Family History

14-Day Free Trial
GET STARTED

Wilde Name Meaning

Irish, English, and German: variant of Wild. Dutch (de Wilde) and Jewish (Ashkenazic): nickname for a violent, unruly, and irascible man, from Middle Dutch wilde 'wild', German Wilde 'wild man', 'savage'.
Source: Dictionary of American Family Names ©2013, Oxford University Press

Similar surnames: Wild, Wilder, Milde, Wilder, Wilke, Linde, Wilt, Wilds, Hilde, Wald

654K Historical Documents

- 271K Birth, Marriage, and Deaths
- 17K Military Records
- 22K Immigration Records
- 126K Census and Voter Lists
- 215K Member Trees

Ready to discover your family story? Simply start with yourself and we'll do the searching for you.

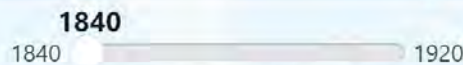
First Name * Last Name * Age * Gender

 Wilde Male Female

[Search Now](#)

Wilde Family Origin

Where is the Wilde family from?



You can see how Wilde families moved over time by selecting different census years. The Wilde family name was found in the USA, the UK, Canada, and Scotland between 1840 and 1920. The most Wilde families were found in the UK in 1891. In 1840 there were 18 Wilde families living in New York. This was about 45% of all the recorded Wilde's in the USA. New York had the highest population of Wilde families in 1840.

Use census records and voter lists to see where families with the Wilde surname lived. Within census records, you can often find information like name of household members, ages, birthplaces, residences, and occupations.

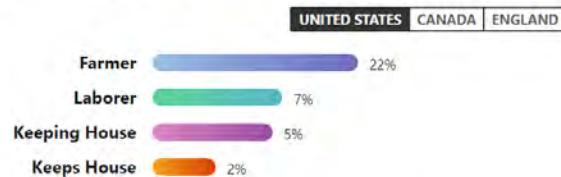
[View Census Data for Wilde >](#)

Wilde Family Occupations

What did your Wilde ancestors do for a living?

In 1880, Farmer, Laborer and Keeping House were the top 3 reported jobs worked by Wilde. A less common occupation for the Wilde family was Keeps House. The most common Wilde occupation in the USA was Farmer. 22% of Wilde's were Farmers.

[View Census data for Wilde >](#) | Data not to scale



Census records can tell you a lot of little known facts about your Wilde ancestors, such as occupation. Occupation can tell you about your ancestor's social and economic status.

Wilde Historical Records

What Wilde family records will you find?



Census Record

There are 126,000 census records available for the last name Wilde. Like a window into their day-to-day life, Wilde census records can tell you where and how your ancestors worked, their level of education, veteran status, and more.

[Search 1940's US census records for Wilde](#)

Passenger List

There are 22,000 immigration records available for the last name Wilde. Passenger lists are your ticket to knowing when your ancestors arrived in the USA, and how they made the journey - from the ship name to ports of arrival and departure.

[View all Wilde immigration records](#)

Draft Card

There are 17,000 military records available for the last name Wilde. For the veterans among your Wilde ancestors, military collections provide insights into where and when they served, and even physical descriptions.

[View all Wilde military records](#)



You've only scratched the surface of Wilde family history.

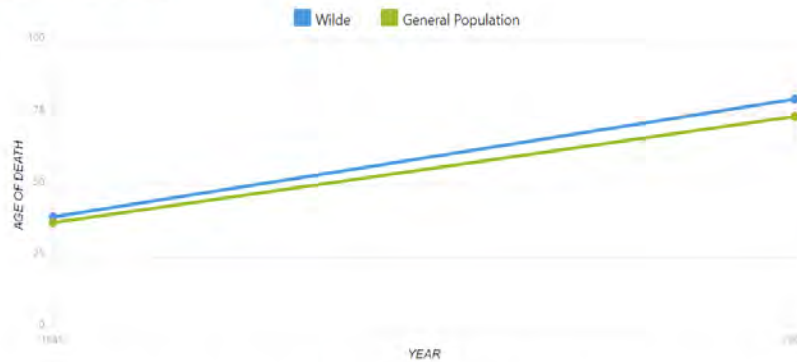
[Discover More](#)

Wilde Life Expectancy

What is the average Wilde lifespan?

Between 1945 and 2004, in the United States, Wilde life expectancy was at its lowest point in 1945, and highest in 2004. The average life expectancy for Wilde in 1945 was 39, and 80 in 2004.

[View Social Security Death Index \(SSDI\) for Wilde >](#)



An unusually short lifespan might indicate that your Wilde ancestors lived in harsh conditions. A short lifespan might also indicate health problems that were once prevalent in your family. The SSDI is a searchable database of more than 70 million names. You can find birthdates, death dates, addresses and more.



Famous Wilde Family Ancestors

Discover the unique achievements of ancestors in your family tree

[Explore Your Tree](#)

Look up another name

[Go](#)

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EXHIBIT F

United States of America

United States Patent and Trademark Office

Antioxidant Force

Reg. No. 5,418,596

Registered Mar. 06, 2018

Int. Cl.: 29

Trademark

Principal Register

Smart Juices, LLC (PENNSYLVANIA LIMITED LIABILITY COMPANY)
1139 Lehigh Ave
Whitehall, PENNSYLVANIA 18052

CLASS 29: Fruit-based food beverages

FIRST USE 3-00-2011; IN COMMERCE 3-00-2011

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown:
"ANTIOXIDANT"

SER. NO. 86-629,765, FILED 05-14-2015



Andrei Iancu

Director of the United States
Patent and Trademark Office

Int. Cls.: 5 and 32

Prior U.S. Cls.: 6, 18, 44, 45, 46, 48, 51, and 52

Reg. No. 2,048,052

United States Patent and Trademark Office

Registered Mar. 25, 1997

**TRADEMARK
PRINCIPAL REGISTER**

FORCE

AMERICAN BODY BUILDING PRODUCTS,
INC. (FLORIDA CORPORATION)
4701 N. FEDERAL HIGHWAY
LIGHTHOUSE POINT, FL 33064

FOR: SPORTS TRAINING NUTRITIONAL
SUPPLEMENTS, IN CLASS 5 (U.S. CLS. 6, 18, 44,
46, 51 AND 52).

FIRST USE 10-31-1989; IN COMMERCE
10-31-1989.

FOR: SPORTS TRAINING DRINKS, IN
CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 10-31-1989; IN COMMERCE
10-31-1989.

SN 74-471,572, FILED 12-17-1993.

GEOFFREY FOSDICK, EXAMINING ATTOR-
NEY

United States of America

United States Patent and Trademark Office

Athletic Wonder

Reg. No. 5,692,873

Tsanko, Maksym (UKRAINE INDIVIDUAL)
21 Crestview Dr.

Registered Mar. 05, 2019

Stanhope, NEW JERSEY 07874

Int. Cl.: 5

CLASS 5: Vitamin supplements

Trademark

FIRST USE 1-15-2018; IN COMMERCE 1-15-2018

Principal Register

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown:
"ATHLETIC"

SER. NO. 87-668,493, FILED 11-01-2017



Andrei Iancu

Director of the United States
Patent and Trademark Office

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 1,119,364
Registered May 29, 1979

TRADEMARK

Principal Register

WONDER

Kraft, Inc. (Delaware corporation)
Kraft Court
Glenview, Ill. 60025

For: VEGETABLE OILS, SHORTENING, AND
NON-DAIRY CREAMER FOR USE IN COFFEE, TEA
AND LIKE BEVERAGES, in CLASS 29 (U.S. CL. 46).

First use at least as early as 1962; in commerce at least
as early as 1962.

Owner of Reg. No. 199,311.

Ser. No. 169,493, filed May 8, 1978.

JOHN C. DEMOS, Supervisory Examiner

CARY DEATON, E. P. HARAB, Examiners

United States of America
United States Patent and Trademark Office

ATOMIC BLUE

Reg. No. 4,407,243

PORITZKY, DAN (UNITED STATES INDIVIDUAL)
1775 CHESTNUT STREET
SAN FRANCISCO, CA 94123

Registered Sep. 24, 2013

Int. Cl.: 29

FOR: BLUE CHEESE DIP, IN CLASS 29 (U.S. CL. 46).

TRADEMARK

FIRST USE 9-1-2012; IN COMMERCE 9-1-2012.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BLUE", APART FROM THE MARK AS SHOWN.

SN 77-752,491, FILED 6-4-2009.

VIVIAN MICZNIK FIRST, EXAMINING ATTORNEY



Lisa Street Lee

Deputy Director of the United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office

BLUE

Reg. No. 4,523,151

OIL FOR WATER, LLC (NEW YORK LIMITED LIABILITY COMPANY)
2 GOLD STREET, APT 3011

Registered Apr. 29, 2014

NEW YORK, NY 10038

Int. Cl.: 29

FOR: OLIVE OIL; EXTRA VIRGIN OLIVE OIL, IN CLASS 29 (U.S. CL. 46).

TRADEMARK

FIRST USE 10-1-2013; IN COMMERCE 10-1-2013.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-865,789, FILED 3-4-2013.

CHERYL CLAYTON, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

Best Bueno

Reg. No. 5,348,083

Registered Nov. 28, 2017

Int. Cl.: 5

Trademark

Supplemental Register

EZSTER LLC (MARYLAND LIMITED LIABILITY COMPANY)
9710 Traville Gateway Drive Unit 264, 97
Rockville, MARYLAND 20850

CLASS 5: Herbal supplements

FIRST USE 4-15-2017; IN COMMERCE 5-1-2017

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

The English translation of "BUENO" in the mark is "GOOD".

SER. NO. 87-468,112, FILED P.R. 05-30-2017; AM. S.R. 09-26-2017



Joseph Matal

Performing the Functions and Duties of the
Under Secretary of Commerce for
Intellectual Property and Director of the
United States Patent and Trademark Office

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,351,120

Registered Dec. 11, 2007

**TRADEMARK
PRINCIPAL REGISTER**

BUENO

EL ENCANTO, INC. (NEW MEXICO CORPORATION)
P.O. BOX 293
ALBUQUERQUE, NM 87103

FOR: PREPARED FOOD PRODUCTS, NAMELY, PROCESSED VEGETABLES IN THE NATURE OF CUT CHILE PEPPERS FOR SALE AND USE IN THE RESTAURANT SETTING, IN CLASS 29 (U.S. CL. 46).

FIRST USE 12-31-1986; IN COMMERCE 12-31-1986.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,538,311, 2,370,165 AND OTHERS.

THE FOREIGN WORDING IN THE MARK TRANSLATES INTO ENGLISH AS GOOD, KIND, FINE, OKAY, ALL RIGHT.

SEC. 2(F) AS TO BUENO.

SER. NO. 77-116,734, FILED 2-26-2007.

ANDREA K. NADELMAN, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

Blue Blazes

Reg. No. 5,757,107

Registered May 21, 2019

Int. Cl.: 29

Trademark

Principal Register

Gourmet Gardens Specialty Foods, Inc. (TEXAS CORPORATION)
300 East Tena
Jacksonville, TEXAS 75766

CLASS 29: Blueberry jalapeno preserves

FIRST USE 12-31-1994; IN COMMERCE 12-31-1994

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 88-148,863, FILED 10-09-2018



Andrei Iancu

Director of the United States
Patent and Trademark Office

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52

Reg. No. 3,063,603

United States Patent and Trademark Office

Registered Feb. 28, 2006

**TRADEMARK
PRINCIPAL REGISTER**

Blaze

S.A.N CORPORATION (NEVADA CORPORATION)
716 N. VENTURA ROAD #431
OXNARD, CA 93030

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR: DIETARY SUPPLEMENT, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

SER. NO. 78-587,437, FILED 3-15-2005.

FIRST USE 1-1-2005; IN COMMERCE 1-1-2005.

CAROLINE WEIMER, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

BRAIN SELECT

Reg. No. 5,512,619

Registered Jul. 10, 2018

Int. Cl.: 5

Trademark

Principal Register

Moss Nutrition Products, Inc. (MASSACHUSETTS CORPORATION)
380 Russell Street, Ste. 114
Hadley, MASSACHUSETTS 01035

CLASS 5: Dietary and nutritional supplements

FIRST USE 10-24-2016; IN COMMERCE 10-24-2016

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown:
"BRAIN"

SER. NO. 87-702,993, FILED 11-30-2017



Andrei Iancu

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

SELECT

Reg. No. 5,753,504

Registered May 14, 2019

Int. Cl.: 29, 30

Trademark

Supplemental Register

Dawn Foods, Inc. (MICHIGAN CORPORATION)
3333 Sargent Road
Jackson, MICHIGAN 49201

CLASS 29: fillings, namely, fruit and fruit pectin based, and cream cheese for use in doughnuts, pastries, muffins, loaf cakes, pies, and cheesecakes, and not bread and buns

FIRST USE 1-1-2017; IN COMMERCE 1-1-2017

CLASS 30: fillings, namely, Bavarian cream, vanilla cream, and white Holland cream for use in doughnuts, pastries, muffins, loaf cakes, pies, and cheesecakes, and not bread and buns

FIRST USE 1-1-2017; IN COMMERCE 1-1-2017

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 87-090,707, FILED P.R. 07-01-2016; AM. S.R. 02-22-2019



Andrei Iancu

Director of the United States
Patent and Trademark Office

United States of America
United States Patent and Trademark Office

COOL BLAZE

Reg. No. 4,180,428

Registered July 24, 2012

Int. Cls.: 5 and 9

TRADEMARK

PRINCIPAL REGISTER

COOL BLAZE PRODUCTS INC. (NEVADA CORPORATION)
635 SHEPHERD DRIVE
CINCINNATI, OH 45215

FOR: TOPICAL BURN GEL; BURN DRESSINGS; AND A BURN KIT, COMPRISED OF TOPICAL BURN GEL, GAUZE PADS, AND ADHESIVE TAPE FOR FIRST AID PURPOSES, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 5-0-2011; IN COMMERCE 5-0-2011.

FOR: FIRE BLANKETS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 9-0-2011; IN COMMERCE 9-0-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-294,509, FILED 4-13-2011.

TRICIA SONNEBORN, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52

Reg. No. 3,063,603

United States Patent and Trademark Office

Registered Feb. 28, 2006

**TRADEMARK
PRINCIPAL REGISTER**

Blaze

S.A.N CORPORATION (NEVADA CORPORATION)
716 N. VENTURA ROAD #431
OXNARD, CA 93030

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR: DIETARY SUPPLEMENT, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

SER. NO. 78-587,437, FILED 3-15-2005.

FIRST USE 1-1-2005; IN COMMERCE 1-1-2005.

CAROLINE WEIMER, EXAMINING ATTORNEY

United States of America
United States Patent and Trademark Office

CRASH FREE

Reg. No. 4,984,496

ENERGICO LLC (FLORIDA LIMITED LIABILITY COMPANY)
2667 CRYSTAL CIRCLE

Registered June 21, 2016

DUNEDIN, FL 34698

Int. Cl.: 5

FOR: DIETARY AND NUTRITIONAL SUPPLEMENTS; DIETARY AND NUTRITIONAL SUPPLEMENTS USED FOR WEIGHT LOSS; DIETARY SUPPLEMENTAL DRINKS IN THE NATURE OF VITAMIN AND MINERAL BEVERAGES; DIETARY SUPPLEMENTS; HERBAL SUPPLEMENTS; LIQUID HERBAL SUPPLEMENTS; LIQUID NUTRITIONAL SUPPLEMENT; NUTRITIONAL SUPPLEMENTS; VITAMIN SUPPLEMENTS; WEIGHT MANAGEMENT SUPPLEMENTS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

TRADEMARK

PRINCIPAL REGISTER

FIRST USE 10-0-2015; IN COMMERCE 10-0-2015.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 86-552,410, FILED 3-3-2015.

GIANCARLO CASTRO, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,165,514

Registered Oct. 31, 2006

**TRADEMARK
PRINCIPAL REGISTER**

FREE

KRAFT FOODS, INC. (DELAWARE CORPORATION)
THREE LAKES DRIVE
NORTHFIELD, IL 600932753

OWNER OF U.S. REG. NOS. 1,614,060, 1,614,061,
AND 1,826,477.

FOR: NON-DAIRY BASED WHIPPED TOPPING,
IN CLASS 29 (U.S. CL. 46).

SN 74-687,590, FILED 6-12-1995.

FIRST USE 1-0-1996; IN COMMERCE 1-0-1996.

BENJAMIN OKEKE, EXAMINING ATTORNEY

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,675,247

Registered Sep. 1, 2009

**TRADEMARK
PRINCIPAL REGISTER**

DOUBLE RED

MEDURI FARMS, INC. (OREGON CORPORATION)
P.O. BOX 636
DALLAS, OR 97338

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "RED", APART FROM THE MARK
AS SHOWN.

FOR: DRIED FRUITS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 6-27-2008; IN COMMERCE 6-27-2008.

SER. NO. 77-516,201, FILED 7-7-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

KELLY CHOE, EXAMINING ATTORNEY

United States of America
United States Patent and Trademark Office

RED

Reg. No. 4,306,884

WESTERN HOLDINGS, LLC (WYOMING LIMITED LIABILITY COMPANY)
1821 LOGAN AVENUE
CHEYENNE, WY 82001

Registered Mar. 19, 2013

Int. Cl.: 5

FOR: DIETARY SUPPLEMENTS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

TRADEMARK

FIRST USE 8-15-2008; IN COMMERCE 8-15-2008.

SUPPLEMENTAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-413,890, FILED P.R. 3-5-2008; AM. S.R. 1-11-2013.

PAULA MAHONEY, EXAMINING ATTORNEY



Lisa Street Lee

Acting Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

ELITE HEAT

Reg. No. 5,480,766

Registered May 29, 2018

Int. Cl.: 5

Trademark

Principal Register

Body Biology, Inc (NEW JERSEY CORPORATION)
700 Central Avenue
Farmingdale, NEW JERSEY 07403

CLASS 5: Dietary and nutritional supplements

FIRST USE 00-00-2014; IN COMMERCE 00-00-2014

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 87-659,921, FILED 10-25-2017



Andrei Iancu

Director of the United States
Patent and Trademark Office

Int. Cl.: 29

Prior U.S. Cl.: 46

Reg. No. 2,316,839

United States Patent and Trademark Office

Registered Feb. 8, 2000

**TRADEMARK
PRINCIPAL REGISTER**

HEAT

**NABISCO BRANDS COMPANY (DELAWARE
CORPORATION)
1105 NORTH MARKET STREET
SUITE 803
WILMINGTON, DE 19801**

**FIRST USE 11-30-1992; IN COMMERCE
11-30-1992.**

OWNER OF U.S. REG. NO. 1,829,918.

SER. NO. 75-693,080, FILED 4-28-1999.

**FOR: PROCESSED NUTS, IN CLASS 29 (U.S.
CL. 46).**

PAULA MAHONEY, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

EYE LOVE

Reg. No. 5,383,403

Registered Jan. 23, 2018

Int. Cl.: 5, 9

Trademark

Principal Register

Eye Love, LLC (SOUTH CAROLINA LIMITED LIABILITY COMPANY)
749 University Village Dr # 2
Blythewood, SOUTH CAROLINA 29016

CLASS 5: Nutritional Supplements, Health Supplements, and Dietary Supplements, namely, omega three fish oil and vitamins

FIRST USE 8-19-2016; IN COMMERCE 8-19-2016

CLASS 9: Glasses, namely, eyeglasses, and sunglasses; eye glass cases

FIRST USE 5-7-2015; IN COMMERCE 5-7-2015

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown: "EYE"

SER. NO. 87-169,454, FILED 09-13-2016



Joseph Matal

Performing the Functions and Duties of the
Under Secretary of Commerce for
Intellectual Property and Director of the
United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office

LOVE*

Reg. No. 4,331,797

ORGANIC AVENUE, LLC (NEW YORK LIMITED LIABILITY COMPANY)
116 SUFFOLK STREET
NEW YORK, NY 10002

Registered May 7, 2013

Int. Cl.: 5

FOR: DIETARY AND NUTRITIONAL SUPPLEMENTS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

TRADEMARK

FIRST USE 1-1-2011; IN COMMERCE 1-1-2011.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 4,135,064.

SER. NO. 85-727,209, FILED 9-12-2012.

ERIN FALK, EXAMINING ATTORNEY



Sean Street Lee

Acting Director of the United States Patent and Trademark Office

Int. Cls.: 29, 30, and 32

Prior U.S. Cls.: 45, 46, and 48

Reg. No. 3,318,879

United States Patent and Trademark Office

Registered Oct. 23, 2007

**TRADEMARK
PRINCIPAL REGISTER**

FULL CIRCLE

TOPCO HOLDINGS, INC. (WISCONSIN CORPORATION)

7711 GROSS POINT ROAD
SKOKIE, IL 60077

FOR: VEGETABLE SHORTENING, SANDWICH SPREAD, NAMELY, FRUIT-BASED SANDWICH SPREAD AND MEAT-BASED SANDWICH SPREAD, CANNED AND FROZEN FRUITS AND VEGETABLES, FROZEN FISH AND POULTRY, DAIRY PRODUCTS, NAMELY, CHEESE, BUTTER, AND CANNED EVAPORATED MILK, AND MISCELLANEOUS GROCERY PRODUCTS, NAMELY, MINCEMEAT, SHELLED NUTS, APPLESAUCE, JELLIES AND JAMS, DRIED FRUITS, UNFLAVORED AND UNSWEETENED GELATIN, PROCESSED OLIVES, PEANUT BUTTER, OLIVE OIL, AND PICKLES, IN CLASS 29 (U.S. CL. 46).

FIRST USE 8-0-2001; IN COMMERCE 8-0-2001.

FOR: COFFEE, TEA, SALAD DRESSING, TARTAR SAUCE, WHEAT FLOUR, SPAGHETTI, MACARONI AND NOODLES, RICE, CATSUP, TABLE SYRUP, AND FLAVORED AND SWEETENED GELATIN, IN CLASS 30 (U.S. CL. 46).

FIRST USE 2-0-2001; IN COMMERCE 2-0-2001.

FOR: CANNED AND FROZEN FRUIT JUICES, NAMELY, ORANGE JUICE, GRAPEFRUIT JUICE, APPLE JUICE, AND A BLEND OF ORANGE JUICE AND GRAPEFRUIT JUICE, BOTTLED APPLE JUICE, AND BOTTLED PRUNE JUICE, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 8-0-2001; IN COMMERCE 8-0-2001.

SN 75-902,653, FILED 1-24-2000.

DARRYL SPRUILL, EXAMINING ATTORNEY

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52

Reg. No. 2,396,675

United States Patent and Trademark Office

Registered Oct. 24, 2000

**TRADEMARK
PRINCIPAL REGISTER**

CIRCLE

E. EXCEL INTERNATIONAL, INC. (UTAH CORPORATION)
1198 N. SPRING CREEK PLACE
SPRINGVILLE, UT 84663

FIRST USE 3-1-1989; IN COMMERCE 3-1-1989.

SER. NO. 75-266,029, FILED 3-28-1997.

TINA L. SNAPP, EXAMINING ATTORNEY

FOR: NUTRITIONAL SUPPLEMENT, NAMELY,
FOOD CONCENTRATES IN GELATIN CAPSULES, IN
CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

United States of America

United States Patent and Trademark Office

FUTURE KIND

Reg. No. 5,640,919

Registered Jan. 01, 2019

Int. Cl.: 5

Trademark

Principal Register

Lukla Ventures Limited (HONG KONG LIMITED LIABILITY COMPANY)
Flat B, Floor 11, Block 2, 29 Ka Wai Man
Hong Kong, HONG KONG 0000

CLASS 5: Dietary Supplements; Health Products in the nature of vitamin and mineral dietary supplements; Vegan Dietary Supplements; Vegan Products in the nature of vitamin and mineral dietary supplements; Vegetarian Products in the nature of vitamin and mineral dietary supplements

FIRST USE 2-1-2018; IN COMMERCE 2-1-2018

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 87-828,242, FILED 03-09-2018



Andrei Iancu

Director of the United States
Patent and Trademark Office

United States of America
United States Patent and Trademark Office

KIND

Reg. No. 4,161,495

Registered June 19, 2012

Int. Cls.: 25, 29, and 30

TRADEMARK

PRINCIPAL REGISTER

KIND LLC (DELAWARE LIMITED LIABILITY COMPANY)
P.O. BOX 705 MIDTOWN STATION
NEW YORK, NY 10018

FOR: CLOTHING AND APPAREL, NAMELY, T-SHIRTS, SWEATSHIRTS, CAPS, VESTS, JACKETS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 5-31-2011; IN COMMERCE 9-26-2011.

FOR: SWEET SNACKS, NAMELY, FRUIT BASED SNACK FOOD, DRIED FRUIT MIXES; SNACK MIXES CONSISTING PRIMARILY OF PROCESSED FRUITS AND PROCESSED NUTS; NUTRITION BARS, NAMELY, NUT AND SEED BASED SNACK BARS; FRUIT BASED SNACK FOOD BARS ALSO CONTAINING GRAINS, CEREALS, DRIED FRUIT, FRUIT JUICE; NUT BASED SNACK FOOD, IN CLASS 29 (U.S. CL. 46).

FIRST USE 2-18-2003; IN COMMERCE 2-18-2003.

FOR: SNACKS, NAMELY, CEREAL BASED SNACK FOOD; CEREAL BASED SNACK FOOD BARS, GRANOLA BASED SNACK FOOD BARS, GRAIN BASED SNACK FOOD; SNACK FOODS, NAMELY, GRANOLA BASED MIXES, RICE BASED SNACK FOOD, WHOLE GRAIN BASED SNACK FOOD, IN CLASS 30 (U.S. CL. 46).

FIRST USE 6-8-2011; IN COMMERCE 6-8-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,984,772.

SN 77-333,800, FILED 11-20-2007.

HOWARD SMIGA, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

Int. Cls.: 3 and 5

Prior U.S. Cls.: 1, 4, 6, 18, 44, 46, 50, 51 and 52

United States Patent and Trademark Office **Reg. No. 1,982,109**
Registered June 25, 1996

**TRADEMARK
PRINCIPAL REGISTER**

GOLD NUGGET

NEOGEN CORPORATION (MICHIGAN CORPORATION)
620 LESHER PLACE
LANSING, MI 48912

FOR: SHAMPOOS AND CONDITIONERS FOR HORSES, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 10-28-1994; IN COMMERCE 10-28-1994.

FOR: MEDICATED SKIN CARE PREPARATIONS AND HOOF CONDITIONERS FOR HORSES, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 10-28-1994; IN COMMERCE 10-28-1994.

SER. NO. 74-618,245, FILED 1-5-1995.

BARNEY CHARLON, EXAMINING ATTORNEY

Registered Nov. 3, 1925.

Trade-Mark 205,122

UNITED STATES PATENT OFFICE.

FRED B. NEUHOFF, DOING BUSINESS AS FRED B. NEUHOFF COMPANY, OF LOS ANGELES, CALIFORNIA.

ACT OF FEBRUARY 20, 1905.

Application filed November 11, 1922. Serial No. 171,859.

NUGGET

STATEMENT.

To all whom it may concern:

Be it known that I, Fred B. Neuhoff, doing business as Fred B. Neuhoff Company, a citizen of the United States of America, residing in the city of Los Angeles, State of California; and doing business at 124 West 4th Street, in said city, have adopted and used the trade-mark shown in the accompanying drawing, for CANNED FRUITS AND CANNED VEGETABLES, in Class No. 46, Foods and ingredients of foods.

The trademark has been continuously used in my business since on or about June 1st, 1916.

The trademark is usually applied or affixed to the goods, or to the packages containing the same by means of a printed label on which the trademark is shown.

FRED B. NEUHOFF,
Doing business as Fred B. Neuhoff Company.

United States of America

United States Patent and Trademark Office

HEALTHY ENERGY

Reg. No. 5,538,261

FRS International AG (SWITZERLAND aktiengesellschaft)
Lielistrasse 85

Registered Aug. 14, 2018

Oberwil Lieli, SWITZERLAND 8966

Int. Cl.: 5, 32, 35

CLASS 5: FOOD AND NUTRITIONAL SUPPLEMENTS, HERBAL SUPPLEMENTS; DIETARY SUPPLEMENTS; NUTRACEUTICALS FOR USE AS A DIETARY SUPPLEMENT; NUTRITIONAL SUPPLEMENTS IN THE NATURE OF NUTRITIONALLY FORTIFIED SOFT CHEWS AND HARD COATED CHEWS; CHEWABLE NUTRITIONAL SUPPLEMENTS; NUTRITIONAL SUPPLEMENTS IN THE FORM OF BEVERAGES

Service Mark

Trademark

Principal Register

FIRST USE 00-00-2007; IN COMMERCE 00-00-2007

CLASS 32: NON-ALCOHOLIC BEVERAGES, NAMELY, ENERGY DRINKS, SPORTS DRINKS AND FRUIT-FLAVORED BEVERAGES; NON-ALCOHOLIC BEVERAGES CONTAINING FRUIT JUICES; FRUIT BASED BEVERAGES; CONCENTRATES AND POWDERS USED IN THE PREPARATION OF ENERGY DRINKS, SPORTS DRINKS AND FRUIT-FLAVORED BEVERAGES

FIRST USE 00-00-2007; IN COMMERCE 00-00-2007

CLASS 35: ONLINE RETAIL STORE SERVICES IN THE FIELD OF NUTRITIONAL SUPPLEMENTS, BEVERAGES AND BEVERAGE CONCENTRATES

FIRST USE 00-00-2008; IN COMMERCE 00-00-2008

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 3544234

No claim is made to the exclusive right to use the following apart from the mark as shown:
"ENERGY"

SER. NO. 87-385,172, FILED 03-24-2017



Andrei Iancu

Director of the United States
Patent and Trademark Office

United States of America
United States Patent and Trademark Office

ENERGY

Reg. No. 4,273,670

JOHN B. SANFILIPPO & SON, INC. (DELAWARE CORPORATION)
1703 N. RANDALL ROAD
ELGIN, IL 601237820

Registered Jan. 8, 2013

Amended Apr. 9, 2013

FOR: SNACK MIX CONSISTING PRIMARILY OF DRIED FRUITS AND PROCESSED NUTS,
IN CLASS 29 (U.S. CL. 46).

Int. Cl.: 29

FIRST USE 2-17-2009; IN COMMERCE 3-16-2009.

TRADEMARK

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SUPPLEMENTAL REGISTER

OWNER OF U.S. REG. NO. 3,738,357.

SER. NO. 85-675,289, FILED P.R. 7-12-2012; AM. S.R. 10-17-2012.



Sean Street Lee

Acting Director of the United States Patent and Trademark Office

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52

Reg. No. 3,472,198

United States Patent and Trademark Office

Registered July 22, 2008

**TRADEMARK
PRINCIPAL REGISTER**

NEW SUN

NEW SUN, INC. (FLORIDA CORPORATION)
215 LINDA VISTA DRIVE
HENDERSONVILLE, NC 28792

FIRST USE 6-0-1989; IN COMMERCE 6-0-1989.

FOR: HERBAL SUPPLEMENTS; MINERAL SUPPLEMENTS; VITAMINS AND HOMEOPATHIC HERBAL SUPPLEMENTS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

SER. NO. 78-103,192, FILED 1-17-2002.

REBECCA SMITH, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

SUN

Reg. No. 5,763,936

Registered May 28, 2019

Int. Cl.: 29, 30

Trademark

Principal Register

FRITO-LAY NORTH AMERICA, INC. (DELAWARE CORPORATION)
7701 Legacy Drive
Plano, TEXAS 75024

CLASS 29: Vegetable-based snack foods

FIRST USE 2-00-2016; IN COMMERCE 2-00-2016

CLASS 30: Multigrain-based snack foods

FIRST USE 2-8-2019; IN COMMERCE 2-8-2019

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 87-197,880, FILED 10-10-2016



Andrei Iancu

Director of the United States
Patent and Trademark Office

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 1,965,143

Registered Apr. 2, 1996

**TRADEMARK
PRINCIPAL REGISTER**

ONION RINGERS

ORE-IDA FOODS, INC. (DELAWARE CORPORATION)
220 WEST PARKCENTER BOULEVARD
BOISE, ID 83706

FOR: FROZEN ONION RINGS, IN CLASS 29
(U.S. CL. 46).

FIRST USE 10-25-1972; IN COMMERCE
10-25-1972.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "ONION", APART FROM THE
MARK AS SHOWN.

SER. NO. 74-580,340, FILED 9-30-1994.

ZHALEH DELANEY, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

RINGERS

Reg. No. 5,616,475

Registered Nov. 27, 2018

Int. Cl.: 29

Trademark

Principal Register

Stello Foods, Inc. (PENNSYLVANIA CORPORATION)
Po Box 413
Punxsutawney, PENNSYLVANIA 15767

CLASS 29: Processed fruits, namely, peppers rings with cauliflower florettes in sweet sauce

FIRST USE 6-1-1992; IN COMMERCE 6-1-1992

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 87-871,407, FILED 04-10-2018



Andrei Iancu

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

Purity Peak

Reg. No. 5,802,413

Registered Jul. 09, 2019

Int. Cl.: 5

Trademark

Principal Register

Onix Electronics LLC (FLORIDA LIMITED LIABILITY COMPANY)
9631 Premier Parkway
Miramar, FLORIDA 33025

CLASS 5: Vitamins and dietary supplements

FIRST USE 3-4-2019; IN COMMERCE 3-4-2019

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 88-143,372, FILED 10-04-2018



Andrei Iancu

Director of the United States
Patent and Trademark Office

Int. Cls.: 29, 30 and 31

Prior U.S. Cls.: 1 and 46

Reg. No. 2,119,628

United States Patent and Trademark Office

Registered Dec. 9, 1997

**TRADEMARK
PRINCIPAL REGISTER**

PEAK

TRINIDAD/BENHAM CORP. (COLORADO
CORPORATION)
3650 SOUTH YOSEMITE
SUITE 300
DENVER, CO 80222

FOR: VEGETABLE OILS, DRIED BEANS,
DRIED PEAS, DRIED LENTILS, MIXED
BEANS, SOUP MIXES WITH OR WITHOUT
SPICE OR FLAVOR PACKETS, IN CLASS 29
(U.S. CL. 46).

FIRST USE 10-0-1923; IN COMMERCE
10-0-1923.

FOR: RICE, IN CLASS 30 (U.S. CL. 46).
FIRST USE 1-0-1986; IN COMMERCE
1-0-1986.

FOR: LEGUMES, BEANS, SUNFLOWER
SEEDS, PEAS, LENTILS, BARLEY, AND UN-
POPPED POPCORN, ALL IN THEIR NATURAL
STATE, IN CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE 10-0-1923; IN COMMERCE
10-0-1923.

SER. NO. 75-200,172, FILED 11-19-1996.

CHRIS WELLS, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

Sister butcher

Reg. No. 5,659,013

Registered Jan. 22, 2019

Int. Cl.: 29

Trademark

Principal Register

The Herbivorous Butcher LLC (MINNESOTA LIMITED LIABILITY COMPANY)
507 1st Ave Ne
Minneapolis, MINNESOTA 55413

CLASS 29: Meat substitutes

FIRST USE 7-18-2014; IN COMMERCE 7-18-2014

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 87-641,193, FILED 10-11-2017



Andrei Iancu

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

BUTCHER

Reg. No. 5,403,234

Registered Feb. 13, 2018

Int. Cl.: 5

Trademark

Principal Register

GDS - GROW DIETARY SUPPLEMENTS LABS. USA LLC (FLORIDA LIMITED LIABILITY COMPANY)

9130 S Dadeland Blvd. Ste. 1509
Miami, FLORIDA 33156

CLASS 5: Albumin dietary supplements; albumin-based meal replacement bars and shakes for medical purposes, nutritional supplement shakes; albumin nutritional supplements; dietetic food preparations, namely, pasta, crackers adapted for medical use; enzyme food supplements; glucose food supplements; nutritional supplements; protein food supplements; mineral food supplements; dietary nutritional supplement bars for medical purposes; animal and livestock nutritional supplements feed for medicinal use; vitamin and mineral supplements for medicinal use; food supplement bars for medical use; liquid nutritional supplements for medical use; powdered nutritional supplements for medical use

FIRST USE 11-11-2016; IN COMMERCE 6-1-2017

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 87-370,033, FILED 03-14-2017



Andrei Iancu

Director of the United States
Patent and Trademark Office

EXHIBIT G

United States of America

United States Patent and Trademark Office

ACRES

Reg. No. 5,398,820

Registered Feb. 13, 2018

Int. Cl.: 29

Trademark

Principal Register

JBS Australia Pty Ltd. (AUSTRALIA Australian Proprietary Company, Limited by Shares)
62 Mcroyle St
Wacol Queensland 4076
AUSTRALIA

CLASS 29: Meat; poultry; game; prepared meat, prepared meat products, namely, processed meat, ground beef, beef tallow, fresh meat, canned cooked meat, meat extracts, preserved meats and sausages, ribs, dried meat; prepared dishes consisting principally of meat; meat stocks, meat jellies; edible oils and fats; meat, namely, offal

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF INTERNATIONAL REGISTRATION 1364041 DATED 06-15-2017,
EXPIRES 06-15-2027

SER. NO. 79-215,934, FILED 06-15-2017



Andrei Iancu

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

WILD ACRES

Reg. No. 4,391,802

Registered Aug. 27, 2013

Int. Cl.: 29

TRADEMARK

PRINCIPAL REGISTER

WILD ACRES PROCESSING, INC. (MINNESOTA CORPORATION)
7443 WILD ACRES ROAD
PEQUOT LAKES, MN 56472

FOR: PROCESSED AND SMOKED POULTRY, NAMELY, TURKEY, CHICKEN, GOOSE, QUAIL, DUCK, AND PHEASANT; EGGS, NAMELY DUCK EGGS, QUAIL EGGS, AND PHEASANT EGGS; DUCK FAT; AND CHICKEN FEET, IN CLASS 29 (U.S. CL. 46).

FIRST USE 0-0-1978; IN COMMERCE 0-0-1978.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "WILD", APART FROM THE MARK AS SHOWN.

SER. NO. 85-822,712, FILED 1-14-2013.

VIVIAN MICZNIK FIRST, EXAMINING ATTORNEY



Lisa Street Lee

Acting Director of the United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office

CARNIVORE

Reg. No. 4,183,621

WINFIELD SOLUTIONS LLC (FLORIDA LIMITED LIABILITY COMPANY)
1080 COUNTY ROAD F WEST
SHOREVIEW, MN 55126

Registered July 31, 2012

Int. Cl.: 5

FOR: HERBICIDES FOR AGRICULTURAL USE; INSECTICIDE FOR AGRICULTURAL USE;
PESTICIDES FOR AGRICULTURAL USE, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

TRADEMARK

FIRST USE 1-17-2012; IN COMMERCE 1-17-2012.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-811,148, FILED 8-24-2009.

INGRID C. EULIN, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

WILD CARNIVORE

Reg. No. 5,414,845

Registered Feb. 27, 2018

Int. Cl.: 5

Trademark

Supplemental Register

PMI Nutrition International, LLC (DELAWARE LIMITED LIABILITY COMPANY)
4001 Lexington Avenue North
Arden Hills, MINNESOTA 55126

CLASS 5: Animal feed supplements

FIRST USE 11-28-2016; IN COMMERCE 11-28-2016

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 87-399,066, FILED P.R. 04-05-2017; AM. S.R. 12-08-2017



Andrei Iancu

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

CHOICE

Reg. No. 5,801,669

Registered Jul. 09, 2019

Int. Cl.: 5, 10

Trademark

Principal Register

ARCADIA GROUP, LLC (GEORGIA LIMITED LIABILITY COMPANY)
3235 Roswell Road
#606
Atlanta, GEORGIA 30305

CLASS 5: COTTON ALCOHOL SWABS FOR MEDICAL USE; DISPOSABLE
SANITIZING WIPES; TEST STRIPS FOR MEASURING BLOOD GLUCOSE LEVELS

FIRST USE 5-17-2019; IN COMMERCE 5-17-2019

CLASS 10: BLOOD PRESSURE MONITORS; DEVICES FOR MONITORING BLOOD
GLUCOSE FOR MEDICAL PURPOSES; HEART RATE MONITORS; INSULIN
INJECTORS SOLD EMPTY; INJECTION NEEDLES FOR MEDICAL USE; LANCETS;
MEDICAL SYRINGES; MEDICAL TEST KITS FOR DIABETES MONITORING FOR
HOME USE

FIRST USE 5-17-2019; IN COMMERCE 5-17-2019

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY
PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 87-890,153, FILED 04-24-2018



Andrei Iancu

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

WILD CHOICE

Reg. No. 5,734,920

Registered Apr. 23, 2019

Int. Cl.: 29

Trademark

Principal Register

Keyport LLC (WASHINGTON LIMITED LIABILITY COMPANY)
654 5th Avenue S., Ste 300
Edmonds, WASHINGTON 98020

CLASS 29: Seafood, not live

FIRST USE 8-17-2018; IN COMMERCE 8-17-2018

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown:
"WILD"

SER. NO. 87-770,944, FILED 01-25-2018



Andrei Iancu

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

ELEMENT

Reg. No. 3,829,502

Registered Aug. 3, 2010

Int. Cls.: 5, 29, and 30

TRADEMARK

PRINCIPAL REGISTER

ELEMENT BARS, INC. (ILLINOIS CORPORATION)
3943 N HERMITAGE AVE
CHICAGO, IL 60613

FOR: MEAL REPLACEMENT SHAKES; NUTRITIONAL DRINK MIX FOR USE AS A MEAL REPLACEMENT; NUTRITIONAL SUPPLEMENT IN THE NATURE OF A NUTRIENT-DENSE, PROTEIN-BASED DRINK MIX, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 5-2-2010; IN COMMERCE 6-3-2010.

FOR: PROTEIN BASED, NUTRIENT-DENSE SNACK BARS; SNACK MIX CONSISTING PRIMARILY OF PROCESSED FRUITS AND/OR PROCESSED NUTS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 6-1-2008; IN COMMERCE 8-1-2008.

FOR: BREAKFAST CEREALS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 5-2-2010; IN COMMERCE 6-3-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-805,302, FILED 8-14-2009.

DOUGLAS LEE, EXAMINING ATTORNEY



David J. Kyfos

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

Wild Elements

Reg. No. 3,948,239

MARK HEYWARD (UNITED STATES INDIVIDUAL)
17524 SEIDNER ROAD
WINTER GARDEN, FL 34787

Registered Apr. 19, 2011

Int. Cls.: 5 and 31

FOR: PET DIETARY FOOD SUPPLEMENTS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

TRADEMARK

FIRST USE 3-7-1998; IN COMMERCE 3-7-1998.

PRINCIPAL REGISTER

FOR: PET FOOD , IN CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE 3-7-1998; IN COMMERCE 3-7-1998.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ELEMENTS", APART FROM THE MARK AS SHOWN.

SN 77-639,907, FILED 12-24-2008.

AMY C. KEAN, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

Int. Cls.: 5 and 32

Prior U.S. Cls.: 6, 18, 44, 45, 46, 48, 51, and 52

Reg. No. 2,048,052

United States Patent and Trademark Office

Registered Mar. 25, 1997

**TRADEMARK
PRINCIPAL REGISTER**

FORCE

AMERICAN BODY BUILDING PRODUCTS,
INC. (FLORIDA CORPORATION)
4701 N. FEDERAL HIGHWAY
LIGHTHOUSE POINT, FL 33064

FOR: SPORTS TRAINING NUTRITIONAL
SUPPLEMENTS, IN CLASS 5 (U.S. CLS. 6, 18, 44,
46, 51 AND 52).

FIRST USE 10-31-1989; IN COMMERCE
10-31-1989.

FOR: SPORTS TRAINING DRINKS, IN
CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 10-31-1989; IN COMMERCE
10-31-1989.

SN 74-471,572, FILED 12-17-1993.

GEOFFREY FOSDICK, EXAMINING ATTOR-
NEY

United States of America

United States Patent and Trademark Office

WILD FORCE

Reg. No. 5,096,860

Registered Dec. 06, 2016

Int. Cl.: 5

Trademark

Principal Register

Rothkranz, Markus (UNITED STATES INDIVIDUAL)
7373 Bermuda Island St
Las Vegas, NV 89123

CLASS 5: Herbal supplements

FIRST USE 1-31-2014; IN COMMERCE 1-31-2014

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 86-779,095, FILED 10-06-2015
KELLY JEAN TRUSILO, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

HARVEST

Reg. No. 5,561,715

Registered Sep. 11, 2018

Int. Cl.: 29, 30

Trademark

Principal Register

Champion-Cain, Gina (UNITED STATES INDIVIDUAL)
3515 Hancock Street, Suite 200
San Diego, CALIFORNIA 92110

CLASS 29: Prepared foods and packaged foods for retail sale, namely, prepackaged meals and boxed dinners composed primarily of meats, poultry, fish, pre-cooked curry stew, or vegetables, garden salads, fruit salads, vegetable salads, fruit and vegetable salads, chicken salads, potato salads; prepared meals to go comprised primarily of meats, poultry, fish, pre-cooked curry stew, or vegetables, fruit salads, vegetable salad, fruit and vegetable salads, garden salads, fruit salads, vegetable salads, fruit and vegetable salads, chicken salads, potato salads

FIRST USE 1-1-2017; IN COMMERCE 1-1-2017

CLASS 30: Prepared foods and packaged foods for retail sale, namely, prepackaged meals and boxed dinners comprised primarily of sandwiches, pasta, rice, or noodles, grain-based bowls, pasta salads, rice salads, noodle salads, desserts in the nature of bakery desserts; prepared meals to go comprised primarily of sandwiches, pasta, rice, or noodles, grain-based bowls, pasta salads, rice salads, noodle salads, desserts in the nature of bakery desserts

FIRST USE 1-1-2017; IN COMMERCE 1-1-2017

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 87-247,263, FILED 11-23-2016



Andrei Iancu

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

WILD HARVEST

Reg. No. 5,807,549

Registered Jul. 16, 2019

Int. Cl.: 16, 21, 29, 30

Trademark

Principal Register

SUPERVALU LICENSING LLC (DELAWARE LIMITED LIABILITY COMPANY)
11840 Valley View Road
Eden Prairie, MINNESOTA 55344

CLASS 16: Plastic garbage bags

FIRST USE 2-1-2015; IN COMMERCE 2-1-2015

CLASS 21: Plates

FIRST USE 7-00-2016; IN COMMERCE 7-00-2016

CLASS 29: Cheese; Coffee creamer; Milk substitutes; Olives, preserved; Pickles; Potato puffs; Soups; Canned beans; Dried beans; Hash brown potatoes; Hot dogs; Sliced meat

FIRST USE 2-1-2015; IN COMMERCE 2-1-2015

CLASS 30: Barbeque sauce; Pickle relish; Quinoa-based snack foods; Salsa; Confectionery chips for baking; Frozen dough; Pita chips

FIRST USE 2-1-2015; IN COMMERCE 2-1-2015

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 87-648,889, FILED 10-17-2017



Andrei Iancu

Director of the United States
Patent and Trademark Office

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,078,744

Registered Apr. 11, 2006

**TRADEMARK
PRINCIPAL REGISTER**

NUT·rition

KRAFT FOODS HOLDINGS, INC. (DELAWARE
CORPORATION)
3 LAKES DRIVE
NORTHFIELD, IL 60093

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "NUTRITION" , APART FROM
THE MARK AS SHOWN.

FOR: PROCESSED NUTS AND SHELLED NUTS,
IN CLASS 29 (U.S. CL. 46).

SER. NO. 78-488,592, FILED 9-23-2004.

FIRST USE 12-0-2004; IN COMMERCE 12-0-2004.

ELISSA GARBER KON, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

WILD NUTRITION

Reg. No. 5,577,146

Registered Oct. 02, 2018

Int. Cl.: 5, 44

Service Mark

Trademark

Principal Register

Wild Nutrition, Ltd. (UNITED KINGDOM limited company (ltd.))
Unit 2, The Old Brewery
Thomas Street
Lewes, UNITED KINGDOM BN72FQ

CLASS 5: Natural and non-synthetic dietary and nutritional vitamin supplements for human beings and animals; none of the foregoing being in the nature of pharmaceuticals

FIRST USE 5-00-2013; IN COMMERCE 5-00-2013

CLASS 44: Nutrition counseling and medical clinics to support both human beings and animals

FIRST USE 2-6-2017; IN COMMERCE 2-6-2017

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown: "NUTRITION"

SER. NO. 87-628,507, FILED 09-29-2017



Andrei Iancu

Director of the United States
Patent and Trademark Office

United States of America
United States Patent and Trademark Office

SNACKERS

Reg. No. 4,916,559

Registered Mar. 15, 2016

Int. Cl.: 29

TRADEMARK

PRINCIPAL REGISTER

HORMEL FOODS, LLC (MINNESOTA LIMITED LIABILITY COMPANY)
LAW DEPARTMENT
1 HORMEL PLACE
AUSTIN, MN 55912

FOR: DIPS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 6-4-2014; IN COMMERCE 6-4-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,517,765.

SER. NO. 86-338,515, FILED 7-16-2014.

SETH A. RAPPAPORT, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

United States of America
United States Patent and Trademark Office

Wild Snackers

Reg. No. 4,926,227

THE WILD PEA, LLC (MARYLAND LIMITED LIABILITY COMPANY)
110 WEST ROAD, SUITE 500
TOWSON, MD 21204

Registered Mar. 29, 2016

Int. Cl.: 29

FOR: SNACK PACK CONSISTING PRIMARILY OF HUMMUS, IN CLASS 29 (U.S. CL. 46).

TRADEMARK

FIRST USE 5-15-2015; IN COMMERCE 5-15-2015.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 4,375,719.

SER. NO. 86-651,209, FILED 6-4-2015.

KEVIN CORWIN, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

EXHIBIT H

United States of America

United States Patent and Trademark Office

BLUE MOOSE OF BOULDER

Reg. No. 4,369,909

Registered July 16, 2013

Int. Cls.: 29 and 30

TRADEMARK

PRINCIPAL REGISTER

SARTORI INSPIRATIONS, LLC (WISCONSIN LIMITED LIABILITY COMPANY)
107 N. PLEASANT VIEW ROAD, PO BOX 258
PLYMOUTH, WI 53073

FOR: CHEESE; CHEESE SPREADS; CREAM CHEESE; DIPS; TAPENADES; VEGETABLE-BASED SPREADS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 0-0-2012; IN COMMERCE 0-0-2012.

FOR: SALSA, IN CLASS 30 (U.S. CL. 46).

FIRST USE 0-0-2012; IN COMMERCE 0-0-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-655,322, FILED 6-19-2012.

SUNG IN, EXAMINING ATTORNEY



Sean Street Lee

Acting Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

BOULDER BITES

Reg. No. 5,692,573

DeYenno, Lauren (UNITED STATES INDIVIDUAL)
1042 Harriman Court

Registered Mar. 05, 2019

West Chester, PENNSYLVANIA 19380

Int. Cl.: 29

CLASS 29: Fruit-based snack food, namely, snack foods containing fruit and protein powder in a rounded shape, excluding grain, multi-grain, or potato based snack foods

Trademark

FIRST USE 12-1-2018; IN COMMERCE 12-1-2018

Principal Register

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown:
"BITES"

SER. NO. 87-507,096, FILED 06-27-2017



Andrei Iancu

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

BOULDER BURGER COMPANY

Reg. No. 4,580,483

Registered Aug. 5, 2014

Int. Cl.: 29

TRADEMARK

PRINCIPAL REGISTER

TOPCO HOLDINGS, INC. (WISCONSIN CORPORATION)
150 NORTHWEST POINT BLVD
ELK GROVE VILLAGE, IL 60007

FOR: UNCOOKED HAMBURGER PATTIES; TURKEY BURGER PATTIES, IN CLASS 29
(U.S. CL. 46).

FIRST USE 3-0-2013; IN COMMERCE 3-0-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BURGER COMPANY", APART FROM THE MARK AS SHOWN.

SN 85-422,134, FILED 9-14-2011.

BRIAN CALLAGHAN, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

BOULDER CANYON

Reg. No. 3,720,046 POORE BROTHERS, INC. (DELAWARE CORPORATION)
Registered Dec. 1, 2009 3500 SOUTH LA COMETA DRIVE
GOODYEAR, AZ 85338

Int. Cls.: 29 and 30 FOR: SNACKS, NAMELY, POTATO BASED SNACK FOODS, IN CLASS 29 (U.S. CL. 46).

TRADEMARK FIRST USE 12-31-1994; IN COMMERCE 12-31-1994.
PRINCIPAL REGISTER FOR: FOOD PRODUCTS, NAMELY, MULTI-GRAIN SNACKS, NAMELY, MULTI-GRAIN
BASED CHIPS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 9-30-2008; IN COMMERCE 9-30-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 78-556,283, FILED 1-28-2005.

CAROL SPILS, EXAMINING ATTORNEY



David J. Kyfos

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 4,846,002
Registered Nov. 3, 2015
Int. Cls.: 29 and 30

INVENTURE FOODS, INC. (DELAWARE CORPORATION)
5415 E. HIGH STREET, SUITE 350
PHOENIX, AZ 85054

TRADEMARK

FIRST USE 6-0-2014; IN COMMERCE 6-0-2014.

PRINCIPAL REGISTER

FOR: SNACK FOODS, NAMELY, MULTI-GRAIN BASED CHIPS AND RICE BASED CHIPS,
IN CLASS 30 (U.S. CL. 46).

FIRST USE 6-0-2014; IN COMMERCE 6-0-2014.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "AUTHENTIC FOODS", APART
FROM THE MARK AS SHOWN.

THE COLOR(S) RED, WHITE, TAN AND BLACK IS/ARE CLAIMED AS A FEATURE OF
THE MARK.

THE MARK CONSISTS OF A BLOCK WITH THE WORDS "BOULDER" ON TOP IN LARGE
WHITE UPPER CASE LETTERS WITH BLACK OUTLINE AND "CANYON" UNDERNEATH
IN SMALLER WHITE UPPER CASE LETTERS WITH BLACK OUTLINE, BOTH WITHIN A
RED BACKGROUND AND ABOVE A MOUNTAIN SCENE IN TAN AND BLACK, ATOP A
BLACK BOTTOM BORDER WITH THE WORDS "AUTHENTIC FOODS" IN SMALL WHITE
UPPER CASE LETTERS.

SER. NO. 86-593,665, FILED 4-10-2015.

DOUGLAS LEE, EXAMINING ATTORNEY



Michelle K. Lee
Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

BOULDER CANYON NATURAL FOODS

Reg. No. 4,079,713

Registered Jan. 3, 2012

Int. Cl.: 29

TRADEMARK

PRINCIPAL REGISTER

INVENTURE FOODS, INC. (DELAWARE CORPORATION)
5415 E. HIGH STREET, STE. 350
PHOENIX, AZ 85054

FOR: SNACKS, NAMELY, POTATO BASED SNACK FOODS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 2-1-2004; IN COMMERCE 2-1-2004.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,720,046.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "NATURAL FOODS", APART FROM THE MARK AS SHOWN.

SER. NO. 85-314,906, FILED 5-6-2011.

MATTHEW MCDOWELL, EXAMINING ATTORNEY



David J. Kyfos

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

BOULDER CLEAN

Reg. No. 4,948,265

1908 BRANDS, INC. (COLORADO CORPORATION)
3640 WALNUT STREET
BOULDER, CO 80301

Registered Apr. 26, 2016

Int. Cls.: 3 and 5

TRADEMARK

SUPPLEMENTAL REGISTER

FOR: LAUNDRY DETERGENT; FABRIC SOFTENER; GLASS CLEANER; ALL-PURPOSE CLEANER; HAND AND DISH LIQUID SOAP; AUTOMATIC DISHWASHER LIQUID SOAP; GRANITE AND STAINLESS STEEL CLEANER; PRETREATED SPRAY CLEANERS FOR USE ON FABRICS, TOILET BOWL CLEANER AND OTHER HOUSEHOLD CLEANERS, NAMELY, FURNITURE CLEANERS, RUG AND UPHOLSTER CLEANER, TUB AND TILE CLEANER, DRAIN CLEANER, OVEN CLEANER, BLEACH, LIQUID LAUNDRY DETERGENT, POWDER LAUNDRY DETERGENT, SINGLE UNIT DOSE LAUNDRY DETERGENT, SINGLE UNIT DOSE AUTOMATIC DISHWASHING DETERGENT, AND FRUIT AND VEGETABLE WASH, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 10-1-2014; IN COMMERCE 10-1-2014.

FOR: SPRAY DISINFECTANTS; WIPE DISINFECTANTS IMPREGNATED WITH DISINFECTING COMPOUNDS THEREFOR FOR HOUSEHOLD USE, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 10-1-2014; IN COMMERCE 10-1-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CLEAN", APART FROM THE MARK AS SHOWN.

SER. NO. 86-751,773, FILED P.R. 9-9-2015; AM. S.R. 2-23-2016.

BRANDON NELSON MARSH, EXAMINING ATTORNEY

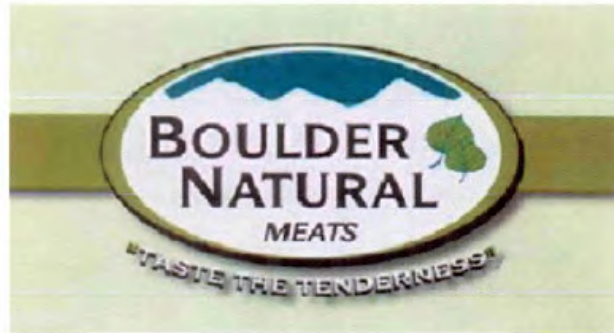


Michelle K. Lee

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 3,882,556

Registered Nov. 30, 2010

Corrected Jul. 09, 2019

Int. Cl.: 29

Trademark

Principal Register

Bolder Enterprises, LLC (DELAWARE LIMITED LIABILITY COMPANY)
Po Box 16005
Denver, COLORADO 80216

CLASS 29: Beef; Poultry

FIRST USE 4-00-2009; IN COMMERCE 4-00-2009

The color(s) blue, light green, dark green, white and black is/are claimed as a feature of the mark.

The mark consists of a white oval with a dark green and black border that contains an image of white mountains with a blue sky, above the black word "BOULDER", with the image of two dark green leaves to the right, with the black word "NATURAL" below the word "BOULDER" and the black word "MEATS" below the word "NATURAL". The white words "TASTE THE TENDERNESS" appear in dark green quotation marks below the oval with black shadows behind them, and with the oval appearing in the center of a dark green band running horizontally across a light green background.

No claim is made to the exclusive right to use the following apart from the mark as shown: "BOULDER NATURAL MEATS"

SER. NO. 77-961,399, FILED 03-17-2010



Andrei Iancu

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 5,069,151

Registered Oct. 25, 2016

Int. Cl.: 29

Trademark

Principal Register

Boulder Organic Foods, LLC (COLORADO LIMITED LIABILITY COMPANY)
6363 Horizon Lane
Niwot, CO 80503

CLASS 29: Organic soups

FIRST USE 6-15-2014; IN COMMERCE 7-15-2014

The mark consists of the word "BOULDER" over the word "ORGANIC" with the "I" in "ORGANIC" in the form of a carrot and followed by an exclamation point, bordered on the top and bottom by parallel lines.

No claim is made to the exclusive right to use the following apart from the mark as shown: "BOULDER ORGANIC"

SER. NO. 86-354,132, FILED 07-31-2014
KEVON CHISOLM, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

BOULDER SAUSAGE

Reg. No. 4,595,936

Registered Sep. 2, 2014

Int. Cl.: 29

TRADEMARK

PRINCIPAL REGISTER

GBS PARTNERS, INC. (COLORADO CORPORATION)
513 SOUTH PIERCE AVENUE
LOUISVILLE, CO 80027

FOR: SAUSAGE, IN CLASS 29 (U.S. CL. 46).

FIRST USE 9-1-1975; IN COMMERCE 4-1-1990.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 1,822,132.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SAUSAGE", APART FROM THE MARK AS SHOWN.

SEC. 2(F).

SER. NO. 86-117,355, FILED 11-13-2013.

SHAILA LEWIS, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office **Reg. No. 1,822,132**
Registered Feb. 15, 1994

**TRADEMARK
SUPPLEMENTAL REGISTER**

BOULDER SAUSAGE

GBS PARTNERS, INC. (COLORADO CORPORATION)
3558 PEARL STREET
BOULDER, CO 80301

FOR: SAUSAGE, IN CLASS 29 (U.S. CL. 46).
FIRST USE 9-0-1975; IN COMMERCE
4-0-1990.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "SAUSAGE", APART FROM
THE MARK AS SHOWN.

SER. NO. 74-356,428, FILED P.R. 2-8-1993; AM.
S.R. 11-8-1993.

PATRICIA MALESARDI, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

BOULDER VITALITY

Reg. No. 4,646,150

NYIRI, TOM (UNITED STATES INDIVIDUAL)
1761 YELLOW PINE LANE
BOULDER, CO 80304

Registered Nov. 25, 2014

Int. Cl.: 5

FOR: VITAMIN AND MINERAL SUPPLEMENTS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

TRADEMARK

FIRST USE 7-1-2014; IN COMMERCE 9-1-2014.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BOULDER", APART FROM THE MARK AS SHOWN.

SN 86-029,827, FILED 8-6-2013.

MICHAEL WIENER, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

United States of America
United States Patent and Trademark Office

Boulders

Reg. No. 4,293,416

JESSICA R MCCAULLEY (COLORADO LIMITED LIABILITY COMPANY), DBA BOULDERS,
370 MARTIN DR.

Registered Feb. 19, 2013

BOULDER, CO 80305

Int. Cl.: 29

FOR: FRUIT-BASED SNACK FOOD, IN CLASS 29 (U.S. CL. 46).

TRADEMARK

FIRST USE 4-5-2012; IN COMMERCE 12-9-2012.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-588,623, FILED 4-4-2012.

JENNIFER WILLISTON, EXAMINING ATTORNEY



Jean Street Lee

Acting Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 5,218,688

Registered Jun. 06, 2017

Int. Cl.: 29, 30

Trademark

Principal Register

Cured, LLC (COLORADO LIMITED LIABILITY COMPANY)
1825 B Pearl Street
Boulder, CO 80302

CLASS 29: Vegetable and garden salads; dips and vegetable-based spreads; hummus; pate; cheese spreads

FIRST USE 4-3-2012; IN COMMERCE 4-3-2012

CLASS 30: Baked goods, namely, cookies, crostini and bread sticks; pastas

FIRST USE 4-3-2012; IN COMMERCE 4-3-2012

The mark consists of the word "Cured" in a circle with the words "Boulder Colorado" in smaller print in a half circle beneath it, and a small solid circle between "Boulder" and "Colorado", and a fork and knife in a half circle above the word "Cured".

OWNER OF U.S. REG. NO. 4601242

No claim is made to the exclusive right to use the following apart from the mark as shown: "BOULDER COLORADO"

SER. NO. 87-975,109, FILED 09-13-2016
ADETAYO JANET ADEYIGA, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

LIVE BETTER. EAT BOULDER.

Reg. No. 5,702,284

Inventure Foods, Inc. (DELAWARE CORPORATION)
5415 E. High Street, Suite 350
Phoenix, ARIZONA 85054

Registered Mar. 19, 2019

Int. Cl.: 29, 30

CLASS 29: snack foods, namely, potato based chips, vegetable based sticks, bean based chips and hummus based chips

Trademark

FIRST USE 8-1-2018; IN COMMERCE 8-1-2018

Principal Register

CLASS 30: snack foods, namely, multi-grain based chips and rice based chips

FIRST USE 8-1-2018; IN COMMERCE 8-1-2018

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 88-060,952, FILED 08-01-2018



Andrei Iancu

Director of the United States
Patent and Trademark Office