

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

August 5, 2019

Chioma (Bata) Oputa  
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RE: Serial No.: 88406618  
Mark: **NOURISH**  
Applicant: Nourish Technology, Inc.  
Office Action of: June 29, 2019

**APPLICANT’S RESPONSE TO OFFICE ACTION**

The following is a response by the Applicant, Nourish Technology, Inc., by Counsel, to the Office Action issued on June 29, 2019, by the Examining Attorney, Chioma Oputa.

**SECTION 2(d) REFUSAL — LIKELIHOOD OF CONFUSION**

**I. Introduction**

On June 29, 2019, the Examining Attorney issued an Office Action in connection with Applicant’s application for federal trademark protection for the mark NOURISH on the Principal Register, on the grounds that it may create a likelihood of confusion with the registered marks NOURISH, U.S. Registration No. 4367534 and NOURISH, U.S. Registration No. 5788580.

On April 29, 2019, Applicant applied for NOURISH (“Applicant’s Mark”) in International Class 7 for “Industrial robots; Vending machines for preparing and serving food in restaurants, cafeterias, cafes, kitchens, shopping malls, in-store retail locations, service stops, rest areas, hospitals, eateries, offices, airports, hotels, military bases, commuter centers.” Applicant’s Mark is owned by Nourish Technology, Inc. (“Applicant”).

Applicant aims to sell its robotic vending machinery to other businesses looking to use the technology to further their business purposes. Thus, Applicant, a business, is selling to a business customer. While its machinery is designed to prepare and serve food in restaurants, shopping malls,

schools, office buildings, and the like, Applicant's business is designed to sell its technology to *other* businesses, such as food vendors, that can implement its machinery in the aforementioned venues.

On July 16, 2013, Nourish Cafe LLC ("Nourish Cafe") registered for NOURISH (the "Nourish Cafe Mark") for "Food preparation services; Restaurant services featuring gluten-free foods; Restaurant services, namely, providing of food and beverages for consumption on and off the premises" in International Class 43.

On June 25, 2019, Compass Group USA, Inc. ("Compass Group") registered NOURISH (the "Compass Group Mark") for "Downloadable mobile application for ordering of and payment for takeout food and beverages" in International Class 9, and for "Payment services, namely, providing electronic processing of credit card, debit card, electronic check and electronic payments in the takeout food and beverage fields" in International Class 36.

In response to the Examining Attorney's Office Action, Applicant respectfully states for the reasons more fully outlined below that there is no likelihood of confusion between Applicant's Mark and the Nourish Cafe Mark or the Compass Group Mark. Therefore, respectfully, Applicant's Mark is entitled to proceed to Publication.

## **II. No likelihood of consumer confusion between Applicant's Mark and The Nourish Cafe Mark.**

Trademark Act Section 2(d) bars registration of an applicant's mark only where it is likely to cause a consumer to be confused, mistaken, or deceived as to the source of the goods and/or services of the applicant and registrant. 15 U.S.C. § 1052(d). A determination of likelihood of confusion under Section 2(d) is made on a case-by-case basis using the various factors set forth in *In re du Pont & Co.*, 476 F.2d 1357, 1361 (C.C.P.A. 1973). The Trademark Office further bears the burden of showing that a mark should not be registered. 15 U.S.C. § 1052.

In this case, a close examination of the relevant *du Pont* factors shows that consumers are not likely to confuse the source of Applicant's and Nourish Cafe's goods and services. Even though the marks are identical, the marks have unrelated goods and services targeting different consumers, such that consumers at large are not likely to believe Applicant's and Nourish Cafe's goods and services come from the same source.

- a. Applicant's Mark and the Nourish Cafe Mark can both exist in the food services industry without causing confusion.

Similar marks can exist in the same broad field of goods/services without causing confusion. *Electronic Design & Sales, Inc. v. Electronic Data Systems Corp.*, 954 F.2d 713, 716 (Fed. Cir. 1992). Even when some relationship exists between certain classes of goods and services, that does not mean consumers will confuse the sources of those goods and services. *See, e.g., In re Digirad Corp.*, 45 U.S.P.Q.2d 1841 (T.T.A.B. 1998) (no likelihood of confusion between similar marks DIGIRAY and DIGIRAD both used in connection with medical diagnostic equipment); *In re Sears, Roebuck, & Co.*, 2 U.S.P.Q.2d 1312 (T.T.A.B. 1987) (no likelihood of confusion between CROSS-OVER and CROSSOVER for ladies' clothing); *In re British Bulldog, Ltd.*, 224 U.S.P.Q. 854 (T.T.A.B. 1984) (no likelihood of confusion existed between identical PLAYERS marks, one for men's underwear and the other for shoes); *In re Sydel Lingerie Co.*, 197 U.S.P.Q. 629 (T.T.A.B. 1977) (BOTTOMS UP for ladies' and children's underwear held not likely to be confused with BOTTOMS UP for men's clothing).

Even when two marks are identical *and* the goods and services are related, it does not necessitate a finding of likelihood of confusion. *See Lloyd's Food Products, Inc. v. Eli's, Inc.*, 987 F.2d 766 (Fed. Cir. 1993) (reversing likelihood of confusion cancellation of LLOYD'S for barbecued meats based on LLOYD's for restaurant services); *In re Mars, Inc.*, 222 U.S.P.Q. 938 (Fed. Cir. 1984) (no likelihood of confusion between CANYON for candy bars and CANYON for

fruit); *Dwinnel-Wright Co. v. White House Milk Co.*, 132 F.2d 822 (2d Cir. 1943) (no likelihood of confusion between WHITE HOUSE for coffee and WHITE HOUSE for milk).

Although the goods and services associated with Applicant's Mark and the Nourish Cafe Mark exist in the same broad field of food services, the goods and services are distinct, which makes it highly unlikely that consumers will associate the marks with the same source. The Examining Attorney argues that the goods and services provided are closely related. However, a careful examination of the descriptions of the goods and services shows that there are distinct differences between Applicant's and Nourish Cafe's goods and services.

Applicant's Mark is associated with industrial robotic vending machines that are used to prepare and serve food. Applicant has applied for its mark in International Class 7 — machinery. Notably, Applicant did not apply in any classes directly selling to food, beverage, or hospitality services. Rather, Applicant's Mark will be used in connection with developing robotic vending machines that will be used to service hospitality activities.

In contrast, the Nourish Cafe Mark is used in connection with providing restaurant services in International Class 43. Specifically, Nourish Cafe registered its Mark to sell gluten-free foods. Nourish Cafe is not registered for a method or technique of providing food service, which differs from Applicant's robotic machinery used to prepare and serve food (rather than selling the end product — the food). Simply because Applicant's robots serve food is not enough to assert that Applicant's and Nourish Cafe's goods and services are so closely related that there is a likelihood of consumer confusion. Whereas Nourish Cafe's services are limited to selling food, Applicant's goods are a broad category of machinery and robotics that are being used to facilitate the activity of preparing and serving the food.

The Examining Attorney correctly points out that Applicant's goods are "the means by which restaurant services are provided." Accordingly, *the means by which* restaurant services are provided and "restaurant services," as Nourish Cafe is registered for, are entirely separate goods and services. Thus, because the marks provide for different goods and services, both Applicant's Mark and the Nourish Cafe Mark can exist without causing consumer confusion.

b. Applicant's Mark and the Nourish Cafe Mark have different consumers in different channels of trade, thus weighing against consumer confusion.

It is well established that consumer confusion is unlikely when marks used on goods or services are not marketed "in such a way that they would be encountered by the same person in situations that would create the incorrect assumption that they originate from the same source." T.M.E.P. § 1207.01(a)(i). This is true even if the respective goods or services are in the same broad industry but in different segments. *See, e.g., Windsor, Inc. v. Intravco Travel Centers, Inc.*, 799 F. Supp. 1513, 1523-26 (S.D.N.Y. 1992) (no likelihood of confusion when the parties focus on different segments of the travel industry); *In re Fesco*, 219 U.S.P.Q. 437, 438-39 (T.T.A.B. 1983) (no likelihood of confusion between similar marks with one for farm equipment distributorship services and the other for fertilizer and fertilizer processing equipment).

Here, Applicant's Mark and the Nourish Cafe Mark operate in different channels of trade. The trade channels between these two marks are distinct because they target different relevant consumers. As previously mentioned, Applicant's business model is that of selling business to business. This differs from Nourish Cafe's model, which is a business selling directly to the end consumer. Applicant is looking to sell its robotic machinery not directly to consumers, but to other businesses who will then sell to consumers. Thus, the relevant business who is looking to purchase or employ industrial robotic vending machines in its business is not the same consumer who is looking for a gluten-free restaurant chain located exclusively in Arizona. Business consumers

purchasing robots are unlikely to visit NOURISH restaurants and confuse the source of the two marks. Just the same, customers of NOURISH restaurants are unlikely to confuse the source of industrial robotic vending machines, especially given the difference in design between NOURISH restaurants and the Applicant's Mark.

Additionally, there is a distinct difference in consumer sophistication between Applicant's Mark and the Nourish Cafe Mark. Courts have consistently held that "sophistication is important and often dispositive because sophisticated end-users may be expected to exercise greater care." *Elec. Design & Sales*, 954 F.2d at 718; see *In re American Olean Tile Co.*, 1 U.S.P.Q.2d 1823 (T.T.A.B. 1986) (in which the Board found no likelihood of confusion between MILANO for ceramic tile and MILANO for wood doors for exterior and interior use, concluding that wood doors are sold to sophisticated purchasers). In this case, the businesses that are consumers of Applicant's goods are sophisticated purchasers of technologically-advanced robotics that desire to use the advanced technology to further their business purpose. The level of sophistication required to understand the machinery and technology used in Applicant's vending machines is high, especially when the sales will target a business customer. Applicant's goods will also cost a considerable amount of money. Comparatively, the level of consumer sophistication required to purchase Nourish Cafe's restaurant services is low, as there is no high level of sophistication needed to purchase a food item from a restaurant that will likely cost less than \$20. As such, these varying levels of sophistication weigh against a finding of likelihood of confusion.

c. Marks like Applicant's Mark have registered on the Principal Register.

Extensive use of NOURISH marks indicates consumers easily distinguish the marks and do not believe the marks are affiliated. A search for "nourish" or similar marks on the USPTO trademark search returns 196 live registrations for marks that include the term NOURISH and 19 live registrations for the mark NOURISH. Such widespread use indicates that consumers are

conditioned to distinguish between the numerous NOURISH marks, and, more importantly, that consumers will not assume Applicant’s and Nourish Cafe’s goods or services originate from the same source merely because the two marks include the term NOURISH. Applicant further requests that the Examining Attorney note that similar marks to Applicant’s Mark and the Nourish Cafe Mark have registered on the Principal Register. The Examining Attorney is specifically asked to note the following registered marks, selected because of their relatedness to Applicant’s and Nourish Cafe’s goods and services:

<b>Mark</b>	<b>Registration No.</b>	<b>Goods/Services</b>
NOURISH	5296562	Granola-based snacks
NOURISH	5492511	Food industry analysis and marketing
NOURISH	4711226	Online educational content in the field of food
NOURISH	3261209	Snack and food products
nourishMEANT	4556599	Online magazines in the field of health
NOURISH NOW	5264326	Charitable food distribution
THE NOURISH SPOT	5370824	Juice bar services
EAT.LIVE.NOURISH	5502724	Online classes in the field of intuitive eating
NOURISH INTERACTIVE	3586574	Online computer games

Under the Examining Attorney’s analysis, however, many of these marks should have been refused registration based on a likelihood of consumer confusion. However, the fact that these marks were given Principal Register status demonstrates that similar NOURISH marks can coexist in the marketplace in similar channels of goods and services without likelihood of consumer confusion.

While it is true that prior practice does not bind the Trademark Office, treatment of the above-mentioned marks should be given some weight. Given the large number of registered marks that include the term NOURISH, the term “nourish” is afforded narrow protection. Thus, registration of Applicant’s Mark is not likely to cause consumer confusion and the Mark is entitled to proceed to publication.

d. The Nourish Cafe Mark is not being used in commerce for its registered services.

Lastly, on information and belief, the Nourish Cafe Mark should not be on the Principal Register because this mark is not being used as a trademark for its registered food preparation and restaurant services. The Nourish Cafe Mark is not being used in commerce for the specified services even though Registrant's Application seeks registration under §1(a) of the Trademark Act. The Mark was previously in use as the name of a two-restaurant chain in Arizona. However, both the Scottsdale, Arizona and Tempe, Arizona locations closed in 2014 and 2017, respectively. See **Exhibit A**. NOURISH's website has seemingly been converted to a site advertising for nutrition and autoimmune disease consulting services, for which NOURISH is not registered. See **Exhibit B**. Nourish Cafe's new use also does not cause a likelihood of consumer confusion with Applicant's Mark.

Further, Nourish Cafe failed to submit a timely Declaration of Use under Section 8 by its deadline of July 16, 2019. As such, it has now entered the grace period for which it must file by January 16, 2020. This further supports that the Nourish Cafe Mark is not being used continuously in the way it was registered and additionally, it would not cause any confusion with Applicant's Mark.

**III. No likelihood of consumer confusion between Applicant's Mark and the Compass Group Mark.**

As in the case of the Nourish Cafe Mark, a close examination of the relevant *du Pont* factors shows that consumers are not likely to confuse the source of Applicant's and Compass Group's goods and services. Even though the marks are identical, the marks also refer to unrelated goods and services targeting different consumers, such that consumers are not likely to believe Applicant's and Compass Group's goods and services come from the same source.



- a. Applicant's Mark and the Compass Group Mark can both exist in the food and technology industries without causing confusion.

As previously mentioned, similar marks can exist in the same broad field of goods/services without causing confusion. Further, even when marks are identical and have related goods and services, a finding of likelihood of confusion is not automatic. Although the goods and services associated with Applicant's Mark and the Compass Group Mark exist in the same broad industry of food-related services, the goods and services are distinct, which makes it highly unlikely that consumers will associate the marks with the same source. The Examining Attorney argues that the goods and services provided are closely related. However, a careful examination of the descriptions of the goods and services shows that there are distinct differences between Applicant's and Compass Group's goods and services.

In contrast to Applicant's Mark, which is registered for industrial robotic vending machines in Class 7, the Compass Group Mark is registered for a mobile application and payment services in differing classes than Applicant's — Classes 9 and 36, respectively. Specifically, the Compass Group Mark is being used in connection with a mobile application that allows users in hospitals, such as nurses, doctors, or visitors of hospital patients, to order food from vendors in the hospital. Thus, the Compass Group Mark is being used to purchase very niche goods and services in a specific location. Whereas Compass Group's goods and services are limited to food ordering and payment services in hospitals, Applicant's goods are not related to a payment platform. Rather, they deal with robots providing food preparation services.

Further, the mere fact that both Applicant and Compass Group have services relating to technology and food does not automatically create a likelihood of confusion. Robotic vending machines used to prepare food are not the same as a mobile application used to order food. Compass Group is not registered for food preparation of any kind, which differs from Applicant's

goods that prepare and serve food. While Applicant's goods actually prepare food, Compass Group's goods and services are merely an ordering platform that connects a customer to a vendor that prepares food.

The Examining Attorney cites to Briggo, a company that provides a mobile application for ordering food and beverages as well as industrial robots where consumers can pick up the ordered goods. While the Examining Attorney was correct in stating that the same entity *may* provide a mobile app and robotic restaurant services, this need not be true for all entities providing similar services. Applicant differs from marks and companies like Briggo because Applicant does not plan to use the NOURISH mark on any mobile applications. In fact, Applicant owns two live applications used in connection with food kiosks, mobile applications, computer software, and the like that are customer interfacing and directed to the general public. See **Exhibit C**, showing Applicant's two live registrations for B BOX in design form. Applicant is currently using B BOX on a mobile application, demonstrating that the NOURISH mark will not be used in connection with food kiosks or mobile applications. Applicant is the company developing the technology for products and services like B BOX, through which everyday customers may order food and beverages. Consequently, Applicant's Mark is being used strictly to sell industrial robotic technology to businesses who may private label their brand — which differs greatly from a niche mobile application for hospital-goers to order meals from vendors located in the hospital.

Thus, because the marks provide for different goods and services, both Applicant's Mark and the Compass Group Mark can exist in the food and technology industries without causing consumer confusion.

- b. Applicant's Mark and The Compass Group Mark have different consumers in different channels of trade, thus weighing against consumer confusion.

Additionally, Applicant's and Compass Group's consumers differ, further weighing against a likelihood of consumer confusion. The Marks are not marketed in such a way that the same person would incorrectly assume that they originate from the same source. Though the Marks may share the same broad field or industry, this does not necessitate an automatic finding of likelihood of confusion.

Here, Applicant's Mark and the Compass Group Mark operate in different channels of trade. The trade channels between these two marks are distinct because they target different relevant consumers. Consumers of Applicant's Mark are businesses that are selling a technology solution in the food services industry. Applicant is looking to sell its technological and robotic developments to a variety of food vendors, such as shopping malls, offices, and hotels to lower costs in managing and running their hospitality programs. Comparatively, Compass Group is targeting consumers working in or visiting hospitals looking for a convenient way to purchase a meal. The relevant consumer who is looking to purchase industrial robotic vending machines is likely not the same consumer who orders food from within a hospital. Compass Group's business model is targeting an everyday consumer, whereas Applicant's business model is targeting sophisticated owners and executives. Thus, these varying channels of trade weigh against consumer confusion.

Moreover, as with Applicant's Mark and the Nourish Cafe Mark, there is a distinct difference in consumer sophistication between Applicant's Mark and the Compass Group Mark. In this case, the consumers of Applicant's goods are sophisticated business owners and executives seeking technologically-advanced robotics as a business solution. The level of sophistication required to understand the machinery and technology involved in these vending machines is high,

as is the amount of money to purchase the same. Comparatively, the level of consumer sophistication required to purchase Compass Group’s mobile application is low, as there is no high level of sophistication needed to purchase food on one’s phone, which is many times less than \$20. As such, these varying levels of sophistication weigh against a finding of likelihood of confusion.

c. Marks like Applicant’s have registered on the Principal Register.

As previously mentioned, the term “nourish” is deserving of narrow protection due to the many live registrations using the term “nourish” in connection with food products or services, thus making the term weak. Such evidence of numerous identical or similar marks on similar goods’ registrations is relevant to show that the term “nourish” is relatively weak and entitled to narrow protection. 2 McCarthy on Trademarks and Unfair Competition, § 11:88 (5th ed.). Widespread use of the term “nourish” indicates that consumers are conditioned to distinguish between the numerous NOURISH marks. The Examining Attorney is specifically asked to note the following registered marks, selected because of their relatedness to Applicant’s and Compass Group’s goods and services:

<b>Mark</b>	<b>Registration No.</b>	<b>Goods/Services</b>
NOURISH	5492511	Food industry analysis and marketing
NOURISH	4711226	Downloadable content in the field of food
NOURISH	3261209	Snack and food products
nourishMEANT	4556599	Online magazines in the field of health
NOURISH NOW	5264326	Charitable food distribution
MICRONOURISH	4917095	Downloadable content in the field of health
EAT.LIVE.NOURISH	5502724	Online classes in the field of intuitive eating
NOURISH INTERACTIVE	3586574	Online computer games
MOVE NOURISH	4541419	Downloadable content in the field of health
BELIEVE		
NOURISHWISE	5251496	Mobile application for identifying healthy menu items

The fact that these marks are on the Principal Register demonstrates that similar NOURISH marks can coexist in the marketplace in similar channels of goods and services such as food services, technology, and machinery without likelihood of consumer confusion.

While it is true that prior practice does not bind the Trademark Office, treatment of the above-mentioned marks should be given some weight. Given the large number of registered marks that include the term NOURISH, consumers are conditioned to distinguish between the many similar marks. Given that the term “nourish” is deserving of narrow protection due to the multitude of current live registrations including the term, Applicant’s Mark is not likely to cause consumer confusion. Thus, the Mark is entitled to proceed to publication.

#### **IV. Conclusion**

For the foregoing reasons, Applicant respectfully requests that the Examiner withdraw its statutory refusal and allow Applicant’s Mark to proceed to publication and eventual registration.

Respectfully Submitted,

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#### **Enc: Exhibits**

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- Exhibit A: Evidence of Nourish Cafe’s Restaurant Closings
- Exhibit B: Nourish Cafe’s Current Website
- Exhibit C: B BOX Live Applications

Original Nourish closes in Scottsdale

Carey Sweet, Special for The Republic Published 9:00 p.m. MT June 5, 2014 | Updated 12:33 p.m. MT June 3, 2014



(Photo: Michael McNameara/The Republic)

It was a good four-year run for Nourish, the health-conscious cafe next to Posh restaurant at the Optima Camelview in downtown Scottsdale. But when her lease was unable to be renewed, owner Kirstin Carey was forced to shutter Nourish.

Fans of her gluten-, soy-, peanut- and dairy-free cuisine are in luck if they live in the southeast Valley. Carey is keeping her new location in Gilbert open and plans to debut another in Tempe.

When Carey opened her Scottsdale eatery in May 2010, she was one of the first to introduce such dietary-streamlined food to the masses. Instead of sprouts and flax geared to a hippie crowd, she strove to make good-for-you food taste like comfort fare, including mac and cheese made with soy or almond milk, reduced-fat sour cream and tons of vegetables; a chickpea and sweet-potato burger on a gluten-free baguette; and apricot-chipotle turkey meatloaf.

The Gilbert site, at Higley and Ray roads, keeps the theme going. Carey, a certified holistic nutritionist, also is offering cooking classes, wellness and nutrition coaching, and special events, such as a five-day detox retreat in Sedona in August.

**Details:** Nourish, 1495 S. Higley Road, Gilbert. 480-525-1345, nourish123.com. Hours: 7 a.m.-8 p.m. Mondays through Saturdays; 7 a.m.-3 p.m. Sundays.

**Advertisement:** Ashley HomeStore sofa, Reg. Price \$1999.99, HURRY IN, INDEPENDENCE DAY, SHOP NOW, \*See store for details.

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Nourish - CLOSED - 72 Photos

https://www.yelp.com/biz/nourish-scottsdale

Find tacos, cheap dinner, Max's Near San Francisco, CA

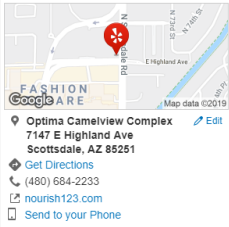



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**Nourish**

★ ★ ★ ★ ★ 161 reviews Write a Review Add Photo Share Save

\$\$ - Gluten-Free, American (New), Vegan Edit

Optima Camelview Complex  
7147 E Highland Ave  
Scottsdale, AZ 85251

Get Directions  
(480) 684-2233  
nourish123.com  
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Photo of Nourish / Scottsdale, AZ United States by I.

**Other Vegan Nearby**

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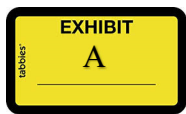
Simon's Hot Dogs 417 reviews

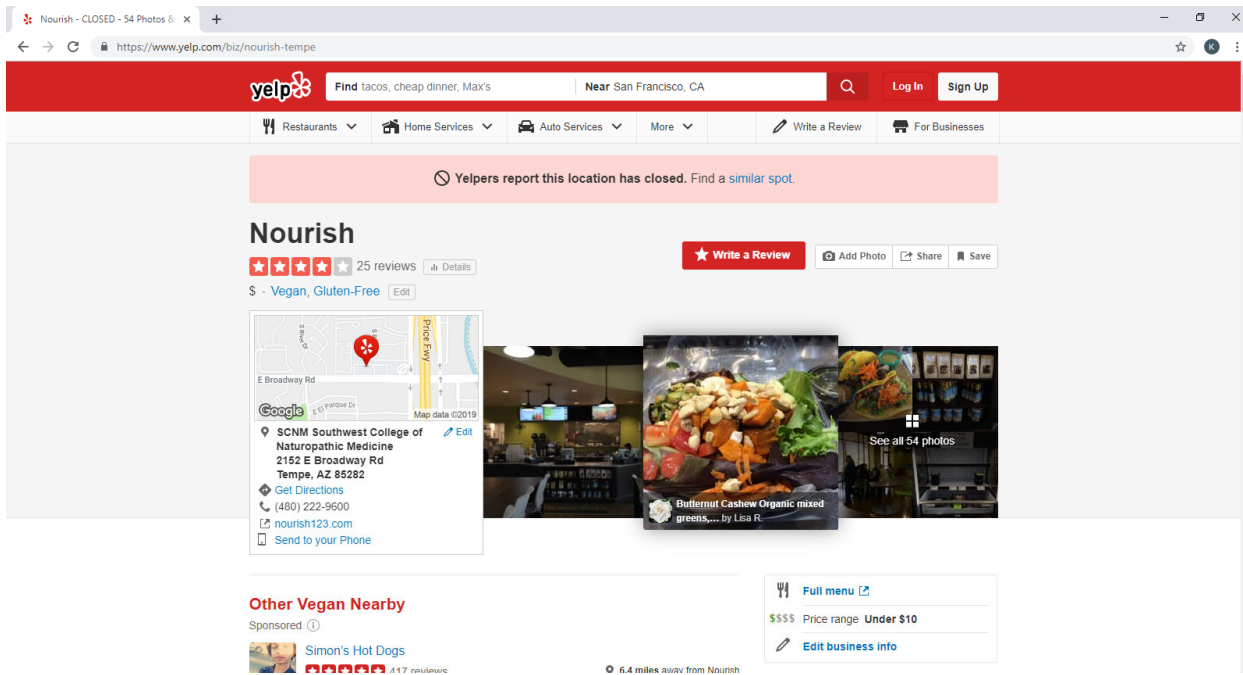
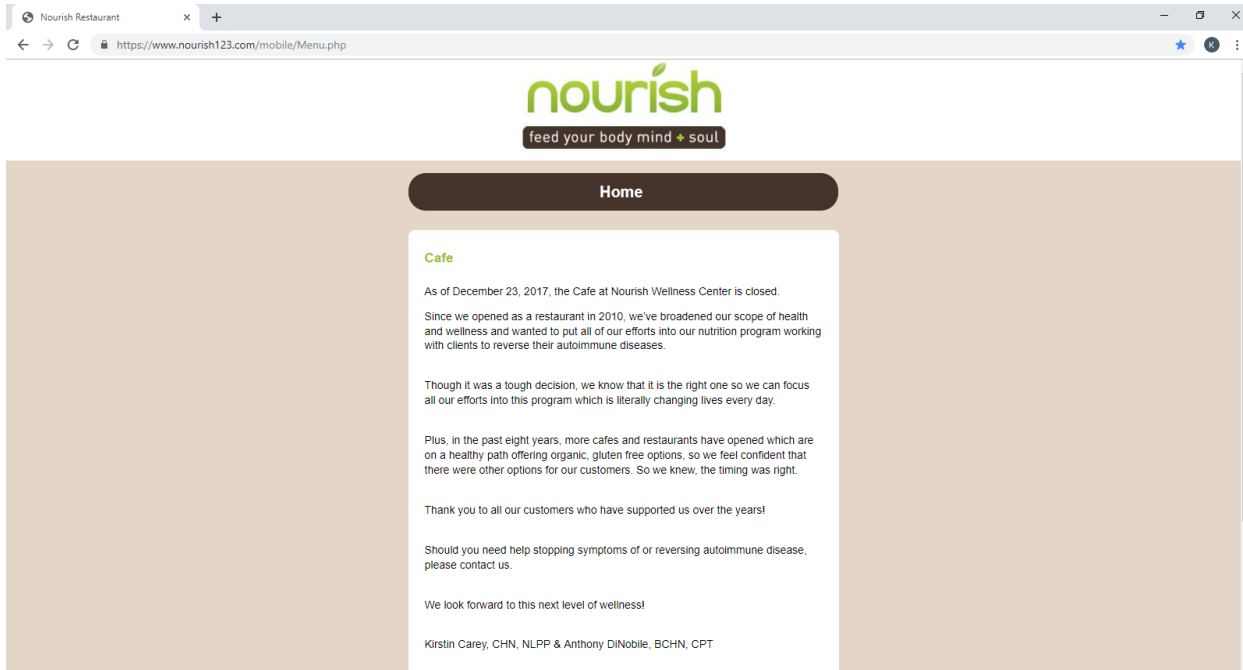
0.6 miles away from Nourish

Full menu

\$\$\$ Price range \$11-30

Edit business info





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https://www.nourish123.com/#fr=off

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**Word Mark** B BOX

**Goods and Services** IC 009. US 021 023 026 036 038. G & S: (Based on Use in Commerce) Downloadable computer software for mobile applications for ordering food and drink; Downloadable mobile applications for mobile devices featuring software for selecting food or beverages that are prepared and dispensed by a robotic system for immediate consumption. FIRST USE: 20181113. FIRST USE IN COMMERCE: 20181113

IC 030. US 046. G & S: (Based on Use in Commerce) Coffee; Pastries; Sandwiches. FIRST USE: 20181113. FIRST USE IN COMMERCE: 20181113

IC 035. US 100 101 102. G & S: (Based on Intent to Use) Food kiosk services; Mobile vending in the field of food and drink; Mobile food kiosk services

IC 042. US 100 101. G & S: (Based on Intent to Use) Computer software development in the field of mobile applications; Computer software development in the field of commercial food service

IC 043. US 100 101. G & S: (Based on Use in Commerce) Fast-food restaurant services. FIRST USE: 20181012. FIRST USE IN COMMERCE: 20181012

**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search Code** 01.15.02 - Electricity ; Lightning ; Sparks (jagged lines)  
26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines ; Overlined words or letters ; Underlined words or letters

**Serial Number** 88380239

**Filing Date** April 10, 2019

**Current Basis** 1A;1B

**Original Filing Basis** 1A

**Owner** (APPLICANT) Nourish Technology, Inc. CORPORATION DELAWARE 251 Little Falls Drive Wilmington DELAWARE 19808

**Attorney of** Lema Khorshid

tmsearch.uspto.gov/bin/gate.exe?f=dbc&state=4809:y451a.2.1

1/2



**Record**

**Prior Registrations** 4934051

**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of the phrase "B BOX" at a slight angle up to the right with a lightning bolt in between "B" and "BOX", and the word "BOX" underlined.

**Type of Mark** TRADEMARK, SERVICE MARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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**Word Mark** B BOX

**Goods and Services** IC 007. US 013 019 021 023 031 034 035. G & S: Industrial robots; Vending machines for preparing and serving food in restaurants, cafeterias, cafes, kitchens, shopping malls, in-store retail locations, service stops, rest areas, hospitals, eateries, offices, airports, hotels, military bases, commuter centers

IC 009. US 021 023 026 036 038. G & S: Downloadable computer software platforms for operating robotic machines; Downloadable computer software for operating robots in the food industry; Point-of-sale terminals for making contactless payments

**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search Code** 01.15.02 - Electricity ; Lightning ; Sparks (jagged lines)  
26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines ; Overlined words or letters ; Underlined words or letters

**Serial Number** 88380120

**Filing Date** April 10, 2019

**Current Basis** 1B

**Original Filing Basis** 1B

**Owner** (APPLICANT) Nourish Technology, Inc. CORPORATION DELAWARE 251 Little Falls Drive Wilmington DELAWARE 19808

**Attorney of Record** Lema Khorshid

**Prior Registrations** 4934051

**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of the phrase "B BOX" at a slight angle up to the right with a lightning bolt in between "B" and "BOX", and the word "BOX" underlined.

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

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7/24/2019

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