# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE 

Mark: PUBLIX

Serial No.: 88/318004
Classes: 8 and 21
Applicant: Publix Asset Management Company

## DECLARATION OF MARK R. IRBY

I, Mark R. Irby, declare as follows:

1. I am president of Publix Asset Management Company and have been on its board of directors since the company was formed in 2001. I also am employed by that company's parent, Publix Super Markets, Inc. I have been vice president of marketing for Publix Super Markets, Inc., since 1989. As such, I have personal knowledge of the scope of the use of the PUBLIX house mark and of records concerning that mark.
2. Publix Super Markets, Inc., is a retail grocery-store company that operates more than 1,200 stores. Publix Super Markets, Inc., is employee owned and is one of the ten largest grocery-store companies in the United States. Our retail sales in 2018 totaled more than $\$ 36$ billion.
3. The PUBLIX house mark appears on approximately 5,700 products. Exhibit A to this declaration is a true and correct list of PUBLIX house mark products in classes 8 and 21. Exhibits B through G2 contain true and correct copies of photographs of PUBLIX house mark products in those classes.
4. Being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 , and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, I declare that I am properly authorized to execute this document on behalf of the owner, that all statements made of my own knowledge are true, and that all statements made upon information and belief are believed to be true.

## Publix Asset Management Company



Type or Print Name
Date

Exhibit A
ted By Dept ID, Sub-Dept ID, Category ID, Business Unit ID, Family Group ID (Ascending)
ate Label Products by Product Level (Dept, Sub-Dept, Category, Business Unit, Family Group and Item)

| Dept | $\begin{array}{\|c\|} \hline \begin{array}{c} \text { Sub-Dept } \\ \text { ID } \end{array} \\ \hline \end{array}$ | Sub-Dept | $\begin{array}{\|c\|} \hline \text { Category } \\ \text { ID } \\ \hline \end{array}$ | Category | Business <br> Unit ID | Business Unit | Family <br> Group ID | Family Group | $\begin{gathered} \text { Item } \\ \text { ID } \\ \hline \end{gathered}$ | Item Description | $\begin{aligned} & \hline \text { Class } \\ & \text { No. } \\ & \hline \end{aligned}$ |
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| GROCERY | 13 | HOUSEWARES | 1319 | KITCHEN ACCESSORIES | 13033 | APRONS | 131915 | APRONS | 970387 | CELEBRATE KNIFE W/SHEATH | 8 |
| GROCERY | 13 | HOUSEWARES | 1306 | BAKEWARE | 13009 | BAKEWARE | 130604 | BAKING ACCESSORIES | 50322 | PUB PIZZA CUTTER | 8 |
| GROCERY | 13 | HOUSEWARES | 1306 | BAKEWARE | 13009 | BAKEWARE | 130604 | BAKING ACCESSORIES | 50323 | PUB LARGE S/S PIZZA CUTTR | 8 |
| GROCERY | 12 | HEALTH AND BEAU | 1211 | VITAMINS | 12005 | VITAMINS | 121104 | CALCIUM SUPPLEMENTS | 117999 | PUB CHOC CALCIUM CHEW | 8 |
| GROCERY | 12 | HEALTH AND BEAU | 1210 | RAZOR BLADE PRODUCTS | 12011 | RAZOR BLADE PRODUCTS | 121001 | CARTRIDGES | 249606 | PUB 5 BLADE FLX CARTR | 8 |
| GROCERY | 11 | DRY GROCERY | 1124 | PAPER/PLASTIC PRODUCTS | 11106 | PLATES/CUPS/CUTLERY | 112409 | CUTLERY | 887504 | PUB ED PLASTICWARE SPOONS | 8 |
| GROCERY | 11 | DRY GROCERY | 1124 | PAPER/PLASTIC PRODUCTS | 11106 | PLATES/CUPS/CUTLERY | 112409 | CUTLERY | 887505 | PUB ED PLASTICWARE FORKS | 8 |
| GROCERY | 11 | DRY GROCERY | 1124 | PAPER/PLASTIC PRODUCTS | 11106 | PLATES/CUPS/CUTLERY | 112409 | CUTLERY | 887507 | PUB ED PLASTICWARE SPOONS | 8 |
| GROCERY | 11 | DRY GROCERY | 1124 | PAPER/PLASTIC PRODUCTS | 11106 | PLATES/CUPS/CUTLERY | 112409 | CUTLERY | 887508 | PUB ED PLASTICWARE FORKS | 8 |
| GROCERY | 11 | DRY GROCERY | 1124 | PAPER/PLASTIC PRODUCTS | 11106 | PLATES/CUPS/CUTLERY | 112409 | CUTLERY | 887510 | PUB ED PLASTICWARE COMBO | 8 |
| GROCERY | 11 | DRY GROCERY | 1124 | PAPER/PLASTIC PRODUCTS | 11106 | PLATES/CUPS/CUTLERY | 112409 | CUTLERY | 887511 | PUB ED PLASTICWARE COMBO | 8 |
| GROCERY | 11 | DRY GROCERY | 1124 | PAPER/PLASTIC PRODUCTS | 11106 | PLATES/CUPS/CUTLERY | 112409 | CUTLERY | 887513 | PUB ENTERTN DNNRWARE FORK | 8 |
| GROCERY | 11 | DRY GROCERY | 1124 | PAPER/PLASTIC PRODUCTS | 11106 | PLATES/CUPS/CUTLERY | 112409 | CUTLERY | 887514 | PUB ENTRTN DNRWARE COMBO | 8 |
| GROCERY | 11 | DRY GROCERY | 1124 | PAPER/PLASTIC PRODUCTS | 11106 | PLATES/CUPS/CUTLERY | 112409 | CUTLERY | 968791 | PUB ENTERTN DNRWARE COMBO | 8 |
| GROCERY | 11 | DRY GROCERY | 1124 | PAPER/PLASTIC PRODUCTS | 11106 | PLATES/CUPS/CUTLERY | 112409 | CUTLERY | 981391 | PUB CUTLRY ENTRTAIN SPOON | 8 |
| GROCERY | 13 | HOUSEWARES | 1319 | KITCHEN ACCESSORIES | 13003 | KITCHEN ACCESSORIES | 131903 | DINNERWARE | 50262 | PUB 12PC SS FLATWARE SET | 8 |
| GROCERY | 12 | HEALTH AND BEAU | 1210 | RAZOR BLADE PRODUCTS | 12011 | RAZOR BLADE PRODUCTS | 121002 | DISPOSABLES | 31068 | PUB WOMEN TWIN BLD DISPOS | 8 |
| GROCERY | 12 | HEALTH AND BEAU | 1210 | RAZOR BLADE PRODUCTS | 12011 | RAZOR BLADE PRODUCTS | 121002 | DISPOSABLES | 31077 | PUB MEN TWIN BLADE DISPOS | 8 |
| GROCERY | 12 | HEALTH AND BEAU | 1210 | RAZOR BLADE PRODUCTS | 12011 | RAZOR BLADE PRODUCTS | 121002 | DISPOSABLES | 128663 | PUB TRIPLE BLADE DISP RZR | 8 |
| GROCERY | 12 | HEALTH AND BEAU | 1210 | RAZOR BLADE PRODUCTS | 12011 | RAZOR BLADE PRODUCTS | 121002 | DISPOSABLES | 181275 | PUB WOM SOLEIL 3-BLD DSP | 8 |
| GROCERY | 12 | HEALTH AND BEAU | 1210 | RAZOR BLADE PRODUCTS | 12011 | RAZOR BLADE PRODUCTS | 121002 | DISPOSABLES | 195978 | PUBLIX MENS 5 BLADE D | 8 |
| GROCERY | 12 | HEALTH AND BEAU | 1210 | RAZOR BLADE PRODUCTS | 12011 | RAZOR BLADE PRODUCTS | 121002 | DISPOSABLES | 195979 | PUB WOMEN 5-BLD DISP | 8 |
| GROCERY | 12 | HEALTH AND BEAU | 1218 | GENERAL EYE CARE | 12018 | EYE/FOOT CARE | 121804 | FOOT CARE DEVICES | 326330 | PUB TOE NAIL NIPPER | 8 |
| GROCERY | 13 | HOUSEWARES | 1319 | KITCHEN ACCESSORIES | 13003 | KITCHEN ACCESSORIES | 131904 | GADGETS | 50198 | PUB S/S VEGETABLE PEELER | 8 |
| GROCERY | 13 | HOUSEWARES | 1319 | KITCHEN ACCESSORIES | 13003 | KITCHEN ACCESSORIES | 131904 | GADGETS | 50199 | PUB VEGETABLE PEELER | 8 |
| GROCERY | 13 | HOUSEWARES | 1319 | KITCHEN ACCESSORIES | 13003 | KITCHEN ACCESSORIES | 131904 | GADGETS | 50271 | PUB EGG SLICER | 8 |
| GROCERY | 13 | HOUSEWARES | 1319 | KITCHEN ACCESSORIES | 13003 | KITCHEN ACCESSORIES | 131904 | GADGETS | 50300 | PUB CORER / PEELER | 8 |
| GROCERY | 13 | HOUSEWARES | 1319 | KITCHEN ACCESSORIES | 13003 | KITCHEN ACCESSORIES | 131904 | GADGETS | 50301 | PUB S/S PEELER | 8 |
| GROCERY | 13 | HOUSEWARES | 1319 | KITCHEN ACCESSORIES | 13003 | KITCHEN ACCESSORIES | 131904 | GADGETS | 50360 | PUB APPLE CORER | 8 |
| GROCERY | 13 | HOUSEWARES | 1319 | KITCHEN ACCESSORIES | 13003 | KITCHEN ACCESSORIES | 131904 | GADGETS | 75194 | PUB OYSTER KNIFE | 8 |
| GROCERY | 12 | HEALTH AND BEAU | 1204 | HAIR CARE PRODUCTS | 12003 | HAIR CARE | 120410 | HAIR ACCESSORIES | 813769 | PUB SCISSOR HAIR STYLING | 8 |
| GROCERY | 12 | HEALTH AND BEAU | 1206 | COSMETICS | 12012 | COSMETICS | 120605 | IMPLEMENTS | 32225 | PUB EASY GRIB TOE CLIPPER | 8 |
| GROCERY | 12 | HEALTH AND BEAU | 1206 | COSMETICS | 12012 | COSMETICS | 120605 | IMPLEMENTS | 32227 | PUB EASY GRIP TWEEZERS | 8 |
| GROCERY | 12 | HEALTH AND BEAU | 1206 | COSMETICS | 12012 | COSMETICS | 120605 | IMPLEMENTS | 33922 | PUB SLN BOARDS HEAVY GRIT | 8 |
| GROCERY | 12 | HEALTH AND BEAU | 1206 | COSMETICS | 12012 | COSMETICS | 120605 | IMPLEMENTS | 33926 | PUB SALON BRDS FINE GRIT | 8 |
| GROCERY | 12 | HEALTH AND BEAU | 1206 | COSMETICS | 12012 | COSMETICS | 120605 | IMPLEMENTS | 33927 | PUB SQUARE TIP TWEEZER | 8 |
| GROCERY | 12 | HEALTH AND BEAU | 1206 | COSMETICS | 12012 | COSMETICS | 120605 | IMPLEMENTS | 33931 | PUB CUTICLE NIPPER | 8 |
| GROCERY | 12 | HEALTH AND BEAU | 1206 | COSMETICS | 12012 | COSMETICS | 120605 | IMPLEMENTS | 34467 | PUB CALLUS SHAVER | 8 |







Exhibit B




Exhibit C

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Exhibit M

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Product Detail
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## Product Description

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Exhibit 0

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## Publix

Exhibit P

Publix.
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## Overview

Product Description
ensitive skin razors for women. With aloe \& shea butter. Pivoting head with triple blades glide smoothly over your every curve. Soft touch handle for a better grip. Publix Guarantee: Complete satisfaction. publix.com. Blades made in USA.

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## Overview

More Information
Product Description

This sturdy clipper is ideal for keeping your toenails well-trimmed and Vidy. The curved blade fits nails better. The foldaway file is good for smoothing and cleaning nails. The lever handle is easy to use in both hands (to activate the handle, rotate it 180 degrees and flip it over, back to its original location). publix.com, Publix Guarantee: Complete satisfaction or your money back. Made in China.

Warning

Keep out of reach of children. This product is not intended for use by children. In case of circulatory
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Product Description

Non-slip grip provides maximum control. Precision-ground cutting edges. Catches nall clippings. Keep nalls neat and tidy with this handy clipper. Unique non-slip grip is textured to provide maximum comfort and control. Catches nail clippings - no more mess. Precision-ground cutting edges. Chrome finish. Publix.com, Publix Guarantee: Complete satisfaction or your money back. Made in China

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## Paper Plates, Cups, Utensils, and Tableware





EXHIBIT A1




EXHIBIT B1

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EXHIBIT E1

## Publix



## Product Description

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Warning
Keep away from open flame. Bowi will ignite and cause injury. Not recommended tor mírowave use Microwaving many foods and liquids may melt bowl and cause injury. Plastic bags can cause suffocation. Pleose keep this product and all plastic bass out of the reach of children. Do not permit children to play with them and do not use them in cribs, playpens or carriages

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Product Description

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Warning

Keep out of reach of children. This product is not intended for use by children.

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## Publix.

Home All Products Product Detail Publix Floor Scrubber, with Handle

## Product Description

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Home All Products Product Detail

## Product Description

4.5 in $\times 2.6$ in each. Naturally absorbent. Specially designed to clean all non-stick surfaces, plastic, glassware, counter tops, stoves and appliances, sinks, tubs, shower areas, toilet bowls, ceramic tiles, and walls. Fiber side scours and scrubs. Sponge side wipes clean. Some delicate, polished or painted surfaces may scratch. Test first nan inconspicuous area and allow to dry to verify no surface damage. Publix Guarantee: Complete satisfaction. publix.com. Made in the USA of US and imported... Show More

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Product Description

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Warning

Do not use metal or sharp edged utensils as they may scratch or damage the non-stick surface.

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## Product Description

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Product Description

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EXHIBIT X1


EXHIBIT Y1


EXHIBIT Z1


Captured by FireShot Pro [31-07-2019, 13:54:53]

EXHIBIT A2

| Login Sign Up | (c) Store Locator |  | 屁Shopping List | for Coupons | morder - |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Publix. |  |  |  |  | Search | a |
|  | SHOPONLINE | PRODUCTS \& SERVICES | SAVINGS | RECIPES\& PLANNING |  | PHARMACY \& WELINESS |

Search results for strainer
Core Home (1)
Endurance (1)
Healthtex (2)
Helping Hands (1)
Imusa (4)
Joyce Chen (1)
Kitchen Aid (1)
KitchenAid (1)

1 strainer


 1 colander
Publix Strainer, 4 Inch Mest
Stainless Steel
1 strainer

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2000 calories a day is used for general nutrition advice, but calorie needs vary.
Additional nutrition information available upon request. (Go to product detail page for each product)

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EXHIBIT B2

Link: https://www.publix.com/product-catalog/productlisting?query=cooking
spoon...\&filters=nationalbrands::Publix\&count=96\&page=\&filters=fauxtaxonomy::Housewares/Kitchen Supplies

| Log $\ln \operatorname{Sign} U \mathrm{p}$ | (P) Store Locator | 昆 Shopping List | fo Coupons | min Order | (1) Weekly Ad |
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| ublix. |  |  |  | Search | a |

Home All Products cookingspoon...
Search results for cooking spoon...


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Search results for toothbrush


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SAVINGS
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PHARMACY \& WELLNESS

Home
All Products
toothbrush

Search results for toothbrush

| toothbrush | $1-10$ of 10 |
| :--- | :--- |
| Refine Results |  |
| $\times$ Brand - Publix (10) |  |
| Clear All |  |
| All Departments | Publix Toothbrushes, Regular, <br> Soft <br> Beauty and Personal Care <br> Oral Care <br> Personal Hygiene |
| $\sim$ Brand |  |
| $\sim$ Publix (10) |  |



Publix Toothbrushes, Angle Edge+ Deep Clean, Medium 2 toothbrushes



## EXHIBIT E2



| Home All Products fooss |
| :--- |
| Search results for floss |


mated prices effective at time of order only and may be subject to variation at time of pickup
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| Log n | Sign Up | (e) Store |  | FShopping List | foroupons 血 | der A Weekly Ad |
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| Publix. |  | SHOP ONLINE | PRODUCTS\&SERVICES | SAVINGS | RECIPES \& PLANNING | cha |
|  |  | PHARMACY \& WELLNESS |  |  |  |
| Home | All Prod |  | cts brus |  |  |  |  |

Search results for brushes






Search results for cooking pans




Publix Muffin Pan, Mini, 12 Cup 1 pan


Scallop Cook in Bag Dinner, Fresh, Ready to Cook
470 Cal - 750 Cal/Dinner Serves 1

Serves 1
60 Minutes Advance Notice Required (3)


Publix Cooking Wine, White 16 floz ( 473 ml )


Publix Cake Pan, Fluted
1 pan


Shrimp Cook in Bag Dinner,
Shrimp Cook in Bag D
Fresh, Ready to Cook 460 Cal - 740 Cal/Dinner Serves 1

Serves 1
60 Minutes Advance Notice Required (2) -


Tilapia Cook in Bag Dinner,
Tilapia Cook in Bag Di
Fresh, Ready to Cook
540 Cal - $820 \mathrm{Cal} /$ Dinner Serves 1

Serves 1
60 Minutes Advance Notice Required (3)


Publix Cooking Wine, Marsala $16 \mathrm{fl} \mathrm{oz}(473 \mathrm{ml})$



Cooked Shrimp BBQ


Cooked Shrimp Cajun Marinated


Publix Lasagna \& Roast Pan
1 pan


Cod Cook in Bag Dinner, Fresh, Ready to Cook
$520 \mathrm{Cal}-800 \mathrm{Cal} /$ Dinner
Serves 1
Serves 1
60 Minutes Advance Noticed
Required (3)
-volin)


Salmon Cook in Bag Dinner, Fresh, Ready to Cook

Serves 1

60 Minutes Advance Notice
Required (7)


Publix Cooked Ham 10 oz Pkg



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