

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION SERIAL NO. 79208181

MARK: SWEET BOX

79208181

CORRESPONDENT ADDRESS:

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http://www.uspto.gov/trademarks/teas/response_forms.jsp

APPLICANT: DIPLAZOR LIMITED

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

OFFICE ACTION

INTERNATIONAL REGISTRATION NO. 1346067

STRICT DEADLINE TO RESPOND TO THIS NOTIFICATION: TO AVOID ABANDONMENT OF THE REQUEST FOR EXTENSION OF PROTECTION OF THE INTERNATIONAL REGISTRATION, THE USPTO MUST RECEIVE A COMPLETE RESPONSE TO THIS PROVISIONAL FULL REFUSAL NOTIFICATION **WITHIN 6 MONTHS** OF THE "DATE ON WHICH THE NOTIFICATION WAS SENT TO WIPO (MAILING DATE)" LOCATED ON THE WIPO COVER LETTER ACCOMPANYING THIS NOTIFICATION.

In addition to the Mailing Date appearing on the WIPO cover letter, a holder (hereafter "applicant") may confirm this Mailing Date using the USPTO's Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. To do so, enter the U.S. application serial number for this application and then select "Documents." The Mailing Date used to calculate the response deadline for this provisional full refusal is the "Create/Mail Date" of the "IB-1rst Refusal Note."

This is a **PROVISIONAL FULL REFUSAL** of the request for extension of protection of the mark in the above-referenced U.S. application. See 15 U.S.C. §1141h(c). See below in this notification (hereafter "Office action") for details regarding the provisional full refusal.

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SUMMARY OF ISSUES:

- SECTION 2(d) LIKELIHOOD OF CONFUSION – PARTIAL REFUSAL
- OPTIONS WHERE REFUSAL PERTAINS TO SPECIFIC CLASS
- REQUEST TO DIVIDE INFORMATION
- ENTITY CLARIFICATION
- DESCRIPTION OF THE MARK
- IDENTIFICATION OF GOODS
- DISCLAIMER REQUIREMENT

SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION – PARTIAL

****THIS PARTIAL REFUSAL APPLIES TO INTERNATIONAL CLASS 30 ONLY****

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. **4267672**. Trademark Act Section 2(d), 15 U.S.C. §1052(d); see TMEP §§1207.01 *et seq.* See the attached registration.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a potential consumer would be confused, mistaken, or deceived as to the source of the goods and/or services of the applicant and registrant. See 15 U.S.C. §1052(d). A determination of likelihood of confusion under Section 2(d) is made on a case-by-case basis and the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973) aid in this determination. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1349, 98 USPQ2d 1253, 1256 (Fed. Cir. 2011) (citing *On-Line Careline, Inc. v. Am. Online, Inc.*, 229 F.3d 1080, 1085, 56 USPQ2d 1471, 1474 (Fed. Cir. 2000)). Not all the *du Pont* factors, however, are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d at 1355, 98 USPQ2d at 1260; *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); see *In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity and nature of the goods, and similarity of the trade channels of

the goods. See *In re Viterra Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 *et seq.*

Applicant has applied to register **SWEET BOX and design** for goods in the relevant International Class 30.

The registered mark is **THE SWEETBOX BAKERY** for “Bakery desserts” in International Class 30.

A. Comparison of the Marks

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F.3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). “Similarity in any one of these elements may be sufficient to find the marks confusingly similar.” *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014) (citing *In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007)); *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988)); TMEP §1207.01(b).

Marks may be confusingly similar in appearance where similar terms or phrases or similar parts of terms or phrases appear in the compared marks and create a similar overall commercial impression. See *Crocker Nat'l Bank v. Canadian Imperial Bank of Commerce*, 228 USPQ 689, 690-91 (TTAB 1986), *aff'd sub nom. Canadian Imperial Bank of Commerce v. Wells Fargo Bank, Nat'l Ass'n*, 811 F.2d 1490, 1495, 1 USPQ2d 1813, 1817 (Fed. Cir. 1987) (finding COMMASH and COMMUNICASH confusingly similar); *In re Corning Glass Works*, 229 USPQ 65, 66 (TTAB 1985) (finding CONFIRM and CONFIRMCELLS confusingly similar); *In re Pellerin Milnor Corp.*, 221 USPQ 558, 560 (TTAB 1983) (finding MILTRON and MILLTRONICS confusingly similar); TMEP §1207.01(b)(ii)-(iii). Here, the marks share the identical wording “SWEET” and “BOX”.

The cited mark includes additional terms, namely, “THE” and “BAKERY”. However, when comparing similar marks, the Trademark Trial and Appeal Board has found that inclusion of the term “the” at the beginning of one of the marks will generally not affect or otherwise diminish the overall similarity between the marks. See *In re Thor Tech Inc.*, 90 USPQ2d 1634, 1635 (TTAB 2009) (finding WAVE and THE WAVE “virtually identical” marks; “[t]he addition of the word ‘The’ at the beginning of the registered mark does not have any trademark significance.”); *In re Narwood Prods. Inc.*, 223 USPQ 1034, 1034 (TTAB 1984) (finding THE MUSIC MAKERS and MUSIC-MAKERS “virtually identical” marks; the inclusion of the definite article “the” is “insignificant in determining likelihood of confusion”).

Secondly, the wording “BAKERY” has been disclaimed in the registered mark. Although marks are compared in their entireties, one feature of a mark may be more significant or dominant in creating a commercial impression. See *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Nat'l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 751 (Fed. Cir. 1985); TMEP §1207.01(b)(viii), (c)(ii). Disclaimed matter that is descriptive of or generic for a party's goods and/or services is typically less significant or less dominant when comparing marks. See *In re Dixie Rests., Inc.*, 105 F.3d 1405, 1407, 41 USPQ2d 1531, 1533-34 (Fed. Cir. 1997); *In re Nat'l Data Corp.*, 753 F.2d at 1060, 224 USPQ at 752; TMEP §1207.01(b)(viii), (c)(ii).

Even though applicant's proposed mark features a design element, for a composite mark containing both words and a design, the word portion may be more likely to indicate the origin of the goods and/or services because it is that portion of the mark that consumers use when referring to or requesting the goods and/or services. *Bond v. Taylor*, 119 USPQ2d 1049, 1055 (TTAB 2016) (citing *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908, 1911 (Fed. Cir. 2012)); TMEP §1207.01(c)(ii). Thus, although such marks must be compared in their entireties, the word portion is often considered the dominant feature and is accorded greater weight in determining whether marks are confusingly similar, even where the word portion has been disclaimed. *In re Viterra Inc.*, 671 F.3d at 1366-67, 101 USPQ2d at 1911 (citing *Giant Food, Inc. v. Nation's Foodservice, Inc.*, 710 F.2d 1565, 1570-71, 218 USPQ2d 390, 395 (Fed. Cir. 1983)).

B. Comparison of the Goods

With respect to applicant's and registrant's goods and/or services, the question of likelihood of confusion is determined based on the description of the goods and/or services stated in the application and registration at issue, not on extrinsic evidence of actual use. See *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1323, 110 USPQ2d 1157, 1162 (Fed. Cir. 2014) (quoting *Octocom Sys. Inc. v. Hous. Computers Servs. Inc.*, 918 F.2d 937, 942, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990)).

Absent restrictions in an application and/or registration, the identified goods and/or services are “presumed to travel in the same channels of trade to the same class of purchasers.” *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1268, 62 USPQ2d 1001, 1005 (Fed. Cir. 2002)). Additionally, unrestricted and broad identifications are presumed to encompass all goods and/or services of the type described. See, e.g., *Siv. Mgmt., Inc. v. Ocinomled, Ltd.*, 115 USPQ2d 1007, 1025 (TTAB 2015); *In re N.A.D., Inc.*, 57 USPQ2d 1872, 1874 (TTAB 2000).

In this case, the parties offer identical bakery desserts and closely related food and beverage products in Class 30. The trademark examining attorney has attached evidence from the USPTO's X-Search database consisting of a number of third-party marks registered for use in connection with the same or similar goods as those of both applicant and registrant in this case. This evidence shows that the goods listed therein, namely bakery desserts and coffee, tea, cocoa, chocolate, ice cream, honey, gum and related goods in Class 30, are of a kind that may emanate from a single source under a single mark. See *In re Aquamar, Inc.*, 115 USPQ2d 1122, 1126 n.5 (TTAB 2015) (citing *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB 1988)); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); TMEP §1207.01(d)(iii).

Moreover, the identification set forth in the application and registration has no restrictions as to nature, type, channels of trade, or classes of purchasers. Therefore, it is presumed that these goods travel in all normal channels of trade, and are available to the same class of purchasers.

As such, the goods would be marketed in the same channels of commerce and to the same group of consumers under circumstances that would lead the average consumer to mistakenly believe that the goods emanate from a common source.

Accordingly, the presence of similar marks for identical and closely related goods would create a likelihood of confusion in the marketplace. Thus, registration must be refused under Section 2(d) of the Trademark Act.

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

OPTIONS WHERE REFUSAL PERTAINS TO SPECIFIC CLASS

The stated refusal refers to International Class 30 only and does not bar registration in the other class.

Applicant may respond to the stated refusal by submitting evidence and arguments against the refusal. In addition, applicant may respond by doing one of the following:

- (1) Deleting the class to which the refusal pertains;
- (2) Filing a request to divide out the goods and/or services that have not been refused registration, so that the mark may proceed toward publication for opposition in the class to which the refusal does not pertain. *See* 37 C.F.R. §2.87. *See generally* TMEP §§1110 *et seq.* (regarding the requirements for filing a request to divide). If applicant files a request to divide, then to avoid abandonment, applicant must also file a timely response to all outstanding issues in this Office action, including the refusal. 37 C.F.R. §2.87(e); or
- (3) Amending the basis for that class, if appropriate. TMEP §806.03(h). (The basis cannot be changed for applications filed under Trademark Act Section 66(a). TMEP §1904.01(a).)

REQUEST TO DIVIDE INFORMATION

In response to a refusal or requirement that pertains only to certain classes, goods, and/or services, applicant may divide the application into two or more separate applications so that any acceptable classes, goods, and/or services may proceed toward registration. *See* 37 C.F.R. §2.87; TMEP §§1110 *et seq.* (regarding requests to divide). Any outstanding deadline in effect at the time the application is divided will generally apply to each new divided out application. *See* 37 C.F.R. §2.87(e); TMEP §1110.05 (see list of exceptions).

Applicant may file a request to divide online via the Trademark Electronic Application System (TEAS) for a fee of \$100 for each new application created. *See* 37 C.F.R. §§2.6(a)(19)(ii), 2.87(b); TMEP §1110.04. The request to divide must specify the classes or goods and/or services that are to be divided out of the application. If dividing out some, but not all, of the goods or services within a class, an additional application filing fee will be required for each new separate application created by the division. 37 C.F.R. §§2.6(a)(1)(i)-(iii), 2.87(b); TMEP §1110.02.

If applicant responds to the refusal(s), applicant must also respond to the requirement(s) set forth below.

ENTITY CLARIFICATION

- The application identifies applicant as a "Limited," which is not acceptable as an entity designation in the U.S. because there is no clear U.S. equivalent entity and the entity designation does not appear in Appendix D of the *Trademark Manual of Examining Procedure*. *See* TMEP §803.03(i). Applicant must indicate the U.S. equivalent of its entity type or provide a description of the nature of the foreign entity. *See id.*

DESCRIPTION OF THE MARK

- Applicant must provide a complete mark description because the mark description in the application does not include all elements and/or colors shown in the mark. A complete mark description for a mark depicted in color must identify all the literal and design elements in the mark and specify where the colors appear in those elements. *See* 37 C.F.R. §§2.37, 2.52(b)(1); TMEP §807.07(a)-(a)(ii).

If black, white, and/or gray are not being claimed as a color feature of the mark, applicant must exclude them from the color claim and include in the mark description a statement that the colors black, white, and/or gray represent background, outlining, shading, and/or transparent areas and are not part of the mark. *See* TMEP §807.07(d).

The following mark description is suggested, if accurate:

The mark consists of the stacked wording "SWEET BOX" in white set inside a grey square with curved corners.

IDENTIFICATION OF GOODS

- The wording "Toys," "chocolate figures; chocolate eggs" and "candied fruit jelly" in the identification of goods is indefinite and must be clarified because the exact nature of the goods is unclear. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01.

- The wording "ZEPHYR" in the identification of goods is a registered mark not owned by applicant; accordingly, applicant must amend the identification to delete this wording and, if not already included in the identification, provide the common commercial or generic name of the goods. TMEP §1402.09; *see Camloc Fastener Corp. v. Grant*, 119 USPQ 264, 264 n.1 (TTAB 1958). *See* the attached U.S. Registration Nos. 4290747 and 4541794.

Identifications of goods and/or services should generally be comprised of generic everyday wording for the goods and/or services, and exclude proprietary or potentially-proprietary wording. *See* TMEP §§1402.01, 1402.09. A registered mark indicates origin in one particular party and so may not be used to identify goods or services that originate in a party other than that registrant. TMEP §1402.09; *see Camloc Fastener Corp. v. Grant*, 119 USPQ at 264 n.1.

- Applicant may adopt the following amended identification of goods suggested by the trademark examining attorney, if they accurately reflect the nature, function, purpose, and scope of applicant's goods. The suggested identification also serves as examples of acceptable language and may be used as a guide in drafting amended language. **Please note required changes in bold type, strikethroughs reflecting deletions and applicant should pay particular attention to language removed by the trademark examining attorney:**

- International Class 028: Toys, **namely**, _____ {clarify types, e.g. action figures, dolls, electric action toys}

International Class 030: Coffee; tea; cocoa; cocoa beverages with milk; coffee-based beverages; chocolate-based beverages with milk; candy, namely, caramels; candy; crackers; biscuits; gingerbread; chocolate candy; chocolate figures **being chocolate candy**; chocolate eggs **being chocolate candy**; ice cream; honey; golden syrup; edible ices; popcorn; _____ {clarify "zephyr [confectionery]," e.g. marshmallows, confectionery made of sugar}; chewing gum; ~~candied~~ fruit jelly candy

Applicant's goods and/or services may be clarified or limited, but may not be expanded beyond those originally itemized in the application or as acceptably narrowed. *See* 37 C.F.R. §2.71(a); TMEP §§1402.06, 1904.02(c)(iv). Applicant may clarify or limit the identification by inserting qualifying language or deleting items to result in a more specific identification; however, applicant may not substitute different goods and/or services or add goods and/or services not found or encompassed by those in the original application or as acceptably narrowed. *See* TMEP §1402.06(a)-(b). The scope of the goods and/or services sets the outer limit for any changes to the identification and is generally determined by the ordinary meaning of the wording in the identification. TMEP §§1402.06(b), 1402.07(a)-(b). Any acceptable changes to the goods and/or services will further limit scope, and once goods and/or services are deleted, they are not permitted to be reinserted. TMEP §1402.07(e). Additionally, for applications filed under Trademark Act Section 66(a), the scope of the identification for purposes of permissible amendments is limited by the international class assigned by the International Bureau of the World Intellectual Property Organization (International Bureau); and the classification of goods and/or services may not be changed from that assigned by the International Bureau. 37 C.F.R. §2.85(d); TMEP §§1401.03(d), 1904.02(b). Further, in a multiple-class Section 66(a) application, classes may not be added or goods and/or services transferred from one existing class to another. 37 C.F.R. §2.85(d); TMEP §1401.03(d).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable *U.S. Acceptable Identification of Goods and Services Manual*. *See* TMEP §1402.04.

DISCLAIMER REQUIRED

If the mark is determined to be otherwise registrable, then applicant must still disclaim the following unregistrable matter.

Applicant must disclaim the wording "BOX" because it merely describes a feature of applicant's goods, and thus is an unregistrable component of the mark. *See* 15 U.S.C. §§1052(e)(1), 1056(a); *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012) (quoting *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004)); TMEP §§1213, 1213.03(a).

The wording "BOX" refers to "A container with a flat base and sides, typically square or rectangular and having a lid." Please see the attached dictionary definition. Here, applicant's goods could feature boxes and/or are packaged in boxes. Thus, the wording is merely descriptive in relations to the goods and must be disclaimed for the record.

An applicant may not claim exclusive rights to terms that others may need to use to describe their goods and/or services in the marketplace. *See Dena Corp. v. Belvedere Int'l, Inc.*, 950 F.2d 1555, 1560, 21 USPQ2d 1047, 1051 (Fed. Cir. 1991); *In re Aug. Storck KG*, 218 USPQ 823, 825 (TTAB 1983). A disclaimer of unregistrable matter does not affect the appearance of the mark; that is, a disclaimer does not physically remove the disclaimed matter from the mark. *See Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d 978, 978, 144 USPQ 433, 433 (C.C.P.A. 1965); TMEP §1213.

If applicant does not provide the required disclaimer, the USPTO may refuse to register the entire mark. *See In re Stereotaxis Inc.*, 429 F.3d 1039, 1040-41, 77 USPQ2d 1087, 1088-89 (Fed. Cir. 2005); TMEP §1213.01(b).

Applicant should submit a disclaimer in the following standardized format:

No claim is made to the exclusive right to use "BOX" apart from the mark as shown.

For an overview of disclaimers and instructions on how to satisfy this disclaimer requirement online using the Trademark Electronic Application System (TEAS) form, please go to <http://www.uspto.gov/trademarks/law/disclaimer.jsp>.

TRADEMARK COUNSEL SUGGESTED

- Because of the legal technicalities and strict deadlines involved in the USPTO application process, applicant may wish to hire a qualified U.S. attorney specializing in trademark matters to represent applicant in this process and provide legal advice. Although the undersigned trademark examining attorney is permitted to help an applicant understand the contents of an Office action as well as the application process in general, no USPTO attorney or staff is

permitted to give an applicant legal advice or statements about an applicant's legal rights. TMEP §§705.02, 709.06. For attorney referral information, applicant may consult the American Bar Association's Consumers' Guide to Legal Help or an online directory of legal professionals, such as FindLaw®. The USPTO, however, may not assist an applicant in the selection of an attorney. 37 C.F.R. §2.11.

Please note that foreign attorneys, other than authorized Canadian attorneys, are not permitted to represent applicants before the USPTO (e.g., file written communications, authorize an amendment to an application, or submit legal arguments in response to a requirement or refusal). See 37 C.F.R. §§2.17(e), 11.14(c), (e); TMEP §602.03-.03(c).

RESPONSE TO OFFICE ACTION GUIDELINES

For this application to proceed further, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options specified in this Office action for responding to a refusal and should consider those options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements. For more information and general tips on responding to USPTO Office actions, response options, and how to file a response online, see "Responding to Office Actions" on the USPTO's website.

If applicant does not respond to this Office action within six months of the issue/mailed date, or responds by expressly abandoning the application, the application process will end and the trademark will fail to register. See 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a); TMEP §§718.01, 718.02. Additionally, the USPTO will not refund the application filing fee, which is a required processing fee. See 37 C.F.R. §§2.6(a)(1)(i)-(iv), 2.209(a); TMEP §405.04.

When an application has abandoned for failure to respond to an Office action, an applicant may timely file a petition to revive the application, which, if granted, would allow the application to return to active status. See 37 C.F.R. §2.66; TMEP §1714. The petition must be filed within two months of the date of issuance of the notice of abandonment and may be filed online via the Trademark Electronic Application System (TEAS) with a \$100 fee. See 37 C.F.R. §§2.6(a)(15)(ii), 2.66(b)(1).

WHO IS PERMITTED TO RESPOND TO THIS PROVISIONAL FULL REFUSAL: Any response to this provisional refusal must be personally signed by an individual applicant, all joint applicants, or someone with legal authority to bind a juristic applicant (e.g., a corporate officer or general partner). 37 C.F.R. §§2.62(b), 2.193(e)(2)(ii); TMEP §712.01. If applicant hires a qualified U.S. attorney to respond on his or her behalf, then the attorney must sign the response. 37 C.F.R. §§2.193(e)(2)(i), 11.18(a); TMEP §§611.03(b), 712.01. Qualified U.S. attorneys include those in good standing with a bar of the highest court of any U.S. state, the District of Columbia, Puerto Rico, and other U.S. commonwealths or U.S. territories. See 37 C.F.R. §§2.17(a), 2.62(b), 11.1, 11.14(a); TMEP §§602, 712.01. Additionally, for all responses, the proper signatory must personally sign the document or personally enter his or her electronic signature on the electronic filing. See 37 C.F.R. §2.193(a); TMEP §§611.01(b), 611.02. The name of the signatory must also be printed or typed immediately below or adjacent to the signature, or identified elsewhere in the filing. 37 C.F.R. §2.193(d); TMEP §611.01(b).

In general, foreign attorneys are not permitted to represent applicants before the USPTO (e.g., file written communications, authorize an amendment to an application, or submit legal arguments in response to a requirement or refusal). See 37 C.F.R. §§11.14(c), (e); TMEP §§602.03-.03(b), 608.01.

DESIGNATION OF DOMESTIC REPRESENTATIVE: The USPTO encourages applicants who do not reside in the United States to designate a domestic representative upon whom any notice or process may be served. TMEP §610; see 15 U.S.C. §§1051(e), 1141h(d); 37 C.F.R. §2.24(a)(1)-(2). Such designations may be filed online at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. See 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. See TMEP §§705.02, 709.06.

/Hai-Ly Lam/
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Trademark Examining Attorney
Law Office 112
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TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/mailed date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For technical assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant

(i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

DESIGN MARK

Serial Number

85610743

Status

REGISTERED

Word Mark

THE SWEETBOX BAKERY

Standard Character Mark

Yes

Registration Number

4267672

Date Registered

2013/01/01

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

ABDO, JANNAH INDIVIDUAL UNITED STATES 1580 ALDRICH WAY SAN JOSE
CALIFORNIA 95121

Goods/Services

Class Status -- ACTIVE. IC 030. US 046. G & S: Bakery desserts.
First Use: 2010/03/00. First Use In Commerce: 2011/02/26.

Disclaimer Statement

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

Filing Date

2012/04/27

Examining Attorney

AIKENS, RONALD

Attorney of Record

Omair M. Farooqui

The SweetBox Bakery

DESIGN MARK

Serial Number

77917386

Status

REGISTERED

Word Mark

BACETTI

Standard Character Mark

No

Registration Number

3901907

Date Registered

2011/01/04

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Cedric Di Donato INDIVIDUAL ITALY 1890 broadway street # 501 San francisco CALIFORNIA 94109

Owner

Alexandra Di Donato INDIVIDUAL FRANCE 1890 broadway street # 501 San francisco CALIFORNIA 94109

Goods/Services

Class Status -- ACTIVE. IC 030. US 046. G & S: Bakery desserts; Bakery products, namely, sweet bakery goods; Bonbons; Bread and pastry; Candies; Candy; Candy bars; Candy cake decorations; Candy coated apples; Candy coated popcorn; Candy containing alcoholic beverage content and flavor; Candy decorations for cakes; Candy with caramel; Candy with cocoa; Chocolate; Chocolate and chocolates; Chocolate bars; Chocolate candies; Chocolate chips; Chocolate covered cocoa nibs; Chocolate covered fruit; Chocolate covered nuts; Chocolate covered raisins; Chocolate covered roasted coffee beans; Chocolate fondue; Chocolate food beverages not being dairy-based or vegetable based; Chocolate for confectionery and bread; Chocolate mousse; Chocolate pastes; Chocolate powder; Chocolate sauce; Chocolate syrup; Chocolate topping; Chocolate truffles; Chocolate-based fillings for

cakes and pies; Chocolate-based ready-to-eat food bars; Chocolates and chocolate based ready to eat candies and snacks; Cones for ice cream; Confectioneries, namely, snack foods, namely, chocolate; Cream buns; Cream puffs; Dessert mousse; Dessert puddings; Dessert souffles; Filled chocolate; Flavored, sweetened gelatin desserts; Frozen dessert consisting of fruit and cream or cream substitutes; Frozen desserts consisting of flavored ice blocks with toppings; Frozen yoghurt; Fruit ice; Fruit ice bar; Fruit ices; Gift baskets containing candy; Hot chocolate; Ice candies; Ice cream; Ice cream desserts; Ice cream floats; Ice cream mixes; Ice cream powder; Ice cream sandwiches; Ice cream substitute; Ice creams; Ice milk bars; Ice-cream; Ice-cream cakes; Iced cakes; Ices and ice creams; Italian ice; Macaroons; Milk chocolate; Pastries; Pastries, namely, pasties; Pastry; Pastry cream; Peppermint candy; Peppermint sweets; Spread containing chocolate and nuts; Sugarfree sweets; Sugarless candies; Sugarless sweets; Sweets. First Use: 2010/06/01. First Use In Commerce: 2010/10/01.

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Import agency services in the field of specialty chocolate, pastry and dessert ingredients; Retail candy stores; Retail grocery stores; Retail ice cream store services. First Use: 2010/06/01. First Use In Commerce: 2010/10/01.

Description of Mark

The mark consists of the underlined word "BACETTI" with repetitive wave designs appearing above the term

Colors Claimed

Color is not claimed as a feature of the mark.

Translation Statement

The English translation of "bacetti" in the mark is "small kisses".

Filing Date

2010/01/21

Examining Attorney

KLINE, MATTHEW



bacetti



DESIGN MARK

Serial Number

78584632

Status

REGISTERED AND RENEWED

Registration Number

3021033

Date Registered

2005/11/29

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(2) DESIGN ONLY

Owner

University of Central Florida STATE UNIVERSITY FLORIDA 4000 Central
Florida Boulevard Orlando FLORIDA 32816

Goods/Services

Class Status -- ACTIVE. IC 030. US 046. G & S: [Candy,] candy bars, candy mints, candy with caramel, candy with cocoa, peppermint candy, sugarless candies, [chocolate candy,] chocolate syrup, chocolate topping, cookies, chewing gum, bubble gum, frozen confections, desserts, beverages made of tea, chocolate food beverages not being dairy-based or vegetable based, cocoa beverages with milk, coffee-based beverage containing milk, grain-based beverages, herbal food beverages, prepared cocoa and cocoa-based beverages, prepared coffee and coffee-based beverages, and tea-based beverages with fruit flavoring. First Use: 2004/07/19. First Use In Commerce: 2004/07/19.

Colors Claimed

Color is not claimed as a feature of the mark.

Filing Date

2005/03/10

Examining Attorney

RADEMACHER, MARK



DESIGN MARK

Serial Number

85108829

Status

SECTION 8-ACCEPTED

Word Mark

THE HOT CHOCOLATIER

Standard Character Mark

Yes

Registration Number

3947484

Date Registered

2011/04/19

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

The Hot Chocolatier CORPORATION TENNESSEE 1437 Market Street
Chattanooga TENNESSEE 37402

Goods/Services

Class Status -- ACTIVE. IC 030. US 046. G & S: Bakery desserts; Beverages with a chocolate base; Biscotti; Biscuits and bread; Bonbons; Bread; Bread and pastry; Brownie mixes; Brownies; Cakes; Candies; Candy; Candy bars; Candy cake decorations; Candy coated apples; Candy decorations for cakes; Candy with caramel; Candy with cocoa; Caramels; Cheesecake; Chocolate; Chocolate and chocolates; Chocolate bark containing ground coffee beans; Chocolate bars; Chocolate candies; Chocolate covered cocoa nibs; Chocolate covered fruit; Chocolate covered nuts; Chocolate covered popcorn; Chocolate covered pretzels; Chocolate covered raisins; Chocolate covered roasted coffee beans; Chocolate for confectionery and bread; Chocolate mousse; Chocolate powder; Chocolate sauce; Chocolate topping; Chocolate truffles; Chocolate-based beverages with milk; Chocolate-based fillings for cakes and pies; Chocolate-based ready-to-eat food bars; Chocolate-covered potato chips; Chocolates and chocolate based ready to eat candies and snacks; Chocolates containing nutrients; Cinnamon-coated nuts; Cocoa; Cocoa mixes; Cocoa-based condiments and

seasonings for food and drink; Coffee; Confectioneries, namely, snack foods, namely, chocolate; Confectionery made of sugar; Cookies; Cream puffs; Cup cakes; Danish pastries; Dessert mousse; Dessert puddings; Dessert souffles; Divinity; Edible cake decorations; Edible decorations for cakes; Espresso drinks; Filled chocolate; Fondants; Fruit breads; Fruit cakes; Fruit cobblers; Fruit jellies; Fruit pies; Fudge; Gift baskets containing candy; Gummy candies; Hot chocolate; Macaroons; Marshmallow; Marshmallow squares; Marshmallows; Marzipan; Milk chocolate; Muffins; Nougat; Pastries; Pastry; Pastry cream; Pastry shells; Peanut brittle; Petits fours; Pralines; Sugared nuts; Sweets; Tarts; Toffee. First Use: 2008/12/01. First Use In Commerce: 2008/12/01.

Filing Date

2010/08/17

Examining Attorney

MARTIN, LIEF

The Hot Chocolatier

DESIGN MARK

Serial Number

85370597

Status

REGISTERED

Word Mark

SMART. QUALITY. EVERYDAY.

Standard Character Mark

Yes

Registration Number

4407530

Date Registered

2013/09/24

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Walgreen Co. CORPORATION ILLINOIS 200 Wilmot Road Deerfield ILLINOIS 60015

Goods/Services

Class Status -- ACTIVE. IC 030. US 046. G & S: Bakery products, namely, candy, cookies, cake, crackers; brownies; muffins; danishes; baking soda; buns; chocolate covered peanuts; coffee; cheesecake; sandwiches; burritos; pizza; quesadillas; honey; ice cream, rice; popcorn; yogurt covered pretzels; pretzels; snack mix consisting primarily of crackers, pretzels and/or popped popcorn. First Use: 2010/04/01. First Use In Commerce: 2010/04/01.

Disclaimer Statement

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

Filing Date

2011/07/13

Examining Attorney

RIRIE, VERNA BETH

Print: Jun 3, 2017

85370597

Attorney of Record

Cary M. Pumphrey

SMART. QUALITY. EVERYDAY.

DESIGN MARK

Serial Number

85487204

Status

REGISTERED

Word Mark

SHEERBLISS

Standard Character Mark

Yes

Registration Number

4284883

Date Registered

2013/02/05

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

PHILLIPS, DEBBIE INDIVIDUAL UNITED STATES 4000 HOLLYWOOD BLVD., SUITE 500 N HOLLYWOOD FLORIDA 33021

Goods/Services

Class Status -- ACTIVE. IC 030. US 046. G & S: Bakery desserts; Brownies; Cake doughs; Cake mixes; Cakes; Candy; Candy bars; Candy cake decorations; Candy coated popcorn; Candy containing alcoholic beverage content and flavor; Candy mints; Candy with caramel; Candy with cocoa; Chocolate; Chocolate bars; Chocolate candies; Chocolate covered nuts; Chocolate food beverages not being dairy-based or vegetable based; Chocolate powder; Chocolate syrup; Chocolate truffles; Chocolate-based fillings for cakes and pies; Chocolate-based ready-to-eat food bars; Cones for ice cream; Cookie mixes; Cookies; Custard-based fillings for cakes and pies; Dessert mousse; Dessert puddings; Dessert souffles; Edible cake decorations; Edible fruit ices; Filled chocolate; Flavored ices; Flavored, sweetened gelatin desserts; Flavorings, other than essential oils, for cakes; Food package combinations consisting primarily of bread, crackers and/or cookies; Freezable liquid for use in making frozen confections; Fried dough cookies (karintosh); Frozen confections; Frozen custards; Frozen pie crusts; Frozen yogurt; Fruit cakes; Fruit ice bar; Fruit pies;

Gift baskets containing candy; Hot chocolate; Ice cream; Ice cream drinks; Ice cream mixes; Ice cream powder; Ice cream substitute; Ice milk; Ice milk bars; Ice-cream cakes; Iced cakes; Icing; Icing mixes; Meat pies; Milk chocolate; Mincemeat pies; Peppermint candy; Pies; Pot pies; Snack mix consisting primarily of crackers, pretzels and/or popped popcorn; Soy-based ice cream substitute; Sponge cakes; Spread containing chocolate and nuts; Starch-based binding agents for ice cream; Starch-based candies (ame); Sugarless candies; Sweet pounded rice cakes (mochi-gashi). First Use: 2005/08/22. First Use In Commerce: 2005/08/22.

Prior Registration(s)

3370304

Filing Date

2011/12/05

Examining Attorney

MARTIN, CHRISTINE

Attorney of Record

Gary Phillips

SHEERBLISS

DESIGN MARK

Serial Number

85501479

Status

REGISTERED

Word Mark

COCOY

Standard Character Mark

Yes

Registration Number

4491626

Date Registered

2014/03/04

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

VAZQUEZ MARTIN, RIGOBERTO INDIVIDUAL MEXICO Bartolomé de las Casas
304,Col.La Tinaji San Miguel el Alto, JA MEXICO 47140

Goods/Services

Class Status -- ACTIVE. IC 030. US 046. G & S: Bakery products;
Baking powder; Bread; Candy; Chewing gum; Chocolate candies; Cocoa;
Coffee; Coffee and coffee substitutes; Flour; Honey; Ice; Ice cream;
Lollipops; Molasses; Mustard; Peanut brittle; Preserved garden herbs
as seasonings; Rice; Salt; Sauces; Seasonings; Sugar; Sugar-coated
almonds; Sweets; Tapioca; Tea; Vegetable concentrates used for
seasoning; Vinegar. First Use: 2012/03/01. First Use In Commerce:
2012/03/01.

Translation Statement

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

Filing Date

2011/12/21

Examining Attorney

ALI, STEPHANIE

cocoY

DESIGN MARK

Serial Number

85560895

Status

REGISTERED

Word Mark

PERFECTLY PORTIONED FOR WEIGHT MANAGEMENT

Standard Character Mark

Yes

Registration Number

4472661

Date Registered

2014/01/21

Type of Mark

TRADEMARK

Register

SUPPLEMENTAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Nutri/System IPHC, Inc. CORPORATION DELAWARE Suite 322 1011 Centre Road Wilmington DELAWARE 19805

Goods/Services

Class Status -- ACTIVE. IC 030. US 046. G & S: PUDDING; FROZEN, PREPARED AND PACKAGED BREAKFAST, LUNCH, AND DINNER ENTREES CONSISTING PRIMARILY OF PASTA; SNACKS, NAMELY, GRANOLA SNACKS, PUFFED CORN SNACKS, AND SNACK CAKES; DESSERTS, NAMELY, BREAKFAST CEREALS, CEREAL BARS, NAMELY, READY TO EAT, CEREAL DERIVED FOOD BARS, MUFFINS, BREAD; DESSERT BARS, NAMELY, BROWNIES, CUPCAKES, COFFEE FLAVORED DESSERT BARS, CHOCOLATE CRUNCH BARS, PEANUT BUTTER, CARAMEL AND MINT CHEWY CHOCOLATE BARS, GRANOLA-BASED SNACK BARS, GRAIN BASED FOOD BARS ALSO CONTAINING NUTS; RICE; SAUCES, NAMELY, SALSAS AND TOMATO SAUCES; GRAVIES; SALAD DRESSINGS; FROZEN BARS AND ICES, NAMELY, FUDGE BARS, FROZEN CONFECTIONS AND ICE POPS; FOOD BEVERAGES WITH A COFFEE, TEA OR COCOA BASE, NAMELY, COFFEE BASED BEVERAGES CONTAINING MILK; COCOA BASED BEVERAGES CONTAINING MILK; ICED TEAS; ARTIFICIALLY FLAVORED MAPLE SYRUP; DRY MIXES FOR MAKING SALAD DRESSING; DRY MIXES FOR MAKING CUPCAKES, PUDDINGS, FLAVORED GELATIN AND SHERBET; SNACK FOODS, NAMELY, PRETZELS, TORTILLA CHIPS, PITA CHIPS, POPCORN, CRACKERS AND ROLLS. First Use: 2012/05/20. First Use In Commerce: 2012/05/20.

Print: Jun 3, 2017

85560895

Prior Registration(s)

3432900;3518672

Filing Date

2012/03/05

Amended Register Date

2013/03/12

Examining Attorney

ALFIERI, AMY

Attorney of Record

Lisa A. Lori

**PERFECTLY PORTIONED FOR
WEIGHT MANAGEMENT**

DESIGN MARK

Serial Number

85880103

Status

REGISTERED

Word Mark

THE SWEET TOOTH

Standard Character Mark

Yes

Registration Number

4431914

Date Registered

2013/11/12

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Newman Sweets, LLC DBA The Sweet Tooth LIMITED LIABILITY COMPANY
FLORIDA 18435 NE 19th Avenue NORTH MIAMI BEACH NEW YORK 33179

Goods/Services

Class Status -- ACTIVE. IC 030. US 046. G & S: Bakery goods, namely, brownies, blondies, bread, cakes, cupcakes, muffins, pies, cookies, pastries, eclairs, rugelach, biscotti, whoopie pies, tarts; Caramels; Chocolate and chocolates; Chocolate confections, namely, molded chocolate, chocolate painted with edible colors, truffles, covered nuts, covered pretzels, coated popcorn, cookies, brownies, bark, bars, lollipops, covered marshmallows, covered caramels, covered dried fruit, covered fresh fruit, caramel apples, bonbons, candies, candy bars; Chocolate-based beverages; Coffee based beverages; Fruit jelly candy; Gift baskets containing candy; Ice cream. First Use: 1983/01/13. First Use In Commerce: 1983/09/01.

Goods/Services

Class Status -- ACTIVE. IC 045. US 100 101. G & S: Preparation of customized gift baskets; Preparation of customized gift baskets with selected items regarding a particular occasion or theme. First Use: 1983/01/13. First Use In Commerce: 1983/09/01.

Print: Jun 3, 2017

85880103

Filing Date

2013/03/19

Examining Attorney

LEE, JANET

The Sweet Tooth

DESIGN MARK

Serial Number

86279194

Status

REGISTERED

Word Mark

ALOADOFCRAP

Standard Character Mark

Yes

Registration Number

4621296

Date Registered

2014/10/14

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

VOLIN, DEE INDIVIDUAL UNITED STATES 3005 NE 206th Place Fairview
OREGON 97024

Goods/Services

Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S:
Breath freshener; Breath freshening confectionery, namely, dissolvable
breath strips, breath mints, candy and gum; Breath freshening strips;
Breath mints for use as a breath freshener. First Use: 2014/05/12.
First Use In Commerce: 2014/05/12.

Goods/Services

Class Status -- ACTIVE. IC 030. US 046. G & S: Bakery goods,
namely, cookies, crackers; Bakery products, namely, sweet bakery
goods; Bonbons; Candies; Candy; Candy bars; Candy mints; Candy with
caramel; Candy with cocoa; Caramels; Chocolate; Chocolate bars;
Chocolate based ingredient for use in all types of candies, cookies,
crackers, chocolate bars, and candy mints; Chocolate candies;
Chocolate confections, namely, candies, cookies, crackers, chocolate
bars, and candy mints; Cookies; Cookies and crackers; Crackers; Gum
sweets; Gumballs; Gummy candies; Lollipops; Marshmallow; Marshmallows;
Mint-based sweets; Sugarfree chewing gum; Sugarfree sweets; Sugarless

Print: Jun 3, 2017

86279194

candies; Sugarless chewing gum; Sugarless sweets; Sweets. First Use:
2014/05/12. First Use In Commerce: 2014/05/12.

Filing Date

2014/05/12

Examining Attorney

JENKINS, CHARLES L.

ALOAD OF CRAP

DESIGN MARK

Serial Number

86739626

Status

REGISTERED

Word Mark

TIPS

Standard Character Mark

Yes

Registration Number

4927668

Date Registered

2016/03/29

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

DEAN, MARK ANTHONY INDIVIDUAL UNITED STATES 905 COUNTY RD 2311
TEXARKANA TEXAS 75503

Goods/Services

Class Status -- ACTIVE. IC 030. US 046. G & S: Bakery goods and dessert items, namely, cakes, cookies, pastries, candies, and frozen confections for retail and wholesale distribution and consumption on or off the premises; Candies; Candy; Candy bars; Candy cake decorations; Candy coated apples; Candy coated popcorn; Candy containing alcoholic beverage content and flavor; Candy decorations for cakes; Candy for food; Candy mints; Candy necklaces; Candy sprinkles; Candy with caramel; Candy with cocoa; Candy, namely, dragées; Chocolate candies; Chocolates and chocolate based ready to eat candies and snacks; Cotton candy; Fruit jelly candy; Gift baskets containing candy; Gummy candies; Ice candies; Mexican candy; Mixes for candy making; Peppermint candy; Starch-based candies (ame); Sugarless candies; Sweets. First Use: 1983/10/08. First Use In Commerce: 1983/10/08.

Filing Date

2015/08/27

Print: Jun 3, 2017

86739626

Examining Attorney
SAUNDERS, ANDREA

TIPS

DESIGN MARK

Serial Number

86829330

Status

REGISTERED

Word Mark

CANDYHOPE

Standard Character Mark

Yes

Registration Number

5130230

Date Registered

2017/01/24

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Organic Green, LLC. LIMITED LIABILITY COMPANY VIRGINIA 4680
Carisbrooke Ln Fairfax VIRGINIA 22030

Goods/Services

Class Status -- ACTIVE. IC 030. US 046. G & S: Bakery goods and dessert items, namely, cakes, cookies, pastries, candies, and frozen confections for retail and wholesale distribution and consumption on or off the premises; Candies; Candy; Candy bars; Candy cake decorations; Candy coated apples; Candy coated popcorn; Candy containing alcoholic beverage content and flavor; Candy decorations for cakes; Candy for food; Candy mints; Candy necklaces; Candy sprinkles; Candy with caramel; Candy with cocoa; Candy, namely, dragées; Chocolate candies; Chocolates and chocolate based ready to eat candies and snacks; Cotton candy; Fruit jelly candy; Gift baskets containing candy; Gummy candies; Ice candies; Mexican candy; Mixes for candy making; Peppermint candy; Starch-based candies (ame); Sugarless candies; Sweets; Organic Candy. First Use: 2016/01/01. First Use In Commerce: 2016/01/01.

Filing Date

2015/11/23

Print: Jun 3, 2017

86829330

Examining Attorney
SAUNDERS, ANDREA

CANDYHOPE

DESIGN MARK

Serial Number

86926127

Status

REGISTERED

Word Mark

OLIVE & COCOA

Standard Character Mark

Yes

Registration Number

5062897

Date Registered

2016/10/18

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Olive & Cocoa, LLC LIMITED LIABILITY COMPANY UTAH 3030 Directors Row
Salt Lake City UTAH 84104

Goods/Services

Class Status -- ACTIVE. IC 030. US 046. G & S: Gift baskets containing candy and popcorn; popcorn; candy coated popcorn; candy; gummy candies; licorice; cookies; chocolate; chocolate covered fruits; chocolate dipped fruits; chocolate covered nuts; coffee and tea; bakery goods; brownies; salsa; pretzels; crackers; brittle; candy, namely, peanut clusters; gumballs; snack foods, namely, granola bars; granola; granola-based snack bars; marshmallows on a stick; lollipops; rock candy; taffy; caramel and caramel squares; macaroons; amaranth bars; malt balls and chocolate covered malt balls; chocolate covered raisins; candies, namely, coconut clusters; toffee; baked goods, namely, sandwich cookies; snack foods, namely, chocolate-based snack foods; chocolate confections and candy, namely, chocolates and chocolate-based ready-to-eat candies and snacks, fashioned at least in part of chocolate, toffee and topped or decorated with nuts, pretzels, cookies, marshmallows or various candies; taffy; caramel sauce; sugar; vinegar; Italian seasoning; pomodoro tomato sauce; basil pesto truffle sauce; sun dried tomato truffle sauce; malted milk balls; caramel

sauce; pasta; pasta sauce; trail mix consisting primarily of pretzels, popcorn, and crackers; almond bark; pesto sauce; chips, namely, pita chips, tortilla chips. First Use: 2009/07/17. First Use In Commerce: 2009/07/17.

Disclaimer Statement

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

Filing Date

2016/03/02

Examining Attorney

FRYE, KIMBERLY

Attorney of Record

Catherine Parrish Lake

OLIVE & COCOA

DESIGN MARK

Serial Number

86950300

Status

REGISTERED

Word Mark

SÖLEN

Standard Character Mark

No

Registration Number

5210582

Date Registered

2017/05/23

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

SOLENIK GIDA SANAYI VE TICARET ANONİM ŞİRKETİ anonim şirketi
(a.s.) TURKEY 4.Organize Sanayi Bölgesi 83412 Nolu Cad. No:4
Sehitkamil Gaziantep TURKEY

Goods/Services

Class Status -- ACTIVE. IC 030. US 046. G & S: Coffee; cocoa; coffee based beverages; cocoa based beverages; chocolate based beverages; pasta; stuffed dumplings; noodles; pastries and bakery products; bread; tea; iced tea; confectionery made of sugar; confectionery made of chocolate; confectionery made of sugar substitutes; chocolates; biscuits; crackers; wafers; milk compound chocolate; tarts; chocolate and confectioneries with caramel; chewing gums; ice-cream; cereal-based snack food; popcorn; crushed oats; corn chips; breakfast cereals; processed wheat; crushed barley; processed oats; processed rye; rice. First Use: 2014/00/00. First Use In Commerce: 2014/00/00.

Prior Registration(s)

2983942;4335641;4471429;AND OTHERS

Description of Mark

The marks consists of the word "SÖLEN" in the color red. Above the letter "S" in "SÖLEN" are two orange circles in different sizes in a diagonal; below the letter "S" in "SÖLEN" is one red circle; above the "Ö" in "SÖLEN" are two orange circles in different sizes in a diagonal; and below the "Ö" in "SÖLEN" are two pink circles in different sizes and shades in a diagonal and three red circles in different sizes and shades in a diagonal.

Colors Claimed

The color(s) red, orange and pink is/are claimed as a feature of the mark.

Translation Statement

The English translation of "SÖLEN" in the mark is "feast".

Filing Date

2016/03/23

Examining Attorney

JUN, WENDY

Attorney of Record

Nancy Sabarra



sölen

Print: Jun 3, 2017

87201444

DESIGN MARK

Serial Number

87201444

Status

REGISTERED

Word Mark

THE PROPER PANTRY

Standard Character Mark

Yes

Registration Number

5199982

Date Registered

2017/05/09

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

LIFE PLUS STYLE GOURMET LLC LIMITED LIABILITY COMPANY NEW YORK 65
roosevelt avenue, suite 107 valley stream NEW YORK 11581

Goods/Services

Class Status -- ACTIVE. IC 030. US 046. G & S: Dried herbs; Bakery goods; Cake mixes; Candy; Caramel popcorn; Chocolate; Cocoa; Coffee; Coffee pods; Corn-based snack foods; Grain-based snack foods; Honey; Mixes for bakery goods; Pasta and noodles; Popcorn; Popped popcorn; Rice, seasonings, and flavorings combined in unitary packages; Salad dressings; Salt; Sauces; Seasonings; Spices; Tea. First Use: 2015/08/04. First Use In Commerce: 2015/08/04.

Filing Date

2016/10/12

Examining Attorney

BRADLEY, EVELYN

THE PROPER PANTRY

DESIGN MARK

Serial Number

79113944

Status

REGISTERED

Word Mark

ZÉPHYR

Standard Character Mark

Yes

Registration Number

4290747

Date Registered

2013/02/19

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Barry Callebaut AG aktiengesellschaft SWITZERLAND Westpark
Pfingstweidstrasse 60 CH-8005 Zürich SWITZERLAND

Goods/Services

Class Status -- ACTIVE. IC 030. US 046. G & S: Cocoa and cocoa powder; chocolate and chocolate products for culinary professionals, namely, liquid and solid chocolate, chocolate dragees, chocolate drops and chocolate coatings.

Priority Date

2011/12/01

Filing Date

2012/06/01

Examining Attorney

GUSTASON, ANNE E.

Attorney of Record

Claudia A. Smith

Zéphyr

DESIGN MARK

Serial Number

85882945

Status

REGISTERED

Word Mark

ZEPHYR

Standard Character Mark

Yes

Registration Number

4541794

Date Registered

2014/06/03

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

SnoWizard, Inc. CORPORATION LOUISIANA 101 River Road New Orleans
LOUISIANA 70121

Goods/Services

Class Status -- ACTIVE. IC 030. US 046. G & S: Food flavorings,
namely, flavoring concentrates for shaved-ice confections. First Use:
2013/03/21. First Use In Commerce: 2013/03/21.

Filing Date

2013/03/21

Examining Attorney

LIWINSKI, HELENE

Attorney of Record

Kenneth L Tolar

ZEPHYR

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Home > North American English > box

Main definitions of **box** in English: [box¹](#) [box²](#) [box³](#) [box⁴](#)

box¹



NOUN

- 1 A container with a flat base and sides, typically square or rectangular and having a lid
[as modifier] 'a metal box'
'a tea box'

[+ More example sentences](#) [+ Synonyms](#)

- 1.1 The contents of a box.
she ate a whole box of chocolates that night

[+ More example sentences](#)

- 1.2 **(the box)** *British informal* Television or a television set.
light entertainment shows on the box

[+ More example sentences](#)

- 1.3 *informal* A casing containing a computer

[+ Example sentences](#)

WORD OF THE DAY
manicotti
NOUN

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5. A mailbox at a post office, newspaper office, or other facility where a person may arrange to receive correspondence.
'write to me out of PO Box 112'
6. *North American*: vulgar slang A woman's vagina.

VERB

(WITH OBJECT)

(often as adjective **boxed**)

1. Put in or provide with a box.
'the books are sold as a boxed set'
'Mum boxed up all of Christopher's clothes'
[+ More example sentences](#) [+ Synonyms](#)

- 1.1 Enclose (a piece of text) within printed lines.
'boxed sections in magazines'
[+ More example sentences](#)

- 1.2 **(box someone in)** Restrict the ability of someone to move freely.
'a van had double parked alongside her car and totally boxed her in'
[+ More example sentences](#) [+ Synonyms](#)

Phrases

(right) out of the box

1. *informal* Used to refer to the immediate usability or functionality of a newly purchased product, typically an electronic device or a piece of software.
'most laptops come with wireless capability out of the box'
'console games need to be good to go right out of the box'
[+ More example sentences](#)
- 1.1 *US* From the very beginning, immediately.
'the family memoir was a ratings smash right out of the box'
[+ More example sentences](#)

think outside (or out of) the box

informal Think in an original or creative way.
'you have to give him credit for thinking outside the box'

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go back to your seat after the swimming session, etc.

+ More example sentences

back through the box

(of a ball) hit in the direction of the pitch and second base

+ Example sentences

in a box

Restricted or limited.

He will find himself in a box on US entry!

+ More example sentences

Phrasal Verbs

box someone out

Block an opponent from an area by the position of one's body.

After negotiating to box out his man in the final seconds!

+ More example sentences

Origin

late Old English, probably from late Latin *boxus*, from Latin *pyxis* 'boxwood box', from Greek *pyxis* (gen: *box*)

Pronunciation

box ˈbɒks ˈbɒks ˈbɒks

Main definitions of **box** in English: **box¹** **box²** **box³** **box⁴**

box²



VERB

[INTRANSITIVE]

Fight an opponent using one's fists, compete in the sport of boxing

He boxed for England!

(both objects) he had to box himself for the title

+ More example sentences - + Synonyms

NOUN

A slap with the hand on the side of a person's head given as a punishment or in anger
'she gave him a box on the ear'

+ Synonyms

Phrases

box someone's ears


Slap someone on the side of the head as a punishment or in anger.

+ Example sentences - + Synonyms

Origin

Late Middle English (in the general sense 'a blow'): of unknown origin.

Pronunciation

box /bɒks/  /bɒks/

Mean definitions of **box** in English: **box**¹ **box**² **box**³ **box**⁴

box³



NOUN

1 A slow-growing European evergreen shrub or small tree with glossy dark green leaves. It is often grown as a hedge and for topiary.

+ Example sentences

1.1 The hard, heavy wood of the box tree, formerly widely used for engraving and for musical instruments.

+ Example sentences


2 Any of a number of trees that have wood or foliage similar to the box tree.

+ Example sentences

Origin

Old English, via Latin from Greek *paxis*.

Pronunciation

box /bɒks/ /bɒks/ 

Main definitions of **box** in English: [box¹](#) [box²](#) [box³](#) [box⁴](#)

box⁴



VERB

Transitive

1. Rotate the compass points in a fixed order.

[+ Example sentences](#)

2. Make a complete change of direction.

by row the bronze had boxed the compass

[+ More example sentences](#)

Origin

Mid 16th century, perhaps from Spanish *boxa* 'sail round', from Middle Low German *bogen* 'bend', from the form of *bow*.

Pronunciation

box /bɒks/  /bɒks/

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