

Request for Reconsideration after Final Action

The table below presents the data as entered.

| Input Field | Entered |
|------------------------------|---|
| SERIAL NUMBER | 86613438 |
| LAW OFFICE ASSIGNED | LAW OFFICE 114 |
| MARK SECTION | |
| MARK | http://tmng-al.uspto.gov/resting2/api/img/86613438/large |
| LITERAL ELEMENT | FREEDOM FISH |
| STANDARD CHARACTERS | YES |
| USPTO-GENERATED IMAGE | YES |
| MARK STATEMENT | The mark consists of standard characters, without claim to any particular font style, size or color. |

ARGUMENT(S)

The Final Office action dated February 17, 2016 has been carefully considered. In the Final Office action (“FOA”), the examining attorney correctly points out that the weakness or dilution of a particular mark is generally determined in the context of the number and nature of similar marks in use in the marketplace in connection with similar goods and/or services. *See Nat’l Cable Tel. Ass’n, Inc. v. Am. Cinema Editors, Inc.*, 937 F.2d 1572, 1579-80, 19 USPQ2d 1424, 1430 (Fed. Cir. 1991). Evidence of widespread third-party use of similar marks with similar goods and/or services “is relevant to show that a mark is relatively weak and entitled to only a narrow scope of protection” in that industry or field. *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée en 1772*, 396 F.3d 1369, 1373-74, 73 USPQ2d 1689, 1693 (Fed. Cir. 2005).

In response to the initial Office action, Applicant submitted evidence comprising eleven (11) registrations and allowed applications containing the term “Freedom” all identifying food products. The examining attorney afforded little weight to that evidence on the grounds that (a) the evidence only comprised a “small number” of third party registrations and (b) the third party registrations proffered by Applicant identified “different or unrelated goods.” Applicant respectfully disagrees with the examining attorney’s conclusion.

First, Applicant disagrees that it only provided a “small number” of third party registrations. Specifically, Applicant submitted eleven highly relevant registrations and one allowed application demonstrating that marks containing the term “Freedom” for food products can peacefully co-exist without consumer confusion. Because there are a number of co-existing Freedom marks for related goods, the dilution of the term FREEDOM in connection with these goods indicates that consumers look to other market conditions to differentiate the source of the respective goods/services – whether it be other terms used in the mark, the retail setting, product labels, or the like. *See e.g. Colgate-Palmolive Co. v. Carter-Wallace, Inc.*, 432 F.2d 1400, 1402 (C.C.P.A. 1970) (the mere presence of the word ‘peak’ in the trademark PEAK PERIOD does not by reason of that fact alone create a likelihood of confusion or deception); *see also In re Merchandising Motivation, Inc.*, 184 U.S.P.Q. 364, 1974 WL 20101 (T.T.A.B. 1974) (MMI MENSWEAR was found not to be confusingly similar to MEN’S WEAR because

the term MEN'S WEAR); *Rocket Trademarks Pty Ltd. v. Phard S.p.A.*, 98 U.S.P.Q.2d 1066, 1076, 2011 WL 810221 (T.T.A.B. 2011) (no confusion was likely between senior ELEMENT and junior ZU ELEMENTS, both for apparel). By way of example, consumers are able to differentiate between coffee products all identified at least in part with the term "Freedom":

- Reg. No. 4,173,538 for FREEDOM FOODS (cited registration) for goods including coffee
- Reg. No. 4,752,567 for FREEDOM RIDGE for goods including coffee
- Reg. No. 4,318,444 for SUGAR FREEDOM for goods including coffee
- Reg. No. 3,804,254 for SAVOR THE FREEDOM for goods including coffee
- App Serial No. for TASTES LIKE FREEDOM for goods including coffee (published for opposition) (Exhibit 1)

Moreover, contrary to the examining attorney's position, there are a number of third party registrations which include or incorporate the term "Freedom" together with a generic or descriptive term. For example, the following registrations/application co-exist:

- Reg. No. 4,318,444 for SUGAR FREEDOM for various coffee and confectionery
- Reg. No. 2,884,475 for SWEET FREEDOM for frozen confectionery products
- Reg. No. 4,173,538 for FREEDOM FOODS (cited registration) for a goods which include confectionery products
- Reg. No. 4,502,451 for GLUTEN FREEDOM for various confectionery products including cakes and brownies.
- App. Serial No. 86/655,683 for FREEDOM FUDGE for fudge and pastries (application has been published for opposition) (Exhibit 2).

In view of the foregoing co-existing registrations, there are numerous co-existing marks that feature the term "Freedom" together with a generic or descriptive term for identical or closely related goods. The addition of the generic or descriptive term is sufficient to distinguish the respective marks.

To the extent that the examining attorney believes that the number of third party registrations and application are insufficient in number, Applicant submits a more complete list of third party registrations and applications demonstrating the widespread co-existence of "Freedom" marks for various food products (Exhibit 3).

Finally, Applicant disagrees with the examining attorney's conclusion that the third-party registrations cited by Applicant identify "different or unrelated" goods. Instead, Applicant submits that the third party registrations for various foods products are related to the goods covered by the instant application and cited registration and are, therefore, highly relevant.

In view of the foregoing, reconsideration of the refusal is respectfully requested.

EVIDENCE SECTION

EVIDENCE FILE NAME(S)

| | |
|---|---|
| ORIGINAL PDF FILE | evi_20854249196-20160817114126013948_Freedom Foods Exhibit1.pdf |
| CONVERTED PDF FILE(S) (10 pages) | \\TICRS\EXPORT16\IMAGEOUT16\866\134\86613438\xml7\RFR0002.JPG |
| | \\TICRS\EXPORT16\IMAGEOUT16\866\134\86613438\xml7\RFR0003.JPG |
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| ORIGINAL PDF FILE | evi_20854249196-20160817114126013948_Freedom Fish Exhibit3.pdf |
| CONVERTED PDF FILE(S) (40 pages) | \\TICRS\EXPORT16\IMAGEOUT16\866\134\86613438\xml7\RFR0022.JPG |
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| DESCRIPTION OF EVIDENCE FILE | Exhibits 1-3 TESS printouts |
| SIGNATURE SECTION | |
| RESPONSE SIGNATURE | /David B. Sunshine/ |
| SIGNATORY'S NAME | David B. Sunshine |
| SIGNATORY'S POSITION | Attorney of record, NY bar member |
| SIGNATORY'S PHONE NUMBER | (212) 883-4900 |
| DATE SIGNED | 08/17/2016 |
| AUTHORIZED SIGNATORY | YES |
| CONCURRENT APPEAL NOTICE FILED | NO |

| FILING INFORMATION SECTION | |
|----------------------------|--|
| SUBMIT DATE | Wed Aug 17 11:45:29 EDT 2016 |
| TEAS STAMP | USPTO/RFR-XXX.XX.XXX.XXX- 20160817114529434686-8661 3438-550f7f9b9ded174568a1 eff024291e63912a3983e5fc7 31e32808514c0e1afa8-N/A-N /A-20160817114126013948 |

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1980 (Rev 10/2011)

OMB No. 0651-0050 (Exp 07/31/2017)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **86613438** FREEDOM FISH(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86613438/large>) has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

The Final Office action dated February 17, 2016 has been carefully considered. In the Final Office action (“FOA”), the examining attorney correctly points out that the weakness or dilution of a particular mark is generally determined in the context of the number and nature of similar marks in use in the marketplace in connection with similar goods and/or services. *See Nat’l Cable Tel. Ass’n, Inc. v. Am. Cinema Editors, Inc.* , 937 F.2d 1572, 1579-80, 19 USPQ2d 1424, 1430 (Fed. Cir. 1991). Evidence of widespread third-party use of similar marks with similar goods and/or services “is relevant to show that a mark is relatively weak and entitled to only a narrow scope of protection” in that industry or field. *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée en 1772*, 396 F.3d 1369, 1373-74, 73 USPQ2d 1689, 1693 (Fed. Cir. 2005).

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Inc., 184 U.S.P.Q. 364, 1974 WL 20101 (T.T.A.B. 1974) (MMI MENSWEAR was found not to be confusingly similar to MEN'S WEAR because the term MEN'S WEAR); *Rocket Trademarks Pty Ltd. v. Phard S.p.A.*, 98 U.S.P.Q.2d 1066, 1076, 2011 WL 810221 (T.T.A.B. 2011) (no confusion was likely between senior ELEMENT and junior ZU ELEMENTS, both for apparel). By way of example, consumers are able to differentiate between coffee products all identified at least in part with the term "Freedom":

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In view of the foregoing, reconsideration of the refusal is respectfully requested.

EVIDENCE

Evidence in the nature of Exhibits 1-3 TESS printouts has been attached.

Original PDF file:

[evi_20854249196-20160817114126013948_.Freedom_Foods_Exhibit1.pdf](#)

Converted PDF file(s) (10 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

[Evidence-9](#)

[Evidence-10](#)

Original PDF file:

[evi_20854249196-20160817114126013948_.Freedom_Foods_Exhibit2.pdf](#)

Converted PDF file(s) (10 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

[Evidence-9](#)

[Evidence-10](#)

Original PDF file:

[evi_20854249196-20160817114126013948_.Freedom_Fish_Exhibit3.pdf](#)

Converted PDF file(s) (40 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

[Evidence-9](#)

[Evidence-10](#)

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[Evidence-36](#)
[Evidence-37](#)
[Evidence-38](#)
[Evidence-39](#)
[Evidence-40](#)

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /David B. Sunshine/ Date: 08/17/2016

Signatory's Name: David B. Sunshine

Signatory's Position: Attorney of record, NY bar member

Signatory's Phone Number: (212) 883-4900

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 86613438

Internet Transmission Date: Wed Aug 17 11:45:29 EDT 2016

TEAS Stamp: USPTO/RFR-XXX.XX.XXX.XXX-201608171145294

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Trademarks > Trademark Electronic Search System (TESS)

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Start List At: OR Jump to record: **Record 33 out of 42**

[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)



Word Mark
Goods and Services

FREEDOM FOODS

IC 029. US 046. G & S: Meat, fish, poultry and game; meat extracts; preserved, frozen, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs; milk and milk products excluding ice cream, ice milk and frozen yoghurt; milk beverages, namely, beverages consisting principally of milk; butter, powdered milk, cream; cheese; yoghurt; soya-based drinks, namely, beverages consisting principally of soya-milk and soya-based food beverage used as a milk substitute; edible oils and fats; snack foods, namely, dehydrated fruit snacks, fruit-based snack food, soy-based snack food and potato-based snack food; peanut butter; processed nuts; potato chips; soups and preparations for making soups; tofu

IC 030. US 046. G & S: Coffee, tea, cocoa, sugar; processed oats and preparations made from oats, namely, rolled oats; oat milk in the nature of grain-based beverages; rice and preparations made from rice, namely, rice flour; rice milk; soya-based preparations, namely, soya flour and soya bean paste; tapioca, sago, artificial coffee; flour and preparations made from cereals, namely, biscuits, tarts and cakes made from cereals; cereals, namely, processed cereals and products made from or containing cereals, namely, cereal-based snack foods; breakfast cereals; breakfast foods, namely, cereal-based breakfast bars, pancakes; bread; breadcrumbs; pastry; confectioneries, namely, candy bars made from fruit in the nature of fruit jelly candy and chocolate bars; muesli bars, biscuits, cakes, cake mixes, pancake mixes; pizzas; popcorn, namely, popped corn; quiches; custards, custard powder for making custard; puddings; slices, namely, fruit slices in the nature of baked fruit slices and fruit slices dipped in chocolate and muesli slices in the nature of muesli bars; ice cream; snack foods, namely, cereal based snack foods, rice-based snack foods, corn-based snack foods and multigrain-based snack foods; ices, namely, fruit ices; honey, treacle; yeast, baking-powder; pasta sauces; sauces being condiments, namely, pepper sauce, oyster sauce, chili sauce and tomato sauce; salad dressings; salt, seasonings; mayonnaise; mustard; vinegar; sushi; tabbouleh; tacos and tortillas; tomato sauce; chocolate-based beverages; cocoa-based beverages; coffee-based beverages; tea-based beverages; flavourings, other

Exhibit
|

than essential oils, for beverages; chocolate

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

Design Search Code 26.11.21 - Rectangles that are completely or partially shaded

Serial Number 79100694

Filing Date April 4, 2011

Current Basis 66A

Original Filing Basis 66A

Published for Opposition May 1, 2012

Registration Number 4173539

International Registration Number 1085760

Registration Date July 17, 2012

Owner (REGISTRANT) Freedom Foods Pty Limited Australian Proprietary Company, Limited by Shares AUSTRALIA 80 Box Road TAREN POINT NSW 2229 AUSTRALIA

Attorney of Record Christine B. Redfield

Priority Date October 19, 2010

Prior Registrations 3564916

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

Description of Mark Color is not claimed as a feature of the mark. The mark consists of the word "FREEDOM" in large text with the word "FOODS" in smaller text located within an angled box at the lower right corner of the word "FREEDOM".

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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FREEDOM RIDGE

Word Mark FREEDOM RIDGE

Goods and Services IC 030. US 046. G & S: Hot and cold beverages, namely, coffee; coffee sold in a single-serving container for use in hot and cold beverage brewing machines; beverage mixes for hot and cold beverages in the nature of coffee. FIRST USE: 20131200. FIRST USE IN COMMERCE: 20131200

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86057140

Filing Date September 5, 2013

Current Basis 1A

Original Filing Basis 1B;44D

Published for Opposition August 12, 2014

Change In Registration CHANGE IN REGISTRATION HAS OCCURRED

Registration Number 4752567

Registration Date June 9, 2015

Owner (REGISTRANT) 2266170 Ontario Inc. CORPORATION CANADA 2531 Stanfield Road Mississauga, ON CANADA L4Y1S4

Attorney of Record Suzanne M. Hengl
Priority Date September 5, 2013
Description of Mark Color is not claimed as a feature of the mark.
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Sugar Freedom

Word Mark SUGAR FREEDOM

Goods and Services IC 030. US 046. G & S: Artificial coffee; Artificial coffee and tea; Beverages made of coffee; Beverages with a coffee base; Caffeine-free coffee; Chicory based coffee substitute; Chocolate bark containing ground coffee beans; Chocolate covered roasted coffee beans; Cocoa; Cocoa; Cocoa beverages with milk; Cocoa extracts for human consumption; Cocoa mixes; Cocoa powder; Cocoa spreads; Cocoa-based beverages; Cocoa-based condiments and seasonings for food and drink; Cocoa-based ingredient in confectionery products; Coffee; Coffee; Coffee and artificial coffee; Coffee and coffee substitutes; Coffee and tea; Coffee based beverages; Coffee beverages with milk; Coffee essences; Coffee essences for use as substitutes for coffee; Coffee extracts; Coffee extracts for use as substitutes for coffee; Coffee flavored syrup used in making food beverages; Coffee substitutes; Coffee substitutes; Coffee-based beverage containing milk; Coffee-based beverages; Ground coffee beans; Iced coffee; Instant coffee; Prepared cocoa and cocoa-based beverages; Prepared coffee and coffee-based beverages; Unroasted coffee. FIRST USE: 20111218. FIRST USE IN COMMERCE: 20111218

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85529572

Filing Date January 31, 2012

Current Basis 1A

Original Filing Basis 1B
Published for Opposition June 19, 2012
Registration Number 4318444
Registration Date April 9, 2013
Owner (REGISTRANT) SOUTHWEST BEVERAGES, LLC DBA Southwest Beverages LIMITED LIABILITY COMPANY ARIZONA PO Box 37272 Tucson ARIZONA 85740
 (LAST LISTED OWNER) LANDRY, ROXANNA INDIVIDUAL UNITED STATES 1502 W. WETMORE ROAD TUCSON ARIZONA 85705
Assignment Recorded ASSIGNMENT RECORDED
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SUGAR" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Savor the Freedom

| | |
|------------------------------------|---|
| Word Mark | SAVOR THE FREEDOM |
| Goods and Services | IC 030. US 046. G & S: Coffee; Coffee beans; Ground coffee beans; Roasted coffee beans. FIRST USE: 20080915. FIRST USE IN COMMERCE: 20080915 |
| Standard Characters Claimed | |
| Mark Drawing Code | (4) STANDARD CHARACTER MARK |
| Serial Number | 77681801 |
| Filing Date | March 2, 2009 |
| Current Basis | 1A |
| Original Filing Basis | 1B |
| Published for Opposition | June 30, 2009 |
| Registration Number | 3804254 |
| Registration Date | June 15, 2010 |
| Owner | (REGISTRANT) Boresha International, Inc. CORPORATION CALIFORNIA 936 Detroit Avenue Suite A Concord CALIFORNIA 94518 |
| Attorney of Record | Steven A. Richards |
| Type of Mark | TRADEMARK |
| Register | PRINCIPAL |
| Live/Dead Indicator | LIVE |

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Tastes Like Freedom

Word Mark TASTES LIKE FREEDOM
Goods and Services IC 030. US 046. G & S: Coffee and tea. FIRST USE: 20160409. FIRST USE IN COMMERCE: 20160420
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 87023146
Filing Date May 3, 2016
Current Basis 1A
Original Filing Basis 1A
Published for Opposition September 13, 2016
Owner (APPLICANT) Rogers, Cecil DBA Liberty Tea INDIVIDUAL UNITED STATES 28150 N. Alma School Pkwy. #103-609 Scottsdale ARIZONA 85262
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Sugar Freedom

Word Mark SUGAR FREEDOM

Goods and Services IC 030. US 046. G & S: Artificial coffee; Artificial coffee and tea; Beverages made of coffee; Beverages with a coffee base; Caffeine-free coffee; Chicory based coffee substitute; Chocolate bark containing ground coffee beans; Chocolate covered roasted coffee beans; Cocoa; Cocoa; Cocoa beverages with milk; Cocoa extracts for human consumption; Cocoa mixes; Cocoa powder; Cocoa spreads; Cocoa-based beverages; Cocoa-based condiments and seasonings for food and drink; Cocoa-based ingredient in confectionery products; Coffee; Coffee; Coffee and artificial coffee; Coffee and coffee substitutes; Coffee and tea; Coffee based beverages; Coffee beverages with milk; Coffee essences; Coffee essences for use as substitutes for coffee; Coffee extracts; Coffee extracts for use as substitutes for coffee; Coffee flavored syrup used in making food beverages; Coffee substitutes; Coffee substitutes; Coffee-based beverage containing milk; Coffee-based beverages; Ground coffee beans; Iced coffee; Instant coffee; Prepared cocoa and cocoa-based beverages; Prepared coffee and coffee-based beverages; Unroasted coffee. FIRST USE: 20111218. FIRST USE IN COMMERCE: 20111218

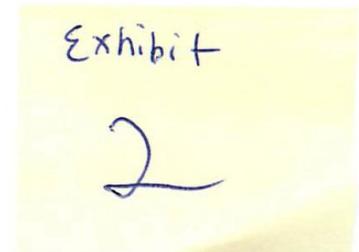
Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85529572

Filing Date January 31, 2012

Current Basis 1A



Original Filing Basis 1B
Published for Opposition June 19, 2012
Registration Number 4318444
Registration Date April 9, 2013
Owner (REGISTRANT) SOUTHWEST BEVERAGES, LLC DBA Southwest Beverages LIMITED LIABILITY COMPANY ARIZONA PO Box 37272 Tucson ARIZONA 85740
 (LAST LISTED OWNER) LANDRY, ROXANNA INDIVIDUAL UNITED STATES 1502 W. WETMORE ROAD TUCSON ARIZONA 85705
Assignment Recorded ASSIGNMENT RECORDED
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SUGAR" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark SWEET FREEDOM
Goods and Services IC 030. US 046. G & S: Frozen confections. FIRST USE: 19940404. FIRST USE IN COMMERCE: 19940404
Mark Drawing Code (1) TYPED DRAWING
Serial Number 78316567
Filing Date October 21, 2003
Current Basis 1A
Original Filing Basis 1A
Published for Opposition June 22, 2004
Registration Number 2884475
Registration Date September 14, 2004
Owner (REGISTRANT) Wells' Dairy, Inc. CORPORATION IOWA One Blue Bunny Drive P.O. Box 1310 Le Mars IOWA 51031
 (LAST LISTED OWNER) WELLS ENTERPRISES, INC. CORPORATION IOWA ONE BLUE BUNNY DRIVE LE MARS IOWA 51031
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Jonathan P. Froemel
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20140721.
Renewal 1ST RENEWAL 20140721
Live/Dead Indicator LIVE

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Word Mark **FREEDOM FOODS**
Goods and Services IC 029. US 046. G & S: Meat, fish, poultry and game; meat extracts; preserved, frozen, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs; milk and milk products excluding ice cream, ice milk and frozen yoghurt; milk beverages, namely, beverages consisting principally of milk; butter, powdered milk, cream; cheese; yoghurt; soya-based drinks, namely, beverages consisting principally of soya-milk and soya-based food beverage used as a milk substitute; edible oils and fats; snack foods, namely, dehydrated fruit snacks, fruit-based snack food, soy-based snack food and potato-based snack food; peanut butter; processed nuts; potato chips; soups and preparations for making soups; tofu

IC 030. US 046. G & S: Coffee, tea, cocoa, sugar; processed oats and preparations made from oats, namely, rolled oats; oat milk in the nature of grain-based beverages; rice and preparations made from rice, namely, rice flour; rice milk; soya-based preparations, namely, soya flour and soya bean paste; tapioca, sago, artificial coffee; flour and preparations made from cereals, namely, biscuits, tarts and cakes made from cereals; cereals, namely, processed cereals and products made from or containing cereals, namely, cereal-based snack foods; breakfast cereals; breakfast foods, namely, cereal-based breakfast bars, pancakes; bread; breadcrumbs; pastry; confectioneries, namely, candy bars made from fruit in the nature of fruit jelly candy and chocolate bars; muesli bars, biscuits, cakes, cake mixes, pancake mixes; pizzas; popcorn, namely, popped corn; quiches; custards, custard powder for making custard; puddings; slices, namely, fruit slices in the nature of baked fruit slices and fruit slices dipped in chocolate and muesli slices in the nature of muesli bars; ice cream; snack foods, namely, cereal based snack foods, rice-based snack foods, corn-based snack foods and multigrain-based snack foods; ices, namely, fruit ices; honey, treacle; yeast, baking-powder; pasta sauces; sauces being condiments, namely, pepper sauce, oyster sauce, chili sauce and tomato sauce; salad dressings; salt, seasonings; mayonnaise; mustard; vinegar; sushi; tabbouleh; tacos and tortillas; tomato sauce; chocolate-based beverages; cocoa-based beverages; coffee-based beverages; tea-based beverages; flavourings, other

than essential oils, for beverages; chocolate

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 26.11.21 - Rectangles that are completely or partially shaded
Serial Number 79100694
Filing Date April 4, 2011
Current Basis 66A
Original Filing Basis 66A
Published for Opposition May 1, 2012
Registration Number 4173539
International Registration Number 1085760
Registration Date July 17, 2012
Owner (REGISTRANT) Freedom Foods Pty Limited Australian Proprietary Company, Limited by Shares AUSTRALIA 80 Box Road TAREN POINT NSW 2229 AUSTRALIA
Attorney of Record Christine B. Redfield
Priority Date October 19, 2010
Prior Registrations 3564916
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FOODS" APART FROM THE MARK AS SHOWN
Description of Mark Color is not claimed as a feature of the mark. The mark consists of the word "FREEDOM" in large text with the word "FOODS" in smaller text located within an angled box at the lower right corner of the word "FREEDOM".
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Gluten Freedom

Word Mark GLUTEN FREEDOM

Goods and Services IC 029. US 046. G & S: Textured soy protein for use as a meat extender; textured vegetable protein for use as a meat extender, meat substitute or food additive for culinary purposes; soy protein concentrate for use as a food additive for culinary purposes; soy lecithin granules for culinary purposes; all of the aforementioned goods being gluten free. FIRST USE: 20120201. FIRST USE IN COMMERCE: 20120201

IC 030. US 046. G & S: Grits; kasha; seed meals; almond meal; cereals, namely, breakfast cereals; mixes for baked goods, namely, cakes, brownies, cookies, pie crust, pizza crust, muffin, biscuit, cookie and bread; pancake and waffle mixes; coconut flour; polentas; processed oats; oatmeal, brown rice farina; baking powder; baking soda; yeast; blends of processed whole grains used as a cereal or pilaf; rolled oats; guar gum and xanthan gum for non-nutritional purposes for use as a flavoring ingredient or filler; flours from grains, beans, lentils, roots and tubers, organic and non-organic grains; flax seed meal; processed whole grain teff; teff flour, food starches, nutritional large flake yeast, and coconut flour; buckwheat, millet, oats, and quinoa; all of the aforementioned goods being gluten free. FIRST USE: 20120201. FIRST USE IN COMMERCE: 20120201

IC 031. US 001 046. G & S: Unprocessed buckwheat, quinoa, rice, and teff; all of the aforementioned goods being gluten free. FIRST USE: 20120201. FIRST USE IN COMMERCE: 20120201

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85694126
Filing Date August 2, 2012
Current Basis 1A
Original Filing Basis 1B
Published for Opposition August 13, 2013
Registration Number 4502451
Registration Date March 25, 2014
Owner (REGISTRANT) Bob's Red Mill Natural Foods, Inc. CORPORATION OREGON 13521 SE Pheasant Court Milwaukie OREGON 97222
Attorney of Record Dallas Thomsen
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GLUTEN" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Word Mark FREEDOM FUDGE

Goods and Services IC 030. US 046. G & S: Fudge and pastries. FIRST USE: 20150523. FIRST USE IN COMMERCE: 20150523

Mark

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

Design Search Code

- 01.01.10 - Stars, three or more; Three or more stars
- 01.01.13 - Stars - multiple stars with five points
- 02.01.24 - Band uniforms (men wearing); Cavalrymen; Men, soldiers, cavalrymen, men in military uniform, including men dressed in band uniforms with a military appearance; Military men; Soldiers
- 02.01.31 - Men, stylized, including men depicted in caricature form
- 08.03.01 - Candy bars, (chocolate); Chips, (chocolate); Chocolate candies; Chocolate chips
- 09.05.25 - Batting helmets; Caps, nurses; Caps, swimming; Dunces caps; Football helmets; Helmets, athletic; Helmets, construction; Helmets, military; Helmets, protective; Safety helmets
- 23.03.02 - Carbines; Rifles; Shotguns; Shotguns
- 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
- 27.03.05 - Objects forming letters or numerals

Serial Number 86655683

Filing Date June 8, 2015

Current Basis 1A

Original Filing Basis 1A

Published for Opposition August 2, 2016

Owner (APPLICANT) Freedom Fudge LIMITED LIABILITY COMPANY TEXAS 422 Emerald Lake Laredo TEXAS 78041

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FUDGE" AND THE FANCIFUL DEPICTION OF THE AMERICAN FLAG APART FROM THE MARK AS SHOWN

Description of Mark The color(s) GREEN, BROWN, BEIGE, WHITE, RED, BLUE AND BLACK is/are claimed as a feature of the mark. The mark consists of the words "FREEDOM FUDGE" with the letters outlined in beige then black, with "FREEDOM" comprised of "FR" in blue with white stars, "EED" and "M" in red and white horizontal stripes, and with the "O" represented by the design of a chocolate bar in brown, and "FUDGE" comprised of red and white stripes inside the letters; horizontal, narrow beige rectangles outlined in black appear above and below each word; the rectangle above "FREEDOM" is filled with six bars, the first two on the left in blue with three white stars each, followed by five horizontal red bars filling up the remainder of the rectangle, the rectangle under "FREEDOM" filled with six red and white bars, and the rectangles above and below "FUDGE" are filled with five white bars each; above the wording is a soldier standing on the top rectangle, carrying a gray and black rifle, holding a brown candy bar in his left hand, wearing a green helmet with brown straps all outlined in black, with white skin, black sideburns, green eyes, green tank top, green, beige and black camouflage pants, green and black boots, the design of the American flag on his right upper arm and the design of barbed wire circling his upper left arm.

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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FREEDOM RIDGE

| | |
|------------------------------------|---|
| Word Mark | FREEDOM RIDGE |
| Goods and Services | IC 030. US 046. G & S: Hot and cold beverages, namely, coffee; coffee sold in a single-serving container for use in hot and cold beverage brewing machines; beverage mixes for hot and cold beverages in the nature of coffee. FIRST USE: 20131200. FIRST USE IN COMMERCE: 20131200 |
| Standard Characters Claimed | |
| Mark Drawing Code | (4) STANDARD CHARACTER MARK |
| Serial Number | 86057140 |
| Filing Date | September 5, 2013 |
| Current Basis | 1A |
| Original Filing Basis | 1B;44D |
| Published for Opposition | August 12, 2014 |
| Change In Registration | CHANGE IN REGISTRATION HAS OCCURRED |
| Registration Number | 4752567 |
| Registration Date | June 9, 2015 |
| Owner | (REGISTRANT) 2266170 Ontario Inc. CORPORATION CANADA 2531 Stanfield Road Mississauga, ON CANADA L4Y1S4 |

Exhibit
3

Attorney of Record Suzanne M. Hengl
Priority Date September 5, 2013
Description of Mark Color is not claimed as a feature of the mark.
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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FREEDOM COAST

Word Mark FREEDOM COAST

Goods and Services IC 029. US 046. G & S: Frozen shrimp, fish and seafood

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86700866

Filing Date July 22, 2015

Current Basis 1B

Original Filing Basis 1B

Published for Opposition December 15, 2015

Owner (APPLICANT) Siam Canadian Group Limited LIMITED LIABILITY COMPANY BR.VIRGIN ISLANDS Portcullis TrustNet Chambers P.O. Box 3444 Road Town, Tortola BR.VIRGIN ISLANDS

Attorney of Record John E. Munger

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Word Mark CULINARY FREEDOM

Goods and Services IC 030. US 046. G & S: Brownies; cappelletti; capers; chocolate; dressings for salad; farfalle; fettuccine; fusilli; flour-based gnocchi; lasagna; dessert mousses; pasta; penne; puddings; spaghetti; ravioli; sauces for pasta; tomato sauce

IC 035. US 100 101 102. G & S: Retail store services featuring prepared and ready-to-eat food and beverage items

IC 039. US 100 105. G & S: Food and meal delivery

IC 043. US 100 101. G & S: Restaurants; snack-bars; cafeterias; self-service restaurants

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

Design Search Code 11.03.13 - Cookers, pressure; Frying pans, non-electric; Pans, frying, non-electric; Pots, cooking; Pressure cookers; Sauce pans (non-electric); Skillets, non-electric
 26.01.02 - Circles, plain single line; Plain single line circles
 26.01.20 - Circles within a circle
 26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s)
 26.17.05 - Bands, horizontal; Bars, horizontal; Horizontal line(s), band(s) or bar(s); Lines, horizontal

Serial Number 86456441

Filing Date November 17, 2014

Current Basis 1B

Original Filing Basis 1B

Published for Opposition December 22, 2015

Owner (APPLICANT) NOVA UMBRIA EMPREENDIMENTOS E PARTICIPAÇÕES LTDA. LIMITED LIABILITY COMPANY BRAZIL Rua São José, nº 90 salas 1511 e 1515, Centro Rio de Janeiro BRAZIL 20.010-90

Attorney of Record Richard S. Stockton

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CULINARY" APART FROM THE MARK AS SHOWN

Description of Mark Color is not claimed as a feature of the mark. The mark consists of the word "CULINARY" curved around the top of a stylized image of a pan with handle, with the stylized word "FREEDOM" curved around underneath the image of a pan with handle.

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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FREEDOM TO ENJOY

Word Mark FREEDOM TO ENJOY

Goods and Services IC 030. US 046. G & S: Cereal based food bars and ready to eat food bars, all containing protein; Chocolate-based ready-to-eat food bars; Granola-based snack bars; High-protein cereal bars; High-protein, low carbohydrate cereal-based and chocolate-based snack bars; Protein puddings; Protein shakes

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86944433

Filing Date March 17, 2016

Current Basis 1B

Original Filing Basis 1B

Published for Opposition June 7, 2016

Owner (APPLICANT) Woodbolt Distribution, LLC DBA Nutrabolt LIMITED LIABILITY COMPANY DELAWARE
3891 S. Traditions Drive Bryan TEXAS 77807

Attorney of Record Craig M. Spierer

Type of Mark Register TRADEMARK
PRINCIPAL

Live/Dead
Indicator LIVE

| | | | | | | | | | |
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FREEDOM TO SNACK

| | |
|------------------------------------|---|
| Word Mark | FREEDOM TO SNACK |
| Goods and Services | IC 030. US 046. G & S: Cereal based snack food. FIRST USE: 20100228. FIRST USE IN COMMERCE: 20100228 |
| Standard Characters Claimed | |
| Mark Drawing Code | (4) STANDARD CHARACTER MARK |
| Serial Number | 85975247 |
| Filing Date | April 7, 2010 |
| Current Basis | 1A |
| Original Filing Basis | 1B |
| Published for Opposition | September 7, 2010 |
| Registration Number | 3987307 |
| Registration Date | June 28, 2011 |
| Owner | (REGISTRANT) Corazonas Foods, Inc. CORPORATION DELAWARE 3780 Kilroy Airport Way, Suite 850 Long Beach CALIFORNIA 90806 (LAST LISTED OWNER) J&J SNACK FOODS CORP. CORPORATION NEW JERSEY 6000 CENTRAL HIGHWAY PENNSAUKEN NEW JERSEY 08109 |
| Assignment Recorded | ASSIGNMENT RECORDED |

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SNACK" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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FREEDOM TO SNACK

| | |
|------------------------------------|---|
| Word Mark | FREEDOM TO SNACK |
| Goods and Services | IC 029. US 046. G & S: Potato chips. FIRST USE: 20100228. FIRST USE IN COMMERCE: 20100228 |
| Standard Characters Claimed | |
| Mark Drawing Code | (4) STANDARD CHARACTER MARK |
| Serial Number | 85008367 |
| Filing Date | April 7, 2010 |
| Current Basis | 1A |
| Original Filing Basis | 1B |
| Published for Opposition | September 7, 2010 |
| Registration Number | 3982492 |
| Registration Date | June 21, 2011 |
| Owner | (REGISTRANT) Corazonas Foods, Inc. CORPORATION DELAWARE 3780 Kilroy Airport Way, Suite 850 Long Beach CALIFORNIA 90806 (LAST LISTED OWNER) J&J SNACK FOODS CORP. CORPORATION NEW JERSEY 6000 CENTRAL HIGHWAY PENNSAUKEN NEW JERSEY 08109 |
| Assignment Recorded | ASSIGNMENT RECORDED |

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SNACK" APART FROM THE MARK AS SHOWN
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Register PRINCIPAL
Live/Dead Indicator LIVE

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FREEDOM VALLEY

Word Mark FREEDOM VALLEY

Goods and Services IC 029. US 046. G & S: Extracts for soups; Instant or pre-cooked miso soup; Preparations for making soups; Soup mixes; Soup pastes; Soups. FIRST USE: 20111003. FIRST USE IN COMMERCE: 20111003

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85977662

Filing Date December 8, 2011

Current Basis 1A

Original Filing Basis 1A

Published for Opposition December 4, 2012

Registration Number 4292499

Registration Date February 19, 2013

Owner (REGISTRANT) PROVEEDORES DE INGENIERIA ALIMENTARIA S.A. DE C.V. CORPORATION
MEXICO Avenida Industrias no. 140 Colonia Fracc. Pimsa Ote. Apodaca, Nuevo León MEXICO 66600

Attorney of Record Arturo Pérez-Guerrero

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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FREEDOM

| | |
|---------------------------------|---|
| Word Mark | FREEDOM |
| Goods and Services | IC 030. US 046. G & S: Chocolate bars. FIRST USE: 20120112. FIRST USE IN COMMERCE: 20120522 |
| Mark Drawing Code | (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM |
| Serial Number | 85803709 |
| Filing Date | December 15, 2012 |
| Current Basis | 1A |
| Original Filing Basis | 1A |
| Published for Opposition | May 14, 2013 |
| Registration Number | 4375904 |
| Registration Date | July 30, 2013 |
| Owner | (REGISTRANT) AMVETS Department of California Service Foundation CORPORATION CALIFORNIA 1213 Dale Ave. 1213 Dale Ave. Anaheim CALIFORNIA 92804 |
| Description of Mark | The color(s) red and gray is/are claimed as a feature of the mark. The mark consists of the word "FREEDOM" in block letters in red with gray outlining of each individual letter. |
| Type of Mark | TRADEMARK |
| Register | PRINCIPAL |

Live/Dead
Indicator LIVE

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FREEDOM

Word Mark FREEDOM

Goods and Services IC 030. US 046. G & S: Chocolate bars. FIRST USE: 20120112. FIRST USE IN COMMERCE: 20120522

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85803706

Filing Date December 15, 2012

Current Basis 1A

Original Filing Basis 1A

Published for Opposition May 14, 2013

Registration Number 4375903

Registration Date July 30, 2013

Owner (REGISTRANT) AMVETS Department of California Service Foundation CORPORATION CALIFORNIA 1213 Dale Ave. Anaheim CALIFORNIA 92804

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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SWEET FREEDOM

| | |
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| Word Mark | SWEET FREEDOM |
| Goods and Services | IC 030. US 046. G & S: Natural fruit sweeteners and natural sweeteners |
| Standard Characters Claimed | |
| Mark Drawing Code | (4) STANDARD CHARACTER MARK |
| Serial Number | 79065049 |
| Filing Date | September 20, 2008 |
| Current Basis | 66A |
| Original Filing Basis | 66A |
| Published for Opposition | December 1, 2009 |
| Registration Number | 3749980 |
| International Registration Number | 0992484 |
| Registration Date | February 16, 2010 |
| Owner | (REGISTRANT) Diet Freedom Ltd LIMITED COMPANY UNITED KINGDOM 34 Long Street Cerne Abbas, Dorset DT2 7JG UNITED KINGDOM |
| Priority Date | March 25, 2008 |
| Prior Registrations | 3362273 |
| Disclaimer | NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SWEET" APART FROM THE MARK AS SHOWN |
| Type of Mark | TRADEMARK |
| Register | PRINCIPAL |
| Live/Dead Indicator | LIVE |

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PHILLY FREEDOM

| | |
|------------------------------------|--|
| Word Mark | PHILLY FREEDOM |
| Goods and Services | IC 029. US 046. G & S: Frozen and processed beef, chicken and pork. FIRST USE: 20040317. FIRST USE IN COMMERCE: 20040317 |
| Standard Characters Claimed | |
| Mark Drawing Code | (4) STANDARD CHARACTER MARK |
| Serial Number | 78367042 |
| Filing Date | February 12, 2004 |
| Current Basis | 1A |
| Original Filing Basis | 1B |
| Published for Opposition | May 10, 2005 |
| Registration Number | 3121529 |
| Registration Date | July 25, 2006 |
| Owner | (REGISTRANT) Quik-To-Fix Foods, Inc. CORPORATION DELAWARE 209 Range Drive Garland TEXAS 75040 (LAST LISTED OWNER) ADVANCE FOOD COMPANY, INC. CORPORATION OKLAHOMA 201 S. RALEIGH ROAD ENID OKLAHOMA 73701 |
| Assignment Recorded | ASSIGNMENT RECORDED |
| Attorney of Record | Theodore D. Lienesch |
| Type of Mark | TRADEMARK |

Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark FREEDOM TO SHAPE YOUR FIGURE

Goods and Services IC 001. US 001 005 006 010 026 046. G & S: Linolic acids and fatty acids for the production of foodstuffs. FIRST USE: 20030000. FIRST USE IN COMMERCE: 20030000

IC 005. US 006 018 044 046 051 052. G & S: Foodstuffs and food supplements containing linolic acids for pharmaceutical use for the improvement of health, dietetic food supplements for medical use. FIRST USE: 20030000. FIRST USE IN COMMERCE: 20030000

IC 029. US 046. G & S: Edible oils and fats. FIRST USE: 20030000. FIRST USE IN COMMERCE: 20030000

Mark Drawing Code (1) TYPED DRAWING

Serial Number 78233899

Filing Date April 4, 2003

Current Basis 1A

Original Filing Basis 1B

Published for Opposition December 16, 2003

Registration Number 2973157

Registration Date July 19, 2005

Owner (REGISTRANT) Loders Croklaan B.V. CORPORATION NETHERLANDS Hogeweg 1 Wormerveer NETHERLANDS 1521 AZ

(LAST LISTED OWNER) STEPAN SPECIALTY PRODUCTS, LLC LIMITED LIABILITY COMPANY DELAWARE 1209 ORANGE STREET WILMINGTON DELAWARE 19801

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Mark J. Nahnsen
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20150706.
Renewal 1ST RENEWAL 20150706
Live/Dead Indicator LIVE

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AMERICA'S FREEDOM CUPS

Word Mark AMERICA'S FREEDOM CUPS

Goods and Services IC 030. US 046. G & S: Cupcakes; muffins; peanut butter cups; cookies featuring a cupcake; cupcakes in the nature of patriotic shapes; bakery goods; pastries; cakes; pies; cheesecakes; cookies; cookie bars; breads; and puddings featuring a cupcake. FIRST USE: 20071221. FIRST USE IN COMMERCE: 20071221

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 76704425

Filing Date September 9, 2010

Current Basis 1A

Original Filing Basis 1A

Published for Opposition July 19, 2011

Registration Number 4032968

Registration Date October 4, 2011

Owner (REGISTRANT) L A D Bakers, LLC DBA Lorraine's Little Taste of Heaven CORPORATION NEW YORK 27 Windy Crest Road Newburgh NEW YORK 12550

Attorney of Record Aziz M. Ahsan

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "AMERICA'S" APART FROM THE MARK AS SHOWN

Type of Mark Register TRADEMARK
PRINCIPAL

Live/Dead
Indicator LIVE

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FREEDOM FUNDRAISING

Word Mark FREEDOM FUNDRAISING

Goods and Services IC 030. US 046. G & S: candy. FIRST USE: 20010815. FIRST USE IN COMMERCE: 20010815
 IC 036. US 100 101 102. G & S: Charitable fundraising. FIRST USE: 20010815. FIRST USE IN COMMERCE: 20010815

Mark Drawing Code (1) TYPED DRAWING

Serial Number 76226445

Filing Date March 19, 2001

Current Basis 1A

Original Filing Basis 1B

Published for Opposition November 6, 2001

Registration Number 2636959

Registration Date October 15, 2002

Owner (REGISTRANT) Old Fashion Candy Co., Inc, The CORPORATION INDIANA 2545 East Side Park Drive Evansville INDIANA 47715

Attorney of Record Julia Spoor Gard

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FUNDRAISING" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20120330.

Renewal 1ST RENEWAL 20120330
Live/Dead Indicator LIVE

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Savor the Freedom

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|------------------------------------|---|
| Word Mark | SAVOR THE FREEDOM |
| Goods and Services | IC 030. US 046. G & S: Coffee; Coffee beans; Ground coffee beans; Roasted coffee beans. FIRST USE: 20080915. FIRST USE IN COMMERCE: 20080915 |
| Standard Characters Claimed | |
| Mark Drawing Code | (4) STANDARD CHARACTER MARK |
| Serial Number | 77681801 |
| Filing Date | March 2, 2009 |
| Current Basis | 1A |
| Original Filing Basis | 1B |
| Published for Opposition | June 30, 2009 |
| Registration Number | 3804254 |
| Registration Date | June 15, 2010 |
| Owner | (REGISTRANT) Boesha International, Inc. CORPORATION CALIFORNIA 936 Detroit Avenue Suite A Concord CALIFORNIA 94518 |
| Attorney of Record | Steven A. Richards |
| Type of Mark | TRADEMARK |
| Register | PRINCIPAL |
| Live/Dead Indicator | LIVE |

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Tastes Like Freedom

Word Mark TASTES LIKE FREEDOM

Goods and Services IC 030. US 046. G & S: Coffee and tea. FIRST USE: 20160409. FIRST USE IN COMMERCE: 20160420

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 87023146

Filing Date May 3, 2016

Current Basis 1A

Original Filing Basis 1A

Published for Opposition September 13, 2016

Owner (APPLICANT) Rogers, Cecil DBA Liberty Tea INDIVIDUAL UNITED STATES 28150 N. Alma School Pkwy. #103-609 Scottsdale ARIZONA 85262

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Sugar Freedom

Word Mark SUGAR FREEDOM

Goods and Services IC 030. US 046. G & S: Artificial coffee; Artificial coffee and tea; Beverages made of coffee; Beverages with a coffee base; Caffeine-free coffee; Chicory based coffee substitute; Chocolate bark containing ground coffee beans; Chocolate covered roasted coffee beans; Cocoa; Cocoa; Cocoa beverages with milk; Cocoa extracts for human consumption; Cocoa mixes; Cocoa powder; Cocoa spreads; Cocoa-based beverages; Cocoa-based condiments and seasonings for food and drink; Cocoa-based ingredient in confectionery products; Coffee; Coffee; Coffee and artificial coffee; Coffee and coffee substitutes; Coffee and tea; Coffee based beverages; Coffee beverages with milk; Coffee essences; Coffee essences for use as substitutes for coffee; Coffee extracts; Coffee extracts for use as substitutes for coffee; Coffee flavored syrup used in making food beverages; Coffee substitutes; Coffee substitutes; Coffee-based beverage containing milk; Coffee-based beverages; Ground coffee beans; Iced coffee; Instant coffee; Prepared cocoa and cocoa-based beverages; Prepared coffee and coffee-based beverages; Unroasted coffee. FIRST USE: 20111218. FIRST USE IN COMMERCE: 20111218

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85529572

Filing Date January 31, 2012

Current Basis 1A

Original Filing Basis 1B
Published for Opposition June 19, 2012
Registration Number 4318444
Registration Date April 9, 2013
Owner (REGISTRANT) SOUTHWEST BEVERAGES, LLC DBA Southwest Beverages LIMITED LIABILITY COMPANY ARIZONA PO Box 37272 Tucson ARIZONA 85740
 (LAST LISTED OWNER) LANDRY, ROXANNA INDIVIDUAL UNITED STATES 1502 W. WETMORE ROAD TUCSON ARIZONA 85705
Assignment Recorded ASSIGNMENT RECORDED
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SUGAR" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark SWEET FREEDOM
Goods and Services IC 030. US 046. G & S: Frozen confections. FIRST USE: 19940404. FIRST USE IN COMMERCE: 19940404
Mark Drawing Code (1) TYPED DRAWING
Serial Number 78316567
Filing Date October 21, 2003
Current Basis 1A
Original Filing Basis 1A
Published for Opposition June 22, 2004
Registration Number 2884475
Registration Date September 14, 2004
Owner (REGISTRANT) Wells' Dairy, Inc. CORPORATION IOWA One Blue Bunny Drive P.O. Box 1310 Le Mars IOWA 51031
 (LAST LISTED OWNER) WELLS ENTERPRISES, INC. CORPORATION IOWA ONE BLUE BUNNY DRIVE LE MARS IOWA 51031
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Jonathan P. Froemel
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20140721.
Renewal 1ST RENEWAL 20140721
Live/Dead Indicator LIVE

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Gluten Freedom

Word Mark GLUTEN FREEDOM

Goods and Services IC 029. US 046. G & S: Textured soy protein for use as a meat extender; textured vegetable protein for use as a meat extender, meat substitute or food additive for culinary purposes; soy protein concentrate for use as a food additive for culinary purposes; soy lecithin granules for culinary purposes; all of the aforementioned goods being gluten free. FIRST USE: 20120201. FIRST USE IN COMMERCE: 20120201

IC 030. US 046. G & S: Grits; kasha; seed meals; almond meal; cereals, namely, breakfast cereals; mixes for baked goods, namely, cakes, brownies, cookies, pie crust, pizza crust, muffin, biscuit, cookie and bread; pancake and waffle mixes; coconut flour; polentas; processed oats; oatmeal, brown rice farina; baking powder; baking soda; yeast; blends of processed whole grains used as a cereal or pilaf; rolled oats; guar gum and xanthan gum for non-nutritional purposes for use as a flavoring ingredient or filler; flours from grains, beans, lentils, roots and tubers, organic and non-organic grains; flax seed meal; processed whole grain teff; teff flour, food starches, nutritional large flake yeast, and coconut flour; buckwheat, millet, oats, and quinoa; all of the aforementioned goods being gluten free. FIRST USE: 20120201. FIRST USE IN COMMERCE: 20120201

IC 031. US 001 046. G & S: Unprocessed buckwheat, quinoa, rice, and teff; all of the aforementioned goods being gluten free. FIRST USE: 20120201. FIRST USE IN COMMERCE: 20120201

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85694126
Filing Date August 2, 2012
Current Basis 1A
Original Filing Basis 1B
Published for Opposition August 13, 2013
Registration Number 4502451
Registration Date March 25, 2014
Owner (REGISTRANT) Bob's Red Mill Natural Foods, Inc. CORPORATION OREGON 13521 SE Pheasant Court Milwaukie OREGON 97222
Attorney of Record Dallas Thomsen
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GLUTEN" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Word Mark FREEDOM FUDGE

Goods and Services IC 030. US 046. G & S: Fudge and pastries. FIRST USE: 20150523. FIRST USE IN COMMERCE: 20150523

Mark

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

Design Search Code

- 01.01.10 - Stars, three or more; Three or more stars
- 01.01.13 - Stars - multiple stars with five points
- 02.01.24 - Band uniforms (men wearing); Cavalrymen; Men, soldiers, cavalrymen, men in military uniform, including men dressed in band uniforms with a military appearance; Military men; Soldiers
- 02.01.31 - Men, stylized, including men depicted in caricature form
- 08.03.01 - Candy bars, (chocolate); Chips, (chocolate); Chocolate candies; Chocolate chips
- 09.05.25 - Bating helmets; Caps, nurses; Caps, swimming; Dunce caps; Football helmets; Helmets, athletic; Helmets, construction; Helmets, military; Helmets, protective; Safety helmets
- 23.03.02 - Carbines; Rifles; Shotguns; Shotguns
- 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
- 27.03.05 - Objects forming letters or numerals

Serial Number 86655683

Filing Date June 8, 2015

Current Basis 1A

Original Filing Basis 1A

Published for Opposition August 2, 2016

Owner (APPLICANT) Freedom Fudge LIMITED LIABILITY COMPANY TEXAS 422 Emerald Lake Laredo TEXAS 78041

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FUDGE" AND THE FANCIFUL DEPICTION OF THE AMERICAN FLAG APART FROM THE MARK AS SHOWN

Description of Mark The color(s) GREEN, BROWN, BEIGE, WHITE, RED, BLUE AND BLACK is/are claimed as a feature of the mark. The mark consists of the words "FREEDOM FUDGE" with the letters outlined in beige then black, with "FREEDOM" comprised of "FR" in blue with white stars, "EED" and "M" in red and white horizontal stripes, and with the "O" represented by the design of a chocolate bar in brown, and "FUDGE" comprised of red and white stripes inside the letters; horizontal, narrow beige rectangles outlined in black appear above and below each word; the rectangle above "FREEDOM" is filled with six bars, the first two on the left in blue with three white stars each, followed by five horizontal red bars filling up the remainder of the rectangle, the rectangle under "FREEDOM" filled with six red and white bars, and the rectangles above and below "FUDGE" are filled with five white bars each; above the wording is a soldier standing on the top rectangle, carrying a gray and black rifle, holding a brown candy bar in his left hand, wearing a green helmet with brown straps all outlined in black, with white skin, black sideburns, green eyes, green tank top, green, beige and black camouflage pants, green and black boots, the design of the American flag on his right upper arm and the design of barbed wire circling his upper left arm.

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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