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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	86613438
Applicant	Stephen Bowling
Applied for Mark	FREEDOM FISH
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Submission	Appeal Brief
Attachments	28469503_1.pdf(378973 bytes) Exhbits to Freedom Fish.pdf(1376821 bytes)
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Signature	/David B. Sunshine/
Date	10/25/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

Serial No.: 86/613,438

Filing Date: April 29, 2015

Mark: FREEDOM FISH

Applicant: Stephan Bowling

Examining Attorney: William T. Verhosek, Law Office 114

EX PARTE APPEAL

APPLICANT'S BRIEF

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Istituto Sieroterapico E Vaccinogeno, Toscano “SCLAVO”8

2 McCarthy, *McCarthy’s On Trademarks and Unfair Competition* 4th3

Applicant, Stephen Bowling. (“Applicant”), by Counsel, hereby respectfully appeals the Examining Attorney’s refusal to register the mark FREEDOM FISH on the ground that the mark is allegedly likely to cause confusion with Registration No. 4,173,539 for the mark FREEDOM FOODS (hereinafter, the “Cited Mark”). Applicant respectfully disagrees that there is a likelihood of confusion between Applicant’s mark and the FREEDOM FOODS mark and respectfully requests that the TTAB reverse the examining attorney’s determination.

I. DESCRIPTION OF RECORD

A. Prosecution History

The rejection on likelihood of confusion grounds was initially set forth in a non-final Office action dated August 11, 2015. In that Office action, the examining attorney refused registration based on Reg. Nos. 3,564,916 and 4,173,539. Applicant responded to the Office action on February 11, 2016.¹ A final Office action was issued February 17, 2016 upholding the refusal to register based on Reg. No. 4,173,539. Applicant filed a Request for Reconsideration on August 17, 2016 together with a timely Notice of Appeal. The examining attorney rejected the Request for Reconsideration on August 26, 2016.

B. Examining Attorney’s Evidence

In connection with the August 11, 2015 Office action, with the exception of the cited registrations, the examining attorney did not offer any evidence in support of the refusal to register. The evidence attached to the February 17, 2016 Office action consisted of dictionary definitions for the terms “Freedom”, “Fish” and “Food.”

¹ Following the issuance of the initial Office action, cited Reg. No. 3,564,916 lapsed and was withdrawn as a bar to registration.

C. Applicant's Evidence

In its Office action response dated February 11, 2016, Applicant submitted evidence consisting of TESS printouts of other third party "Freedom" marks for similar goods. In its response to the final Office action, Applicant submitted additional TESS printouts of other third party "Freedom" marks for similar goods.

II. ARGUMENT

In order to determine whether there is a likelihood of confusion between an applied for mark and a cited registration, an Examining Attorney must analyze multiple factors including the similarities in appearance, sound, connotation and commercial impression and any similarity of the goods and services associated with each mark. *In re E.I. DuPont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (CCPA 1973); *In re International Telephone and Telegraph Corp.*, 197 USPQ 910 (TTAB 1978). It is important to note that when analyzing the marks for similarities, an Examining Attorney must look at the marks in their entireties and the strength of the marks should also be considered. *Universal City Studios, Inc. v. Nintendo Co.*, 746 F.2d 112, 117; 223 USPQ 2000 (2d Cir. 1984). As discussed below, applying the abovementioned standard weighs against a finding of a likelihood of confusion, and Applicant respectfully requests that the Examining Attorney withdraw the 2(d) refusal and allow Applicant's Mark to register.

A. The Cited Marks Are Weak

The first step in analyzing two marks for likelihood of confusion is to determine the relative strength of the parties' marks. This is because "[t]he strength of a mark is directly related to likelihood of confusion, for the stronger the mark, the more likely that the consumer will associate it with the familiar purveyor." *H. Lubovsky, Inc. v. Esprit de Corp.*, 627 F.Supp.

483, 486-87, 228 USPQ 814 (SDNY 1986). “Strong” marks are granted a broad scope of protection, i.e., “protection over a wide range of related products and services and variations on visual and aural format.” 2 McCarthy, *McCarthy’s On Trademarks and Unfair Competition* 4th ed. §11.73 at 11-145. On the other hand, “relatively weak marks are given a relatively narrow range of protection both as to products and format variations.” 2 McCarthy, *McCarthy’s On Trademarks and Unfair Competition* 4th ed. §11.73 at 11-145. **Thus, third parties are able to “come closer” to weak marks without creating a likelihood of confusion with the senior user’s mark. *In re Lucky Co.*, 209 USPQ 422 (TTAB 1980)** (emphasis added).

In the present case, the Examining Attorney has taken the position that confusion is likely as Applicant’s Mark on the one hand, and the Cited Mark on the other hand, both contain the term “FREEDOM.” In taking this position, it does not appear as if the Examining Attorney considered the fact that third parties are able to come closer to weak marks without creating a likelihood of confusion. There can be no reasonable dispute, for all the reasons discussed below, that the Cited Mark is weak and, therefore, do not create a likelihood of consumer confusion.

“[T]hird-party registrations may be relevant to show that a mark or a portion of a mark is descriptive, suggestive, or so commonly used that the public will look to other elements to distinguish the source of the goods or services. TMEP § 1027.01(d)(iii); *see, also, In re Hartz Hotel Servs., Inc.*, 102 USPQ2d 1150, 1153-54 (TTAB 2012); *In re Melville Corp.*, 18 USPQ2d 1386, 1388 (TTAB 1991); *In re Dayco Products-Eagle Motive Inc.*, 9 USPQ2d 1910, 1911-12 (TTAB 1988); *Plus Prods. v. Star-Kist Foods, Inc.*, 220 USPQ 541, 544 (TTAB 1983).

In the final Office action dated February 17, 2016, the examining attorney appeared to afford little (or no) weight to the evidence that that the cited mark is weak purportedly because (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 disagreed with the examining attorney’s conclusion. A review of the Trademark Electronic Search System (TESS), revealed multiple third-party registrations for marks incorporating the term FREEDOM for food related products. Those marks include (but are not necessarily limited to) the following:

Registration/App. No.	Mark	Goods
4,292,499	FREEDOM VALLEY	Extracts for soups; Instant or pre-cooked miso soup; Preparations for making soups; Soup mixes; Soup pastes; Soups
3,982,492	FREEDOM TO SNACK	Potato chips
3,987,307	FREEDOM TO SNACK	Cereal based snack foods
4,752,567	FREEDOM RIDGE	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
4,375,904	FREEDOM	Chocolate bars
4,375,903	FREEDOM	Chocolate bars
2,636,959	FREEDOM FUNDRAISING	candy
Serial No. 86/700,866 (ALLOWED)	FREEDOM COAST	Frozen shrimp, fish and seafood
3,804,254	SAVOR THE FREEDOM	Coffee; Coffee beans; Ground coffee beans; Roasted coffee beans.

4,502,451	GLUTEN FREEDOM	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.
2,884,475	SWEET FREEDOM	Frozen confections
3,749,980	SWEET FREEDOM	Natural fruit sweeteners and natural sweeteners
2,973,157	FREEDOM TO SHAPE YOUR FIGURE	Edible oils and fats
4,032,968	AMERICA'S FREEDOM CUPS	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
3,121,529	PHILLY FREEDOM	Frozen and processed beef, chicken and pork
5,061,934	FREEDOM FUDGE	Fudge and Pastries
2,636,959	FREEDOM FUNDRAISING	Candy
Serial No. 86/456,441 (allowed)	CULINARY FREEDOM	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
Serial No. 86/944,433 (allowed)	FREEDOM TO ENJOY	Dairy-based snack foods excluding ice cream, ice milk and frozen yogurt; Fruit-based snack food; Nut- and dried fruit- based snack bars; Nut-based snack foods; Protein based, nutrient-dense snack bars; Protein shakes
87/023,146 (published)	TASTES LIKE FREEDOM	Coffee and Tea

Copies of the TESS printouts for all of the aforementioned registrations containing the term “Freedom” for food products are attached as Exhibit 1. One of the primary arguments relied upon by the examining attorney in support of the refusal is these third-party marks cited by Applicant “all have different constructions.” Applicant submits that a review of these marks reveal that they have either identical or highly similar constructions to the Cited Mark. There can be little doubt that the coexistence of these third party application and registrations clearly

demonstrate that consumers can distinguish between multiple users of the term FREEDOM for food products.

B. Applicant's Mark Is Sufficiently Different In Appearance, Sound, Connotation And Commercial Impression Than The Registered Mark

Applicant's Mark is sufficiently different in appearance, sound, meaning and commercial impression such that it is not likely to be confused with the Cited Mark. With regard to this factor, the Examining Attorney's finding on the fact that Applicant's Mark and the Cited Mark both contain the term "Freedom." However, the inclusion of the same term is insufficient to find a likelihood of confusion, particularly since the marks are to be viewed as a whole, considering the total effect conveyed by the marks. *Universal City Studios*, 746 F.2d at 117; *Colgate-Palmolive Co. v. Carter-Wallace, Inc.*, 432 F.2d 1400, 167 USPQ 529 (CCPA 1970); TMEP § 1207.01(b)(viii). Indeed there are multiple cases the court did not find a likelihood of confusion even when both marks contained the same common term. *See General Mills, Inc. v. Kellogg Co.*, 824 F.2d 622, 627 (8th Cir.1987) (holding that the mark OATMEAL RAISIN CRISP for breakfast cereal is not confusingly similar to the mark APPLE RAISIN CRISP also for breakfast cereal despite the use of the common wording RAISIN CRISP.); *Colgate-Palmolive Co.*, 432 F.2d 1400, 167 USPQ 529 (CCPA 1970) (PEAK PERIOD not confusingly similar to PEAK); *Lever Bros. Co. v. Barcolene Co.*, 463 F.2d 1107, 174 USPQ 392 (CCPA 1972) (ALL CLEAR not confusingly similar to ALL); *Conde Nast Publications, Inc. v. Miss Quality, Inc.*, 507 F.2d 1404, 184 USPQ 422 (CCPA 1975) (COUNTRY VOGUES not confusingly similar to VOGUES); *Plus Products v. General Mills, Inc.*, 188 USPQ 520 (TTAB 1975) (PROTEIN PLUS and PROTEIN not confusingly similar).

If the common element of two marks is "weak", consumers typically will be able to avoid confusion unless the overall combinations have other commonality. *See, e.g., In re Bed &*

Breakfast Registry, 791 F.2d 157, 229 USPQ 818 (Fed. Cir. 1986) (BED & BREAKFAST REGISTRY for making lodging reservations for others in private homes held not likely to be confused with BED & BREAKFAST INTERNATIONAL for room booking agency services); *In re Istituto Sieroterapico E Vaccinogeno, Toscano “SCLAVO” S.p.A.*, 226 USPQ 1035 (TTAB 1985) (ASO QUANTUM (with “ASO” disclaimed) for diagnostic laboratory reagents held not likely to be confused with QUANTUM for laboratory instrument for analyzing body fluids).

Here, it is clear that the common element of the marks namely “FREEDOM” is weak in light of the aforementioned arguments. Consequently, a greater focus should be given to other aspects of the marks in determining whether a likelihood of confusion exists. In particular, Applicant’s Mark contains the term “Fish” after “Freedom” whereas the Cited Mark contains the terms “Foods” after “Freedom.”

Moreover, the Cited Mark features a distinctive design element. Specifically, the Cited Mark features the word “Freedom” in lowercase stylized lettering and the word “Foods” in a grey box below “Freedom.” The distinction between the respective marks can be found here:

Cited Mark	Applicant’s Mark
	<p>FREEDOM FISH</p>

As evidenced by the foregoing arguments, there can be no likelihood of confusion between Applicant’s Mark and the Cited Mark. Accordingly, Applicant respectfully requests that the refusal under Trademark Act Section 2(d) be withdrawn and Applicant’s Mark be approved for publication without further delay.

For all of the foregoing reasons, it is respectfully requested that the Board reverse the refusal to register the FREEDOM FISH mark.

Dated: October 25, 2016

Respectfully submitted,

By: /David B. Sunshine/

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Attorneys for Applicant.



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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
1

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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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 Nutrabort 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

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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
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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

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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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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
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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

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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

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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

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



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; 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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