

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

McDONALD'S CORPORATION,)	
)	Opposition No. 91192099
Opposer,)	
)	
v.)	Mark: McSWEET
)	Application S/N: 77/722,272
McSWEET, LLC,)	Filed: April 24, 2009
)	Published: September 1, 2009
Applicant.)	

**OPPOSER'S APPLICATION FOR VOLUNTARY SURRENDER OF REGISTRATION
NOS. 1,118,362; 1,541,797; 1,552,143; 1,566,184; 1,943,180; AND 2,289,608**

Opposer, McDonald's Corporation ("McDonald's"), by and through its attorneys Neal, Gerber & Eisenberg, LLP, hereby voluntarily surrenders Registration Nos. 1,118,362 for McPIZZA; 1,541,797 for McCOLA; 1,552,143 for McCHILI; 1,566,184 for McCOOKIE; 1,943,180 for McCOFFEE; and 2,289,608 for McVEGGIE BURGER pursuant to 15 U.S.C. § 1057(e), 37 C.F.R. § 2.172 and TBMP § 602.02(a). Each of these Registrations has been asserted in this proceeding and is voluntarily surrendered so as to eliminate extraneous issues, streamline discovery, and focus this proceeding on the issue of whether registration of "McSweet" for pickled asparagus will damage McDonald's "Mc" family of marks. McDonald's has filed a corresponding Motion for Leave to Amend its Notice of Opposition and Amended Notice of Opposition concurrently herewith.

McDonald's voluntary surrender of these registrations does not affect any common law, state law based or international rights in the marks referenced above; and, McDonald's expressly reserves the right to file for registration for each of these marks in the future.

Pursuant to TBMP § 602.02(a), the original certificates for the surrendered registrations are enclosed herewith as Exhibit A. A duplicate, electronic copy of this motion is being filed



12-14-2009

with the Board via the ESTTA system.

Respectfully submitted,

McDONALD'S CORPORATION

Date: December 9, 2009

By: /Lawrence E. James, Jr./
John A. Cullis
Lawrence E. James, Jr.
NEAL, GERBER & EISENBERG LLP
2 N. LaSalle Street, Suite 1700
Chicago, IL 60602
(312)269-8000 Telephone
(312)269-1747 Facsimile

CERTIFICATE OF TRANSMISSION

I, Lawrence E. James, Jr., hereby certify that the foregoing *Opposer's Application for Voluntary Surrender of Registration Nos. 1,118,362; 1,541,797; 1,552,143; 1,566,184; 1,943,180; and 2,289,608* is being sent via First Class U.S. Mail and electronically transmitted via the Electronic System for Trademark Trials and Appeals ("ESTTA") at <http://estta.uspto.gov/> on the date noted below:

Date: December 9, 2009

By: /Lawrence E. James, Jr./
One of the Attorneys for McDonald's Corporation

John A. Cullis
Lawrence E. James, Jr.
Neal, Gerber & Eisenberg LLP
Two North LaSalle Street, Suite 1700
Chicago, Illinois 60602-3801
(312) 269-8000

CERTIFICATE OF SERVICE

I, Lawrence E. James, Jr., state that I served a copy of the foregoing *Opposer's Application for Voluntary Surrender of Registration Nos. 1,118,362; 1,541,797; 1,552,143; 1,566,184; 1,943,180; and 2,289,608* upon counsel for the Applicant for Application Serial No. 77/772,272 at the address of record as listed with the USPTO:

Katherine Hendricks
HENDRICKS & LEWIS PLLC
901 Fifth Ave., Ste 4100
Seattle, WA 98164

via First Class Mail in accordance with Trademark Rule §§ 2.201 and 2.119 on this 9th day of December, 2009.

/Lawrence E. James, Jr./
Lawrence E. James, Jr.

EXHIBIT A

The United States of America



CERTIFICATE OF REGISTRATION PRINCIPAL REGISTER

The Mark shown in this certificate has been registered in the United States Patent and Trademark Office to the named registrant.

The records of the United States Patent and Trademark Office show that an application for registration of the Mark shown in this Certificate was filed in the Office, that the application was examined and determined to be in compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks, and that the Applicant is entitled to registration of the Mark under the Trademark Act of 1946, as Amended.

A copy of the Mark and pertinent data from the application are a part of this certificate.

This registration shall remain in force for TEN (10) years, unless terminated earlier as provided by law, and subject to compliance with the provisions of Section 8 of the Trademark Act of 1946, as Amended.



A handwritten signature in cursive script, reading 'J. Todd Johnson'.

Acting Commissioner of Patents and Trademarks

Int. Cl.: 30

Prior U.S. Cl.: 46

Reg. No. 2,289,608

United States Patent and Trademark Office

Registered Oct. 26, 1999

**TRADEMARK
PRINCIPAL REGISTER**

MCVEGGIE BURGER

**MCDONALD'S CORPORATION (DELAWARE
CORPORATION)
ONE MCDONALD'S PLAZA
OAK BROOK, IL 605231900**

**FOR: SPECIALTY SANDWICH FOR CON-
SUMPTION ON OR OFF THE PREMISES, IN
CLASS 30 (U.S. CL. 46).**

**FIRST USE 4-19-1998; IN COMMERCE
4-19-1998.**

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

SN 75-464,648, FILED 4-8-1998.

CAROLYN GRAY, EXAMINING ATTORNEY

DMC ENTERED

Date: 6-9-05

Entered by: MD



Nº 1566184

THE UNITED STATES OF AMERICA

CERTIFICATE OF REGISTRATION

This is to certify that the records of the Patent and Trademark Office show that an application was filed in said Office for registration of the Mark shown herein, a copy of said Mark and pertinent data from the Application being annexed hereto and made a part hereof,

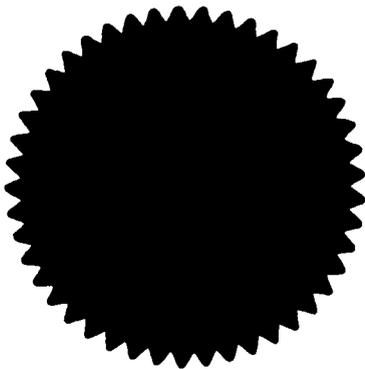
And there having been due compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks,

Upon examination, it appeared that the applicant was entitled to have said Mark registered under the Trademark Act of 1946, and the said Mark has been duly registered this day in the Patent and Trademark Office on the

PRINCIPAL REGISTER

to the registrant named herein.

This registration shall remain in force for Twenty Years unless sooner terminated as provided by law.



In Testimony Whereof I have hereunto set my hand and caused the seal of the Patent and Trademark Office to be affixed this fourteenth day of November, 1989.

Jeffery M. Samuel

Acting Commissioner of Patents and Trademarks

Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 1,566,184

Registered Nov. 14, 1989

**TRADEMARK
PRINCIPAL REGISTER**

MCCOOKIE

**MCDONALD'S CORPORATION (DELAWARE
CORPORATION)
MCDONALD'S PLAZA
OAK BROOK, IL 60521**

**FIRST USE 6-17-1988; IN COMMERCE
6-17-1988.**

SER. NO. 738,703, FILED 7-5-1988.

**FOR: SOFT SERVE ICE MILK SUNDAES
FOR CONSUMPTION ON OR OFF THE PREM-
ISES, IN CLASS 30 (U.S. CL. 46).**

**ROBERT F. GARCIA, EXAMINING ATTOR-
NEY**



Nº 1552143

THE UNITED STATES OF AMERICA

CERTIFICATE OF REGISTRATION

This is to certify that the records of the Patent and Trademark Office show that an application was filed in said Office for registration of the Mark shown herein, a copy of said Mark and pertinent data from the Application being annexed hereto and made a part hereof,

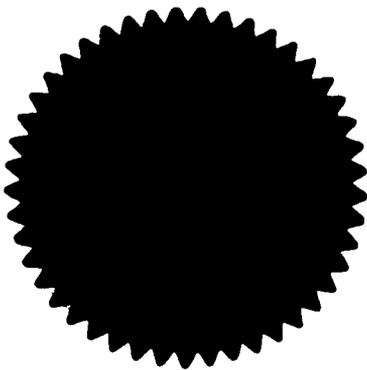
And there having been due compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks,

Upon examination, it appeared that the applicant was entitled to have said Mark registered under the Trademark Act of 1946, and the said Mark has been duly registered this day in the Patent and Trademark Office on the

PRINCIPAL REGISTER

to the registrant named herein.

This registration shall remain in force for Twenty Years unless sooner terminated as provided by law.



In Testimony Whereof I have hereunto set my hand and caused the seal of the Patent and Trademark Office to be affixed this fifteenth day of August, 1989.

A handwritten signature in cursive script, reading 'Ronald D. Zigg', positioned below the text of the signature block.

Commissioner of Patents and Trademarks

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 1,552,143

Registered Aug. 15, 1989

**TRADEMARK
PRINCIPAL REGISTER**

MCCHILI

**MCDONALD'S CORPORATION (DELAWARE
CORPORATION)
MCDONALD'S PLAZA
OAK BROOK, IL 60521**

**FIRST USE 5-20-1988; IN COMMERCE
5-20-1988.**

SER. NO. 766,206, FILED 11-23-1988.

**FOR: CHILI FOR CONSUMPTION ON AND
OFF THE PREMISES, IN CLASS 29 (U.S. CL. 46).**

**HOPE HAMMILL REH, EXAMINING ATTOR-
NEY**



Nº 1541797

THE UNITED STATES OF AMERICA

CERTIFICATE OF REGISTRATION

This is to certify that the records of the Patent and Trademark Office show that an application was filed in said Office for registration of the Mark shown herein, a copy of said Mark and pertinent data from the Application being annexed hereto and made a part hereof,

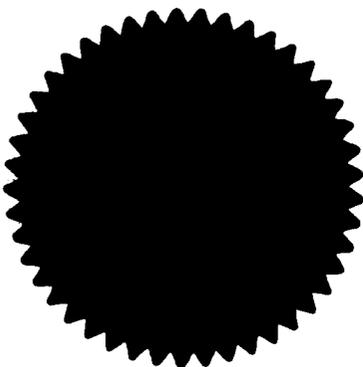
And there having been due compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks,

Upon examination, it appeared that the applicant was entitled to have said Mark registered under the Trademark Act of 1946, and the said Mark has been duly registered this day in the Patent and Trademark Office on the

PRINCIPAL REGISTER

to the registrant named herein.

This registration shall remain in force for Twenty Years unless sooner terminated as provided by law.



In testimony Whereof I have hereunto set my hand and caused the seal of the Patent and Trademark Office to be affixed this thirtieth day of May, 1989.

A handwritten signature in cursive script, appearing to read "Ronald J. Zigg".

Commissioner of Patents and Trademarks

Int. Cl.: 32

Prior U.S. Cl.: 45

United States Patent and Trademark Office

Reg. No. 1,541,797

Registered May 30, 1989

**TRADEMARK
PRINCIPAL REGISTER**

MCCOLA

**MCDONALD'S CORPORATION (DELAWARE
CORPORATION)
MCDONALD'S PLAZA
OAK BROOK, IL 60521**

**FIRST USE 11-18-1987; IN COMMERCE
11-18-1987.**

SER. NO. 705,258, FILED 1-19-1988.

**FOR: SOFT DRINKS FOR CONSUMPTION
ON OR OFF THE PREMISES, IN CLASS 32 (U.S.
CL. 45).**

**ROBERT F. GARCIA, EXAMINING ATTOR-
NEY**

✓
The United States of America



CERTIFICATE OF RENEWAL

The registration shown in this certificate has been renewed in the United States Patent and Trademark Office to the named registrant.

The records of the United States Patent and Trademark Office show that an application for renewal of the registration for the mark shown in this certificate was filed in the Office, that the application was examined and determined to be in compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks, and that the registrant is entitled to renewal of the registration for the mark under the Trademark Act of 1946, as Amended.

A copy of the mark and pertinent data from the registration are a part of this certificate.

This registration shall remain in force for TEN (10) years, unless terminated earlier as provided by law.



J. Todd Tschumi

Acting Commissioner of Patents and Trademarks

Maintenance Requirements

Section 9: This registration will expire by law after ten (10) years, *UNLESS, before the end of the tenth year following the date of renewal shown on this certificate*, the registrant files in the U.S. Patent and Trademark Office an application for renewal of the registration as required by Section 9 of the Trademark Act of 1946, 15 U.S.C. §1059, as Amended. **It is recommended that the registrant contact the Patent and Trademark Office approximately nine years after the date shown on this renewal to determine the necessary requirements and fees for filing a Section 9 application for renewal that are in effect at that time.** Currently a fee and a specimen showing how the mark is used in commerce are required for *each* class of goods and/or services identified in the certificate of renewal and both must be enclosed with the application for renewal.

Int. Cl.: 29

Prior U.S. Cl.: 46

Reg. No. 1,118,362

United States Patent and Trademark Office

Registered May 15, 1979

10 Year Renewal

Renewal Term Begins May 15, 1999

TRADEMARK
PRINCIPAL REGISTER

McPIZZA

MCDONALD'S CORPORATION (DELA-
WARE CORPORATION)
ONE MCDONALD'S PLAZA
OAK BROOK, IL 60523-190

FOR: PREPARED FOOD PRODUCT
CONSISTING PRINCIPALLY OF

CHEESE, TOMATO, AND SEASONINGS
TO BE USED ON TOAST, IN CLASS 29
(U.S. CL. 46).

FIRST USE 8-30-1976; IN COMMERCE
8-30-1976.

SER. NO. 73-100,829, FILED 9-23-1976.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Nov. 30, 1999.*

DMC ENTERED
Date: 6-9-05
Entered by: MD



Nº 1118362

THE UNITED STATES OF AMERICA

CERTIFICATE OF REGISTRATION

This is to certify that the records of the Patent and Trademark Office show that an application was filed in said Office for registration of the Mark shown herein, a copy of said Mark and pertinent data from the Application being annexed hereto and made a part hereof,

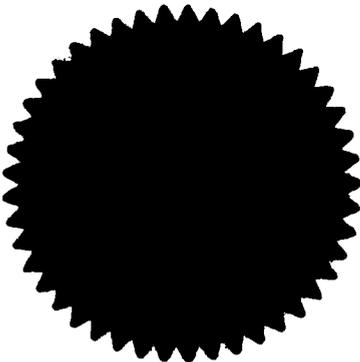
And there having been due compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks,

Upon examination, it appeared that the applicant was entitled to have said Mark registered under the Trademark Act of 1946, and the said Mark has been duly registered this day in the Patent and Trademark Office on the

PRINCIPAL REGISTER

to the registrant named herein.

This registration shall remain in force for Twenty Years unless sooner terminated as provided by law.



In Testimony Whereof I have hereunto set my hand and caused the seal of the Patent and Trademark Office to be affixed this fifteenth day of May, 1979.

Donald W. Banner

COMMISSIONER OF PATENTS AND TRADEMARKS

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 1,118,362
Registered May 15, 1979

TRADEMARK

Principal Register

McPIZZA

McDonald's Corporation (Delaware corporation)
McDonald's Plaza
Oak Brook, Ill. 60521, assignee of
Specialty Brands Incorporated (Delaware corporation)
San Francisco, Calif.

For: PREPARED FOOD PRODUCT CONSISTING
PRINCIPALLY OF CHEESE, TOMATO, AND SEA-
SONINGS TO BE USED ON TOAST, in CLASS 29
(U.S. CL. 46).

First use Aug. 30, 1976; in commerce Aug. 30, 1976.

Ser. No. 100,829, filed Sept. 23, 1976.

JOHN C. DEMOS, Supervisory Examiner

A. G. DIETZ, Examiner

The United States of America



RECEIVED
1995
LEGAL DEPT

CERTIFICATE OF REGISTRATION

This is to certify that the records of the Patent and Trademark Office show that an application was filed in said Office for registration of the Mark shown herein, a copy of said Mark and pertinent data from the Application being annexed hereto and made a part hereof,

And there having been due compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks,

Upon examination, it appeared that the applicant was entitled to have said Mark registered under the Trademark Act of 1946, as amended, and the said Mark has been duly registered this day in the Patent and Trademark Office on the

PRINCIPAL REGISTER

to the registrant named herein.

This registration shall remain in force for TEN years unless sooner terminated as provided by law.

In Testimony whereof I have hereunto set my hand and caused the seal of the Patent and Trademark Office to be affixed this nineteenth day of December 1995.



Bence Lehman

Commissioner of Patents and Trademarks

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 1,943,180
Registered Dec. 19, 1995

**SERVICE MARK
PRINCIPAL REGISTER**

MCCOFFEE

**MCDONALD'S CORPORATION (DELAWARE
CORPORATION)
ONE MCDONALD'S PLAZA
OAK BROOK, IL 60521**

**FIRST USE 0-0-1976; IN COMMERCE
0-0-1976.**

SN 74-477,067, FILED 1-6-1994.

**FOR: RESTAURANT SERVICES, IN CLASS
42 (U.S. CLS. 100 AND 101).**

CAROLYN GRAY, EXAMINING ATTORNEY