

ESTTA Tracking number: **ESTTA366110**

Filing date: **09/01/2010**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Burger King Corporation
Granted to Date of previous extension	09/01/2010
Address	5505 Blue Lagoon Drive, 8th Floor Miami, FL 33126 UNITED STATES
Attorney information	Ann K. Ford DLA Piper LLP (US) 500 8th Street, NW Washington, DC 20004 UNITED STATES Ann.Ford@dlapiper.com, Thomas.Zutic@dlapiper.com, John.Nading@dlapiper.com, David.Huff@dlapiper.com Phone:2027994000

Applicant Information

Application No	77821245	Publication date	05/04/2010
Opposition Filing Date	09/01/2010	Opposition Period Ends	09/01/2010
Applicant	Yogo Cafe, Inc 8 Purdy Ave Rye, NY 10580 UNITED STATES		

Goods/Services Affected by Opposition

Class 043. First Use: 2009/08/01 First Use In Commerce: 2009/08/01
All goods and services in the class are opposed, namely: Self-service restaurants featuring frozen yogurt with various fruit and dry toppings

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2150854	Application Date	04/15/1997
Registration Date	04/14/1998	Foreign Priority Date	NONE
Word Mark	DRINK IT YOUR WAY		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 1995/06/09 First Use In Commerce: 1995/06/09 soft drinks of all varieties

U.S. Registration No.	2150855	Application Date	04/15/1997
Registration Date	04/14/1998	Foreign Priority Date	NONE
Word Mark	DRINK IT YOUR WAY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1995/06/09 First Use In Commerce: 1995/06/09 restaurant and carry out food services		

U.S. Registration No.	961016	Application Date	01/26/1972
Registration Date	06/12/1973	Foreign Priority Date	NONE
Word Mark	HAVE IT YOUR WAY		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class U045 (International Class 032). First use: First Use: 1971/07/28 First Use In Commerce: 1971/07/28 [SOFT DRINKS]</p> <p>Class U046 (International Class 029, 030, 031). First use: First Use: 1971/07/28 First Use In Commerce: 1971/07/28 HAMBURGERS, STEAK AND FISH SANDWICHES, CHICKEN, HOT DOGS, FRENCH FRIED POTATOES, ICE CREAM, HARD CANDY ON A STICK AND THICK SHAKES</p> <p>Class U100 (International Class 042). First use: First Use: 1971/07/28 First Use In Commerce: 1971/07/28 RESTAURANT SERVICES</p>		

U.S. Registration No.	3206125	Application Date	04/10/2006
Registration Date	02/06/2007	Foreign Priority Date	NONE
Word Mark	HAVE IT YOUR WAY		

Design Mark	<h1>HAVE IT YOUR WAY</h1>		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2005/10/11 First Use In Commerce: 2005/11/01 Charitable fund-raising		

U.S. Registration No.	3206301	Application Date	05/24/2006
Registration Date	02/06/2007	Foreign Priority Date	NONE
Word Mark	HAVE IT YOUR WAY		
Design Mark	<h1>HAVE IT YOUR WAY</h1>		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2004/11/17 First Use In Commerce: 2004/11/17 Magnetically encoded electronic debit and stored-value cards		

U.S. Registration No.	3206302	Application Date	05/24/2006
Registration Date	02/06/2007	Foreign Priority Date	NONE
Word Mark	HAVE IT YOUR WAY		

Design Mark	HAVE IT YOUR WAY		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2004/11/17 First Use In Commerce: 2004/11/17 Financial services, namely, issuing debit and stored value cards		

U.S. Registration No.	1081348	Application Date	12/04/1975
Registration Date	01/03/1978	Foreign Priority Date	NONE
Word Mark	HAVE IT YOUR WAY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1973/10/01 First Use In Commerce: 1973/10/01 RESTAURANT AND CARRY-OUT RESTAURANT FOOD SERVICES		

U.S. Registration No.	3009139	Application Date	03/06/2003
Registration Date	10/25/2005	Foreign Priority Date	NONE
Word Mark	LIVE LIFE YOUR WAY		
Design Mark	LIVE LIFE YOUR WAY		
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 2004/11/01 First Use In Commerce: 2004/11/01 RESTAURANT SERVICES		

U.S. Registration No.	3048385	Application Date	01/24/2005
Registration Date	01/24/2006	Foreign Priority Date	NONE
Word Mark	PAY IT YOUR WAY		
Design Mark	PAY IT YOUR WAY		
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 2004/11/17 First Use In Commerce: 2004/11/17 RESTAURANT SERVICES		

U.S. Registration No.	2636676	Application Date	09/27/2000
Registration Date	10/15/2002	Foreign Priority Date	NONE
Word Mark	SIZE IT YOUR WAY		
Design Mark	SIZE IT YOUR WAY		
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2002/03/13 First Use In Commerce: 2002/03/13 Restaurant Services		

U.S. Registration No.	3401085	Application Date	06/19/2007
Registration Date	03/25/2008	Foreign Priority Date	NONE
Word Mark	STAY CONNECTED YOUR WAY		
Design Mark	STAY CONNECTED YOUR WAY		
Description of Mark	NONE		

Goods/Services	Class 041. First use: First Use: 2007/01/01 First Use In Commerce: 2007/01/01 Electronic publications recorded on computer media, namely, providing an online newsletter concerning restaurants
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U.S. Application No.	77867948	Application Date	11/09/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	GO PLAY YOUR WAY AT BK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: Providing Children's play ground facilities for recreation activities		

U.S. Application No.	85054673	Application Date	06/04/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	YOUR WHOPPER YOUR WAY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 2010/03/11 First Use In Commerce: 2010/03/11 Restaurant Services		

Attachments	78857691#TMSN.jpeg (1 page)(bytes) 78892108#TMSN.jpeg (1 page)(bytes) 78892121#TMSN.jpeg (1 page)(bytes) 73070797#TMSN.gif (1 page)(bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Ann K. Ford/
Name	Ann K. Ford
Date	09/01/2010

(2) Burger King is a world-famous, leading provider of restaurant and fast-food goods and services. In connection therewith, Burger King uses in interstate commerce and owns several distinctive United States trademark registrations and applications, including United States Trademark Registration Nos. 2,150,854, 2,150,855, 961,016, 3,206,125, 3,206,301, 3,206,302, 1,081,348, 3,009,139, 3,048,385, 2,636,676, 3,401,085, and United States Trademark Application Serial Nos. 77/867,948 and 85/054,673 (collectively, hereinafter the “YOUR WAY Marks”), for use in connection with food and restaurant goods and services, and related goods and services (hereinafter “Burger King Goods & Services”). The aforesaid trademark registrations are valid, subsisting, unrevoked and uncanceled, and provide conclusive evidence of Burger King’s right to use the YOUR WAY Marks in commerce. Attached hereto and made part of the record are true and correct copies of the United States Certificates of Registration and TESS print-outs for the above-referenced trademark registrations. (See Exhibit A).

(3) Registration of Burger King’s:

- (a) DRINK IT YOUR WAY (Reg. No. 2,150,854) issued on April 14, 1998;
- (b) DRINK IT YOUR WAY (Reg. No. 2,150,855) issued on April 14, 1998;
- (c) HAVE IT YOUR WAY (Reg. No. 961,016) issued on June 12, 1973;
- (d) HAVE IT YOUR WAY (Reg. No. 3,206,125) issued on February 6, 2007;
- (e) HAVE IT YOUR WAY (Reg. No. 3,206,301) issued on February 6, 2007;
- (f) HAVE IT YOUR WAY (Reg. No. 3,206,302) issued on February 6, 2007;
- (g) HAVE IT YOUR WAY (Stylized) (Reg. No. 1,081,348) issued on January 3, 1978;
- (h) LIVE LIFE YOUR WAY (Reg. No. 3,009,139) issued on October 25, 2005;

- (i) PAY IT YOUR WAY (Reg. No. 3,048,385) issued on January 24, 2006;
- (j) SIZE IT YOUR WAY (Reg. No. 2,636,676) issued on October 15, 2002;
- (k) STAY CONNECTED YOUR WAY (Reg. No. 3,401,085) issued on March 25, 2008; and

United States Trademark Application GO PLAY YOUR WAY AT BK (App. Serial No. 77/867,948), filed on November 9, 2009, and a Notice of Allowance issued on May 25, 2010, and YOUR WHOPPER YOUR WAY (App. Serial No. 85/054,673), filed on June 4, 2010, clearly establish that Burger King has senior service mark rights in its family of YOUR WAY Marks and consequently there is no question of priority of rights, as such priority clearly belongs to Burger King.

(4) Burger King's United States Trademark Registration Nos. 2,150,854, 2,150,855, 961,016, 1,081,348, and 2,636,676 are valid and incontestable under Section 15 of the Lanham Act, 15 U.S.C. § 1065, and are therefore conclusive evidence of the validity of the registered marks and of the registration of the marks, of Burger King's ownership of the marks, and of Burger King's exclusive right to use the registered marks in commerce under Section 33 of the Lanham Act, 15 U.S.C. § 1115.

(5) Burger King owns five trademark registrations for the HAVE IT YOUR WAY Mark, with a date of first use at least as early as 1971.

(6) Burger King has extensively used the YOUR WAY Marks and has advertised, promoted, and offered the Burger King Goods & Services under the YOUR WAY Marks in interstate commerce through various channels of trade. As a result, Burger King's customers, potential customers, and the public in general have come to know and recognize the YOUR WAY Marks as identifying the Burger King Goods & Services as goods and services of the

highest quality offered by Burger King, and associate the YOUR WAY Marks with the Burger King Goods & Services. Burger King has thus built up extensive and invaluable goodwill in connection with the sale of its goods and services offered under its YOUR WAY Marks.

(7) Notwithstanding Burger King's exclusive and long-standing rights in and to the YOUR WAY Marks, on September 7, 2009, Applicant, a New York corporation having an address at 8 Purdy Avenue, Rye, New York 10580, filed a use-based application under Section 1(a) of the Lanham Act, 15 U.S.C. § 1051(a), with the USPTO for registration of the service mark YOGOJOY YOGO YOUR WAY. & Design, with a claimed date of first use of August 1, 2009 (hereinafter "Application"). The Application was assigned Serial No. 77/821,245. Burger King's federal registrations for the YOUR WAY Marks issued as early as June 12, 1973, with a date of first use at least as early as 1971; therefore, there is no issue as to priority as Burger King has prior rights.

(8) Upon information and belief, Applicant made no use of its alleged service mark in commerce prior to the claimed date of first use in the Application.

(9) Upon information and belief, Applicant knew or had reason to know of Burger King's YOUR WAY Marks when Applicant filed the Application.

(10) Burger King has used its YOUR WAY Marks continuously on or in connection with the Burger King Goods & Services in interstate commerce prior to the filing date of Applicant's Application and alleged date of first use.

LIKELIHOOD OF CONFUSION
Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d)

(11) Burger King re-alleges the allegations contained in Paragraphs 1 through 10 of this Notice of Opposition.

(12) The service mark that Applicant seeks to register so resembles Burger King's YOUR WAY Marks in appearance, sound, meaning, and commercial impression that the use and registration thereof is likely to cause confusion, mistake, and deception as to the source or origin of Applicant's services in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), and will injure and damage Burger King and the goodwill and reputation symbolized by Burger King's YOUR WAY Marks.

(13) The services of Applicant offered under the Application are so related to the goods and services offered under Burger King's YOUR WAY Marks that the public is likely to be confused, deceived, and to assume erroneously that Applicant's services are those of Burger King or that Applicant is in some way connected with, licensed, or sponsored by or affiliated with Burger King, all to Burger King's irreparable damage.

(14) Likelihood of confusion is enhanced by the fact that the YOUR WAY Marks are strong, famous, well-known, and entitled to a broad scope of protection.

(15) Likelihood of confusion is also enhanced by the fact that Applicant's alleged mark YOGOJOY YOGO YOUR WAY. & Design and Burger King's YOUR WAY Marks both incorporate the key component "YOUR WAY" and because the services identified by Applicant's alleged service mark are identical to the Burger King Goods & Services.

(16) Likelihood of confusion is further enhanced by the fact that Applicant's alleged mark YOGOJOY YOGO YOUR WAY. & Design and Burger King's YOUR WAY Marks are virtually indistinguishable in that they both convey the precise same meaning.

(17) Likelihood of confusion is even further enhanced by the fact that the Parties will likely market their goods and services in the same or similar channels of trade.

(18) Applicant is not affiliated or connected with Burger King and has not been endorsed or sponsored by Burger King, nor has Burger King approved any of the services offered or sold or intended to be sold by Applicant under its alleged service mark.

(19) Applicant has never sought or obtained Burger King's permission to use the alleged mark YOGOJOY YOGO YOUR WAY. & Design, nor has Burger King approved any of the services offered by Applicant under the alleged mark YOGOJOY YOGO YOUR WAY. & Design.

(20) Burger King's United States Trademark Registrations identified above provide, at the very least, constructive notice to Applicant of Burger King's rights in and to the YOUR WAY Marks.

DILUTION BY BLURRING
Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c)

(21) Burger King re-alleges the allegations contained in Paragraphs 1 through 20 of this Notice of Opposition.

(22) For several years, Burger King's YOUR WAY Marks have been widely used and extensively advertised in the United States and internationally. As a result, the YOUR WAY Marks have become well-known and famous as a distinctive symbol of the Burger King Goods & Services and goodwill.

(23) Burger King's famous YOUR WAY Marks became well-known and famous before Applicant made any use of or applied to register the alleged mark YOGOJOY YOGO YOUR WAY. & Design.

(24) Applicant's alleged mark YOGOJOY YOGO YOUR WAY. & Design is likely to cause dilution by blurring of the distinctive quality of Burger King's famous YOUR WAY Marks.

(25) Use and registration of Applicant's alleged mark YOGOJOY YOGO YOUR WAY. & Design will lessen the capacity of Burger King's famous YOUR WAY Marks to identify and distinguish the Burger King Goods & Services.

If Applicant obtains such rights as conferred under the Principal Register of the Lanham Act, it will obtain at least a *prima facie* exclusive right to use its alleged service mark, and Burger King will be subjected to great and irreparable damage, and Applicant will enjoy unlawful gain and advantage to which it is not entitled under the Lanham Act.

WHEREFORE, Burger King believes and avers that it is being, and will continue to be, damaged by the registration of the Application, and respectfully requests that the Application be rejected, that no registration be issued thereon to Applicant, and that the Opposition be sustained in favor of Burger King.

Burger King hereby appoints Ann K. Ford, a member of the Bar of the District of Columbia, Thomas E. Zutic, a member of the Bar of the District of Columbia, Ryan C. Compton, a member of the Bar of the District of Columbia, John M. Nading, a member of the Bar of the District of Columbia, David M. Kramer, a member of the Bar of Maryland, and Radiance Walters, a member of the Bar of Maryland, and all of the law firm of DLA Piper LLP (US), 500 8th Street, N.W., Washington, D.C. 20004, telephone number (202) 799-4000, to transact all business in the USPTO in connection with this Opposition Proceeding and hereby revokes all previous powers of attorney herein.

Please address all correspondence to:

Ann K. Ford, Esq.
DLA Piper LLP (US)
500 8th Street, N.W.
Washington, D.C. 20004
dctrademarks@dlapiper.com

The filing fee for this opposition, in the amount of \$300.00, is hereby electronically transferred with the submission of the Notice of Opposition.

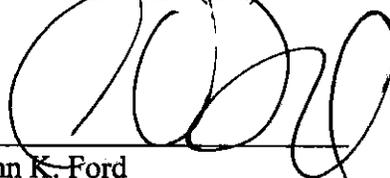
The undersigned, registered agent for Burger King herein, states that she is authorized to prosecute this Opposition, that she has read and signed the foregoing NOTICE OF OPPOSITION and knows the contents thereof, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of this Opposition and any decision resulting therefrom.

Dated: September 1, 2010

Respectfully submitted,

DLA PIPER-LLP (US)

By:



Ann K. Ford
Thomas E. Zutic
John M. Nading
500 8th Street, N.W.
Washington, D.C. 20004
Tel. 202-799-4000
Fax 202-799-5000

*Attorneys for Opposer
Burger King Corporation*

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing **NOTICE OF OPPOSITION** was served via U.S. First Class mail, postage prepaid, and properly addressed to Applicant's correspondent of record:

Yogo Cafe, Inc.
8 Purdy Avenue
Rye, New York 10580

this 1st day of September, 2010.



Ann K. Ford
Attorney for Opposer

EXHIBIT A

Int. Cl.: 32

Prior U.S. Cls.: 45, 46 and 48

Reg. No. 2,150,854

United States Patent and Trademark Office

Registered Apr. 14, 1998

**TRADEMARK
PRINCIPAL REGISTER**

DRINK IT YOUR WAY

**BURGER KING BRANDS, INC. (DELAWARE
CORPORATION)
818 WASHINGTON STREET
WILMINGTON, DE 19801**

**FIRST USE 6-9-1995; IN COMMERCE
6-9-1995.**

**OWNER OF U.S. REG. NOS. 961,016, 1,057,976,
AND 1,081,348.**

**FOR: SOFT DRINKS OF ALL VARIETIES, IN
CLASS 32 (U.S. CLS. 45, 46 AND 48).**

SER. NO. 75-274,944, FILED 4-15-1997.

KAREN M. STRYZ, EXAMINING ATTORNEY



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Typed Drawing

Word Mark	DRINK IT YOUR WAY
Goods and Services	IC 032. US 045 046 048. G & S: soft drinks of all varieties. FIRST USE: 19950609. FIRST USE IN COMMERCE: 19950609
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75274944
Filing Date	April 15, 1997
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	January 20, 1998
Registration Number	2150854
Registration Date	April 14, 1998
Owner	(REGISTRANT) BURGER KING BRANDS, INC. CORPORATION DELAWARE 5505 Blue Lagoon Drive Miami FLORIDA 33126 (LAST LISTED OWNER) BURGER KING CORPORATION CORPORATION FLORIDA 5505 BLUE LAGOON DRIVE 8TH FLOOR, LEGAL DEPARTMENT MIAMI FLORIDA 33126
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Marlene Gordon
Prior Registrations	0961016;1057976;1081348
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20080206.
Renewal	1ST RENEWAL 20080206

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Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

Reg. No. 2,150,855

United States Patent and Trademark Office

Registered Apr. 14, 1998

**SERVICE MARK
PRINCIPAL REGISTER**

DRINK IT YOUR WAY

**BURGER KING BRANDS, INC. (DELAWARE
CORPORATION)
818 WASHINGTON STREET
WILMINGTON, DE 19801**

**FIRST USE 6-9-1995; IN COMMERCE
6-9-1995.**

**OWNER OF U.S. REG. NOS. 961,016, 1,057,976,
AND 1,081,348.**

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

SER. NO. 75-274,945, FILED 4-15-1997.

KAREN M. STRYZ, EXAMINING ATTORNEY



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Typed Drawing

Word Mark	DRINK IT YOUR WAY
Goods and Services	IC 042. US 100 101. G & S: restaurant and carry out food services. FIRST USE: 19950609. FIRST USE IN COMMERCE: 19950609
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75274945
Filing Date	April 15, 1997
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	January 20, 1998
Registration Number	2150855
Registration Date	April 14, 1998
Owner	(REGISTRANT) BURGER KING BRANDS, INC. CORPORATION DELAWARE 5505 Blue Lagoon Drive Miami FLORIDA 33126 (LAST LISTED OWNER) BURGER KING CORPORATION CORPORATION FLORIDA 5505 BLUE LAGOON DRIVE 8TH FLOOR, LEGAL DEPARTMENT MIAMI FLORIDA 33126
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Marlene Gordon
Prior Registrations	0961016;1057976;1081348
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20080206.
Renewal	1ST RENEWAL 20080206

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PRINCIPAL REGISTER
Trademark
Service Mark

Ser. No. 413,798, filed Jan. 26, 1972

HAVE IT YOUR WAY

Burger Chef Systems, Inc. (Indiana corporation), doing
business as Burger Chef Unlimited
1348 W. 16th St.
Indianapolis, Ind. 46202

For: SOFT DRINKS, in CLASS 45 (INT. CL. 32).

For: HAMBURGERS, STEAK AND FISH SAND-
WICHES, CHICKEN, HOT DOGS, FRENCH FRIED
POTATOES, ICE CREAM, HARD CANDY ON A
STICK AND THICK SHAKES, in CLASS 46 (INT.
CLS. 29, 30 and 31).

For: RESTAURANT SERVICES, in CLASS 100
(INT. CL. 42).

First use July 28, 1971; in commerce July 28, 1971.

J. C. DEMOS, Examiner



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Typed Drawing

Word Mark HAVE IT YOUR WAY
Goods and Services IC 032. US 045. G & S: [SOFT DRINKS]. FIRST USE: 19710728. FIRST USE IN COMMERCE: 19710728
 IC 029 030 031. US 046. G & S: HAMBURGERS, STEAK AND FISH SANDWICHES, CHICKEN, HOT DOGS, FRENCH FRIED POTATOES, ICE CREAM, HARD CANDY ON A STICK AND THICK SHAKES. FIRST USE: 19710728. FIRST USE IN COMMERCE: 19710728
 IC 042. US 100. G & S: RESTAURANT SERVICES. FIRST USE: 19710728. FIRST USE IN COMMERCE: 19710728

Mark Drawing Code (1) TYPED DRAWING
Serial Number 72413798
Filing Date January 26, 1972
Current Filing Basis 1A
Original Filing Basis 1A
Change In Registration CHANGE IN REGISTRATION HAS OCCURRED
Registration Number 0961016
International Registration Number 1024611
Registration Date June 12, 1973
Owner (REGISTRANT) BURGER CHEF SYSTEMS, INC. DBA BURGER CHEF UNLIMITED CORPORATION INDIANA 1348 W. 16TH ST. INDIANAPOLIS INDIANA 46202
 (LAST LISTED OWNER) BURGER KING CORPORATION CORPORATION FLORIDA 5505 BLUE LAGOON DRIVE 8TH FLOOR, LEGAL DEPARTMENT MIAMI FLORIDA 33126

Assignment

Recorded ASSIGNMENT RECORDED
Attorney of Record Marlene Gordon
Type of Mark TRADEMARK, SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15, SECT 8 (6-YR), SECTION 8(10-YR) 20030501.
Renewal 2ND RENEWAL 20030501
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Int. Cl.: 36

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,206,125

Registered Feb. 6, 2007

**SERVICE MARK
PRINCIPAL REGISTER**

HAVE IT YOUR WAY

**BURGER KING BRANDS, INC. (DELAWARE
CORPORATION)
5505 BLUE LAGOON DRIVE
MIAMI, FL 33126**

**FOR: CHARITABLE FUND-RAISING, IN CLASS
36 (U.S. CLS. 100, 101 AND 102).**

FIRST USE 10-11-2005; IN COMMERCE 11-1-2005.

**THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.**

**OWNER OF U.S. REG. NOS. 961,016, 1,081,348 AND
OTHERS.**

SER. NO. 78-857,691, FILED 4-10-2006.

CYNTHIA SLOAN, EXAMINING ATTORNEY


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HAVE IT YOUR WAY

Word Mark HAVE IT YOUR WAY
Goods and Services IC 036, US 100 101 102, G & S: Charitable fund-raising, FIRST USE: 20051011, FIRST USE IN COMMERCE: 20051101
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 78857691
Filing Date April 10, 2006
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition November 21, 2006
Registration Number **3206125**
Registration Date February 6, 2007
Owner (REGISTRANT) Burger King Brands, Inc. CORPORATION DELAWARE 5505 Blue Lagoon Drive Miami FLORIDA 33126
 (LAST LISTED OWNER) BURGER KING CORPORATION CORPORATION FLORIDA 5505 BLUE LAGOON DRIVE 8TH FLOOR, LEGAL DEPARTMENT MIAMI FLORIDA 33126
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Marlene Gordon
Prior Registrations 0961016;1057976;1081348;AND OTHERS

Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 3,206,301

Registered Feb. 6, 2007

**TRADEMARK
PRINCIPAL REGISTER**

HAVE IT YOUR WAY

**BURGER KING BRANDS, INC. (DELAWARE
CORPORATION)
5505 BLUE LAGOON DRIVE
MIAMI, FL 33126**

**FOR: MAGNETICALLY ENCODED ELECTRO-
NIC DEBIT AND STORED-VALUE CARDS, IN
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).**

FIRST USE 11-17-2004; IN COMMERCE 11-17-2004.

**THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.**

**OWNER OF U.S. REG. NOS. 961,016, 1,057,976,
AND 1,081,348.**

SER. NO. 78-892,108, FILED 5-24-2006.

CYNTHIA SLOAN, EXAMINING ATTORNEY

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HAVE IT YOUR WAY

Word Mark HAVE IT YOUR WAY

Goods and Services IC 009. US 021 023 026 036 038. G & S: Magnetically encoded electronic debit and stored-value cards. FIRST USE: 20041117. FIRST USE IN COMMERCE: 20041117

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78892108

Filing Date May 24, 2006

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition November 21, 2006

Registration Number 3206301

Registration Date February 6, 2007

Owner (REGISTRANT) Burger King Brands, Inc. CORPORATION DELAWARE 5505 Blue Lagoon Drive Miami FLORIDA 33126

(LAST LISTED OWNER) BURGER KING CORPORATION CORPORATION FLORIDA 5505 BLUE LAGOON DRIVE 8TH FLOOR, LEGAL DEPARTMENT MIAMI FLORIDA 33126

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Marlene Gordon

Prior Registrations 0961016;1057976;1081348

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Int. Cl.: 36

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 3,206,302

United States Patent and Trademark Office

Registered Feb. 6, 2007

**SERVICE MARK
PRINCIPAL REGISTER**

HAVE IT YOUR WAY

BURGER KING BRANDS, INC. (DELAWARE
CORPORATION)

5505 BLUE LAGOON DRIVE

MIAMI, FL 33126

FOR: FINANCIAL SERVICES, NAMELY, ISSU-
ING DEBIT AND STORED VALUE CARDS, IN
CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 11-17-2004; IN COMMERCE 11-17-2004.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 961,016, 1,057,976,
AND 1,081,348.

SER. NO. 78-892,121, FILED 5-24-2006.

CYNTHIA SLOAN, EXAMINING ATTORNEY



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HAVE IT YOUR WAY

Word Mark HAVE IT YOUR WAY
Goods and Services IC 036. US 100 101 102. G & S: Financial services, namely, issuing debit and stored value cards. FIRST USE: 20041117. FIRST USE IN COMMERCE: 20041117
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 78892121
Filing Date May 24, 2006
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition November 21, 2006
Registration Number 3206302
Registration Date February 6, 2007
Owner (REGISTRANT) Burger King Brands, Inc. CORPORATION DELAWARE 5505 Blue Lagoon Drive Miami FLORIDA 33126

(LAST LISTED OWNER) BURGER KING CORPORATION CORPORATION FLORIDA 5505 BLUE LAGOON DRIVE 8TH FLOOR, LEGAL DEPARTMENT MIAMI FLORIDA 33126
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Marlene Gordon
Prior Registrations 0961016;1057976;1081348
Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Int. Cl.: 42

Prior U.S. Cl.: 100

United States Patent Office

Reg. No. 1,081,348
Registered Jan. 3, 1978

SERVICE MARK

Principal Register

**Have it
your
way**

Burger King Corporation (Florida corporation)
7360 N. Kendall Drive
Miami, Fla. 33156

For: RESTAURANT AND CARRY-OUT RESTAURANT FOOD SERVICES, in CLASS 42 (U.S. CL. 100).
First use at least as early as Oct. 1, 1973; in commerce at least as early as Oct. 1, 1973.
Owner of Reg. Nos. 961,016 and others.

Ser. No. 70,797, filed Dec. 4, 1975.

D. M. SOROKA, Examiner



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Word Mark	HAVE IT YOUR WAY
Goods and Services	IC 042. US 100. G & S: RESTAURANT AND CARRY-OUT RESTAURANT FOOD SERVICES. FIRST USE: 19731001. FIRST USE IN COMMERCE: 19731001
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	73070797
Filing Date	December 4, 1975
Current Filing Basis	1A
Original Filing Basis	1A
Registration Number	1081348
Registration Date	January 3, 1978
Owner	(REGISTRANT) BURGER KING CORPORATION CORPORATION FLORIDA 7360 N. KENDALL DRIVE MIAMI FLORIDA 33156 (LAST LISTED OWNER) BURGER KING CORPORATION CORPORATION FLORIDA 5505 BLUE LAGOON DRIVE 8TH FLOOR, LEGAL DEPARTMENT MIAMI FLORIDA 33126
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Marlene Gordon
Prior Registrations	0961016;AND OTHERS
Type of Mark	SERVICE MARK

Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20071124.
Renewal 2ND RENEWAL 20071124
Live/Dead Indicator LIVE

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Int. Cl.: 43

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 3,009,139

Registered Oct. 25, 2005

**SERVICE MARK
PRINCIPAL REGISTER**

LIVE LIFE YOUR WAY

**BURGER KING BRANDS, INC. (DELAWARE
CORPORATION)
THE WATERFORD BUILDING
5505 BLUE LAGOON DRIVE
MIAMI, FL 33126**

FIRST USE 11-1-2004; IN COMMERCE 11-1-2004.

SN 76-495,166, FILED 3-6-2003.

**FOR: RESTAURANT SERVICES, IN CLASS 43
(U.S. CLS. 100 AND 101).**

GENE MACIOL, EXAMINING ATTORNEY



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Typed Drawing

Word Mark	LIVE LIFE YOUR WAY
Goods and Services	IC 043. US 100 101. G & S: RESTAURANT SERVICES. FIRST USE: 20041101. FIRST USE IN COMMERCE: 20041101
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76495166
Filing Date	March 6, 2003
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	November 4, 2003
Registration Number	3009139
Registration Date	October 25, 2005
Owner	(REGISTRANT) Burger King Brands, Inc. CORPORATION DELAWARE The Waterford Building 5505 Blue Lagoon Drive Miami FLORIDA 33126 (LAST LISTED OWNER) BURGER KING CORPORATION CORPORATION FLORIDA 5505 BLUE LAGOON DRIVE 8TH FLOOR, LEGAL DEPARTMENT MIAMI FLORIDA 33126
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Marlene Gordon
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Int. Cl.: 43

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 3,048,385

Registered Jan. 24, 2006

**SERVICE MARK
PRINCIPAL REGISTER**

PAY IT YOUR WAY

**BURGER KING BRANDS, INC. (DELAWARE
CORPORATION)
THE WATERFORD BUILDING
5505 BLUE LAGOON DRIVE
MIAMI, FL 33126**

**THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.**

**FOR: RESTAURANT SERVICES, IN CLASS 43
(U.S. CLS. 100 AND 101).**

SER. NO. 76-628,994, FILED 1-24-2005.

FIRST USE 11-17-2004; IN COMMERCE 11-17-2004.

LINDA ORNDORFF, EXAMINING ATTORNEY


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PAY IT YOUR WAY

Word Mark PAY IT YOUR WAY
Goods and Services IC 043. US 100 101. G & S: RESTAURANT SERVICES. FIRST USE: 20041117. FIRST USE IN COMMERCE: 20041117
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 76628994
Filing Date January 24, 2005
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition November 1, 2005
Registration Number **3048385**
Registration Date January 24, 2006
Owner (REGISTRANT) Burger King Brands, Inc. CORPORATION DELAWARE The Waterford Building 5505 Blue Lagoon Drive Miami FLORIDA 33126

 (LAST LISTED OWNER) BURGER KING CORPORATION CORPORATION FLORIDA 5505 BLUE LAGOON DRIVE 8TH FLOOR, LEGAL DEPARTMENT MIAMI FLORIDA 33126
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Marlene Gordon
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 2,636,676

Registered Oct. 15, 2002

**SERVICE MARK
PRINCIPAL REGISTER**

SIZE IT YOUR WAY

**BURGER KING BRANDS, INC. (DELAWARE
CORPORATION)
818 WASHINGTON STREET
WILMINGTON, DE 19801**

FIRST USE 3-13-2002; IN COMMERCE 3-13-2002.

SN 76-136,808, FILED 9-27-2000.

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

GEORGIA CARTY, EXAMINING ATTORNEY



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Typed Drawing

Word Mark	SIZE IT YOUR WAY
Goods and Services	IC 042. US 100 101. G & S: Restaurant Services. FIRST USE: 20020313. FIRST USE IN COMMERCE: 20020313
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76136808
Filing Date	September 27, 2000
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	November 13, 2001
Registration Number	2636676
Registration Date	October 15, 2002
Owner	(REGISTRANT) BURGER KING BRANDS, INC. CORPORATION DELAWARE 818 WASHINGTON STREET WILMINGTON DELAWARE 19801 (LAST LISTED OWNER) BURGER KING CORPORATION CORPORATION FLORIDA 5505 BLUE LAGOON DRIVE 8TH FLOOR, LEGAL DEPARTMENT MIAMI FLORIDA 33126
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Marlene Gordon
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

United States Patent and Trademark Office

Reg. No. 3,401,085

Registered Mar. 25, 2008

**SERVICE MARK
PRINCIPAL REGISTER**

STAY CONNECTED YOUR WAY

**BURGER KING BRANDS, INC. (DELAWARE
CORPORATION)
5505 BLUE LAGOON DRIVE
MIAMI, FL 33126**

FOR: ELECTRONIC PUBLICATIONS RECORDED ON COMPUTER MEDIA, NAMELY, PROVIDING AN ONLINE NEWSLETTER CONCERNING RESTAURANTS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 1-1-2007; IN COMMERCE 1-1-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-209,275, FILED 6-19-2007.

ERIN FALK, EXAMINING ATTORNEY



United States Patent and Trademark Office

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STAY CONNECTED YOUR WAY

Word Mark	STAY CONNECTED YOUR WAY
Goods and Services	IC 041. US 100 101 107. G & S: Electronic publications recorded on computer media, namely, providing an online newsletter concerning restaurants. FIRST USE: 20070101. FIRST USE IN COMMERCE: 20070101
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77209275
Filing Date	June 19, 2007
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	January 8, 2008
Registration Number	3401085
Registration Date	March 25, 2008
Owner	(REGISTRANT) Burger King Brands, Inc. CORPORATION DELAWARE 5505 Blue Lagoon Drive Miami FLORIDA 33126 (LAST LISTED OWNER) BURGER KING CORPORATION CORPORATION FLORIDA 5505 BLUE LAGOON DRIVE 8TH FLOOR, LEGAL DEPARTMENT MIAMI FLORIDA 33126
Assignment	ASSIGNMENT RECORDED

Recorded

Attorney of Record Marlene Gordon

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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GO PLAY YOUR WAY AT BK

Word Mark GO PLAY YOUR WAY AT BK
Goods and Services IC 041. US 100 101 107. G & S: Providing Children's play ground facilities for recreation activities
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 77867948
Filing Date November 9, 2009
Current Filing Basis 1B
Original Filing Basis 1B
Published for Opposition March 30, 2010
Owner (APPLICANT) BURGER KING CORPORATION CORPORATION FLORIDA 8th Floor, Legal Department 5505 Blue Lagoon Drive Miami FLORIDA 33126
Attorney of Record Cecelia M. Dempsey
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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YOUR WHOPPER YOUR WAY

Word Mark YOUR WHOPPER YOUR WAY
Goods and Services IC 043. US 100 101. G & S: Restaurant Services. FIRST USE: 20100311. FIRST USE IN COMMERCE: 20100311
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 85054673
Filing Date June 4, 2010
Current Filing Basis 1A
Original Filing Basis 1A
Owner (APPLICANT) BURGER KING CORPORATION CORPORATION FLORIDA 8th Floor, Legal Department 5505 BLUE LAGOON DRIVE Miami FLORIDA 33126
Attorney of Record CECELIA M. DEMPSEY
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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