

ESTTA Tracking number: **ESTTA435627**

Filing date: **10/13/2011**

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 parties oppose registration of the indicated application.

Opposers Information

Name	Red & White Foundation, the Bank of America, N.A., as trustee
Granted to Date of previous extension	10/19/2011
Address	231 S. LaSalle Street Chicago, IL 60697 UNITED STATES

Name	The Federated Group, Inc.
Granted to Date of previous extension	10/19/2011
Address	3025 W. Salt Creek Lane Arlington Heights, IL 60005 UNITED STATES

Attorney information	Joseph T, Nabor Fitch Even Tabin & Flannery 120 South LaSalle Street, Suite 1600 Chicago, IL 60603 UNITED STATES trademark@fitcheven.com Phone:312-577-7000
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Applicant Information

Application No	85226598	Publication date	06/21/2011
Opposition Filing Date	10/13/2011	Opposition Period Ends	10/19/2011
Applicant	Merrick Pet Care, Inc. P.O. Box 9800 Amarillo, TX 79105 UNITED STATES		

Goods/Services Affected by Opposition

Class 031. All goods and services in the class are opposed, namely: Pet food

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.	203957	Application Date	03/11/1925
Registration Date	09/29/1925	Foreign Priority Date	NONE
Word Mark	RED AND WHITE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U046 (International Class 001, 005, 029, 030, 031, 032). First use: First Use: 1910/01/01 First Use In Commerce: 1910/01/01 WHEAT FLOUR, MACARONI, FOOD-FLAVORING EXTRACTS, EGG NOODLES, COCOA, CATCHUP, PEANUT BUTTER, CANNED FRUITS-NAMELY, APPLES APRICOTS, [BLACKBERRIES, BLACK RASPBERRIES, BLUEBERRIES,] CHERRIES, [LOGANBERRIES,] PEACHES, PEARS, [RED RASPBERRIES;] CANNED VEGETABLES-NAMELY, BEETS, [RHUBARB,] CORN, LIMA BEANS, PEAS, [REFUGEE BEANS, SUCCOTACH,] TOMATOES, WAX BEANS; COFFEE		

U.S. Registration No.	719835	Application Date	05/05/1960
Registration Date	08/15/1961	Foreign Priority Date	NONE
Word Mark	RED & WHITE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U006 (International Class 003). First use: First Use: 1931/00/00 First Use In Commerce: 1931/00/00 Bleach		

U.S. Registration No.	720012	Application Date	05/05/1960
Registration Date	08/15/1961	Foreign Priority Date	NONE
Word Mark	RED & WHITE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U037 (International Class 016). First use: First Use: 1931/00/00 First Use In Commerce: 1931/00/00 Paper Towels, Facial Tissues, Toilet Paper, [Waxed Paper]and Napkins		

U.S. Registration No.	720117	Application Date	05/05/1960
Registration Date	08/15/1961	Foreign Priority Date	NONE
Word Mark	RED & WHITE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U052 (International Class 003). First use: First Use: 1931/00/00 First Use In Commerce: 1931/00/00 Household Detergent		

U.S. Registration No.	727335	Application Date	09/15/1960
Registration Date	02/06/1962	Foreign Priority Date	NONE
Word Mark	RED & WHITE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U101 (International Class 035). First use: First Use: 1910/00/00 First Use In Commerce: 1910/00/00 Retail Grocery Service		

U.S. Registration No.	728904	Application Date	05/05/1960
Registration Date	03/20/1962	Foreign Priority Date	NONE
Word Mark	RED & WHITE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U046 (International Class 029, 030, 032). First use: First Use: 1910/01/01 First Use In Commerce: 1910/01/01 Wheat Flour, Macaroni, Food Flavoring Extracts, Egg Noodles, Cocoa, Catsup, Peanut Butter, Canned Fruits, Canned Vegetables, Fats, Shortening and Cooking Oils of Vegetable Origin, Baking Mixtures-Namely, Pie Crust Mix, Pancake Mix, Buckwheat Mix and Biscuit Mix, Food Flavoring Syrup, Olives, Pickles, Unpopped Popcorn, Rice, Vinegar, Canned Fish, Canned Soup, Canned Meat, Canned Fruit Juices and Fruit Nectar, Condimental and Other Sauces, Condiments-Namely, Tomato Paste, Prepared Mustard, Mayonnaise Dressing and Seasoning Salts, Spices, Dried Fruits, Dehydrated Vegetables and Edible Herbs, Salad Dressing, Gelatine Dessert Powders, Candy, Tea, Butter, Fresh Eggs, Cheese, Ice Cream, Frozen Meat Pie Dinners, Frozen Fruits, Frozen Vegetables and Frozen Fruit Juices		

U.S. Registration No.	1028823	Application Date	03/18/1974
Registration Date	12/30/1975	Foreign Priority Date	NONE
Word Mark	RED & WHITE		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 030. First use: First Use: 1970/05/00 First Use In Commerce: 1970/05/00 SUGAR

U.S. Registration No.	1265469	Application Date	06/08/1981
Registration Date	01/31/1984	Foreign Priority Date	NONE
Word Mark	RED & WHITE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1971/05/27 First Use In Commerce: 1971/05/27 Hair Shampoo Class 005. First use: First Use: 1965/00/00 First Use In Commerce: 1965/00/00 Hydrogen Peroxide, Rubbing Alcohol and Cosmetic Puffs Class 029. First use: First Use: 1925/00/00 First Use In Commerce: 1925/00/00 Pork and Beans, Blueberry Preserves, Margarine, and Dairy Products Excluding Ice Cream, Ice Milk and Frozen Yogurt Class 030. First use: First Use: 1980/01/00 First Use In Commerce: 1980/01/00 Breakfast Cereal Class 031. First use: First Use: 1960/01/01 First Use In Commerce: 1960/01/01 Cat Food and Dog Food Class 032. First use: First Use: 1960/00/00 First Use In Commerce: 1960/00/00 Canned Vegetable Juice		

U.S. Registration No.	1267565	Application Date	04/14/1982
Registration Date	02/21/1984	Foreign Priority Date	NONE
Word Mark	RED & WHITE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1972/00/00 First Use In Commerce: 1972/00/00 [Baby Powder, Baby Oil and Skin Care Lotion] Class 005. First use: First Use: 1970/00/00 First Use In Commerce: 1970/00/00 [Air Freshener] Class 029. First use: First Use: 1970/00/00 First Use In Commerce: 1970/00/00 Vegetable Based Non-Dairy Whipped Topping and Frozen Turkey Class 030. First use: First Use: 1972/00/00 First Use In Commerce: 1972/00/00 Frozen Waffles, Snack Crackers, Pasta and Refrigerated Biscuits		

U.S. Registration No.	1308548	Application Date	06/13/1983
Registration Date	12/11/1984	Foreign Priority Date	NONE
Word Mark	RED & WHITE		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 003. First use: First Use: 1968/00/00 First Use In Commerce: 1968/00/00 [Mouthwash, Petroleum Jelly for Cosmetic Uses and Toilet Bowl Cleaner]</p> <p>Class 005. First use: First Use: 1970/00/00 First Use In Commerce: 1970/00/00 [Vitamins and Petroleum for Medical Uses]</p> <p>Class 029. First use: First Use: 1953/00/00 First Use In Commerce: 1953/00/00 Cheese Flavored Snacks [and Processed Meat Products-Namely, Ham, Bacon, Pork Sausage; Sliced Corned Beef; Smoked Sliced Chicken, Turkey, Ham and Beef; Bologna; Salami; Pickle Loaf; Old Fashion Loaf; Spiced Luncheon Loaf; Olive Loaf and Beef Franks]</p>

Attachments	<p>71210835#TMSN.jpeg (1 page)(bytes)</p> <p>Notice of Opp against Merrick_1.PDF (29 pages)(1207115 bytes)</p>
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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	/Joseph T. Nabor/
Name	Joseph T, Nabor
Date	10/13/2011

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

Red & White Foundation, The Federated Group, Inc.,)	
)	
Opposers,)	
v.)	Opposition No.
Merrick Pet Care, Inc.,)	
)	
Applicant.)	
<hr/>		
Serial No. 85/226598)	
Filed: January 26, 2011)	
Mark: RED, WHITE & BLUEBERRY)	
Published: June 21, 2011)	

NOTICE OF OPPOSITION

Red & White Foundation, a Trust, organized under the laws of Illinois, having a principal place of business located at Chicago IL (hereinafter referred to as "Red & White"), and The Federated Group, Inc., an Illinois corporation, having a principal place of business at 3025 West Salt Creek Lane, Arlington Heights, IL 60005 (hereinafter referred to as "Federated") believe, individually and together, that they will be damaged by the registration of the RED, WHITE & BLUEBERRY mark, namely, Application No. 85/226598 filed by Merrick Pet Care, Inc., identified as a corporation of Texas with an address of P.O. Box 9800, Amarillo, TX 79105 (hereinafter referred to as "Applicant") and hereby oppose the same upon the following grounds:

COUNT 1: LIKELIHOOD OF CONFUSION

1. Red & White is the owner of the RED & WHITE trademark in connection with retail grocery store services, food products, beverages and household products based on its use and use by its predecessors in interest beginning at least as early as 1910, long before the Applicant can make any claim to its RED, WHITE & BLUEBERRY mark.
2. Federated is and has been the exclusive licensee of Red & White for the RED & WHITE trademark, beginning long before the Applicant can make any claim to its RED, WHITE & BLUEBERRY mark.

3. Based on longstanding, continuous and extensive use of the RED & WHITE mark in commerce, the United States Patent and Trademark Office has issued numerous trademark registrations for the RED & WHITE mark to Red & White covering retail grocery store services, food products, beverages and household products, namely, Registration Nos. 203,957, 719,835, 720,012, 720,117, 727,335, 728,904, 1,028,823, 1,265,469, 1,267,565, and 1,308,548, Patent and Trademark Office online records of which are attached as Exhibit A (hereinafter the use-based rights in the RED & WHITE mark and registered marks are collectively referred to as the "RED & WHITE Mark").

4. Red & White is the owner of the active, valid and incontestable Registration No. 203,957 for the RED & WHITE Mark, which the Patent and Trademark Office issued September 29, 1925 and which specifies "wheat flour, macaroni, food-flavoring extracts, egg noodles, cocoa, catchup, peanut butter, canned fruits-namely, apples, apricots, cherries, peaches, pears, canned vegetables-namely, beets, corn, lima beans, peas, tomatoes, wax beans; coffee."

5. Red & White is the owner of the active, valid and incontestable Registration No. 719,835 for the RED & WHITE Mark, which the Patent and Trademark Office issued August 15, 1961 and which specifies "bleach."

6. Red & White is the owner of the active, valid and incontestable Registration No. 720,012 for the RED & WHITE Mark, which the Patent and Trademark Office issued August 15, 1961 and which specifies "paper towels, facial tissues, toilet paper, and napkins."

7. Red & White is the owner of the active, valid and incontestable Registration No. 720,117 for the RED & WHITE Mark, which the Patent and Trademark Office issued August 15, 1961 and which specifies "Household Detergent."

8. Red & White is the owner of the active, valid and incontestable Registration No. 727,335 for the RED & WHITE Mark, which the Patent and Trademark Office issued February 6, 1962 and which specifies "Retail Grocery Service."

9. Red & White is the owner of the active, valid and incontestable Registration No. 728,904 for the RED & WHITE Mark, which the Patent and Trademark Office issued March 20, 1962 and which specifies “wheat flour, macaroni, food flavoring extracts, egg noodles, cocoa, catsup, peanut butter, canned fruits, canned vegetables, fats, shortening and cooking oils of vegetable origin, baking mixtures-namely, pie crust mix, pancake mix, buckwheat mix and biscuit mix, food flavoring syrup, olives, pickles, unpopped popcorn, rice, vinegar, canned fish, canned soup, canned meat, canned fruit juices and fruit nectar, condimental and other sauces, condiments-namely, tomato paste, prepared mustard, mayonnaise dressing and seasoning salts, spices, dried fruits, dehydrated vegetables and edible herbs, salad dressing, gelatine dessert powders, candy, tea, butter, fresh eggs, cheese, ice cream, frozen meat pie dinners, frozen fruits, frozen vegetables and frozen fruit juices.”

10. Red & White is the owner of the active, valid and incontestable Registration No. 1,028,823 for the RED & WHITE Mark, which the Patent and Trademark Office issued December 30, 1975 and which specifies “sugar.”

11. Red & White is the owner of the active, valid and incontestable Registration No. 1,265,469 for the RED & WHITE Mark, which the Patent and Trademark Office issued January 31, 1984 and which specifies “pork and beans, blueberry preserves, margarine, and dairy products excluding ice cream, ice milk and frozen yogurt, breakfast cereal, cat food and dog food, canned vegetable juice.”

12. Red & White is the owner of the active, valid and incontestable Registration No. 1,267,565 for the RED & WHITE Mark, which the Patent and Trademark Office issued February 21, 1984 and which specifies “vegetable based non-dairy whipped topping and frozen turkey, frozen waffles, snack crackers, pasta and refrigerated biscuits.”

13. Red & White is the owner of the active, valid and incontestable Registration No. 1,308,548 for the RED & WHITE Mark, which the Patent and Trademark Office issued December 11, 1984 and which specifies "cheese flavored snacks."

14. In addition to its use and registration of the word RED & WHITE Mark, Red & White has used the RED & WHITE Design appearing below in connection with its retail grocery store services, food products, beverages and household products (hereinafter referred to the "RED & WHITE Design Mark").

15. Red & White and Federated have enjoyed continuous and substantial sales of goods and services in connection with the RED & WHITE Mark and RED & WHITE Design Mark beginning long before Applicant can claim any priority in its mark.

16. In its Application No. 85/226598, Applicant seeks registration on the Principal Register for the RED, WHITE & BLUEBERRY mark in connection with "pet food" in International Class 31 (hereinafter the mark and specifications are referred to collectively as the "RED, WHITE & BLUEBERRY Mark").

17. Upon information and belief, Applicant cannot claim priority in the United States for its RED, WHITE & BLUEBERRY Mark earlier than January 26, 2011, the filing date of Application No. 85/226598.

18. By reason of longstanding and extensive marketing, advertising and promotion of goods and services in connection with the RED & WHITE Mark and RED & WHITE Design Mark, and the high quality of those goods and services, the RED & WHITE Mark and RED & WHITE Design Mark have developed extremely valuable goodwill, are famous and have had a reputation

associated and identified with Red & White long before the Applicant can assert any claim in the RED, WHITE & BLUEBERRY Mark.

19. On information and belief, Applicant's adoption and use of the RED, WHITE & BLUEBERRY Mark has been with actual or constructive knowledge of the prior use of, application for, and registration of the RED & WHITE Mark and prior use of the RED & WHITE Design Mark.

20. Applicant's adoption and use of the RED, WHITE & BLUEBERRY Mark has been without the consent or permission of the Opposers.

21. The goods specified in the Applicant's trademark application for the RED, WHITE & BLUEBERRY are identical or highly related to the goods and services specified in registrations for the RED & WHITE Mark and provided under the RED & WHITE MARK and the RED & WHITE Design Mark.

22. On information and belief, the Applicant's RED, WHITE & BLUEBERRY Mark in connection with the specified goods are promoted in the same channels of trade, to the same potential purchasers, and use the same advertising media and channels as those in connection with the RED & WHITE Mark and RED & WHITE Design Mark.

23. The Applicant's RED, WHITE & BLUEBERRY Mark wholly incorporates the RED & WHITE Mark, and is confusingly similar to the RED & WHITE Mark and RED & WHITE Design Mark.

24. If Applicant is granted registration of its RED, WHITE & BLUEBERRY Mark as set forth in Application No. 85/226598, Applicant will thereby obtain the *prima facie* exclusive right to use such mark, and such registration will damage, impair, diminish, and dilute Red & White's goodwill and rights in its RED & WHITE Mark and RED & WHITE Design Mark causing irreparable injury to the Opposers.

25. Applicant's RED, WHITE & BLUEBERRY Mark is likely to cause confusion, mistake, or deception that Applicant's goods and services are those of Red & White or are otherwise endorsed, sponsored, or approved by Red & White, resulting in damage to the Opposers.

COUNT II: FEDERAL TRADEMARK DILUTION

26. The Opposers, individually and together, reallege and incorporate herein the allegations of paragraph nos. 1-25, inclusive.

27. The aforesaid RED & WHITE and RED & WHITE Design Marks are famous and distinctive within the meaning of the Lanham Act, and are entitled to the protection of the anti-dilution provisions of the Lanham Act, including 15 U.S.C. § 1125(c).

28. The Opposers have expended substantial monies in marketing, advertising and promoting its aforesaid marks on its goods and in connection with the recited services.

29. The Opposers have sold goods bearing the aforesaid marks and services in connections with the aforesaid marks in excess of millions of dollars.

30. Opposers possess extremely valuable goodwill in the aforesaid marks by reason of its extensive use, marketing, publicity, advertising and geographic extent of its use and promotion.

31. Applicant filed its RED, WHITE & BLUEBERRY Application after Opposers' aforesaid marks became famous and distinctive.

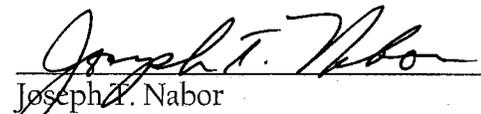
32. If Applicant is granted registration of its RED, WHITE & BLUEBERRY Mark as set forth in Application No. 85/226598, Applicant will thereby obtain the prima facie exclusive right to use such mark, and such registration will damage, impair, tarnish, diminish, and dilute the distinctive quality of the RED & WHITE Mark and RED & WHITE Design Mark causing irreparable injury to Opposers.

PRAYER FOR RELIEF

WHEREFORE, the Opposers Red & White and Federated, individually and together, respectfully request that Application No. 85/226598 be rejected; and, that registration of the Applicant's RED, WHITE & BLUEBERRY Mark be refused.

Respectfully submitted,

October 13, 2011



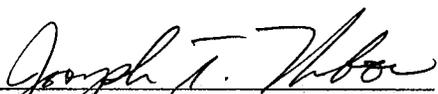
Joseph T. Nabor
Fitch, Even, Tabin & Flannery
120 South LaSalle, Suite 1600
Chicago, Illinois 60603-3406
Telephone: 312.577.7000/Facsimile: 312.577.7007
Attorney for Opposers

CERTIFICATE OF SERVICE

I, Joseph T. Nabor, Attorney for Opposers, hereby certify that a copy of the foregoing NOTICE OF OPPOSITION was served by first class mail, postage prepaid, upon:

CHRISTIAN D. STEWART
LAW OFFICE OF CHRIS STEWART, P.C.
301 S POLK ST STE 700
AMARILLO, TX 79101-1418

on this 13th day of October 2011.



Joseph T. Nabor
FITCH EVEN, TABIN & FLANNERY
120 South LaSalle Street, Suite 1600
Chicago, Illinois 60603
Telephone: (312) 577-7000
Facsimile: (312) 577-7007

Attorney for Opposers

EXHIBIT A



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Record 1 out of 1[TARR Status](#)[ASSIGN Status](#)[TDR](#)[TTAB Status](#)*(Use the "Back" button of the Internet**Browser to return to TESS)***RED & WHITE**

Word Mark RED AND WHITE

Goods and Services IC 001 005 029 030 031 032. US 046. G & S: WHEAT FLOUR, MACARONI, FOOD-FLAVORING EXTRACTS, EGG NOODLES, COCOA, CATCHUP, PEANUT BUTTER, CANNED FRUITS-NAMELY, APPLES APRICOTS, [BLACKBERRIES, BLACK RASPBERRIES, BLUEBERRIES,] CHERRIES, [LOGANBERRIES,] PEACHES, PEARS, [RED RASPBERRIES;] CANNED VEGETABLES-NAMELY, BEETS, [RHUBARB,] CORN, LIMA BEANS, PEAS, [REFUGEE BEANS, SUCCOTACH,] TOMATOES, WAX BEANS; COFFEE. FIRST USE: 19100101. FIRST USE IN COMMERCE: 19100101

Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Serial Number 71210835

Filing Date March 11, 1925

Current Filing Basis 1A

Original Filing Basis 1A

Change In Registration CHANGE IN REGISTRATION HAS OCCURRED

Registration Number 0203957

Registration Date September 29, 1925

Owner (REGISTRANT) S. M. FLICKINGER CO., INC. CORPORATION NEW YORK 75 PERRY STREET BUFFALO NEW YORK

(LAST LISTED OWNER) RED AND WHITE FOUNDATION CHARITABLE TRUST ASSIGNEE OF NEW YORK 231 SOUTH LA SALLE ST. CHICAGO ILLINOIS 60690

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Morgan L. Fitch, Jr.
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 12C. SECT 15. SECTION 8(10-YR) 20060705.
Renewal 4TH RENEWAL 20060705
Live/Dead Indicator LIVE

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Word Mark	RED & WHITE
Goods and Services	IC 003. US 006. G & S: Bleach. FIRST USE: 19310000. FIRST USE IN COMMERCE: 19310000
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	72096474
Filing Date	May 5, 1960
Current Filing Basis	1A
Original Filing Basis	1A
Registration Number	0719835
Registration Date	August 15, 1961
Owner	(REGISTRANT) Bushey & Wright, Inc. CORPORATION ILLINOIS 300 W. WASHINGTON ST. Chicago ILLINOIS (LAST LISTED OWNER) RED AND WHITE FOUNDATION A CHARITABLE TRUST ILLINOIS 231 SOUTH LaSalle ST. CHICAGO ILLINOIS 60697
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	JOSEPH T. NABOR
Prior Registrations	0027820;0203957
Type of Mark Register	TRADEMARK PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20110815.
Renewal	3RD RENEWAL 20110815
Live/Dead Indicator	LIVE

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Typed Drawing

Word Mark	RED & WHITE
Goods and Services	IC 016. US 037. G & S: Paper Towels, Facial Tissues, Toilet Paper, [Waxed Paper]and Napkins. FIRST USE: 19310000. FIRST USE IN COMMERCE: 19310000
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	72096471
Filing Date	May 5, 1960
Current Filing Basis	1A
Original Filing Basis	1A
Registration Number	0720012
Registration Date	August 15, 1961
Owner	(REGISTRANT) Bushey & Wright, Inc. CORPORATION ILLINOIS 300 W. WASHINGTON ST. Chicago ILLINOIS
	(LAST LISTED OWNER) RED & WHITE FOUNDATION CORPORATION BY ASSIGNMENT ILLINOIS 231 SOUTH LaSalle ST. CHICAGO ILLINOIS 60697
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	JOSEPH T. NABOR
Prior Registrations	0027820;0203957
Type of Mark Register	TRADEMARK PRINCIPAL
Affidavit Text Renewal	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20110815. 3RD RENEWAL 20110815
Live/Dead Indicator	LIVE

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Typed Drawing

Word Mark RED & WHITE
Goods and Services IC 003. US 052. G & S: Household Detergent. FIRST USE: 19310000. FIRST USE IN COMMERCE: 19310000
Mark Drawing Code (1) TYPED DRAWING
Serial Number 72096473
Filing Date May 5, 1960
Current Filing Basis 1A
Original Filing Basis 1A
Registration Number 0720117
Registration Date August 15, 1961
Owner (REGISTRANT) Bushey & Wright, Inc. CORPORATION ILLINOIS 300 W. WASHINGTON ST. Chicago ILLINOIS

(LAST LISTED OWNER) RED & WHITE FOUNDATION CHARITABLE TRUST BY ASSIGNMENT, BY ASSIGNMENT 231 SOUTH LASALLE STREET CHICAGO ILLINOIS 60697
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record JOSEPH T. NABOR
Prior Registrations 0027820;0203957
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20110921.
Renewal 3RD RENEWAL 20110921
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Record 1 out of 1[TARR Status](#)[ASSIGN Status](#)[TDR](#)[TTAB Status](#)*(Use the "Back" button of the Internet**Browser to return to TESS)***Typed Drawing**

Word Mark RED & WHITE
Goods and Services IC 035. US 101. G & S: Retail Grocery Service. FIRST USE: 19100000. FIRST USE IN COMMERCE: 19100000
Mark Drawing Code (1) TYPED DRAWING
Serial Number 72104510
Filing Date September 15, 1960
Current Filing Basis 1A
Original Filing Basis 1A
Registration Number 0727335
Registration Date February 6, 1962
Owner (REGISTRANT) BUSHEY & WRIGHT, INC. CORPORATION ILLINOIS 300 W. WASHINGTON ST. CHICAGO ILLINOIS

(LAST LISTED OWNER) Red & White Foundation a charitable trust 231 S. LASALLE ST. Chicago ILLINOIS 60697
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record MORGAN L. FITCH, JR.
Prior Registrations 0027820;0203957
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20020426.
Renewal 2ND RENEWAL 20020426
Live/Dead Indicator LIVE

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Typed Drawing**Word Mark** RED & WHITE**Goods and Services** IC 029 030 032. US 046. G & S: Wheat Flour, Macaroni, Food Flavoring Extracts, Egg Noodles, Cocoa, Catsup, Peanut Butter, Canned Fruits, Canned Vegetables, Fats, Shortening and Cooking Oils of Vegetable Origin, Baking Mixtures-Namely, Pie Crust Mix, Pancake Mix, Buckwheat Mix and Biscuit Mix, Food Flavoring Syrup, Olives, Pickles, Unpopped Popcorn, Rice, Vinegar, Canned Fish, Canned Soup, Canned Meat, Canned Fruit Juices and Fruit Nectar, Condimental and Other Sauces, Condiments-Namely, Tomato Paste, Prepared Mustard, Mayonnaise Dressing and Seasoning Salts, Spices, Dried Fruits, Dehydrated Vegetables and Edible Herbs, Salad Dressing, Gelatine Dessert Powders, Candy, Tea, Butter, Fresh Eggs, Cheese, Ice Cream, Frozen Meat Pie Dinners, Frozen Fruits, Frozen Vegetables and Frozen Fruit Juices. FIRST USE: 19100101. FIRST USE IN COMMERCE: 19100101**Mark Drawing Code** (1) TYPED DRAWING**Serial Number** 72096472**Filing Date** May 5, 1960**Current Filing Basis** 1A**Original Filing Basis** 1A**Registration Number** 0728904**Registration Date** March 20, 1962**Owner** (REGISTRANT) Bushey & Wright, Inc. CORPORATION ILLINOIS 300 W. WASHINGTON ST. Chicago ILLINOIS

(LAST LISTED OWNER) RED & WHITE FOUNDATION CORPORATION ILLINOIS 231 S LASALLE ST CHICAGO ILLINOIS 60697

Assignment Recorded ASSIGNMENT RECORDED**Attorney of Record** MORGAN L FITCH JR**Prior**

Registrations 0027820;0203957
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20040212.
Renewal 2ND RENEWAL 20040212
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Typed Drawing

Word Mark RED & WHITE
Goods and Services IC 030. US 046. G & S: SUGAR. FIRST USE: 19700500. FIRST USE IN COMMERCE: 19700500
Mark Drawing Code (1) TYPED DRAWING
Serial Number 73016300
Filing Date March 18, 1974
Current Filing Basis 1A
Original Filing Basis 1A
Registration Number 1028823
Registration Date December 30, 1975
Owner (REGISTRANT) RED & WHITE FOUNDATION CHARITABLE TRUST ILLINOIS 231 S. LASALLE ST. CHICAGO ILLINOIS 60690
Attorney of Record MORGAN L. FITCH, JR.
Prior Registrations 0203957;0728904;AND OTHERS
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20060327.
Renewal 2ND RENEWAL 20060327
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Typed Drawing

Word Mark	RED & WHITE
Goods and Services	(CANCELLED) IC 003. US 052. G & S: Hair Shampoo. FIRST USE: 19710527. FIRST USE IN COMMERCE: 19710527
	(CANCELLED) IC 005. US 018 044. G & S: Hydrogen Peroxide, Rubbing Alcohol and Cosmetic Puffs. FIRST USE: 19650000. FIRST USE IN COMMERCE: 19650000
	IC 029. US 046. G & S: Pork and Beans, Blueberry Preserves, Margarine, and Dairy Products Excluding Ice Cream, Ice Milk and Frozen Yogurt. FIRST USE: 19250000. FIRST USE IN COMMERCE: 19250000
	IC 030. US 046. G & S: Breakfast Cereal. FIRST USE: 19800100. FIRST USE IN COMMERCE: 19800100
	IC 031. US 046. G & S: Cat Food and Dog Food. FIRST USE: 19600101. FIRST USE IN COMMERCE: 19600101
	IC 032. US 046. G & S: Canned Vegetable Juice. FIRST USE: 19600000. FIRST USE IN COMMERCE: 19600000
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73313928
Filing Date	June 8, 1981
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	November 8, 1983
Change In Registration	CHANGE IN REGISTRATION HAS OCCURRED
Registration	1265469

Number**Registration Date** January 31, 1984**Owner** (REGISTRANT) Red & White Foundation charitable trust ILLINOIS 231 S. LaSalle St. Chicago ILLINOIS 60697**Attorney of Record** Morgan L. Fitch, Jr.**Prior Registrations** 0203957;1028823;AND OTHERS**Type of Mark** TRADEMARK**Register** PRINCIPAL**Affidavit Text** SECT 15. SECT 8 (6-YR). PARTIAL SECTION 8(10-YR) 20040320.**Renewal** 2ND RENEWAL 20040320**Live/Dead Indicator** LIVE[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSER DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



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Typed Drawing

Word Mark RED & WHITE
Goods and Services (CANCELLED) IC 003. US 001 004 006 050 051 052. G & S: [Baby Powder, Baby Oil and Skin Care Lotion]. FIRST USE: 19720000. FIRST USE IN COMMERCE: 19720000
 (CANCELLED) IC 005. US 006 018 044 046 051 052. G & S: [Air Freshener]. FIRST USE: 19700000. FIRST USE IN COMMERCE: 19700000
 IC 029. US 046. G & S: Vegetable Based Non-Dairy Whipped Topping and Frozen Turkey. FIRST USE: 19700000. FIRST USE IN COMMERCE: 19700000
 IC 030. US 046. G & S: Frozen Waffles, Snack Crackers, Pasta and Refrigerated Biscuits. FIRST USE: 19720000. FIRST USE IN COMMERCE: 19720000

Mark Drawing Code (1) TYPED DRAWING
Serial Number 73359779
Filing Date April 14, 1982
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition November 29, 1983
Change In Registration CHANGE IN REGISTRATION HAS OCCURRED
Registration Number 1267565
Registration Date February 21, 1984
Owner (REGISTRANT) Red & White Foundation CORPORATION ILLINOIS 231 S. LaSalle St. Chicago ILLINOIS 60690
Attorney of Record MORGAN L. FITCH, JR.
Prior

Registrations 0203957;0720012;1028823;AND OTHERS
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). PARTIAL SECTION 8(10-YR) 20040924.
Renewal 1ST RENEWAL 20040924
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Typed Drawing

Word Mark RED & WHITE
Goods and Services (CANCELLED) IC 003. US 001 004 006 050 051 052. G & S: [Mouthwash, Petroleum Jelly for Cosmetic Uses and Toilet Bowl Cleaner]. FIRST USE: 19680000. FIRST USE IN COMMERCE: 19680000
 (CANCELLED) IC 005. US 006 018 044 046 051 052. G & S: [Vitamins and Petroleum for Medical Uses]. FIRST USE: 19700000. FIRST USE IN COMMERCE: 19700000
 IC 029. US 046. G & S: Cheese Flavored Snacks [and Processed Meat Products-Namely, Ham, Bacon, Pork Sausage; Sliced Corned Beef; Smoked Sliced Chicken, Turkey, Ham and Beef; Bologna; Salami; Pickle Loaf; Old Fashion Loaf; Spiced Luncheon Loaf; Olive Loaf and Beef Franks]. FIRST USE: 19530000. FIRST USE IN COMMERCE: 19530000

Mark Drawing Code (1) TYPED DRAWING
Serial Number 73429886
Filing Date June 13, 1983
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition October 2, 1984
Change In Registration CHANGE IN REGISTRATION HAS OCCURRED
Registration Number 1308548
Registration Date December 11, 1984
Owner (REGISTRANT) Red & White Foundation charitable trust ILLINOIS 231 S. LaSalle St. Chicago ILLINOIS 60690
Attorney of Record Morgan L. Fitch, Jr.

Prior Registrations 0203957;1028823;AND OTHERS
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). PARTIAL SECTION 8(10-YR) 20050204.
Renewal 1ST RENEWAL 20050204
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