

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

Application Serial No. 85506333
Mark: FRICKLEBURGERS
Filed: December 30, 2011
Published: December 11, 2012

Fricker's Progressive Concepts, Inc.,
Opposer,

v.

01/08/2013 SWILSON, 00000003, 85506333

Opposition No.

01 FC:6403

100.00 OP

Frickleburgers,

Applicant.

Notice of Opposition

Opposer, Fricker's Progressive Concepts, Inc., a corporation of the State of Ohio, and having a place of business at 228 Byers Road, Suite 100, Miamisburg, Ohio 45342, believes it will be damaged by registration of the mark shown in trademark Application Serial No. 85506333, and hereby opposes same. As grounds for the notice of opposition, it is alleged that:

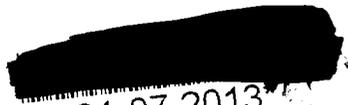
1. On information and belief, Applicant, Frickleburgers, is a limited liability company organized under the laws of California with an address at 68375 E. Palm Canyon Drive Cathedral City, California 92234.
2. Applicant has applied to register FRICKLEBURGERS (hereinafter referred to as "Applicant's mark"), in connection with "restaurant services, including sit-down service of food and take-out restaurant services; restaurant services, namely, providing of food and beverages for

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Trademarks, PO Box 1451, Alexandria, VA 22313-1451 this 31st day of December, 2012.

By

B Joseph Schaeff



01-07-2013

consumption on and off the premises," and has claimed June 22, 2011 as the date of first use of Applicant's mark in connection with these services.

3. For many years, and long prior to Applicant's claimed first use of Applicant's mark and the filing date of Applicant's application, Opposer has used, and continues to use, the trademarks THE FRICK BURGER, FRICKIN', FRICKER'S and related marks in connection with restaurant services and related goods and services. Opposer owns numerous federal trademark registrations, including the following registrations, many of which are incontestable:

Reg. No. 2878006, issued August 24, 2004, for THE FRICK BURGER, in connection with prepared food for consumption on and off the premises, namely, restaurant menu items in the nature of hamburger sandwiches, and cheeseburger sandwiches;

Reg. No. 1749070, issued January 26, 1993, for FRICKER'S, in connection with restaurant services;

Reg. No. 1942693, issued December 19, 1995, for FRICKER'S and Design, in connection with restaurant services;

Reg. No. 2156001, issued May 12, 1998, for FRICKIN', in connection with restaurant services;

Reg. No. 3182929, issued December 12, 2006, for FRICKIN', in connection with various menu items;

Reg. No. 1826515, issued March 15, 1994, for FRICKIN' CHICKEN, in connection with chicken sandwiches for consumption on or off the premises;

Reg. No. 3772455, issued April 6, 2010, for FRICKIN' CHICKEN SLIDERS, in connection with restaurant menu items, namely, chicken sandwiches for consumption on or off the premises;

Reg. No. 2977151, issued July 26, 2005, for FRICKIN' KILLER, in connection with chicken wings and a variety of prepared foods for consumption on and off the premises;

Reg. No. 3747089, issued February 9, 2010, for FRICKIN' KICKER, in connection with chicken wings and a variety of other prepared foods for consumption on and off the premises;

Reg. No. 3531359, issued November 11, 2008, for FRICKIN' LITTLE KICKER, in connection with chicken wings and a variety of other prepared foods for consumption on and off the premises;

Reg. No. 3182928, issued December 12, 2006, for FRICKIN' X-SCREAM, in connection with sauces;

and others. Printouts from the electronic database records of the USPTO showing the current status and title of the pleaded registrations are attached hereto in accordance with 37 CFR §2.122(d).

4. Applicant's mark, FRICKLEBURGERS, is similar in appearance, sound and meaning to Opposer's marks FRICKER'S, FRICKIN' and other marks pleaded herein, particularly THE FRICK BURGER.

5. Applicant claims use of, and has applied to register, Applicant's mark in connection with restaurant services, including sit-down service of food and take-out restaurant services, and providing food and beverages for consumption on and off the premises. Opposer's marks are used in connection with restaurant services, restaurant menu items and foodstuffs for consumption on and off the premises. Applicant's services are identical or closely related to Opposer's goods and services.

6. Applicant's mark is confusingly similar to Opposer's marks, including THE FRICK BURGER, FRICKERS, FRICKIN' and Opposer's other marks pleaded herein.

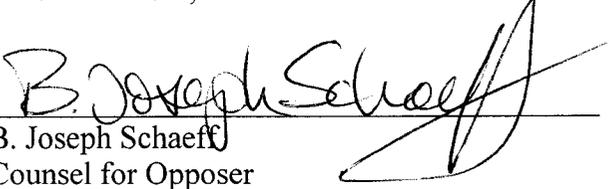
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7. If Applicant is permitted to register her mark, Applicant will acquire a *prima facie* exclusive right to use FRICKLEBURGERS in commerce in connection with services of the type identified in Applicant's application. Simultaneous use of Opposer's mark and Applicant's mark will tend to cause confusion or mistake, or to deceive purchasers erroneously into the belief that Applicant's services are in fact those of Opposer, or are authorized or sponsored by Opposer or otherwise connected with the business of Opposer. Any fault or defect found in Applicant's services will reflect upon and injure the reputation that Opposer has established in its marks; and will tend to dilute the significance of Opposer's marks.

Wherefore, Opposer prays that Application Serial No. 85506333 be refused, and that this Opposition be sustained in favor of Opposer.

The required fee for this Notice of Opposition is enclosed.

Respectfully submitted,
Dinsmore & Shohl, LLP

By 
B. Joseph Schaeff
Counsel for Opposer

Fifth Third Center
One South Main Street, Suite 500
Dayton, OH 45402-2058
Telephone: 937-449-6400
Telephone: 937-449-6436 (dd)
Facsimile: 937-449-6405
Email: joseph.schaeff@dinsmore.com

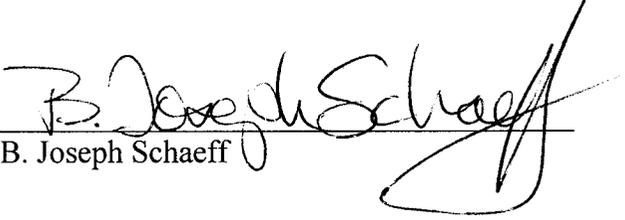
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Application Serial No. 85506333
Opposer's Docket FRI0119T4
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon Applicant by first class U.S. mail, postage prepaid, addressed to:

Michael Zoll
Frickleburgers
68375 E. Palm Canyon Drive
Cathedral City, California 92234

this 31st day of December, 2012.


B. Joseph Schaeff



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Typed Drawing

Word Mark THE FRICK BURGER

Goods and Services IC 030. US 046. G & S: prepared food for consumption on and off the premises, namely, restaurant menu items in the nature of hamburger sandwiches, and cheeseburger sandwiches. FIRST USE: 20031013. FIRST USE IN COMMERCE: 20031013

Mark Drawing Code (1) TYPED DRAWING

Serial Number 78233561

Filing Date April 3, 2003

Current Basis 1A

Original Filing Basis 1B

Published for Opposition February 3, 2004

Registration Number 2878006

Registration Date August 24, 2004

Owner (REGISTRANT) Fricker's Progressive Concepts, Inc. CORPORATION OHIO 228 Byers Road Suite 100 Miamisburg OHIO 45342

Attorney of Record B. Joseph Schaeff

Prior Registrations 1749070;1749071;1826515;1942692;1942693;1998142;2156001;AND OTHERS

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

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

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Mark: THE FRICK BURGER

US Serial Number: 78233561

Application Filing Date: Apr. 03, 2003

US Registration Number: 2878006

Registration Date: Aug. 24, 2004

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Mar. 04, 2010

Publication Date: Feb. 03, 2004

Notice of Allowance Date: Apr. 27, 2004

Mark Information[expand all](#)**Related Properties Information****Goods and Services****Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: prepared food for consumption on and off the premises, namely, restaurant menu items in the nature of hamburger sandwiches, and cheeseburger sandwiches

International Class: 030 - Primary Class

U.S Class: 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 13, 2003

Use in Commerce: Oct. 13, 2003

Basis Information (Case Level)**Current Owner(s) Information**

Owner Name: Fricker's Progressive Concepts, Inc.

Owner Address: 228 Byers Road
Suite 100
Miamisburg, OHIO 45342
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized:
OHIO**Attorney/Correspondence Information****Prosecution History****Maintenance Filings or Post Registration Information****TM Staff and Location Information**



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Typed Drawing

Word Mark FRICKER'S
Goods and Services IC 042. US 100. G & S: restaurant services. FIRST USE: 19851100. FIRST USE IN COMMERCE: 19851100
Mark Drawing Code (1) TYPED DRAWING
Serial Number 74275637
Filing Date May 15, 1992
Current Basis 1A
Original Filing Basis 1A
Published for Opposition November 3, 1992
Registration Number 1749070
Registration Date January 26, 1993
Owner (REGISTRANT) Frick Bros. I, Inc. CORPORATION OHIO 4963 Springboro Pike West Carrollton OHIO 45459

(LAST LISTED OWNER) FRICKER'S PROGRESSIVE CONCEPTS, INC. CORPORATION Assignee of OHIO 228 Byers Road Suite 100 Miamisburg OHIO 45342
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record B JOSEPH SCHAEFF
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20120806.
Renewal 2ND RENEWAL 20120806
Live/Dead Indicator LIVE

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Mark: FRICKER'S

US Serial Number: 74275637

Application Filing Date: May 15, 1992

US Registration Number: 1749070

Registration Date: Jan. 26, 1993

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Aug. 06, 2012

Publication Date: Nov. 03, 1992

Mark Information

Goods and Services

expand

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services.
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *, * identify additional (new) wording in the goods/services.

For: restaurant services

International Class: 042 - Primary Class

U.S Class: 100

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 1985

Use in Commerce: Nov. 1985

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: FRICKER'S PROGRESSIVE CONCEPTS, INC.

Owner Address: 228 Byers Road
Suite 100
Miamisburg, OHIO 45342
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: OHIO

Attorney/Correspondence Information

Prosecution History

Maintenance Filings or Post Registration Information

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Word Mark	FRICKER'S
Goods and Services	IC 042. US 100 101. G & S: restaurant services. FIRST USE: 19940000. FIRST USE IN COMMERCE: 19940000
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	01.15.04 - Explosions; Fireworks display; Sparks 03.15.03 - Chickens, hens, roosters; Chicks; Hens; Rooster 03.15.26 - Costumed birds and bats and those with human attributes 09.03.07 - T-shirts 09.05.01 - Caps, including visors, military caps and baseball caps 20.03.01 - Paper with furled, fringed or scalloped edges
Serial Number	74618713
Filing Date	January 6, 1995
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	September 26, 1995
Change In Registration	CHANGE IN REGISTRATION HAS OCCURRED
Registration Number	1942693
Registration Date	December 19, 1995
Owner	(REGISTRANT) FRICKER'S PROGRESSIVE CONCEPTS, INC. CORPORATION OHIO 228 Byers Road Suite 101 Miamisburg OHIO 45342
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	B. Joseph Schaeff
Prior Registrations	1749070;1749071;1826515;1857074;AND OTHERS
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20060208.
Renewal	1ST RENEWAL 20060208
Live/Dead Indicator	LIVE

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Mark: FRICKER'S



US Serial Number: 74618713

Application Filing Date: Jan. 06, 1995

US Registration Number: 1942693

Registration Date: Dec. 19, 1995

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Feb. 08, 2006

Publication Date: Sep. 26, 1995

Mark Information

[expand all](#)

Related Properties Information

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: restaurant services

International Class: 042 - Primary Class

U.S Class: 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: 1994

Use in Commerce: 1994

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: FRICKER'S PROGRESSIVE CONCEPTS, INC.

Owner Address: 228 Byers Road
Suite 101
Miamisburg, OHIO 45342
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: OHIO

Attorney/Correspondence Information

Prosecution History

Maintenance Filings or Post Registration Information

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Typed Drawing

Word Mark	FRICKIN'
Goods and Services	IC 042. US 100 101. G & S: restaurant services. FIRST USE: 19920000. FIRST USE IN COMMERCE: 19920000
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75043945
Filing Date	January 16, 1996
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	February 17, 1998
Registration Number	2156001
Registration Date	May 12, 1998
Owner	(REGISTRANT) Fricker's Progressive Concepts, Inc. CORPORATION OHIO 228 Byers Road Suite 101 Miamisburg OHIO 45342
Attorney of Record	B. Joseph Schaeff
Prior Registrations	1826515
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20071109.
Renewal	1ST RENEWAL 20071109
Live/Dead Indicator	LIVE

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Mark: FRICKIN'

US Serial Number: 75043945

Application Filing Date: Jan. 16, 1996

US Registration Number: 2156001

Registration Date: May 12, 1998

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Nov. 09, 2007

Publication Date: Feb. 17, 1998

Mark Information

expand

Related Properties Information

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *,* identify additional (new) wording in the goods/services.

For: restaurant services

International Class: 042 - Primary Class

U.S Class: 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: 1992

Use in Commerce: 1992

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: Fricker's Progressive Concepts, Inc.

Owner Address: 228 Byers Road
Suite 101
Miamisburg, OHIO 45342
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: OHIO

Attorney/Correspondence Information

Prosecution History

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FRICKIN'

Word Mark	FRICKIN'
Goods and Services	IC 029. US 046. G & S: chicken wings; prepared food for consumption on and off the premises, namely, restaurant menu items in the nature of entrees, side dishes and appetizers consisting primarily of poultry and meat; prepared food for consumption on and off the premises, namely, restaurant menu items in the nature of chicken salads. FIRST USE: 20030000. FIRST USE IN COMMERCE: 20030000
	IC 030. US 046. G & S: sauces; prepared food for consumption on and off the premises, namely, restaurant menu items in the nature of entrees and side dishes consisting primarily of pasta or pasta salad; prepared food for consumption on and off the premises, namely, restaurant menu items in the nature of sandwiches and chicken sandwiches. FIRST USE: 19920400. FIRST USE IN COMMERCE: 19920400
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78654261
Filing Date	June 20, 2005
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	September 26, 2006
Registration Number	3182929
Registration Date	December 12, 2006
Owner	(REGISTRANT) Fricker's Progressive Concepts, Inc. CORPORATION OHIO 228 Byers Road Suite 101 Miamisburg OHIO 45342
Attorney of Record	B. Joseph Schaeff
Prior Registrations	1749070;1826515;2156001;AND OTHERS
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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Mark: FRICKIN'

FRICKIN'

US Serial Number: 78654261

Application Filing Date: Jun. 20, 2005

US Registration Number: 3182929

Registration Date: Dec. 12, 2006

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Sep. 21, 2012

Publication Date: Sep. 26, 2006

Mark Information[expand all](#)**Related Properties Information****Goods and Services****Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services.
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *. identify additional (new) wording in the goods/services.

For: chicken wings; prepared food for consumption on and off the premises, namely, restaurant menu items in the nature of entrees, side dishes and appetizers consisting primarily of poultry and meat; prepared food for consumption on and off the premises, namely, restaurant menu items in the nature of chicken salads

International 029 - Primary Class

U.S Class: 046

Class:

Class Status: ACTIVE

Basis: 1(a)

First Use: 2003

Use in Commerce: 2003

For: sauces; prepared food for consumption on and off the premises, namely, restaurant menu items in the nature of entrees and side dishes consisting primarily of pasta or pasta salad; prepared food for consumption on and off the premises, namely, restaurant menu items in the nature of sandwiches and chicken sandwiches

International 030 - Primary Class

U.S Class: 046

Class:

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 1992

Use in Commerce: Apr. 1992

Basis Information (Case Level)**Current Owner(s) Information**

Owner Name: Fricker's Progressive Concepts, Inc.

Owner Address: 228 Byers Road
Suite 101
Miamisburg, OHIO 45342
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized:
OHIO

Attorney/Correspondence Information**Prosecution History**



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Typed Drawing

Word Mark FRICKIN' CHICKEN
Goods and Services IC 030. US 046. G & S: chicken sandwiches for consumption on or off the premises. FIRST USE: 19920400. FIRST USE IN COMMERCE: 19920400
Mark Drawing Code (1) TYPED DRAWING
Serial Number 74377656
Filing Date April 12, 1993
Current Basis 1A
Original Filing Basis 1A
Published for Opposition December 21, 1993
Registration Number 1826515
Registration Date March 15, 1994
Owner (REGISTRANT) Frick Bros. I, Inc. CORPORATION OHIO 4963 Springboro Pike West Carrollton OHIO 45459

 (LAST LISTED OWNER) FRICKER'S PROGRESSIVE CONCEPTS, INC. CORPORATION BY ASSIGNMENT OHIO 228 Byers Road Suite 101 Miamisburg OHIO 45342
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record B. JOSEPH SCHAEFF
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CHICKEN" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20040223.
Renewal 1ST RENEWAL 20040223
Live/Dead Indicator LIVE

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Mark: FRICKIN' CHICKEN

US Serial Number: 74377656

Application Filing Date: Apr. 12, 1993

US Registration Number: 1826515

Registration Date: Mar. 15, 1994

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Feb. 23, 2004

Publication Date: Dec. 21, 1993

Mark Information

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Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: chicken sandwiches for consumption on or off the premises

International Class: 030 - Primary Class

U.S Class: 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 1992

Use in Commerce: Apr. 1992

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: FRICKER'S PROGRESSIVE CONCEPTS, INC.

Owner Address: 228 Byers Road
Suite 101
Miamisburg, OHIO 45342
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: OHIO

Attorney/Correspondence Information

Prosecution History

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FRICKIN' CHICKEN SLIDERS

Word Mark FRICKIN' CHICKEN SLIDERS

Goods and Services IC 030. US 046. G & S: restaurant menu items, namely, chicken sandwiches for consumption on or off the premises. FIRST USE: 20080800. FIRST USE IN COMMERCE: 20080800

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Trademark Search Facility Classification Code NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks

Serial Number 77493324

Filing Date June 6, 2008

Current Basis 1A

Original Filing Basis 1B

Published for Opposition April 28, 2009

Registration Number **3772455**

Registration Date April 6, 2010

Owner (REGISTRANT) Fricker's Progressive Concepts, Inc. CORPORATION OHIO 228 Byers Road Suite 101 Miamisburg OHIO 45342

Attorney of Record B. Joseph Schaeff

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

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Mark: FRICKIN' CHICKEN SLIDERS

FRICKIN' CHICKEN SLIDERS

US Serial Number: 77493324

Application Filing Date: Jun. 06, 2008

US Registration Number: 3772455

Registration Date: Apr. 06, 2010

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Apr. 06, 2010

Publication Date: Apr. 28, 2009

Notice of Allowance Date: Jul. 21, 2009

Mark Information

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Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: restaurant menu items, namely, chicken sandwiches for consumption on or off the premises

International Class: 030 - Primary Class

U.S Class: 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 2008

Use in Commerce: Aug. 2008

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: Fricker's Progressive Concepts, Inc.

Owner Address: 228 Byers Road
Suite 101
Miamisburg, OHIO 45342
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: OHIO

Attorney/Correspondence Information

Prosecution History

TM Staff and Location Information



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Typed Drawing

Word Mark	FRICKIN' KILLER
Goods and Services	IC 029. US 046. G & S: chicken wings; prepared food for consumption on and off the premises, namely, restaurant menu items in the nature of entrees, side dishes and appetizers consisting primarily of poultry and meat; prepared food for consumption on and off the premises, namely, restaurant menu items in the nature of chicken salads. FIRST USE: 20040323. FIRST USE IN COMMERCE: 20040323
	IC 030. US 046. G & S: sauces; prepared food for consumption on and off the premises, namely, restaurant menu items in the nature of consisting primarily of pasta or pasta salad; prepared food for consumption on and off the premises, namely, restaurant menu items in the nature sandwiches and chicken sandwiches. FIRST USE: 20040323. FIRST USE IN COMMERCE: 20040323
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76480699
Filing Date	January 7, 2003
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	December 16, 2003
Registration Number	2977151
Registration Date	July 26, 2005
Owner	(REGISTRANT) Fricker's Progressive Concepts, Inc. CORPORATION OHIO 228 Byers Road Suite 101 Miamisburg OHIO 45342
Attorney of Record	B. Joseph Schaeff
Prior Registrations	1749070;1826515;2156001;AND OTHERS
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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Mark: FRICKIN' KILLER

FRICKIN' KILLER

US Serial Number: 76480699

Application Filing Date: Jan. 07, 2003

US Registration Number: 2977151

Registration Date: Jul. 26, 2005

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Sep. 06, 2011

Publication Date: Dec. 16, 2003

Notice of Allowance Date: Mar. 09, 2004

Mark Information

Related Properties Information

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Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: chicken wings; prepared food for consumption on and off the premises, namely, restaurant menu items in the nature of entrees, side dishes and appetizers consisting primarily of poultry and meat; prepared food for consumption on and off the premises, namely, restaurant menu items in the nature of chicken salads

International 029 - Primary Class

U.S Class: 046

Class:

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 23, 2004

Use in Commerce: Mar. 23, 2004

For: sauces; prepared food for consumption on and off the premises, namely, restaurant menu items in the nature of consisting primarily of pasta or pasta salad; prepared food for consumption on and off the premises, namely, restaurant menu items in the nature sandwiches and chicken sandwiches

International 030 - Primary Class

U.S Class: 046

Class:

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 23, 2004

Use in Commerce: Mar. 23, 2004

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: Fricker's Progressive Concepts, Inc.

Owner Address: 228 Byers Road
Suite 101
Miamisburg, OHIO 45342
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: OHIO

Attorney/Correspondence Information

Prosecution History



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Typed Drawing

Word Mark FRICKIN' KICKER
 Goods and Services IC 029. US 046. G & S: CHICKEN WINGS; PREPARED FOOD FOR CONSUMPTION ON AND OFF THE PREMISES, NAMELY, RESTAURANT MENU ITEMS IN THE NATURE OF ENTREES, SIDE DISHES AND APPETIZERS CONSISTING PRIMARILY OF POULTRY, OR MEAT. FIRST USE: 20040323. FIRST USE IN COMMERCE: 20040323
 IC 030. US 046. G & S: sauces; prepared food for consumption on and off the premises, namely, restaurant menu items in the nature of prepared food for consumption on and off the premises, namely, sandwiches and chicken sandwiches. FIRST USE: 20040323. FIRST USE IN COMMERCE: 20040323
 Mark Drawing Code (1) TYPED DRAWING
 Trademark Search Facility NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks
 Classification Code
 Serial Number 76480636
 Filing Date January 7, 2003
 Current Basis 1A
 Original Filing Basis 1B
 Published for Opposition August 12, 2008
 Registration Number 3747089
 Registration Date February 9, 2010
 Owner (REGISTRANT) Fricker's Progressive Concepts, Inc. CORPORATION OHIO Suite 101 228 Byers Road Miamisburg OHIO 45342
 Attorney of Record B. Joseph Schaeff
 Prior Registrations 1749070;1749071;1826515;1942692;AND OTHERS
 Type of Mark TRADEMARK
 Register PRINCIPAL
 Live/Dead Indicator LIVE

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Mark: FRICKIN' KICKER

FRICKIN' KICKER

US Serial Number: 76480636

Application Filing Date: Jan. 07, 2003

US Registration Number: 3747089

Registration Date: Feb. 09, 2010

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Feb. 09, 2010

Publication Date: Aug. 12, 2008

Notice of Allowance Date: Nov. 04, 2008

Mark Information[expand all](#)**Related Properties Information****Goods and Services****Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: CHICKEN WINGS; PREPARED FOOD FOR CONSUMPTION ON AND OFF THE PREMISES, NAMELY, RESTAURANT MENU ITEMS IN THE NATURE OF ENTREES, SIDE DISHES AND APPETIZERS CONSISTING PRIMARILY OF POULTRY, OR MEAT

International Class: 029 - Primary Class

U.S Class: 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 23, 2004

Use in Commerce: Mar. 23, 2004

For: sauces; prepared food for consumption on and off the premises, namely, restaurant menu items in the nature of prepared food for consumption on and off the premises, namely, sandwiches and chicken sandwiches

International Class: 030 - Primary Class

U.S Class: 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 23, 2004

Use in Commerce: Mar. 23, 2004

Basis Information (Case Level)**Current Owner(s) Information**

Owner Name: Fricker's Progressive Concepts, Inc.

Owner Address: Suite 101
228 Byers Road
Miamisburg, OHIO 45342
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized:
OHIO

Attorney/Correspondence Information**Prosecution History****TM Staff and Location Information**



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Typed Drawing

Word Mark FRICKIN' LITTLE KICKER

Goods and Services IC 029. US 046. G & S: chicken wings; prepared food for consumption on and off the premises, namely, restaurant menu items in the nature of entrees, side dishes and appetizers consisting primarily of poultry and meat. FIRST USE: 20040323. FIRST USE IN COMMERCE: 20040323

IC 030. US 046. G & S: sauces; prepared food for consumption on and off the premises, namely, restaurant menu items in the nature sandwiches and chicken sandwiches. FIRST USE: 20040323. FIRST USE IN COMMERCE: 20040323

Mark Drawing Code (1) TYPED DRAWING

Trademark Search Facility Classification Code NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks

Serial Number 76480635

Filing Date January 7, 2003

Current Basis 1A

Original Filing Basis 1B

Published for Opposition January 8, 2008

Registration Number 3531359

Registration Date November 11, 2008

Owner (REGISTRANT) Fricker's Progressive Concepts, Inc. CORPORATION OHIO 228 Byers Road Suite 101 Miamisburg OHIO 45342

Attorney of Record B. Joseph Schaeff

Prior Registrations 1749070;1749071;1826515;1942692;1942693;1998142;2156001;AND OTHERS

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Mark: FRICKIN' LITTLE KICKER

FRICKIN' LITTLE KICKER

US Serial Number: 76480635

Application Filing Date: Jan. 07, 2003

US Registration Number: 3531359

Registration Date: Nov. 11, 2008

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Nov. 11, 2008

Publication Date: Jan. 08, 2008

Notice of Allowance Date: Apr. 01, 2008

Mark Information

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Related Properties Information

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services.

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: chicken wings; prepared food for consumption on and off the premises, namely, restaurant menu items in the nature of entrees, side dishes and appetizers consisting primarily of poultry and meat

International Class: 029 - Primary Class

U.S Class: 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 23, 2004

Use in Commerce: Mar. 23, 2004

For: sauces; prepared food for consumption on and off the premises, namely, restaurant menu items in the nature sandwiches and chicken sandwiches

International Class: 030 - Primary Class

U.S Class: 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 23, 2004

Use in Commerce: Mar. 23, 2004

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: Fricker's Progressive Concepts, Inc.

Owner Address: 228 Byers Road
Suite 101
Miamisburg, OHIO 45342
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: OHIO

Attorney/Correspondence Information

Prosecution History

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FRICKIN' X-SCREAM

Word Mark	FRICKIN' X-SCREAM
Goods and Services	IC 030. US 046. G & S: sauces. FIRST USE: 20050301. FIRST USE IN COMMERCE: 20050301
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78654200
Filing Date	June 20, 2005
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	September 26, 2006
Registration Number	3182928
Registration Date	December 12, 2006
Owner	(REGISTRANT) Fricker's Progressive Concepts, Inc. CORPORATION OHIO 228 Byers Road Miamisburg OHIO 45342
Attorney of Record	B. Joseph Schaeff
Prior Registrations	1749070;1826515;2156001;AND OTHERS
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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Mark: FRICKIN' X-SCREAM

FRICKIN' X-SCREAM

US Serial Number: 78654200

Application Filing Date: Jun. 20, 2005

US Registration Number: 3182928

Registration Date: Dec. 12, 2006

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: May 16, 2012

Publication Date: Sep. 26, 2006

Mark Information

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Related Properties Information

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: sauces

International Class: 030 - Primary Class

U.S Class: 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 01, 2005

Use in Commerce: Mar. 01, 2005

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: Fricker's Progressive Concepts, Inc.

Owner Address: 228 Byers Road
Miamisburg, OHIO 45342
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: OHIO

Attorney/Correspondence Information

Prosecution History

Maintenance Filings or Post Registration Information

TM Staff and Location Information