

ESTTA Tracking number: **ESTTA522418**

Filing date: **02/19/2013**

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	Hershey Chocolate & Confectionery Corporation
Granted to Date of previous extension	02/20/2013
Address	4860 Robb Street, Suite 204 Wheat Ridge, CO 80033 UNITED STATES

Correspondence information	John P. Rynkiewicz 901 Fifteenth Street, N.W. Suite 700 Washington, DC 20005 UNITED STATES jrynkiewicz@kayescholer.com, pllewellyn@kayescholer.com, jeiseid@kayescholer.com Phone:2026823671
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**Applicant Information**

Application No	85620774	Publication date	10/23/2012
Opposition Filing Date	02/19/2013	Opposition Period Ends	02/20/2013
Applicant	Whimsical Gifts Etc Incorporated 607 Augustana Lane Albany, MN 56307 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 040. First Use: 2009/04/20 First Use In Commerce: 2009/04/20 All goods and services in the class are opposed, namely: Bakery services, namely, the manufacture of bakery products to order and/or specification of others
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**Grounds for Opposition**

False suggestion of a connection	Trademark Act section 2(a)
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.	3839291	Application Date	11/10/2009
Registration Date	08/24/2010	Foreign Priority Date	NONE
Word Mark	MORE TIME. MORE BLISS.		

Design Mark	<b>MORE TIME. MORE BLISS.</b>
Description of Mark	NONE
Goods/Services	Class 030. First use: First Use: 2010/04/02 First Use In Commerce: 2010/04/02 Candy

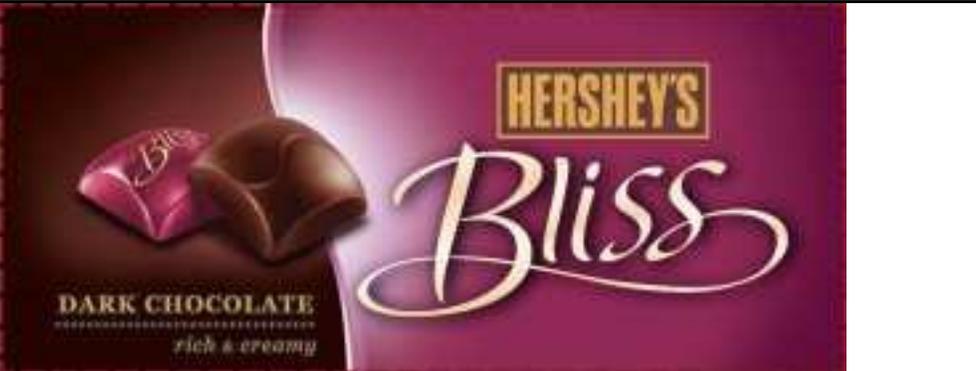
U.S. Registration No.	3866384	Application Date	06/23/2009
Registration Date	10/26/2010	Foreign Priority Date	NONE
Word Mark	HERSHEY'S BLISS MILK CHOCOLATE WITH A MELTAWAY CENTER		
Design Mark			
Description of Mark	<p>The mark consists of the following: a tan rectangle with the word "HERSHEY'S" appearing in silver block letters on a maroon background within a smaller rectangle followed by the word "BLISS" in stylized gold letters with brown shading. Below are three square-domed brown candies. The left candy is a cut-away, the center and right candy are whole. The left side of the rectangle shows vertical interlocking curled lines design in the color tan and the words "Milk Chocolate with a Meltaway Center" on a wide ribbon of brown; to the right of the rectangle is a narrower ribbon of brown with stylized stars with vertical interlocking curled lines design in the color brown. The matter shown in dotted lines shows positioning of the mark and is not part of the mark .</p>		
Goods/Services	Class 030. First use: First Use: 2007/12/18 First Use In Commerce: 2007/12/18 Candy		

U.S. Registration No.	3608864	Application Date	10/16/2008
Registration Date	04/21/2009	Foreign Priority Date	NONE
Word Mark	HERSHEY'S BLISS		

Design Mark	
Description of Mark	The mark consists of the words "HERSHEY'S BLISS" in stylized letters; the word "HERSHEY'S" is within a solid dark rectangle background .
Goods/Services	Class 030. First use: First Use: 2007/08/21 First Use In Commerce: 2007/08/21 Candy

U.S. Registration No.	3527456	Application Date	04/09/2008
Registration Date	11/04/2008	Foreign Priority Date	NONE
Word Mark	BLISS IS EVERYWHERE. YOU JUST HAVE TO UNWRAP IT.		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2008/03/14 First Use In Commerce: 2008/03/14 Candy		

U.S. Application No.	85515111	Application Date	01/12/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	HERSHEY'S BLISS DARK CHOCOLATE RICH & CREAMY		

Design Mark			
Description of Mark	<p>The mark consists of a rectangle with the first third (approximate) of the mark containing one maroon wrapped square-domed candy piece with the word "BLISS" written on it in gold, and one unwrapped, square-domed candy piece in dark maroonish-brown, propped upon the first, both appearing in a spot light on a maroonish-brown background. The wording "DARK CHOCOLATE", a row of dots and "RICH &amp; CREAMY" appear in gold directly below the candies. The next two thirds (approximate) of the mark consists of a shaded maroon background with the word "HERSHEY'S" written and framed in gold on a dark maroonish-brown background and the word "BLISS" directly below in cream. The two sections are divided by a cream and shaded curved line. The dotted lines along the outside of the mark indicate the positioning of the mark, and are not part of the mark.</p>		
Goods/Services	Class 030. First use: First Use: 2011/06/30 First Use In Commerce: 2011/06/30 Candy		

U.S. Application No.	85515151	Application Date	01/12/2012
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	BLISS HERSHEY'S BLISS WHITE CHOCOLATE WITH A CREAMY MELTAWAY CENTER		
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Design Mark			
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Description of Mark	<p>The mark consists of a rectangle with the first third (approximate) of the mark containing one blue wrapped square-domed candy piece with the word "BLISS" written on it in a cream color, and one unwrapped, partially cut, square-domed candy piece, propped upon the first, both on a cream background. The wording "WHITE CHOCOLATE", a row of dots, "WITH A CREAMY MELTAWAY CENTER" appears in blue directly below the candies. The next two thirds (approximate) of the mark consists of a shaded blue background with the words "HERSHEY'S" written and framed in white on a dark maroonish-brown background and the word "BLISS" directly below in light blue. The two sections are divided by a white and blue curved line. The dotted lines along the outside of the mark indicate the positioning of the mark, and are not part of the mark.</p>		
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Goods/Services	Class 030. First use: First Use: 2011/06/30 First Use In Commerce: 2011/06/30 Candy		
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U.S. Application No.	85515140	Application Date	01/12/2012
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Registration Date	NONE	Foreign Priority Date	NONE
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Word Mark	HERSHEY'S BLISS MILK CHOCOLATE WITH A CRÈME DE MENTHE MELTAWAY CENTER		
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Design Mark			
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Description of Mark	<p>The mark consists of a rectangle with the first third (approximate) of the mark containing one green wrapped square-domed candy piece with the word "BLISS" written on it in gold, and one unwrapped, square-domed candy piece partially cut to show the green center, propped upon the first, both on a shaded dark maroonish-brown background. The wording "MILK CHOCOLATE", a row of dots, and "WITH A CRÈME DE MENTHE MELTAWAY CENTER" appears in gold directly below the candies. The next two thirds (approximate) of the mark consists of a shaded green background with the word "HERSHEY'S" written and framed in gold on a dark maroonish-brown background and the word "BLISS" directly below in cream. The two sections are divided by a cream curved line. The dotted lines along the outside of the mark indicate the positioning of the mark, and are not part of the mark.</p>		
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Goods/Services	Class 030. First use: First Use: 2011/06/30 First Use In Commerce: 2011/06/30 Candy		
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U.S. Application No.	85515125	Application Date	01/12/2012
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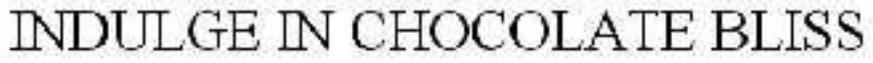
Registration Date	NONE	Foreign Priority Date	NONE
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Word Mark	BLISS HERSHEY'S BLISS MILK CHOCOLATE SMOOTH & CREAMY		
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Design Mark			
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Description of Mark	<p>The mark consists of a rectangle with the first third (approximate) of the mark containing one purple wrapped square-domed candy piece with the word</p>		
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	"BLISS" written on it in a cream color, and one unwrapped square-domed candy piece, propped upon the first, both on a dark maroonish-brown background and appearing in a highlight. The wording "MILK CHOCOLATE", a row of dots and the wording "SMOOTH & CREAMY" appear in gold directly below the candies. The next two thirds (approximate) of the mark consists of a purple background with the words "HERSHEY'S" written and framed in gold on a brown background and the word "BLISS" directly below in cream. The two sections are divided by a cream colored, curved line. The dotted lines along the outside of the mark indicate the positioning of the mark, and are not part of the mark.
Goods/Services	Class 030. First use: First Use: 2011/06/30 First Use In Commerce: 2011/06/30 Candy

U.S. Application No.	85083646	Application Date	07/13/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	INDULGE IN CHOCOLATE BLISS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: Candy; Chocolate		

Attachments	77869224#TMSN.jpeg ( 1 page )( bytes ) 77765725#TMSN.jpeg ( 1 page )( bytes ) 77593763#TMSN.jpeg ( 1 page )( bytes ) 77443922#TMSN.jpeg ( 1 page )( bytes ) 85515111#TMSN.jpeg ( 1 page )( bytes ) 85515151#TMSN.jpeg ( 1 page )( bytes ) 85515140#TMSN.jpeg ( 1 page )( bytes ) 85515125#TMSN.jpeg ( 1 page )( bytes ) 85083646#TMSN.jpeg ( 1 page )( bytes ) HersheyOppBlissCandies.pdf ( 5 pages )(181584 bytes ) A Regs BLISS.pdf ( 16 pages )(860379 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	/john p rynkiewicz/
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Name	John P. Rynkiewicz
Date	02/19/2013

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

Application Serial No: 85620774  
Filed: May 9, 2012  
Published for Opposition: October 23, 2012  
Mark: BLISS CANDIES

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HERSHEY CHOCOLATE & CONFECTIONERY :  
CORPORATION, :  
 :  
Opposer, :  
 :  
v. :  
 :  
WHIMSICAL GIFTS ETC INCORPORATED DBA BLISS :  
CANDIES, :  
 :  
Applicant. :  
----- X

Commissioner for Trademarks  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**NOTICE OF OPPOSITION**

Hershey Chocolate & Confectionery Corporation (“Hershey” or “Opposer”), a Delaware corporation located and doing business at 4860 Robb Street, Suite 204, Wheat Ridge, Colorado, believes that it will be damaged by the registration of the mark BLISS CANDIES for “Bakery services, namely, the manufacture of bakery products to order and/or specification of others” shown in Application Serial No. 85620774, and hereby opposes the same.

As grounds for opposition, Opposer, by and through its undersigned counsel, alleges that:

1. Hershey is the owner of a number of trademarks for candy, chocolate, confectionery, cocoa, cocoa mixes and related products manufactured and sold by Hershey’s licensee, The Hershey Company, a leading snack food company and one of the largest North American manufacturers of quality chocolate and non-chocolate confectionery products. Among

these marks are the BLISS family of marks covering candy and chocolate, as shown in the following United States trademark registrations and applications (“BLISS Marks”):

<u>Serial No.</u>	<u>Reg. No.</u>	<u>Mark</u>
77869224	3839291	MORE TIME. MORE BLISS.
77765725	3866384	HERSHEY'S BLISS MILK CHOCOLATE WITH A MELTAWAY CENTER
77593763	3608864	HERSHEY'S BLISS
77443922	3527456	BLISS IS EVERYWHERE. YOU JUST HAVE TO UNWRAP IT.
77260232	3432484	HERSHEY'S BLISS
85515119		HERSHEY'S BLISS MILK CHOCOLATE WITH NA MELTAWAYCENTER
85515111		HERSHEY'S BLISS DARK CHOCOLATE RICH & CREAMY
85515151		BLISS HERSHEY'S BLISS WHITE CHOCOLATE WITH A CREAMY MELTAWAY CENTER
85515140		HERSHEY'S BLISS MILK CHOCOLATE WITH A CRÈME DE MENTHE MELTAWAY CENTER
85515125		HERSHEY'S BLISS MILK CHOCOLATE SMOOTH & CREAMY
85083646		INDULGE IN CHOCOLATE BLISS

Copies of the registration certificates for the registered BLISS Marks and copies of records from the USPTO’s database for the pending BLISS Marks’ applications are attached as Exhibit 1.

2. As a result of their use, promotion and advertising throughout the United States, the BLISS Marks have become a valuable asset of Hershey, serving as a symbol for Hershey’s goods and of the goodwill which is associated with those goods, and the mark HERSHEY’S BLISS has become famous within the meaning of 15 U.S.C. § 1125(c).

3. Despite Hershey’s prior common law and statutory rights in the BLISS Marks, Applicant, with both constructive and actual notice of Hershey’s federal registrations and applications, and well after Hershey established rights in and to the BLISS Marks, adopted and

filed an application under Application Serial No. 85620774 for registration of the mark BLISS CANDIES for “Bakery services, namely, the manufacture of bakery products to order and/or specification of others” in International Class 40.

4. Applicant’s BLISS CANDIES mark is highly similar to the BLISS Marks adopted and used by Opposer. The Applicant’s published application contains a disclaimer of CANDIES thereby leaving BLISS as the dominant and salient portion of the mark and highly similar to the Opposer’s BLISS Marks.

5. Applicant’s services, as described in its application opposed herein, are or would be offered through the same or similar channels of trade to the same or similar customers or users as those goods rendered by Opposer’s licensee under the BLISS Marks, and are highly related to the goods of Opposer’s licensee. This is particularly the case because most consumers of confections also are consumers of bakery products.

6. Opposer believes and therefore alleges that use and registration of the mark covered by Application Serial No. 85620774 will damage Opposer, for the following reasons among others:

- a. that customers and purchasers of the respective services would be confused, mistaken, or deceived as to the source and origin of Applicant’s services and any goods its makes rendered under the applied-for mark; and
- b. that customers and purchasers of the respective services will assume, contrary to fact, that Applicant’s services come from, are associated with, sponsored by, approved by, or otherwise related to or affiliated with Opposer.

- c. that customers and purchasers of the respective services will assume, contrary to fact, that Applicant's services use, and the products made from its services contain, as an ingredient Opposer's products under the Bliss Marks manufactured by Opposer's licensee; and
- d. that Applicant's use of the applied-for mark is likely to dilute the distinctive quality of the BLISS Marks.

7. Applicant's applied-for mark so resembles Opposer's previously used, registered and applied-for BLISS Marks, as to be likely, when applied to the services set forth in Applicant's application, to cause confusion, mistake or deception within the meaning of 15 U.S.C. § 1052(d).

8. Applicant's applied-for mark so resembles Opposer's previously used, registered and applied-for BLISS Marks, as to be likely, when applied to the services set forth in Applicant's application, to falsely suggest a connection with the Opposer within the meaning of 15 U.S.C. § 1052(a).

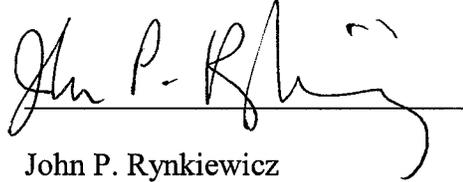
9. Applicant's applied-for mark is likely to dilute the distinctive quality of Opposer's famous, distinctive, federally-registered and federally applied-for BLISS Marks, within the meaning of 15 U.S.C. § 1125(c)(1).

WHEREFORE, Opposer respectfully prays that this Opposition be sustained and that registration to Applicant be refused.

The Patent and Trademark Office and the Trademark Trial and Appeal Board are hereby authorized to collect any fees necessitated by this Notice of Opposition from the deposit account of Opposer's attorneys, Kaye Scholer LLP, Deposit Account No. 11-0228.

Dated: February 19, 2013

Respectfully submitted,



John P. Rynkiewicz  
KAYE SCHOLER LLP  
901 Fifteenth Street, N.W.  
Washington, DC 20005  
Telephone: (202) 682-3671

Paul C. Llewellyn  
KAYE SCHOLER LLP  
425 Park Avenue  
New York, NY 10022  
Telephone: (212) 836-8000

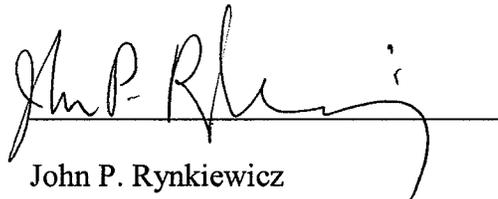
*Attorneys for Opposer Hershey Chocolate &  
Confectionery Corporation*

CERTIFICATE OF SERVICE

I, hereby certify that a copy of the NOTICE OF OPPOSITION has been served upon:

DAVE ALAN LINGBECK, ESQ.  
LINGBECK PATENT LAW  
P.O. BOX 500  
SAINT MICHAEL, MINNESOTA 55376-0500

by first class mail, postage prepaid, as well as by email (dlpatents@charter.net) this 19th day of February, 2013.



John P. Rynkiewicz

Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,432,484

Registered May 20, 2008

**TRADEMARK  
PRINCIPAL REGISTER**

**HERSHEY'S BLISS**

HERSHEY CHOCOLATE & CONFECTIONERY  
CORPORATION (DELAWARE CORPORATION)

4860 ROBB STREET

SUITE 204

WHEAT RIDGE, CO 80033

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

OWNER OF U.S. REG. NOS. 54,041, 3,278,000, AND OTHERS.

FOR: CANDY, IN CLASS 30 (U.S. CL. 46).

SN 77-260,232, FILED 8-21-2007.

FIRST USE 12-18-2007; IN COMMERCE 12-18-2007.

MARLENE BELL, EXAMINING ATTORNEY

Int. Cl.: 30

Prior U.S. Cl.: 46

**United States Patent and Trademark Office**

**Reg. No. 3,527,456**

Registered Nov. 4, 2008

**TRADEMARK  
PRINCIPAL REGISTER**

**BLISS IS EVERYWHERE. YOU  
JUST HAVE TO UNWRAP IT.**

HERSHEY CHOCOLATE & CONFECTIONERY  
CORPORATION (DELAWARE CORPORATION)  
4860 ROBB ST. SUITE 204  
WHEAT RIDGE, CO 80033

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

FOR: CANDY, IN CLASS 30 (U.S. CL. 46).

SER. NO. 77-443,922, FILED 4-9-2008.

FIRST USE 3-14-2008; IN COMMERCE 3-14-2008.

JEAN IM, EXAMINING ATTORNEY

Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,608,864

Registered Apr. 21, 2009

TRADEMARK  
PRINCIPAL REGISTER



HERSHEY CHOCOLATE & CONFECTIONERY  
CORPORATION (DELAWARE CORPORATION)  
SUITE 204  
4860 ROBB STREET  
WHEAT RIDGE, CO 80033

THE MARK CONSISTS OF THE WORDS "HERSHEY'S BLISS" IN STYLIZED LETTERS; THE WORD "HERSHEY'S" IS WITHIN A SOLID DARK RECTANGLE BACKGROUND.

FOR: CANDY, IN CLASS 30 (U.S. CL. 46).

SEC. 2(F) AS TO HERSHEY'S.

FIRST USE 12-18-2007; IN COMMERCE 12-18-2007.

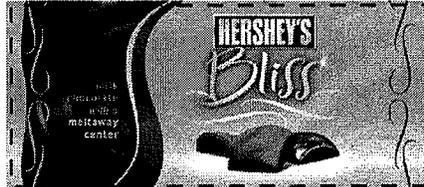
SER. NO. 77-593,763, FILED 10-16-2008.

OWNER OF U.S. REG. NOS. 54,041, 3,432,484 AND OTHERS.

ROBERT C. CLARK JR., EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office



**Reg. No. 3,866,384**

**Registered Oct. 26, 2010**

**Int. Cl.: 30**

**TRADEMARK**

**PRINCIPAL REGISTER**

HERSHEY CHOCOLATE & CONFECTIONERY CORPORATION (DELAWARE CORPORATION)

4860 ROBB STREET SUITE 204  
WHEAT RIDGE, CO 80033

FOR: CANDY, IN CLASS 30 (U.S. CL. 46).

FIRST USE 12-18-2007; IN COMMERCE 12-18-2007.

OWNER OF U.S. REG. NOS. 54,041, 3,432,484, AND 3,608,864.

THE COLOR(S) TAN, SILVER, GOLD, BROWN AND MAROON IS/ARE CLAIMED AS A FEATURE OF THE MARK.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MILK CHOCOLATE WITH A MELTAWAY CENTER" AND "THE DESIGN OF CANDY", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE FOLLOWING: A TAN RECTANGLE WITH THE WORD "HERSHEY'S" APPEARING IN SILVER BLOCK LETTERS ON A MAROON BACKGROUND WITHIN A SMALLER RECTANGLE FOLLOWED BY THE WORD "BLISS" IN STYLIZED GOLD LETTERS WITH BROWN SHADING. BELOW ARE THREE SQUARE-DOMED BROWN CANDIES. THE LEFT CANDY IS A CUT-AWAY, THE CENTER AND RIGHT CANDY ARE WHOLE. THE LEFT SIDE OF THE RECTANGLE SHOWS VERTICAL INTERLOCKING CURLED LINES DESIGN IN THE COLOR TAN AND THE WORDS "MILK CHOCOLATE WITH A MELTAWAY CENTER" ON A WIDE RIBBON OF BROWN; TO THE RIGHT OF THE RECTANGLE IS A NARROWER RIBBON OF BROWN WITH STYLIZED STARS WITH VERTICAL INTERLOCKING CURLED LINES DESIGN IN THE COLOR BROWN. THE MATTER SHOWN IN DOTTED LINES SHOWS POSITIONING OF THE MARK AND IS NOT PART OF THE MARK.



SEC. 2(F) AS TO "HERSHEY'S BLISS".

SER. NO. 77-765,725, FILED 6-23-2009.

JOHN DALIER, EXAMINING ATTORNEY

*David J. Kappas*

Director of the United States Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

MORE TIME. MORE BLISS.

**Reg. No. 3,839,291**

**Registered Aug. 24, 2010**

**Int. Cl.: 30**

**TRADEMARK**

**PRINCIPAL REGISTER**

HERSHEY CHOCOLATE & CONFECTIONERY CORPORATION (DELAWARE CORPORATION)

4860 ROBB STREET SUITE 204  
WHEAT RIDGE, CO 80033

FOR: CANDY, IN CLASS 30 (U.S. CL. 46).

FIRST USE 4-2-2010; IN COMMERCE 4-2-2010.

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

OWNER OF U.S. REG. NOS. 3,432,484, 3,527,456, AND 3,608,864.

SN 77-869,224, FILED 11-10-2009.

SUNG IN, EXAMINING ATTORNEY



*David J. Kybas*

Director of the United States Patent and Trademark Office



**United States Patent and Trademark Office**

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**INDULGE IN CHOCOLATE BLISS**

**Word Mark** INDULGE IN CHOCOLATE BLISS  
**Goods and Services** IC 030. US 046. G & S: Candy; Chocolate  
**Standard Characters Claimed**  
**Mark Drawing Code** (4) STANDARD CHARACTER MARK  
**Serial Number** 85083646  
**Filing Date** July 13, 2010  
**Current Basis** 1B  
**Original Filing Basis** 1B  
**Published for Opposition** November 2, 2010  
**Owner** (APPLICANT) Hershey Chocolate & Confectionery Corporation CORPORATION DELAWARE 4860 Robb Street Suite 204 Wheat Ridge COLORADO 80033  
**Prior Registrations** 3432484;3527456;3608864  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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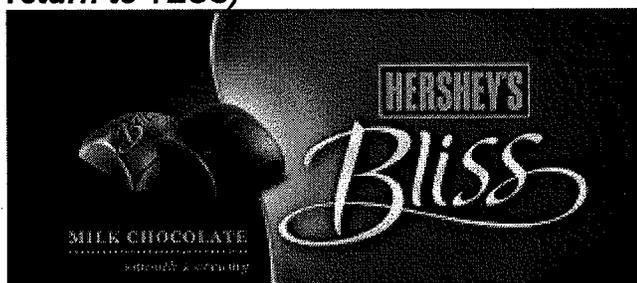
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<b>Word Mark</b>	<b>BLISS HERSHEY'S BLISS MILK CHOCOLATE SMOOTH &amp; CREAMY</b>
<b>Goods and Services</b>	IC 030. US 046. G & S: Candy. FIRST USE: 20110630. FIRST USE IN COMMERCE: 20110630
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	08.03.01 - Candy bars, (chocolate); Chips, (chocolate); Chocolate candies; Chocolate chips 26.11.05 - Rectangles made of broken or dotted lines 26.11.20 - Rectangles inside one another 26.11.21 - Rectangles that are completely or partially shaded 26.17.02 - Bands, wavy; Bars, wavy; Lines, wavy; Wavy line(s), band(s) or bar(s) 26.17.04 - Bands, vertical; Bars, vertical; Lines, vertical; Vertical line(s), band(s) or bar(s)
<b>Serial Number</b>	85515125
<b>Filing Date</b>	January 12, 2012
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	January 8, 2013
<b>Owner</b>	(APPLICANT) <b>Hershey</b> Chocolate & Confectionery Corporation CORPORATION DELAWARE 4860 Robb Street, Suite 204 Wheat Ridge COLORADO 80033
<b>Attorney of Record</b>	Amy Wright
<b>Prior</b>	3432484;3608864;3866384

**Registrations**

**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MILK CHOCOLATE" AND "SMOOTH & CREAMY" APART FROM THE MARK AS SHOWN

**Description of Mark** The color(s) purple, gold, cream, brown and dark maroonish-brown is/are claimed as a feature of the mark. The mark consists of a rectangle with the first third (approximate) of the mark containing one purple wrapped square-domed candy piece with the word "**BLISS**" written on it in a cream color, and one unwrapped square-domed candy piece, propped upon the first, both on a dark maroonish-brown background and appearing in a highlight. The wording "MILK CHOCOLATE", a row of dots and the wording "SMOOTH & CREAMY" appear in gold directly below the candies. The next two thirds (approximate) of the mark consists of a purple background with the words "**HERSHEY'S**" written and framed in gold on a brown background and the word "**BLISS**" directly below in cream. The two sections are divided by a cream colored, curved line. The dotted lines along the outside of the mark indicate the positioning of the mark, and are not part of the mark.

**Type of Mark** TRADEMARK

**Register** PRINCIPAL-2(F)-IN PART

**Live/Dead Indicator** LIVE

**Distinctiveness Limitation Statement** AS TO THE SHAPE OF THE CANDY

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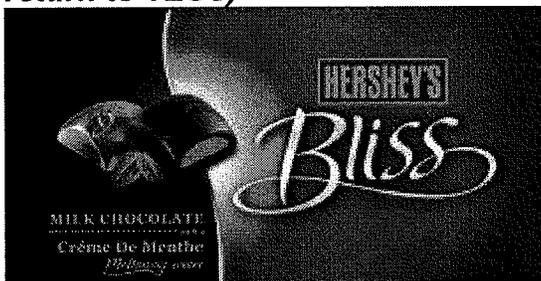
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<b>Word Mark</b>	<b>HERSHEY'S BLISS MILK CHOCOLATE WITH A CRÈME DE MENTHE MELTAWAY CENTER</b>
<b>Goods and Services</b>	IC 030. US 046. G & S: Candy. FIRST USE: 20110630. FIRST USE IN COMMERCE: 20110630
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	05.03.08 - More than one leaf, including scattered leaves, bunches of leaves not attached to branches 05.03.25 - Leaf, single; Other leaves 08.03.01 - Candy bars, (chocolate); Chips, (chocolate); Chocolate candies; Chocolate chips 26.11.05 - Rectangles made of broken or dotted lines 26.11.20 - Rectangles inside one another 26.11.21 - Rectangles that are completely or partially shaded 26.17.02 - Bands, wavy; Bars, wavy; Lines, wavy; Wavy line(s), band(s) or bar(s) 26.17.04 - Bands, vertical; Bars, vertical; Lines, vertical; Vertical line(s), band(s) or bar(s)
<b>Serial Number</b>	85515140
<b>Filing Date</b>	January 12, 2012
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	January 8, 2013
<b>Owner</b>	(APPLICANT) Hershey Chocolate & Confectionery Corporation CORPORATION DELAWARE 4860 Robb Street, Suite 204 Wheat Ridge COLORADO 80033

**Attorney of Record** Amy Wright

**Prior Registrations** 3432484;3608864;3866384

**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MILK CHOCOLATE" AND "WITH A CRÈME DE MENTHE MELTAWAY CENTER" APART FROM THE MARK AS SHOWN

**Description of Mark** The color(s) dark maroonish-brown, gold, green and cream is/are claimed as a feature of the mark. The mark consists of a rectangle with the first third (approximate) of the mark containing one green wrapped square-domed candy piece with the word "**BLISS**" written on it in gold, and one unwrapped, square-domed candy piece partially cut to show the green center, propped upon the first, both on a shaded dark maroonish-brown background. The wording "MILK CHOCOLATE", a row of dots, and "WITH A CRÈME DE MENTHE MELTAWAY CENTER" appears in gold directly below the candies. The next two thirds (approximate) of the mark consists of a shaded green background with the word "**HERSHEY'S**" written and framed in gold on a dark maroonish-brown background and the word "**BLISS**" directly below in cream. The two sections are divided by a cream curved line. The dotted lines along the outside of the mark indicate the positioning of the mark, and are not part of the mark.

**Type of Mark** TRADEMARK

**Register** PRINCIPAL-2(F)-IN PART

**Live/Dead Indicator** LIVE

**Distinctiveness Limitation Statement** AS TO THE SHAPE OF THE CANDY

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**Word Mark** BLISS HERSHEY'S BLISS WHITE CHOCOLATE WITH A CREAMY MELTAWAY CENTER

**Goods and Services** IC 030. US 046. G & S: Candy. FIRST USE: 20110630. FIRST USE IN COMMERCE: 20110630

**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search Code** 08.03.01 - Candy bars, (chocolate); Chips, (chocolate); Chocolate candies; Chocolate chips  
 26.11.05 - Rectangles made of broken or dotted lines  
 26.11.20 - Rectangles inside one another  
 26.11.21 - Rectangles that are completely or partially shaded  
 26.17.02 - Bands, wavy; Bars, wavy; Lines, wavy; Wavy line(s), band(s) or bar(s)  
 26.17.04 - Bands, vertical; Bars, vertical; Lines, vertical; Vertical line(s), band(s) or bar(s)

**Serial Number** 85515151

**Filing Date** January 12, 2012

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** January 8, 2013

**Owner** (APPLICANT) Hershey Chocolate & Confectionery Corporation CORPORATION DELAWARE  
 4860 Robb Street, Suite 204 Wheat Ridge COLORADO 80033

**Attorney of Record** Amy Wright

**Prior** 3432484;3608864;3866384

**Registrations**

**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "WHITE CHOCOLATE" AND "WITH A CREAMY MELTAWAY CENTER" APART FROM THE MARK AS SHOWN

**Description of Mark** The color(s) cream, blue, white and dark maroonish-brown is/are claimed as a feature of the mark. The mark consists of a rectangle with the first third (approximate) of the mark containing one blue wrapped square-domed candy piece with the word "**BLISS**" written on it in a cream color, and one unwrapped, partially cut, square-domed candy piece, propped upon the first, both on a cream background. The wording "WHITE CHOCOLATE", a row of dots, "WITH A CREAMY MELTAWAY CENTER" appears in blue directly below the candies. The next two thirds (approximate) of the mark consists of a shaded blue background with the words "**HERSHEY'S**" written and framed in white on a dark maroonish-brown background and the word "**BLISS**" directly below in light blue. The two sections are divided by a white and blue curved line. The dotted lines along the outside of the mark indicate the positioning of the mark, and are not part of the mark.

**Type of Mark** TRADEMARK

**Register** PRINCIPAL-2(F)-IN PART

**Live/Dead Indicator** LIVE

**Distinctiveness Limitation Statement** AS TO THE SHAPE OF THE CANDY

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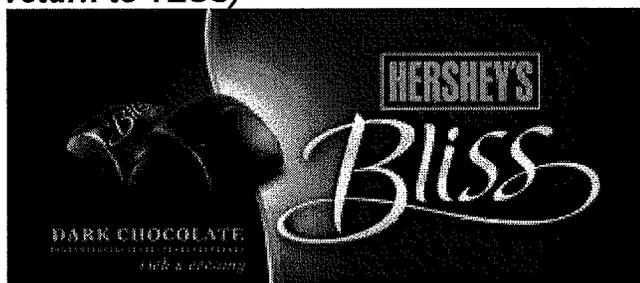
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**Word Mark**           HERSHEY'S BLISS DARK CHOCOLATE RICH & CREAMY  
**Goods and Services**   IC 030. US 046. G & S: Candy. FIRST USE: 20110630. FIRST USE IN COMMERCE: 20110630  
**Mark Drawing Code**   (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS  
**Design Search Code**   08.03.01 - Candy bars, (chocolate); Chips, (chocolate); Chocolate candies; Chocolate chips  
                                   26.11.05 - Rectangles made of broken or dotted lines  
                                   26.11.20 - Rectangles inside one another  
                                   26.11.21 - Rectangles that are completely or partially shaded  
                                   26.17.02 - Bands, wavy; Bars, wavy; Lines, wavy; Wavy line(s), band(s) or bar(s)  
                                   26.17.04 - Bands, vertical; Bars, vertical; Lines, vertical; Vertical line(s), band(s) or bar(s)  
**Serial Number**       85515111  
**Filing Date**           January 12, 2012  
**Current Basis**        1A  
**Original Filing Basis**  1A  
**Published for Opposition** January 15, 2013  
**Owner**                (APPLICANT) Hershey Chocolate & Confectionery Corporation CORPORATION DELAWARE  
                                   4860 Robb Street, Suite 204 Wheat Ridge COLORADO 80033  
**Attorney of Record**   Amy Wright  
**Prior**                 3432484;3608864;3866384

**Registrations**

**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "DARK CHOCOLATE" OR "RICH & CREAMY" APART FROM THE MARK AS SHOWN

**Description of Mark** The color(s) maroonish-brown, dark maroonish-brown, gold, maroon and cream is/are claimed as a feature of the mark. The mark consists of a rectangle with the first third (approximate) of the mark containing one maroon wrapped square-domed candy piece with the word "**BLISS**" written on it in gold, and one unwrapped, square-domed candy piece in dark maroonish-brown, propped upon the first, both appearing in a spot light on a maroonish-brown background. The wording "DARK CHOCOLATE", a row of dots and "RICH & CREAMY" appear in gold directly below the candies. The next two thirds (approximate) of the mark consists of a shaded maroon background with the word "**HERSHEY'S**" written and framed in gold on a dark maroonish-brown background and the word "**BLISS**" directly below in cream. The two sections are divided by a cream and shaded curved line. The dotted lines along the outside of the mark indicate the positioning of the mark, and are not part of the mark.

**Type of Mark** TRADEMARK

**Register** PRINCIPAL-2(F)-IN PART

**Live/Dead Indicator** LIVE

**Distinctiveness Limitation Statement** as to THE SHAPE OF THE CANDY

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**Word Mark**      **HERSHEY'S BLISS MILK CHOCOLATE WITH A MELTAWAY CENTER**

**Goods and Services**      IC 030. US 046. G & S: Candy. FIRST USE: 20110630. FIRST USE IN COMMERCE: 20110630

**Mark Drawing Code**      (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search Code**      08.03.01 - Candy bars, (chocolate); Chips, (chocolate); Chocolate candies; Chocolate chips  
 26.11.05 - Rectangles made of broken or dotted lines  
 26.11.20 - Rectangles inside one another  
 26.11.21 - Rectangles that are completely or partially shaded  
 26.17.02 - Bands, wavy; Bars, wavy; Lines, wavy; Wavy line(s), band(s) or bar(s)  
 26.17.04 - Bands, vertical; Bars, vertical; Lines, vertical; Vertical line(s), band(s) or bar(s)

**Serial Number**      85515119

**Filing Date**      January 12, 2012

**Current Basis**      1A

**Original Filing Basis**      1A

**Published for Opposition**      February 5, 2013

**Owner**      (APPLICANT) **Hershey** Chocolate & Confectionery Corporation CORPORATION DELAWARE  
 4860 Robb Street, Suite 204 Wheat Ridge COLORADO 80033

**Attorney of Record**      Amy Wright

**Prior**      3432484;3608864;3866384

**Registrations**

**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MILK CHOCOLATE" OR "WITH A MELTAWAY CENTER" APART FROM THE MARK AS SHOWN

**Description of Mark** The color(s) brownish-gold, dark maroonish-brown, gold, light maroonish-brown and cream is/are claimed as a feature of the mark. The mark consists of a rectangle with the first third (approximate) of the mark containing one brownish-gold wrapped square-domed candy piece with the word "BLISS" written on it in gold, and one unwrapped, partially cut, square-domed candy piece in dark-maroonish brown, propped upon the first, both on a shaded dark maroonish-brown background. The wording "MILK CHOCOLATE", a row of dots, and "WITH A MELTAWAY CENTER" appears in gold directly below the candies. The next two thirds (approximate) of the mark consists of a shaded light maroonish-brown background with the word "HERSHEY'S" written and framed in gold on a dark maroonish-brown background and the word "BLISS" directly below in cream. The two sections are divided by a cream curved line. The dotted lines along the outside of the mark indicate the positioning of the mark, and are not part of the mark.

**Type of Mark** TRADEMARK

**Register** PRINCIPAL-2(F)-IN PART

**Live/Dead Indicator** LIVE

**Distinctiveness Limitation Statement** "AS TO" THE SHAPE OF THE CANDY

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