

ESTTA Tracking number: **ESTTA561074**

Filing date: **09/24/2013**

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	Buffets, Inc.
Granted to Date of previous extension	09/25/2013
Address	1020 Discovery Road Suite 100 Eagan, MN 55121 UNITED STATES

Attorney information	Ryan R. Palmer Monroe Moxness Berg PA 8000 Norman Center Drive Suite 1000 Minneapolis, MN 55437 UNITED STATES trademarks@mmlawfirm.com Phone:9528855999
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Applicant Information

Application No	85802394	Publication date	05/28/2013
Opposition Filing Date	09/24/2013	Opposition Period Ends	09/25/2013
Applicant	STARTS CC, INC. 1312 N. SCOTTSDALE ROAD SCOTTSDALE, AZ 85257 UNITED STATES		

Goods/Services Affected by Opposition

Class 043. First Use: 2012/11/01 First Use In Commerce: 2012/11/01
All goods and services in the class are opposed, namely: Restaurant services

Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2987516	Application Date	06/11/2004
Registration Date	08/23/2005	Foreign Priority Date	NONE
Word Mark	COUNTRY BUFFET		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 043. First use: First Use: 1992/11/00 First Use In Commerce: 1992/11/00 Restaurant services

U.S. Registration No.	2149716	Application Date	04/12/1996
Registration Date	04/07/1998	Foreign Priority Date	NONE
Word Mark	OLD COUNTRY BUFFET		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1996/09/00 First Use In Commerce: 1996/09/00 restaurant services		

U.S. Registration No.	2051197	Application Date	09/16/1994
Registration Date	04/08/1997	Foreign Priority Date	NONE
Word Mark	OLD COUNTRY BUFFET		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1994/11/00 First Use In Commerce: 1994/11/00 restaurant services		

U.S. Registration No.	2051196	Application Date	09/16/1994
Registration Date	04/08/1997	Foreign Priority Date	NONE
Word Mark	OLD COUNTRY BUFFET		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1994/11/00 First Use In Commerce: 1994/11/00 restaurant services		

U.S. Registration No.	2048119	Application Date	09/16/1994
Registration Date	03/25/1997	Foreign Priority Date	NONE
Word Mark	OLD COUNTRY BUFFET		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1994/11/00 First Use In Commerce: 1994/11/00 restaurant services		

U.S. Registration No.	1423419	Application Date	04/11/1986
Registration Date	12/30/1986	Foreign Priority Date	NONE
Word Mark	OLD COUNTRY BUFFET		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1984/03/21 First Use In Commerce: 1984/03/21 RESTAURANT SERVICES		

U.S. Registration No.	1343558	Application Date	07/11/1984
Registration Date	06/18/1985	Foreign Priority Date	NONE
Word Mark	OLD COUNTRY BUFFET		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1984/03/21 First Use In Commerce: 1984/03/21 RESTAURANT SERVICES		

Attachments	NOA Buffets JJ North.pdf(18144 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	/Ryan R. Palmer/
Name	Ryan R. Palmer
Date	09/24/2013

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

Buffets, Inc.,
Opposer,

v.

Starts CC, Inc.,
Applicant.

) Serial No. 85802394
) Mark: J.J. NORTH'S COUNTRY BUFFET
) Opposition No. _____

) Publication Date: May 28, 2013

) **OPPOSER BUFFETS, INC.'S**
) **NOTICE OF OPPOSITION**

In the matter of Application Serial Number 85802394 filed on December 13, 2012 and published in the Official Gazette on May 28, 2013 (the "Starts Application") by Starts CC, Inc. ("Starts" or "Applicant"), Opposer Buffets, Inc. ("Opposer"), 1020 Discovery Road, Eagan, Minnesota 55121, believes that it would be damaged by the registration of the mark in International Class 43 as shown in the Starts Application and therefore opposes registration of the Starts Application in International Class 43 on the following grounds:

1. Opposer is the operator of various restaurant businesses operated in the United States under the names COUNTRY BUFFET, OLD COUNTRY BUFFET, and related marks.
2. Opposer is the owner of trademark rights in the mark COUNTRY BUFFET and OLD COUNTRY BUFFET for restaurant services ("Opposer's Service Marks").
3. Opposer is the owner of the following United States Trademark Registrations for Opposer's Service Marks:

Registration Number	Filing Date	Mark
2987516	June 11, 2004	COUNTRY BUFFET
2149716	April 12, 1996	OLD COUNTRY BUFFET
2051197	September 16, 1994	OLD COUNTRY BUFFET
2051196	September 16, 1994	OLD COUNTRY BUFFET
2048119	September 16, 1994	OLD COUNTRY BUFFET
1423419	April 11, 1986	OLD COUNTRY BUFFET
1343558	July 11, 1984	OLD COUNTRY BUFFET

4. Opposer's first use and first use in commerce of its OLD COUNTRY BUFFET mark was at least as early as March 21, 1984, and Opposer's first use and first use in commerce of its COUNTRY BUFFET mark was at least as early as November 1992.

5. Opposer has expended substantial resources since at least as early as March 21, 1984 in advertising, promoting and popularizing Opposer's OLD COUNTRY BUFFET mark and in establishing and preserving the goodwill associated with Opposer's Service Marks.

6. Opposer has expended substantial resources since at least as early as November 1992 in advertising, promoting and popularizing Opposer's COUNTRY BUFFET mark and in establishing and preserving the goodwill associated with Opposer's Service Marks.

7. As a result of Opposer's longstanding and widespread use and registration of Opposer's Service Marks and its other related trademarks, these marks identify and distinguish the restaurant services and related products and services offered by Opposer.

8. Applicant filed the Starts Application on December 13, 2012 seeking registration of the mark J.J. NORTH'S COUNTRY BUFFET (the "Starts Mark").

9. The Starts Application requests registration of the Starts Mark for services in International Class 43 identified as restaurant services.

10. The Starts Application was published in the Official Gazette of the United States Patent and Trademark Office on May 28, 2013.

11. Opposer established lawful use of Opposer's Service Marks for services in International Class 43 in commerce prior to the filing date of the Starts Application.

12. The Starts Mark as applied to services in International Class 43 is confusingly similar to Opposer's Service Marks in appearance, sound and meaning.

13. The International Class 43 services identified in the Starts Application are closely related to the services sold by Opposer under Opposer's Service Marks.

14. Applicant's application to register the Starts Mark is without the consent of Opposer.

15. The Starts Mark, as used for the International Class 43 services identified in the Starts Application, so resembles Opposer's Service Marks as to be likely to cause confusion, to cause mistake, or to deceive with respect to the source or origin of Applicant's services in International Class 43, with respect to Opposer's sponsorship thereof or affiliation or connection therewith, and/or in other ways, with resulting damage to Opposer and to the goodwill associated with Opposer's Service Marks.

16. The Starts Mark falsely suggests the existence of a connection, sponsorship or affiliation between Applicant's services in International Class 43 and the services provided by Opposer.

17. Opposer would be damaged by registration of the Starts Mark in International Class 43 in that such registration would be in derogation of Opposer's rights under the trademark laws of the United States.

WHEREFORE, Opposer prays that this Opposition be sustained and that the Starts Application be denied registration in International Class 43.

Dated this 24th day of September, 2013.

Respectfully submitted,

MONROE MOXNESS BERG PA

By /Ryan R. Palmer/

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CERTIFICATE OF SERVICE AND MAILING

I hereby certify that a copy of this paper is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Starts CC, Inc., 1312 Scottsdale Road, Scottsdale, AZ 85257, on the date indicated below.

I hereby certify that a copy of this paper has been furnished to Commissioner of Trademarks, P.O. Box 1451, Arlington, VA 22313, via electronic service, on the date indicated below.

Dated: September 24, 2013

/Ryan R. Palmer/
Ryan R. Palmer

MMB: 4822-7392-4886, V. 2