

ESTTA Tracking number: **ESTTA571447**

Filing date: **11/18/2013**

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	Evolution Fresh, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	1055 Cooley Avenue San Bernadino, CA 92408 UNITED STATES		

Attorney information	Julia Anne Matheson Finnegan Henderson Farabow Garrett & Dunner, LLP 901 New York Avenue, NW Washington, DC 20001 UNITED STATES docketing@finnegan.com, julia.matheson@finnegan.com, whitney.cooke@finnegan.com, judy.valusek@finnegan.com, jacob.mersing@finnegan.com Phone:202-408-4000		
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Applicant Information

Application No	85878075	Publication date	10/22/2013
Opposition Filing Date	11/18/2013	Opposition Period Ends	11/21/2013
Applicant	Anarchy Beverage company 92 Cedarwood dr Lafin, PA 18702 PANAMA		

Goods/Services Affected by Opposition

Class 032. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Energy drinks
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2196497	Application Date	01/27/1997
Registration Date	10/13/1998	Foreign Priority Date	NONE
Word Mark	JUICE EVOLUTION		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 031. First use: First Use: 1997/02/24 First Use In Commerce: 1998/06/18 fresh fruits and fresh vegetables Class 032. First use: First Use: 1997/02/24 First Use In Commerce: 1998/06/18 juices in general, namely, fruit juices and vegetable juices
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U.S. Registration No.	3774723	Application Date	09/01/2009
Registration Date	04/13/2010	Foreign Priority Date	NONE
Word Mark	EVOLUTION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2002/04/00 First Use In Commerce: 2002/04/00 Fruit drinks and fruit juices; Mixed fruit juice; Vegetable juices		

U.S. Registration No.	3774725	Application Date	09/01/2009
Registration Date	04/13/2010	Foreign Priority Date	NONE
Word Mark	EVOLUTION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 031. First use: First Use: 2002/04/00 First Use In Commerce: 2002/04/00 Fresh fruit and vegetables		

U.S. Registration No.	3774724	Application Date	09/01/2009
Registration Date	04/13/2010	Foreign Priority Date	NONE

Word Mark	EVOLUTION		
Design Mark			
Description of Mark	The mark consists of the word "EVOLUTION" appearing in white against a red background, with a yellow sun and rays appearing above the literal element.		
Goods/Services	Class 032. First use: First Use: 2002/04/00 First Use In Commerce: 2002/04/00 Fruit drinks and fruit juices; Mixed fruit juice; Vegetable juices		

U.S. Registration No.	3774726	Application Date	09/01/2009
Registration Date	04/13/2010	Foreign Priority Date	NONE

Word Mark	EVOLUTION		
Design Mark			
Description of Mark	The mark consists of the word "EVOLUTION" appearing in white against a red background, with a yellow sun and rays appearing above the literal element.		
Goods/Services	Class 031. First use: First Use: 2002/04/00 First Use In Commerce: 2002/04/00 Fresh fruit and vegetables		

U.S. Registration No.	4409891	Application Date	09/13/2012
Registration Date	10/01/2013	Foreign Priority Date	03/16/2012
Word Mark	BALANCED EVOLUTION		

Design Mark	BALANCED EVOLUTION
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Description of Mark	NONE
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Goods/Services	<p>Class 029. First use: First Use: 0 First Use In Commerce: 0 Concentrates and syrups for making frozen, blended milk-based beverages; nut based milk and nut juice</p> <p>Class 030. First use: First Use: 0 First Use In Commerce: 0 Flavoring syrups; flavoring syrup for making tea and herbal tea-based beverages; concentrates and syrups for making frozen, blended tea-based beverages; syrups for making tea-flavored drinks</p> <p>Class 032. First use: First Use: 0 First Use In Commerce: 0 Fruit juices; fruit and juice based beverages; fruit drinks and soft drinks containing fruit juices; frozen fruit beverages and frozen fruit-based beverages; fruit concentrates and purees used as ingredients of beverages; concentrates and syrups for making frozen, blended fruit beverages; concentrates and syrups for making frozen, blended soft-drink beverages; concentrates and syrups for making frozen, blended fruit-drink beverages; sparkling fruit and juice based beverages and soda beverages; vegetable-fruit juices; vegetable-based food beverages; beverages containing vegetable juices; drinking water; spring water, mineral water, sparkling water, drinking water with vitamins; soft drinks; soda pop beverages; syrups for making fruit-flavored drinks; flavored and unflavored bottled waters; energy drinks; soy-based beverages not being milk substitutes; soy drinks and soy-based beverages</p>
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U.S. Application No.	85865462	Application Date	03/04/2013
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Registration Date	NONE	Foreign Priority Date	NONE
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Word Mark	EVOLUTION HARVEST
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Design Mark	EVOLUTION HARVEST
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Description of Mark	NONE
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Goods/Services	Class 029. First use: First Use: 0 First Use In Commerce: 0
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Milk, flavored milk, milkshakes and milk based beverages; soy milk; fruit jams; compote, jellies, bread spreads as far as not included in other classes; preserved fruit and vegetables, prepared meals or frozen meals as far as not included in other classes consisting of meat, soy, poultry, seafood, vegetables, fruits, tofu, and/or cheese also including pasta, rice, or grains; yogurt and whipping cream; prepared nuts, seasoned nuts, roasted nuts

Class 030. First use: First Use: 0 First Use In Commerce: 0

Tea and herbal tea; tea and herbal tea-based beverages; tea and herbal tea-based concentrates, with fruit flavoring; frozen confections with tea, herbal tea and/or fruit flavoring; ground and whole bean coffee; cocoa and espresso beverages, and beverages made with a base of coffee and/or espresso; beverages made with a base of tea, powdered chocolate and vanilla; ready-to-drink coffee; ready-to-drink tea; frozen confections, namely, ice cream, ice milk, frozen yogurt, frozen soy based desserts; chocolate, candy and confections; baked goods, namely, muffins, scones, biscuits, cookies, pastries and breads; sandwiches; processed cereal-derived food product to be used as a breakfast cereal, food bar, or ingredient for making food; ready-to-eat cereal; rolled oats; grain-based food bars; ready-to-eat oat-based food bars, crackers; prepared or frozen meals not included in other classes consisting primarily of rice, grains, or pasta including meat, soy, poultry, seafood, vegetables, fruits, tofu, and/or cheese; sauces; sauces to add to beverages; dipping sauces; ready-made sauces; salad dressings, fruit sauces; vegetable sauces; food bars based on soy; aromatic preparations for use with food including flavouring syrups to add to beverages, such as with coffee, e.g. chocolate or caramel syrup

Class 031. First use: First Use: 0 First Use In Commerce: 0

Fresh fruit or vegetables; raw fruit or vegetables; unprocessed grains for eating; unprocessed nuts for eating; oats

Class 032. First use: First Use: 0 First Use In Commerce: 0

Fruit juices; fruit and juice based beverages; fruit drinks and soft drinks containing fruit juices; frozen fruit beverages and frozen fruit-based beverages; fruit concentrates and purees used as ingredients of beverages; beverage concentrates and syrups for making frozen blended beverages; sparkling fruit and juice based beverages and soda beverages; vegetable-fruit juices; vegetable-based beverages; beverages containing vegetable juices; liquid and powdered beverage mixes; flavoring syrups for making tea and herbal tea-based beverages; water, mineral water, sparkling water, drinking water with vitamins, and other non-alcoholic drinks; soft drinks; soda pop beverages; flavoring syrups for making beverages; flavored and unflavored bottled waters; energy drinks; soy-based beverages not being milk substitutes; soy drinks and soy-based beverages; nut milk and nut juice

U.S. Application No.	85731323	Application Date	09/18/2012
Registration Date	NONE	Foreign Priority Date	03/20/2012
Word Mark	NOURISH YOUR EVOLUTION		

Design Mark	<h1>NOURISH YOUR EVOLUTION</h1>
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Description of Mark	NONE
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Goods/Services	<p>Class 029. First use: First Use: 0 First Use In Commerce: 0 Concentrates and syrups for making frozen, blended milk-based beverages; soy based food beverages used as a milk substitute; nut based milk and nut juice</p> <p>Class 030. First use: First Use: 0 First Use In Commerce: 0 Flavoring syrups; flavoring syrup for making tea and herbal tea-based beverages; concentrates and syrups for making frozen, blended tea-based beverages; syrupsfor making tea-flavored drinks</p> <p>Class 032. First use: First Use: 0 First Use In Commerce: 0 Fruit juices; fruit and fruit juice based beverages; fruit drinks and soft drinks containing fruit juices; frozen fruitbeverages and frozen fruit-based beverages; fruit concentrates and purees used as ingredients of beverages; concentrates and syrups for making frozen, blended fruit beverages; concentrates and syrupsfor making frozen, blended soft-drink beverages; concentrates and syrups for making frozen, blended fruit-drink beverages; sparkling fruit and fruit juice based beverages and soda beverages; vegetable-fruit juices; vegetable-based beverages; beverages containing vegetable juices, namely vegetable juice beverages; liquid and powdered beverage mixes for making soft drinks and fruit based beverages;flavoring syrups for making tea and herbal tea-based beverages; drinking water,spring water, mineral water, sparkling water, drinking water with vitamins; soft drinks; soda pop beverages; syrups formaking fruit-flavored drinks; flavored and unflavored bottled waters; energy drinks; soy-based beverages not being milksubstitutes</p> <p>Class 043. First use: First Use: 0 First Use In Commerce: 0 Restaurant, cafe, cafeteria, snack bar,carry out restaurants, take out restaurants; catering services; contract catering services; food preparation; carry outrestaurant services</p>
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U.S. Application No.	85728759	Application Date	09/13/2012
Registration Date	NONE	Foreign Priority Date	03/16/2012
Word Mark	EASY EVOLUTION		

Design Mark	<h1>EASY EVOLUTION</h1>
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Description of Mark	NONE
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Goods/Services	<p>Class 029. First use: First Use: 0 First Use In Commerce: 0 Concentrates and syrups for making frozen, blended milk-based beverages; soy based food beverages used as a milk substitute; nut based milk and nut juice</p> <p>Class 030. First use: First Use: 0 First Use In Commerce: 0 Flavoring syrups; flavoring syrup for making tea and herbal tea-based beverages; concentrates and syrups for making frozen, blended tea-based beverages; syrupsfor making tea-flavored drinks</p> <p>Class 032. First use: First Use: 0 First Use In Commerce: 0 Fruit juices; fruit and fruit juice based beverages; fruit drinks and soft drinks containing fruit juices; frozen fruitbeverages and frozen fruit-based beverages; fruit concentrates and purees used as ingredients of beverages; concentrates and syrups for making frozen, blended fruit beverages; concentrates and syrupsfor making frozen, blended soft-drink beverages; concentrates and syrups for making frozen, blended fruit-drink beverages; sparkling fruit and fruit juice based beverages and soda beverages; vegetable-fruit juices; vegetable-based beverages; beverages containing vegetable juices, namely, vegetable juice beverages; liquid and powdered beverage mixes for making soft drinks and fruit based beverages; flavoring syrups for making tea and herbal tea-based beverages; drinking water, spring water, mineral water, sparklingwater, drinking water with vitamins; soft drinks; soda pop beverages; syrups for making fruit-flavored drinks; flavoredand unflavored bottled waters; energy drinks; soy-based beverages not being milk substitutes</p>
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U.S. Application No.	85732459	Application Date	09/19/2012
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Registration Date	NONE	Foreign Priority Date	04/20/2012
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Word Mark	EVOLUTION FRESH
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Design Mark	
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Description of Mark	The mark consists of the words "EVOLUTION FRESH" in a stylized format.
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Goods/Services	<p>Class 035. First use: First Use: 0 First Use In Commerce: 0</p> <p>Business administration; business management; franchising, namely, providing business management assistance in the establishment and operation of restaurants, cafes, coffee houses and snack bars; retail store services in the field of coffee, tea, cocoa, non-alcoholic beverages including fruit juice, vegetable juice, water, packaged and prepared foods, nutritional supplements and dietary supplements, electric and non-electric appliances, housewares, kitchenware, watches, stopwatches, books, musical recordings, blank books, books; retail store services in the field of tote bags, purses, briefcases, book bags, valises and umbrellas, all made of cloth, plastic, or leather; retail store services in the field of key fobs of leather, clothing, headwear, caps and hats, games and puzzles; wholesale distributorships, wholesale stores and wholesale ordering services all in the field of coffee, tea, cocoa, non-alcoholic beverages including fruit juice, vegetable juice, water, packaged and prepared foods, nutritional supplements and dietary supplements, electric and non-electric appliances, housewares, kitchenware, watches, stop watches, books, musical recordings, blank books, books, tote bags, purses, briefcases, book bags, valises and umbrellas, all made of cloth, plastic, or leather, key fobs of leather, clothing, headwear, caps and hats, games and puzzles; mail order services and mailorder catalog services, computerized online ordering services, computerized online retail store services, online ordering services and online retail store services all in the field of coffee, tea, cocoa, non-alcoholic beverages including fruit juice, vegetable juice, water, packaged and prepared foods, nutritional supplements and dietary supplements, electric and non-electric appliances, housewares, kitchenware, watches, stop watches, books, musical recordings, blank books, books, tote bags, purses, briefcases, book bags, valises and umbrellas, all made of cloth, plastic, or leather, key fobs of leather, clothing, headwear, caps and hats, games and puzzles; computerized online gift registry and ordering services all in the field of general consumer merchandise</p>
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U.S. Application No.	85731331	Application Date	09/18/2012
Registration Date	NONE	Foreign Priority Date	03/23/2012
Word Mark	EVOLUTION FRESH		
Design Mark			
Description of Mark	The mark consists of the stylized wording "EVOLUTION FRESH".		
Goods/Services	<p>Class 029. First use: First Use: 0 First Use In Commerce: 0</p> <p>Concentrates and syrups for making frozen, blended milk-based beverages; soy based food beverages used as a milk substitute; nut based milk and nut juice</p> <p>Class 030. First use: First Use: 0 First Use In Commerce: 0</p> <p>Flavoring syrups; flavoring syrup for making tea and herbal tea-based beverages; concentrates and syrups for making frozen, blended tea-based beverages; syrups for making tea-flavored drinks</p>		

	<p>Class 032. First use: First Use: 0 First Use In Commerce: 0 Fruit juices; fruit beverages; fruit juice based beverages; vegetable juice base beverages; fruit drinks and soft drinks containing fruit juices; frozen fruit beverages and frozen fruit-based beverages; fruit concentrates and purees used as ingredients of beverages; concentrates and syrups for making frozen, blended fruit beverages; concentrates and syrups for making frozen, blended soft-drink beverages; concentrates and syrups for making frozen, blended fruit-drink beverages; sparkling fruit and fruit juice based beverages and soda beverages; vegetable-fruit juices; vegetable-based beverages; beverages containing vegetable juices, namely vegetable juice beverages; liquid and powdered beverage mixes for making soft drinks, fruit based beverages, and vegetable based beverages; flavoring syrups for making tea and herbal tea-based beverages; drinking water, spring water, mineral water, sparkling water, drinking water with vitamins; soft drinks; soda pop beverages; syrups for making fruit-flavored drinks; flavored and unflavored bottled waters; energy drinks; soy-based beverages not being milk substitutes</p> <p>Class 043. First use: First Use: 0 First Use In Commerce: 0 Restaurant, cafe, cafeteria, snack bar, carry out restaurants, take out restaurants; catering services; contract catering services; food preparation; carry out restaurant services</p>
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U.S. Application No.	85728750	Application Date	09/13/2012
Registration Date	NONE	Foreign Priority Date	03/16/2012
Word Mark	ONE DAY EVOLUTION		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 029. First use: First Use: 0 First Use In Commerce: 0 Concentrates and syrups for making frozen, blended milk-based beverages; soy based food beverages used as a milk substitute; nut based milk and nut juice</p> <p>Class 030. First use: First Use: 0 First Use In Commerce: 0 Flavoring syrups; flavoring syrup for making tea and herbal tea-based beverages; concentrates and syrups for making frozen, blended tea-based beverages</p> <p>Class 032. First use: First Use: 0 First Use In Commerce: 0 Fruit juices; fruit and fruit juice based beverages; fruit drinks and soft drinks containing fruit juices; frozen fruit beverages and frozen fruit-based beverages; fruit concentrates and purees used as ingredients of beverages; concentrates and syrups for making frozen, blended fruit beverages; concentrates and syrups for making frozen, blended soft-drink beverages; concentrates and syrups for making frozen, blended fruit-drink beverages; sparkling fruit and fruit juice based beverages and soda beverages; vegetable-fruit juices; vegetable-based</p>		

	beverages; beverages containing vegetable juices, namely, vegetable juice beverages; liquid and powdered beverage mixes for making soft drinks and fruit based beverages; drinking water, spring water, mineral water, sparkling water, drinking water with vitamins; soft drinks; soda pop beverages; syrups for making fruit-flavored drinks; flavored and unflavored bottled waters; energy drinks; soy-based beverages not being milk substitutes; syrups for making tea-flavored drinks
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U.S. Application No.	85616927	Application Date	05/04/2012
Registration Date	NONE	Foreign Priority Date	11/10/2011

Word Mark	EVOLUTION FRESH
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Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 005. First use: First Use: 0 First Use In Commerce: 0 Nutritionally fortified beverages for medical use; meal replacement and dietary supplement drink mixes for medical use; nutritional supplements in the form of foods bars for medical use; dietary food supplements for medical use; dietary fiber supplements for medical use for human consumption; fruit-flavored dietary supplement drink mixes for medical use in powder form; nutritional supplement drink mixes for medical use in powder form; vitamin and mineral supplements; vitamin fortified beverages for medical use</p> <p>Class 029. First use: First Use: 0 First Use In Commerce: 0 Milk, flavored milk, milkshakes and milk based beverages containing fruits; soymilk; fruit jams; compote, jellies, bread spreads as far as not included in other classes; preserved fruit and vegetables, prepared meals or frozen meals as far as not included in other classes consisting primarily of meat, soy, poultry, seafood, vegetables, fruits, tofu, and/or cheese which also include a combination of either pasta, rice, or grains; yogurt and whipping cream; prepared nuts, seasoned nuts, roasted nuts; food bars based on soy; nut milk and nut juice</p> <p>Class 030. First use: First Use: 0 First Use In Commerce: 0 Tea and herbal tea; tea and herbal tea-based beverages; tea and herbal tea-based concentrates, with fruit flavoring; frozen confections with tea, herbal tea and/or fruit flavoring; ground and whole bean coffee; cocoa and espresso beverages, and beverages made with a base of coffee and/or espresso; beverages made with a base of tea, powdered chocolate and vanilla; ready-to-drink coffee; ready-to-drink tea; frozen confections, namely, ice cream, ice milk, frozen yogurt, frozen soy based desserts; chocolate, candy and frozen confections; baked goods, namely, muffins, scones, biscuits, cookies, pastries and breads; sandwiches; processed cereal-derived food product to be used as a breakfast cereal, food bar, or ingredient for making food; ready-to-eat cereal; rolled oats; grain-based food bars; ready-to-eat oat-based food bars, crackers;</p>
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prepared or frozen meals not included in other classes consisting primarily of rice, grains, or pasta which also include a combination of either meat, soy, poultry, seafood, vegetables, fruits, tofu, and/or cheese; sauces; sauces to add to beverages; dipping sauces; ready-made sauces; salad dressings, fruit sauces; vegetable sauces; aromatic preparations for use with food in the nature of flavouring syrups to add to beverages, such as with coffee, namely, chocolate or caramel syrup

Class 031. First use: First Use: 0 First Use In Commerce: 0

Fresh fruit or vegetables; raw fruit or vegetables; unprocessed grains for eating; unprocessed nuts for eating; oats, namely, unprocessed oats

Class 032. First use: First Use: 0 First Use In Commerce: 0

Fruit juices; fruit and juice based beverages; fruit drinks and soft drinks containing fruit juices; frozen fruit beverages and frozen fruit-based beverages; fruit concentrates and purees used as ingredients of beverages; beverage concentrates and syrups for making frozen blended beverages; sparkling fruit and juice based beverages and soda beverages; vegetable-fruit juices; vegetable-based beverages; beverages containing vegetable juices; liquid and powdered beverage mixes; flavoring syrups for making tea and herbal tea-based beverages; water, mineral water, sparkling water, drinking water with vitamins, and other non-alcoholic drinks; soft drinks; soda pop beverages; flavoring syrups for making beverages; flavored and unflavored bottled waters; energy drinks; soy-based beverages not being milk substitutes; soy drinks and soy-based beverages not being milk substitutes

Class 035. First use: First Use: 0 First Use In Commerce: 0

Business administration; business management; administrative supporting services, namely, providing assistance in the establishment and/or operation of restaurants, cafes, coffee houses and snack bars in relation to franchising; Retail store services in the field of coffee, tea, cocoa, non-alcoholic beverages including fruit juice, vegetable juice, water, packaged and prepared foods, nutritional supplements and dietary supplements, electric and non-electric appliances, housewares, kitchenware, clocks, watches, stop watches, books, musical recordings, blank books, tote bags, purses, book bags, valises and umbrellas, all made of cloth, plastic, or leather, key fobs of leather, clothing, headwear, caps and hats, games and puzzles; wholesale business mediation in coffee, tea, cocoa, non-alcoholic beverages including fruit juice, vegetable juice, water, packaged and prepared foods, nutritional supplements and dietary supplements, electric and non-electric appliances, housewares, kitchenware, clocks, watches, stop watches, books, musical recordings, blank books, tote bags, purses, book bags, valises and umbrellas, all made of cloth, plastic, or leather, key fobs of leather, clothing, headwear, caps and hats, games and puzzles; Business management and administrative ordering services in relation to mail order services and mail order catalog services, computerized online ordering services, computerized online retail services, online ordering services and online retail store services all in the field of coffee, tea, cocoa, non-alcoholic beverages including fruit juice, vegetable juice, water, packaged and prepared foods, nutritional supplements and dietary supplements, electric and non-electric appliances, housewares, kitchenware, clocks, watches, stop watches, blank books, musical recordings, books, tote bags, purses, book bags, valises and umbrellas, all made of cloth, plastic, or leather, key fobs of leather, clothing, headwear, caps and hats, games and puzzles; The bringing together, for the benefit of others, of a variety of goods excluding the transport thereof, enabling customers to conveniently view, compose a gift list, and purchase those goods in the field of general consumer merchandise

Class 043. First use: First Use: 0 First Use In Commerce: 0

Restaurant, cafe, cafeteria, snack bar, carry out restaurants, take out restaurants; catering services; contract catering services; food preparation; carry out restaurant services

U.S. Application No.	85905151	Application Date	04/16/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	EVOLUTION PURE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 0 First Use In Commerce: 0 Yogurt; yogurt based beverages Class 032. First use: First Use: 0 First Use In Commerce: 0 Fruit-based beverages with yogurt		

Attachments	77817740#TMSN.jpeg(bytes) 77817752#TMSN.jpeg(bytes) 77817744#TMSN.jpeg(bytes) 77817758#TMSN.jpeg(bytes) 85728790#TMSN.jpeg(bytes) 85865462#TMSN.jpeg(bytes) 85731323#TMSN.jpeg(bytes) 85728759#TMSN.jpeg(bytes) 85732459#TMSN.jpeg(bytes) 85731331#TMSN.jpeg(bytes) 85728750#TMSN.jpeg(bytes) 85616927#TMSN.jpeg(bytes) 85905151#TMSN.jpeg(bytes) 11-18-13 Notice of Opposition - EVOLUTION 85878075.pdf(1098927 bytes) 11-18-13 Exh. A and Exh. B to Notice of Oppositon EVOLUTION 85878075.pdf(3531444 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	/Julia Anne Matheson/
Name	Julia Anne Matheson
Date	11/18/2013

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

<p>EVOLUTION FRESH, INC., Opposer v. ANARCHY BEVERAGE COMPANY DBA MICHAEL MELORO, Registrant.</p>	<p>Opposition No.: _____ Mark: EVOLUTION Serial No. 85878075 Filed: March 16, 2013</p>
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NOTICE OF OPPOSITION

Evolution Fresh, Inc. (“Opposer” or “Evolution Fresh”) believes that it will be damaged by the registration of Anarchy Beverage Company dba Michael Meloro’s (“Applicant”) mark shown in Application Serial No. 85878075, and hereby opposes the same. As grounds for its opposition, Opposer alleges the following, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to other matters:

Opposer and its EVOLUTION Marks

1. Opposer, Evolution Fresh, is a corporation of the State of Delaware, having a principal place of business at 1055 Cooley Avenue, San Bernadino, California 92408.
2. Evolution Fresh is a premier health and wellness company that produces and distributes super-premium fruit and vegetable juices, fruits and vegetables, and a range of health foods to retail grocery channels.

3. Evolution Fresh is known to consumers and members of the trade as a source of health beverages and foods, including fresh fruit and vegetable juices created through a heat-free, high-pressure pasteurization process that retains more of the nutrients in its products compared to conventional heat pasteurization.

4. Evolution Fresh's predecessor in interest, Juice Harvest Corporation ("Juice Harvest"), began producing and distributing super-premium fruit and vegetable juices, cut fruits and vegetables, salsas, and salads to retail grocery channels under the trademarks EVOLUTION and JUICE EVOLUTION at least as early as 1997.

5. On November 14, 2001, Juice Harvest registered and thereafter continuously used the domain name www.evolutionfresh.com in connection with its advertising and offering of fresh juice products and fresh natural foods. From its inception, Juice Harvest's website prominently featured the EVOLUTION mark, including in the following stylized format:



6. In addition to acquiring nationwide common law rights in the EVOLUTION and JUICE EVOLUTION marks, Juice Harvest filed for and obtained valid and subsisting U.S. Trademark Registrations.

7. On May 14, 2010, Juice Harvest executed an assignment agreement, whereby Juice Harvest assigned its entire right, title, and interest in its EVOLUTION Marks and "evolutionfresh.com" domain name (collectively, with the marks identified in

Paragraphs 9 and 11, the “EVOLUTION Marks”) to Evolution Fresh, the relevant portions of which assignment were duly recorded with the USPTO on May 26, 2010.

8. As a result of the assignment referred to above, Evolution Fresh currently owns all right, title, and interest in and to the EVOLUTION Marks with rights dating back to 1997, and owns all right, title, and interest in the “evolutionfresh.com” domain name with rights dating back to 2001. Evolution Fresh, by itself and through its predecessor-in-interest, has used the EVOLUTION Marks, trade name, and domain name continuously in commerce in the United States in connection with its products and services since their introduction.

9. Evolution Fresh is the owner of the following United States trademark registrations for the marks set forth below (printouts from the PTO TESS and TSDR databases, including Assignment information, are attached as Exhibit A):

Mark	Reg. No. Reg. Date	Goods First Use in Commerce/Filing Basis
JUICE EVOLUTION	2196497 10-13-1998	Fresh fruits and fresh vegetables in Class 31 First Use in Commerce: 06-18-1998 Juices in general, namely, fruit juices and vegetable juices in Class 32 First Use in Commerce: 06-18-1998
EVOLUTION	3774723 04-13-2010	Fruit drinks and fruit juices; mixed fruit juice; vegetable juices in Class 32 First Use in Commerce: 04-00-2002
EVOLUTION	3774725 04-13-2010	Fresh fruit and vegetables in Class 31 First Use in Commerce 04-00-2002
	3774724 04-13-2010	Fruit drinks and fruit juices; mixed fruit juice; vegetable juices in Class 32 First Use in Commerce: 04-00-2002
	3774726 04-13-2010	Fresh fruit and vegetables in Class 31 First Use in Commerce 04-00-2002

Mark	Reg. No. Reg. Date	Goods First Use in Commerce/Filing Basis
BALANCED EVOLUTION	4409891 10-01-2013	<p>Concentrates and syrups for making frozen, blended milk-based beverages; nut based milk and nut juice in Class 29 Filing Basis: 44E</p> <p>Flavoring syrups; flavoring syrup for making tea and herbal tea-based beverages; concentrates and syrups for making frozen, blended tea-based beverages; syrups for making tea-flavored drinks in Class 30 Filing Basis: 44E</p> <p>Fruit juices; fruit and juice based beverages; fruit drinks and soft drinks containing fruit juices; frozen fruit beverages and frozen fruit-based beverages; fruit concentrates and purees used as ingredients of beverages; concentrates and syrups for making frozen, blended fruit beverages; concentrates and syrups for making frozen, blended soft-drink beverages; concentrates and syrups for making frozen, blended fruit-drink beverages; sparkling fruit and juice based beverages and soda beverages; vegetable-fruit juices; vegetable-based food beverages; beverages containing vegetable juices; drinking water; spring water, mineral water, sparkling water, drinking water with vitamins; soft drinks; soda pop beverages; syrups for making fruit-flavored drinks; flavored and unflavored bottled waters; energy drinks; soy-based beverages not being milk substitutes; soy drinks and soy-based beverages in Class 32 Filing Basis: 44E</p>

10. Registration Nos. 2196497, 3774723, 3774724, 3774725 and 3774726 are valid and subsisting and constitute prima facie evidence of, and those registrations that are incontestable constitute conclusive evidence of, Evolution Fresh's ownership of and exclusive rights to use these marks in commerce on the products recited in the registrations.

11. In addition to the registrations identified above, Evolution Fresh also owns the following prior-filed pending trademark applications for the mark EVOLUTION FRESH (printouts from the PTO TESS and TSDR databases, including Assignment information, are attached as Exhibit B) in connection with a wide variety of beverages in Classes 5, 29, 30, 31, 32, 35, and 43:

Mark	Serial No. Filing Date	Goods
EVOLUTION HARVEST	85865462 03-04-2013	<p>Milk, flavored milk, milkshakes and milk based beverages; soy milk; fruit jams; compote, jellies, bread spreads as far as not included in other classes; preserved fruit and vegetables, prepared meals or frozen meals as far as not included in other classes consisting of meat, soy, poultry, seafood, vegetables, fruits, tofu, and/or cheese also including pasta, rice, or grains; yogurt and whipping cream; prepared nuts, seasoned nuts, roasted nuts in Class 29</p> <p>Tea and herbal tea; tea and herbal tea-based beverages; tea and herbal tea-based concentrates, with fruit flavoring; frozen confections with tea, herbal tea and/or fruit flavoring; ground and whole bean coffee; cocoa and espresso beverages, and beverages made with a base of coffee and/or espresso; beverages made with a base of tea, powdered chocolate and vanilla; ready-to-drink coffee; ready-to-drink tea; frozen confections, namely, ice cream, ice milk, frozen yogurt, frozen soy based desserts; chocolate, candy and confections; baked goods, namely, muffins, scones, biscuits, cookies, pastries and breads; sandwiches; processed cereal-derived food product to be used as a breakfast cereal, food bar, or ingredient for making food; ready-to-eat cereal; rolled oats; grain-based food bars; ready-to-eat oat-based food bars, crackers; prepared or frozen meals not included in other classes consisting primarily of rice, grains, or pasta including meat, soy, poultry, seafood, vegetables, fruits, tofu, and/or cheese; sauces; sauces to add to beverages; dipping sauces; ready-made sauces; salad dressings, fruit sauces; vegetable sauces; food bars based on soy; aromatic preparations for use with food including flavouring syrups to add to beverages, such as with coffee, e.g. chocolate or caramel syrup in Class 30</p> <p>Fresh fruit or vegetables; raw fruit or vegetables; unprocessed grains for eating; unprocessed nuts for eating; oats in Class 31</p> <p>Fruit juices; fruit and juice based beverages; fruit drinks and</p>

Mark	Serial No. Filing Date	Goods
		<p>soft drinks containing fruit juices; frozen fruit beverages and frozen fruit-based beverages; fruit concentrates and purees used as ingredients of beverages; beverage concentrates and syrups for making frozen blended beverages; sparkling fruit and juice based beverages and soda beverages; vegetable-fruit juices; vegetable-based beverages; beverages containing vegetable juices; liquid and powdered beverage mixes; flavoring syrups for making tea and herbal tea-based beverages; water, mineral water, sparkling water, drinking water with vitamins, and other non-alcoholic drinks; soft drinks; soda pop beverages; flavoring syrups for making beverages; flavored and unflavored bottled waters; energy drinks; soy-based beverages not being milk substitutes; soy drinks and soy-based beverages; nut milk and nut juice in Class 32</p>
<p>NOURISH YOUR EVOLUTION</p>	<p>85731323 09-18-2012</p>	<p>Concentrates and syrups for making frozen, blended milk-based beverages; soy based food beverages used as a milk substitute; nut based milk and nut juice in Class 29</p> <p>Flavoring syrups; flavoring syrup for making tea and herbal tea-based beverages; concentrates and syrups for making frozen, blended tea-based beverages; syrups for making tea-flavored drinks in Class 30</p> <p>Fruit juices; fruit and fruit juice based beverages; fruit drinks and soft drinks containing fruit juices; frozen fruit beverages and frozen fruit-based beverages; fruit concentrates and purees used as ingredients of beverages; concentrates and syrups for making frozen, blended fruit beverages; concentrates and syrups for making frozen, blended soft-drink beverages; concentrates and syrups for making frozen, blended fruit-drink beverages; sparkling fruit and fruit juice based beverages and soda beverages; vegetable-fruit juices; vegetable-based beverages; beverages containing vegetable juices, namely vegetable juice beverages; liquid and powdered beverage mixes for making soft drinks and fruit based beverages; flavoring syrups for making tea and herbal tea-based beverages; drinking water, spring water, mineral water, sparkling water, drinking water with vitamins; soft drinks; soda pop beverages; syrups for making fruit-flavored drinks; flavored and unflavored bottled waters; energy drinks; soy-based beverages not being milk substitutes in Class 32</p> <p>Restaurant, cafe, cafeteria, snack bar, carry out restaurants, take out restaurants; catering services; contract catering services; food preparation; carry out restaurant services in Class 43</p>

Mark	Serial No. Filing Date	Goods
EASY EVOLUTION	85728759 09-13-2012	<p>Concentrates and syrups for making frozen, blended milk-based beverages; soy based food beverages used as a milk substitute; nut based milk and nut juice in Class 29</p> <p>Flavoring syrups; flavoring syrup for making tea and herbal tea-based beverages; concentrates and syrups for making frozen, blended tea-based beverages; syrups for making tea-flavored drinks in Class 30</p> <p>Fruit juices; fruit and fruit juice based beverages; fruit drinks and soft drinks containing fruit juices; frozen fruit beverages and frozen fruit-based beverages; fruit concentrates and purees used as ingredients of beverages; concentrates and syrups for making frozen, blended fruit beverages; concentrates and syrups for making frozen, blended soft-drink beverages; concentrates and syrups for making frozen, blended fruit-drink beverages; sparkling fruit and fruit juice based beverages and soda beverages; vegetable-fruit juices; vegetable-based beverages; beverages containing vegetable juices, namely, vegetable juice beverages; liquid and powdered beverage mixes for making soft drinks and fruit based beverages; flavoring syrups for making tea and herbal tea-based beverages; drinking water, spring water, mineral water, sparkling water, drinking water with vitamins; soft drinks; soda pop beverages; syrups for making fruit-flavored drinks; flavored and unflavored bottled waters; energy drinks; soy-based beverages not being milk substitutes</p> <p>Fruit juices; fruit and fruit juice based beverages; fruit drinks and soft drinks containing fruit juices; frozen fruit beverages and frozen fruit-based beverages; fruit concentrates and purees used as ingredients of beverages; concentrates and syrups for making frozen, blended fruit beverages; concentrates and syrups for making frozen, blended soft-drink beverages; concentrates and syrups for making frozen, blended fruit-drink beverages; sparkling fruit and fruit juice based beverages and soda beverages; vegetable-fruit juices; vegetable-based beverages; beverages containing vegetable juices, namely, vegetable juice beverages; liquid and powdered beverage mixes for making soft drinks and fruit based beverages; flavoring syrups for making tea and herbal tea-based beverages; drinking water, spring water, mineral water, sparkling water, drinking water with vitamins; soft drinks; soda pop beverages; syrups for making fruit-flavored drinks; flavored and unflavored bottled waters; energy drinks; soy-based beverages not being milk substitutes in Class 32</p>

Mark	Serial No. Filing Date	Goods
	85732459 09-19-2012	<p>Business administration; business management; franchising, namely, providing business management assistance in the establishment and operation of restaurants, cafes, coffee houses and snack bars; retail store services in the field of coffee, tea, cocoa, non-alcoholic beverages including fruit juice, vegetable juice, water, packaged and prepared foods, nutritional supplements and dietary supplements, electric and non-electric appliances, housewares, kitchenware, watches, stop watches, books, musical recordings, blank books, books; retail store services in the field of tote bags, purses, briefcases, book bags, valises and umbrellas, all made of cloth, plastic, or leather; retail store services in the field of key fobs of leather, clothing, headwear, caps and hats, games and puzzles; wholesale distributorships, wholesale stores and wholesale ordering services all in the field of coffee, tea, cocoa, non-alcoholic beverages including fruit juice, vegetable juice, water, packaged and prepared foods, nutritional supplements and dietary supplements, electric and non-electric appliances, housewares, kitchenware, watches, stop watches, books, musical recordings, blank books, books, tote bags, purses, briefcases, book bags, valises and umbrellas, all made of cloth, plastic, or leather, key fobs of leather, clothing, headwear, caps and hats, games and puzzles. mail order services and mail order catalog services, computerized online ordering services, computerized online retail store services, online ordering services and online retail store services all in the field of coffee, tea, cocoa, non-alcoholic beverages including fruit juice, vegetable juice, water, packaged and prepared foods, nutritional supplements and dietary supplements, electric and non-electric appliances, housewares, kitchenware, watches, stop watches, books, musical recordings, blank books, books, tote bags, purses, briefcases, book bags, valises and umbrellas, all made of cloth, plastic, or leather, key fobs of leather, clothing, headwear, caps and hats, games and puzzles; computerized online gift registry and ordering services all in the field of general consumer merchandise in Class 35</p>
	85731331 09-18-2012	<p>Concentrates and syrups for making frozen, blended milk-based beverages; soy based food beverages used as a milk substitute; nut based milk and nut juice in Class 29</p> <p>Flavoring syrups; flavoring syrup for making tea and herbal tea-based beverages; concentrates and syrups for making frozen, blended tea-based beverages; syrups for making tea-flavored drinks in Class 30</p> <p>Fruit juice based beverages; vegetable juice base beverages; fruit drinks and soft drinks containing fruit juices; frozen fruit</p>

Mark	Serial No. Filing Date	Goods
		<p>beverages and frozen fruit-based beverages; fruit concentrates and purees used as ingredients of beverages; concentrates and syrups for making frozen, blended fruit beverages; concentrates and syrups for making frozen, blended soft-drink beverages; concentrates and syrups for making frozen, blended fruit-drink beverages; sparkling fruit and fruit juice based beverages and soda beverages; vegetable-fruit juices; vegetable-based beverages; beverages containing vegetable juices, namely vegetable juice beverages; liquid and powdered beverage mixes for making soft drinks, fruit based beverages, and vegetable based beverages; flavoring syrups for making tea and herbal tea-based beverages; drinking water, spring water, mineral water, sparkling water, drinking water with vitamins; soft drinks; soda pop beverages; syrups for making fruit-flavored drinks; flavored and unflavored bottled waters; energy drinks; soy-based beverages not being milk substitutes in Class 32</p> <p>Restaurant, cafe, cafeteria, snack bar, carry out restaurants, take out restaurants; catering services; contract catering services; food preparation; carry out restaurant services in Class 43</p>
ONE DAY EVOLUTION	85728750 09-13-2012	<p>Concentrates and syrups for making frozen, blended milk-based beverages; soy based food beverages used as a milk substitute; nut based milk and nut juice in Class 29</p> <p>Flavoring syrups; flavoring syrup for making tea and herbal tea-based beverages; concentrates and syrups for making frozen, blended tea-based beverages in Class 30</p> <p>Fruit juices; fruit and fruit juice based beverages; fruit drinks and soft drinks containing fruit juices; frozen fruit beverages and frozen fruit-based beverages; fruit concentrates and purees used as ingredients of beverages; concentrates and syrups for making frozen, blended fruit beverages; concentrates and syrups for making frozen, blended soft-drink beverages; concentrates and syrups for making frozen, blended fruit-drink beverages; sparkling fruit and fruit juice based beverages and soda beverages; vegetable-fruit juices; vegetable-based beverages; beverages containing vegetable juices, namely, vegetable juice beverages; liquid and powdered beverage mixes for making soft drinks and fruit based beverages; drinking water, spring water, mineral water, sparkling water, drinking water with vitamins; soft drinks; soda pop beverages; syrups for making fruit-flavored drinks; flavored and unflavored bottled waters; energy drinks; soy-based beverages not being milk substitutes; syrups for making tea-flavored drinks in Class 32</p>

Mark	Serial No. Filing Date	Goods
EVOLUTION FRESH	85616927 05-04-2012	<p>Nutritionally fortified beverages for medical use; meal replacement and dietary supplement drink mixes for medical use; nutritional supplements in the form of foods bars for medical use; dietary food supplements for medical use; dietary fiber supplements for medical use for human consumption; fruit-flavored dietary supplement drink mixes for medical use in powder form; nutritional supplement drink mixes for medical use in powder form; vitamin and mineral supplements; vitamin fortified beverages for medical use in Class 5</p> <p>Milk, flavored milk, milkshakes and milk based beverages containing fruits; soy milk; fruit jams; compote, jellies, bread spreads as far as not included in other classes; preserved fruit and vegetables, prepared meals or frozen meals as far as not included in other classes consisting primarily of meat, soy, poultry, seafood, vegetables, fruits, tofu, and/or cheese which also include a combination of either pasta, rice, or grains; yogurt and whipping cream; prepared nuts, seasoned nuts, roasted nuts; food bars based on soy; nut milk and nut juice in Class 29</p> <p>Tea and herbal tea; tea and herbal tea-based beverages; tea and herbal tea-based concentrates, with fruit flavoring; frozen confections with tea, herbal tea and/or fruit flavoring; ground and whole bean coffee; cocoa and espresso beverages, and beverages made with a base of coffee and/or espresso; beverages made with a base of tea, powdered chocolate and vanilla; ready-to-drink coffee; ready-to-drink tea; frozen confections, namely, ice cream, ice milk, frozen yogurt, frozen soy based desserts; chocolate, candy and frozen confections; baked goods, namely, muffins, scones, biscuits, cookies, pastries and breads; sandwiches; processed cereal-derived food product to be used as a breakfast cereal, food bar, or ingredient for making food; ready-to-eat cereal; rolled oats; grain-based food bars; ready-to-eat oat-based food bars, crackers; prepared or frozen meals not included in other classes consisting primarily of rice, grains, or pasta which also include a combination of either meat, soy, poultry, seafood, vegetables, fruits, tofu, and/or cheese; sauces; sauces to add to beverages; dipping sauces; ready-made sauces; salad dressings, fruit sauces; vegetable sauces; aromatic preparations for use with food in the nature of flavouring syrups to add to beverages, such as with coffee, namely, chocolate or caramel syrup in Class 30</p> <p>Fresh fruit or vegetables; raw fruit or vegetables; unprocessed grains for eating; unprocessed nuts for eating; oats, namely, unprocessed oats in Class 31</p>

Mark	Serial No. Filing Date	Goods
		<p>fruit juices; fruit and juice based beverages; fruit drinks and soft drinks containing fruit juices; frozen fruit beverages and frozen fruit-based beverages; fruit concentrates and purees used as ingredients of beverages; beverage concentrates and syrups for making frozen blended beverages; sparkling fruit and juice based beverages and soda beverages; vegetable-fruit juices; vegetable-based beverages; beverages containing vegetable juices; liquid and powdered beverage mixes; flavoring syrups for making tea and herbal tea-based beverages; water, mineral water, sparkling water, drinking water with vitamins, and other non-alcoholic drinks; soft drinks; soda pop beverages; flavoring syrups for making beverages; flavored and unflavored bottled waters; energy drinks; soy-based beverages not being milk substitutes; soy drinks and soy-based beverages not being milk substitutes in Class 32</p> <p>Business administration; business management; administrative supporting services, namely, providing assistance in the establishment and/or operation of restaurants, cafes, coffee houses and snack bars in relation to franchising; retail store services in the field of coffee, tea, cocoa, non-alcoholic beverages including fruit juice, vegetable juice, water, packaged and prepared foods, nutritional supplements and dietary supplements, electric and non-electric appliances, housewares, kitchenware, clocks, watches, stop watches, books, musical recordings, blank books, tote bags, purses, book bags, valises and umbrellas, all made of cloth, plastic, or leather, key fobs of leather, clothing, headwear, caps and hats, games and puzzles; wholesale business mediation in coffee, tea, cocoa, non-alcoholic beverages including fruit juice, vegetable juice, water, packaged and prepared foods, nutritional supplements and dietary supplements, electric and non-electric appliances, housewares, kitchenware, clocks, watches, stop watches, books, musical recordings, blank books, tote bags, purses, book bags, valises and umbrellas, all made of cloth, plastic, or leather, key fobs of leather, clothing, headwear, caps and hats, games and puzzles. Business management and administrative ordering services in relation to mail order services and mail order catalog services, computerized online ordering services, computerized online retail services, online ordering services and online retail store services all in the field of coffee, tea, cocoa, non-alcoholic beverages including fruit juice, vegetable juice, water, packaged and prepared foods, nutritional supplements and dietary supplements, electric and non-electric appliances, housewares, kitchenware, clocks, watches, stop watches,</p>

Mark	Serial No. Filing Date	Goods
		blank books, musical recordings, books, tote bags, purses, book bags, valises and umbrellas, all made of cloth, plastic, or leather, key fobs of leather, clothing, headwear, caps and hats, games and puzzles; The bringing together, for the benefit of others, of a variety of goods excluding the transport thereof, enabling customers to conveniently view, compose a gift list, and purchase those goods in the field of general consumer merchandise in Class 35 Restaurant, cafe, cafeteria, snack bar, carry out restaurants, take out restaurants; catering services; contract catering services; food preparation; carry out restaurant services in Class 43
EVOLUTION PURE	85905151 04-16-2013	Yogurt; yogurt based beverages in Class 29 Fruit-based beverages with yogurt in Class 32

12. The EVOLUTION Marks are distinctive and protectable marks that represent valuable goodwill belonging exclusively to Evolution Fresh.

13. Because of Evolution Fresh's long use and extensive advertising and promotion of the EVOLUTION Marks, the EVOLUTION Marks have come to be recognized and relied upon by the trade and public as identifying the goods and services of Opposer and distinguishing them from others.

Applicant and its EVOLUTION Mark

14. Upon information and belief, Applicant Anarchy Beverage Company dba Michael Meloro is a limited liability company organized under the laws of the Commonwealth of Pennsylvania with an address of 92 Cedarwood Dr., Laffin, Pennsylvania 18702.

15. Upon information and belief, Applicant is the listed owner of intent-to-use Application Serial No. 85878075, filed on March 16, 2013 under Section 1(b), 15 U.S.C.

§ 1051(b), for the mark ENERGY EVOLUTION (stylized) for energy drinks:



Energy
Evolution

16. On July 16, 2013, in response to an Office Action refusing registration under section 2(d) based upon an alleged likelihood of confusion with Registration No. 3734661 for the mark ENERGY EVOLVED and a requirement for a disclaimer of “ENERGY,” Applicant amended the applied-for mark to EVOLUTION (stylized), deleting the term “ENERGY” in its entirety:



Evolution

17. In its July 16, 2013 Office Action response, Applicant described the EVOLUTION (stylized) Mark as follows: “The mark consists of ‘Revolution,’ with the (E) in Evolution made to look like an (R) by appearing to connect the (E) to the (v) in the word Evolution.”

18. As the PTO has recognized in classifying the mark on its electronic system, Applicant’s mark, even in the face of any stylization, is for the mark EVOLUTION (stylized). Applicant’s mark neither appears to be, nor should be interpreted as, REVOLUTION.

Likelihood of Confusion, 15 U.S.C. Section 1052(d)

19. Evolution Fresh repeats and realleges each and every allegation set forth in the above paragraphs.

20. Evolution Fresh has priority in its EVOLUTION Marks based upon its longstanding common law rights, prior valid and subsisting registrations, and prior-filed applications for marks comprised of or containing the term EVOLUTION set forth above. Further, since well before the filing date of Applicant's Application Serial No. 85878075 and any date of first use that may be alleged by Applicant, Evolution Fresh and its predecessor-in-interest have used, advertised, sold, and transported in commerce, premium fruit and vegetable juices, cut fruits and vegetables, salsas, and salads under the EVOLUTION name and trademark and marks and names containing EVOLUTION.

21. Evolution Fresh's pleaded registrations issued well prior to the filing date of Application Serial No. 85878075 and any date of first use that may be alleged by Applicant.

22. Applicant's EVOLUTION (stylized) mark is identical or confusingly similar in sound, appearance, and connotation to Evolution Fresh's EVOLUTION Marks. Further, the goods covered by the opposed application are identical or closely related to Evolution Fresh's goods.

23. In view of the similarity of the parties' marks and the identical and closely related nature of the parties' products, Application Serial No. 85878075 so resembles Evolution Fresh's previously used and registered marks shown above as to be likely to

WHEREFORE, Evolution Fresh believes that it will be damaged by the registration of the mark shown in Application Serial No. 85878075, and requests that the opposition be sustained, and that registration to Applicant be refused.

A filing fee has been submitted electronically. If the filing fee is found to be insufficient for any reason, please charge such deficiency to our Deposit Account No. 06-0916.

Respectfully submitted,

EVOLUTION FRESH, INC.

Dated: November 18, 2013

By:



Julia Anne Matheson
Whitney D. Cooke
Finnegan Henderson Farabow
Garrett & Dunner, LLP
901 New York Ave., N.W.
Washington, D.C. 20001-4413
Telephone: 202-408-4000
Facsimile: 202-408-4400
Attorneys for Opposer

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing NOTICE OF OPPOSITION was served by first class mail, postage prepaid, on this 18th day of November, 2013, upon Applicant at the following addresses of record:

ANARCHY BEVERAGE COMPANY
DBA MICHAEL MELORO
92 CEDARWOOD DR
LAFLIN, PA 18702

MICHAEL MELORO
92 CEDARWOOD DR
WILKES BARRE, PA 18702-7305



Notice of Opposition
Evolution Fresh, Inc. v. Anarchy Beverage Company dba Michael Meloro
Application Serial No. 85878075

Exhibit A



United States Patent and Trademark Office

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Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Mon Nov 18 03:10:41 EST 2013

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(Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark	JUICE EVOLUTION
Goods and Services	IC 031. US 001 046. G & S: fresh fruits and fresh vegetables. FIRST USE: 19970224. FIRST USE IN COMMERCE: 19980618
	IC 032. US 045 046 048. G & S: juices in general, namely, fruit juices and vegetable juices. FIRST USE: 19970224. FIRST USE IN COMMERCE: 19980618
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75232390
Filing Date	January 27, 1997
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	October 14, 1997
Registration Number	2196497
Registration Date	October 13, 1998
Owner	(REGISTRANT) Juice Harvest Corporation CORPORATION CALIFORNIA 1055 Cooley Ave. San Bernardino CALIFORNIA 92408

(LAST LISTED OWNER) EVOLUTION FRESH, INC. CORPORATION
 DELAWARE 1055 COOLEY AVENUE SAN BERNARDINO CALIFORNIA
 92408

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Julia Anne Matheson

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

Type of Mark Register TRADEMARK
 PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20080513.

Renewal 1ST RENEWAL 20080513

Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	PREC FORM	BROWSE DATA	SEARCH QG	TOP	HELP	CURRENT LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	PREV PAGE	NEXT PAGE					

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Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Julia Anne Matheson
Attorney Primary Email Address: docketing@finnegan.com

Docket Number: 11871.0088
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Julia Anne Matheson
Finnegan Henderson
901 New York Avenue, NW
Washington, DISTRICT OF COLUMBIA 20001
UNITED STATES

Phone: 202.408.4000

Fax: 202.408.4400

Correspondent e-mail: docketing@finnegan.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 06, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 06, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 02, 2010	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Mar. 12, 2010	ATTORNEY REVOKED AND/OR APPOINTED	
Mar. 12, 2010	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 13, 2008	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	64591
May 13, 2008	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
May 06, 2008	ASSIGNED TO PARALEGAL	64591
Apr. 21, 2008	TEAS SECTION 8 & 9 RECEIVED	
Aug. 03, 2007	CASE FILE IN TICRS	
Nov. 22, 2004	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Oct. 12, 2004	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Oct. 12, 2004	TEAS SECTION 8 & 15 RECEIVED	
Oct. 13, 1998	REGISTERED-PRINCIPAL REGISTER	
Aug. 04, 1998	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Aug. 03, 1998	ASSIGNED TO EXAMINER	70729
Jul. 16, 1998	STATEMENT OF USE PROCESSING COMPLETE	
Jun. 30, 1998	USE AMENDMENT FILED	
Jan. 06, 1998	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 14, 1997	PUBLISHED FOR OPPOSITION	
Sep. 12, 1997	NOTICE OF PUBLICATION	
Aug. 19, 1997	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 11, 1997	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jul. 22, 1997	NON-FINAL ACTION MAILED	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Oct. 13, 2008

TM Staff and Location Information

TM Staff Information - None
File Location

Current Location: POST REGISTRATION

Date in Location: May 13, 2008

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Juice Harvest Corporation

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 4213/0185

Pages: 6

Date Recorded: May 26, 2010

Supporting Documents: [assignment-tm-4213-0185.pdf](#)

Assignor

Name: JUICE HARVEST CORPORATION

Execution Date: May 14, 2010

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Assignee

Name: EVOLUTION FRESH, INC.

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 1055 COOLEY AVENUE
SAN BERNARDINO, CALIFORNIA 92408

Correspondent

Correspondent Name: PAM FOWLIE C/O SHEPPARD MULLIN

Correspondent Address: 650 TOWN CENTER DRIVE
FOURTH FLOOR
COSTA MESA, CA 92626

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Cancellation

Proceeding Number: 92056854

Filing Date: Mar 04, 2013

Status: Pending

Status Date: Mar 04, 2013

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Wallis, Mitch C.

Correspondent Address: MITCH C WALLIS
1317 EL ALAMEDA
PALM SPRINGS CA , 92262
UNITED STATES

Correspondent e-mail: gary@garyeastman.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
EVOLUTION FAST FOOD	Cancellation Pending	<u>85123700</u>	<u>3957413</u>

Plaintiff(s)

Name: Evolution Fresh, Inc.

Correspondent Address: JULIA ANNE MATHESON
FINNEGAN HENDERSON FARABOW GARRETT & DUNNER LLP
901 NEW YORK AVE NW
WASHINGTON DC , 20001-4413
UNITED STATES

Correspondent e-mail: julia.matheson@finnegan.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
JUICE EVOLUTION	Renewed	<u>75232390</u>	<u>2196497</u>
EVOLUTION	Registered	<u>77817740</u>	<u>3774723</u>

EVOLUTION	Registered	<u>77817752</u>	<u>3774725</u>
EVOLUTION	Registered	<u>77817744</u>	<u>3774724</u>
EVOLUTION	Registered	<u>77817758</u>	<u>3774726</u>
EVOLUTION FRESH	Report Completed Suspension Check - Case Still Suspended	<u>85616927</u>	

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 04, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 05, 2013	Apr 14, 2013
3	PENDING, INSTITUTED	Mar 05, 2013	
4	STIP TO SUSPEND PEND DISP CIV ACTION	Apr 01, 2013	
5	SUSPENDED	Apr 01, 2013	



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Start List At: OR Jump to record: **Record 7 out of 10**

TSDR ASSIGN STATUS TTAB STATUS (Use the "Back" button of the Internet Browser to return to TESS)

EVOLUTION

Word Mark EVOLUTION
Goods and Services IC 032. US 045 046 048. G & S: Fruit drinks and fruit juices; Mixed fruit juice; Vegetable juices. FIRST USE: 20020400. FIRST USE IN COMMERCE: 20020400
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 77817740
Filing Date September 1, 2009
Current Basis 1A
Original Filing Basis 1A
Published for Opposition January 26, 2010
Registration Number 3774723
Registration Date April 13, 2010

Owner (REGISTRANT) Juice Harvest Corporation CORPORATION CALIFORNIA
1055 Cooley Avenue San Bernardino CALIFORNIA 92408

(LAST LISTED OWNER) EVOLUTION FRESH, INC. CORPORATION
DELAWARE 1055 COOLEY AVENUE SAN BERNARDINO CALIFORNIA
92408

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Julia Anne Matheson

Prior Registrations 2196497

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DOC	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
11/18/13	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

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Mark: EVOLUTION

EVOLUTION

US Serial Number: 77817740
US Registration Number: 3774723
Filed as TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Apr. 13, 2010
Publication Date: Jan. 26, 2010

Application Filing Date: Sep. 01, 2009
Registration Date: Apr. 13, 2010
Currently TEAS Plus: Yes

Mark Information

Mark Literal Elements: EVOLUTION
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 2196497

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
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Fruit drinks and fruit juices; Mixed fruit juice; Vegetable juices

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 2002

Use in Commerce: Apr. 2002

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: EVOLUTION FRESH, INC.
Owner Address: 1055 COOLEY AVENUE
SAN BERNARDINO, CALIFORNIA 92408
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record
Attorney Name: Julia Anne Matheson
Docket Number: 11871.0078

Attorney Primary Email docketing@finnegan.com
Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Name/Address: Julia Anne Matheson
Finnegan Henderson
901 New York Avenue, NW
Washington, DISTRICT OF COLUMBIA 20001
UNITED STATES

Phone: 202.408.4000

Fax: 202.408.4400

Correspondent e-mail: docketing@finnegan.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 06, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 06, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 02, 2010	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 13, 2010	REGISTERED-PRINCIPAL REGISTER	
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Dec. 19, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Dec. 19, 2009	ASSIGNED TO LIE	70138
Dec. 04, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 04, 2009	ASSIGNED TO EXAMINER	82107
Sep. 08, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 04, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 13, 2010

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Juice Harvest Corporation

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [4213/0185](#)

Pages: 6

Date Recorded: May 26, 2010

Supporting Documents: [assignment-tm-4213-0185.pdf](#)

Assignor

Name: [JUICE HARVEST CORPORATION](#)

Execution Date: May 14, 2010

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Assignee

Name: [EVOLUTION FRESH, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 1055 COOLEY AVENUE
SAN BERNARDINO, CALIFORNIA 92408

Correspondent

Correspondent Name: PAM FOWLIE C/O SHEPPARD MULLIN

Correspondent Address: 650 TOWN CENTER DRIVE
FOURTH FLOOR
COSTA MESA, CA 92626

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Cancellation

Proceeding Number: 92056854

Filing Date: Mar 04, 2013

Status: Pending

Status Date: Mar 04, 2013

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Wallis, Mitch C.

Correspondent Address: MITCH C WALLIS
1317 EL ALAMEDA
PALM SPRINGS CA , 92262
UNITED STATES

Correspondent e-mail: gary@garyeastman.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
EVOLUTION FAST FOOD	Cancellation Pending Plaintiff(s)	<u>85123700</u>	<u>3957413</u>

Name: Evolution Fresh, Inc.

Correspondent Address: JULIA ANNE MATHESON
FINNEGAN HENDERSON FARABOW GARRETT & DUNNER LLP
901 NEW YORK AVE NW
WASHINGTON DC , 20001-4413
UNITED STATES

Correspondent e-mail: julia.matheson@finnegan.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
JUICE EVOLUTION	Renewed	<u>75232390</u>	<u>2196497</u>
EVOLUTION	Registered	<u>77817740</u>	<u>3774723</u>
EVOLUTION	Registered	<u>77817752</u>	<u>3774725</u>
EVOLUTION	Registered	<u>77817744</u>	<u>3774724</u>
EVOLUTION	Registered	<u>77817758</u>	<u>3774726</u>
EVOLUTION FRESH	Report Completed Suspension Check - Case Still Suspended	<u>85616927</u>	

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Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 04, 2013	
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5	SUSPENDED	Apr 01, 2013	



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EVOLUTION

Word Mark EVOLUTION
Goods and Services IC 031. US 001 046. G & S: Fresh fruit and vegetables. FIRST USE: 20020400. FIRST USE IN COMMERCE: 20020400
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 77817752
Filing Date September 1, 2009
Current Basis 1A
Original Filing Basis 1A
Published for Opposition January 26, 2010
Registration Number 3774725
Registration Date April 13, 2010
Owner (REGISTRANT) Juice Harvest Corporation CORPORATION CALIFORNIA 1055 Cooley Avenue San Bernardino CALIFORNIA 92408

(LAST LISTED OWNER) EVOLUTION FRESH, INC. CORPORATION
 DELAWARE 1055 COOLEY AVENUE SAN BERNARDINO CALIFORNIA
 92408

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Julia Anne Matheson
Prior Registrations 2196497
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Mark: EVOLUTION

EVOLUTION

US Serial Number: 77817752
Application Filing Date: Sep. 01, 2009
US Registration Number: 3774725
Registration Date: Apr. 13, 2010
Filed as TEAS Plus: Yes
Currently TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Apr. 13, 2010
Publication Date: Jan. 26, 2010

Mark Information

Mark Literal Elements: EVOLUTION
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 2196497

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
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Fresh fruit and vegetables
International Class(es): 031 - Primary Class
U.S Class(es): 001, 046
Class Status: ACTIVE
Basis: 1(a)
First Use: Apr. 2002
Use in Commerce: Apr. 2002

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: EVOLUTION FRESH, INC.
Owner Address: 1055 COOLEY AVENUE
SAN BERNARDINO, CALIFORNIA 92408
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record
Attorney Name: Julia Anne Matheson
Docket Number: 11871.0080

Attorney Primary Email Address: docketing@finnegan.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Julia Anne Matheson
Finnegan Henderson
901 New York Avenue, NW
Washington, DISTRICT OF COLUMBIA 20001
UNITED STATES

Phone: 202.408.4000

Fax: 202.408.4400

Correspondent e-mail: docketing@finnegan.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 06, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 06, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 02, 2010	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 13, 2010	REGISTERED-PRINCIPAL REGISTER	
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Dec. 19, 2009	ASSIGNED TO LIE	70138
Dec. 04, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 04, 2009	ASSIGNED TO EXAMINER	82107
Sep. 08, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 04, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 13, 2010

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Juice Harvest Corporation

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [4213/0185](#)

Pages: 6

Date Recorded: May 26, 2010

Supporting Documents: [assignment-tm-4213-0185.pdf](#)

Assignor

Name: [JUICE HARVEST CORPORATION](#)

Execution Date: May 14, 2010

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Assignee

Name: [EVOLUTION FRESH, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 1055 COOLEY AVENUE
SAN BERNARDINO, CALIFORNIA 92408

Correspondent

Correspondent Name: PAM FOWLIE C/O SHEPPARD MULLIN

Correspondent Address: 650 TOWN CENTER DRIVE
FOURTH FLOOR
COSTA MESA, CA 92626

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Cancellation

Proceeding Number: 92056854

Filing Date: Mar 04, 2013

Status: Pending

Status Date: Mar 04, 2013

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Wallis, Mitch C.

Correspondent Address: MITCH C WALLIS
1317 EL ALAMEDA
PALM SPRINGS CA , 92262
UNITED STATES

Correspondent e-mail: gary@garyeastman.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
EVOLUTION FAST FOOD	Cancellation Pending	<u>85123700</u>	<u>3957413</u>

Plaintiff(s)

Name: Evolution Fresh, Inc.

Correspondent Address: JULIA ANNE MATHESON
FINNEGAN HENDERSON FARABOW GARRETT & DUNNER LLP
901 NEW YORK AVE NW
WASHINGTON DC , 20001-4413
UNITED STATES

Correspondent e-mail: julia.matheson@finnegan.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
JUICE EVOLUTION	Renewed	<u>75232390</u>	<u>2196497</u>
EVOLUTION	Registered	<u>77817740</u>	<u>3774723</u>
EVOLUTION	Registered	<u>77817752</u>	<u>3774725</u>
EVOLUTION	Registered	<u>77817744</u>	<u>3774724</u>
EVOLUTION	Registered	<u>77817758</u>	<u>3774726</u>
EVOLUTION FRESH	Report Completed Suspension Check - Case Still Suspended	<u>85616927</u>	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 04, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE	Mar 05, 2013	Apr 14, 2013
3	PENDING, INSTITUTED	Mar 05, 2013	
4	STIP TO SUSPEND PEND DISP CIV ACTION	Apr 01, 2013	
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Word Mark EVOLUTION
Goods and Services IC 032. US 045 046 048. G & S: Fruit drinks and fruit juices; Mixed fruit juice; Vegetable juices. FIRST USE: 20020400. FIRST USE IN COMMERCE: 20020400
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 01.05.01 - Sun, rising or setting (partially exposed or partially obstructed); Sunrise 26.11.01 - Rectangles as carriers or rectangles as single or multiple line borders
Trademark Search Facility Classification Code INAN Inanimate objects such as lighting, clouds, footprints, atomic configurations, snowflakes, rainbows, flames SHAPES-ASTRO Astronomical shapes consisting of celestial bodies, globes and geographical maps SHAPES-COLORS-3-OR-MORE Design listing or lined for three or more colors SHAPES-GEOMETRIC Geometric figures and solids including squares, rectangles, quadrilaterals and polygons
Serial Number 77817744
Filing Date September 1, 2009

Current Basis 1A

Original Filing Basis 1A

Published for Opposition January 26, 2010

Registration Number 3774724

Registration Date April 13, 2010

Owner (REGISTRANT) Juice Harvest Corporation CORPORATION CALIFORNIA 1055 Cooley Avenue San Bernardino CALIFORNIA 92408

(LAST LISTED OWNER) EVOLUTION FRESH, INC. CORPORATION DELAWARE 1055 COOLEY AVENUE SAN BERNARDINO CALIFORNIA 92408

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Julia Anne Matheson

Prior Registrations 2196497

Description of Mark The color(s) red, yellow, white is/are claimed as a feature of the mark. The mark consists of the word "EVOLUTION" appearing in white against a red background, with a yellow sun and rays appearing above the literal element.

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE/DIGIT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
RESULTS	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

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Mark: EVOLUTION



US Serial Number: 77817744
US Registration Number: 3774724
Filed as TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Apr. 13, 2010
Publication Date: Jan. 26, 2010

Application Filing Date: Sep. 01, 2009
Registration Date: Apr. 13, 2010
Currently TEAS Plus: Yes

Mark Information

Mark Literal Elements: EVOLUTION
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Description of Mark: The mark consists of the word "EVOLUTION" appearing in white against a red background, with a yellow sun and rays appearing above the literal element.
Color Drawing: Yes
Color(s) Claimed: The color(s) red, yellow, white is/are claimed as a feature of the mark.
Design Search Code(s): 01.05.01 - Sun, rising or setting (partially exposed or partially obstructed); Sunrise
26.11.01 - Rectangles as carriers or rectangles as single or multiple line borders

Related Properties Information

Claimed Ownership of US Registrations: 2196497

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
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Fruit drinks and fruit juices; Mixed fruit juice; Vegetable juices

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 2002

Use in Commerce: Apr. 2002

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: EVOLUTION FRESH, INC.
Owner Address: 1055 COOLEY AVENUE
SAN BERNARDINO, CALIFORNIA 92408
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Julia Anne Matheson
Attorney Primary Email Address: docketing@finnegan.com

Docket Number: 11871.0077
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Julia Anne Matheson
Finnegan Henderson
901 New York Avenue, NW
Washington, DISTRICT OF COLUMBIA 20001
UNITED STATES

Phone: 202.408.4000

Fax: 202.408.4400

Correspondent e-mail: docketing@finnegan.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

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Sep. 09, 2009	NOTICE OF DESIGN SEARCH CODE MAILED	
Sep. 08, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 04, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None
File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 13, 2010

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Juice Harvest Corporation

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [4213/0185](#)

Pages: 6

Date Recorded: May 26, 2010

Supporting Documents: [assignment-tm-4213-0185.pdf](#)

Assignor

Name: [JUICE HARVEST CORPORATION](#)

Execution Date: May 14, 2010

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Assignee

Name: [EVOLUTION FRESH, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 1055 COOLEY AVENUE
SAN BERNARDINO, CALIFORNIA 92408

Correspondent

Correspondent Name: PAM FOWLIE C/O SHEPPARD MULLIN
Correspondent Address: 650 TOWN CENTER DRIVE
FOURTH FLOOR
COSTA MESA, CA 92626

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Cancellation

Proceeding Number: 92056854

Filing Date: Mar 04, 2013

Status: Pending

Status Date: Mar 04, 2013

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Wallis, Mitch C.

Correspondent Address: MITCH C WALLIS
1317 EL ALAMEDA
PALM SPRINGS CA , 92262
UNITED STATES

Correspondent e-mail: gary@garveastman.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
EVOLUTION FAST FOOD	Cancellation Pending Plaintiff(s)	<u>85123700</u>	<u>3957413</u>

Name: Evolution Fresh, Inc.

Correspondent Address: JULIA ANNE MATHESON
FINNEGAN HENDERSON FARABOW GARRETT & DUNNER LLP
901 NEW YORK AVE NW
WASHINGTON DC , 20001-4413
UNITED STATES

Correspondent e-mail: julia.matheson@finnegan.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
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EVOLUTION	Registered	<u>77817740</u>	<u>3774723</u>
EVOLUTION	Registered	<u>77817752</u>	<u>3774725</u>
EVOLUTION	Registered	<u>77817744</u>	<u>3774724</u>
EVOLUTION	Registered	<u>77817758</u>	<u>3774726</u>
EVOLUTION FRESH	Report Completed Suspension Check - Case Still Suspended	<u>85616927</u>	

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5	SUSPENDED	Apr 01, 2013	



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Word Mark EVOLUTION
Goods and Services IC 031. US 001 046. G & S: Fresh fruit and vegetables. FIRST USE: 20020400. FIRST USE IN COMMERCE: 20020400
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 01.05.01 - Sun, rising or setting (partially exposed or partially obstructed); Sunrise 26.11.01 - Rectangles as carriers or rectangles as single or multiple line borders
Trademark Search Facility Classification Code INAN Inanimate objects such as lighting, clouds, footprints, atomic configurations, snowflakes, rainbows, flames SHAPES-ASTRO Astronomical shapes consisting of celestial bodies, globes and geographical maps SHAPES-BAR-BANDS Designs with bar, bands or lines SHAPES-COLORS-3-OR-MORE Design listing or lined for three or more colors SHAPES-GEOMETRIC Geometric figures and solids including squares, rectangles, quadrilaterals and polygons SHAPES-MISC Miscellaneous shaped designs
 77817758

Serial Number
Filing Date September 1, 2009
Current Basis 1A
Original Filing Basis 1A
Published for Opposition January 26, 2010
Registration Number 3774726
Registration Date April 13, 2010
Owner (REGISTRANT) Juice Harvest Corporation CORPORATION CALIFORNIA 1055 Cooley Avenue San Bernardino CALIFORNIA 92408
 (LAST LISTED OWNER) EVOLUTION FRESH, INC. CORPORATION DELAWARE 1055 COOLEY AVENUE SAN BERNARDINO CALIFORNIA 92408
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Julia Anne Matheson
Prior Registrations 2196497
Description of Mark The color(s) red, yellow, white is/are claimed as a feature of the mark. The mark consists of the word "EVOLUTION" appearing in white against a red background, with a yellow sun and rays appearing above the literal element.
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Mark: EVOLUTION



US Serial Number: 77817758
US Registration Number: 3774726
Filed as TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Apr. 13, 2010
Publication Date: Jan. 26, 2010

Application Filing Date: Sep. 01, 2009
Registration Date: Apr. 13, 2010
Currently TEAS Plus: Yes

Mark Information

Mark Literal Elements: EVOLUTION
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Description of Mark: The mark consists of the word "EVOLUTION" appearing in white against a red background, with a yellow sun and rays appearing above the literal element.
Color Drawing: Yes
Color(s) Claimed: The color(s) red, yellow, white is/are claimed as a feature of the mark.
Design Search Code(s): 01.05.01 - Sun, rising or setting (partially exposed or partially obstructed); Sunrise
26.11.01 - Rectangles as carriers or rectangles as single or multiple line borders

Related Properties Information

Claimed Ownership of US Registrations: 2196497

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
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Fresh fruit and vegetables

International Class(es): 031 - Primary Class

U.S Class(es): 001, 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 2002

Use in Commerce: Apr. 2002

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: EVOLUTION FRESH, INC.
Owner Address: 1055 COOLEY AVENUE
SAN BERNARDINO, CALIFORNIA 92408
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Julia Anne Matheson
Attorney Primary Email Address: docketing@finnegan.com

Docket Number: 11871.0081
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Julia Anne Matheson
Finnegan Henderson
901 New York Avenue, NW
Washington, DISTRICT OF COLUMBIA 20001
UNITED STATES
Phone: 202.408.4000
Correspondent e-mail: docketing@finnegan.com

Fax: 202.408.4400
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 06, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 06, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 02, 2010	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 13, 2010	REGISTERED-PRINCIPAL REGISTER	
Jan. 26, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 26, 2010	PUBLISHED FOR OPPOSITION	
Dec. 19, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Dec. 19, 2009	ASSIGNED TO LIE	70138
Dec. 04, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 04, 2009	ASSIGNED TO EXAMINER	82107
Sep. 09, 2009	NOTICE OF DESIGN SEARCH CODE MAILED	
Sep. 08, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 04, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None
File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 13, 2010

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Juice Harvest Corporation

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [4213/0185](#)

Pages: 6

Date Recorded: May 26, 2010

Supporting Documents: [assignment-tm-4213-0185.pdf](#)

Assignor

Name: [JUICE HARVEST CORPORATION](#)
Legal Entity Type: CORPORATION

Execution Date: May 14, 2010
State or Country Where Organized: CALIFORNIA

Assignee

Name: [EVOLUTION FRESH, INC.](#)
Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 1055 COOLEY AVENUE
SAN BERNARDINO, CALIFORNIA 92408

Correspondent

Correspondent Name: PAM FOWLIE C/O SHEPPARD MULLIN
Correspondent Address: 650 TOWN CENTER DRIVE
FOURTH FLOOR
COSTA MESA, CA 92626

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Cancellation

Proceeding Number: 92056854 **Filing Date:** Mar 04, 2013
Status: Pending **Status Date:** Mar 04, 2013
Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Wallis, Mitch C.
Correspondent Address: MITCH C WALLIS
1317 EL ALAMEDA
PALM SPRINGS CA , 92262
UNITED STATES
Correspondent e-mail: gary@garveastman.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
EVOLUTION FAST FOOD	Cancellation Pending	<u>85123700</u>	<u>3957413</u>

Plaintiff(s)

Name: Evolution Fresh, Inc.
Correspondent Address: JULIA ANNE MATHESON
FINNEGAN HENDERSON FARABOW GARRETT & DUNNER LLP
901 NEW YORK AVE NW
WASHINGTON DC , 20001-4413
UNITED STATES
Correspondent e-mail: julia.matheson@finnegan.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
JUICE EVOLUTION	Renewed	<u>75232390</u>	<u>2196497</u>
EVOLUTION	Registered	<u>77817740</u>	<u>3774723</u>
EVOLUTION	Registered	<u>77817752</u>	<u>3774725</u>
EVOLUTION	Registered	<u>77817744</u>	<u>3774724</u>
EVOLUTION	Registered	<u>77817758</u>	<u>3774726</u>
EVOLUTION FRESH	Report Completed Suspension Check - Case Still Suspended	<u>85616927</u>	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 04, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 05, 2013	Apr 14, 2013
3	PENDING, INSTITUTED	Mar 05, 2013	
4	STIP TO SUSPEND PEND DISP CIV ACTION	Apr 01, 2013	
5	SUSPENDED	Apr 01, 2013	



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TSDR ASSIGN STATUS CLAIM STATUS (Use the "Back" button of the Internet Browser to return to TESS)

BALANCED EVOLUTION

Word Mark BALANCED EVOLUTION

Goods and Services IC 029. US 046. G & S: Concentrates and syrups for making frozen, blended milk-based beverages; nut based milk and nut juice

IC 030. US 046. G & S: Flavoring syrups; flavoring syrup for making tea and herbal tea-based beverages; concentrates and syrups for making frozen, blended tea-based beverages; syrups for making tea-flavored drinks

IC 032. US 045 046 048. G & S: Fruit juices; fruit and juice based beverages; fruit drinks and soft drinks containing fruit juices; frozen fruit beverages and frozen fruit-based beverages; fruit concentrates and purees used as ingredients of beverages; concentrates and syrups for making frozen, blended fruit beverages; concentrates and syrups for making frozen, blended soft-drink beverages; concentrates and syrups for making frozen, blended fruit-drink beverages; sparkling fruit and juice based beverages and soda beverages; vegetable-fruit juices; vegetable-based food beverages; beverages containing vegetable juices; drinking water; spring water, mineral water, sparkling water, drinking water with vitamins; soft drinks; soda pop beverages; syrups for making fruit-flavored drinks; flavored and unflavored bottled waters; energy drinks; soy-based beverages not being milk substitutes; soy drinks and soy-based beverages

Standard Characters Claimed

Mark (4) STANDARD CHARACTER MARK
Drawing Code
Serial Number 85728790
Filing Date September 13, 2012
Current Basis 44E
Original Filing Basis 1B;44D
Published for Opposition July 16, 2013
Registration Number 4409891
Registration Date October 1, 2013
Owner (REGISTRANT) Evolution Fresh, Inc. CORPORATION DELAWARE 1055 Cooley Ave. San Bernardino CALIFORNIA 92408
Attorney of Record Julia Anne Matheson
Priority Date March 16, 2012
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Mark: BALANCED EVOLUTION

BALANCED EVOLUTION

US Serial Number: 85728790 Application Filing Date: Sep. 13, 2012
US Registration Number: 4409891 Registration Date: Oct. 01, 2013
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Oct. 01, 2013
Publication Date: Jul. 16, 2013

Mark Information

Mark Literal Elements: BALANCED EVOLUTION
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Foreign Information

Priority Claimed: Yes
Foreign Application Number: 1480750 Foreign Application Filing Date: Mar. 16, 2012
Foreign Registration Number: 1480750 Foreign Registration Date: Mar. 16, 2012
Foreign Application/Registration Country: AUSTRALIA Foreign Expiration Date: Mar. 16, 2022

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
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Concentrates and syrups for making frozen, blended milk-based beverages; nut based milk and nut juice
International Class(es): 029 - Primary Class **U.S Class(es):** 046
Class Status: ACTIVE
Basis: 44(e)

For: Flavoring syrups; flavoring syrup for making tea and herbal tea-based beverages; concentrates and syrups for making frozen, blended tea-based beverages; syrups for making tea-flavored drinks
International Class(es): 030 - Primary Class **U.S Class(es):** 046
Class Status: ACTIVE
Basis: 44(e)

For: Fruit juices; fruit and juice based beverages; fruit drinks and soft drinks containing fruit juices; frozen fruit beverages and frozen fruit-based beverages; fruit concentrates and purees used as ingredients of beverages; concentrates and syrups for making frozen, blended fruit beverages; concentrates and syrups for making frozen, blended soft-drink beverages; concentrates and syrups for making frozen, blended fruit-drink beverages; sparkling fruit and juice based beverages and soda beverages; vegetable-fruit juices; vegetable-based food beverages; beverages containing vegetable juices; drinking water; spring water, mineral water, sparkling water, drinking water with vitamins; soft drinks; soda pop beverages; syrups for making fruit-flavored drinks; flavored and unflavored bottled waters; energy drinks; soy-based beverages not being milk substitutes; soy drinks and soy-based beverages
International Class(es): 032 - Primary Class **U.S Class(es):** 045, 046, 048
Class Status: ACTIVE
Basis: 44(e)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: Yes	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: Yes	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Evolution Fresh, Inc.
 Owner Address: 1055 Cooley Ave.
 San Bernardino, CALIFORNIA 92408
 UNITED STATES
 Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record
 Attorney Name: Julia Anne Matheson Docket Number: 11871.0190
 Attorney Primary Email Address: docketing@finnegan.com Attorney Email Authorized: Yes

Correspondent
 Correspondent Name/Address: JULIA ANNE MATHESON
 FINNEGAN HENDERSON ET AL
 901 NEW YORK AVE NW
 WASHINGTON, DISTRICT OF COLUMBIA 20001-4432
 UNITED STATES
 Phone: 202.408.4000 Fax: 202.408.4400
 Correspondent e-mail: docketing@finnegan.com Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 01, 2013	REGISTERED-PRINCIPAL REGISTER	
Jul. 16, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 16, 2013	PUBLISHED FOR OPPOSITION	
Jun. 26, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 13, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	66121
Jun. 13, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 12, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	66121
Jun. 12, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	66121
Jun. 04, 2013	ASSIGNED TO LIE	66121
May 29, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 09, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 09, 2013	NON-FINAL ACTION E-MAILED	6325
Jan. 09, 2013	NON-FINAL ACTION WRITTEN	76611
Jan. 09, 2013	ASSIGNED TO EXAMINER	76611
Sep. 19, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 17, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None
 File Location
 Current Location: PUBLICATION AND ISSUE SECTION Date in Location: Oct. 01, 2013

Notice of Opposition
Evolution Fresh, Inc. v. Anarchy Beverage Company dba Michael Meloro
Application Serial No. 85878075

Exhibit B



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EVOLUTION HARVEST

Word Mark EVOLUTION HARVEST

Goods and Services IC 029. US 046. G & S: Milk, flavored milk, milkshakes and milk based beverages; soy milk; fruit jams; compote, jellies, bread spreads as far as not included in other classes; preserved fruit and vegetables, prepared meals or frozen meals as far as not included in other classes consisting of meat, soy, poultry, seafood, vegetables, fruits, tofu, and/or cheese also including pasta, rice, or grains; yogurt and whipping cream; prepared nuts, seasoned nuts, roasted nuts

IC 030. US 046. G & S: Tea and herbal tea; tea and herbal tea-based beverages; tea and herbal tea-based concentrates, with fruit flavoring; frozen confections with tea, herbal tea and/or fruit flavoring; ground and whole bean coffee; cocoa and espresso beverages, and beverages made with a base of coffee and/or espresso; beverages made with a base of tea, powdered chocolate and vanilla; ready-to-drink coffee; ready-to-drink tea; frozen confections, namely, ice cream, ice milk, frozen yogurt, frozen soy based desserts; chocolate, candy and confections; baked goods, namely, muffins, scones, biscuits, cookies, pastries and breads; sandwiches; processed cereal-derived food product to be used as a breakfast cereal, food bar, or ingredient for making food; ready-to-eat cereal; rolled oats; grain-based food bars; ready-to-eat oat-based food bars, crackers; prepared or frozen meals not included in other classes consisting primarily of rice, grains, or pasta including meat, soy, poultry, seafood, vegetables, fruits, tofu, and/or cheese; sauces; sauces to add to beverages; dipping sauces; ready-made sauces; salad dressings, fruit sauces; vegetable sauces; food

bars based on soy; aromatic preparations for use with food including flavouring syrups to add to beverages, such as with coffee, e.g. chocolate or caramel syrup

IC 031. US 001 046. G & S: Fresh fruit or vegetables; raw fruit or vegetables; unprocessed grains for eating; unprocessed nuts for eating; oats

IC 032. US 045 046 048. G & S: Fruit juices; fruit and juice based beverages; fruit drinks and soft drinks containing fruit juices; frozen fruit beverages and frozen fruit-based beverages; fruit concentrates and purees used as ingredients of beverages; beverage concentrates and syrups for making frozen blended beverages; sparkling fruit and juice based beverages and soda beverages; vegetable-fruit juices; vegetable-based beverages; beverages containing vegetable juices; liquid and powdered beverage mixes; flavoring syrups for making tea and herbal tea-based beverages; water, mineral water, sparkling water, drinking water with vitamins, and other non-alcoholic drinks; soft drinks; soda pop beverages; flavoring syrups for making beverages; flavored and unflavored bottled waters; energy drinks; soy-based beverages not being milk substitutes; soy drinks and soy-based beverages; nut milk and nut juice

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85865462

Filing Date March 4, 2013

Current Basis 1B

Original Filing Basis 1B

Owner (APPLICANT) Evolution Fresh, Inc. CORPORATION DELAWARE 1055 Cooley Ave. San Bernardino CALIFORNIA 92408

Attorney of Record Julia Anne Matheson

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Mark: EVOLUTION HARVEST

EVOLUTION HARVEST

US Serial Number: 85865462

Application Filing Date: Mar. 04, 2013

Register: Principal

Mark Type: Trademark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jun. 28, 2013

Mark Information

Mark Literal Elements: EVOLUTION HARVEST

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

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
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Milk, flavored milk, milkshakes and milk based beverages; soy milk; fruit jams; compote, jellies, bread spreads as far as not included in other classes; preserved fruit and vegetables, prepared meals or frozen meals as far as not included in other classes consisting of meat, soy, poultry, seafood, vegetables, fruits, tofu, and/or cheese also including pasta, rice, or grains; yogurt and whipping cream; prepared nuts, seasoned nuts, roasted nuts

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b)

For: Tea and herbal tea; tea and herbal tea-based beverages; tea and herbal tea-based concentrates, with fruit flavoring; frozen confections with tea, herbal tea and/or fruit flavoring; ground and whole bean coffee; cocoa and espresso beverages, and beverages made with a base of coffee and/or espresso; beverages made with a base of tea, powdered chocolate and vanilla; ready-to-drink coffee; ready-to-drink tea; frozen confections, namely, ice cream, ice milk, frozen yogurt, frozen soy based desserts; chocolate, candy and confections; baked goods, namely, muffins, scones, biscuits, cookies, pastries and breads; sandwiches; processed cereal-derived food product to be used as a breakfast cereal, food bar, or ingredient for making food; ready-to-eat cereal; rolled oats; grain-based food bars; ready-to-eat oat-based food bars, crackers; prepared or frozen meals not included in other classes consisting primarily of rice, grains, or pasta including meat, soy, poultry, seafood, vegetables, fruits, tofu, and/or cheese; sauces; sauces to add to beverages; dipping sauces; ready-made sauces; salad dressings, fruit sauces; vegetable sauces; food bars based on soy; aromatic preparations for use with food including flavouring syrups to add to beverages, such as with coffee, e.g. chocolate or caramel syrup

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b)

For: Fresh fruit or vegetables; raw fruit or vegetables; unprocessed grains for eating; unprocessed nuts for eating; oats

International Class(es): 031 - Primary Class

U.S Class(es): 001, 046

Class Status: ACTIVE

Basis: 1(b)

For: Fruit juices; fruit and juice based beverages; fruit drinks and soft drinks containing fruit juices; frozen fruit beverages and frozen fruit-based beverages; fruit concentrates and purees used as ingredients of beverages; beverage concentrates and syrups for making frozen blended beverages; sparkling fruit and juice based beverages and soda beverages; vegetable-fruit juices; vegetable-based beverages; beverages containing vegetable juices; liquid and powdered beverage mixes; flavoring syrups for making tea and herbal tea-based beverages; water, mineral water, sparkling water, drinking water with vitamins, and other non-alcoholic drinks; soft drinks; soda pop beverages; flavoring syrups for making beverages; flavored and unflavored bottled waters; energy drinks; soy-based beverages not being milk substitutes; soy drinks and soy-based beverages; nut milk and nut juice

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Evolution Fresh, Inc.
Owner Address: 1055 Cooley Ave.
San Bernardino, CALIFORNIA 92408
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Julia Anne Matheson
Attorney Primary Email Address: docketing@finnegan.com
Docket Number: 11871.0255
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JULIA ANNE MATHESON
FINNEGAN HENDERSON ET AL.
901 NEW YORK AVE NW
WASHINGTON, DISTRICT OF COLUMBIA 20001-4432
UNITED STATES
Phone: 202.408.4000
Fax: 202.408.4400
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 28, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 28, 2013	NON-FINAL ACTION E-MAILED	6325
Jun. 28, 2013	NON-FINAL ACTION WRITTEN	81094
Jun. 15, 2013	ASSIGNED TO EXAMINER	81094
Mar. 08, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 07, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: KUNG, KHELIE ELIZABETH
Law Office Assigned: LAW OFFICE 103
File Location:
Current Location: TMEG LAW OFFICE 103 - EXAMINING ATTORNEY ASSIGNED
Date in Location: Jun. 28, 2013



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TSDR ASSIGNMENT STATUS CLAIM STATUS (Use the "Back" button of the Internet Browser to return to TESS)

NOURISH YOUR EVOLUTION

Word Mark NOURISH YOUR EVOLUTION
Goods and Services IC 029. US 046. G & S: Concentrates and syrups for making frozen, blended milk-based beverages; soy based food beverages used as a milk substitute; nut based milk and nut juice
 IC 030. US 046. G & S: Flavoring syrups; flavoring syrup for making tea and herbal tea-based beverages; concentrates and syrups for making frozen, blended tea-based beverages; syrups for making tea-flavored drinks
 IC 032. US 045 046 048. G & S: Fruit juices; fruit and fruit juice based beverages; fruit drinks and soft drinks containing fruit juices; frozen fruit beverages and frozen fruit-based beverages; fruit concentrates and purees used as ingredients of beverages; concentrates and syrups for making frozen, blended fruit beverages; concentrates and syrups for making frozen, blended soft-drink beverages; concentrates and syrups for making frozen, blended fruit-drink beverages; sparkling fruit and fruit juice based beverages and soda beverages; vegetable-fruit juices; vegetable-based beverages; beverages containing vegetable juices, namely vegetable juice beverages; liquid and powdered beverage mixes for making soft drinks and fruit based beverages; flavoring syrups for making tea and herbal tea-based beverages; drinking water, spring water, mineral water, sparkling water, drinking water with vitamins; soft drinks; soda pop beverages; syrups for making fruit-flavored drinks; flavored and unflavored bottled waters; energy drinks; soy-based beverages not being milk substitutes

IC 043. US 100 101. G & S: Restaurant, cafe, cafeteria, snack bar, carry out restaurants, take out restaurants; catering services; contract catering services; food preparation; carry out restaurant services

**Standard
Characters
Claimed**

**Mark Drawing
Code** (4) STANDARD CHARACTER MARK

Serial Number 85731323

Filing Date September 18, 2012

Current Basis 1B;44E

**Original Filing
Basis** 1B;44D

Owner (APPLICANT) Evolution Fresh, Inc. CORPORATION DELAWARE 1055 Cooley Ave. San Bernardino CALIFORNIA 92408

**Attorney of
Record** Julia Anne Matheson

Priority Date March 20, 2012

**Prior
Registrations** 3774723;3774724

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

**Live/Dead
Indicator** LIVE

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Mark: NOURISH YOUR EVOLUTION

NOURISH YOUR EVOLUTION

US Serial Number: 85731323

Application Filing Date: Sep. 18, 2012

Register: Principal

Mark Type: Trademark, Service Mark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jul. 01, 2013

Mark Information

Mark Literal Elements: NOURISH YOUR EVOLUTION

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 3774723, 3774724

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 1481195

Foreign Application Filing Date: Mar. 20, 2012

Foreign Registration Number: 1481195

Foreign Registration Date: Mar. 20, 2012

Foreign Application/Registration Country: AUSTRALIA

Foreign Expiration Date: Mar. 20, 2022

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
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Concentrates and syrups for making frozen, blended milk-based beverages; soy based food beverages used as a milk substitute; nut based milk and nut juice

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b) 44(e)

For: Flavoring syrups; flavoring syrup for making tea and herbal tea-based beverages; concentrates and syrups for making frozen, blended tea-based beverages; syrups for making tea-flavored drinks

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b) 44(e)

For: Fruit juices; fruit and fruit juice based beverages; fruit drinks and soft drinks containing fruit juices; frozen fruit beverages and frozen fruit-based beverages; fruit concentrates and purees used as ingredients of beverages; concentrates and syrups for making frozen, blended fruit beverages; concentrates and syrups for making frozen, blended soft-drink beverages; concentrates and syrups for making frozen, blended fruit-drink beverages; sparkling fruit and fruit juice based beverages and soda beverages; vegetable-fruit juices; vegetable-based beverages; beverages containing vegetable juices, namely vegetable juice beverages; liquid and powdered beverage mixes for making soft drinks and fruit based beverages; flavoring syrups for making tea and herbal tea-based beverages; drinking water; spring water, mineral water, sparkling water, drinking water with vitamins; soft drinks; soda pop beverages; syrups for making fruit-flavored drinks; flavored and unflavored bottled waters; energy drinks; soy-based beverages not being milk substitutes

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(b) 44(e)

For: Restaurant, cafe, cafeteria, snack bar, carry out restaurants, take out restaurants; catering services; contract catering services; food preparation; carry out restaurant services

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(b) 44(e)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	Amended ITU: No
Filed 44D: Yes	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: Yes	Amended 44E: Yes
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Evolution Fresh, Inc.

Owner Address: 1055 Cooley Ave.
San Bernardino, CALIFORNIA 92408
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Julia Anne Matheson
Attorney Primary Email Address: docketing@finnegan.com

Docket Number: 11871.0178

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JULIA ANNE MATHESON
FINNEGAN HENDERSON ET AL
901 NEW YORK AVE NW
WASHINGTON, DISTRICT OF COLUMBIA 20001-4432
UNITED STATES

Phone: 202.408.4000

Fax: 202.408.4400

Correspondent e-mail: docketing@finnegan.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 01, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 01, 2013	NON-FINAL ACTION E-MAILED	6325
Jul. 01, 2013	NON-FINAL ACTION WRITTEN	74781
Jun. 17, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	69712
Jun. 17, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	69712
Jun. 10, 2013	ASSIGNED TO LIE	69712
Jun. 06, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 15, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 15, 2013	NON-FINAL ACTION E-MAILED	6325
Jan. 15, 2013	NON-FINAL ACTION WRITTEN	74781
Jan. 09, 2013	ASSIGNED TO EXAMINER	74781
Sep. 21, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 21, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: LEE, DOUGLAS M

Law Office Assigned: LAW OFFICE 111

File Location

Current Locatlon: TMO LAW OFFICE 111 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Jul. 01, 2013



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EASY EVOLUTION

Word Mark EASY EVOLUTION

Goods and Services IC 029. US 046. G & S: Concentrates and syrups for making frozen, blended milk-based beverages; soy based food beverages used as a milk substitute; nut based milk and nut juice

IC 030. US 046. G & S: Flavoring syrups; flavoring syrup for making tea and herbal tea-based beverages; concentrates and syrups for making frozen, blended tea-based beverages; syrups for making tea-flavored drinks

IC 032. US 045 046 048. G & S: Fruit juices; fruit and fruit juice based beverages; fruit drinks and soft drinks containing fruit juices; frozen fruit beverages and frozen fruit-based beverages; fruit concentrates and purees used as ingredients of beverages; concentrates and syrups for making frozen, blended fruit beverages; concentrates and syrups for making frozen, blended soft-drink beverages; concentrates and syrups for making frozen, blended fruit-drink beverages; sparkling fruit and fruit juice based beverages and soda beverages; vegetable-fruit juices; vegetable-based beverages; beverages containing vegetable juices, namely, vegetable juice beverages; liquid and powdered beverage mixes for making soft drinks and fruit based beverages; flavoring syrups for making tea and herbal tea-based beverages; drinking water, spring water, mineral water, sparkling water, drinking water with vitamins; soft drinks; soda pop beverages; syrups for making fruit-flavored drinks; flavored and unflavored bottled waters; energy drinks; soy-based beverages not being milk substitutes

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85728759

Filing Date September 13, 2012

Current Basis 1B;44E

Original Filing Basis 1B;44D

Owner (APPLICANT) Evolution Fresh, Inc. CORPORATION DELAWARE 1055 Cooley Ave. San Bernardino CALIFORNIA 92408

Attorney of Record Julia Anne Matheson

Priority Date March 16, 2012

Prior Registrations 3774723;3774724

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Mark: EASY EVOLUTION

EASY EVOLUTION

US Serial Number: 85728759

Application Filing Date: Sep. 13, 2012

Register: Principal

Mark Type: Trademark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jul. 01, 2013

Mark Information

Mark Literal Elements: EASY EVOLUTION

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 3774723, 3774724

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 1480744

Foreign Application Filing Date: Mar. 16, 2012

Foreign Registration Number: 1480744

Foreign Registration Date: Mar. 16, 2012

Foreign Application/Registration Country: AUSTRALIA

Foreign Expiration Date: Mar. 16, 2022

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
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Concentrates and syrups for making frozen, blended milk-based beverages; soy based food beverages used as a milk substitute; nut based milk and nut juice

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b) 44(e)

For: Flavoring syrups; flavoring syrup for making tea and herbal tea-based beverages; concentrates and syrups for making frozen, blended tea-based beverages; syrups for making tea-flavored drinks

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b) 44(e)

For: Fruit juices; fruit and fruit juice based beverages; fruit drinks and soft drinks containing fruit juices; frozen fruit beverages and frozen fruit-based beverages; fruit concentrates and purees used as ingredients of beverages; concentrates and syrups for making frozen, blended fruit beverages; concentrates and syrups for making frozen, blended soft-drink beverages; concentrates and syrups for making frozen, blended fruit-drink beverages; sparkling fruit and fruit juice based beverages and soda beverages; vegetable-fruit juices; vegetable-based beverages; beverages containing vegetable juices, namely, vegetable juice beverages; liquid and powdered beverage mixes for making soft drinks and fruit based beverages; flavoring syrups for making tea and herbal tea-based beverages; drinking water, spring water, mineral water, sparkling water, drinking water with vitamins; soft drinks; soda pop beverages; syrups for making fruit-flavored drinks; flavored and unflavored bottled waters; energy drinks; soy-based beverages not being milk substitutes

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(b) 44(e)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	Amended ITU: No
Filed 44D: Yes	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: Yes	Amended 44E: Yes
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Evolution Fresh, Inc.
Owner Address: 1055 Cooley Ave.
San Bernardino, CALIFORNIA 92408
UNITED STATES
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record
Attorney Name: Julia Anne Matheson Docket Number: 11871.0192
Attorney Primary Email Address: docketing@finnegan.com Attorney Email Authorized: Yes

Correspondent
Correspondent Name/Address: JULIA ANNE MATHESON
FINNEGAN HENDERSON ET AL
901 NEW YORK AVE NW
WASHINGTON, DISTRICT OF COLUMBIA 20001-4432
UNITED STATES
Phone: 202.408.4000 Fax: 202.408.4400
Correspondent e-mail: docketing@finnegan.com Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 01, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 01, 2013	NON-FINAL ACTION E-MAILED	6325
Jul. 01, 2013	NON-FINAL ACTION WRITTEN	74781
Jun. 18, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	69712
Jun. 18, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	69712
Jun. 10, 2013	ASSIGNED TO LIE	69712
Jun. 06, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 15, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 15, 2013	NON-FINAL ACTION E-MAILED	6325
Jan. 15, 2013	NON-FINAL ACTION WRITTEN	74781
Jan. 09, 2013	ASSIGNED TO EXAMINER	74781
Sep. 19, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 17, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information
TM Attorney: LEE, DOUGLAS M Law Office Assigned: LAW OFFICE 111

File Location
Current Location: TMO LAW OFFICE 111 - EXAMINING ATTORNEY ASSIGNED Date in Location: Jul. 01, 2013



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Word Mark EVOLUTION FRESH
Goods and Services IC 035. US 100 101 102. G & S: Business administration; business management; franchising, namely, providing business management assistance in the establishment and operation of restaurants, cafes, coffee houses and snack bars; retail store services in the field of coffee, tea, cocoa, non-alcoholic beverages including fruit juice, vegetable juice, water, packaged and prepared foods, nutritional supplements and dietary supplements, electric and non-electric appliances, housewares, kitchenware, watches, stop watches, books, musical recordings, blank books, books; retail store services in the field of tote bags, purses, briefcases, book bags, valises and umbrellas, all made of cloth, plastic, or leather; retail store services in the field of key fobs of leather, clothing, headwear, caps and hats, games and puzzles; wholesale distributorships, wholesale stores and wholesale ordering services all in the field of coffee, tea, cocoa, non-alcoholic beverages including fruit juice, vegetable juice, water, packaged and prepared foods, nutritional supplements and dietary supplements, electric and non-electric appliances, housewares, kitchenware, watches, stop watches, books, musical recordings, blank books, books, tote bags, purses, briefcases, book bags, valises and umbrellas, all made of cloth, plastic, or leather, key fobs of leather, clothing, headwear, caps and hats, games and puzzles. mail order services and mail order catalog services, computerized online ordering services, computerized online retail store services, online ordering services and online retail store services all in the field of coffee, tea, cocoa, non-alcoholic beverages including fruit juice, vegetable juice, water, packaged and prepared foods, nutritional supplements and dietary supplements,

electric and non-electric appliances, housewares, kitchenware, watches, stop watches, books, musical recordings, blank books, books, tote bags, purses, briefcases, book bags, valises and umbrellas, all made of cloth, plastic, or leather, key fobs of leather, clothing, headwear, caps and hats, games and puzzles; computerized online gift registry and ordering services all in the field of general consumer merchandise

Mark
Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number 85732459
Filing Date September 19, 2012
Current Basis 1B;44D
Original Filing Basis 1B;44D
Owner (APPLICANT) Evolution Fresh, Inc. CORPORATION DELAWARE 1055 Cooley Ave. San Bernardino CALIFORNIA 92408
Attorney of Record Julia Anne Matheson
Priority Date April 20, 2012
Prior Registrations 3774723;3774724
Description of Mark Color is not claimed as a feature of the mark. The mark consists of the words "EVOLUTION FRESH" in a stylized format.
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Mark: EVOLUTION FRESH



US Serial Number: 85732459

Application Filing Date: Sep. 19, 2012

Register: Principal

Mark Type: Service Mark

Status: An Office action suspending further action on the application has been sent (issued) to the applicant. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jul. 09, 2013

Mark Information

Mark Literal Elements: EVOLUTION FRESH

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Description of Mark: The mark consists of the words "EVOLUTION FRESH" in a stylized format.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Related Properties Information

Claimed Ownership of US Registrations: 3774723, 3774724

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 1486830

Foreign Application Filing Date: Apr. 20, 2012

Foreign Application/Registration Country: AUSTRALIA

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
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Business administration; business management; franchising, namely, providing business management assistance in the establishment and operation of restaurants, cafes, coffee houses and snack bars; retail store services in the field of coffee, tea, cocoa, non-alcoholic beverages including fruit juice, vegetable juice, water, packaged and prepared foods, nutritional supplements and dietary supplements, electric and non-electric appliances, housewares, kitchenware, watches, stop watches, books, musical recordings, blank books, books; retail store services in the field of tote bags, purses, briefcases, book bags, valises and umbrellas, all made of cloth, plastic, or leather; retail store services in the field of key fobs of leather, clothing, headwear, caps and hats, games and puzzles; wholesale distributorships, wholesale stores and wholesale ordering services all in the field of coffee, tea, cocoa, non-alcoholic beverages including fruit juice, vegetable juice, water, packaged and prepared foods, nutritional supplements and dietary supplements, electric and non-electric appliances, housewares, kitchenware, watches, stop watches, books, musical recordings, blank books, books, tote bags, purses, briefcases, book bags, valises and umbrellas, all made of cloth, plastic, or leather, key fobs of leather, clothing, headwear, caps and hats, games and puzzles; mail order services and mail order catalog services, computerized online ordering services, computerized online retail store services, online ordering services and online retail store services all in the field of coffee, tea, cocoa, non-alcoholic beverages including fruit juice, vegetable juice, water, packaged and prepared foods, nutritional supplements and dietary supplements, electric and non-electric appliances, housewares, kitchenware, watches, stop watches, books, musical recordings, blank books, books, tote bags, purses, briefcases, book bags, valises and umbrellas, all made of cloth, plastic, or leather, key fobs of leather, clothing, headwear, caps and hats, games and puzzles; computerized online gift registry and ordering services all in the field of general consumer merchandise

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b) 44(d)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes	Currently ITU: Yes	Amended ITU: No
Filed 44D: Yes	Currently 44D: Yes	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Evolution Fresh, Inc.
Owner Address: 1055 Cooley Ave.
 San Bernardino, CALIFORNIA 92408
 UNITED STATES
Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Julia Anne Matheson **Docket Number:** 11871.0191
Attorney Primary Email Address: docketing@finnegan.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: JULIA ANNE MATHESON
 FINNEGAN HENDERSON ET AL
 901 NEW YORK AVE NW
 WASHINGTON, DISTRICT OF COLUMBIA 20001-4432
 UNITED STATES
Phone: 202.408.4000 **Fax:** 202.408.4400
Correspondent e-mail: docketing@finnegan.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 09, 2013	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jul. 09, 2013	LETTER OF SUSPENSION E-MAILED	6332
Jul. 09, 2013	SUSPENSION LETTER WRITTEN	74781
Jul. 08, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	70629
Jul. 08, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	70629
Jul. 02, 2013	ASSIGNED TO LIE	70629
Jul. 01, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 15, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 15, 2013	NON-FINAL ACTION E-MAILED	6325
Jan. 15, 2013	NON-FINAL ACTION WRITTEN	74781
Jan. 09, 2013	ASSIGNED TO EXAMINER	74781
Sep. 22, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 22, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: LEE, DOUGLAS M

Law Office Assigned: LAW OFFICE 111

File Location

Current Location: TMO LAW OFFICE 111 - EXAMINING ATTORNEY ASSIGNED

Date in Location: Jul. 09, 2013



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Word Mark EVOLUTION FRESH
Goods and Services IC 029. US 046. G & S: Concentrates and syrups for making frozen, blended milk-based beverages; soy based food beverages used as a milk substitute; nut based milk and nut juice
 IC 030. US 046. G & S: Flavoring syrups; flavoring syrup for making tea and herbal tea-based beverages; concentrates and syrups for making frozen, blended tea-based beverages; syrups for making tea-flavored drinks
 IC 032. US 045 046 048. G & S: Fruit juices; fruit beverages; fruit juice based beverages; vegetable juice base beverages; fruit drinks and soft drinks containing fruit juices; frozen fruit beverages and frozen fruit-based beverages; fruit concentrates and purees used as ingredients of beverages; concentrates and syrups for making frozen, blended fruit beverages; concentrates and syrups for making frozen, blended soft-drink beverages; concentrates and syrups for making frozen, blended fruit-drink beverages; sparkling fruit and fruit juice based beverages and soda beverages; vegetable-fruit juices; vegetable-based beverages; beverages containing vegetable juices, namely vegetable juice beverages; liquid and powdered beverage mixes for making soft drinks, fruit based beverages, and vegetable based beverages; flavoring syrups for making tea and herbal tea-based beverages; drinking water, spring water, mineral water, sparkling water, drinking water with vitamins; soft drinks; soda pop beverages; syrups for making fruit-flavored drinks;

flavored and unflavored bottled waters; energy drinks; soy-based beverages not being milk substitutes

IC 043. US 100 101. G & S: Restaurant, cafe, cafeteria, snack bar, carry out restaurants, take out restaurants; catering services; contract catering services; food preparation; carry out restaurant services

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

Serial Number 85731331

Filing Date September 18, 2012

Current Basis 1B;44D

Original Filing Basis 1B;44D

Owner (APPLICANT) Evolution Fresh, Inc. CORPORATION DELAWARE 1055 Cooley Ave. San Bernardino CALIFORNIA 92408

Attorney of Record Julia Anne Matheson

Priority Date March 23, 2012

Prior Registrations 3774723;3774724

Description of Mark Color is not claimed as a feature of the mark. The mark consists of the stylized wording "EVOLUTION FRESH".

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Mark: EVOLUTION FRESH



US Serial Number: 85731331

Application Filing Date: Sep. 18, 2012

Register: Principal

Mark Type: Trademark, Service Mark

Status: An Office action suspending further action on the application has been sent (issued) to the applicant. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jul. 23, 2013

Mark Information

Mark Literal Elements: EVOLUTION FRESH

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Description of Mark: The mark consists of the stylized wording "EVOLUTION FRESH".

Color(s) Claimed: Color is not claimed as a feature of the mark.

Related Properties Information

Claimed Ownership of US Registrations: 3774723, 3774724

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 1482029

Foreign Application Filing Date: Mar. 23, 2012

Foreign Application/Registration Country: AUSTRALIA

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
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Concentrates and syrups for making frozen, blended milk-based beverages; soy based food beverages used as a milk substitute; nut based milk and nut juice

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b) 44(d)

For: Flavoring syrups; flavoring syrup for making tea and herbal tea-based beverages; concentrates and syrups for making frozen, blended tea-based beverages; syrups for making tea-flavored drinks

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b) 44(d)

For: Fruit juices; fruit beverages; fruit juice based beverages; vegetable juice base beverages; fruit drinks and soft drinks containing fruit juices; frozen fruit beverages and frozen fruit-based beverages; fruit concentrates and purees used as ingredients of beverages; concentrates and syrups for making frozen, blended fruit beverages; concentrates and syrups for making frozen, blended soft-drink beverages; concentrates and syrups for making frozen, blended fruit-drink beverages; sparkling fruit and fruit juice based beverages and soda beverages; vegetable-fruit juices; vegetable-based beverages; beverages containing vegetable juices, namely vegetable juice beverages; liquid and powdered beverage mixes for making soft drinks, fruit based beverages, and vegetable based beverages; flavoring syrups for making tea and herbal tea-based beverages; drinking water, spring water, mineral water, sparkling water, drinking water with vitamins; soft drinks; soda pop beverages; syrups for making fruit-flavored drinks; flavored and unflavored bottled waters; energy drinks; soy-based beverages not being milk substitutes

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(b) 44(d)

For: Restaurant, cafe, cafeteria, snack bar, carry out restaurants, take out restaurants; catering services; contract catering services; food preparation; carry out restaurant services

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(b) 44(d)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	Amended ITU: No
Filed 44D: Yes	Currently 44D: Yes	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Evolution Fresh, Inc.

Owner Address: 1055 Cooley Ave.
San Bernardino, CALIFORNIA 92408
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Julia Anne Matheson

Docket Number: 11871.0180

Attorney Primary Email Address: docteking@finnegan.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JULIA ANNE MATHESON
FINNEGAN HENDERSON ET AL
901 NEW YORK AVE NW
WASHINGTON, DISTRICT OF COLUMBIA 20001-4432
UNITED STATES

Phone: 202.408.4000

Fax: 202.408.4400

Correspondent e-mail: docteking@finnegan.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 23, 2013	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jul. 23, 2013	LETTER OF SUSPENSION E-MAILED	6332
Jul. 23, 2013	SUSPENSION LETTER WRITTEN	74781
Jul. 16, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	68171
Jul. 16, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	68171
Jul. 08, 2013	ASSIGNED TO LIE	68171
Jul. 01, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 15, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 15, 2013	NON-FINAL ACTION E-MAILED	6325
Jan. 15, 2013	NON-FINAL ACTION WRITTEN	74781
Jan. 09, 2013	ASSIGNED TO EXAMINER	74781
Sep. 21, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 21, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: LEE, DOUGLAS M

Law Office Assigned: LAW OFFICE 111

File Location

Current Location: TMO LAW OFFICE 111 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Jul. 23, 2013



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TSDR ASSIGNMENT STATUS PUBLICATION STATUS (Use the "Back" button of the Internet Browser to return to TESS)

ONE DAY EVOLUTION

Word Mark ONE DAY EVOLUTION

Goods and Services IC 029. US 046. G & S: Concentrates and syrups for making frozen, blended milk-based beverages; soy based food beverages used as a milk substitute; nut based milk and nut juice

IC 030. US 046. G & S: Flavoring syrups; flavoring syrup for making tea and herbal tea-based beverages; concentrates and syrups for making frozen, blended tea-based beverages

IC 032. US 045 046 048. G & S: Fruit juices; fruit and fruit juice based beverages; fruit drinks and soft drinks containing fruit juices; frozen fruit beverages and frozen fruit-based beverages; fruit concentrates and purees used as ingredients of beverages; concentrates and syrups for making frozen, blended fruit beverages; concentrates and syrups for making frozen, blended soft-drink beverages; concentrates and syrups for making frozen, blended fruit-drink beverages; sparkling fruit and fruit juice based beverages and soda beverages; vegetable-fruit juices; vegetable-based beverages; beverages containing vegetable juices, namely, vegetable juice beverages; liquid and powdered beverage mixes for making soft drinks and fruit based beverages; drinking water, spring water, mineral water, sparkling water, drinking water with vitamins; soft drinks; soda pop beverages; syrups for making fruit-flavored drinks; flavored and unflavored bottled waters; energy drinks; soy-based beverages not being milk substitutes; syrups for making tea-flavored drinks

Standard**Characters****Claimed****Mark Drawing Code** (4) STANDARD CHARACTER MARK**Serial Number** 85728750**Filing Date** September 13, 2012**Current Basis** 1B;44E**Original Filing Basis** 1B;44D**Published for Opposition** July 23, 2013**Owner** (APPLICANT) Evolution Fresh, Inc. CORPORATION DELAWARE 1055 Cooley Ave. San Bernardino CALIFORNIA 92408**Attorney of Record** Julia Anne Matheson**Priority Date** March 16, 2012**Prior Registrations** 3774723;3774724**Type of Mark** TRADEMARK**Register** PRINCIPAL**Live/Dead Indicator** LIVE[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

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Mark: ONE DAY EVOLUTION

ONE DAY EVOLUTION

US Serial Number: 85728750

Application Filing Date: Sep. 13, 2012

Register: Principal

Mark Type: Trademark

Status: Notice of Allowance (NOA) sent (issued) to the applicant. Applicant must file a Statement of Use or Extension Request within six months of the NOA issuance date.

Status Date: Sep. 17, 2013

Publication Date: Jul. 23, 2013

Notice of Allowance Date: Sep. 17, 2013

Mark Information

Mark Literal Elements: ONE DAY EVOLUTION

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 3774723, 3774724

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 1480731

Foreign Application Filing Date: Mar. 16, 2012

Foreign Registration Number: 1480731

Foreign Registration Date: Jan. 09, 2013

Foreign Application/Registration Country: AUSTRALIA

Foreign Expiration Date: Mar. 16, 2022

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
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Concentrates and syrups for making frozen, blended milk-based beverages; soy based food beverages used as a milk substitute; nut based milk and nut juice

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b) 44(e)

For: Flavoring syrups; flavoring syrup for making tea and herbal tea-based beverages; concentrates and syrups for making frozen, blended tea-based beverages

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b) 44(e)

For: Fruit juices; fruit and fruit juice based beverages; fruit drinks and soft drinks containing fruit juices; frozen fruit beverages and frozen fruit-based beverages; fruit concentrates and purees used as ingredients of beverages; concentrates and syrups for making frozen, blended fruit beverages; concentrates and syrups for making frozen, blended soft-drink beverages; concentrates and syrups for making frozen, blended fruit-drink beverages; sparkling fruit and fruit juice based beverages and soda beverages; vegetable-fruit juices; vegetable-based beverages; beverages containing vegetable juices, namely, vegetable juice beverages; liquid and powdered beverage mixes for making soft drinks and fruit based beverages; drinking water, spring water, mineral water, sparkling water, drinking water with vitamins; soft drinks; soda pop beverages; syrups for making fruit-flavored drinks; flavored and unflavored bottled waters; energy drinks; soy-based beverages not being milk substitutes; syrups for making tea-flavored drinks

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(b) 44(e)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	Amended ITU: No
Filed 44D: Yes	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: Yes	Amended 44E: Yes
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Evolution Fresh, Inc.
Owner Address: 1055 Cooley Ave.
San Bernardino, CALIFORNIA 92408
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Julia Anne Matheson
Attorney Primary Email Address: docketing@finnegan.com
Docket Number: 11871,0189
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JULIA ANNE MATHESON
FINNEGAN HENDERSON ET AL
901 NEW YORK AVE NW
WASHINGTON, DISTRICT OF COLUMBIA 20001-4432
UNITED STATES
Phone: 202.408.4000
Fax: 202.408.4400
Correspondent e-mail: docketing@finnegan.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 17, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 23, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 23, 2013	PUBLISHED FOR OPPOSITION	
Jul. 03, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 18, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	70633
Jun. 17, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 28, 2013	EXAMINER'S AMENDMENT ENTERED	88888
May 28, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
May 28, 2013	EXAMINERS AMENDMENT E-MAILED	6328
May 28, 2013	EXAMINERS AMENDMENT -WRITTEN	74781
May 24, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	70633
May 24, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	70633
May 14, 2013	ASSIGNED TO LIE	70633
May 13, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 15, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 15, 2013	NON-FINAL ACTION E-MAILED	6325
Jan. 15, 2013	NON-FINAL ACTION WRITTEN	74781
Jan. 09, 2013	ASSIGNED TO EXAMINER	74781

Sep. 19, 2012 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM
Sep. 17, 2012 NEW APPLICATION ENTERED IN TRAM

TM Staff and Location Information

TM Staff Information

TM Attorney: LEE, DOUGLAS M

Law Office Assigned: LAW OFFICE 111

File Location

Current Location: INTENT TO USE SECTION

Date in Location: Sep. 17, 2013



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EVOLUTION FRESH

Word Mark EVOLUTION FRESH

Goods and Services IC 005. US 006 018 044 046 051 052. G & S: Nutritionally fortified beverages for medical use; meal replacement and dietary supplement drink mixes for medical use; nutritional supplements in the form of foods bars for medical use; dietary food supplements for medical use; dietary fiber supplements for medical use for human consumption; fruit-flavored dietary supplement drink mixes for medical use in powder form; nutritional supplement drink mixes for medical use in powder from; vitamin and mineral supplements; vitamin fortified beverages for medical use

IC 029. US 046. G & S: Milk, flavored milk, milkshakes and milk based beverages containing fruits; soy milk; fruit jams; compote, jellies, bread spreads as far as not included in other classes; preserved fruit and vegetables, prepared meals or frozen meals as far as not included in other classes consisting primarily of meat, soy, poultry, seafood, vegetables, fruits, tofu, and/or cheese which also include a combination of either pasta, rice, or grains; yogurt and whipping cream; prepared nuts, seasoned nuts, roasted nuts; food bars based on soy; nut milk and nut juice

IC 030. US 046. G & S: Tea and herbal tea; tea and herbal tea-based beverages; tea and herbal tea-based concentrates, with fruit flavoring; frozen confections with tea, herbal tea and/or fruit flavoring; ground and whole bean coffee; cocoa and espresso beverages, and beverages made with a base of coffee and/or espresso; beverages made with a base of tea, powdered chocolate and vanilla; ready-to-drink coffee; ready-to-drink tea; frozen confections, namely, ice cream, ice milk, frozen

yogurt, frozen soy based desserts; chocolate, candy and frozen confections; baked goods, namely, muffins, scones, biscuits, cookies, pastries and breads; sandwiches; processed cereal-derived food product to be used as a breakfast cereal, food bar, or ingredient for making food; ready-to-eat cereal; rolled oats; grain-based food bars; ready-to-eat oat-based food bars, crackers; prepared or frozen meals not included in other classes consisting primarily of rice, grains, or pasta which also include a combination of either meat, soy, poultry, seafood, vegetables, fruits, tofu, and/or cheese; sauces; sauces to add to beverages; dipping sauces; ready-made sauces; salad dressings, fruit sauces; vegetable sauces; aromatic preparations for use with food in the nature of flavouring syrups to add to beverages, such as with coffee, namely, chocolate or caramel syrup

IC 031. US 001 046. G & S: Fresh fruit or vegetables; raw fruit or vegetables; unprocessed grains for eating; unprocessed nuts for eating; oats, namely, unprocessed oats

IC 032. US 045 046 048. G & S: Fruit juices; fruit and juice based beverages; fruit drinks and soft drinks containing fruit juices; frozen fruit beverages and frozen fruit-based beverages; fruit concentrates and purees used as ingredients of beverages; beverage concentrates and syrups for making frozen blended beverages; sparkling fruit and juice based beverages and soda beverages; vegetable-fruit juices; vegetable-based beverages; beverages containing vegetable juices; liquid and powdered beverage mixes; flavoring syrups for making tea and herbal tea-based beverages; water, mineral water, sparkling water, drinking water with vitamins, and other non-alcoholic drinks; soft drinks; soda pop beverages; flavoring syrups for making beverages; flavored and unflavored bottled waters; energy drinks; soy-based beverages not being milk substitutes; soy drinks and soy-based beverages not being milk substitutes

IC 035. US 100 101 102. G & S: Business administration; business management; administrative supporting services, namely, providing assistance in the establishment and/or operation of restaurants, cafes, coffee houses and snack bars in relation to franchising; Retail store services in the field of coffee, tea, cocoa, non-alcoholic beverages including fruit juice, vegetable juice, water, packaged and prepared foods, nutritional supplements and dietary supplements, electric and non-electric appliances, housewares, kitchenware, clocks, watches, stop watches, books, musical recordings, blank books, tote bags, purses, book bags, valises and umbrellas, all made of cloth, plastic, or leather, key fobs of leather, clothing, headwear, caps and hats, games and puzzles; wholesale business mediation in coffee, tea, cocoa, non-alcoholic beverages including fruit juice, vegetable juice, water, packaged and prepared foods, nutritional supplements and dietary supplements, electric and non-electric appliances, housewares, kitchenware, clocks, watches, stop watches, books, musical recordings, blank books, tote bags, purses, book bags, valises and umbrellas, all made of cloth, plastic, or leather, key fobs of leather, clothing, headwear, caps and hats, games and puzzles. Business management and administrative ordering services in relation to mail order services and mail order catalog services, computerized online ordering services, computerized online retail services, online ordering services and online retail store services all in the field of coffee, tea, cocoa, non-alcoholic beverages including fruit juice, vegetable juice, water, packaged and prepared foods, nutritional supplements and dietary supplements, electric and non-electric appliances, housewares, kitchenware, clocks, watches, stop watches, blank books, musical recordings, books, tote bags, purses, book bags, valises and umbrellas, all made of cloth,

plastic, or leather, key fobs of leather, clothing, headwear, caps and hats, games and puzzles; The bringing together, for the benefit of others, of a variety of goods excluding the transport thereof, enabling customers to conveniently view, compose a gift list, and purchase those goods in the field of general consumer merchandise

IC 043. US 100 101. G & S: Restaurant, cafe, cafeteria, snack bar, carry out restaurants, take out restaurants; catering services; contract catering services; food preparation; carry out restaurant services

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85616927

Filing Date May 4, 2012

Current Basis 1B;44D

Original Filing Basis 1B;44D

Owner (APPLICANT) Evolution Fresh, Inc. CORPORATION DELAWARE 1055 Cooley Avenue San Bernadino CALIFORNIA 92408

Attorney of Record Julia Anne Matheson

Priority Date November 10, 2011

Prior Registrations 2196497;3774723;3774726;AND OTHERS

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Mark: EVOLUTION FRESH

EVOLUTION FRESH

US Serial Number: 85616927

Application Filing Date: May 04, 2012

Register: Principal

Mark Type: Trademark, Service Mark

Status: Suspension check completed, Application remains suspended.

Status Date: Oct. 17, 2013

Mark Information

Mark Literal Elements: EVOLUTION FRESH

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 2196497, 3774723, 3774726 and others

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 1235996

Foreign Application Filing Date: Nov. 10, 2011

Foreign Application/Registration Country: BENELUX TRADEMARK OFFICE (BBDM) AND BENELUX DESIGNS OFFICE (BBDM)

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 use for human consumption;
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Nutritionally fortified beverages for medical use; meal replacement and dietary supplement drink mixes for medical use; nutritional supplements in the form of foods bars for medical use; dietary food supplements for medical use; dietary fiber supplements for medical use for human consumption; fruit-flavored dietary supplement drink mixes for medical use in powder form; nutritional supplement drink mixes for medical use in powder form; vitamin and mineral supplements; vitamin fortified beverages for medical use

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(b) 44(d)

For: Milk, flavored milk, milkshakes and milk based beverages containing fruits; soy milk; fruit jams; compote, jellies, bread spreads as far as not included in other classes; preserved fruit and vegetables, prepared meals or frozen meals as far as not included in other classes consisting primarily of meat, soy, poultry, seafood, vegetables, fruits, tofu, and/or cheese which also include a combination of either pasta, rice, or grains; yogurt and whipping cream; prepared nuts, seasoned nuts, roasted nuts; food bars based on soy; nut milk and nut juice

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b) 44(d)

For: Tea and herbal tea; tea and herbal tea-based beverages; tea and herbal tea-based concentrates, with fruit flavoring; frozen confections with tea, herbal tea and/or fruit flavoring; ground and whole bean coffee; cocoa and espresso beverages, and beverages made with a base of coffee and/or espresso; beverages made with a base of tea, powdered chocolate and vanilla; ready-to-drink coffee; ready-to-drink tea; frozen confections, namely, ice cream, ice milk, frozen yogurt, frozen soy based desserts; chocolate, candy and frozen confections; baked goods, namely, muffins, scones, biscuits, cookies, pastries and breads; sandwiches; processed cereal-derived food product to be used as a breakfast cereal, food bar, or ingredient for making food; ready-to-eat cereal; rolled oats; grain-based food bars; ready-to-eat oat-based food bars, crackers; prepared or frozen meals not included in other classes consisting primarily of rice, grains, or pasta which also include a combination of either meat, soy, poultry, seafood, vegetables, fruits, tofu, and/or cheese; sauces; sauces to add to beverages; dipping sauces; ready-made sauces; salad dressings, fruit sauces; vegetable sauces; aromatic preparations for use with food in the nature of flavouring syrups to add to beverages, such as with coffee, namely, chocolate or caramel syrup

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b) 44(d)

For: Fresh fruit or vegetables; raw fruit or vegetables; unprocessed grains for eating; unprocessed nuts for eating; oats, namely, unprocessed oats

International Class(es): 031 - Primary Class

U.S Class(es): 001, 046

Class Status: ACTIVE

Basis: 1(b) 44(d)

For: Fruit juices; fruit and juice based beverages; fruit drinks and soft drinks containing fruit juices; frozen fruit beverages and frozen fruit-based beverages; fruit concentrates and purees used as ingredients of beverages; beverage concentrates and syrups for making frozen blended beverages; sparkling fruit and juice based beverages and soda beverages; vegetable-fruit juices; vegetable-based beverages; beverages containing vegetable juices; liquid and powdered beverage mixes; flavoring syrups for making tea and herbal tea-based beverages; water, mineral water, sparkling water, drinking water with vitamins, and other non-alcoholic drinks; soft drinks; soda pop beverages; flavoring syrups for making beverages; flavored and unflavored bottled waters; energy drinks; soy-based beverages not being milk substitutes; soy drinks and soy-based beverages not being milk substitutes

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(b) 44(d)

For: Business administration; business management; administrative supporting services, namely, providing assistance in the establishment and/or operation of restaurants, cafes, coffee houses and snack bars in relation to franchising; Retail store services in the field of coffee, tea, cocoa, non-alcoholic beverages including fruit juice, vegetable juice, water, packaged and prepared foods, nutritional supplements and dietary supplements, electric and non-electric appliances, housewares, kitchenware, clocks, watches, stop watches, books, musical recordings, blank books, tote bags, purses, book bags, valises and umbrellas, all made of cloth, plastic, or leather, key fobs of leather, clothing, headwear, caps and hats, games and puzzles; wholesale business mediation in coffee, tea, cocoa, non-alcoholic beverages including fruit juice, vegetable juice, water, packaged and prepared foods, nutritional supplements and dietary supplements, electric and non-electric appliances, housewares, kitchenware, clocks, watches, stop watches, books, musical recordings, blank books, tote bags, purses, book bags, valises and umbrellas, all made of cloth, plastic, or leather, key fobs of leather, clothing, headwear, caps and hats, games and puzzles; Business management and administrative ordering services in relation to mail order services and mail order catalog services, computerized online ordering services, computerized online retail services, online ordering services and online retail store services all in the field of coffee, tea, cocoa, non-alcoholic beverages including fruit juice, vegetable juice, water, packaged and prepared foods, nutritional supplements and dietary supplements, electric and non-electric appliances, housewares, kitchenware, clocks, watches, stop watches, blank books, musical recordings, books, tote bags, purses, book bags, valises and umbrellas, all made of cloth, plastic, or leather, key fobs of leather, clothing, headwear, caps and hats, games and puzzles; The bringing together, for the benefit of others, of a variety of goods excluding the transport thereof, enabling customers to conveniently view, compose a gift list, and purchase those goods in the field of general consumer merchandise

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b) 44(d)

For: Restaurant, cafe, cafeteria, snack bar, carry out restaurants, take out restaurants; catering services; contract catering services; food preparation; carry out restaurant services

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(b) 44(d)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: Yes

Currently 44D: Yes

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Evolution Fresh, Inc.

Owner Address: 1055 Cooley Avenue
San Bernadino, CALIFORNIA 92408
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Julia Anne Matheson

Docket Number: 11871.0160

Attorney Primary Email docketing@finnegan.com
Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Name/Address: JULIA ANNE MATHESON
FINNEGAN HENDERSON ET AL
901 NEW YORK AVE NW
WASHINGTON, DISTRICT OF COLUMBIA 20001-4432
UNITED STATES

Phone: 202.408.4000

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Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 17, 2013	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	67287
Oct. 15, 2013	ASSIGNED TO LIE	67287
Apr. 10, 2013	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Apr. 10, 2013	LETTER OF SUSPENSION E-MAILED	6332
Apr. 10, 2013	SUSPENSION LETTER WRITTEN	76463
Mar. 05, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 05, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 05, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 05, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 05, 2012	NON-FINAL ACTION E-MAILED	6325
Sep. 05, 2012	NON-FINAL ACTION WRITTEN	76463
Aug. 25, 2012	ASSIGNED TO EXAMINER	76463
May 11, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 08, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: FAIRBANKS, RONALD L

Law Office Assigned: LAW OFFICE 117

File Location

Current Location: TMO LAW OFFICE 117

Date in Location: Oct. 17, 2013

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Cancellation

Proceeding Number: 92056854

Filing Date: Mar 04, 2013

Status: Pending

Status Date: Mar 04, 2013

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Wallis, Mitch C.

Correspondent Address: MITCH C WALLIS
1317 EL ALAMEDA
PALM SPRINGS CA , 92262
UNITED STATES

Correspondent e-mail: gary@garyeastman.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
EVOLUTION FAST FOOD	Cancellation Pending	<u>85123700</u>	<u>3957413</u>

Plaintiff(s)

Name: Evolution Fresh, Inc.

Correspondent Address: JULIA ANNE MATHESON
 FINNEGAN HENDERSON FARABOW GARRETT & DUNNER LLP
 901 NEW YORK AVE NW
 WASHINGTON DC , 20001-4413
 UNITED STATES

Correspondent e-mail: julia.matheson@finnegan.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
JUICE EVOLUTION	Renewed	<u>75232390</u>	<u>2196497</u>
EVOLUTION	Registered	<u>77817740</u>	<u>3774723</u>
EVOLUTION	Registered	<u>77817752</u>	<u>3774725</u>
EVOLUTION	Registered	<u>77817744</u>	<u>3774724</u>
EVOLUTION	Registered	<u>77817758</u>	<u>3774726</u>
EVOLUTION FRESH	Report Completed Suspension Check - Case Still Suspended	<u>85616927</u>	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 04, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 05, 2013	Apr 14, 2013
3	PENDING, INSTITUTED	Mar 05, 2013	
4	STIP TO SUSPEND PEND DISP CIV ACTION	Apr 01, 2013	
5	SUSPENDED	Apr 01, 2013	



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TSDR ASSIGNMENT STATUS TTAB STATUS (Use the "Back" button of the Internet Browser to return to TESS)

EVOLUTION PURE

Word Mark EVOLUTION PURE
Goods and Services IC 029. US 046. G & S: Yogurt; yogurt based beverages
 IC 032. US 045 046 048. G & S: Fruit-based beverages with yogurt
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 85905151
Filing Date April 16, 2013
Current Basis 1B
Original Filing Basis 1B
Published for Opposition November 26, 2013
Owner (APPLICANT) Evolution Fresh, Inc. CORPORATION DELAWARE 1055 Cooley Avenue San Bernadino CALIFORNIA 92408
Attorney of Record Julia Anne Matheson
Prior Registrations 2196497;3774723;3774724
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Mark: EVOLUTION PURE

EVOLUTION PURE

US Serial Number: 85905151

Application Filing Date: Apr. 16, 2013

Register: Principal

Mark Type: Trademark

Status: Review prior to publication completed.

Status Date: Oct. 21, 2013

Publication Date: Nov. 26, 2013

Mark Information

Mark Literal Elements: EVOLUTION PURE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 2196497, 3774723, 3774724

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
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Yogurt; yogurt based beverages

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b)

For: Fruit-based beverages with yogurt

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Evolution Fresh, Inc.

Owner Address: 1055 Cooley Avenue
San Bernadino, CALIFORNIA 92408
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Julia Anne Matheson

Docket Number: 11871.0261

Attorney Primary Email docketing@finnegan.com
Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Name/Address: JULIA ANNE MATHESON
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Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 06, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 21, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Oct. 21, 2013	ASSIGNED TO LIE	77312
Oct. 04, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 04, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 04, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 04, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 25, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 25, 2013	NON-FINAL ACTION E-MAILED	6325
Jun. 25, 2013	NON-FINAL ACTION WRITTEN	81094
Jun. 15, 2013	ASSIGNED TO EXAMINER	81094
Apr. 22, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 19, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: KUNG, KHELIE ELIZABETH

Law Office Assigned: LAW OFFICE 103

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 21, 2013