

ESTTA Tracking number: **ESTTA588988**

Filing date: **02/24/2014**

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	Hormel Foods, LLC
Granted to Date of previous extension	02/26/2014
Address	1 Hormel Place Austin, MN 55912 UNITED STATES

Attorney information	Sarah Nelsen Hormel Foods, LLC 1 Hormel Place Austin, MN 55912 UNITED STATES slnelsen@hormel.com
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Applicant Information

Application No	85949358	Publication date	10/29/2013
Opposition Filing Date	02/24/2014	Opposition Period Ends	02/26/2014
Applicant	Remeverse, LLC 367 Riverside Drive # 100 Franklin, TN 370648984 TUNISIA		

Goods/Services Affected by Opposition

Class 030. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Marinades and sauces

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.	4254480	Application Date	12/17/2010
Registration Date	12/04/2012	Foreign Priority Date	NONE
Word Mark	REV		

Design Mark	<h1>REV</h1>
Description of Mark	NONE
Goods/Services	Class 030. First use: First Use: 2012/08/01 First Use In Commerce: 2012/08/01 sandwiches made of meat, poultry and/orcheese

U.S. Application No.	85656273	Application Date	06/20/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	REV		
Design Mark	<h1>REV</h1>		
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 0 First Use In Commerce: 0 meat-based snack foods; snack mixes consisting of meat or dried fruit Class 030. First use: First Use: 0 First Use In Commerce: 0 snack mixes consisting of crackers; pretzels; chips or bread; stuffed sandwiches comprised of meat, cheese and/or vegetable fillings enrobed in a pastry or dough; dipping sauces		

U.S. Application No.	85969019	Application Date	06/25/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	REV		

Design Mark	
Description of Mark	The mark consists of a black circle with the word "REV" in white text. There is a second circle surrounding the black circle.
Goods/Services	Class 030. First use: First Use: 2012/08/01 First Use In Commerce: 2012/08/01 sandwiches made of meat, poultry and/or cheese; sandwich wraps

Attachments	85200724#TMSN.jpeg(bytes) 85656273#TMSN.jpeg(bytes) 85969019#TMSN.jpeg(bytes) DOC.pdf(140274 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	/sln/
Name	Sarah Nelsen
Date	02/24/2014

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

NOTICE OF OPPOSITION

In re Application Serial No.: 85/949,358
For the Mark: REV
Filed: June 3, 2013
Publication in the Trademark
Official Gazette On: October 29, 2013

Hormel Foods, LLC)
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 Opposer,)
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 v.)
)
)
 Remeverse, LLC)
)
)
 Applicant.)

Opposition No. _____

NOTICE OF OPPOSITION

Hormel Foods, LLC, a Minnesota limited liability company (“Opposer”) believes it will be damaged by the registration of the REV mark in International Class 30 and hereby opposes the same.

The grounds for this opposition are as follows:

1. Applicant Remeverse, LLC ("Applicant") seeks to obtain registration on the principal register of the trademark REV for "marinades and sauces" in International Class 30. The application, filed June 3, 2013, is an intent to use application pursuant to Section 1(b) of the U.S. Trademark Act, 15 U.S.C. § 1051(b)(1).

2. Upon information and belief, Applicant is a Tennessee Limited Liability Company, with its principal place of business at 367 Riverside Drive #100, Franklin, Tennessee 37064-8984.

3. Opposer is a limited liability company organized and existing under the laws of the State of Minnesota, with its principal place of business at 1 Hormel Place, Austin, Minnesota 55912.

4. Opposer and/or its licensee has used the mark REV ("Opposer's Mark") in connection with sandwiches made of meat, poultry and/or cheese since at least as early as August 1, 2012.

5. Opposer owns a number of federal registrations of and applications for Opposer's Mark, with and without a design element. Opposer owns Registration No. 4,254,480, issued December 4, 2012 with a December 17, 2010 priority date, for use of Opposer's Mark in connection with "sandwiches made of meat, poultry and/or cheese" in International Class 30 as incorporated by reference as Exhibit 1. Opposer owns approved application serial number 85/565,273, with a priority date of June 20, 2012, for use of Opposer's Mark in connection with "meat based snack foods, snack mixes consisting of meat or dried fruit" in International Class 29, and "snack mixes consisting of crackers; pretzels, chips or bread, stuffed sandwiches comprised of meat, cheese and/or vegetable

fillings enrobed in a pastry or dough; dipping sauces” in International Class 30, serial number 85/656, 273. Opposer owns published application serial number 85/969,019 for use of Opposer’s Mark with design for use in connection with “sandwiches made of meat, poultry and/or cheese; sandwich wraps” in International Class 30.

6. Opposer’s Mark is distinctive. Moreover, through its use in interstate commerce, including substantial advertising and promotion by Opposer or its affiliates, and has developed and represents valuable goodwill to the benefit of Opposer. Opposer’s Mark has trademark significance to purchasers and potential purchasers.

7. Opposer’s rights in Opposer’s Mark are prior to the date of filing of Applicant’s Intent to Use application and any use of REV by Applicant.

8. Due in primary part of the identical use of Opposer’s Mark to the mark in Applicant’s REV application and the similar nature of the goods and services of the respective parties, customers and potential customers are likely to believe that Applicant’s goods under Applicant’s mark originate from or are sponsored by or affiliated or connected with Opposer or Opposer’s products, resulting in a likelihood of confusion in the marketplace and damage to Opposer.

9. Registration of the mark REV by Applicant is likely to cause confusion, mistake, or deception, causing damage to Opposer under Section 13 of the U.S. Trademark Act, 15 U.S.C. § 1063. The mark in the subject application cannot be registered consistent with Section 2(d) of the U.S. Trademark Act, 15 U.S.C. §1052(d).

WHEREFORE, Opposer asks that the opposition to this application be sustained and that the registration of the term REV be refused.

Respectfully submitted,

/sln/

Sarah L. Nelsen

Hormel Foods, LLC

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Mark: REV

REV

US Serial Number: 85200724 Application Filing Date: Dec. 17, 2010
US Registration Number: 4254480 Registration Date: Dec. 04, 2012
Register: Principal
Mark Type: Trademark
Status: Registered The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Dec. 04, 2012
Publication Date: Apr. 12, 2011 Notice of Allowance Date: Jun. 07, 2011

Mark Information

Mark Literal Elements: REV
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: sandwiches made of meat, poultry and/or cheese

International Class(es): 030 - Primary Class

U.S. Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 01, 2012

Use in Commerce: Aug. 01, 2012

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	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: Hormel Foods, LLC
Owner Address: 1 Hormel Place
Austin, MINNESOTA 55912
UNITED STATES
Legal Entity Type: LIMITED LIABILITY COMPANY State or Country Where Organized: MINNESOTA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Hormel Foods, LLC
Attorney Primary Email Address: snelsen@hormel.com

Attorney Email No Authorized:

Correspondent

Correspondent Name/Address: HORMEL FOODS, LLC
HORMEL FOODS CORPORATION
1 HORMEL PL

AUSTIN, MINNESOTA 55912-3680
UNITED STATES

Phone: 507-437-5936

Correspondent e-mail: slnelsen@hormel.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 04, 2012	REGISTERED-PRINCIPAL REGISTER	
Nov. 02, 2012	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Nov. 01, 2012	LAW OFFICE REGISTRATION REVIEW COMPLETED	68123
Oct. 31, 2012	ASSIGNED TO LIE	68123
Oct. 18, 2012	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 18, 2012	STATEMENT OF USE PROCESSING COMPLETE	66230
Oct. 16, 2012	USE AMENDMENT FILED	66230
Oct. 16, 2012	TEAS STATEMENT OF USE RECEIVED	
Jun. 16, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 15, 2012	EXTENSION 2 GRANTED	66230
May 18, 2012	EXTENSION 2 FILED	66230
Jun. 13, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66230
May 18, 2012	TEAS EXTENSION RECEIVED	
Nov. 25, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Nov. 23, 2011	EXTENSION 1 GRANTED	98765
Nov. 23, 2011	EXTENSION 1 FILED	98765
Nov. 23, 2011	TEAS EXTENSION RECEIVED	
Jun. 07, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 12, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 12, 2011	PUBLISHED FOR OPPOSITION	
Mar. 03, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 03, 2011	ASSIGNED TO EXAMINER	62126
Dec. 23, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 21, 2010	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: Nov. 01, 2012