

ESTTA Tracking number: **ESTTA589782**

Filing date: **02/27/2014**

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 parties oppose registration of the indicated application.

Opposers Information

Name	Arabica Funding, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	3900 Lakebreeze Avenue North Brooklyn Center, MN 55429 UNITED STATES		

Name	Caribou Coffee Company, Inc.		
Granted to Date of previous extension	03/02/2014		
Address	3900 Lakebreeze Avenue North Brooklyn Center, MN 55429 UNITED STATES		

Attorney information	Matthew C. Mlsna Dorsey & Whitney LLP 50 South Sixth Street Suite 1500 Minneapolis, MN 55402 UNITED STATES ip.docket@dorsey.com, mlsna.matt@dorsey.com Phone:612-492-6864		
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Applicant Information

Application No	85878883	Publication date	09/03/2013
Opposition Filing Date	02/27/2014	Opposition Period Ends	03/02/2014
Applicant	Denali Co., LLC 4666 Leighton Lakes Drive Wayland, MI 49348 MI		

Goods/Services Affected by Opposition

Class 029. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Milk

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.	3533290	Application Date	10/22/2007
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Registration Date	11/18/2008	Foreign Priority Date	NONE
Word Mark	CARIBOU		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1992/12/14 First Use In Commerce: 1994/09/04 Ground and Whole Bean Coffee; Coffee and Coffee-Based Beverages; Ready-to-Drink Coffee; Espresso, Herbal Tea, and Tea Beverages; Sandwiches		

U.S. Registration No.	4313121	Application Date	09/07/2012
Registration Date	04/02/2013	Foreign Priority Date	NONE
Word Mark	CARIBOU		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1997/01/20 First Use In Commerce: 1997/01/20 Beverage Smoothies; Fruit Juices; Non-Alcoholic Beverages, Namely, Carbonated Beverages; Soft Drinks Flavored with Tea; Fruit Flavored Soft Drinks; Soft Drinks, Namely, Sodas		

U.S. Registration No.	3931382	Application Date	02/01/2008
Registration Date	03/15/2011	Foreign Priority Date	NONE
Word Mark	CARIBOU COFFEE		

Design Mark	CARIBOU COFFEE
Description of Mark	NONE
Goods/Services	Class 029. First use: First Use: 2003/03/31 First Use In Commerce: 2003/03/31 Dried Fruit

U.S. Registration No.	2609319	Application Date	04/16/2001
Registration Date	08/20/2002	Foreign Priority Date	NONE
Word Mark	CARIBOU COFFEE		
Design Mark	CARIBOU COFFEE		
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1992/12/14 First Use In Commerce: 1994/09/04 Ground and Whole Bean Coffee; Hot and Frozen Coffee; Espresso, Herbal Tea, and Tea Beverages; Baked Goods, Namely, Biscotti, Bread, Brownies, Cakes, Cookies, Muffins, Pastries, and Scones; Chocolate;Candy Class 032. First use: First Use: 1997/01/20 First Use In Commerce: 1997/01/20 Beverage Smoothies		

U.S. Registration No.	3401155	Application Date	07/03/2007
Registration Date	03/25/2008	Foreign Priority Date	NONE
Word Mark	CARIBOU COFFEE		
Design Mark	CARIBOU COFFEE		

Description of Mark	NONE
Goods/Services	Class 030. First use: First Use: 1996/05/01 First Use In Commerce: 1996/05/01 Sandwiches, Granola-Based Snack Bars

U.S. Registration No.	4229376	Application Date	02/24/2012
Registration Date	10/23/2012	Foreign Priority Date	NONE

Word Mark	CARIBOU COFFEE
Design Mark	 <p>CARIBOU COFFEE</p>

Description of Mark	NONE
Goods/Services	Class 030. First use: First Use: 2009/09/30 First Use In Commerce: 2009/09/30 Breakfast Cereals and Beverages with a Chocolate Base

U.S. Registration No.	4374989	Application Date	09/07/2012
Registration Date	07/30/2013	Foreign Priority Date	NONE

Word Mark	CARIBOU COFFEE
Design Mark	 <p>CARIBOU COFFEE</p>

Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 1997/01/20 First Use In Commerce: 1997/01/20 Beverage Smoothies; Fruit Juices; Non-Alcoholic Beverages, Namely, Carbonated Beverages; Soft Drinks Flavored with Tea;Fruit Flavored Soft Drinks; Soft Drinks, Namely Sodas

U.S. Registration No.	2703741	Application Date	04/16/2001
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Registration Date	04/08/2003	Foreign Priority Date	NONE
Word Mark	CARIBOU COFFEE		
Design Mark	CARIBOU COFFEE		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1997/04/01 First Use In Commerce: 1997/04/01 Retail store services, [mail order catalog services and] on-line retailing and ordering services featuring coffee, coffee brewing accessories, food and beverage ware		

U.S. Registration No.	1839091	Application Date	12/04/1992
Registration Date	06/07/1994	Foreign Priority Date	NONE
Word Mark	CARIBOU COFFEE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1992/09/01 First Use In Commerce: 1992/09/01 restaurant services and retail store services in the field of coffee		

U.S. Registration No.	4264888	Application Date	12/23/2009
Registration Date	12/25/2012	Foreign Priority Date	NONE
Word Mark	CARIBOU COFFEE		
Design Mark			
Description of Mark	The mark consists of a stylized design of a leaping caribou against a background of a shield, with the words "CARIBOU COFFEE" in stylized letters below the shield design.		
Goods/Services	Class 029. First use: First Use: 2009/11/01 First Use In Commerce: 2009/11/01 Milk-Based Beverage Containing Coffee; Dried Fruit; Fruit Salads and Vegetable Salads; Yogurt		

U.S. Registration No.	3935459	Application Date	12/21/2009
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Registration Date	03/22/2011	Foreign Priority Date	NONE
Word Mark	CARIBOU COFFEE		
Design Mark			
Description of Mark	The mark consists of the word "CARIBOU" in stylized letters, followed by the stylized design of a leaping caribou against the background of a shield, followed by the word "COFFEE", all three elements in a horizontal line.		
Goods/Services	Class 030. First use: First Use: 2010/03/01 First Use In Commerce: 2010/03/01 Ground and Whole Bean Coffee; Coffee and Coffee-Based Beverages; Espresso, Herbal Tea, and Tea Beverages; Baked Goods, Namely, Biscotti, Bread, Brownies, Cakes, Cookies, Muffins, Pastries, and Scones; Chocolate; Candy; Sandwiches		

U.S. Registration No.	3945509	Application Date	12/22/2009
Registration Date	04/12/2011	Foreign Priority Date	NONE
Word Mark	CARIBOU COFFEE		
Design Mark			
Description of Mark	The mark consists of the word "CARIBOU" in stylized letters, followed by the stylized design of a leaping caribou against the background of a shield, followed by the word "COFFEE", all three elements in a horizontal line.		
Goods/Services	Class 035. First use: First Use: 2010/03/01 First Use In Commerce: 2010/03/01 Retail Store Services, and On-Line Retail Stores Services Featuring Coffee, Tea, Coffee and Tea Brewing Accessories, Food, and Beverageware; Retail Store Services in the Field of Coffee, Tea, Coffee and Tea Brewing Accessories, Food, and Beverageware, Featuring a Bonus Incentive Program for Customers		

U.S. Registration No.	3878886	Application Date	12/21/2009
Registration Date	11/23/2010	Foreign Priority Date	NONE

Word Mark	CARIBOU COFFEE
Design Mark	 The logo features the word "Caribou" in a black, cursive script, followed by a stylized black silhouette of a leaping caribou against a shield-shaped background, and the word "COFFEE" in a black, all-caps, sans-serif font.
Description of Mark	The mark consists of the word "CARIBOU" in stylized letters, followed by the stylized design of a leaping caribou against the background of a shield, followed by the word "COFFEE", all three elements in a horizontal line.
Goods/Services	Class 043. First use: First Use: 2010/03/01 First Use In Commerce: 2010/03/01 Restaurant Services; Office Coffee Supply Services; Providing news and information in the field of drinks, specifically coffee

U.S. Registration No.	3935455	Application Date	12/21/2009
Registration Date	03/22/2011	Foreign Priority Date	NONE
Word Mark	CARIBOU COFFEE		
Design Mark	 The logo features the word "Caribou" in a brown, cursive script, followed by a stylized brown silhouette of a leaping caribou against a teal/aqua shield-shaped background, and the word "COFFEE" in a teal/aqua, all-caps, sans-serif font.		
Description of Mark	The mark consists of the word "CARIBOU" in stylized letters in brown, followed by the stylized design of a leaping caribou in brown against the background of a shield in teal/aqua, followed by the word "COFFEE" in teal/aqua, all three elements in a horizontal line.		
Goods/Services	Class 030. First use: First Use: 2010/03/01 First Use In Commerce: 2010/03/01 Ground and Whole Bean Coffee; Coffee and Coffee-Based Beverages; Espresso, Herbal Tea, and Tea Beverages; Baked Goods, Namely, Biscotti, Bread, Brownies, Cakes, Cookies, Muffins, Pastries, and Scones; Chocolate; Candy; Sandwiches		

U.S. Registration No.	3941677	Application Date	12/21/2009
Registration Date	04/05/2011	Foreign Priority Date	NONE
Word Mark	CARIBOU COFFEE		

Design Mark			
Description of Mark	The mark consists of the word "CARIBOU" in stylized letters in brown, followed by the stylized design of a leaping caribou in brown against the background of a shield in teal/aqua, followed by the word "COFFEE" in teal/aqua, all three elements in a horizontal line.		
Goods/Services	Class 035. First use: First Use: 2010/03/01 First Use In Commerce: 2010/03/01 Retail Store Services, and On-Line Retail Stores Services Featuring Coffee, Tea, Coffee and Tea Brewing Accessories, Food, and Beverageware; Retail Store Services in the Field of Coffee, Tea, Coffee and Tea Brewing Accessories, Food, and Beverageware, Featuring a Bonus Incentive Program for Customers		

U.S. Registration No.	3878884	Application Date	12/21/2009
Registration Date	11/23/2010	Foreign Priority Date	NONE

Word Mark	CARIBOU COFFEE
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Design Mark			
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Description of Mark	The mark consists of the word "CARIBOU" in stylized letters in brown, followed by the stylized design of a leaping caribou in brown against the background of a shield in teal/aqua followed by the word "COFFEE" in teal/aqua, all three elements in a horizontal line.		
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Goods/Services	Class 043. First use: First Use: 2010/03/01 First Use In Commerce: 2010/03/01 Restaurant Services; Office Coffee Supply Services; Providing news and information in the field of drinks, namely, coffee		
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U.S. Registration No.	2703747	Application Date	04/17/2001
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Registration Date	04/08/2003	Foreign Priority Date	NONE
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Word Mark	CARIBOU COFFEE
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Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1997/04/01 First Use In Commerce: 1997/04/01 Retail store services, [mail order catalog services and on-line retailing and ordering services] featuring coffee, coffee brewing accessories, food and beverage ware		

U.S. Registration No.	1841047	Application Date	07/26/1993
Registration Date	06/21/1994	Foreign Priority Date	NONE

Word Mark	CARIBOU COFFEE		
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Design Mark			
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Description of Mark	NONE		
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Goods/Services	Class 042. First use: First Use: 1992/09/01 First Use In Commerce: 1992/09/01 restaurant and cafe services and general retail store services in the field of coffee and ice cream		
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U.S. Registration No.	3295338	Application Date	11/23/2005
Registration Date	09/18/2007	Foreign Priority Date	NONE

Word Mark	CARIBOU COFFEE DRIVE THRU		
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Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 2005/12/19 First Use In Commerce: 2005/12/19 Restaurant services		

U.S. Registration No.	4217935	Application Date	04/04/2012
Registration Date	10/02/2012	Foreign Priority Date	NONE
Word Mark	CARIBOU COFFEE IS THE OFFICIAL COFFEE OF DAYLIGHTS SAVINGS TIME		
Design Mark	<p style="text-align: center;">CARIBOU COFFEE IS THE OFFICIAL COFFEE OF DAYLIGHTS SAVINGS TIME</p>		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2012/03/10 First Use In Commerce: 2012/03/10 Retail Store Services Featuring Coffee		

U.S. Registration No.	4217936	Application Date	04/04/2012
Registration Date	10/02/2012	Foreign Priority Date	NONE
Word Mark	CARIBOU COFFEE IS THE OFFICIAL COFFEE OF DAYLIGHTS SAVINGS TIME		

Design Mark	CARIBOU COFFEE IS THE OFFICIAL COFFEE OF DAYLIGHTS SAVINGS TIME		
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 2012/03/10 First Use In Commerce: 2012/03/10 Restaurant Services		

U.S. Application No.	85792657	Application Date	12/03/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	CARIBOU COOLER		
Design Mark	CARIBOU COOLER		
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2013/10/01 First Use In Commerce: 2013/10/01 Beverage Smoothies		

U.S. Registration No.	4465259	Application Date	05/02/2013
Registration Date	01/14/2014	Foreign Priority Date	NONE
Word Mark	CARIBOU PERKS		
Design Mark	CARIBOU PERKS		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2013/04/23 First Use In Commerce: 2013/04/23 Retail Store Services in the Field of Coffee, Tea, Coffee and Tea Brewing Accessories, Food, Candy, and Beverageware Featuring a Bonus Incentive Program for Customers		

U.S. Registration No.	4094172	Application Date	12/23/2009
Registration Date	01/31/2012	Foreign Priority Date	NONE
Word Mark	DRIVE THRU CARIBOU COFFEE		
Design Mark			
Description of Mark	The mark consists of design of a stylized caribou against the background of the upper portion of a shield, the design stacked above the words "DRIVE THRU" in bold letters appearing horizontally against the mid-section of the shield, stacked above the stylized words "CARIBOU COFFEE" at the bottom of the shield.		
Goods/Services	Class 043. First use: First Use: 2011/10/14 First Use In Commerce: 2011/10/14 Restaurant services		

Related Proceedings	Opposition of CAMEL CARIBOU & Design, Serial No. 85/864,403
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Attachments	77310077#TMSN.jpeg(bytes) 85723521#TMSN.jpeg(bytes) 77386370#TMSN.jpeg(bytes) 76241266#TMSN.gif(bytes) 77221383#TMSN.jpeg(bytes) 85551926#TMSN.jpeg(bytes) 85723546#TMSN.jpeg(bytes) 76241264#TMSN.gif(bytes) 77899883#TMSN.jpeg(bytes) 77898365#TMSN.jpeg(bytes) 77899059#TMSN.jpeg(bytes) 77898380#TMSN.jpeg(bytes) 77898282#TMSN.jpeg(bytes) 77898304#TMSN.jpeg(bytes) 77898316#TMSN.jpeg(bytes) 76243006#TMSN.jpeg(bytes) 74417248#TMSN.gif(bytes) 78760121#TMSN.jpeg(bytes) 85588822#TMSN.jpeg(bytes) 85588829#TMSN.jpeg(bytes) 85792657#TMSN.jpeg(bytes) 85921823#TMSN.jpeg(bytes) 77899987#TMSN.jpeg(bytes) M7871 Notice of Opposition re CHOCOLATE CAMEL CARIBOU & Design - Ser. No. 85878883.pdf(518334 bytes) M7871 Exhibit A to Notice of Opposition re CHOCOLATE CAMEL CARIBOU & Design - Ser. No. 85878883.pdf(2893622 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	/Matthew C. Mlsna/
Name	Matthew C. Mlsna
Date	02/27/2014

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

In the Matter of Application Serial No. 85/878,883
Published on September 3, 2013

ARABICA FUNDING, INC. and
CARIBOU COFFEE COMPANY, INC.

Opposers,

v.

DENALI CO., LLC

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

Arabica Funding, Inc., a Delaware corporation, with its principal place of business at 3900 Lakebreeze Ave., Brooklyn Center, Minnesota, 55429 (“Arabica”), and its exclusive licensee, Caribou Coffee Company, Inc., with its principal place of business at 3900 Lakebreeze Ave., Brooklyn Center, Minnesota, 55429 (“Caribou”) (Arabica and Caribou each an “Opposer,” collectively the “Opposers”), believe that they will be damaged by registration of the mark CHOCOLATE CARAMEL CARIBOU & Design, that is the subject of U.S. Application Serial No. 85/878,883, for “Milk” in International Class 29, sought to be registered by Denali Co., LLC (“Denali”), and having been granted an extension of time to oppose until March 3, 2014 by the Trademark Trial and Appeal Board, hereby oppose same.

As grounds for opposition, it is alleged that:

1. The trademark application for the mark CHOCOLATE CARAMEL CARIBOU & Design herein opposed, U.S. Application Serial No. 85/878,883, was filed on March 18, 2013 for “Milk,” in International Class 29 (the “Opposed Application”).

Count 1: Likelihood of Confusion (Lanham Act § 2(d))

2. Arabica is the owner and Caribou the exclusive licensee of a large portfolio of trademark applications and registrations and common-law trademark rights of CARIBOU-variant marks for a variety of goods and services (“Opposers’ Marks”).

3. Arabica is the owner of the following applications and registrations of Opposers’ Marks (“Opposers’ Registrations”),¹ among others:

Mark	Ser. / Reg. No.	Filing Date / Reg. Date	Class: Goods/Services, First Use Dates
CARIBOU	3,533,290	Oct 22, 2007 / Nov 18, 2008	30: Ground and Whole Bean Coffee; Coffee and Coffee-Based Beverages; Ready-to-Drink Coffee; Espresso, Herbal Tea, and Tea Beverages; Sandwiches First Use: Dec 14, 1992; First Use in Commerce: Sept 4, 1994.
CARIBOU	4,313,121	Sept 7, 2012 / Apr 2, 2013	32: Beverage Smoothies; Fruit Juices; Non-Alcoholic Beverages, Namely, Carbonated Beverages; Soft Drinks Flavored with Tea; Fruit Flavored Soft Drinks; Soft Drinks, Namely, Sodas First Use: Jan 20, 1997; First Use in Commerce: Jan 20, 1997.
CARIBOU COFFEE	3,931,382	Feb 1, 2008 / Mar 15, 2011	29: Dried Fruit First Use: Mar 31, 2003; First Use in Commerce: Mar 31, 2003.

¹ The goods/services included in the chart reflect Opposers’ proposed or planned deletions from the goods/services descriptions in Opposers’ Registrations, regardless of whether the proposed deletions have become effective as of the date of this filing.

Mark	Ser. / Reg. No.	Filing Date / Reg. Date	Class: Goods/Services, First Use Dates
CARIBOU COFFEE	2,609,319	Apr 16, 2001 / Aug 20, 2002	30: Ground and Whole Bean Coffee; Hot and Frozen Coffee, Espresso, Herbal Tea, and Tea Beverages; Baked Goods, Namely, Biscotti, Bread, Brownies, Cakes, Cookies, Muffins, Pastries, and Scones; Chocolate; Candy First Use: Dec 14, 1992; First Use in Commerce: Sept 4, 1994. 32: Beverage Smoothies First Use: Jan 20, 1997; First Use in Commerce: Jan 20, 1997.
CARIBOU COFFEE	3,401,155	Jul 3, 2007 / Mar 25, 2008	Class 30: Sandwiches First Use: May 1, 1996; First Use in Commerce: May 1, 1996.
CARIBOU COFFEE	4,229,376	Feb 24, 2012 / Oct 23, 2012	30: Breakfast Cereals and Beverages with a Chocolate Base First Use: Sept 30, 2009; First Use in Commerce: Sept 30, 2009.
CARIBOU COFFEE	4,374,989	Sept 7, 2012 / Jul 30, 2013	32: Beverage Smoothies; Fruit Juices; Non-Alcoholic Beverages, Namely, Carbonated Beverages; Soft Drinks Flavored with Tea; Fruit Flavored Soft Drinks; Soft Drinks, Namely Sodas First Use: Jan 20, 1997; First Use in Commerce: Jan 20, 1997.
CARIBOU COFFEE	2,703,741	Apr 16, 2001 / Apr 8, 2003	Class 35: Retail Store Services, On-Line Retailing and Ordering Services Featuring Coffee, Coffee Brewing Accessories, Food and Beverageware First Use: Apr 1, 1997; First Use in Commerce: Apr 1, 1997.
CARIBOU COFFEE	1,839,091	Dec 4, 1992 / Jun 7, 1994	Class 42: Restaurant Services and Retail Store Services in the Field of Coffee First Use: Sept 1, 1992; First Use in Commerce: Sept 1, 1992.

Mark	Ser. / Reg. No.	Filing Date / Reg. Date	Class: Goods/Services, First Use Dates
 <p>CARIBOU COFFEE & Leaping Caribou and Shield Design</p>	4,264,888	Dec 23, 2009 / Dec 25, 2012	<p>Class 29: Milk-Based Beverage Containing Coffee; Dried Fruit; Fruit Salads and Vegetable Salads; Yogurt</p> <p>First Use: Nov 1, 2009; First Use in Commerce: Nov 1, 2009.</p>
 <p>CARIBOU COFFEE & Leaping Caribou and Shield Design</p>	3,935,459	Dec 21, 2009 / Mar 22, 2011	<p>Class 30: Ground and Whole Bean Coffee; Coffee and Coffee-Based Beverages; Espresso, Herbal Tea, and Tea Beverages; Baked Goods, Namely, Biscotti, Bread, Brownies, Cakes, Cookies, Muffins, Pastries, and Scones; Chocolate; Candy; Sandwiches</p> <p>First Use: Mar 1, 2010; First Use in Commerce: Mar 1, 2010.</p>
 <p>CARIBOU COFFEE & Leaping Caribou and Shield Design</p>	3,945,509	Dec 22, 2009 / Apr 12, 2011	<p>Class 35: Retail Store Services, and On-Line Retail Stores Services Featuring Coffee, Tea, Coffee and Tea Brewing Accessories, Food, and Beverageware; Retail Store Services in the Field of Coffee, Tea, Coffee and Tea Brewing Accessories, Food, and Beverageware, Featuring a Bonus Incentive Program for Customers</p> <p>First Use: Mar 1, 2010; First Use in Commerce: Mar 1, 2010.</p>
 <p>CARIBOU COFFEE & Leaping Caribou and Shield Design</p>	3,878,886	Dec 21, 2009 / Nov 23, 2010	<p>Class 43: Restaurant Services; Office Coffee Supply Services; Providing News and Information in the Field of Drinks, Specialty Coffee</p> <p>First Use: Mar 1, 2010; First Use in Commerce: Mar 1, 2010.</p>
 <p>CARIBOU COFFEE & Leaping Caribou and Shield Design (in Color)</p>	3,935,455	Dec 21, 2009 / Mar 22, 2011	<p>Class 30: Ground and Whole Bean Coffee; Coffee and Coffee-Based Beverages; Espresso, Herbal Tea, and Tea Beverages; Baked Goods, Namely, Biscotti, Bread, Brownies, Cakes, Cookies, Muffins, Pastries, and Scones; Chocolate; Candy; Sandwiches</p> <p>First Use: Mar 1, 2010; First Use in Commerce: Mar 1, 2010.</p>

Mark	Ser. / Reg. No.	Filing Date / Reg. Date	Class: Goods/Services, First Use Dates
 CARIBOU COFFEE & Leaping Caribou and Shield Design (in Color)	3,941,677	Dec 21, 2009 / Apr 5, 2011	Class 35: Retail Store Services, and On-Line Retail Stores Services Featuring Coffee, Tea, Coffee and Tea Brewing Accessories, Food, and Beverageware; Retail Store Services in the Field of Coffee, Tea, Coffee and Tea Brewing Accessories, Food, and Beverageware, Featuring a Bonus Incentive Program for Customers First Use: Mar 1, 2010; First Use in Commerce: Mar 1, 2010.
 CARIBOU COFFEE & Leaping Caribou and Shield Design (in Color)	3,878,884	Dec 21, 2009 / Nov 23, 2010	Class 43: Restaurant Services; Office Coffee Supply Services; Providing News and Information in the Field of Drinks, Namely Coffee First Use: Mar 1, 2010; First Use in Commerce: Mar 1, 2010.
 CARIBOU COFFEE & Leaping Caribou Design	2,703,747	Apr 17, 2001 / Apr 8, 2003	Class 35: Retail Store Services Featuring Coffee, Coffee Brewing Accessories, Food and Beverageware First Use: Apr 1, 1997; First Use in Commerce: Apr 1, 1997.
 CARIBOU COFFEE & Leaping Caribou Design²	1,841,047	Jul 26, 1993 / Jun 21, 1994	Class 42: Restaurant and Café Services and General Retail Store Services in the Field of Coffee First Use: Sept 1, 1992; First Use in Commerce: Sept 1, 1992.

² Opposers have a pending Section 7 amendment to move “Caribou” and “Coffee” in this mark to either side of the design portion of the mark. The amendment has not yet been accepted.

Mark	Ser. / Reg. No.	Filing Date / Reg. Date	Class: Goods/Services, First Use Dates
 <p>CARIBOU COFFEE DRIVE THRU & Leaping Caribou Design (in Color)</p>	3,295,338	Nov 23, 2005 / Sept 18, 2007	Class 43: Restaurant Services First Use: Dec 19, 2005; First Use in Commerce: Dec 19, 2005.
<p>CARIBOU COFFEE IS THE OFFICIAL COFFEE OF DAYLIGHT SAVINGS TIME</p>	4,217,935	Apr 4, 2012 / Oct 2, 2012	Class 35: Retail Store Services Featuring Coffee First Use: Mar 10, 2012; First Use in Commerce: Mar 10, 2012.
<p>CARIBOU COFFEE IS THE OFFICIAL COFFEE OF DAYLIGHT SAVINGS TIME</p>	4,217,936	Apr 4, 2012 / Oct 2, 2012	Class 43: Restaurant Services First Use: Mar 10, 2012; First Use in Commerce: Mar 10, 2012.
<p>CARIBOU COOLER</p>	85/792,657	Dec 3, 2012 / n/a	Class 32: Beverage Smoothies First Use: Oct 1, 2013; First Use in Commerce: Oct 1, 2013.
<p>CARIBOU PERKS</p>	4,465,259	May 2, 2013 / Jan 14, 2014	Class 35: Retail Store Services in the Field of Coffee, Tea, Coffee and Tea Brewing Accessories , Food, Candy, and Beverageware Featuring a Bonus Incentive Program for Customers First Use: Apr 23, 2013; First Use in Commerce: Apr 23, 2013.
 <p>DRIVE THRU CARIBOU COFFEE & Leaping Caribou and Shield Design</p>	4,094,172	Dec 23, 2009 / Jan 31, 2012	Class 43: Restaurant Services First Use: Oct 14, 2011; First Use in Commerce: Oct 14, 2011.

4. Attached as Exhibit A are current printouts of information from the electronic database records of the U.S. Patent and Trademark Office showing the current status and title of Opposers' Registrations.

5. Caribou is the exclusive licensee of all of Opposers' Marks.

6. Opposers' rights in Opposers' Marks were established well prior to the filing date of the Opposed Application. Opposers' Marks have not been abandoned.

7. Applicant has not been licensed or in any way authorized by Opposers to use the mark CHOCOLATE CARAMEL CARIBOU & Design, or any mark containing the term "CARIBOU," for any goods or services.

8. Applicant's CHOCOLATE CARAMEL CARIBOU & Design mark would be likely to cause confusion, to cause mistake, or to deceive, if it were used on or registered for use on the goods identified in the Opposed Application. It is likely that consumers would mistakenly believe that those goods were offered by Opposers or were in some way sponsored by or connected with Opposers. As such, Applicant's CHOCOLATE CARAMEL CARIBOU & Design mark should be denied registration under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

WHEREFORE Opposers believe that they will be damaged by registration of Applicant's CHOCOLATE CARAMEL CARIBOU & Design mark and pray that this opposition be sustained, and that Application Serial No. 85/878,883 be denied.

Please recognize as attorneys for Opposers in this proceeding Elizabeth C. Buckingham, Heather D. Redmond, and Matthew C. Mlsna, all members of the Bar of the State of Minnesota,

all with the firm of Dorsey & Whitney LLP, 50 South Sixth Street, Suite 1500, Minneapolis,
Minnesota.

DORSEY & WHITNEY LLP

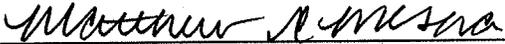
Dated: February 27, 2014

By: Elizabeth C. Buckingham
Elizabeth C. Buckingham
(buckingham.elizabeth@dorsey.com)
Heather D. Redmond
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*Attorneys for Opposers
Arabica Funding, Inc.
and Caribou Coffee Company, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been served on Applicant Denali Co., LLC, by mailing a true and correct copy of the same, by first class mail, postage prepaid, to its attorney, G. Thomas Williams, McGarry Bair PC, 32 Market Avenue SW, Suite 500, Grand Rapids, MI 49503, on this 27th day of February, 2014.



Matthew C. Mlsna

Exhibit A


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CARIBOU

Word Mark	CARIBOU
Goods and Services	IC 030. US 046. G & S: Ground and Whole Bean Coffee; Coffee and Coffee-Based Beverages; Ready-to-Drink Coffee; Espresso, Herbal Tea, and Tea Beverages; Sandwiches. FIRST USE: 19921214. FIRST USE IN COMMERCE: 19940904
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77310077
Filing Date	October 22, 2007
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	September 2, 2008
Registration Number	3533290
Registration Date	November 18, 2008
Owner	(REGISTRANT) Arabica Funding, Inc. CORPORATION DELAWARE 3900 Lakebreeze Avenue North Brooklyn Center MINNESOTA 55429
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Elizabeth C. Buckingham
Prior	1839091;2609319;2703741;AND OTHERS

Registrations

Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
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CARIBOU

Word Mark	CARIBOU
Goods and Services	IC 032. US 045 046 048. G & S: Beverage Smoothies; Fruit Juices; Non-Alcoholic Beverages, Namely, Carbonated Beverages; Soft Drinks Flavored with Tea; Fruit Flavored Soft Drinks; Soft Drinks, Namely, Sodas. FIRST USE: 19970120. FIRST USE IN COMMERCE: 19970120
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85723521
Filing Date	September 7, 2012
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	January 15, 2013
Registration Number	4313121
Registration Date	April 2, 2013
Owner	(REGISTRANT) Arabica Funding, Inc. CORPORATION DELAWARE 3900 Lakebreeze Avenue North Brooklyn Center MINNESOTA 55429
Attorney of Record	Elizabeth C. Buckingham
Prior Registrations	2609319;3878893
Type of Mark	TRADEMARK

Register PRINCIPAL
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CARIBOU COFFEE

Word Mark	CARIBOU COFFEE
Goods and Services	IC 029. US 046. G & S: Dried Fruit. FIRST USE: 20030331. FIRST USE IN COMMERCE: 20030331
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77386370
Filing Date	February 1, 2008
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	July 8, 2008
Registration Number	3931382
Registration Date	March 15, 2011
Owner	(REGISTRANT) Arabica Funding, Inc. CORPORATION DELAWARE 3900 Lakebreeze Avenue North Brooklyn Center MINNESOTA 55429
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Elizabeth C. Buckingham
Prior Registrations	2609319;2703741
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Typed Drawing

Word Mark	CARIBOU COFFEE
Goods and Services	IC 030. US 046. G & S: Ground and Whole Bean Coffee; Hot and Frozen Coffee; Espresso, Herbal Tea, and Tea Beverages; Baked Goods, Namely, Biscotti, Bread, Brownies, Cakes, Cookies, Muffins, Pastries, and Scones; Chocolate; Candy. FIRST USE: 19921214. FIRST USE IN COMMERCE: 19940904
	IC 032. US 045 046 048. G & S: Beverage Smoothies. FIRST USE: 19970120. FIRST USE IN COMMERCE: 19970120
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76241266
Filing Date	April 16, 2001
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	May 28, 2002
Registration Number	2609319
Registration Date	August 20, 2002
Owner	(REGISTRANT) ARABICA FUNDING, INC. CORPORATION DELAWARE 3900 Lakebreeze Avenue North Brooklyn Center MINNESOTA 55429
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Elizabeth C. Buckingham
Prior Registrations	1839091;1841047
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COFFEE" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK

Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20120214.
Renewal 1ST RENEWAL 20120214
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CARIBOU COFFEE

Word Mark	CARIBOU COFFEE
Goods and Services	IC 030. US 046. G & S: Sandwiches, Granola-Based Snack Bars. FIRST USE: 19960501. FIRST USE IN COMMERCE: 19960501
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77221383
Filing Date	July 3, 2007
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	January 8, 2008
Registration Number	3401155
Registration Date	March 25, 2008
Owner	(REGISTRANT) Arabica Funding, Inc. CORPORATION DELAWARE 3900 Lakebreeze Avenue North Brooklyn Center MINNESOTA 55429
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Elizabeth C. Buckingham
Prior Registrations	2609319;2609338;3015347;AND OTHERS
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COFFEE" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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CARIBOU COFFEE

Word Mark	CARIBOU COFFEE
Goods and Services	IC 030. US 046. G & S: Breakfast Cereals and Beverages with a Chocolate Base. FIRST USE: 20090930. FIRST USE IN COMMERCE: 20090930
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85551926
Filing Date	February 24, 2012
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	August 7, 2012
Registration Number	4229376
Registration Date	October 23, 2012
Owner	(REGISTRANT) Arabica Funding, Inc. CORPORATION DELAWARE 3900 Lakebreeze Avenue North Brooklyn Center MINNESOTA 55429
Attorney of Record	Elizabeth C. Buckingham
Prior Registrations	1839091;2609319;3401155;AND OTHERS
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COFFEE" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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CARIBOU COFFEE

Word Mark	CARIBOU COFFEE
Goods and Services	IC 032. US 045 046 048. G & S: Beverage Smoothies; Fruit Juices; Non-Alcoholic Beverages, Namely, Carbonated Beverages; Soft Drinks Flavored with Tea; Fruit Flavored Soft Drinks; Soft Drinks, Namely Sodas. FIRST USE: 19970120. FIRST USE IN COMMERCE: 19970120
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85723546
Filing Date	September 7, 2012
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	May 14, 2013
Registration Number	4374989
Registration Date	July 30, 2013
Owner	(REGISTRANT) Arabica Funding, Inc. CORPORATION DELAWARE 3900 Lakebreeze Avenue North Brooklyn Center MINNESOTA 55429
Attorney of Record	Elizabeth C. Buckingham
Prior Registrations	2609319;3878893
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COFFEE" APART FROM THE

Type of Mark MARK AS SHOWN
Register TRADEMARK
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Typed Drawing

Word Mark	CARIBOU COFFEE
Goods and Services	IC 035. US 100 101 102. G & S: Retail store services, [mail order catalog services and] on-line retailing and ordering services featuring coffee, coffee brewing accessories, food and beverage ware. FIRST USE: 19970401. FIRST USE IN COMMERCE: 19970401
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76241264
Filing Date	April 16, 2001
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	January 14, 2003
Registration Number	2703741
Registration Date	April 8, 2003
Owner	(REGISTRANT) ARABICA FUNDING, INC. CORPORATION DELAWARE 3900 Lakebreeze Avenue North Brooklyn Center MINNESOTA 55429
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Elizabeth C. Buckingham
Prior Registrations	1839091;1841047
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COFFEE" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20121018.
Renewal	1ST RENEWAL 20121018

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Word Mark	CARIBOU COFFEE
Goods and Services	IC 042. US 100 101. G & S: restaurant services and retail store services in the field of coffee. FIRST USE: 19920901. FIRST USE IN COMMERCE: 19920901
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	74336835
Filing Date	December 4, 1992
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	June 8, 1993
Registration Number	1839091
Registration Date	June 7, 1994
Owner	(REGISTRANT) Caribou Coffee Company, Inc. CORPORATION MINNESOTA 1962 Penn Avenue South Minneapolis MINNESOTA 55405 (LAST LISTED OWNER) ARABICA FUNDING, INC. CORPORATION BY ASSIGNMENT DELAWARE 3900 Lakebreeze Avenue North Brooklyn Center MINNESOTA 55429
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Elizabeth C. Buckingham
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COFFEE" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20131015.
Renewal	2ND RENEWAL 20131015
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Word Mark	CARIBOU COFFEE
Goods and Services	IC 029. US 046. G & S: Milk-Based Beverage Containing Coffee; Dried Fruit; Fruit Salads and Vegetable Salads; Yogurt. FIRST USE: 20091101. FIRST USE IN COMMERCE: 20091101
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	03.07.07 - Caribou; Deer, elk, reindeer, fawns, antelopes, moose, gazelles; Fawns; Gazelle; Impala 03.07.24 - Stylized bovines, deer, antelopes, goats, sheep, pigs, cows, bulls, buffalo, moose 05.07.03 - Coffee beans 24.01.02 - Shields or crests with figurative elements contained therein or superimposed thereon 26.15.21 - Polygons that are completely or partially shaded
Serial Number	77899883
Filing Date	December 23, 2009
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	September 21, 2010
Registration Number	4264888
Registration Date	December 25, 2012
Owner	(REGISTRANT) Arabica Funding, Inc. CORPORATION DELAWARE 3900 Lakebreeze Avenue North Brooklyn Center MINNESOTA 55429
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of	Elizabeth C. Buckingham

Record**Prior Registrations** 2609319;2609320;2609338**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COFFEE" APART FROM THE MARK AS SHOWN**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of a stylized design of a leaping caribou against a background of a shield, with the words "CARIBOU COFFEE" in stylized letters below the shield design.**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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Word Mark	CARIBOU COFFEE
Goods and Services	IC 030. US 046. G & S: Ground and Whole Bean Coffee; Coffee and Coffee-Based Beverages; Espresso, Herbal Tea, and Tea Beverages; Baked Goods, Namely, Biscotti, Bread, Brownies, Cakes, Cookies, Muffins, Pastries, and Scones; Chocolate; Candy; Sandwiches. FIRST USE: 20100301. FIRST USE IN COMMERCE: 20100301
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	03.07.07 - Caribou; Deer, elk, reindeer, fawns, antelopes, moose, gazelles; Fawns; Gazelle; Impala 03.07.24 - Stylized bovines, deer, antelopes, goats, sheep, pigs, cows, bulls, buffalo, moose 05.07.03 - Coffee beans 24.01.02 - Shields or crests with figurative elements contained therein or superimposed thereon 26.15.21 - Polygons that are completely or partially shaded
Serial Number	77898365
Filing Date	December 21, 2009
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	September 21, 2010
Registration Number	3935459
Registration Date	March 22, 2011
Owner	(REGISTRANT) Arabica Funding, Inc. CORPORATION DELAWARE 3900 Lakebreeze Avenue North Brooklyn Center MINNESOTA 55429
Assignment Recorded	ASSIGNMENT RECORDED

Attorney of Record Elizabeth C. Buckingham

Prior Registrations 2609319;2609338;3401155;AND OTHERS

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

Description of Mark Color is not claimed as a feature of the mark. The mark consists of the word "CARIBOU" in stylized letters, followed by the stylized design of a leaping caribou against the background of a shield, followed by the word "COFFEE", all three elements in a horizontal line.

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Word Mark	CARIBOU COFFEE
Goods and Services	IC 035. US 100 101 102. G & S: Retail Store Services, and On-Line Retail Stores Services Featuring Coffee, Tea, Coffee and Tea Brewing Accessories, Food, and Beverageware; Retail Store Services in the Field of Coffee, Tea, Coffee and Tea Brewing Accessories, Food, and Beverageware, Featuring a Bonus Incentive Program for Customers. FIRST USE: 20100301. FIRST USE IN COMMERCE: 20100301
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	03.07.07 - Caribou; Deer, elk, reindeer, fawns, antelopes, moose, gazelles; Fawns; Gazelle; Impala 03.07.24 - Stylized bovines, deer, antelopes, goats, sheep, pigs, cows, bulls, buffalo, moose 05.07.03 - Coffee beans 24.01.02 - Shields or crests with figurative elements contained therein or superimposed thereon 26.15.21 - Polygons that are completely or partially shaded
Serial Number	77899059
Filing Date	December 22, 2009
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	September 21, 2010
Registration Number	3945509
Registration Date	April 12, 2011
Owner	(REGISTRANT) Arabica Funding, Inc. CORPORATION DELAWARE 3900 Lakebreeze Avenue North Brooklyn Center MINNESOTA 55429
Assignment	

Recorded ASSIGNMENT RECORDED
Attorney of Record Elizabeth C. Buckingham
Prior Registrations 2588045;2703747;3162687
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COFFEE" APART FROM THE MARK AS SHOWN
Description of Mark Color is not claimed as a feature of the mark. The mark consists of the word "CARIBOU" in stylized letters, followed by the stylized design of a leaping caribou against the background of a shield, followed by the word "COFFEE", all three elements in a horizontal line.
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Word Mark	CARIBOU COFFEE
Goods and Services	IC 043. US 100 101. G & S: Restaurant Services; Office Coffee Supply Services; Providing news and information in the field of drinks, specifically coffee. FIRST USE: 20100301. FIRST USE IN COMMERCE: 20100301
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	03.07.07 - Caribou; Deer, elk, reindeer, fawns, antelopes, moose, gazelles; Fawns; Gazelle; Impala 03.07.24 - Stylized bovines, deer, antelopes, goats, sheep, pigs, cows, bulls, buffalo, moose 05.07.03 - Coffee beans 24.01.02 - Shields or crests with figurative elements contained therein or superimposed thereon 26.15.21 - Polygons that are completely or partially shaded
Trademark Search Facility Classification Code	GROT-ANI Exaggerated depiction of an animal SHAPES-GEOMETRIC Geometric figures and solids including squares, rectangles, quadrilaterals and polygons SHAPES-HERALDRY Marks with shields, crests, emblems, insignias, and crowns VEG Plant life such as trees, flowers, fruits, grains, nuts, wreaths, and leaves
Serial Number	77898380
Filing Date	December 21, 2009
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	September 7, 2010
Registration Number	3878886
Registration Date	November 23, 2010

Owner (REGISTRANT) Arabica Funding, Inc. CORPORATION UNITED STATES 3900 Lakebreeze Avenue North Brooklyn Center MINNESOTA 55429

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Elizabeth C. Buckingham

Prior Registrations 1839091;1841047;2609319;AND OTHERS

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

Description of Mark Color is not claimed as a feature of the mark. The mark consists of the word "CARIBOU" in stylized letters, followed by the stylized design of a leaping caribou against the background of a shield, followed by the word "COFFEE", all three elements in a horizontal line.

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Word Mark	CARIBOU COFFEE
Goods and Services	IC 030. US 046. G & S: Ground and Whole Bean Coffee; Coffee and Coffee-Based Beverages; Espresso, Herbal Tea, and Tea Beverages; Baked Goods, Namely, Biscotti, Bread, Brownies, Cakes, Cookies, Muffins, Pastries, and Scones; Chocolate; Candy; Sandwiches. FIRST USE: 20100301. FIRST USE IN COMMERCE: 20100301
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	03.07.07 - Caribou; Deer, elk, reindeer, fawns, antelopes, moose, gazelles; Fawns; Gazelle; Impala 03.07.24 - Stylized bovines, deer, antelopes, goats, sheep, pigs, cows, bulls, buffalo, moose 05.07.03 - Coffee beans 24.01.02 - Shields or crests with figurative elements contained therein or superimposed thereon 26.15.21 - Polygons that are completely or partially shaded
Serial Number	77898282
Filing Date	December 21, 2009
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	September 21, 2010
Registration Number	3935455
Registration Date	March 22, 2011
Owner	(REGISTRANT) Arabica Funding, Inc. CORPORATION DELAWARE 3900 Lakebreeze Avenue North Brooklyn Center MINNESOTA 55429
Assignment Recorded	ASSIGNMENT RECORDED

Attorney of Record Elizabeth C. Buckingham

Prior Registrations 2609319;2609338;3401155;AND OTHERS

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

Description of Mark The color(s) brown and teal/aqua is/are claimed as a feature of the mark. The mark consists of the word "CARIBOU" in stylized letters in brown, followed by the stylized design of a leaping caribou in brown against the background of a shield in teal/aqua, followed by the word "COFFEE" in teal/aqua, all three elements in a horizontal line.

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Word Mark	CARIBOU COFFEE
Goods and Services	IC 035. US 100 101 102. G & S: Retail Store Services, and On-Line Retail Stores Services Featuring Coffee, Tea, Coffee and Tea Brewing Accessories, Food, and Beverageware; Retail Store Services in the Field of Coffee, Tea, Coffee and Tea Brewing Accessories, Food, and Beverageware, Featuring a Bonus Incentive Program for Customers. FIRST USE: 20100301. FIRST USE IN COMMERCE: 20100301
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	03.07.07 - Caribou; Deer, elk, reindeer, fawns, antelopes, moose, gazelles; Fawns; Gazelle; Impala 03.07.24 - Stylized bovines, deer, antelopes, goats, sheep, pigs, cows, bulls, buffalo, moose 05.07.03 - Coffee beans 24.01.02 - Shields or crests with figurative elements contained therein or superimposed thereon 26.15.21 - Polygons that are completely or partially shaded
Serial Number	77898304
Filing Date	December 21, 2009
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	September 21, 2010
Registration Number	3941677
Registration Date	April 5, 2011
Owner	(REGISTRANT) Arabica Funding, Inc. CORPORATION DELAWARE 3900 Lakebreeze Avenue North Brooklyn Center MINNESOTA 55429
Assignment	

Recorded ASSIGNMENT RECORDED
Attorney of Record Elizabeth C. Buckingham
Prior Registrations 2609319;2609338;3401155;AND OTHERS
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COFFEE" APART FROM THE MARK AS SHOWN
Description of Mark The color(s) brown and teal/aqua is/are claimed as a feature of the mark. The mark consists of the word "CARIBOU" in stylized letters in brown, followed by the stylized design of a leaping caribou in brown against the background of a shield in teal/aqua, followed by the word "COFFEE" in teal/aqua, all three elements in a horizontal line.
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Word Mark	CARIBOU COFFEE
Goods and Services	IC 043. US 100 101. G & S: Restaurant Services; Office Coffee Supply Services; Providing news and information in the field of drinks, namely, coffee. FIRST USE: 20100301. FIRST USE IN COMMERCE: 20100301
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	03.07.07 - Caribou; Deer, elk, reindeer, fawns, antelopes, moose, gazelles; Fawns; Gazelle; Impala 03.07.24 - Stylized bovines, deer, antelopes, goats, sheep, pigs, cows, bulls, buffalo, moose 05.07.03 - Coffee beans 24.01.02 - Shields or crests with figurative elements contained therein or superimposed thereon 26.15.21 - Polygons that are completely or partially shaded
Trademark Search Facility Classification Code	ANI-MISC Part of the animals including animal bones,horns,claws,shells,eyes,coral,paws,eggs, feathers,hides or skins SHAPES-BAR-BANDS Designs with bar, bands or lines SHAPES-COLORS-2 Design listing or lined for two colors SHAPES-HERALDRY Marks with shields, crests, emblems, insignias, and crowns SHAPES-MISC Miscellaneous shaped designs VEG Plant life such as trees,flowers,fruits,grains,nuts,wreaths,and leaves
Serial Number	77898316
Filing Date	December 21, 2009
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	September 7, 2010
Registration Number	3878884

Registration Date November 23, 2010

Owner (REGISTRANT) Arabica Funding, Inc. CORPORATION DELAWARE 3900 Lakebreeze Avenue
North Brooklyn Center MINNESOTA 55429

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Elizabeth C. Buckingham

Prior Registrations 1839091;1841047;2609319;AND OTHERS

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

Description of Mark The color(s) brown and teal/aqua is/are claimed as a feature of the mark. The mark consists of the word "CARIBOU" in stylized letters in brown, followed by the stylized design of a leaping caribou in brown against the background of a shield in teal/aqua followed by the word "COFFEE" in teal/aqua, all three elements in a horizontal line.

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Word Mark	CARIBOU COFFEE
Goods and Services	IC 035. US 100 101 102. G & S: Retail store services, [mail order catalog services and on-line retailing and ordering services] featuring coffee, coffee brewing accessories, food and beverageware. FIRST USE: 19970401. FIRST USE IN COMMERCE: 19970401
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	03.01.01 - Lions 26.09.28 - Miscellaneous designs with overall square shape; Square shapes (miscellaneous overall shape)
Serial Number	76243006
Filing Date	April 17, 2001
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	January 14, 2003
Change In Registration	CHANGE IN REGISTRATION HAS OCCURRED
Registration Number	2703747
Registration Date	April 8, 2003
Owner	(REGISTRANT) ARABICA FUNDING, INC. CORPORATION DELAWARE 3900 Lakebreeze Avenue North Brooklyn Center MINNESOTA 55429
Assignment Recorded	ASSIGNMENT RECORDED

Attorney of Record Elizabeth C. Buckingham
Prior Registrations 1839091;1841047
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COFFEE" APART FROM THE MARK AS SHOWN
Description of Mark Color is not claimed as a feature of the mark.
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20130220.
Renewal 1ST RENEWAL 20130220
Live/Dead Indicator LIVE

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Word Mark	CARIBOU COFFEE
Goods and Services	IC 042. US 100. G & S: restaurant and cafe services and general retail store services in the field of coffee and ice cream. FIRST USE: 19920901. FIRST USE IN COMMERCE: 19920901
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	03.07.07 - Caribou; Deer, elk, reindeer, fawns, antelopes, moose, gazelles; Fawns; Gazelle; Impala 03.07.24 - Stylized bovines, deer, antelopes, goats, sheep, pigs, cows, bulls, buffalo, moose 26.15.02 - Plain single or multiple line polygons; Polygons (plain, single line)
Serial Number	74417248
Filing Date	July 26, 1993
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	March 29, 1994
Registration Number	1841047
Registration Date	June 21, 1994
Owner	(REGISTRANT) Caribou Coffee Company, Inc. CORPORATION MINNESOTA 1962 Penn Avenue South Minneapolis MINNESOTA 55405 (LAST LISTED OWNER) ARABICA FUNDING, INC. CORPORATION BY ASSIGNMENT DELAWARE 3900 Lakebreeze Avenue North Brooklyn Center MINNESOTA 55429
Assignment Recorded	ASSIGNMENT RECORDED

Attorney of Record Elizabeth C. Buckingham

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

Description of Mark Color is not claimed as a feature of the mark.

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20031030.

Renewal 1ST RENEWAL 20031030

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Word Mark	CARIBOU COFFEE DRIVE THRU
Goods and Services	IC 043. US 100 101. G & S: Restaurant services. FIRST USE: 20051219. FIRST USE IN COMMERCE: 20051219
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	03.07.07 - Caribou; Deer, elk, reindeer, fawns, antelopes, moose, gazelles; Fawns; Gazelle; Impala 03.07.24 - Stylized bovines, deer, antelopes, goats, sheep, pigs, cows, bulls, buffalo, moose 09.01.04 - Bows, decorative; Ribbons, giftwrap (gift wrap); Ribbons, hair 26.15.20 - Polygons inside one another 26.15.21 - Polygons that are completely or partially shaded
Trademark Search Facility Classification Code	ANI-MAMM Mammalia;accuracte depiction of warm-blooded animals except for human beings ART-09.01 Textiles other than clothing 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	78760121
Filing Date	November 23, 2005
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	July 25, 2006
Registration Number	3295338
Registration Date	September 18, 2007
Owner	(REGISTRANT) Arabica Funding, Inc. CORPORATION DELAWARE 3900 Lakebreeze Avenue

North Brooklyn Center MINNESOTA 55429

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Elizabeth C. Buckingham

Prior Registrations 1841047;2609338;2703747;AND OTHERS

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

Description of Mark The color(s) green, red, black, white is/are claimed as a feature of the mark. The mark consists of a leaping caribou in black with white shading against a green hexagon outlined in white and then black, the words CARIBOU COFFEE in white letters outlined in black, and the words DRIVE THRU in white on a red ribbon-shaped background.

Type of Mark SERVICE MARK

Register PRINCIPAL

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

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OFFICIAL COFFEE OF
DAYLIGHTS SAVINGS TIME**

Word Mark	CARIBOU COFFEE IS THE OFFICIAL COFFEE OF DAYLIGHTS SAVINGS TIME
Goods and Services	IC 035. US 100 101 102. G & S: Retail Store Services Featuring Coffee. FIRST USE: 20120310. FIRST USE IN COMMERCE: 20120310
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85588822
Filing Date	April 4, 2012
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	July 17, 2012
Registration Number	4217935
Registration Date	October 2, 2012
Owner	(REGISTRANT) Arabica Funding, Inc. CORPORATION DELAWARE 3900 Lakebreeze Avenue North Brooklyn Center MINNESOTA 55429
Attorney of Record	Elizabeth C. Buckingham
Prior Registrations	2703741;3014006;3014007;AND OTHERS
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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OFFICIAL COFFEE OF
DAYLIGHTS SAVINGS TIME**

Word Mark	CARIBOU COFFEE IS THE OFFICIAL COFFEE OF DAYLIGHTS SAVINGS TIME
Goods and Services	IC 043. US 100 101. G & S: Restaurant Services. FIRST USE: 20120310. FIRST USE IN COMMERCE: 20120310
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85588829
Filing Date	April 4, 2012
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	July 17, 2012
Registration Number	4217936
Registration Date	October 2, 2012
Owner	(REGISTRANT) Arabica Funding, Inc. CORPORATION DELAWARE 3900 Lakebreeze Avenue North Brooklyn Center MINNESOTA 55429
Attorney of Record	Elizabeth C. Buckingham
Prior Registrations	1839091;3014006;3014007;AND OTHERS
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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CARIBOU COOLER

Word Mark	CARIBOU COOLER
Goods and Services	IC 032. US 045 046 048. G & S: Beverage Smoothies. FIRST USE: 20131001. FIRST USE IN COMMERCE: 20131001
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85792657
Filing Date	December 3, 2012
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	April 30, 2013
Owner	(APPLICANT) Arabica Funding, Inc. CORPORATION DELAWARE 3900 Lakebreeze Avenue North Brooklyn Center MINNESOTA 55429
Attorney of Record	Elizabeth C. Buckingham
Prior Registrations	1839091;2609319;3533290;AND OTHERS
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COOLER" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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CARIBOU PERKS

Word Mark	CARIBOU PERKS
Goods and Services	IC 035. US 100 101 102. G & S: Retail Store Services in the Field of Coffee, Tea, Coffee and Tea Brewing Accessories, Food, Candy, and Beverageware Featuring a Bonus Incentive Program for Customers. FIRST USE: 20130423. FIRST USE IN COMMERCE: 20130423
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85921823
Filing Date	May 2, 2013
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	October 29, 2013
Registration Number	4465259
Registration Date	January 14, 2014
Owner	(REGISTRANT) Arabica Funding, Inc. CORPORATION DELAWARE 3900 Lakebreeze Avenue North Brooklyn Center MINNESOTA 55429
Attorney of Record	Elizabeth C. Buckingham
Prior Registrations	2703741;2935016;3945509;AND OTHERS
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PERKS" APART FROM THE MARK

Type of Mark AS SHOWN
Register SERVICE MARK
Live/Dead Indicator PRINCIPAL
LIVE

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Word Mark	DRIVE THRU CARIBOU COFFEE
Goods and Services	IC 043. US 100 101. G & S: Restaurant services. FIRST USE: 20111014. FIRST USE IN COMMERCE: 20111014
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	03.07.07 - Caribou; Deer, elk, reindeer, fawns, antelopes, moose, gazelles; Fawns; Gazelle; Impala 03.07.24 - Stylized bovines, deer, antelopes, goats, sheep, pigs, cows, bulls, buffalo, moose 05.07.03 - Coffee beans 24.01.02 - Shields or crests with figurative elements contained therein or superimposed thereon 24.01.03 - Shields or crests with letters, punctuation or inscriptions contained therein or superimposed thereon 26.15.21 - Polygons that are completely or partially shaded
Serial Number	77899987
Filing Date	December 23, 2009
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	September 28, 2010
Registration Number	4094172
Registration Date	January 31, 2012
Owner	(REGISTRANT) Arabica Funding, Inc. CORPORATION DELAWARE 3900 Lakebreeze Avenue North Brooklyn Center MINNESOTA 55429
Assignment Recorded	ASSIGNMENT RECORDED

Attorney of Record Elizabeth C. Buckingham

Prior Registrations 1839091;1841047;3295338

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "DRIVE THRU" AND "COFFEE" APART FROM THE MARK AS SHOWN

Description of Mark Color is not claimed as a feature of the mark. The mark consists of design of a stylized caribou against the background of the upper portion of a shield, the design stacked above the words "DRIVE THRU" in bold letters appearing horizontally against the mid-section of the shield, stacked above the stylized words "CARIBOU COFFEE" at the bottom of the shield.

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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