

ESTTA Tracking number: **ESTTA612275**

Filing date: **06/26/2014**

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

Proceeding	91216131
Party	Plaintiff Arabica Funding, Inc., Caribou Coffee Company, Inc.
Correspondence Address	ELIZABETH C BUCKINGHAM DORSEY & WHITNEY LLP 50 SOUTH SIXTH STREET, SUITE 1500 MINNEAPOLIS, MN 55402-1498 UNITED STATES ip.docket@dorsey.com, buckingham.elizabeth@dorsey.com, redmond.heather@dorsey.com, mlsna.matt@dorsey.com
Submission	Motion for Default Judgment
Filer's Name	Matthew C. Mlsna
Filer's e-mail	ip.docket@dorsey.com, mlsna.matt@dorsey.com, buckingham.elizabeth@dorsey.com, redmond.heather@dorsey.com
Signature	/Matthew C. Mlsna/
Date	06/26/2014
Attachments	Opposition No. 91216131; MOTION FOR ENTRY OF DEFAULT JUDGMENT.pdf(76556 bytes) Opposition No. 91216131; DECLARATION OF ELIZABETH C. BUCKINGHAM IN SUPPORT OF MOTION FOR ENTRY OF DEFAULT JUDGMENT.pdf(3728160 bytes)

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

In the Matter of Application Serial No. 86/090,117
Published on April 29, 2014

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

Opposers,

v.

MID-COAST COFFEE LLC, D/B/A
CARIBBE CAFE

Applicant.

Opposition No. 91216131

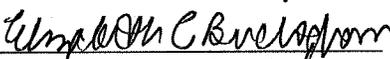
**MOTION FOR ENTRY OF DEFAULT
JUDGMENT**

Opposers Arabica Funding, Inc., and Caribou Coffee Company, Inc. (collectively “Opposer”), pursuant to Rule 55 of the Federal Rules of Civil Procedure and Rule 2.106(a) of the Trademark Rules of Practice, hereby move for an order of judgment by default in the above-captioned opposition proceeding against applicant Mid-Coast Coffee LLC, d/b/a Caribbe Café (“Applicant”). As set forth in the accompanying declaration of Elizabeth C. Buckingham, Esq., Applicant has failed to file an answer to the opposition proceeding, and has not shown any intent to defend this proceeding on the merits. Under the circumstances, an order directing the entry of judgment in Opposer’s favor is appropriate here. See TBMP § 312.01; see also Finanze St. Honore, B.V. v. Johnson & Johnson, 85 U.S.P.Q.2d (T.T.A.B. June 6, 2007).

For the foregoing reasons, Opposer respectfully requests that its motion for a default judgment be granted.

DORSEY & WHITNEY LLP

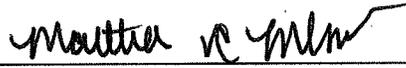
Dated: June 26, 2014

By: 
Elizabeth C. Buckingham
(buckingham.elizabeth@dorsey.com)
Heather D. Redmond
(redmond.heather@dorsey.com)
Matthew C. Mlsna
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Suite 1500, 50 South Sixth Street
Minneapolis, MN 55402-1498
(612) 340-2600

*Attorneys for Opposers
Arabica Funding, Inc.
and Caribou Coffee Company, Inc.*

CERTIFICATE OF SERVICE

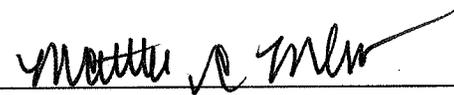
I hereby certify that the foregoing document has been served on Applicant Mid-Coast Coffee LLC, d/b/a Caribbe Cafe, by mailing a true and correct copy of the same, by first class mail, postage prepaid, to Richard Enlow, Mid-Coast Coffee LLC, 930 Kehrs Mill Road, Suite 325-9, Ballwin, MO 63011-2403, on this 26th day of June, 2014.



Matthew C. Mlsna

CERTIFICATE OF ELECTRONIC DEPOSIT

I hereby certify that a true and complete copy of the foregoing document is being electronically deposited on this 26th day of June, 2014, via the Electronic System for Trademark Trials and Appeals website.



Matthew C. Mlsna

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

In the Matter of Application Serial No. 86/090,117
Published on April 29, 2014

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

Opposers,

v.

MID-COAST COFFEE LLC, D/B/A
CARIBBE CAFE

Applicant.

Opposition No. 91216131

**DECLARATION OF ELIZABETH C.
BUCKINGHAM IN SUPPORT OF
MOTION FOR ENTRY OF DEFAULT
JUDGMENT**

ELIZABETH C. BUCKINGHAM declares as follows:

1. I am a member of the law firm of Dorsey & Whitney LLP, counsel to Opposers Arabica Funding, Inc., and Caribou Coffee Company, Inc. (collectively "Opposer"), and I submit this declaration in support of Opposer's motion for an order entering judgment by default in the above-captioned opposition proceeding against applicant Mid-Coast Coffee LLC, d/b/a Caribbe Café ("Applicant").

2. Opposer Arabica Funding, Inc., is the owner of the following marks registered in the United States Patent and Trademark Office ("Opposer's Registrations"), among others:

Mark	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.

Mark	Reg. No.	Filing Date / Reg. Date	Class: Goods/Services, First Use Dates
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	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	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.

Mark	Reg. No.	Filing Date / Reg. Date	Class: Goods/Services, First Use Dates
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.
 CARIBOU COFFEE & Leaping Caribou and Shield Design	4,264,888	Dec 23, 2009 / Dec 25, 2012	Class 29: Milk-Based Beverage Containing Coffee; Dried Fruit; Fruit Salads and Vegetable Salads; Yogurt First Use: Nov 1, 2009; First Use in Commerce: Nov 1, 2009.
 CARIBOU COFFEE & Leaping Caribou and Shield Design	3,935,459	Dec 21, 2009 / Mar 22, 2011	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 First Use: Mar 1, 2010; First Use in Commerce: Mar 1, 2010.
 CARIBOU COFFEE & Leaping Caribou and Shield Design	3,945,509	Dec 22, 2009 / Apr 12, 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	3,878,886	Dec 21, 2009 / Nov 23, 2010	Class 43: Restaurant Services; Office Coffee Supply Services; Providing News and Information in the Field of Drinks, Specialty Coffee First Use: Mar 1, 2010; First Use in Commerce: Mar 1, 2010.

Mark	Reg. No.	Filing Date / Reg. Date	Class: Goods/Services, First Use Dates
 CARIBOU COFFEE & Leaping Caribou and Shield Design (in Color)	3,935,455	Dec 21, 2009 / Mar 22, 2011	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 First Use: Mar 1, 2010; First Use in Commerce: Mar 1, 2010.
 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 Design	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.

Mark	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	<p>Class 43: Restaurant Services</p> <p>First Use: Dec 19, 2005; First Use in Commerce: Dec 19, 2005.</p>
<p>CARIBOU COFFEE IS THE OFFICIAL COFFEE OF DAYLIGHT SAVINGS TIME</p>	4,217,935	Apr 4, 2012 / Oct 2, 2012	<p>Class 35: Retail Store Services Featuring Coffee</p> <p>First Use: Mar 10, 2012; First Use in Commerce: Mar 10, 2012.</p>
<p>CARIBOU COFFEE IS THE OFFICIAL COFFEE OF DAYLIGHT SAVINGS TIME</p>	4,217,936	Apr 4, 2012 / Oct 2, 2012	<p>Class 43: Restaurant Services</p> <p>First Use: Mar 10, 2012; First Use in Commerce: Mar 10, 2012.</p>
<p>CARIBOU COOLER</p>	4,495,927	Dec 3, 2012 / Mar 11, 2014	<p>Class 32: Beverage Smoothies</p> <p>First Use: Oct 1, 2013; First Use in Commerce: Oct 1, 2013.</p>
<p>CARIBOU PERKS</p>	4,465,259	May 2, 2013 / Jan 14, 2014	<p>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</p> <p>First Use: Apr 23, 2013; First Use in Commerce: Apr 23, 2013.</p>
 <p>DRIVE THRU CARIBOU COFFEE & Leaping Caribou and Shield Design</p>	4,094,172	Dec 23, 2009 / Jan 31, 2012	<p>Class 43: Restaurant Services</p> <p>First Use: Oct 14, 2011; First Use in Commerce: Oct 14, 2011.</p>

3. Opposer Caribou Coffee Company, Inc., uses Opposer's Registrations under exclusive license from Arabica Funding, Inc., and is Arabica Funding, Inc.'s related company within the meaning of Section 45 of the Lanham Act.

4. This proceeding was commenced by the filing of a notice of opposition on April 29, 2014, with the Trademark Trial and Appeal Board. A copy of the Notice of Opposition is attached hereto as Exhibit A.

5. In the Notice of Opposition, Opposer requests that registration of the mark CARIBBE, sought to be registered by Applicant in Application Serial No. 86/090,117 for "Coffee" in International Class 30 and "Coffee bars" in International Class 43, be denied on the basis that Opposer believes it will be damaged by registration of such mark.

6. By notice mailed on April 29, 2014, these opposition proceedings were commenced, and Applicant was given forty days to answer the notice, until June 8, 2014. See Exhibit B.

7. Applicant has failed to file any answer in response to the Notice of Opposition filed by Opposer and has failed to comply with the April 29, 2014, Order issued by the Board.

8. Accordingly, Opposer submits that Applicant should be deemed in default, and that the Board should enter an order directing the entry of judgment in Opposer's favor.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 26, 2014


ELIZABETH C. BUCKINGHAM

EXHIBIT A

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

In the Matter of Application Serial No. 86/090,117
Published on April 29, 2014

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

Opposers,

v.

MID-COAST COFFEE LLC, D/B/A
CARIBBE CAFE

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 CARIBBE, that is the subject of U.S. Application Serial No. 86/090,117, for "Coffee" in International Class 30 and "Coffee bars" in International Class 43, sought to be registered by Mid-Coast Coffee LLC, d/b/a Caribbe Cafe ("Mid-Coast"), and hereby oppose same.

As grounds for opposition, it is alleged that:

1. The trademark application for the mark CARIBBE herein opposed, U.S. Application Serial No. 86/090,117, was filed on October 12, 2013 for "Coffee" in International Class 30 and "Coffee bars" in International Class 43 (the "Opposed Application") and published on April 29, 2014.

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 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.
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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	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.
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 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.
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CARIBOU COFFEE IS THE OFFICIAL COFFEE OF DAYLIGHT SAVINGS TIME	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.

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
CARIBOU COFFEE IS THE OFFICIAL COFFEE OF DAYLIGHT SAVINGS TIME	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.
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 DRIVE THRU CARIBOU COFFEE & Leaping Caribou and Shield Design	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 CARIBBE for any goods or services.

8. Applicant's CARIBBE 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 and services identified in the Opposed Application. It is likely that consumers would mistakenly believe that those goods and services were offered by Opposers or were in some way sponsored by or connected with Opposers. As such, Applicant's CARIBBE 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 CARIBBE mark and pray that this opposition be sustained, and that Application Serial No. 86/090,117 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

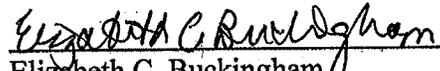
Dated: April 29, 2014

By: Elizabeth C. Buckingham
Elizabeth C. Buckingham
(buckingham.elizabeth@dorsey.com)
Heather D. Redmond
(redmond.heather@dorsey.com)
Matthew C. Mlsna
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Suite 1500, 50 South Sixth Street
Minneapolis, MN 55402-1498
(612) 340-2600

*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 Mid-Coast Coffee LLC, d/b/a Caribe Cafe, by mailing a true and correct copy of the same, by first class mail, postage prepaid, to Richard Enlow, Mid-Coast Coffee LLC, 930 Kehrs Mill Road, Suite 325-9, Ballwin, MS 63011-2403, on this 29th day of April, 2014.


Elizabeth C. Buckingham



United States Patent and Trademark Office

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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).
Live/Dead
Indicator LIVE

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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

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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: 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
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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
Live/Dead Indicator	PRINCIPAL
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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 beverageware. 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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Typed Drawing

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 Register	SERVICE MARK 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

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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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[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



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Home | Site Index | Search | FAQ | Glossary | Guides | Contacts | eBusiness | eBiz alerts | News | Help

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TESS was last updated on Mon Apr 14 03:20:26 EDT 2014

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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

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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

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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

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Record 1 out of 1

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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 beverage ware. 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
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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
Live/Dead Indicator	LIVE

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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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**CARIBOU COFFEE IS THE
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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**CARIBOU COFFEE IS THE
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
Registration Number	4495927
Registration Date	March 11, 2014
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;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
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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
Mark 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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EXHIBIT B

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: April 29, 2014

Opposition No. 91216131
Serial No. 86090117

MID-COAST COFFEE LLC
MID-COAST COFFEE LLC
930 KEHRS MILL RD STE 325-9
BALLWIN, MO 63011-2403
richard@immersioneer.com

Arabica Funding, Inc., Caribou
Coffee Company, Inc.

v.

Mid-Coast Coffee LLC

Elizabeth C. Buckingham
Dorsey & Whitney LLP
50 South Sixth Street Suite 1500
Minneapolis, MN 55402-1498
ip.docket@dorsey.com, buckingham.elizabeth@dorsey.com,
redmond.heather@dorsey.com, mlsna.matt@dorsey.com

ESTTA601135

A notice of opposition to the registration sought by the above-identified application has been filed. A service copy of the notice of opposition was forwarded to applicant (defendant) by the opposer (plaintiff). An electronic version of the notice of opposition is viewable in the electronic file for this proceeding via the Board's TTABVUE system: <http://ttabvue.uspto.gov/ttabvue/v?qs=91216131>.

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations ("Trademark Rules"). These rules may be viewed at the USPTO's trademarks page: <http://www.uspto.gov/trademarks/index.jsp>. The Board's main webpage (<http://www.uspto.gov/trademarks/process/appeal/index.jsp>) includes information on amendments to the Trademark Rules applicable to Board proceedings, on Alternative Dispute Resolution (ADR), Frequently Asked Questions about Board proceedings, and a web link to the Board's manual of procedure (the TBMP).

Plaintiff must notify the Board when service has been ineffective, within 10 days of the date of receipt of a returned service copy or the date on which plaintiff learns that service has been ineffective.

Plaintiff has no subsequent duty to investigate the defendant's whereabouts, but if plaintiff by its own voluntary investigation or through any other means discovers a newer correspondence address for the defendant, then such address must be provided to the Board. Likewise, if by voluntary investigation or other means the plaintiff discovers information indicating that a different party may have an interest in defending the case, such information must be provided to the Board. The Board will then effect service, by publication in the Official Gazette if necessary. See Trademark Rule 2.118. In circumstances involving ineffective service or return of defendant's copy of the Board's institution order, the Board may issue an order noting the proper defendant and address to be used for serving that party.

Defendant's ANSWER IS DUE FORTY DAYS after the mailing date of this order. (See Patent and Trademark Rule 1.7 for expiration of this or any deadline falling on a Saturday, Sunday or federal holiday.) **Other deadlines the parties must docket or calendar are either set forth below (if you are reading a mailed paper copy of this order) or are included in the electronic copy of this institution order viewable in the Board's TTABVUE system at the following web address:**
<http://ttabvue.uspto.gov/ttabvue/>.

Defendant's answer and any other filing made by any party must include proof of service. See Trademark Rule 2.119. **If they agree to, the parties may utilize electronic means, e.g., e-mail or fax, during the proceeding for forwarding of service copies.** See Trademark Rule 2.119(b)(6).

The parties also are referred in particular to Trademark Rule 2.126, which pertains to the form of submissions. **Paper submissions, including but not limited to exhibits and transcripts of depositions, not filed in accordance with Trademark Rule 2.126 may not be given consideration or entered into the case file.**

Time to Answer	6/8/2014
Deadline for Discovery Conference	7/8/2014
Discovery Opens	7/8/2014
Initial Disclosures Due	8/7/2014
Expert Disclosures Due	12/5/2014
Discovery Closes	1/4/2015
Plaintiff's Pretrial Disclosures	2/18/2015
Plaintiff's 30-day Trial Period Ends	4/4/2015
Defendant's Pretrial Disclosures	4/19/2015
Defendant's 30-day Trial Period Ends	6/3/2015
Plaintiff's Rebuttal Disclosures	6/18/2015
Plaintiff's 15-day Rebuttal Period Ends	7/18/2015

As noted in the schedule of dates for this case, the parties are required to have a conference to discuss: (1) the nature of and basis

for their respective claims and defenses, (2) the possibility of settling the case or at least narrowing the scope of claims or defenses, and (3) arrangements relating to disclosures, discovery and introduction of evidence at trial, should the parties not agree to settle the case. See Trademark Rule 2.120(a)(2). Discussion of the first two of these three subjects should include a discussion of whether the parties wish to seek mediation, arbitration or some other means for resolving their dispute. Discussion of the third subject should include a discussion of whether the Board's Accelerated Case Resolution (ACR) process may be a more efficient and economical means of trying the involved claims and defenses. Information on the ACR process is available at the Board's main webpage. Finally, if the parties choose to proceed with the disclosure, discovery and trial procedures that govern this case and which are set out in the Trademark Rules and Federal Rules of Civil Procedure, then they must discuss whether to alter or amend any such procedures, and whether to alter or amend the Standard Protective Order (further discussed below). Discussion of alterations or amendments of otherwise prescribed procedures can include discussion of limitations on disclosures or discovery, willingness to enter into stipulations of fact, and willingness to enter into stipulations regarding more efficient options for introducing at trial information or material obtained through disclosures or discovery.

The parties are required to conference in person, by telephone, or by any other means on which they may agree. A Board interlocutory attorney or administrative trademark judge will participate in the conference, upon request of any party, provided that such participation is requested no later than ten (10) days prior to the deadline for the conference. See Trademark Rule 2.120(a)(2). The request for Board participation must be made through the Electronic System for Trademark Trials and Appeals (ESTTA) or by telephone call to the interlocutory attorney assigned to the case, whose name can be found by referencing the TTABVUE record for this case at <http://ttabvue.uspto.gov/ttabvue/>. The parties should contact the assigned interlocutory attorney or file a request for Board participation through ESTTA only after the parties have agreed on possible dates and times for their conference. Subsequent participation of a Board attorney or judge in the conference will be by telephone and the parties shall place the call at the agreed date and time, in the absence of other arrangements made with the assigned interlocutory attorney.

The Board's Standard Protective Order is applicable to this case, but the parties may agree to supplement that standard order or substitute a protective agreement of their choosing, subject to approval by the Board. The standard order is available for viewing at: <http://www.uspto.gov/trademarks/process/appeal/guidelines/stndagmnt.jsp>. Any party without access to the web may request a hard copy of the standard order from the Board. The standard order does not automatically protect a party's confidential information and its provisions must be utilized as needed by the parties. See Trademark Rule 2.116(g).

Information about the discovery phase of the Board proceeding is available in chapter 400 of the TBMP. By virtue of amendments to the Trademark Rules effective November 1, 2007, the initial disclosures and expert disclosures scheduled during the discovery phase are required only in cases commenced on or after that date. The TBMP has not yet

been amended to include information on these disclosures and the parties are referred to the August 1, 2007 Notice of Final Rulemaking (72 Fed. Reg. 42242) posted on the Board's webpage. The deadlines for pretrial disclosures included in the trial phase of the schedule for this case also resulted from the referenced amendments to the Trademark Rules, and also are discussed in the Notice of Final Rulemaking.

The parties must note that the Board allows them to utilize telephone conferences to discuss or resolve a wide range of interlocutory matters that may arise during this case. In addition, the assigned interlocutory attorney has discretion to require the parties to participate in a telephone conference to resolve matters of concern to the Board. See TBMP § 502.06(a) (2d ed. rev. 2004).

The TBMP includes information on the introduction of evidence during the trial phase of the case, including by notice of reliance and by taking of testimony from witnesses. See TBMP §§ 703 and 704. Any notice of reliance must be filed during the filing party's assigned testimony period, with a copy served on all other parties. Any testimony of a witness must be both noticed and taken during the party's testimony period. A party that has taken testimony must serve on any adverse party a copy of the transcript of such testimony, together with copies of any exhibits introduced during the testimony, within thirty (30) days after the completion of the testimony deposition. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing after briefing is not required but will be scheduled upon request of any party, as provided by Trademark Rule 2.129.

If the parties to this proceeding are (or during the pendency of this proceeding become) parties in another Board proceeding or a civil action involving related marks or other issues of law or fact which overlap with this case, they shall notify the Board immediately, so that the Board can consider whether consolidation or suspension of proceedings is appropriate.

ESTTA NOTE: For faster handling of all papers the parties need to file with the Board, the Board strongly encourages use of electronic filing through the Electronic System for Trademark Trials and Appeals (ESTTA). Various electronic filing forms, some of which may be used as is, and others which may require attachments, are available at <http://estta.uspto.gov>.