

ESTTA Tracking number: **ESTTA664012**

Filing date: **03/31/2015**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Ferrero S.p.A.
Granted to Date of previous extension	04/01/2015
Address	Piazzale Pietro Ferrero 1 Alba, Cuneo, 12051 ITALY
Attorney information	Leo M. Loughlin ROTHWELL, FIGG, ERNST & MANBECK, PC 607 14th Street NW Suite 800 WASHINGTON, DC 20005 UNITED STATES PTO-TM-Email@rfem.com Phone:(202) 783-6040

Applicant Information

Application No	86184298	Publication date	12/02/2014
Opposition Filing Date	03/31/2015	Opposition Period Ends	04/01/2015
International Registration No.	NONE	International Registration Date	NONE
Applicant	Ruchi Soya Industries Limited 7/5, South Tukoganj, Nath Mandir Road Indore, 452001 INDIA		

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: Vanaspati, namely, edible fat; edible oils and fats; milk and dairy products excluding ice cream, ice milk and frozen yogurt; preserves and pickles; jams; jellies; soya chunks in the nature of formed textured vegetable protein for use as a meat substitute; soya granules for use in prepared meals or food; dal substitute
Class 030. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Products containing soya flour for use as an additive to foodstuffs for human consumption, namely, breads, biscuits; soya flour
Class 032. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Mineral waters; aerated waters; non-alcoholic carbonated beverages; non-alcoholic drinks and beverages, namely, energy shots, fruit juice beverages, squashes, fruit juices, herbal juices, vegetable juices, vegetable-fruit juices

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	855647	Application Date	11/18/1966
Registration Date	08/27/1968	Foreign Priority Date	NONE
Word Mark	NUTELLA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 0 First Use In Commerce: 0 SPREAD CONTAINING COCOA AND OTHER INGREDIENTS		

U.S. Registration No.	1296656	Application Date	04/01/1983
Registration Date	09/18/1984	Foreign Priority Date	NONE
Word Mark	NUTELLA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1967/00/00 First Use In Commerce: 1967/00/00 Cocoa and Hazelnut Spread		

U.S. Registration No.	2000985	Application Date	06/14/1995
Registration Date	09/17/1996	Foreign Priority Date	NONE
Word Mark	NUTELLA FERRERO HAZELNUT SPREAD WITH SKIM MILK & COCOA		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1994/09/00 First Use In Commerce: 1994/09/00 hazelnut spread with skim milk and cocoa		

U.S. Registration No.	3930669	Application Date	01/27/2010
Registration Date	03/15/2011	Foreign Priority Date	08/11/2009
Word Mark	NUTELLA LOVE		
Design Mark			
Description of Mark	The mark consists of the wording "NUTELLA LOVE" in stylized font with the letter "N" in the color black along with the wording "LOVE" and the letters "UTELLA" in the color red.		
Goods/Services	<p>Class 030. First use: First Use: 0 First Use In Commerce: 0 COFFEE, TEA, BREAD, BISCUITS, CAKES, PASTRY AND CONFECTIONERY, NAMELY, CANDY, CAKES, WAFERS, WAFFLES, MUFFINS; EDIBLE ICE-CREAMS; ICE; CHOCOLATE AND CHOCOLATE PRODUCTS, NAMELY, COCOA BASED SPREAD, CHOCOLATE BARS, CHOCOLATE CANDIES; PRALINES, CANDY WITHOUT SUGAR</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0 ADVERTISING; BUSINESS MANAGEMENT; BUSINESS ADMINISTRATION; PROVIDING OFFICE FUNCTIONS</p> <p>Class 041. First use: First Use: 0 First Use In Commerce: 0 ENTERTAINMENT IN THE NATURE OF PROVIDING ON-LINE COMPUTER GAMES; ORGANIZING COMMUNITY SPORTING AND CULTURAL EVENTS</p>		

U.S. Registration No.	4192415	Application Date	01/27/2011
Registration Date	08/21/2012	Foreign Priority Date	NONE
Word Mark	NUTELLA		

Design Mark	
Description of Mark	<p>The mark consists of stylized wording "NUTELLA" with the "N" appearing in black and the "UTELLA" appearing in red-orange.</p>
Goods/Services	<p>Class 016. First use: First Use: 0 First Use In Commerce: 0 PRINTED MATTER, NAMELY, NEWSPAPERS, PHOTOGRAPHS, MAGAZINES, BOOKS, PRINTED PERIODICALS, NEWSLETTERS, AND BROCHURES ALL IN THE FIELD OF FOOD; BOOK BINDING MATERIAL; PHOTOGRAPHS; STATIONERY; ADHESIVES FOR STATIONERY OR HOUSEHOLD PURPOSES</p> <p>Class 029. First use: First Use: 0 First Use In Commerce: 0 MEAT, FISH, POULTRY AND GAME; MEAT EXTRACTS; PRESERVED, FROZEN, DRIED AND COOKED FRUITS AND VEGETABLES; JELLIES, JAMS, COMPOTES; EGGS, MILK AND MILK PRODUCTS EXCLUDING ICE CREAM, ICE MILK AND FROZEN YOGURT; EDIBLE OILS AND FATS</p> <p>Class 030. First use: First Use: 0 First Use In Commerce: 0 COFFEE, TEA, SUGAR, RICE, TAPIOCA, SAGO, SUBSTITUTE OF COFFEE, FLOUR, BREAD, BISCUITS, CAKES, PASTRY AND CONFECTIONARY, NAMELY, CANDY, CAKES, WAFERS, WAFFLES, MUFFINS; EATABLE ICE-CREAMS; HONEY, TREACLE, YEAST, BAKING POWDER; SALT, MUSTARD, PEPPER, VINEGAR, SAUCES; SPICES; ICE; SPREAD CREAMS, NAMELY, COCOA BASED SPREAD, CHOCOLATE AND CHOCOLATE PRODUCTS, NAMELY, PASTRY FOR CHOCOLATE BEVERAGE, CHOCOLATE PASTRY, CHOCOLATE COVERINGS, CHOCOLATE, PRALINE, CHOCOLATE FOR DECORATIONS OF CHRISTMAS TREE, CHOCOLATE COVERED CANDY CONTAINING ALCOHOLIC BEVERAGE CONTENT; PASTRY, CHEWING GUM, CHEWING GUM WITHOUT SUGAR, CANDIES WITHOUT SUGAR</p> <p>Class 032. First use: First Use: 0 First Use In Commerce: 0 BEERS; MINERAL AND AERATED WATERS AND OTHER NON-ALCOHOLIC DRINKS, NAMELY, CARBONATED BEVERAGES; FRUIT DRINKS AND FRUIT JUICES; SYRUPS AND SYRUP SUBSTITUTES FOR MAKING BEVERAGES</p> <p>Class 033. First use: First Use: 0 First Use In Commerce: 0 ALCOHOLIC BEVERAGES EXCEPT BEERS</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0 ADVERTISING; BUSINESS MANAGEMENT; BUSINESS ADMINISTRATION; PROVIDING OFFICE FUNCTIONS</p> <p>Class 041. First use: First Use: 0 First Use In Commerce: 0 EDUCATION AND ENTERTAINMENT SERVICES PROVIDED VIA THE INTERNET, NAMELY, PROVISION OF AN INTERACTIVE ENTERTAINMENT WEBSITE FEATURING INFORMATION ABOUT FOOD TASTING, PROVISION OF ONLINE NON-DOWNLOADABLE VIDEO GAMES VIA A WEBSITE, ORGANIZING COMMUNITY SPORTING AND CULTURAL EVENTS, CONTESTS AND GAMES</p> <p>Class 043. First use: First Use: 0 First Use In Commerce: 0 SERVICES FOR PROVIDING FOOD AND DRINK</p>

Attachments	73419618#TMSN.png(bytes)
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	74688620#TMSN.png(bytes) 79081216#TMSN.png(bytes) 79095848#TMSN.png(bytes) 1237-5516 Notice of Opposition.pdf(1380525 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	/Leo M. Loughlin/
Name	Leo M. Loughlin
Date	03/31/2015

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

In the Matter of Application
Serial No. 86/184,298
Published on December 2, 2014

Ferrero S.p.A.,)	
)	
Opposer.)	Opposition No. _____
)	
v.)	
)	
Ruchi Soya Industries Limited,)	
)	
Applicant.)	

TRADEMARK TRIAL AND APPEAL BOARD
Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22312-1451

NOTICE OF OPPOSITION

Opposer Ferrero, S.p.A., with an address at Piazzale Pietro Ferrero 1, Alba (Cn), I-12051, ITALY, a corporation organized under the laws of Italy, believes that it will be damaged by the registration of the mark NUTRELA (hereinafter "Applicant's Mark") which is owned by Ruchi Soya Industries Limited, a company organized under the laws of India, with an address at 7/5 South Tukoganj, Nath Mandir Road, 301 Mahakosh House, Indore, 452001, INDIA (hereinafter the "Applicant") for "vanaspati, namely, edible fat; edible oils and fats; milk and dairy products excluding ice cream, ice milk and frozen yogurt; preserves and pickles; jams; jellies; soya chunks in the nature of formed textured vegetable protein for use as a meat substitute; soya granules for use in prepared meals or food; dal substitute" in Class 29; "products containing soya flour for use as an additive to foodstuffs for human consumption, namely, breads, biscuits; soya

flour” in Class 30; and “mineral waters; aerated waters; non-alcoholic carbonated beverages; non-alcoholic drinks and beverages, namely, energy shots, fruit juice beverages, squashes, fruit juices, herbal juices, vegetable juices, vegetable-fruit juices” in Class 32 as set forth in Application Serial No. 86/184,298 filed on February 4, 2014, and published on December 2, 2014, and hereby opposes the same. As grounds for this opposition, it is alleged that:

1. Since long prior to the filing date of the Application Serial No. 86/184,298 and priority date claimed in the application, Ferrero has extensively used, advertised and promoted the mark NUTELLA for a wide variety of goods and services.

2. Ferrero is the owner and user of the following U.S. registrations for the mark NUTELLA, among others:

- Registration No. 855,647 registered on August 27, 1968 for NUTELLA for “spread containing cocoa and other ingredients” in class 29 (**Exhibit A-1**);

- Registration No. 1,296,656, registered on September 18, 1984 for  for “cocoa and hazelnut spread” in class 30 (**Exhibit A-2**);

- Registration No. 2,000,985, registered on September 17, 1996 for  for “hazelnut spread with skim milk cocoa” in class 30 (**Exhibit A-3**);

- Registration No. 3,930,669, registered on March 15, 2011 for **nutella Love** for coffee, tea, bread, biscuits, cakes, pastry and confectionery, namely, candy, cakes, wafers, waffles, muffins; edible ice-creams; ice; chocolate and chocolate products, namely, cocoa based spread, chocolate bars, chocolate candies; pralines, candy without sugar in class 30; advertising; business management; business

administration; providing office functions in class 35; entertainment in the nature of providing on-line computer games; organizing community sporting and cultural events in class 41 (**Exhibit A-4**);

- Registration No. 4,192,415, registered on August 21, 2012, for the mark **nutella** and Design for printed matter, namely, newspapers, photographs, magazines, books, printed periodicals, newsletters, and brochures all in the field of food; book binding material; photographs; stationery; adhesives for stationery or household purposes in class 16; meat, fish, poultry and game; meat extracts; preserved, frozen, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products excluding ice cream, ice milk and frozen yogurt; edible oils and fats in class 29; coffee, tea, sugar, rice, tapioca, sago, substitute of coffee, flour, bread, biscuits, cakes, pastry and confectionary, namely, candy, cakes, wafers, waffles, muffins; eatable ice-creams; honey, treacle, yeast, baking powder; salt, mustard, pepper, vinegar, sauces; spices; ice; spread creams, namely, cocoa based spread, chocolate and chocolate products, namely, pastry for chocolate beverage, chocolate pastry, chocolate coverings, chocolate, praline, chocolate for decorations of Christmas tree, chocolate covered candy containing alcoholic beverage content; pastry, chewing gum, chewing gum without sugar, candies without sugar in class 30; beers; mineral and aerated waters and other non-alcoholic drinks, namely, carbonated beverages; fruit drinks and fruit juices; syrups and syrup substitutes for making beverages in class 32; alcoholic beverages except beers in class 33; advertising; business management; business administration; providing office functions in class 35; education and

entertainment services provided via the internet, namely, provision of an interactive entertainment website featuring information about food tasting, provision of online non-downloadable video games via a website, organizing community sporting and cultural events, contests and games in class 41; services for providing food and drink in class 43 (**Exhibit A-5**).

3. Each of the above-mentioned registrations is valid and subsisting and Registration Nos. 855,647, 1,296,656, 2,000,985 are incontestable. Print outs from the electronic database provided by the U.S. Patent and Trademark Office showing current status and title of the registrations listed above are attached as **Exhibit A-1 to A-5** and are incorporated therein by reference and for purpose of reliance.

4. Substantial resources, time and effort have been expended in connection with the promotion of the products, fostering the famous brand, and protecting the NUTELLA mark. As a result of these extensive investments, Ferrero has built up significant recognition in relation to its products offered under the NUTELLA mark, acquiring great value as an identifier of Ferrero's goods and as a way of distinguishing Ferrero's goods from those of others. Ferrero's NUTELLA mark is well-known and famous throughout the United States as a distinctive symbol of Ferrero's goodwill.

5. On February 4, 2014, Applicant filed U.S. Application Serial No. 86/184,298 for Applicant's mark for "vanaspati, namely, edible fat; edible oils and fats; milk and dairy products excluding ice cream, ice milk and frozen yogurt; preserves and pickles; jams; jellies; soya chunks in the nature of formed textured vegetable protein for use as a meat substitute; soya granules for use in prepared meals or food; dal substitute" in Class 29; "products containing soya

flour for use as an additive to foodstuffs for human consumption, namely, breads, biscuits; soya flour" in Class 30; and "mineral waters; aerated waters; non-alcoholic carbonated beverages; non-alcoholic drinks and beverages, namely, energy shots, fruit juice beverages, squashes, fruit juices, herbal juices, vegetable juices, vegetable-fruit juices" in Class 32.

6. Ferrero's use and registration of its NUTELLA mark in the U.S. predates Applicant's filing of U.S. Application Serial No. 86/184,298.

7. Applicant's Mark is substantially similar in sight, sound and appearance to the famous NUTELLA mark.

8. U.S. Application Serial No. 86/184,298 lists related goods in International Classes 29, 30 and 32.

9. Applicant's Mark so closely resembles Ferrero's previously used and registered NUTELLA marks that its use, in connection with the goods aforementioned, is likely to cause confusion, or to cause mistake or deceive, in violation of Section 2(d) of the Trademark Act of 1946, 15 U.S.C. § 1052 (d). Purchasers likely will assume that Ferrero is somehow affiliated with, licenses, or endorses, Applicant's use of Applicant's Mark when Ferrero is not connected in any way with Applicant or the use of Applicant's Mark.

10. Ferrero's NUTELLA mark is famous and became famous before the filing date of U.S. Application Serial No. 86/184,298 and priority date claimed in the application.

11. On information and belief, Applicant has used or will use Applicant's Mark in commerce with the willful intent to trade on Ferrero's reputation or to cause dilution of Ferrero's famous NUTELLA mark.

12. Use and registration of Applicant's Mark will lessen the capacity of Ferrero's famous NUTELLA mark to identify and distinguish Ferrero's goods.

13. Use and registration of Applicant's Mark will deprive Ferrero of the ability to protect its reputation and goodwill.

14. The proposed use of Applicant's Mark is likely to cause dilution by blurring of Ferrero's famous NUTELLA mark in violation of Section 43(c) of the Trademark Act, 15 U.S.C. §1125(c), and is likely to prejudice the distinctiveness and/or harm the reputation of Ferrero's famous NUTELLA mark.

WHEREFORE, Ferrero prays that this opposition be sustained and registration on Application Serial No. 86/184,298 be refused.

Respectfully submitted,

Ferrero S.p.A.

By:



E. Anthony Figg
Leo M. Loughlin
Attorneys for Opposer
Rothwell, Figg, Ernst & Manbeck P.C.
607 14th Street, N.W.
8th Floor
Washington, DC 20005
Phone: 202-783-6040

Date: March 31, 2015

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing NOTICE OF OPPOSITION and **Exhibits A-1 to A-5** have been served via First Class Mail, postage prepaid, to

HOWARD N. ARONSON
LACKENBACH SIEGEL, LLP
1 CHASE ROAD
SCARSDALE, NY 10583-4156

On this 31st day of March, 2015.



Leo M. Loughlin

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Leo M. Loughlin
Attorney Primary Email Address: PTO-TM-Email@rfem.com

Docket Number: 1580-142
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Leo M. Loughlin
Rothwell, Figg, Ernst & Manbeck, pc
607 14th Street NW
Suite 800
Washington, DISTRICT OF COLUMBIA 20005
UNITED STATES

Phone: 202-783-6040

Fax: 202-783-6031

Correspondent e-mail: PTO-TM-Email@rfem.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Leo M. Loughlin

Phone: 202-783-6040

Fax: 202-783-6031

Domestic Representative e-mail: PTO-TM-Email@rfem.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Dec. 19, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 19, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 19, 2009	CASE FILE IN TICRS	
Jul. 05, 2008	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	60132
Jul. 05, 2008	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jul. 02, 2008	ASSIGNED TO PARALEGAL	60132
Jun. 26, 2008	TEAS SECTION 8 & 9 RECEIVED	
Aug. 27, 1988	REGISTERED AND RENEWED (FIRST RENEWAL - 20 YRS)	
Mar. 10, 1988	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Apr. 14, 1981	CERTIFICATE OF CORRECTION ISSUED	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Aug. 27, 2008

Change in Registration: Yes

Correction made to Registration: In the statement, column 1, lines 1 and 2 doing business as* should be deleted.

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: SCANNING ON DEMAND

Date in Location: Feb. 19, 2009

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: P. Ferrero & C. S.p.A.

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Reel/Frame: [0411/0937](#)

Pages: 4

Date Recorded: Mar. 18, 1982

Supporting Documents: No Supporting Documents Available

Assignor

Name: [P.FERRERO & C.S.P.A.](#)
Legal Entity Type: UNKNOWN

Execution Date: Sep. 24, 1981
State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [FERRERO S.P.A.](#)
Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

Address: PIAZZALE PIETRO FERRERO
ALBA PROVINCE OF CUENO, ITALY

Correspondent

Correspondent Name: BERNARD, ROTHWELL ET AL.
Correspondent Address: 1700 K ST., N.W.
WASHINGTON, DC 20006
WASHINGTON, DC 20006

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 6

Type of Proceeding: Opposition

Proceeding Number: [91221258](#)

Filing Date: Mar 27, 2015

Status: Pending

Status Date: Mar 27, 2015

Interlocutory Attorney: BENJAMIN U OKEKE

Defendant

Name: A & V 2000 inc.
Correspondent Address: JEFFREY C. JOYCE
BOHAN MATHERS, LLC
PO BOX 449
PORTLAND ME , 04112-0449
Correspondent e-mail: trademarks@bohanmathers.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NUTERRA	Opposition Pending Plaintiff(s)	86047544	

Name: Ferrero S.p.A.
Correspondent Address: Leo M. Loughlin
Rothwell, Figg, Ernst & Manbeck, p.c.
607 14th Street, N.W.8th Floor
Washington DC , 20005
UNITED STATES
Correspondent e-mail: PTO-TM-Email@rothwellfigg.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NUTELLA	Renewed	72258993	855647
NUTELLA	Renewed	73419618	1296656
NUTELLA FERRERO HAZELNUT SPREAD WITH SKIM MILK & COCOA	Renewed	74688620	2000985
NUTELLA LOVE	Registered	79081216	3930669
NUTELLA	Registered	79095848	4192415

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 27, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 27, 2015	May 06, 2015
3	PENDING, INSTITUTED	Mar 27, 2015	

Type of Proceeding: Opposition

Proceeding Number: [91215691](#)

Filing Date: Apr 01, 2014

Status: Terminated

Status Date: Jul 16, 2014

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Michael Petruzzo

Correspondent Address: MICHAEL PETRUZZO
2239 KIRK AVENUE
BALTIMORE MD , 21218 6204
UNITED STATES

Correspondent e-mail: michael@darkheartfelt.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NOTECLA	Abandoned - After Inter-Partes Decision	85786138	

Plaintiff(s)

Name: Ferrero S.p.A.

Correspondent Address: LEO M LOUGHLIN
ROTHWELL FIGG ERNST & MANBECK PC
607 14TH STREET NW, 8TH FLOOR
WASHINGTON DC , 20005
UNITED STATES

Correspondent e-mail: PTO-TM-Email@rothwellfigg.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NUTELLA	Renewed	72258993	855647
NUTELLA	Renewed	73419618	1296656
NUTELLA FERRERO HAZELNUT SPREAD WITH SKIM MILK & COCOA	Renewed	74688620	2000985
NUTELLA LOVE	Registered	79081216	3930669
NUTELLA	Registered	79095848	4192415

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 01, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 01, 2014	May 11, 2014
3	PENDING, INSTITUTED	Apr 01, 2014	
4	NOTICE OF DEFAULT	May 27, 2014	
5	BD DECISION: SUSTAINED	Jul 16, 2014	
6	TERMINATED	Jul 16, 2014	

Type of Proceeding: Opposition

Proceeding Number: [91191843](#)

Filing Date: Sep 09, 2009

Status: Terminated

Status Date: Dec 18, 2009

Interlocutory Attorney: LINDA M SKORO

Defendant

Name: Blue Bird S.A.

Correspondent Address: CHRISTOPHER J. DAY
LAW OFFICE OF CHRISTOPHER DAY
301 E BETHANY HOME RD STE A213
PHOENIX AZ , 85012-1287
UNITED STATES

Correspondent e-mail: chris@daylawfirm.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NUTRILIA	Abandoned - After Inter-Partes Decision	77650553	

Plaintiff(s)

Name: Ferrero S.p.A.

Correspondent Address: Raymond A. Kurz

Hogan & Hartson LLP
 555 13th Street, NW
 Washington DC , 20004
 UNITED STATES

Correspondent e-mail: DCPTOTrademarkMail@hhlaw.com, dilmoltrup@hhlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NUTELLA	Renewed	72258993	855647
NUTELLA	Renewed	73419618	1296656
NUTELLA FERRERO HAZELNUT SPREAD WITH SKIM MILK & COCOA	Renewed	74688620	2000985

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 09, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 09, 2009	Oct 19, 2009
3	PENDING, INSTITUTED	Sep 09, 2009	
4	NOTICE OF DEFAULT	Nov 03, 2009	
5	BOARD'S DECISION: SUSTAINED	Dec 18, 2009	
6	TERMINATED	Dec 18, 2009	

Type of Proceeding: Opposition

Proceeding Number: [91118042](#)

Filing Date: Mar 28, 2000

Status: Terminated

Status Date: Mar 02, 2001

Interlocutory Attorney: FRANCES S WOLFSON

Defendant

Name: COLOMBINA S.A.

Correspondent Address: MICHAEL J. MACDERMOTT
 PRETTY, SCHROEDER & POPLAWSKI
 444 SOUTH FLOWER STREET 19TH FLOOR
 LOS ANGELES CA , 90071
 UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
NUTTELINI	Abandoned - After Inter-Partes Decision	75539539	

Plaintiff(s)

Name: FERRERO S.P.A.

Correspondent Address: G. FRANKLIN ROTHWELL
 ROTHWELL, FIGG, ERNST & KURZ, P.C.
 SUITE 701-E 555 13TH STREET, N.W.
 WASHINGTON DC , 20004
 UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
NUTELLA	Renewed	72258993	855647

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 28, 2000	
2	NOTICE SENT; TRIAL DATES RESET; ANSWER DUE	Apr 27, 2000	Jun 06, 2000
3	PENDING, INSTITUTED	Apr 27, 2000	
4	DEF'S COPY OF NOTICE OF OPPOSITION UNDELIVERABLE	Jul 25, 2000	
5	PL'S REQUEST MOTION FOR JUDGEMENT BY DEF AULT	Jul 06, 2000	
6	NOTICE OF OPPOSITION REMAILED TO CORRECT ADDRESS; ANS. DUE 40 DAYS	Oct 01, 2000	
7	PL'S MOTION FOR JUDGMENT	Dec 04, 2000	
8	MOTION FOR DEFAULT JUDGMENT GRANTED AND OPPOSITION IS SUSTAINED	Mar 02, 2001	
9	TERMINATED	Mar 02, 2001	

Type of Proceeding: Opposition

Proceeding Number: [91068380](#)

Filing Date: Oct 24, 1983

Status: Terminated

Status Date: Nov 10, 1986

Interlocutory Attorney: PAULA T HAIRSTON

Defendant

Name: PRODUCTOS ALIMENTICIOS DOMINCANOS C. POR A.

Associated marks

Mark	Application Status	Serial Number	Registration Number
NUCY	Abandoned - After Inter-Partes Decision	73348440	

Name: FERRERO S.P.A.

Associated marks

Mark	Application Status	Serial Number	Registration Number
NUTELLA	Renewed	72258993	855647

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED	Oct 24, 1983	
2	PENDING, INSTITUTED	Jan 04, 1984	
3	ANSWER	Feb 13, 1984	
4	TRIAL DATES SET	Mar 06, 1984	
5	P'S MOT TO SUSP PEND SETLMT NEGOT W CNST	Feb 27, 1984	
6	PROCEEDINGS SUSPENDED TO 9-20-84	Mar 20, 1984	
7	PLAINTIFF'S REQUEST TO EXTEND SUSPENSION WITH CONSENT	Oct 15, 1984	
8	SUSPENDED	Nov 02, 1984	
9	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Apr 29, 1985	
10	SUSPENDED	May 23, 1985	
11	P'S MOT TO SUSP PEND SETLMT NEGOT W CNST	Nov 18, 1985	
12	P'S MOT TO SUSP PEND SETLMT NEGOT W CNST	Nov 18, 1985	
13	SUSPENDED	Dec 23, 1985	
14	PROCS RESUMED; TRIAL DATES RESET	Aug 08, 1986	
15	WITHDRAWAL OF APPLICATION	Oct 21, 1986	
16	BOARD'S DECISION: SUSTAINED	Oct 30, 1986	
17	TERMINATED	Nov 10, 1986	

Type of Proceeding: Opposition

Proceeding Number: [91067601](#)

Filing Date: Apr 20, 1983

Status: Terminated

Status Date: Nov 10, 1986

Interlocutory Attorney: PAULA T HAIRSTON

Defendant

Name: PRODUCTOS ALIMETICIOS DOMINICANOS, C. PO R A.

Associated marks

Mark	Application Status	Serial Number	Registration Number
NUCY	Abandoned - After Inter-Partes Decision	73300595	

Name: FERRERO S.P.A.

Associated marks

Mark	Application Status	Serial Number	Registration Number
NUTELLA	Renewed	72258993	855647

Prosecution History

Entry Number	History Text	Date	Due Date
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1	FILED	Apr 20, 1983
2	PENDING, INSTITUTED	Jul 12, 1983
3	ANSWER	Sep 23, 1983
4	TRIAL DATES SET	Oct 07, 1983
5	PLN'S REQUEST TO SUSPEND PROCEEDINGS	Feb 27, 1984
6	SUSPENDED	Mar 01, 1984
7	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Oct 15, 1984
8	SUSPENDED	Nov 14, 1984
9	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Apr 29, 1985
10	SUSPENDED	May 17, 1985
11	P'S MOT TO SUSP PEND SETLMT NEGOT W CNST	Nov 18, 1985
12	P'S MOT TO SUSP PEND SETLMT NEGOT W CNST	Nov 18, 1985
13	SUSPENDED	Dec 23, 1985
14	PROCS RESUMED; TRIAL DATES RESET	Aug 11, 1986
15	WITHDRAWAL OF APPLICATION	Oct 21, 1986
16	BOARD'S DECISION: SUSTAINED	Oct 30, 1986
17	TERMINATED	Nov 10, 1986

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Mark: NUTELLA



US Serial Number: 73419618
US Registration Number: 1296656
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Sep. 05, 2014
Publication Date: Jul. 03, 1984

Application Filing Date: Apr. 01, 1983
Registration Date: Sep. 18, 1984

Mark Information

Mark Literal Elements: NUTELLA
Standard Character Claim: No
Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM
Color(s) Claimed: Color is not claimed as a feature of the mark.
Lining and Stippling Statement: THE DRAWING IS LINED FOR THE COLOR RED, AND THE COLOR IS CLAIMED AS A PART OF THE MARK.
Translation: THE WORD "NUTELLA" IS A FANCIFUL AND HAS NO PARTICULAR MEANING.

Related Properties Information

Claimed Ownership of US Registrations: 0855647, 0900912

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Cocoa and Hazelnut Spread

International Class(es): 030 - Primary Class
U.S Class(es): 046

Class Status: ACTIVE
Basis: 1(a)
First Use: 1967
Use In Commerce: 1967

Basis Information (Case Level)

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

Current Owner(s) Information

Owner Name: Ferrero S.p.A.
Owner Address: Piazzale Pietro Ferrero
Alba, Cuneo 12051
ITALY
Legal Entity Type: JOINT STOCK COMPANY
State or Country Where Organized: ITALY

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Devasena Reddy
Attorney Primary Email Address: devasena@hahn moodley.com

Docket Number: IPAN-Nutella
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Devasena Reddy
 Hahn & Moodley LLP
 19925 Stevens Creek Blvd.
 Suite 100
 Cupertino, CALIFORNIA 95014
 UNITED STATES

Phone: 650 796 5427

Fax: 408 351 8808

Correspondent e-mail: devasena@hahn moodley.com red dyd55@yahoo.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Devasena Reddy

Phone: 650 796 5427

Fax: 408 351 8808

Domestic Representative e-mail: devasena@hahn moodley.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Sep. 05, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Sep. 05, 2014	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	71378
Sep. 05, 2014	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	71378
Sep. 02, 2014	TEAS SECTION 8 & 9 RECEIVED	
Mar. 30, 2010	CASE FILE IN TICRS	59554
Sep. 09, 2004	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Sep. 09, 2004	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jul. 16, 2004	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jan. 08, 1990	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Nov. 03, 1989	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Sep. 18, 1984	REGISTERED-PRINCIPAL REGISTER	
Jul. 03, 1984	PUBLISHED FOR OPPOSITION	
May 09, 1984	NOTICE OF PUBLICATION	
Mar. 01, 1984	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 03, 1984	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Nov. 16, 1983	NON-FINAL ACTION MAILED	
Nov. 10, 1983	ASSIGNED TO EXAMINER	
Nov. 09, 1983	ASSIGNED TO EXAMINER	
Oct. 13, 1983	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Sep. 18, 2014

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Sep. 05, 2014

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Ferrero S.p.A.

Assignment 1 of 1

Conveyance: CHANGE OF NAME 19860501

Reel/Frame: [0596/0146](#)

Pages: 2

Date Recorded: Mar. 21, 1988

Supporting Documents: No Supporting Documents Available

Assignor

Name: [ABC RADIO ENTERPRISES, INC.](#)
Legal Entity Type: CORPORATION

Execution Date: Jan. 29, 1988
State or Country Where Organized: DELAWARE

Assignee

Name: [ABC/WATERMARK, INC.](#)
Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

Address: No Assignee Address Found

Correspondent

Correspondent Name: DAVIS & GILBERT
Correspondent Address: 850 THIRD AVENUE
NEW YORK, NY 10022

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: [91221258](#)

Filing Date: Mar 27, 2015

Status: Pending

Status Date: Mar 27, 2015

Interlocutory Attorney: BENJAMIN U OKEKE

Defendant

Name: A & V 2000 inc.
Correspondent Address: JEFFREY C. JOYCE
BOHAN MATHERS, LLC
PO BOX 449
PORTLAND ME , 04112-0449
Correspondent e-mail: trademarks@bohanmathers.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NUTERRA	Opposition Pending Plaintiff(s)	86047544	

Name: Ferrero S.p.A.
Correspondent Address: Leo M. Loughlin
Rothwell, Figg, Ernst & Manbeck, p.c.
607 14th Street, N.W.8th Floor
Washington DC , 20005
UNITED STATES
Correspondent e-mail: PTO-TM-Email@rothwellfigg.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NUTELLA	Renewed	72258993	855647
NUTELLA	Renewed	73419618	1296656
NUTELLA FERRERO HAZELNUT SPREAD WITH SKIM MILK & COCOA	Renewed	74688620	2000985
NUTELLA LOVE	Registered	79081216	3930669
NUTELLA	Registered	79095848	4192415

Prosecution History

Entry	History Text	Date	Due Date
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Number			
1	FILED AND FEE	Mar 27, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 27, 2015	May 06, 2015
3	PENDING, INSTITUTED	Mar 27, 2015	

Type of Proceeding: Opposition

Proceeding Number: [91215691](#) **Filing Date:** Apr 01, 2014
Status: Terminated **Status Date:** Jul 16, 2014
Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Michael Petruzzo
Correspondent Address: MICHAEL PETRUZZO
2239 KIRK AVENUE
BALTIMORE MD , 21218 6204
UNITED STATES
Correspondent e-mail: michael@darkheartfelt.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NOTECLA	Abandoned - After Inter-Partes Decision	85786138	

Plaintiff(s)

Name: Ferrero S.p.A.
Correspondent Address: LEO M LOUGHLIN
ROTHWELL FIGG ERNST & MANBECK PC
607 14TH STREET NW, 8TH FLOOR
WASHINGTON DC , 20005
UNITED STATES
Correspondent e-mail: PTO-TM-Email@rothwellfigg.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NUTELLA	Renewed	72258993	855647
NUTELLA	Renewed	73419618	1296656
NUTELLA FERRERO HAZELNUT SPREAD WITH SKIM MILK & COCOA	Renewed	74688620	2000985
NUTELLA LOVE	Registered	79081216	3930669
NUTELLA	Registered	79095848	4192415

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 01, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 01, 2014	May 11, 2014
3	PENDING, INSTITUTED	Apr 01, 2014	
4	NOTICE OF DEFAULT	May 27, 2014	
5	BD DECISION: SUSTAINED	Jul 16, 2014	
6	TERMINATED	Jul 16, 2014	

Type of Proceeding: Opposition

Proceeding Number: [91191843](#) **Filing Date:** Sep 09, 2009
Status: Terminated **Status Date:** Dec 18, 2009
Interlocutory Attorney: LINDA M SKORO

Defendant

Name: Blue Bird S.A.
Correspondent Address: CHRISTOPHER J. DAY
LAW OFFICE OF CHRISTOPHER DAY
301 E BETHANY HOME RD STE A213
PHOENIX AZ , 85012-1287
UNITED STATES
Correspondent e-mail: chris@dayjlawfirm.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
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NUTRILIA

Abandoned - After Inter-Partes Decision

[77650553](#)

Plaintiff(s)

Name: Ferrero S.p.A.

Correspondent Address: Raymond A. Kurz
Hogan & Hartson LLP
555 13th Street, NW
Washington DC , 20004
UNITED STATES

Correspondent e-mail: DCPTOTrademarkMail@hhlaw.com, dilmoltrup@hhlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NUTELLA	Renewed	72258993	855647
NUTELLA	Renewed	73419618	1296656
NUTELLA FERRERO HAZELNUT SPREAD WITH SKIM MILK & COCOA	Renewed	74688620	2000985

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 09, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 09, 2009	Oct 19, 2009
3	PENDING, INSTITUTED	Sep 09, 2009	
4	NOTICE OF DEFAULT	Nov 03, 2009	
5	BOARD'S DECISION: SUSTAINED	Dec 18, 2009	
6	TERMINATED	Dec 18, 2009	

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Mark: NUTELLA FERRERO HAZELNUT SPREAD WITH SKIM MILK & COCOA



US Serial Number: 74688620
US Registration Number: 2000985
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Nov. 25, 2006
Publication Date: Jun. 25, 1996

Application Filing Date: Jun. 14, 1995
Registration Date: Sep. 17, 1996

Mark Information

Mark Literal Elements: NUTELLA FERRERO HAZELNUT SPREAD WITH SKIM MILK & COCOA
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Color(s) Claimed: Color is not claimed as a feature of the mark.
Disclaimer: "HAZELNUT SPREAD WITH SKIM MILK AND COCOA"
Design Search Code(s): 05.05.25 - Other flowers; Iris (flower); Daffodils
05.07.05 - Nuts (edible), With shells
08.01.02 - Slices of bread, with or without spread
11.03.01 - Glasses without stems
11.07.25 - Paring knives; Pocket knives; Scalpels; Switchblade; Meat choppers and grinders, meat choppers (knives); Knives, pocket; Knives, kitchen (with pointed ends); Knives, folding; Cleaver; Butcher knives; Carving knives (kitchen), non-electric

Related Properties Information

Claimed Ownership of US Registrations: 0855647, 1017527, 1296656

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: hazelnut spread with skim milk and cocoa

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 1994

Use In Commerce: Sep. 1994

Basis Information (Case Level)

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

Current Owner(s) Information

Owner Name: Ferrero S.p.A.
Owner Address: Piazzale Pietro Ferrero 1
12051 Alba, Cuneo

ITALY
Legal Entity Type: CORPORATION

State or Country Where Organized: ITALY

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Leo M. Loughlin
Attorney Primary Email Address: PTO-TM-Email@rfem.com

Docket Number: 1580-270
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Leo M. Loughlin
Rothwell, Figg, Ernst & Manbeck, pc
607 14th Street NW
Suite 800
Washington, DISTRICT OF COLUMBIA 20005
UNITED STATES

Phone: 202-783-6040

Fax: 202-783-6031

Correspondent e-mail: PTO-TM-Email@rfem.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Leo M. Loughlin

Phone: 202-783-6040

Fax: 202-783-6031

Domestic Representative e-mail: PTO-TM-Email@rfem.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Dec. 19, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 19, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Nov. 25, 2006	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	70131
Nov. 25, 2006	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Oct. 26, 2006	ASSIGNED TO PARALEGAL	70131
Aug. 28, 2006	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Aug. 28, 2006	TEAS SECTION 8 & 9 RECEIVED	
Jun. 28, 2006	CASE FILE IN TICRS	
Jul. 20, 2002	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Jun. 06, 2002	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Sep. 17, 1996	REGISTERED-PRINCIPAL REGISTER	
Jun. 25, 1996	PUBLISHED FOR OPPOSITION	
May 24, 1996	NOTICE OF PUBLICATION	
Apr. 05, 1996	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 13, 1996	ASSIGNED TO EXAMINER	72737
Nov. 28, 1995	CORRESPONDENCE RECEIVED IN LAW OFFICE	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Sep. 17, 2006

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date In Location: Nov. 25, 2006

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: [91221258](#)

Filing Date: Mar 27, 2015

Status: Pending

Status Date: Mar 27, 2015

Interlocutory Attorney: BENJAMIN U OKEKE

Defendant

Name: A & V 2000 inc.

Correspondent Address: JEFFREY C. JOYCE
BOHAN MATHERS, LLC
PO BOX 449
PORTLAND ME , 04112-0449

Correspondent e-mail: trademarks@bohanmathers.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NUTERRA	Opposition Pending Plaintiff(s)	86047544	

Name: Ferrero S.p.A.

Correspondent Address: Leo M. Loughlin
Rothwell, Figg, Ernst & Manbeck, p.c.
607 14th Street, N.W.8th Floor
Washington DC , 20005
UNITED STATES

Correspondent e-mail: PTO-TM-Email@rothwellfigg.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NUTELLA	Renewed	72258993	855647
NUTELLA	Renewed	73419618	1296656
NUTELLA FERRERO HAZELNUT SPREAD WITH SKIM MILK & COCOA	Renewed	74688620	2000985
NUTELLA LOVE	Registered	79081216	3930669
NUTELLA	Registered	79095848	4192415

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 27, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 27, 2015	May 06, 2015
3	PENDING, INSTITUTED	Mar 27, 2015	

Type of Proceeding: Opposition

Proceeding Number: [91215691](#)

Filing Date: Apr 01, 2014

Status: Terminated

Status Date: Jul 16, 2014

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Michael Petruzzo

Correspondent Address: MICHAEL PETRUZZO
2239 KIRK AVENUE
BALTIMORE MD , 21218 6204
UNITED STATES

Correspondent e-mail: michael@darkheartfelt.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NOTECLA	Abandoned - After Inter-Partes Decision Plaintiff(s)	85786138	

Name: Ferrero S.p.A.

Correspondent Address: LEO M LOUGHLIN

ROTHWELL FIGG ERNST & MANBECK PC
607 14TH STREET NW, 8TH FLOOR
WASHINGTON DC , 20005
UNITED STATES

Correspondent e-mail: PTO-TM-Email@rothwellfigg.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NUTELLA	Renewed	72258993	855647
NUTELLA	Renewed	73419618	1296656
NUTELLA FERRERO HAZELNUT SPREAD WITH SKIM MILK & COCOA	Renewed	74688620	2000985
NUTELLA LOVE	Registered	79081216	3930669
NUTELLA	Registered	79095848	4192415

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 01, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 01, 2014	May 11, 2014
3	PENDING, INSTITUTED	Apr 01, 2014	
4	NOTICE OF DEFAULT	May 27, 2014	
5	BD DECISION: SUSTAINED	Jul 16, 2014	
6	TERMINATED	Jul 16, 2014	

Type of Proceeding: Opposition

Proceeding Number: [91191843](#)

Filing Date: Sep 09, 2009

Status: Terminated

Status Date: Dec 18, 2009

Interlocutory Attorney: LINDA M SKORO

Defendant

Name: Blue Bird S.A.

Correspondent Address: CHRISTOPHER J. DAY
LAW OFFICE OF CHRISTOPHER DAY
301 E BETHANY HOME RD STE A213
PHOENIX AZ , 85012-1287
UNITED STATES

Correspondent e-mail: chris@daylawfirm.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NUTRILIA	Abandoned - After Inter-Partes Decision	77650553	

Plaintiff(s)

Name: Ferrero S.p.A.

Correspondent Address: Raymond A. Kurz
Hogan & Hartson LLP
555 13th Street, NW
Washington DC , 20004
UNITED STATES

Correspondent e-mail: DCPTOTrademarkMail@hhlaw.com, dmlmoltrup@hhlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NUTELLA	Renewed	72258993	855647
NUTELLA	Renewed	73419618	1296656
NUTELLA FERRERO HAZELNUT SPREAD WITH SKIM MILK & COCOA	Renewed	74688620	2000985

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 09, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 09, 2009	Oct 19, 2009
3	PENDING, INSTITUTED	Sep 09, 2009	
	NOTICE OF DEFAULT		

4	NOTICE OF DEFAULT	Nov 03, 2009
5	BOARD'S DECISION: SUSTAINED	Dec 18, 2009
6	TERMINATED	Dec 18, 2009

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Mark: NUTELLA LOVE

nutella Love

US Serial Number: 79081216 **Application Filing Date:** Jan. 27, 2010
US Registration Number: 3930669 **Registration Date:** Mar. 15, 2011
Register: Principal
Mark Type: Trademark, Service Mark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Mar. 15, 2011
Publication Date: Dec. 28, 2010

Mark Information

Mark Literal Elements: NUTELLA LOVE
Standard Character Claim: No
Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM
Description of Mark: The mark consists of the wording "NUTELLA LOVE" in stylized font with the letter "N" in the color black along with the wording "LOVE" and the letters "UTELLA" in the color red.
Color Drawing: Yes
Color(s) Claimed: The color(s) black and red is/are claimed as a feature of the mark.

Related Properties Information

International Registration Number: 1035094
International Registration Date: Jan. 27, 2010
Claimed Ownership of US Registrations: 0855647, 1296656 and others

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: COFFEE, TEA, BREAD, BISCUITS, CAKES, PASTRY AND CONFECTIONERY, NAMELY, CANDY, CAKES, WAFERS, WAFFLES, MUFFINS; EDIBLE ICE-CREAMS; ICE; CHOCOLATE AND CHOCOLATE PRODUCTS, NAMELY, COCOA BASED SPREAD, CHOCOLATE BARS, CHOCOLATE CANDIES; PRALINES, CANDY WITHOUT SUGAR

International Class(es): 030 - Primary Class **U.S Class(es):** 046
Class Status: ACTIVE
Basis: 66(a)

For: ADVERTISING; BUSINESS MANAGEMENT; BUSINESS ADMINISTRATION; PROVIDING OFFICE FUNCTIONS

International Class(es): 035 - Primary Class **U.S Class(es):** 100, 101, 102
Class Status: ACTIVE
Basis: 66(a)

For: ENTERTAINMENT IN THE NATURE OF PROVIDING ON-LINE COMPUTER GAMES; ORGANIZING COMMUNITY SPORTING AND CULTURAL EVENTS

International Class(es): 041 - Primary Class **U.S Class(es):** 100, 101, 107
Class Status: ACTIVE
Basis: 66(a)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No

Filed 66A: Yes
Currently No Basis: No

Currently 66A: Yes
Currently No Basis: No

Current Owner(s) Information

Owner Name: FERRERO S.p.A.
Owner Address: Piazzale Pietro Ferrero, 1
I-12051 ALBA, CUNEO
ITALY
Legal Entity Type: Corporation
State or Country Where Organized: ITALY

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Leo M. Loughlin
Attorney Primary Email Address: PTO-TM-Email@rfem.com
Docket Number: 1580-1021
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Leo M. Loughlin
Rothwell, Figg, Ernst & Manbeck, pc
607 14th Street NW
Suite 800
Washington, DISTRICT OF COLUMBIA 20005
UNITED STATES
Phone: 202-783-6040
Fax: 202-783-6031
Correspondent e-mail: PTO-TM-Email@rfem.com
Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Leo M. Loughlin
Phone: 202-783-6040
Fax: 202-783-6031
Domestic Representative e-mail: PTO-TM-Email@rfem.com
Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Dec. 19, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 19, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jul. 11, 2014	CHANGE OF NAME/ADDRESS REC'D FROM IB	
Feb. 25, 2013	FINAL DECISION TRANSACTION PROCESSED BY IB	
Jul. 28, 2011	FINAL DISPOSITION NOTICE SENT TO IB	
Jul. 28, 2011	FINAL DISPOSITION PROCESSED	68359
Jun. 15, 2011	FINAL DISPOSITION NOTICE CREATED, TO BE SENT TO IB	
Mar. 15, 2011	REGISTERED-PRINCIPAL REGISTER	
Dec. 28, 2010	PUBLISHED FOR OPPOSITION	
Dec. 08, 2010	NOTICE OF PUBLICATION	
Nov. 22, 2010	PAPER RECEIVED	
Nov. 23, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	76568
Nov. 20, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 19, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	76568
Nov. 19, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	76568
Nov. 19, 2010	ASSIGNED TO LIE	76568
Nov. 05, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 18, 2010	REFUSAL PROCESSED BY IB	
May 07, 2010	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
May 07, 2010	REFUSAL PROCESSED BY MPU	72589

May 07, 2010	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
May 06, 2010	NON-FINAL ACTION WRITTEN	82095
May 04, 2010	APPLICATION FILING RECEIPT MAILED	
Apr. 30, 2010	ASSIGNED TO EXAMINER	82095
Apr. 30, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 29, 2010	SN ASSIGNED FOR SECT 66A APPL FROM IB	

International Registration Information (Section 66a)

International Registration Number: 1035094	International Registration Date: Jan. 27, 2010
Priority Claimed Flag: Yes	Date of Section 67 Priority Claim: Aug. 11, 2009
Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION PROCESSED	Date of International Registration Status: Apr. 29, 2010
Notification of Designation Date: Apr. 29, 2010	Date of Automatic Protection: Oct. 29, 2011
International Registration Renewal Date: Jan. 27, 2020	
First Refusal Flag: Yes	

TM Staff and Location Information

TM Staff Information - None
File Location

Current Location: PUBLICATION AND ISSUE SECTION **Date in Location:** Mar. 15, 2011

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: 91221258	Filing Date: Mar 27, 2015
Status: Pending	Status Date: Mar 27, 2015
Interlocutory Attorney: BENJAMIN U OKEKE	

Defendant

Name: A & V 2000 inc.
Correspondent Address: JEFFREY C. JOYCE
BOHAN MATHERS, LLC
PO BOX 449
PORTLAND ME , 04112-0449
Correspondent e-mail: trademarks@bohanmathers.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NUTERRA	Opposition Pending	86047544	

Plaintiff(s)

Name: Ferrero S.p.A.
Correspondent Address: Leo M. Loughlin
Rothwell, Figg, Ernst & Manbeck, p.c.
607 14th Street, N.W.8th Floor
Washington DC , 20005
UNITED STATES
Correspondent e-mail: PTO-TM-Email@rothwellfigg.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NUTELLA	Renewed	72258993	855647
NUTELLA	Renewed	73419618	1296656
NUTELLA FERRERO HAZELNUT SPREAD WITH SKIM MILK & COCOA	Renewed	74688620	2000985
NUTELLA LOVE	Registered	79081216	3930669

NUTELLA

Registered

[79095848](#)

[4192415](#)

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 27, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 27, 2015	May 06, 2015
3	PENDING, INSTITUTED	Mar 27, 2015	

Type of Proceeding: Opposition

Proceeding Number: [91215691](#)

Filing Date: Apr 01, 2014

Status: Terminated

Status Date: Jul 16, 2014

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Michael Petruzzo

Correspondent Address: MICHAEL PETRUZZO
2239 KIRK AVENUE
BALTIMORE MD , 21218 6204
UNITED STATES

Correspondent e-mail: michael@darkheartfelt.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NOTECLA	Abandoned - After Inter-Partes Decision	85786138	

Plaintiff(s)

Name: Ferrero S.p.A.

Correspondent Address: LEO M LOUGHLIN
ROTHWELL FIGG ERNST & MANBECK PC
607 14TH STREET NW, 8TH FLOOR
WASHINGTON DC , 20005
UNITED STATES

Correspondent e-mail: PTO-TM-Email@rothwellfigg.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NUTELLA	Renewed	72258993	855647
NUTELLA	Renewed	73419618	1296656
NUTELLA FERRERO HAZELNUT SPREAD WITH SKIM MILK & COCOA	Renewed	74688620	2000985
NUTELLA LOVE	Registered	79081216	3930669
NUTELLA	Registered	79095848	4192415

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 01, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 01, 2014	May 11, 2014
3	PENDING, INSTITUTED	Apr 01, 2014	
4	NOTICE OF DEFAULT	May 27, 2014	
5	BD DECISION: SUSTAINED	Jul 16, 2014	
6	TERMINATED	Jul 16, 2014	

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Mark: NUTELLA



US Serial Number: 79095848 **Application Filing Date:** Jan. 27, 2011
US Registration Number: 4192415 **Registration Date:** Aug. 21, 2012
Register: Principal
Mark Type: Trademark, Service Mark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Aug. 21, 2012
Publication Date: Jun. 05, 2012

Mark Information

Mark Literal Elements: NUTELLA
Standard Character Claim: No
Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM
Description of Mark: The mark consists of stylized wording "NUTELLA" with the "N" appearing in black and the "UTELLA" appearing in red-orange.
Color Drawing: Yes
Color(s) Claimed: The color(s) black, red-orange is/are claimed as a feature of the mark.

Related Properties Information

International Registration Number: 1073241
International Registration Date: Jan. 27, 2011
Claimed Ownership of US Registrations: 1296656, 2000985, 3930669 and others

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (...) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: PRINTED MATTER, NAMELY, NEWSPAPERS, PHOTOGRAPHS, MAGAZINES, BOOKS, PRINTED PERIODICALS, NEWSLETTERS, AND BROCHURES ALL IN THE FIELD OF FOOD; BOOK BINDING MATERIAL; PHOTOGRAPHS; STATIONERY; ADHESIVES FOR STATIONERY OR HOUSEHOLD PURPOSES

International Class(es): 016 - Primary Class **U.S Class(es):** 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 66(a)

For: MEAT, FISH, POULTRY AND GAME; MEAT EXTRACTS; PRESERVED, FROZEN, DRIED AND COOKED FRUITS AND VEGETABLES; JELLIES, JAMS, COMPOTES; EGGS, MILK AND MILK PRODUCTS EXCLUDING ICE CREAM, ICE MILK AND FROZEN YOGURT; EDIBLE OILS AND FATS

International Class(es): 029 - Primary Class **U.S Class(es):** 046

Class Status: ACTIVE

Basis: 66(a)

For: COFFEE, TEA, SUGAR, RICE, TAPIOCA, SAGO, SUBSTITUTE OF COFFEE, FLOUR, BREAD, BISCUITS, CAKES, PASTRY AND CONFECTIONARY, NAMELY, CANDY, CAKES, WAFERS, WAFFLES, MUFFINS; EATABLE ICE-CREAMS; HONEY, TREACLE, YEAST, BAKING POWDER; SALT, MUSTARD, PEPPER, VINEGAR, SAUCES; SPICES; ICE; SPREAD CREAMS, NAMELY, COCOA BASED SPREAD, CHOCOLATE AND CHOCOLATE PRODUCTS, NAMELY, PASTRY FOR CHOCOLATE BEVERAGE, CHOCOLATE PASTRY, CHOCOLATE COVERINGS, CHOCOLATE, PRALINE, CHOCOLATE FOR DECORATIONS OF CHRISTMAS TREE, CHOCOLATE COVERED CANDY CONTAINING ALCOHOLIC BEVERAGE CONTENT; PASTRY, CHEWING GUM, CHEWING GUM WITHOUT SUGAR, CANDIES WITHOUT SUGAR

International Class(es): 030 - Primary Class **U.S Class(es):** 046

Class Status: ACTIVE

Basis: 66(a)

For: BEERS; MINERAL AND AERATED WATERS AND OTHER NON-ALCOHOLIC DRINKS, NAMELY, CARBONATED BEVERAGES;

FRUIT DRINKS AND FRUIT JUICES; SYRUPS AND SYRUP SUBSTITUTES FOR MAKING BEVERAGES

International Class(es): 032 - Primary Class

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

Class Status: ACTIVE

Basis: 66(a)

For: ALCOHOLIC BEVERAGES EXCEPT BEERS

International Class(es): 033 - Primary Class

U.S Class(es): 047, 049

Class Status: ACTIVE

Basis: 66(a)

For: ADVERTISING; BUSINESS MANAGEMENT; BUSINESS ADMINISTRATION; PROVIDING OFFICE FUNCTIONS

International Class(es): 035 - Primary Class

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

Class Status: ACTIVE

Basis: 66(a)

For: EDUCATION AND ENTERTAINMENT SERVICES PROVIDED VIA THE INTERNET, NAMELY, PROVISION OF AN INTERACTIVE ENTERTAINMENT WEBSITE FEATURING INFORMATION ABOUT FOOD TASTING, PROVISION OF ONLINE NON-DOWNLOADABLE VIDEO GAMES VIA A WEBSITE, ORGANIZING COMMUNITY SPORTING AND CULTURAL EVENTS, CONTESTS AND GAMES

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 66(a)

For: SERVICES FOR PROVIDING FOOD AND DRINK

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: Yes

Currently 66A: Yes

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: FERRERO S.p.A.

Owner Address: Piazzale Pietro Ferrero, 1
I-12051 ALBA, CUNEO
ITALY

Legal Entity Type: CORPORATION

State or Country Where Organized: ITALY

Attorney/Correspondence Information

Attorney of Record

Attorney Name: G. Franklin Rothwell

Docket Number: 1580-1026

Correspondent

Correspondent Name/Address: G. FRANKLIN ROTHWELL
ROTHWELL, FIGG, ERNST & MANBECK, PC
1425 K ST NW
STE 800
WASHINGTON, DISTRICT OF COLUMBIA 20005-3673
UNITED STATES

Phone: (202) 783-6040

Fax: (202) 783-6031

Domestic Representative

Domestic Representative Name: G. Franklin Rothwell

Phone: (202) 783-6040

Fax: (202) 783-6031

Prosecution History

Date	Description	Proceeding Number
Jul. 11, 2014	CHANGE OF NAME/ADDRESS REC'D FROM IB	
Dec. 14, 2012	FINAL DECISION TRANSACTION PROCESSED BY IB	
Dec. 09, 2012	NOTIFICATION PROCESSED BY IB	
Nov. 23, 2012	FINAL DISPOSITION NOTICE SENT TO IB	
Nov. 23, 2012	FINAL DISPOSITION PROCESSED	67445
Nov. 21, 2012	FINAL DISPOSITION NOTICE CREATED, TO BE SENT TO IB	
Aug. 21, 2012	REGISTERED-PRINCIPAL REGISTER	
Jun. 05, 2012	PUBLISHED FOR OPPOSITION	
May 16, 2012	NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB	
May 16, 2012	NOTICE OF START OF OPPOSITION PERIOD CREATED, TO BE SENT TO IB	
May 16, 2012	NOTICE OF PUBLICATION	
May 02, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
May 01, 2012	ASSIGNED TO LIE	69712
Apr. 11, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 06, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Apr. 05, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Apr. 05, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Nov. 16, 2011	NON-FINAL ACTION MAILED	
Nov. 15, 2011	NON-FINAL ACTION WRITTEN	80802
Nov. 03, 2011	ASSIGNED TO EXAMINER	80802
Nov. 02, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Nov. 02, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Nov. 02, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Nov. 02, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 02, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 26, 2011	REFUSAL PROCESSED BY IB	
May 03, 2011	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
May 03, 2011	REFUSAL PROCESSED BY MPU	68359
May 03, 2011	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
May 03, 2011	APPLICATION FILING RECEIPT MAILED	
May 02, 2011	NON-FINAL ACTION WRITTEN	85324
Apr. 29, 2011	ASSIGNED TO EXAMINER	85324
Apr. 29, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 28, 2011	SN ASSIGNED FOR SECT 66A APPL FROM IB	

International Registration Information (Section 66a)

International Registration Number: 1073241	International Registration Date: Jan. 27, 2011
Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION PROCESSED	Date of International Registration Status: Apr. 28, 2011
Notification of Designation Date: Apr. 28, 2011	Date of Automatic Protection: Oct. 28, 2012
International Registration Renewal Date: Jan. 27, 2021	
First Refusal Flag: Yes	

TM Staff and Location Information

TM Staff Information - None	
File Location	
Current Location: PUBLICATION AND ISSUE SECTION	Date in Location: Aug. 21, 2012

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91221258](#) Filing Date: Mar 27, 2015

Status: Pending Status Date: Mar 27, 2015

Interlocutory Attorney: BENJAMIN U OKEKE

Defendant

Name: A & V 2000 inc.

Correspondent Address: JEFFREY C. JOYCE
BOHAN MATHERS, LLC
PO BOX 449
PORTLAND ME , 04112-0449

Correspondent e-mail: trademarks@bohanmathers.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NUTERRA	Opposition Pending	86047544	

Plaintiff(s)

Name: Ferrero S.p.A.

Correspondent Address: Leo M. Loughlin
Rothwell, Figg, Ernst & Manbeck, p.c.
607 14th Street, N.W.8th Floor
Washington DC , 20005
UNITED STATES

Correspondent e-mail: PTO-TM-Email@rothwellfigg.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NUTELLA	Renewed	72258993	855647
NUTELLA	Renewed	73419618	1296656
NUTELLA FERRERO HAZELNUT SPREAD WITH SKIM MILK & COCOA	Renewed	74688620	2000985
NUTELLA LOVE	Registered	79081216	3930669
NUTELLA	Registered	79095848	4192415

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 27, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 27, 2015	May 06, 2015
3	PENDING, INSTITUTED	Mar 27, 2015	

Type of Proceeding: Opposition

Proceeding Number: [91215691](#) Filing Date: Apr 01, 2014

Status: Terminated Status Date: Jul 16, 2014

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Michael Petruzzo

Correspondent Address: MICHAEL PETRUZZO
2239 KIRK AVENUE
BALTIMORE MD , 21218 6204
UNITED STATES

Correspondent e-mail: michael@darkheartfelt.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NOTECLA	Abandoned - After Inter-Partes Decision	85786138	

Plaintiff(s)

Name: Ferrero S.p.A.

Correspondent Address: LEO M LOUGHLIN

ROTHWELL FIGG ERNST & MANBECK PC
607 14TH STREET NW, 8TH FLOOR
WASHINGTON DC , 20005
UNITED STATES

Correspondent e-mail: PTO-TM-Email@rothwellfigg.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NUTELLA	Renewed	72258993	855647
NUTELLA	Renewed	73419618	1296656
NUTELLA FERRERO HAZELNUT SPREAD WITH SKIM MILK & COCOA	Renewed	74688620	2000985
NUTELLA LOVE	Registered	79081216	3930669
NUTELLA	Registered	79095848	4192415

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 01, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 01, 2014	May 11, 2014
3	PENDING, INSTITUTED	Apr 01, 2014	
4	NOTICE OF DEFAULT	May 27, 2014	
5	BD DECISION: SUSTAINED	Jul 16, 2014	
6	TERMINATED	Jul 16, 2014	