

ESTTA Tracking number: **ESTTA776544**

Filing date: **10/13/2016**

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

| | |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proceeding | 91221291 |
| Party | Plaintiff Ferrero S.p.A. |
| Correspondence Address | LEO M LOUGHLIN ROTHWELL FIGG ERNST & MANBECK PC 607 14TH STREET NW, 8TH FLOOR WASHINGTON, DC 20005 UNITED STATES PTO-TM-Email@rothwellfigg.com |
| Submission | Plaintiff's Notice of Reliance |
| Filer's Name | Leo M. Loughlin |
| Filer's e-mail | PTO-TM-Email@rothwellfigg.com |
| Signature | /Leo M. Loughlin/ |
| Date | 10/13/2016 |
| Attachments | Notice of Reliance Under Rule 2.122(d)(2).pdf(608792 bytes) |

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

| | | |
|--------------------------------|---|-------------------------|
| Ferrero S.p.A. |) | |
| |) | |
| Opposer, |) | |
| |) | |
| v. |) | Opposition No. 91221291 |
| |) | |
| Ruchi Soya Industries Limited, |) | |
| |) | |
| Applicant. |) | |

NOTICE OF RELIANCE UNDER RULE 2.122 (d)(2)

Opposer, Ferrero S.p.A., hereby notifies Applicant, Ruchi Soya Industries Limited, of its reliance upon the following United States Trademark Registrations (identified as Exhibit B1-B3):

| Exhibit | Registration No. | Mark | Owner |
|---------|---------------------|--------------------------------------------------------------------------------------|----------------|
| B1 | 855,647 | NUTELLA | Ferrero S.p.A. |
| B2 | 1,296,656 |  | Ferrero S.p.A. |

| | | | |
|----|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| B3 | 2,000,985 |  <p>The image shows the Nutella logo in a stylized, lowercase font. Below the logo is the word "FERRERO" in a smaller, uppercase font. Underneath the logo and brand name is a detailed illustration of a jar of Nutella spread, a slice of bread with the spread on it, and a knife. Below the illustration is the text "Hazelnut Spread with Skim Milk & Cocoa".</p> | Ferrero S.p.A. |
|----|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|

Opposer will rely on these registrations for priority, similarity of the respective marks, similarity of the respective goods/services, similarity of the respective channels of trade, and fame of the NUTELLA marks.

Respectfully submitted,

Ferrero S.p.A.

By 
E. Anthony Figg
Leo M. Loughlin
Rothwell, Figg, Ernst & Manbeck, p.c.
607 14th Street, N.W.
8th Floor
Washington, D.C. 20005
Phone: (202) 783-6040
ATTORNEYS FOR OPPOSER

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **NOTICE OF RELIANCE UNDER RULE 2.122(d)(2)** has been served, by U.S. First Class Mail, postage prepaid, on October 13, 2016, on the following counsel:

Robert B. Golden, Esquire
LACKENBACH SIEGEL LLP
1 CHASE RD, LACKENBACH SIEGEL BLDG, PENTHOUSE
SCARSDALE, NY 10583-4156
UNITED STATES



Leo M. Loughlin

2771487

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Mark: NUTELLA

US Serial Number: 72258993

Application Filing Date: Nov. 18, 1966

US Registration Number: 855647

Registration Date: Aug. 27, 1968

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Jul. 05, 2008

Mark Information

Mark Literal Elements: NUTELLA

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Foreign Information

Foreign Registration Number: 164196

Foreign Registration Date: Oct. 10, 1963

Foreign Application/Registration Country: ITALY

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: SPREAD CONTAINING COCOA AND OTHER INGREDIENTS

International Class(es): 029

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

Class Status: ACTIVE

Basis: 44(e)

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: Yes

Currently 44E: Yes

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: FERRERO S.P.A.

Owner Address: PIAZZALE PIETRO FERRERO 1
ALBA (TORINO)
ITALY

Legal Entity Type: CORPORATION

State or Country ITALY
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Leo M. Loughlin

Docket Number: 1580-142

Attorney Primary PTO-TM-Email@rfem.com
Email Address:

Attorney Email Yes
Authorized:

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 In the statement, column 1, lines 1 and 2 doing business as" should be deleted.
Registration:

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.

Execution Date: Sep. 24, 1981

Legal Entity Type: UNKNOWN

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: 7

Type of Proceeding: Opposition

Proceeding Number: 91221291

Filing Date: Mar 31, 2015

Status: Pending

Status Date: Mar 31, 2015

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Ruchi Soya Industries Limited

Correspondent Address: ROBERT B GOLDEN
LACKENBACH SIEGEL LLP
1 CHASE RD, LACKENBACH SIEGEL BLDG, PENTHOUSE
SCARSDALE NY , 10583-4156
UNITED STATES

Correspondent e-mail: RGolden@LSELLP.com , EMenist@LSELLP.com , TMEFS@LSELLP.com

Associated marks

Serial

Registration

Mark Application Status Number Number
 NUTRELA Opposition Pending 86184298
 Plaintiff(s)

Name: Ferrero S.p.A.

Correspondent LEO M LOUGHLIN
 Address: 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 | <u>72258993</u> | <u>855647</u> |
| NUTELLA | Renewed | <u>73419618</u> | <u>1296656</u> |
| NUTELLA FERRERO HAZELNUT SPREAD WITH SKIM MILK & COCOA | Renewed | <u>74688620</u> | <u>2000985</u> |
| NUTELLA LOVE | Registered | <u>79081216</u> | <u>3930669</u> |
| NUTELLA | Registered | <u>79095848</u> | <u>4192415</u> |

Prosecution History

| Entry Number | History Text | Date | Due Date |
|--------------|------------------------------------------|--------------|--------------|
| 1 | FILED AND FEE | Mar 31, 2015 | |
| 2 | NOTICE AND TRIAL DATES SENT; ANSWER DUE: | Mar 31, 2015 | May 10, 2015 |
| 3 | PENDING, INSTITUTED | Mar 31, 2015 | |
| 4 | CHANGE OF CORRESP ADDRESS | May 11, 2015 | |
| 5 | ANSWER AND COUNTERCLAIM (FEE) | May 11, 2015 | |
| 6 | TRIAL DATES RESET | Jun 03, 2015 | |
| 7 | TRIAL DATES RESET | Jun 11, 2015 | |
| 8 | ANSWER TO COUNTERCLAIM | Jul 06, 2015 | |
| 9 | STIP FOR EXT | Jan 26, 2016 | |
| 10 | STIP FOR EXT | Jan 27, 2016 | |
| 11 | EXTENSION OF TIME GRANTED | Jan 27, 2016 | |
| 12 | P MOT TO COMPEL DISCOVERY | May 20, 2016 | |
| 13 | D OPP/RESP TO MOTION | Jun 24, 2016 | |
| 14 | SUSP PEND DISP OF OUTSTNDNG MOT | Jun 29, 2016 | |
| 15 | P WITHDRAWAL OF MOT TO COMPEL | Jun 30, 2016 | |
| 16 | TRIAL DATES RESET | Sep 02, 2016 | |
| 17 | STIP FOR EXT | Oct 04, 2016 | |
| 18 | EXTENSION OF TIME GRANTED | Oct 04, 2016 | |

Type of Proceeding: Opposition

Proceeding Number: 91221258 Filing Date: Mar 27, 2015

Status: Terminated Status Date: Jun 30, 2015

Interlocutory Attorney: BENJAMIN U OKEKE

Defendant

Name: A & V 2000 inc.

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

Correspondent e-mail: trademarks@bohanmathers.com

Associated marks

| Mark | Application Status | Serial Number | Registration Number |
|------|--------------------|---------------|---------------------|
|------|--------------------|---------------|---------------------|

NUTERRA

Abandoned - After Inter-Partes Decision

86047544

Plaintiff(s)

Name: Ferrero S.p.A.

Correspondent LEO M LOUGHLIN
Address: 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 | Mar 27, 2015 | |
| 2 | NOTICE AND TRIAL DATES SENT; ANSWER DUE: | Mar 27, 2015 | May 06, 2015 |
| 3 | PENDING, INSTITUTED | Mar 27, 2015 | |
| 4 | NOTICE OF DEFAULT | May 21, 2015 | |
| 5 | BD DECISION: SUSTAINED | Jun 30, 2015 | |
| 6 | TERMINATED | Jun 30, 2015 | |

Type of Proceeding: Opposition

Proceeding Number: [91215891](#)

Filing Date: Apr 01, 2014

Status: Terminated

Status Date: Jul 16, 2014

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Michael Petruzzo

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

Correspondent e-mail: michael@darkheartfell.com

Associated marks

| Mark | Application Status | Serial Number | Registration Number |
|----------|-----------------------------------------|--------------------------|---------------------|
| NOTE LLA | Abandoned - After Inter-Partes Decision | 85786138 | |

Plaintiff(s)

Name: Ferrero S.p.A.

Correspondent LEO M LOUGHLIN
Address: 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 | <u>74688620</u> | <u>2000985</u> |
| NUTELLA LOVE | Registered | <u>79081216</u> | <u>3930669</u> |
| NUTELLA | Registered | <u>79095848</u> | <u>4192415</u> |

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@davilawfirm.com

Associated marks

| Mark | Application Status | Serial Number | Registration Number |
|----------|-----------------------------------------|-----------------|---------------------|
| NUTRILIA | Abandoned - After Inter-Partes Decision | <u>77650553</u> | |

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,dlmoltrup@hhlaw.com

Associated marks

| Mark | Application Status | Serial Number | Registration Number |
|--------------------------------------------------------|--------------------|-----------------|---------------------|
| NUTELLA | Renewed | <u>72258993</u> | <u>855647</u> |
| NUTELLA | Renewed | <u>73419618</u> | <u>1296656</u> |
| NUTELLA FERRERO HAZELNUT SPREAD WITH SKIM MILK & COCOA | Renewed | <u>74688620</u> | <u>2000985</u> |

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

Table with 4 columns: Mark, Application Status, Serial Number, Registration Number. Row 1: NUTTELINE, Abandoned - After Inter-Partes Decision, 75539539, 855647

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

Table with 4 columns: Mark, Application Status, Serial Number, Registration Number. Row 1: NUTELLA, Renewed, 72258993, 855647

Prosecution History

Table with 4 columns: Entry Number, History Text, Date, Due Date. Rows 1-9 detailing prosecution history for NUTELLA.

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 DOMINICANOS C. POR A.

Associated marks

Table with 4 columns: Mark, Application Status, Serial Number, Registration Number. Row 1: NUCY, Abandoned - After Inter-Partes Decision, 73348440, 855647

Name: FERRERO S.P.A.

Associated marks

Table with 4 columns: Mark, Application Status, Serial Number, Registration Number. Row 1: NUTELLA, Renewed, 72258993, 855647

Prosecution History

Table with 4 columns: Entry Number, History Text, Date, Due Date. Rows 1-2 detailing prosecution history for NUTELLA.

| | | |
|----|-------------------------------------------------------|--------------|
| 3 | | 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 ALIMENTICIOS DOMINICANOS, C. PO R A.

Associated marks

| Mark | Application Status | Serial Number | Registration Number |
|------|-----------------------------------------|-----------------|---------------------|
| NUCY | Abandoned - After Inter-Partes Decision | <u>73300595</u> | |

Plaintiff(s)

Name: FERRERO S.P.A.

Associated marks

| Mark | Application Status | Serial Number | Registration Number |
|---------|--------------------|-----------------|---------------------|
| NUTELLA | Renewed | <u>72258993</u> | <u>855647</u> |

Prosecution History

| Entry Number | History Text | Date | Due Date |
|--------------|------------------------------------------|--------------|----------|
| 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

Application Filing Date: Apr. 01, 1983

US Registration Number: 1296656

Registration Date: Sep. 18, 1984

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Sep. 05, 2014

Publication Date: Jul. 03, 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

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: ITALY
Where Organized:

Attorney/Correspondence Information

Attorney of Record
Attorney Name: Devasena Reddy
Docket Number: IPAN-Nutella
Attorney Primary Email Address: devasena@hahnmoody.com
Attorney Email Authorized: Yes

Correspondent
Correspondent Name/Address: Devasena Reddy
Hahn & Moody LLP
19925 Stevens Creek Blvd.
Suite 100
Cupertino, CALIFORNIA 95014
UNITED STATES
Phone: 650 796 5427
Fax: 408 351 8808
Correspondent e-mail: devasena@hahnmoody.com reddyd55@yahoo.com
Correspondent e-mail Authorized: Yes

Domestic Representative
Domestic Representative Name: Devasena Reddy
Phone: 650 796 5427
Domestic Representative e-mail: devasena@hahnmoody.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 Section 8 - Accepted
Continued Use:

Affidavit of Section 15 - Accepted
Incontestability:

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.

Execution Date: Jan. 29, 1988

Legal Entity Type: CORPORATION

State or Country: DELAWARE
Where Organized:

Assignee

Name: ABC/WATERMARK, INC.

Legal Entity Type: UNKNOWN

State or Country: No Place Where Organized Found
Where Organized:

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: 4

Type of Proceeding: Opposition

Proceeding Number: 91221291

Filing Date: Mar 31, 2015

Status: Pending

Status Date: Mar 31, 2015

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Ruchi Soya Industries Limited

Correspondent Address: ROBERT B GOLDEN
LACKENBACH SIEGEL LLP
1 CHASE RD, LACKENBACH SIEGEL BLDG, PENTHOUSE
SCARSDALE NY , 10583-4156
UNITED STATES

Correspondent e-mail: RGolden@LSLLP.com , EMenist@LSLLP.com , TMEFS@LSLLP.com

Associated marks

| | | | |
|-------------|---------------------------|----------------------|----------------------------|
| Mark | Application Status | Serial Number | Registration Number |
| NUTRELA | Opposition Pending | <u>86184298</u> | |

Plaintiff(s)

Name: Ferrero S.p.A.

Correspondent LEO M LOUGHLIN
 Address: 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 | <u>72258993</u> | <u>855647</u> |
| NUTELLA | Renewed | <u>73419618</u> | <u>1296656</u> |
| NUTELLA FERRERO HAZELNUT SPREAD WITH SKIM MILK & COCOA | Renewed | <u>74688620</u> | <u>2000985</u> |
| NUTELLA LOVE | Registered | <u>79081216</u> | <u>3930669</u> |
| NUTELLA | Registered | <u>79095848</u> | <u>4192415</u> |

Prosecution History

| Entry Number | History Text | Date | Due Date |
|--------------|------------------------------------------|--------------|--------------|
| 1 | FILED AND FEE | Mar 31, 2015 | |
| 2 | NOTICE AND TRIAL DATES SENT; ANSWER DUE: | Mar 31, 2015 | May 10, 2015 |
| 3 | PENDING, INSTITUTED | Mar 31, 2015 | |
| 4 | CHANGE OF CORRESP ADDRESS | May 11, 2015 | |
| 5 | ANSWER AND COUNTERCLAIM (FEE) | May 11, 2015 | |
| 6 | TRIAL DATES RESET | Jun 03, 2015 | |
| 7 | TRIAL DATES RESET | Jun 11, 2015 | |
| 8 | ANSWER TO COUNTERCLAIM | Jul 06, 2015 | |
| 9 | STIP FOR EXT | Jan 26, 2016 | |
| 10 | STIP FOR EXT | Jan 27, 2016 | |
| 11 | EXTENSION OF TIME GRANTED | Jan 27, 2016 | |
| 12 | P MOT TO COMPEL DISCOVERY | May 20, 2016 | |
| 13 | D OPP/RESP TO MOTION | Jun 24, 2016 | |
| 14 | SUSP PEND DISP OF OUTSTNDNG MOT | Jun 29, 2016 | |
| 15 | P WITHDRAWAL OF MOT TO COMPEL | Jun 30, 2016 | |
| 16 | TRIAL DATES RESET | Sep 02, 2016 | |
| 17 | STIP FOR EXT | Oct 04, 2016 | |
| 18 | EXTENSION OF TIME GRANTED | Oct 04, 2016 | |

Type of Proceeding: Opposition

Proceeding Number: 91221258

Filing Date: Mar 27, 2015

Number:

Status: Terminated

Status Date: Jun 30, 2015

Interlocutory Attorney: BENJAMIN U OKEKE

Defendant

Name: A & V 2000 inc.

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

Correspondent e-mail: trademarks@bohanmathers.com

Associated marks

Serial Registration

Mark Application Status Number Number
 NUTERRA Abandoned - After Inter-Partes Decision 86047544
 Plaintiff(s)

Name: Ferrero S.p.A.

Correspondent LEO M LOUGHLIN
 Address: 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 | <u>72258993</u> | <u>855647</u> |
| NUTELLA | Renewed | <u>73419618</u> | <u>1296656</u> |
| NUTELLA FERRERO HAZELNUT SPREAD WITH SKIM MILK & COCOA | Renewed | <u>74688620</u> | <u>2000985</u> |
| NUTELLA LOVE | Registered | <u>79081216</u> | <u>3930669</u> |
| NUTELLA | Registered | <u>79095848</u> | <u>4192415</u> |

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 | |
| 4 | NOTICE OF DEFAULT | May 21, 2015 | |
| 5 | BD DECISION: SUSTAINED | Jun 30, 2015 | |
| 6 | TERMINATED | Jun 30, 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 MICHAEL PETRUZZO
 Address: 2239 KIRK AVENUE
 BALTIMORE MD , 21218 6204
 UNITED STATES

Correspondent e-mail: michael@darkheartfelt.com

Associated marks

| Mark | Application Status | Serial Number | Registration Number |
|---------|-----------------------------------------|-----------------|---------------------|
| NOTELLA | Abandoned - After Inter-Partes Decision | <u>85786138</u> | |

Plaintiff(s)

Name: Ferrero S.p.A.

Correspondent LEO M LOUGHLIN
 Address: 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 | <u>72258993</u> | <u>855647</u> |

| | | | |
|--------------------------------------------------------|------------|-----------------|----------------|
| NUTELLA | Renewed | <u>73419618</u> | <u>1296656</u> |
| NUTELLA FERRERO HAZELNUT SPREAD WITH SKIM MILK & COCOA | Renewed | <u>74688620</u> | <u>2000985</u> |
| NUTELLA LOVE | Registered | <u>79081216</u> | <u>3930669</u> |
| NUTELLA | Registered | <u>79095848</u> | <u>4192415</u> |

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 | <u>77650553</u> | |

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, d1moltrup@hhlaw.com

Associated marks

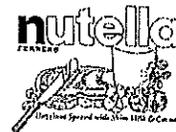
| Mark | Application Status | Serial Number | Registration Number |
|--------------------------------------------------------|--------------------|-----------------|---------------------|
| NUTELLA | Renewed | <u>72258993</u> | <u>855647</u> |
| NUTELLA | Renewed | <u>73419618</u> | <u>1296656</u> |
| NUTELLA FERRERO HAZELNUT SPREAD WITH SKIM MILK & COCOA | Renewed | <u>74688620</u> | <u>2000985</u> |

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 | |

Generated on: This page was generated by TSDR on 2016-10-05 11:36:49 EDT

Mark: NUTELLA FERRERO HAZELNUT SPREAD WITH SKIM MILK & COCOA



US Serial Number: 74688620

Application Filing Date: Jun. 14, 1995

US Registration Number: 2000985

Registration Date: Sep. 17, 1996

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Nov. 25, 2006

Publication Date: Jun. 25, 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)

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

Maintenance Filings or Post Registration Information

Affidavit of Section 8 - Accepted
Continued Use:

Affidavit of Section 15 - Accepted
Incontestability:

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 4
Proceedings:

Type of Proceeding: Opposition

Proceeding 91221291 Filing Date: Mar 31, 2015
Number:
Status: Pending Status Date: Mar 31, 2015
Interlocutory YONG OH (RICHARD) KIM
Attorney:

Defendant

Name: Ruchi Soya Industries Limited

Correspondent ROBERT B GOLDEN
Address: LACKENBACH SIEGEL LLP
1 CHASE RD, LACKENBACH SIEGEL BLDG, PENTHOUSE
SCARSDALE NY , 10583-4156
UNITED STATES

Correspondent e-mail: RGolden@LSLLP.com , EMenist@LSLLP.com , TMEFS@LSLLP.com

Associated marks

| Mark | Application Status | Serial Number | Registration Number |
|---------|------------------------------------|-----------------|---------------------|
| NUTRELA | Opposition Pending Plaintiff(s) | <u>86184298</u> | |

Name: Ferrero S.p.A.

Correspondent LEO M LOUGHLIN
Address: 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 | <u>72258993</u> | <u>855647</u> |
| NUTELLA | Renewed | <u>73419618</u> | <u>1296656</u> |
| NUTELLA FERRERO HAZELNUT SPREAD WITH SKIM MILK & COCOA | Renewed | <u>74688620</u> | <u>2000985</u> |
| NUTELLA LOVE | Registered | <u>79081216</u> | <u>3930669</u> |
| NUTELLA | Registered | <u>79095848</u> | <u>4192415</u> |

Prosecution History

| Entry Number | History Text | Date | Due Date |
|--------------|--------------|------|----------|
|--------------|--------------|------|----------|

| | | | |
|----|------------------------------------------|--------------|--------------|
| 1 | FILED AND FEE | Mar 31, 2015 | |
| 2 | NOTICE AND TRIAL DATES SENT; ANSWER DUE: | Mar 31, 2015 | May 10, 2015 |
| 3 | PENDING. INSTITUTED | Mar 31, 2015 | |
| 4 | CHANGE OF CORRESP ADDRESS | May 11, 2015 | |
| 5 | ANSWER AND COUNTERCLAIM (FEE) | May 11, 2015 | |
| 6 | TRIAL DATES RESET | Jun 03, 2015 | |
| 7 | TRIAL DATES RESET | Jun 11, 2015 | |
| 8 | ANSWER TO COUNTERCLAIM | Jul 06, 2015 | |
| 9 | STIP FOR EXT | Jan 26, 2016 | |
| 10 | STIP FOR EXT | Jan 27, 2016 | |
| 11 | EXTENSION OF TIME GRANTED | Jan 27, 2016 | |
| 12 | P MOT TO COMPEL DISCOVERY | May 20, 2016 | |
| 13 | D OPP/RESP TO MOTION | Jun 24, 2016 | |
| 14 | SUSP PEND DISP OF OUTSTNDNG MOT | Jun 29, 2016 | |
| 15 | P WITHDRAWAL OF MOT TO COMPEL | Jun 30, 2016 | |
| 16 | TRIAL DATES RESET | Sep 02, 2016 | |
| 17 | STIP FOR EXT | Oct 04, 2016 | |
| 18 | EXTENSION OF TIME GRANTED | Oct 04, 2016 | |

Type of Proceeding: Opposition

Proceeding Number: 91221258 Filing Date: Mar 27, 2015
 Status: Terminated Status Date: Jun 30, 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
 UNITED STATES
 Correspondent e-mail: trademarks@bohannmathers.com

Associated marks

| Mark | Application Status | Serial Number | Registration Number |
|---------|-----------------------------------------|-----------------|---------------------|
| NUTERRA | Abandoned - After Inter-Partes Decision | <u>86047544</u> | |

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 | <u>72258993</u> | <u>855647</u> |
| NUTELLA | Renewed | <u>73419618</u> | <u>1296656</u> |
| NUTELLA FERRERO HAZELNUT SPREAD WITH SKIM MILK & COCOA | Renewed | <u>74688620</u> | <u>2000985</u> |
| NUTELLA LOVE | Registered | <u>79081216</u> | <u>3930669</u> |
| NUTELLA | Registered | <u>79095848</u> | <u>4192415</u> |

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 |
| 4 | NOTICE OF DEFAULT | May 21, 2015 |
| 5 | BD DECISION: SUSTAINED | Jun 30, 2015 |
| 6 | TERMINATED | Jun 30, 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 MICHAEL PETRUZZO
Address: 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 | <u>85786138</u> | |

Plaintiff(s)

Name: Ferrero S.p.A.

Correspondent LEO M LOUGHLIN
Address: 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 | <u>72258993</u> | <u>855647</u> |
| NUTELLA | Renewed | <u>73419618</u> | <u>1296656</u> |
| NUTELLA FERRERO HAZELNUT SPREAD WITH SKIM MILK & COCOA | Renewed | <u>74688620</u> | <u>2000985</u> |
| NUTELLA LOVE | Registered | <u>79081216</u> | <u>3930669</u> |
| NUTELLA | Registered | <u>79095848</u> | <u>4192415</u> |

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 CHRISTOPHER J. DAY
Address: 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 Plaintiff(s) | <u>77650553</u> | |

Name: Ferrero S.p.A.

Correspondent Raymond A. Kurz
Address: 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 | <u>72258993</u> | <u>855647</u> |
| NUTELLA | Renewed | <u>73419618</u> | <u>1296656</u> |
| NUTELLA FERRERO HAZELNUT SPREAD WITH SKIM MILK & COCOA | Renewed | <u>74688620</u> | <u>2000985</u> |

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 | |