

ESTTA Tracking number: **ESTTA668490**

Filing date: **04/23/2015**

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	Hershey Chocolate & Confectionery Corporation
Granted to Date of previous extension	05/20/2015
Address	4860 Robb St Suite 204 Wheat Ridge, CO 80033 UNITED STATES
Attorney information	Paul Llewellyn Kaye Scholer LLP 250 West 55th Street New York, NY 10019-9710 UNITED STATES paul.llewellyn@kayescholer.com, tmdocketing@kayescholer.com Phone:212-836-7828

Applicant Information

Application No	79152263	Publication date	01/20/2015
Opposition Filing Date	04/23/2015	Opposition Period Ends	05/20/2015
International Registration No.	1216616	International Registration Date	06/17/2014
Applicant	Dochirnie pidpriemstvo "Kondyterska korporatsiia "Roshen" Elektrykiv vul., 26/9 UKRAINE		

Goods/Services Affected by Opposition

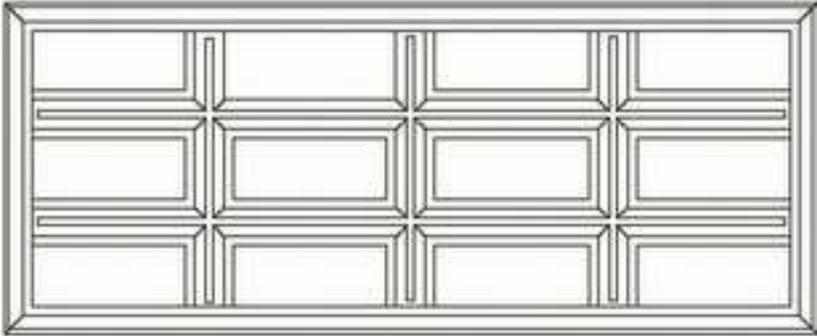
Class 030. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Chocolate
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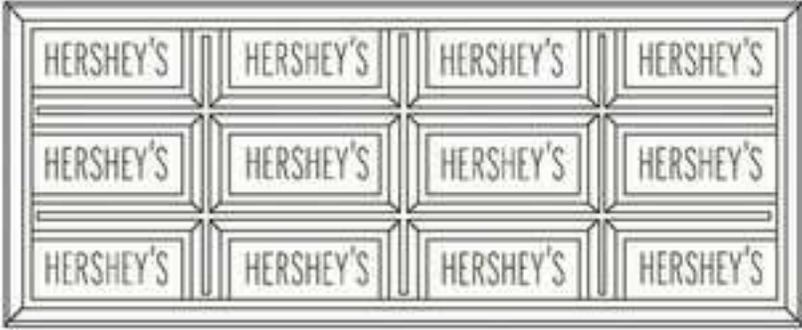
Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
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.	4322502	Application Date	08/20/2009
Registration Date	04/23/2013	Foreign Priority	NONE

		Date	
Word Mark	NONE		
Design Mark			
Description of Mark	The mark is a configuration of a candy bar that consists of twelve (12) equally-sized recessed rectangular panels arranged in a four panel by three panel format with each panel having its own raised border within a large rectangle.		
Goods/Services	Class 030. First use: First Use: 1968/12/31 First Use In Commerce: 1968/12/31 candy; chocolate		

U.S. Registration No.	3668662	Application Date	09/29/2008
Registration Date	08/18/2009	Foreign Priority Date	NONE
Word Mark	HERSHEY'S HERSHEY'S HERSHEY'S HERSHEY'SHERSHEY'S HERSHEY'S HERSHEY'S HERSHEY'SHERSHEY'S HERSHEY'S HERSHEY'S HERSHEY'S		
Design Mark			
Description of Mark	The mark consists of Twelve (12) equally-sized recessed rectangular panels arranged in a four panel by three panel format with each panel having its own raised border within a large rectangle with letters spelling "HERSHEY'S" in each recessed panel.		
Goods/Services	Class 030. First use: First Use: 1968/12/31 First Use In Commerce: 1968/12/31 Candy		

U.S. Registration No.	3742438	Application Date	07/02/2009
Registration Date	01/26/2010	Foreign Priority Date	NONE
Word Mark	HERSHEY'S		

Design Mark	
Description of Mark	The mark consists of a recessed rectangle having a raised border with letters spelling "HERSHEY'S" on the recessed rectangle.
Goods/Services	Class 030. First use: First Use: 1968/12/31 First Use In Commerce: 1968/12/31 Candy; Chocolate

Attachments	77809223#TMSN.png(bytes) 77581348#TMSN.png(bytes) 77773616#TMSN.png(bytes) Opposition - ELEGANCE.pdf(187818 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 USPS Express Mail Post Office to Addressee on this date.

Signature	/paul c. llewellyn/
Name	Paul Llewellyn
Date	04/23/2015

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

HERSHEY CHOCOLATE &
CONFECTIONERY CORPORATION

Opposer,

v.

DOTCHIRNE PIDPRIEMSTVO
"KONDITERSKA KORPORATZIA
"ROSHEN", Applicant.

Opposition No. 79152263

Mark: ELEGANCE & Design
Serial No: 79/152,263
Filed: June 17, 2014
Published: January 20, 2015

NOTICE OF OPPOSITION

Opposer Hershey Chocolate & Confectionery Corporation ("Hershey Chocolate"), a Delaware corporation located and doing business at 4860 Robb Street, Suite 204, Wheat Ridge, Colorado, believes that it will be damaged by the registration of the mark ELEGANCE and design shown in the subject application, Serial No. 79/152,263, and therefore opposes the same.

As grounds for its opposition, Hershey Chocolate alleges that:

1. Hershey Chocolate owns a number of trademarks for candy, chocolate, cocoa, confectionery and related products manufactured by its parent company and licensee, The Hershey Company, a leading snack food company and one of the largest North American manufacturers of quality chocolate and non-chocolate confectionery products. (In this notice, Hershey Chocolate and The Hershey Company are collectively referred to as "Hershey").

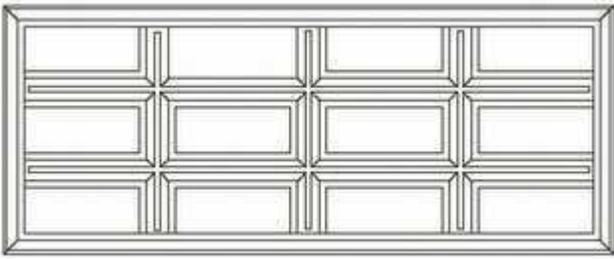
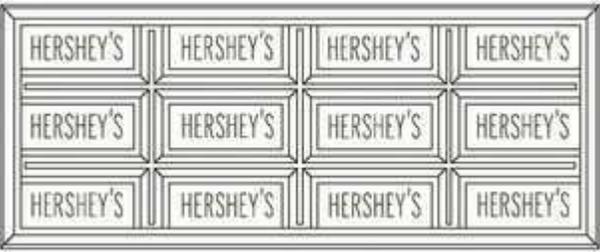
2. Hershey's flagship product is the iconic HERSHEY'S milk chocolate bar. First introduced in 1900, today the HERSHEY'S milk chocolate bar is one of the top-selling and most recognizable candy bars in the United States.

3. Since at least 1968, Hershey has sold HERSHEY'S milk chocolate bars in a distinctive configuration (the "Bar Configuration"), consisting of a rectangular candy bar with a

beveled edge that is divided into equally sized segments arrayed in various formats (e.g., four-by-three or four-by-four), with each segment or “pip” having (i) a rectangular shape proportional to the dimensions of the overall candy bar, (ii) a beveled edge and (iii) a recessed interior (the “Pip Design” and, together with the Bar Configuration, the “Hershey Designs”).

4. Hershey has used the Bar Configuration in connection with a number of other famous candy bars, including MR. GOODBAR, SPECIAL DARK, KRACKEL and COOKIES-N-CREAM candy bars. Hershey also uses the Pip Design separately in connection with its HERSHEY’S MINIATURES products, which consist of individually wrapped segments of HERSHEY’S milk chocolate, MR. GOODBAR, SPECIAL DARK and KRACKEL candy bars.

5. Hershey Chocolate owns three federal trademark registrations covering the Hershey Designs:

Trademark	Reg. No.	Goods
	4,322,502	Candy; chocolate
	3,668,662	Candy
	3,742,438	Candy; chocolate

6. True and correct copies of current printouts from the USPTO Trademark Status & Document Retrieval database, showing the current status and title of the foregoing registrations, are attached as **Exhibit A**.

7. As a result of Hershey's exclusive use of the Hershey Designs for many decades, as well as Hershey's extensive advertising and promotion of the Hershey Designs and products embodying those designs, the Hershey Designs have become valuable assets of Hershey, serving as a symbol for Hershey's goods and of the goodwill which is associated with those goods. The Hershey Designs are famous and distinctive among consumers in the United States and became famous and distinctive well before Applicant filed the subject application or began use of its applied-for mark.

8. Despite Hershey's prior common law and statutory rights in the Hershey Designs, applicant Dotchirne Pidpriemstvo "Konditerska Korporatzia "Roshen" ("Applicant"), with at least constructive notice of Hershey Chocolate's federal registrations, and long after Hershey established rights in and to the Hershey Designs, applied to register the mark ELEGANCE and design, as shown in the subject application, for "Chocolate" in International Class 30.

9. The applied-for mark depicts a chocolate bar with segments that are highly similar to those protected by the Hershey Designs. Indeed, the segments depicted in the applied-for mark are virtually indistinguishable from the segments used by Hershey in the Pip Design and Bar Configuration, and appear to be two connected iterations of the Pip Design, or two segments of a bar embodying the Bar Configuration.

10. Hershey believes and therefore alleges that Applicant's goods, as described in the subject application, are or would be offered through the same or similar channels of trade to the

same or similar customers or users as those goods sold by Hershey under the Hershey Designs, and are highly related to Hershey's goods.

11. Hershey believes and therefore alleges that use and registration of the applied-for mark will damage Hershey, for the following reasons, among others:

- a. customers and purchasers of the respective goods and services would be confused, mistaken, or deceived as to the source and origin of Applicant's goods rendered under the applied-for mark;
- b. customers and purchasers of the respective goods and services will assume, contrary to fact, that Applicant's goods come from, are associated with, sponsored by, approved by, or otherwise related to or affiliated with Hershey; and
- c. Applicant's use of the applied-for mark is likely to dilute the distinctive quality of the Hershey Designs.

12. The applied-for mark so resembles Hershey's previously used and registered Hershey Designs as to be likely, when applied to the goods set forth in the subject application, to cause confusion, mistake or deception within the meaning of 15 U.S.C. § 1052(d).

13. The applied-for mark is likely to dilute the distinctive quality of Hershey's famous, distinctive and federally registered Hershey Designs within the meaning of 15 U.S.C. § 1125(c)(1).

WHEREFORE, Hershey respectfully prays that this opposition be sustained and that registration to Applicant be refused.

The United States Patent and Trademark Office and Trademark Trial and Appeal Board are authorized to collect any fees necessitated by this Notice of Opposition from the deposit account of Hershey's attorneys, Kaye Scholer LLP, Deposit Account No. 11-0228.

Dated: New York, New York
April 23, 2015

Respectfully submitted,

KAYE SCHOLER LLP

By: /s/ Paul C. Llewellyn
Paul C. Llewellyn
Kyle D. Gooch
250 West 55th Street
New York, NY 10019-9710
(212) 836-8000
paul.llewellyn@kayescholer.com
kyle.gooch@kayescholer.com

*Attorneys for Opposer Hershey
Chocolate & Confectionery Corporation*

CERTIFICATE OF SERVICE

I certify that the foregoing Notice of Opposition is being electronically filed with the United States Patent and Trademark Office on April 23, 2015, and that a true and correct copy of the foregoing Notice of Opposition with exhibit was served by USPS Priority International Mail, postage prepaid, on the correspondent of record for the Applicant, namely:

Mariya Ortynska
Post Office Box 17
Kyiv-45 03045
Ukraine

/s/ Kyle D. Gooch

EXHIBIT A

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Mark:

HERSHEY'S HERSHEY'S



US Serial Number: 77581348

Application Filing Date: Sep. 29, 2008

US Registration Number: 3668662

Registration Date: Aug. 18, 2009

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Oct. 08, 2014

Publication Date: Jun. 02, 2009

Mark Information

Mark Literal Elements: HERSHEY'S HERSHEY'S

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of Twelve (12) equally-sized recessed rectangular panels arranged in a four panel by three panel format with each panel having its own raised border within a large rectangle with letters spelling "HERSHEY'S" in each recessed panel.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Acquired Distinctiveness Claim: In whole

Design Search Code(s): 08.03.01 - Candy bars, (chocolate); Chips, (chocolate); Chocolate candies; Chocolate chips
26.11.09 - Rectangles made of geometric figures, objects, humans, plants or animals

Related Properties Information

Claimed Ownership of US Registrations: 0054041, 0863592, 1367943

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: Candy

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 31, 1968

Use in Commerce: Dec. 31, 1968

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: Hershey Chocolate & Confectionery Corporation

Owner Address: 4860 Robb Street, Suite 204
Wheat Ridge, COLORADO 80033
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: William J. Morris III
Attorney Primary Email Address: wmorris@hersheys.com
Docket Number: 10953
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: William J. Morris III
Hershey Chocolate & Confectionery Corporation
4860 Robb Street, Suite 204
Wheat Ridge, COLORADO 80033
UNITED STATES
Phone: 303-463-6550 ext. 12
Fax: 303-467-7997
Correspondent e-mail: wmorris@hersheys.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 08, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Oct. 08, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70132
Oct. 07, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70132
Oct. 01, 2014	TEAS SECTION 8 & 15 RECEIVED	
Aug. 18, 2009	REGISTERED-PRINCIPAL REGISTER	
Jun. 02, 2009	PUBLISHED FOR OPPOSITION	
May 13, 2009	NOTICE OF PUBLICATION	
Apr. 30, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	68658
Apr. 30, 2009	ASSIGNED TO LIE	68658
Apr. 30, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 16, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Dec. 16, 2008	NON-FINAL ACTION E-MAILED	6325
Dec. 16, 2008	NON-FINAL ACTION WRITTEN	59500
Dec. 08, 2008	ASSIGNED TO EXAMINER	59500
Oct. 03, 2008	NOTICE OF DESIGN SEARCH CODE MAILED	
Oct. 02, 2008	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

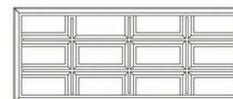
File Location

Current Location: TMEG LAW OFFICE 101

Date in Location: Oct. 08, 2014

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Mark:



US Serial Number: 77809223
Application Filing Date: Aug. 20, 2009
US Registration Number: 4322502
Registration Date: Apr. 23, 2013
Filed as TEAS Plus: Yes
Currently TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Apr. 23, 2013
Publication Date: Sep. 04, 2012

Mark Information

Mark Literal Elements: None
Standard Character Claim: No
Mark Drawing Type: 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)
Description of Mark: The mark is a configuration of a candy bar that consists of twelve (12) equally-sized recessed rectangular panels arranged in a four panel by three panel format with each panel having its own raised border within a large rectangle.
Color(s) Claimed: Color is not claimed as a feature of the mark.
Acquired Distinctiveness Claim: In whole
Design Search Code(s): 08.03.01 - Candy bars, (chocolate); Chips, (chocolate); Chocolate candies; Chocolate chips
26.11.02 - Plain single line rectangles; Rectangles (single line)
26.11.20 - Rectangles inside one another

Related Properties Information

Claimed Ownership of US Registrations: 3668662

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: candy; chocolate
International Class(es): 030 - Primary Class
U.S Class(es): 046
Class Status: ACTIVE
Basis: 1(a)
First Use: Dec. 31, 1968
Use in Commerce: Dec. 31, 1968

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: Hershey Chocolate & Confectionery Corporation
Owner Address: 4860 Robb Street, Suite 204
Wheat Ridge, COLORADO 80033

UNITED STATES
Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Paul Llewellyn

Docket Number: 29985-

Correspondent

Correspondent Name/Address: PAUL C LLEWELLYN
Kaye Scholer LLP
250 West 55th Street
New York, NEW YORK 10019-9710
UNITED STATES

Phone: 212-836-7828

Fax: 212-836-6463

Correspondent e-mail: paul.llewellyn@kayescholer.com tmddocketing@kayescholer.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 06, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 23, 2013	REGISTERED-PRINCIPAL REGISTER	
Mar. 19, 2013	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Oct. 25, 2012	EXPARTE APPEAL TERMINATED	809223
Oct. 03, 2012	EXTENSION OF TIME TO OPPOSE RECEIVED	
Sep. 04, 2012	PUBLISHED FOR OPPOSITION	
Aug. 15, 2012	NOTICE OF PUBLICATION	
Jul. 31, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	76568
Jul. 31, 2012	ASSIGNED TO LIE	76568
Jul. 16, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 28, 2012	EXPARTE APPEAL TERMINATED	809223
Jun. 28, 2012	EX PARTE APPEAL-REFUSAL REVERSED	809223
Jun. 09, 2011	EXAMINERS STATEMENT MAILED	
Jun. 09, 2011	EXAMINERS STATEMENT - COMPLETED	76081
Apr. 14, 2011	JURISDICTION RESTORED TO EXAMINING ATTORNEY	809223
Feb. 11, 2011	EX PARTE APPEAL-INSTITUTED	809223
Feb. 11, 2011	EXPARTE APPEAL RECEIVED AT TTAB	
Dec. 29, 2010	FINAL REFUSAL MAILED	
Dec. 28, 2010	FINAL REFUSAL WRITTEN	76081
Nov. 25, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Nov. 25, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 25, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Nov. 15, 2010	ATTORNEY REVOKED AND/OR APPOINTED	
Nov. 15, 2010	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 28, 2010	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 28, 2010	NON-FINAL ACTION E-MAILED	6325
May 28, 2010	NON-FINAL ACTION WRITTEN	76081
May 03, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
May 03, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
May 03, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Nov. 24, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Nov. 24, 2009	NON-FINAL ACTION E-MAILED	6325

Nov. 24, 2009	NON-FINAL ACTION WRITTEN	76081
Nov. 17, 2009	ASSIGNED TO EXAMINER	76081
Aug. 25, 2009	NOTICE OF DESIGN SEARCH CODE MAILED	
Aug. 24, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 24, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 23, 2013

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Extension of Time

Proceeding Number: [77809223](#)

Filing Date: Oct 03, 2012

Status: Terminated

Status Date: Mar 19, 2013

Interlocutory Attorney:

Defendant

Name: Hershey Chocolate & Confectionery Corpor

Correspondent Address: PAUL C LLEWELLYN
KAYE SCHOLER LLP
425 PARK AVE
NEW YORK NY , 10022
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
	Registered	77809223	4322502

Potential Opposer(s)

Name: Mars, Incorporated

Correspondent Address: Cristina A. Carvalho and Ross Q. Panko
Arent Fox LLP
1050 Connecticut Avenue NW
Washington DC , 20036
UNITED STATES

Correspondent e-mail: carvalho.cristina@arentfox.com , panko.ross@arentfox.com

Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Oct 03, 2012	
2	EXTENSION OF TIME GRANTED	Oct 04, 2012	
3	INCOMING - EXT TIME TO OPPOSE FILED	Jan 02, 2013	
4	EXTENSION OF TIME GRANTED	Jan 02, 2013	

Type of Proceeding: Exparte Appeal

Proceeding Number: [77809223](#)

Filing Date: Feb 11, 2011

Status: Terminated

Status Date: Oct 25, 2012

Interlocutory Attorney:

Plaintiff(s)

Name: Hershey Chocolate & Confectionery Corporation

Correspondent Address: PAUL C LLEWELLYN
KAYE SCHOLER LLP
425 PARK AVENUE
NEW YORK NY , 10022
UNITED STATES

Correspondent e-mail: pllewellyn@kayescholer.com , jeischeid@kayescholer.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
	Registered	77809223	4322502

Prosecution History			
Entry Number	History Text	Date	Due Date
1	APPEAL TO BOARD	Feb 11, 2011	
2	APPEAL ACKNOWLEDGED	Feb 11, 2011	
3	INSTITUTED	Feb 11, 2011	
4	APPEAL BRIEF	Apr 12, 2011	
5	APPEAL FORWARDED TO EXAMINER FOR BRIEF	Apr 14, 2011	
6	APPEAL BRIEF	Apr 12, 2011	
7	APPEAL BRIEF	Apr 12, 2011	
8	APPEAL BRIEF	Apr 12, 2011	
9	EXAMINER'S STATEMENT	Jun 09, 2011	
10	REPLY BRIEF	Jun 28, 2011	
11	D'S REQUEST FOR ORAL HEARING	Jun 28, 2011	
12	BOARD'S ORDER	Jun 29, 2011	
13	ORAL HEARING SCHEDULED	Oct 31, 2011	
14	ORAL HEARING APPEARANCE RECORD	Dec 08, 2011	
15	BOARD'S DECISION: REVERSED	Jun 28, 2012	
16	TERMINATED	Jun 28, 2012	
17	TERMINATED	Oct 25, 2012	

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Mark: HERSHEY'S



US Serial Number: 77773616
US Registration Number: 3742438
Filed as TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.
Status Date: Feb. 27, 2015
Publication Date: Nov. 10, 2009

Application Filing Date: Jul. 02, 2009
Registration Date: Jan. 26, 2010
Currently TEAS Plus: Yes

Mark Information

Mark Literal Elements: HERSHEY'S
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Description of Mark: The mark consists of a recessed rectangle having a raised border with letters spelling "HERSHEY'S" on the recessed rectangle.
Color(s) Claimed: Color is not claimed as a feature of the mark.
Acquired Distinctiveness Claim: In whole
Design Search Code(s): 25.01.01 - Frames, picture
26.11.20 - Rectangles inside one another

Related Properties Information

Claimed Ownership of US Registrations: 0054041, 0863592, 1367943

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
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For: Candy; Chocolate
International Class(es): 030 - Primary Class
Class Status: ACTIVE
Basis: 1(a)
First Use: Dec. 31, 1968
U.S Class(es): 046
Use in Commerce: Dec. 31, 1968

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: Hershey Chocolate & Confectionery Corporation
Owner Address: 4860 Robb Street, Suite 204
Wheat Ridge, COLORADO 80033

UNITED STATES
Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: William J. Morris III
Attorney Primary Email Address: trademarks@hersheys.com
Docket Number: 11287
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: William J. Morris III
Hershey Chocolate & Confectionery Corporation
4860 Robb Street
Suite 204
Wheat Ridge, COLORADO 80033
UNITED STATES
Phone: 303-463-6550 x12
Fax: 303-467-7997
Correspondent e-mail: trademarks@hersheys.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 27, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Feb. 27, 2015	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	64591
Feb. 26, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	64591
Feb. 11, 2015	TEAS SECTION 8 & 15 RECEIVED	
Jan. 26, 2010	REGISTERED-PRINCIPAL REGISTER	
Nov. 10, 2009	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 10, 2009	PUBLISHED FOR OPPOSITION	
Oct. 02, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	66213
Oct. 02, 2009	ASSIGNED TO LIE	66213
Sep. 21, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 18, 2009	ASSIGNED TO EXAMINER	72503
Jul. 08, 2009	NOTICE OF DESIGN SEARCH CODE MAILED	
Jul. 07, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 06, 2009	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 106

Date in Location: Feb. 27, 2015