

ESTTA Tracking number: **ESTTA673375**

Filing date: **05/20/2015**

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	Lewis Brothers Bakeries, Incorporated dba Lewis Bakeries, Inc.
Granted to Date of previous extension	05/20/2015
Address	500 N. Fulton Avenue Evansville, IN 47710 UNITED STATES
Correspondence information	Kathleen Gallagher-Duff Covington & Burling LLP One CityCenter, 850 Tenth Street N.W. Washington, DC 20001 UNITED STATES trademarks@cov.com

**Applicant Information**

Application No	86373005	Publication date	01/20/2015
Opposition Filing Date	05/20/2015	Opposition Period Ends	05/20/2015
Applicant	Louisvillicious Cakes & Desserts, LLC 4010 Graf Drive Louisville, KY 402203048 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 030. First Use: 2011/09/14 First Use In Commerce: 2011/09/14 All goods and services in the class are opposed, namely: Bakery products
Class 040. First Use: 2011/09/14 First Use In Commerce: 2011/09/14 All goods and services in the class are opposed, namely: Bakery services, namely, the manufacture of bakery products to order and/or to the specifications of others; custom cake decorating services

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
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**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	1335743	Application Date	10/20/1983
Registration Date	05/14/1985	Foreign Priority Date	NONE
Word Mark	LEWIS		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 030. First use: First Use: 1958/00/00 First Use In Commerce: 1958/00/00 Bakery Goods-Namely, Bread

U.S. Registration No.	1406985	Application Date	01/24/1986
Registration Date	08/26/1986	Foreign Priority Date	NONE
Word Mark	LEWIS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1958/00/00 First Use In Commerce: 1958/00/00 BAKERY GOODS		

U.S. Registration No.	1406986	Application Date	01/24/1986
Registration Date	08/26/1986	Foreign Priority Date	NONE
Word Mark	LEWIS BAKE SHOP		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1983/07/22 First Use In Commerce: 1983/07/22 BAKERY GOODS		

U.S. Registration No.	3842878	Application Date	08/17/2009
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Registration Date	08/31/2010	Foreign Priority Date	NONE
Word Mark	LEWIS BAKERIES		
Design Mark	<p style="text-align: center;"><b>LEWIS BAKERIES</b></p>		
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2010/03/01 First Use In Commerce: 2010/03/01 Bread and buns; Rolls		

U.S. Registration No.	3458011	Application Date	09/21/2005
Registration Date	07/01/2008	Foreign Priority Date	NONE
Word Mark	LEWIS BAKES IT HEALTHY!		
Design Mark	<p style="text-align: center;"><b>LEWIS BAKES IT HEALTHY!</b></p>		
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2005/10/20 First Use In Commerce: 2005/10/20 Bread; Buns; Rolls		

U.S. Registration No.	4112598	Application Date	08/19/2010
Registration Date	03/13/2012	Foreign Priority Date	NONE
Word Mark	LEWIS FAMILY LIFE		

Design Mark	LEWIS FAMILY LIFE
Description of Mark	NONE
Goods/Services	Class 030. First use: First Use: 2011/10/10 First Use In Commerce: 2011/10/10 Bread and buns

Attachments	73448946#TMSN.png( bytes ) 73579352#TMSN.png( bytes ) 77805638#TMSN.png( bytes ) 78717208#TMSN.png( bytes ) 85111496#TMSN.png( bytes ) Notice of Opp .pdf(488642 bytes ) Ex. A .pdf(818275 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	/kathleengallagher-duff/
Name	Kathleen Gallagher-Duff
Date	05/20/2015

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

In the Matter of : Serial No. 86/373,005

Date of Filing : August 21, 2014

Mark : LOUISVILLICIOUS

Date of Publication : January 20, 2015

Lewis Brothers Bakeries, Incorporated, d/b/a  
Lewis Bakeries, Inc.,

Opposer,

v.

Louisvillicious Cakes & Desserts, LLC,

Applicant.

Opposition No. \_\_\_\_\_

Serial No. 86/373,005

**NOTICE OF OPPOSITION**

Lewis Brothers Bakeries, Incorporated, d/b/a Lewis Bakeries, Inc.

("Opposer"), a Missouri corporation located and doing business at 500 N. Fulton Avenue, Evansville, Indiana 47710-1571, believes that it will be damaged by registration of the mark LOUISVILLICIOUS, shown in Serial No. 86/373,005 for bakery products, in International Class 30, and bakery services, namely, the manufacture of bakery products to order and/or to the specification of others, and custom cake decorating services, in International Class 40, and hereby opposes the same.

The grounds for opposition are as follows:

1. By the application herein opposed, Applicant Louisvillicious Cakes & Desserts, LLC seeks to obtain registration on the Principal Register of the United States Patent and Trademark Office (“PTO”) of the mark LOUISVILLICIOUS for bakery products, in International Class 30, and bakery services, namely, the manufacture of bakery products to order and/or to the specification of others, and custom cake decorating services, in International Class 40.

2. The application herein opposed was filed on August 21, 2014, and was published for opposition on January 20, 2015. On February 19, 2015, the Trademark Trial and Appeal Board (“TTAB”) granted Opposer’s request for a 90-day extension of time (until May 20, 2015) to file a Notice of Opposition. Accordingly, the filing of this Notice of Opposition is timely.

3. Opposer has adopted and has used in interstate commerce, from a time prior to any date upon which Applicant can rely, its mark LEWIS and its names and marks LEWIS BROS. BAKERIES, LEWIS BROTHERS BAKERIES, INC., LEWIS BAKERIES, INC. or LEWIS BAKERIES to identify a wide range of bakery goods.

4. Opposer is the owner of the following registrations: (i) LEWIS for bakery goods (Reg. No. 1,406,985); (ii) LEWIS and Design for bakery goods, namely, bread (Reg. No. 1,335,743); (iii) LEWIS BAKE SHOP and Design for bakery goods (Reg. No. 1,406,986); (iv) LEWIS BAKES IT HEALTHY! for bread, buns and rolls (Reg. No. 3,458,011); (v) LEWIS BAKERIES for bread, buns and rolls (Reg. No. 3,842,878); (vi) LEWIS FAMILY LIFE for bread and buns (Reg. No. 4,112,598) (the “LEWIS Registered Marks”). All of the foregoing registrations are registered on the Principal Register of the PTO and are valid, subsisting, and prima facie evidence of Opposer’s

exclusive right to use its LEWIS Registered Marks in commerce nationwide on the goods specified in the registrations. Furthermore, the federal registrations for LEWIS, LEWIS and Design, LEWIS BAKE SHOP and Design, and LEWIS BAKES IT HEALTHY! are incontestable. Copies of the registration certificates and of the current status of the registrations from the PTO's Trademark Applications and Registrations Retrieval ("TARR") database are attached hereto as Exhibit A.

5. In addition, for over 70 years Opposer has promoted its bakery goods under its LEWIS mark and has used the names and marks LEWIS BROS. BAKERIES, LEWIS BROTHERS BAKERIES, INC., LEWIS BAKERIES, INC. or LEWIS BAKERIES in connection with its bakery business. As a result of regular use for over (i) 70 years of its LEWIS mark and of the names and marks LEWIS BROS. BAKERIES, LEWIS BROTHERS BAKERIES, INC., LEWIS BAKERIES, INC., or LEWIS BAKERIES, (ii) over 55 years of its federally-registered mark LEWIS & Design; (iii) over 30 years of its federally-registered mark LEWIS BAKE SHOP & Design; (iv) nearly 15 years of its federally-registered mark LEWIS BAKES IT HEALTHY!; and (v) over three years of its federally-registered mark LEWIS FAMILY LIFE (collectively, "LEWIS Marks"), Opposer's LEWIS Marks have become known to the public as marks associated with Opposer, and Opposer has acquired significant and valuable goodwill associated therewith.

6. By adopting and using its LEWIS Marks for an extensive period of time, Opposer has acquired exclusive rights in those marks that are superior to those of Applicant in the mark LOUISVILLICIOUS.

7. The mark LOUISVILLICIOUS is confusingly similar to Opposer's LEWIS Marks. The dominant elements in Applicant's mark --the first two syllables "Lou"

and “Is”) are identical or nearly identical in sound to Opposer’s LEWIS mark and to the dominant element LEWIS in Opposer’s LEWIS Marks. The “villicious” portion of Applicant’s mark does not sufficiently distinguish Applicant’s mark from Opposer’s well-known LEWIS Marks. The commercial impressions of Applicant’s mark LOUISVILLICIOUS and Opposer’s LEWIS Marks are confusingly similar.

8. Furthermore, Applicant provides the exact same goods and services as Lewis Bakeries -- bakery products and the manufacture of bakery products. On information and belief, Applicant’s goods travel in the same channels of trade as goods identified by Opposer’s LEWIS Marks, and Applicant’s services are provided to the same type of customers as Lewis Bakeries’ bakery services, including retail outlets and consumers.

9. The adoption and use by Applicant of the mark LOUISVILLICIOUS on the goods and in connection with the services identified in Applicant's application is likely to cause confusion with Opposer’s widespread use of its LEWIS Marks, and is likely to cause consumers to assume, erroneously, that Applicant’s goods and services originate with, are sponsored or approved by, or somehow are associated with, Opposer. Opposer’s invaluable goodwill in its LEWIS Marks will be seriously jeopardized thereby.

10. Opposer will be damaged by registration of the mark LOUISVILLICIOUS for the goods and services covered in Applicant’s subject application because such registration will assist and support Applicant in the confusing and misleading use of the mark LOUISVILLICIOUS, and will create statutory rights in Applicant in violation and derogation of the prior and superior rights of Opposer.

11. A duplicate copy of this Notice of Opposition is enclosed herewith. Please charge the fee required in 37 C.F.R. § 2.6(a)(17), and any other fees required in

connection with this Petition, to the Deposit Account of Covington & Burling, LLP, Deposit Account No. 03-3412.

WHEREFORE, Opposer prays that this opposition be sustained and that registration of Application Serial No. 86/373,005 be denied.

By:   
Kathleen T. Gallagher-Duff  
Bingham B. Leverich  
Marie A. Lavalleye

Attorneys for Opposer  
Lewis Brothers Bakeries, Incorporated,  
d/b/a Lewis Bakeries, Inc.

Dated: May 20, 2015

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

Lewis Brothers Bakeries, Incorporated, d/b/a  
Lewis Bakeries, Inc.,

Opposer,

v.

Louisvillicious Cakes & Desserts, LLC,

Applicant.

Opposition No. \_\_\_\_\_

Serial No. 86/373,005

CERTIFICATE OF SERVICE

This is to certify that I have this 20th day of May 2015 served Applicant's counsel of record with the foregoing Notice of Opposition by email to [acahill@stites.com](mailto:acahill@stites.com) and by depositing a copy of the same in the United States mail, postage prepaid and properly addressed as follows:

Amy Sullivan Cahill, Esq.  
Stites & Harbison PLLC  
400 W Market Street  
Suite 1800  
Louisville, Kentucky 40202-3352

  
\_\_\_\_\_  
Kathleen T. Gallagher-Duff  
Counsel for Opposer Lewis Brothers Bakeries,  
Incorporated, d/b/a Lewis Bakeries, Inc.

# **EXHIBIT A**

Int. Cl.: 30

Prior U.S. Cl.: 46

**United States Patent and Trademark Office** **Reg. No. 1,335,743**  
Registered May 14, 1985

**TRADEMARK  
PRINCIPAL REGISTER**



LEWIS BROTHERS BAKERIES, INC. (ILLINOIS  
CORPORATION)  
BUNNY BREAD DR.  
ANNA, IL 62906

FOR: BAKERY GOODS—NAMELY, BREAD,  
IN CLASS 30 (U.S. CL. 46).

FIRST USE 0-0-1958; IN COMMERCE  
0-0-1958.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE REPRESENTATION OF A  
LOAF AND SLICES OF BREAD, APART FROM  
THE MARK AS SHOWN.  
SEC. 2(F).

SER. NO. 448,946, FILED 10-20-1983.

ROGER KATZ, EXAMINING ATTORNEY

Generated on: This page was generated by TSDR on 2015-05-20 12:37:08 EDT

Mark: LEWIS



US Serial Number: 73448946  
Application Filing Date: Oct. 20, 1983  
US Registration Number: 1335743  
Registration Date: May 14, 1985  
Register: Principal  
Mark Type: Trademark  
Status: The registration has been renewed.  
Status Date: Dec. 27, 2014  
Publication Date: Mar. 05, 1985

## Mark Information

Mark Literal Elements: LEWIS  
Standard Character Claim: No  
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)  
Disclaimer: No claim is made to the exclusive right to use representation of a loaf and slices of bread, apart from the mark as shown.  
Acquired Distinctiveness Claim: In whole  
Design Search Code(s): 05.07.02 - Bundles, grain; Haystacks; Stalks (grain)  
08.01.01 - Bread (whole loaves); Pita  
08.01.02 - Slices of bread, with or without spread

## 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: Bakery Goods-Namely, Bread  
International Class(es): 030 - Primary Class  
U.S Class(es): 046  
Class Status: ACTIVE  
Basis: 1(a)  
First Use: 1958  
Use in Commerce: 1958

## 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: Lewis Brothers Bakeries, Inc.  
Owner Address: 500 N. Fulton Avenue  
Evansville, ILLINOIS 47710  
UNITED STATES  
Legal Entity Type: CORPORATION  
State or Country Where Organized: MISSOURI

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Kathleen T. Gallagher-Duff

Docket Number: 025589.10053

Attorney Primary Email [trademarks@cov.com](mailto:trademarks@cov.com)  
Address:

Attorney Email Yes  
Authorized:

#### Correspondent

**Correspondent Name/Address:** Kathleen T. Gallagher-Duff  
COVINGTON & BURLING LLP  
One CityCenter, 850 Tenth Street, N.W.  
WASHINGTON, DISTRICT OF COLUMBIA 20001  
UNITED STATES

**Phone:** (202) 662-5299

**Fax:** 202-778-5299

**Correspondent e-mail:** [trademarks@cov.com](mailto:trademarks@cov.com)

**Correspondent e-mail** Yes  
Authorized:

#### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Dec. 27, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Dec. 27, 2014	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	70131
Dec. 27, 2014	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	70131
Dec. 27, 2014	SEC 7 REQUEST FILED	70131
Dec. 27, 2014	CERTIFICATE OF CORRECTION ISSUED	70131
Dec. 23, 2014	TEAS SECTION 7 REQUEST RECEIVED	
Dec. 23, 2014	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Dec. 10, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 08, 2014	POST REGISTRATION ACTION MAILED - SEC. 8 & 9	70131
Dec. 02, 2014	TEAS SECTION 8 & 9 RECEIVED	
May 22, 2008	CASE FILE IN TICRS	
Jul. 02, 2004	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Jul. 02, 2004	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
May 27, 2004	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
May 27, 2004	TEAS SECTION 8 & 9 RECEIVED	
Aug. 19, 1991	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Apr. 05, 1991	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
May 14, 1985	REGISTERED-PRINCIPAL REGISTER	
Mar. 05, 1985	PUBLISHED FOR OPPOSITION	
Feb. 21, 1985	NOTICE OF PUBLICATION	
Feb. 21, 1985	NOTICE OF PUBLICATION	
Jan. 24, 1985	NOTICE OF PUBLICATION	
Jan. 02, 1985	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 30, 1984	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Nov. 15, 1984	EXAMINERS AMENDMENT MAILED	
Oct. 29, 1984	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Apr. 24, 1984	NON-FINAL ACTION MAILED	
Apr. 02, 1984	ASSIGNED TO EXAMINER	

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** May 14, 2015

**Change in Registration:** Yes

**Correction made to Registration:** In the statement, column 1, lines 1 and 2, "(Illinois Corporation)" should be deleted and "(Missouri Corporation)", should be inserted.

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Dec. 27, 2014

### Proceedings

#### Summary

Number of Proceedings: 1

#### Type of Proceeding: Opposition

Proceeding Number: [91221817](#)

Filing Date: May 05, 2015

Status: Pending

Status Date: May 05, 2015

Interlocutory Attorney: JENNIFER KRISP

#### Defendant

Name: Louie's Bakery, LLC

Correspondent Address: ELDON J. VINCENT  
VINCENT & VREELAND, PC  
105 W MICHIGAN AVE  
MARSHALL MI , 49068-1580

Correspondent e-mail: [evincent@vvlawpc.com](mailto:evincent@vvlawpc.com); [awright@vvlawpc.co](mailto:awright@vvlawpc.co)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
LOUIE'S BAKERY	Opposition Pending	<a href="#">86347216</a>	

#### Plaintiff(s)

Name: Lewis Brothers Bakeries, Incorporated d/b/a Lewis Bakeries, Inc.

Correspondent Address: Kathleen T. Gallagher-Duff  
Covington & Burling LLP  
One City Center, 850 Tenth Street, N.W.  
Washington DC , 20004  
UNITED STATES

Correspondent e-mail: [trademarks@cov.com](mailto:trademarks@cov.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
LEWIS	Renewed	<a href="#">73579259</a>	<a href="#">1406985</a>
LEWIS	Renewed	<a href="#">73448946</a>	<a href="#">1335743</a>
LEWIS BAKE SHOP	Renewed	<a href="#">73579352</a>	<a href="#">1406986</a>
LEWIS BAKES IT HEALTHY!	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78717208</a>	<a href="#">3458011</a>
LEWIS BAKERIES	Registered	<a href="#">77805638</a>	<a href="#">3842878</a>
LEWIS FAMILY LIFE	Registered	<a href="#">85111496</a>	<a href="#">4112598</a>

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 05, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 05, 2015	Jun 14, 2015
3	PENDING, INSTITUTED	May 05, 2015	

Int. Cl.: 30

Prior U.S. Cl.: 46

**United States Patent and Trademark Office** **Reg. No. 1,406,985**  
Registered Aug. 26, 1986

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**TRADEMARK  
PRINCIPAL REGISTER**

**LEWIS**

LEWIS BROTHERS BAKERIES, INC. (MISSOURI CORPORATION), DBA LEWIS BAKERIES, INC.  
500 NORTH FULTON AVENUE  
EVANSVILLE, IN 47710

FOR: BAKERY GOODS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 0-0-1958; IN COMMERCE 0-0-1958.

OWNER OF U.S. REG. NO. 1,335,743.  
SEC. 2(F).

SER. NO. 579,259, FILED 1-24-1986.

IRA J. GOODSaid, EXAMINING ATTORNEY

Int. Cl.: 30

Prior U.S. Cl.: 46

**United States Patent and Trademark Office**

Reg. No. 1,406,985

Registered Aug. 26, 1986

**TRADEMARK  
PRINCIPAL REGISTER**

**LEWIS**

LEWIS BROTHERS BAKERIES, INC. (MISSOURI CORPORATION), DBA LEWIS BAKERIES, INC.  
500 NORTH FULTON AVENUE  
EVANSVILLE, IN 47710

FOR: BAKERY GOODS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 0-0-1958; IN COMMERCE 0-0-1958.  
OWNER OF U.S. REG. NO. 1,335,743.  
SEC. 2(F).

SER. NO. 579,259, FILED 1-24-1986.

IRA J. GOODSaid, EXAMINING ATTORNEY



Legal Entity Type: CORPORATION

State or Country Where Organized: MISSOURI

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: BINGHAM B. LEVERICH,

### Correspondent

Correspondent Name/Address: BINGHAM B LEVERICH ESQ  
COVINGTON & BURLING LLP  
One CityCenter, 850 Tenth Street, N.W.  
WASHINGTON, DISTRICT OF COLUMBIA 20001  
UNITED STATES

Phone: (202) 662-5299

Fax: 202-778-5299

Correspondent e-mail: [trademarks@cov.com](mailto:trademarks@cov.com)

Correspondent e-mail Authorized: Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Dec. 10, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 29, 2006	CASE FILE IN TICRS	
Mar. 09, 2006	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	64591
Mar. 09, 2006	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Mar. 09, 2006	ASSIGNED TO PARALEGAL	64591
Sep. 21, 2005	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Sep. 21, 2005	TEAS SECTION 8 & 9 RECEIVED	
May 19, 1992	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Mar. 11, 1992	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Aug. 26, 1986	REGISTERED-PRINCIPAL REGISTER	
Jun. 03, 1986	PUBLISHED FOR OPPOSITION	
May 04, 1986	NOTICE OF PUBLICATION	
Apr. 01, 1986	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 31, 1986	EXAMINER'S AMENDMENT MAILED	
Mar. 18, 1986	ASSIGNED TO EXAMINER	63030

## Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Aug. 26, 2006

## TM Staff and Location Information

TM Staff Information - None  
File Location

Current Location: SCANNING ON DEMAND

Date in Location: Sep. 29, 2006

## Assignment Abstract Of Title Information

### Summary

Total Assignments: 1

Registrant: LEWIS BROTHERS BAKERIES, INC.

### Assignment 1 of 1

Conveyance: SECURITY INTEREST

Reel/Frame: [1563/0282](#)

Pages: 22

Date Recorded: Mar. 12, 1997

Supporting Documents: No Supporting Documents Available

**Assignor**Name: [LEWIS BROTHERS BAKERIES INCORPORATED](#)

Execution Date: Jan. 27, 1997

Legal Entity Type: CORPORATION

State or Country Where Organized: MISSOURI

**Assignee**Name: [BANK ONE, INDIANAPOLIS, NATIONAL ASSOCIATION](#)

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

Address: BANK ONE CENTER TOWER, SUITE 1911  
111 MONUMENT CIRCLE  
INDIANAPOLIS, INDIANA 46227**Correspondent**

Correspondent Name: BAKER &amp; DANIELS

Correspondent Address: STEPHEN L. FOUTTY  
300 N. MERIDIAN STREET, SUITE 2700  
INDIANAPOLIS, IN 46204**Domestic Representative - Not Found**

## Proceedings

**Summary**

Number of Proceedings: 3

**Type of Proceeding: Opposition**Proceeding Number: [91221817](#)

Filing Date: May 05, 2015

Status: Pending

Status Date: May 05, 2015

Interlocutory Attorney: JENNIFER KRISP

**Defendant**

Name: Louie's Bakery, LLC

Correspondent Address: ELDON J. VINCENT  
VINCENT & VREELAND, PC  
105 W MICHIGAN AVE  
MARSHALL MI , 49068-1580Correspondent e-mail: [evincent@vvlawpc.com](mailto:evincent@vvlawpc.com); [awright@vvlawpc.co](mailto:awright@vvlawpc.co)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
LOUIE'S BAKERY	Opposition Pending	<a href="#">86347216</a>	

**Plaintiff(s)**

Name: Lewis Brothers Bakeries, Incorporated d/b/a Lewis Bakeries, Inc.

Correspondent Address: Kathleen T. Gallagher-Duff  
Covington & Burling LLP  
One City Center, 850 Tenth Street, N.W.  
Washington DC , 20004  
UNITED STATESCorrespondent e-mail: [trademarks@cov.com](mailto:trademarks@cov.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
LEWIS	Renewed	<a href="#">73579259</a>	<a href="#">1406985</a>
LEWIS	Renewed	<a href="#">73448946</a>	<a href="#">1335743</a>
LEWIS BAKE SHOP	Renewed	<a href="#">73579352</a>	<a href="#">1406986</a>
LEWIS BAKES IT HEALTHY!	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78717208</a>	<a href="#">3458011</a>
LEWIS BAKERIES	Registered	<a href="#">77805638</a>	<a href="#">3842878</a>
LEWIS FAMILY LIFE	Registered	<a href="#">85111496</a>	<a href="#">4112598</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 05, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 05, 2015	Jun 14, 2015

**Type of Proceeding: Opposition**Proceeding Number: [91153078](#)

Filing Date: Oct 02, 2002

Status: Terminated

Status Date: Oct 10, 2002

Interlocutory Attorney: DAVID M MERMELSTEIN

**Defendant**

Name: VOLIKAS-LINVILLE, VOULA

Correspondent Address: C. MICHAEL CORD  
 BAYLIFF, HARRIGAN, CORD & MAUGANS, P.C.  
 123 N. BUCKEYE STREET  
 KOKOMO, IN , 46904-2249  
 UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
LOUIE'S BAKES	Abandoned - After Publication	<a href="#">76170790</a>	

**Plaintiff(s)**

Name: LEWIS BROTHERS BAKERIES, INC.

Correspondent Address: KATHLEEN T. GALLAGHER-DAFF  
 COVINGTON & BURLING  
 1201 PENNSYLVANIA AVENUE, N.W.  
 WASHINGTON, DC , 20004-2401  
 UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
LEWIS	Renewed	<a href="#">73579259</a>	<a href="#">1406985</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 02, 2002	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 10, 2002	Nov 19, 2002
3	PENDING, INSTITUTED	Oct 10, 2002	
4	ANSWER	Nov 15, 2002	
5	PLN'S MOT TO RESET	Apr 28, 2003	
6	p's motion granted	Jun 11, 2003	
7	P'S ALLOW 30 DAYS TO SHOW CAUSE JUDGMENT DISMISSING NOT. OF OPP.	Apr 14, 2004	
8	BD'S DECISION: DISMISSED W/ PREJUDICE	Jun 03, 2004	
9	TERMINATED	Jun 03, 2004	

**Type of Proceeding: Extension of Time**Proceeding Number: [76170790](#)

Filing Date: Jul 18, 2002

Status: Terminated

Status Date: Jul 18, 2002

Interlocutory Attorney:

**Defendant**

Name: Volikas-Linville, Toula

Correspondent Address: TOULA VOLIKAS-LINVILLE  
 701 WILLOWRIDGE DR  
 KOKOMO IN , 46901-7044  
 UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
LOUIE'S BAKES	Abandoned - After Publication	<a href="#">76170790</a>	

**Potential Opposer(s)**

Name: Lewis Brothers Bakeries, Incorporated,

Correspondent Address: Kathleen T. Gallagher-Duff  
 Covington & Burling  
 1201 Pennsylvania Avenue, N.W.  
 Washington DC , 20004  
 UNITED STATES

**Name:** LEWIS BROTHERS BAKERIES, INC. d/b/a/ LEWIS BAKERIES, INC.

**Correspondent Address:** KATHLEEN T. GALLAGHER-DAFF  
COVINGTON & BURLING  
1201 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON DC , 20004-2401  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
LEWIS	Renewed	<a href="#">73579259</a>	<a href="#">1406985</a>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Jul 05, 2002	
2	EXTENSION OF TIME GRANTED	Jul 18, 2002	
3	INCOMING - EXT TIME TO OPPOSE FILED	Sep 03, 2002	
4	EXTENSION OF TIME GRANTED	Sep 18, 2002	

Int. Cl.: 30

Prior U.S. Cl.: 46

**United States Patent and Trademark Office** **Reg. No. 1,406,986**  
Registered Aug. 26, 1986

**TRADEMARK  
PRINCIPAL REGISTER**



**Lewis  
BakeShop**

LEWIS BROTHERS BAKERIES, INC. (MISSOURI CORPORATION), DBA LEWIS BAKERIES, INC.  
500 NORTH FULTON AVENUE  
EVANSVILLE, IN 47710

FOR: BAKERY GOODS, IN CLASS 30 (U.S. CL. 46).  
FIRST USE 7-22-1983; IN COMMERCE 7-22-1983.

OWNER OF U.S. REG. NO. 1,335,743.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BAKE SHOP", APART FROM THE MARK AS SHOWN.

SER. NO. 579,352, FILED 1-24-1986.

IRA J. GOODSAY, EXAMINING ATTORNEY

Int. Cl.: 30

Prior U.S. Cl.: 46

**United States Patent and Trademark Office**

Reg. No. 1,406,986

Registered Aug. 26, 1986

**TRADEMARK  
PRINCIPAL REGISTER**



**Lewis  
BakeShop**

LEWIS BROTHERS BAKERIES, INC. (MISSOURI CORPORATION), DBA LEWIS BAKERIES, INC.  
500 NORTH FULTON AVENUE  
EVANSVILLE, IN 47710

FOR: BAKERY GOODS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 7-22-1983; IN COMMERCE 7-22-1983.

OWNER OF U.S. REG. NO. 1,335,743.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BAKE SHOP", APART FROM THE MARK AS SHOWN.

SER. NO. 579,352, FILED 1-24-1986.

IRA J. GOODSAY, EXAMINING ATTORNEY



---

**Attorney of Record****Attorney Name:** BRIGHAM B. LEVERICH**Correspondent****Correspondent Name/Address:** BRIGHAM B LEVERICH  
COVINGTON & BURLING LLP  
One CityCenter, 850 Tenth Street, N.W.  
WASHINGTON, DISTRICT OF COLUMBIA 20001  
UNITED STATES**Phone:** (202) 662-5299**Fax:** 202-778-5299**Correspondent e-mail:** [trademarks@cov.com](mailto:trademarks@cov.com)**Correspondent e-mail Authorized:** Yes**Domestic Representative - Not Found**

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**Prosecution History**

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Date	Description	Proceeding Number
Dec. 10, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 29, 2006	CASE FILE IN TICRS	
Aug. 09, 2006	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69471
Aug. 09, 2006	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Aug. 09, 2006	ASSIGNED TO PARALEGAL	69471
Apr. 25, 2006	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Apr. 25, 2006	TEAS SECTION 8 & 9 RECEIVED	
Mar. 24, 1992	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Nov. 01, 1991	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Aug. 26, 1986	REGISTERED-PRINCIPAL REGISTER	
Jun. 03, 1986	PUBLISHED FOR OPPOSITION	
May 04, 1986	NOTICE OF PUBLICATION	
Apr. 01, 1986	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 31, 1986	EXAMINER'S AMENDMENT MAILED	
Mar. 25, 1986	ASSIGNED TO EXAMINER	63030
Mar. 18, 1986	ASSIGNED TO EXAMINER	60406

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**Maintenance Filings or Post Registration Information**

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**Affidavit of Continued Use:** Section 8 - Accepted**Affidavit of Incontestability:** Section 15 - Accepted**Renewal Date:** Aug. 26, 2006

---

**TM Staff and Location Information**

---

**TM Staff Information - None****File Location****Current Location:** SCANNING ON DEMAND**Date in Location:** Sep. 29, 2006

---

**Assignment Abstract Of Title Information**

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**Summary****Total Assignments:** 1**Registrant:** LEWIS BROTHERS BAKERIES, INC.**Assignment 1 of 1****Conveyance:** SECURITY INTEREST**Reel/Frame:** [1563/0282](#)**Pages:** 22**Date Recorded:** Mar. 12, 1997**Supporting Documents:** No Supporting Documents Available**Assignor****Name:** [LEWIS BROTHERS BAKERIES](#)**Execution Date:** Jan. 27, 1997

INCORPORATED

Legal Entity Type: CORPORATION

State or Country Where Organized: MISSOURI

**Assignee**

Name: [BANK ONE, INDIANAPOLIS, NATIONAL ASSOCIATION](#)

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

Address: BANK ONE CENTER TOWER, SUITE 1911  
111 MONUMENT CIRCLE  
INDIANAPOLIS, INDIANA 46227

**Correspondent**

Correspondent Name: BAKER & DANIELS

Correspondent Address: STEPHEN L. FOUTTY  
300 N. MERIDIAN STREET, SUITE 2700  
INDIANAPOLIS, IN 46204

**Domestic Representative - Not Found**

## Proceedings

**Summary**

Number of Proceedings: 2

**Type of Proceeding: Opposition**

Proceeding Number: [91221817](#)

Filing Date: May 05, 2015

Status: Pending

Status Date: May 05, 2015

Interlocutory Attorney: JENNIFER KRISP

**Defendant**

Name: Louie's Bakery, LLC

Correspondent Address: ELDON J. VINCENT  
VINCENT & VREELAND, PC  
105 W MICHIGAN AVE  
MARSHALL MI , 49068-1580

Correspondent e-mail: [evincent@vvlawpc.com](mailto:evincent@vvlawpc.com); [awright@vvlawpc.co](mailto:awright@vvlawpc.co)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
LOUIE'S BAKERY	Opposition Pending	<a href="#">86347216</a>	

**Plaintiff(s)**

Name: Lewis Brothers Bakeries, Incorporated d/b/a Lewis Bakeries, Inc.

Correspondent Address: Kathleen T. Gallagher-Duff  
Covington & Burling LLP  
One City Center, 850 Tenth Street, N.W.  
Washington DC , 20004  
UNITED STATES

Correspondent e-mail: [trademarks@cov.com](mailto:trademarks@cov.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
LEWIS	Renewed	<a href="#">73579259</a>	<a href="#">1406985</a>
LEWIS	Renewed	<a href="#">73448946</a>	<a href="#">1335743</a>
LEWIS BAKE SHOP	Renewed	<a href="#">73579352</a>	<a href="#">1406986</a>
LEWIS BAKES IT HEALTHY!	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78717208</a>	<a href="#">3458011</a>
LEWIS BAKERIES	Registered	<a href="#">77805638</a>	<a href="#">3842878</a>
LEWIS FAMILY LIFE	Registered	<a href="#">85111496</a>	<a href="#">4112598</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 05, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 05, 2015	Jun 14, 2015
3	PENDING, INSTITUTED	May 05, 2015	

**Type of Proceeding: Opposition**

Proceeding Number: [91108023](#)

Filing Date: Oct 06, 1997

Status: Terminated

Status Date: Mar 18, 1998

Interlocutory Attorney: LINDA M SKORO

**Defendant**

Name: SALERNO FOODS, L.L.C.

Correspondent Address: RICHARD R. DENNERLINE  
FREEBORN & PETERS  
311 SOUTH WACKER DRIVE SUITE 3000  
CHICAGO IL , 60606  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
LITTLE BAKE SHOP	Abandoned - After Inter-Partes Decision	<a href="#">75153742</a>	

**Plaintiff(s)**

Name: LEWIS BROTHERS BAKERIES, INC.

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

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
LEWIS BAKE SHOP	Renewed	<a href="#">73579352</a>	<a href="#">1406986</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 06, 1997	
2	NOTICE SENT; ANSWER DUE (DUE DATE)	Oct 16, 1997	Nov 25, 1997
3	PENDING, INSTITUTED	Oct 16, 1997	
4	NOTICE OF DEFAULT	Jan 08, 1998	
5	WITHDRAWAL OF APPLICATION	Feb 19, 1998	
6	BD'S DECISION: DISMISSED W/O PREJUDICE	Mar 18, 1998	
7	TERMINATED	Mar 18, 1998	

# United States of America

United States Patent and Trademark Office

## LEWIS BAKERIES

**Reg. No. 3,842,878**

**Registered Aug. 31, 2010**

**Int. Cl.: 30**

**TRADEMARK**

**PRINCIPAL REGISTER**

LEWIS BROTHERS BAKERIES, INCORPORATED (MISSOURI CORPORATION), DBA  
LEWIS BAKERIES, INC.,  
500 N. FULTON AVENUE  
EVANSVILLE, IN 47710

FOR: BREAD AND BUNS; ROLLS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 3-1-2010; IN COMMERCE 3-1-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,335,743, 1,406,986, AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BAKERIES", APART FROM THE MARK AS SHOWN.

SN 77-805,638, FILED 8-17-2009.

TRICIA SONNEBORN, EXAMINING ATTORNEY



*David J. Kyffers*

Director of the United States Patent and Trademark Office

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Mark: LEWIS BAKERIES

LEWIS BAKERIES

US Serial Number: 77805638  
Application Filing Date: Aug. 17, 2009  
US Registration Number: 3842878  
Registration Date: Aug. 31, 2010  
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: Aug. 31, 2010  
Publication Date: Jan. 19, 2010  
Notice of Allowance Date: Apr. 13, 2010

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## Mark Information

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Mark Literal Elements: LEWIS BAKERIES  
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
Mark Drawing Type: 4 - STANDARD CHARACTER MARK  
Disclaimer: "BAKERIES"

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## Related Properties Information

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Claimed Ownership of US Registrations: 1335743, 1406985, 1406986 and others

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## Goods and Services

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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: Bread and buns; Rolls  
International Class(es): 030 - Primary Class  
U.S Class(es): 046  
Class Status: ACTIVE  
Basis: 1(a)  
First Use: Mar. 01, 2010  
Use in Commerce: Mar. 01, 2010

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## Basis Information (Case Level)

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Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	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: Lewis Brothers Bakeries, Incorporated  
DBA, AKA, Formerly: DBA Lewis Bakeries, Inc.  
Owner Address: 500 N. Fulton Avenue  
Evansville, INDIANA 47710  
UNITED STATES  
Legal Entity Type: CORPORATION  
State or Country Where Organized: MISSOURI

---

## Attorney/Correspondence Information

---

**Attorney of Record**

**Attorney Name:** Kathleen T. Gallagher-Duff, Esq. **Docket Number:** 025589.10146  
**Attorney Primary Email Address:** [trademarks@cov.com](mailto:trademarks@cov.com) **Attorney Email Authorized:** No

**Correspondent**

**Correspondent Name/Address:** KATHLEEN T. GALLAGHER-DUFF, ESQ.  
 COVINGTON & BURLING LLP  
 One CityCenter, 850 Tenth Street, N.W.  
 WASHINGTON, DISTRICT OF COLUMBIA 20001  
 UNITED STATES  
**Phone:** (202) 662-5299 **Fax:** 202-778-5299  
**Correspondent e-mail:** [trademarks@cov.com](mailto:trademarks@cov.com) **Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Dec. 10, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 31, 2010	REGISTERED-PRINCIPAL REGISTER	
Jul. 29, 2010	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jul. 28, 2010	LAW OFFICE REGISTRATION REVIEW COMPLETED	68658
Jul. 26, 2010	ASSIGNED TO LIE	68658
Jul. 09, 2010	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 04, 2010	STATEMENT OF USE PROCESSING COMPLETE	70565
May 18, 2010	USE AMENDMENT FILED	70565
Jun. 04, 2010	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70565
May 18, 2010	TEAS STATEMENT OF USE RECEIVED	
Apr. 13, 2010	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 19, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 19, 2010	PUBLISHED FOR OPPOSITION	
Dec. 15, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	74215
Dec. 15, 2009	ASSIGNED TO LIE	74215
Dec. 01, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 01, 2009	EXAMINER'S AMENDMENT ENTERED	88888
Dec. 01, 2009	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Dec. 01, 2009	EXAMINERS AMENDMENT E-MAILED	6328
Dec. 01, 2009	EXAMINERS AMENDMENT -WRITTEN	74306
Nov. 20, 2009	ASSIGNED TO EXAMINER	74306
Aug. 20, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 20, 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:** Jul. 28, 2010**Proceedings****Summary****Number of Proceedings:** 1**Type of Proceeding: Opposition****Proceeding Number:** [91221817](#)**Filing Date:** May 05, 2015**Status:** Pending**Status Date:** May 05, 2015**Interlocutory Attorney:** JENNIFER KRISP

**Defendant****Name:** Louie's Bakery, LLC**Correspondent Address:** ELDON J. VINCENT  
VINCENT & VREELAND, PC  
105 W MICHIGAN AVE  
MARSHALL MI , 49068-1580**Correspondent e-mail:** [evincent@vvlawpc.com](mailto:evincent@vvlawpc.com); [awright@vvlawpc.co](mailto:awright@vvlawpc.co)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
LOUIE'S BAKERY	Opposition Pending	<a href="#">86347216</a>	

**Plaintiff(s)****Name:** Lewis Brothers Bakeries, Incorporated d/b/a Lewis Bakeries, Inc.**Correspondent Address:** Kathleen T. Gallagher-Duff  
Covington & Burling LLP  
One City Center, 850 Tenth Street, N.W.  
Washington DC , 20004  
UNITED STATES**Correspondent e-mail:** [trademarks@cov.com](mailto:trademarks@cov.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
LEWIS	Renewed	<a href="#">73579259</a>	<a href="#">1406985</a>
LEWIS	Renewed	<a href="#">73448946</a>	<a href="#">1335743</a>
LEWIS BAKE SHOP	Renewed	<a href="#">73579352</a>	<a href="#">1406986</a>
LEWIS BAKES IT HEALTHY!	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78717208</a>	<a href="#">3458011</a>
LEWIS BAKERIES	Registered	<a href="#">77805638</a>	<a href="#">3842878</a>
LEWIS FAMILY LIFE	Registered	<a href="#">85111496</a>	<a href="#">4112598</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 05, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 05, 2015	Jun 14, 2015
3	PENDING, INSTITUTED	May 05, 2015	

**Int. Cl.: 30**

**Prior U.S. Cl.: 46**

**United States Patent and Trademark Office**

**Reg. No. 3,458,011**

Registered July 1, 2008

**TRADEMARK  
PRINCIPAL REGISTER**

**LEWIS BAKES IT HEALTHY!**

LEWIS BROTHERS BAKERIES, INCORPORATED  
(MISSOURI CORPORATION), DBA LEWIS  
BAKERIES, INC.

500 N. FULTON AVENUE  
EVANSVILLE, IN 47710

FOR: BREAD; BUNS; ROLLS, IN CLASS 30 (U.S.  
CL. 46).

FIRST USE 10-20-2005; IN COMMERCE 10-20-2005.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,335,743, 1,406,985,  
AND 1,406,986.

SER. NO. 78-717,208, FILED 9-21-2005.

PAUL E. FAHRENKOPF, EXAMINING ATTORNEY

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Mark: LEWIS BAKES IT HEALTHY!

LEWIS BAKES IT HEALTHY!

US Serial Number: 78717208  
Application Filing Date: Sep. 21, 2005  
US Registration Number: 3458011  
Registration Date: Jul. 01, 2008  
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: May 20, 2014  
Publication Date: Apr. 15, 2008

---

## Mark Information

---

Mark Literal Elements: LEWIS BAKES IT HEALTHY!  
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

---

## Related Properties Information

---

Claimed Ownership of US Registrations: 1335743, 1406985, 1406986

---

## 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: Bread; Buns; Rolls  
International Class(es): 030 - Primary Class  
U.S Class(es): 046  
Class Status: ACTIVE  
Basis: 1(a)  
First Use: Oct. 20, 2005  
Use in Commerce: Oct. 20, 2005

---

## Basis Information (Case Level)

---

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	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: Lewis Brothers Bakeries, Incorporated  
DBA, AKA, Formerly: DBA Lewis Bakeries, Inc.  
Owner Address: 500 N. Fulton Avenue  
Evansville, INDIANA 47710  
UNITED STATES  
Legal Entity Type: CORPORATION  
State or Country Where Organized: MISSOURI

---

## Attorney/Correspondence Information

---

Attorney of Record

Attorney Name: Kathleen T. Gallagher-Duff, Esq.

Docket Number: 025589.10127

Attorney Primary Email [trademarks@cov.com](mailto:trademarks@cov.com)  
Address:

Attorney Email Yes  
Authorized:

#### Correspondent

**Correspondent Name/Address:** Kathleen T. Gallagher-Duff, Esq.  
COVINGTON & BURLING LLP  
One CityCenter, 850 Tenth Street, N.W.  
WASHINGTON, DISTRICT OF COLUMBIA 20001  
UNITED STATES

Phone: (202) 662-5299

Fax: 202-778-5299

Correspondent e-mail: [trademarks@cov.com](mailto:trademarks@cov.com)

Correspondent e-mail Yes  
Authorized:

#### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Dec. 10, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 20, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
May 20, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	64591
May 01, 2014	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	64591
May 20, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	64591
May 01, 2014	TEAS SECTION 8 & 15 RECEIVED	
Jul. 01, 2008	REGISTERED-PRINCIPAL REGISTER	
Apr. 15, 2008	PUBLISHED FOR OPPOSITION	
Mar. 26, 2008	NOTICE OF PUBLICATION	
Mar. 07, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	67215
Mar. 06, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 04, 2007	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	67215
Dec. 03, 2007	ASSIGNED TO LIE	67215
May 31, 2007	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
May 01, 2007	LIE CHECKED SUSP - TO ATTY FOR ACTION	64657
Apr. 26, 2007	ASSIGNED TO LIE	64657
Oct. 05, 2006	LETTER OF SUSPENSION E-MAILED	6332
Oct. 05, 2006	SUSPENSION LETTER WRITTEN	59810
Mar. 30, 2006	NON-FINAL ACTION E-MAILED	6325
Mar. 30, 2006	USE AMENDMENT ACCEPTED	59810
Mar. 30, 2006	NON-FINAL ACTION WRITTEN	59810
Mar. 28, 2006	ASSIGNED TO EXAMINER	59810
Feb. 15, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	67215
Jan. 31, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	67215
Feb. 12, 2006	AMENDMENT TO USE PROCESSING COMPLETE	67215
Jan. 31, 2006	USE AMENDMENT FILED	67215
Jan. 31, 2006	TEAS AMENDMENT OF USE RECEIVED	
Sep. 28, 2005	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: May 20, 2014

## Proceedings

## Summary

Number of Proceedings: 1

## Type of Proceeding: Opposition

Proceeding Number: [91221817](#)

Filing Date: May 05, 2015

Status: Pending

Status Date: May 05, 2015

Interlocutory Attorney: JENNIFER KRISP

## Defendant

Name: Louie's Bakery, LLC

Correspondent Address: ELDON J. VINCENT  
VINCENT & VREELAND, PC  
105 W MICHIGAN AVE  
MARSHALL MI , 49068-1580Correspondent e-mail: [evincent@vvlawpc.com](mailto:evincent@vvlawpc.com); [awright@vvlawpc.co](mailto:awright@vvlawpc.co)

## Associated marks

Mark	Application Status	Serial Number	Registration Number
LOUIE'S BAKERY	Opposition Pending	<a href="#">86347216</a>	

## Plaintiff(s)

Name: Lewis Brothers Bakeries, Incorporated d/b/a Lewis Bakeries, Inc.

Correspondent Address: Kathleen T. Gallagher-Duff  
Covington & Burling LLP  
One City Center, 850 Tenth Street, N.W.  
Washington DC , 20004  
UNITED STATESCorrespondent e-mail: [trademarks@cov.com](mailto:trademarks@cov.com)

## Associated marks

Mark	Application Status	Serial Number	Registration Number
LEWIS	Renewed	<a href="#">73579259</a>	<a href="#">1406985</a>
LEWIS	Renewed	<a href="#">73448946</a>	<a href="#">1335743</a>
LEWIS BAKE SHOP	Renewed	<a href="#">73579352</a>	<a href="#">1406986</a>
LEWIS BAKES IT HEALTHY!	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78717208</a>	<a href="#">3458011</a>
LEWIS BAKERIES	Registered	<a href="#">77805638</a>	<a href="#">3842878</a>
LEWIS FAMILY LIFE	Registered	<a href="#">85111496</a>	<a href="#">4112598</a>

## Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 05, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 05, 2015	Jun 14, 2015
3	PENDING, INSTITUTED	May 05, 2015	

# United States of America

United States Patent and Trademark Office

## LEWIS FAMILY LIFE

**Reg. No. 4,112,598**

**Registered Mar. 13, 2012**

**Int. Cl.: 30**

**TRADEMARK**

**PRINCIPAL REGISTER**

LEWIS BROTHERS BAKERIES, INCORPORATED (MISSOURI CORPORATION), DBA  
LEWIS BAKERIES, INC.,  
500 N. FULTON AVENUE  
EVANSVILLE, IN 47710

FOR: BREAD AND BUNS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 10-10-2011; IN COMMERCE 10-10-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,335,743, 1,406,986, AND OTHERS.

SN 85-111,496, FILED 8-19-2010.

JACQUELINE A. LAVINE, EXAMINING ATTORNEY



*David J. Kyffers*

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or  
reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

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Mark: LEWIS FAMILY LIFE

LEWIS FAMILY LIFE

US Serial Number: 85111496      Application Filing Date: Aug. 19, 2010  
US Registration Number: 4112598      Registration Date: Mar. 13, 2012  
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: Mar. 13, 2012  
Publication Date: Jul. 26, 2011      Notice of Allowance Date: Sep. 20, 2011

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## Mark Information

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Mark Literal Elements: LEWIS FAMILY LIFE  
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

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## Related Properties Information

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Claimed Ownership of US Registrations: 1335743, 1406985, 1406986 and others

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## Goods and Services

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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: Bread and buns  
International Class(es): 030 - Primary Class      U.S Class(es): 046  
Class Status: ACTIVE  
Basis: 1(a)  
First Use: Oct. 10, 2011      Use in Commerce: Oct. 10, 2011

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## Basis Information (Case Level)

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Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	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	

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## Current Owner(s) Information

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Owner Name: Lewis Brothers Bakeries, Incorporated  
DBA, AKA, Formerly: DBA Lewis Bakeries, Inc.  
Owner Address: 500 N. Fulton Avenue  
Evansville, INDIANA 47710  
UNITED STATES  
Legal Entity Type: CORPORATION      State or Country Where Organized: MISSOURI

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## Attorney/Correspondence Information

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Attorney of Record

Attorney Name: Kathleen T. Gallagher-Duff

Docket Number: 025589.10151

Attorney Primary Email [trademarks@cov.com](mailto:trademarks@cov.com)  
Address:

Attorney Email No  
Authorized:

#### Correspondent

**Correspondent Name/Address:** KATHLEEN T. GALLAGHER-DUFF  
COVINGTON & BURLING LLP  
One CityCenter, 850 Tenth Street, N.W.  
WASHINGTON, DISTRICT OF COLUMBIA 20001  
UNITED STATES

**Phone:** (202) 662-5299

**Fax:** 202-778-5299

**Correspondent e-mail:** [trademarks@cov.com](mailto:trademarks@cov.com)

**Correspondent e-mail Authorized:** Yes

#### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Dec. 10, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 13, 2012	REGISTERED-PRINCIPAL REGISTER	
Feb. 08, 2012	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Feb. 07, 2012	LAW OFFICE REGISTRATION REVIEW COMPLETED	77976
Jan. 26, 2012	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 17, 2012	STATEMENT OF USE PROCESSING COMPLETE	71034
Dec. 14, 2011	USE AMENDMENT FILED	71034
Jan. 17, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	71034
Dec. 14, 2011	TEAS STATEMENT OF USE RECEIVED	
Sep. 20, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 26, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 26, 2011	PUBLISHED FOR OPPOSITION	
Jun. 20, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	77976
Jun. 20, 2011	ASSIGNED TO LIE	77976
Jun. 06, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 05, 2010	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Dec. 05, 2010	NON-FINAL ACTION E-MAILED	6325
Dec. 05, 2010	NON-FINAL ACTION WRITTEN	65720
Dec. 03, 2010	ASSIGNED TO EXAMINER	65720
Aug. 24, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 23, 2010	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:** Feb. 07, 2012

## Proceedings

#### Summary

**Number of Proceedings:** 1

#### Type of Proceeding: Opposition

**Proceeding Number:** [91221817](#)

**Filing Date:** May 05, 2015

**Status:** Pending

**Status Date:** May 05, 2015

**Interlocutory Attorney:** JENNIFER KRISP

#### Defendant

**Name:** Louie's Bakery, LLC

**Correspondent Address:** ELDON J. VINCENT  
VINCENT & VREELAND, PC

105 W MICHIGAN AVE  
MARSHALL MI , 49068-1580

Correspondent e-mail: [evincent@vlawpc.com](mailto:evincent@vlawpc.com); [awright@vlawpc.co](mailto:awright@vlawpc.co)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
LOUIE'S BAKERY	Opposition Pending	<a href="#">86347216</a>	
<b>Plaintiff(s)</b>			

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LEWIS BAKES IT HEALTHY!	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78717208</a>	<a href="#">3458011</a>
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LEWIS FAMILY LIFE	Registered	<a href="#">85111496</a>	<a href="#">4112598</a>

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