

ESTTA Tracking number: **ESTTA716220**

Filing date: **12/22/2015**

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	Sheetz of Delaware, Inc.
Granted to Date of previous extension	01/06/2016
Address	501 Silverside Drive, Suite 67 Wilmington, DE 19809 UNITED STATES

Attorney information	Roberta Jacobs-Meadway Eckert Seamans Cherin & Mellott, LLC 50 South 16th Street Two Liberty Place PHILADELPHIA, PA 19102 UNITED STATES rjacobsmeadway@eckertseamans.com, ipdocket@eckertseamans.com, jkirsch@eckertseamans.com Phone:215-851-8522
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**Applicant Information**

Application No	86593920	Publication date	09/08/2015
Opposition Filing Date	12/22/2015	Opposition Period Ends	01/06/2016
Applicant	Bruno Bertin 514 Nursery Drive North Mechanisburg, PA 17055 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 029. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Pre-cooked, packaged entrees consisting primarily of meat, fish, poultry, cheese or vegetables
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**Grounds for Opposition**

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

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	PRETZEL MELTZ		
Goods/Services	Sandwiches sold at convenience stores.		

Attachments	NOTICE OF OPPOSITION - MELTZ (M1456723).pdf(219346 bytes ) EXHIBIT A TO NOTICE OF OPPOSITION (M1456726).pdf(3645903 bytes ) EXHIBIT B TO NOTICE OF OPPOSITION (M1456727).pdf(483045 bytes ) EXHIBIT C TO NOTICE OF OPPOSITION (M1456732).pdf(447435 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	/Joshua L. Kirsch/
Name	Joshua L. Kirsch
Date	12/22/2015



2. Information regarding Sheetz and the nature and extent of its business may be viewed at [www.sheetz.com](http://www.sheetz.com).

3. Through its convenience stores, Sheetz engages in the sale and distribution of a variety of products, including particularly food and beverage products, for consumption on and off premises.

4. Since at least as early as January 8, 2003, Sheetz has continuously used PRETZEL MELTZ as a trademark for sandwiches sold at its convenience stores. *See*, Attachment B.

5. The PRETZEL MELTZ trademark is inherently distinctive when used in connection with Sheetz' sandwiches and it has acquired commercial strength and distinctiveness by virtue of Sheetz' use of the trademark in its advertising, marketing and sales in U.S. commerce and the longstanding success of the product offering under the trademark.

6. Sheetz' adoption and use of the PRETZEL MELTZ mark is in accord with Sheetz' practice of developing marks ending in the letter "Z", associating such marks with the Sheetz name and SHEETZ marks. *See*, Attachment C.

7. Bruno Bertin ("Bertin" or "Applicant"), an individual with an address of 514 Nursery Drive, North Mechanicsburg, Pennsylvania 17055, seeks to register MELT'Z as a mark in connection with "Pre-cooked, packaged entrees consisting primarily of meat, fish, poultry, cheese or vegetables", in International Class 29, as evidenced by the publication of the applied-for mark in the *Official Gazette* of September 8, 2015.

8. The application herein opposed was filed April 10, 2015 on the basis of Section 1(b). Applicant claims no date for purposes of priority earlier than April 10, 2015.

9. The applied-for mark as shown in the application which is the subject of this opposition is confusingly similar to the PRETZEL MELTZ trademark of Sheetz. The sole element of applicant's mark is the word "MELT'Z", which is identical in all respects to the "MELTZ" in Sheetz' PRETZEL MELTZ trademark, with the exception of an apostrophe which creates no meaningful visual distinction and no phonetic distinction and no distinction in connotation between the two at all. Applicant's omission of the term "PRETZEL", which describes one element of Sheetz' PRETZEL MELTZ sandwiches, does not obviate the close similarity between the marks, particularly in the context of the close relationship between the goods of the parties. The goods identified in the application which is the subject of this opposition are closely related to the goods sold by Sheetz under its PRETZEL MELTZ mark. Sheetz sells under its PRETZEL MELTZ mark sandwiches while applicant proposes to offer, "[p]re-cooked, packaged entrees consisting primarily of meat, fish, poultry, cheese or vegetables".

10. Sandwiches and pre-cooked, packaged entrees are prepared food products of the sort sold in deli cases and commonly distributed and sold through convenience stores and similar outlets for consumption on and off-premises.

11. The goods identified in the application which is the subject of this opposition and the goods sold by Sheetz under its PRETZEL MELTZ mark are such as are sold to the same and overlapping classes of consumers through the same and overlapping channels of trade.

12. The application which is the subject of this opposition contains no trade channel or other restrictions. It must be assumed that the goods will be sold through all trade channels appropriate for goods of that type including convenience stores.

13. Applicant's applied-for mark, MELT'Z, as applied to the goods identified in the application herein opposed, so resembles Sheetz' PRETZEL MELTZ mark, as used in connection with Sheetz' goods, that it is likely to cause confusion, mistake, and/or deception as to source or sponsorship of the goods or as to the affiliation between the parties.

14. On seeing Applicant's applied-for mark, MELT'Z, used in connection with Applicant's (intended) goods, the purchasers and potential purchasers are likely to believe in error that such goods are offered by or in association with Sheetz or that Sheetz and Applicant are affiliated.

15. If Applicant is permitted to register MELT'Z as a mark for the goods set forth in the application, confusion of the relevant trade and public is likely to result, which will damage and injure Sheetz.

16. Any issue with the quality of Applicant's product would adversely impact Sheetz' reputation for quality food products and injure Sheetz' goodwill.

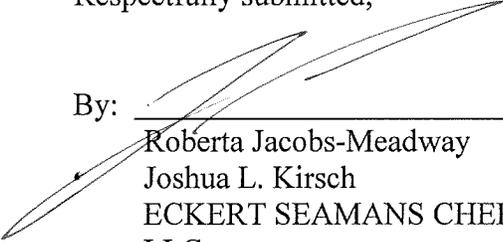
17. If Applicant is permitted to register its applied-for mark for the goods set forth in the application herein opposed, Applicant would thereby obtain a *prima facie* exclusive right to use such mark for the goods identified in the application in derogation of Sheetz's rights. Such registration would be a source of damage and injury to Sheetz.

WHEREFORE, Sheetz of Delaware, Inc. prays that registration of the mark of

Application Serial No. 86/593,920 for the goods identified therein be refused and that this  
Opposition be sustained.

Respectfully submitted,

Dated: December 22, 2015

By: 

Roberta Jacobs-Meadway  
Joshua L. Kirsch  
ECKERT SEAMANS CHERIN & MELLOTT,  
LLC  
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*Attorneys for Opposer  
Sheetz of Delaware, Inc.*

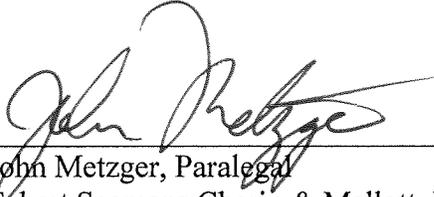
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the attached Notice of Opposition was served on correspondent for the Applicant on the date listed below U.S. first-class mail, postage paid, addressed as follows:

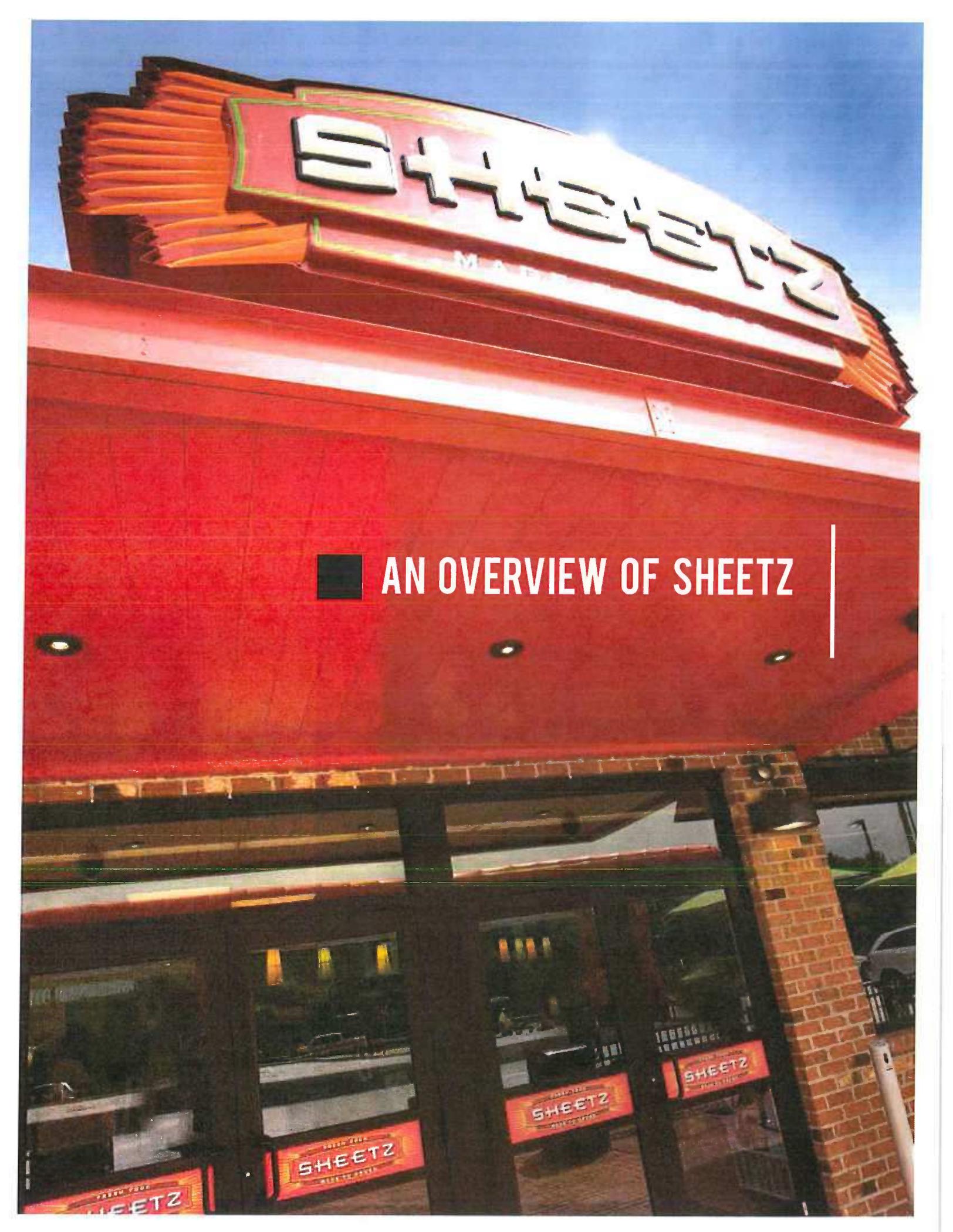
Lance Johnson, Esquire  
Johnson Legal PLLC  
12545 White Dr  
Fairfax, Virginia 22030-6413

Dated: December 22, 2015

By: \_\_\_\_\_

  
John Metzger, Paralegal  
Eckert Seamans Cherin & Mellott, LLC

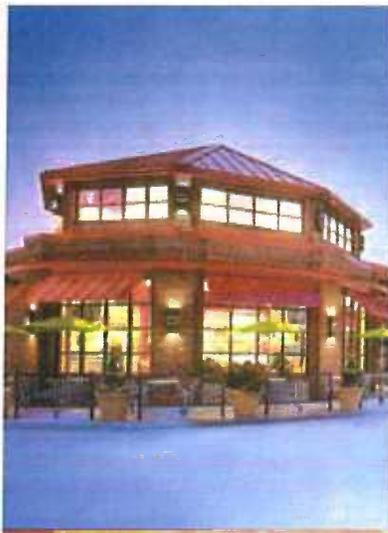
# **EXHIBIT A**

A photograph of a Sheetz restaurant at night. The building has a prominent red facade and a large, illuminated sign on the roof that reads "SHEETZ" in a stylized, white, blocky font. Below the main sign, the words "CUM MARI" are visible in smaller letters. The entrance features large glass windows and doors, with red signs on the glass that say "SHEETZ" and "FRESH FOOD". The interior is visible through the glass, showing a counter and some seating. The sky is dark blue, and there are some lights visible in the background.

**SHEETZ**  
CUM MARI

■ **AN OVERVIEW OF SHEETZ**





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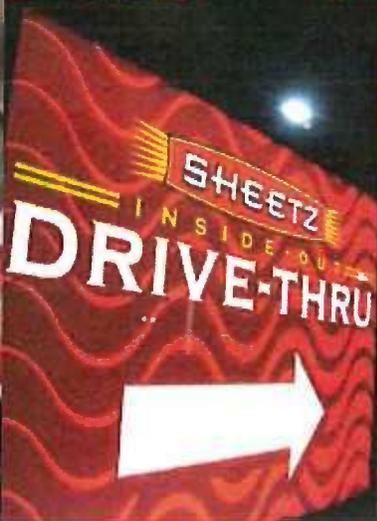
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WHAT IS A SHEETZ?



What started as a small family business in 1952 has grown to become an East Coast icon of delicious food, total convenience and awesome customer service. Sheetz is still family owned, but today we're a bit bigger with more than 500 stores across a six-state footprint including Pennsylvania, Ohio, Virginia, West Virginia, Maryland and North Carolina.



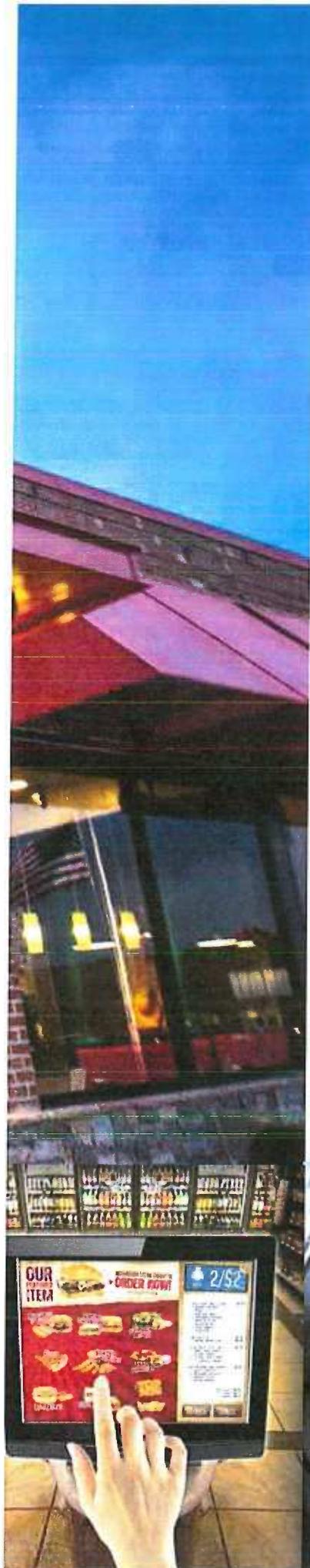
## ■ WHAT IS A SHEETZ?

We really care about our customers. Our mission at Sheetz is to provide fast, friendly service and quality products in clean and convenient locations. We work hard to make sure we deliver on our Mission promise every day.

We continue to reinvent ourselves and bring innovation to our industry. In fact, our Vision is to create the business that will put Sheetz, as we know it today, out of business. That's what keeps us on top and keeps us focused on ways to achieve even more successful in the future.

We are able to succeed because we have outstanding employees with a commitment to Total Customer Focus. Our employees strive to meet the needs of our busy customers. They are also active participants in the communities in which we operate.

Our loyal fans, known as Sheetz Freakz, visit us for our huge selection of Made-to-Order food and drinks. With a vast assortment of convenience store essentials, clean rest rooms, and low-priced fuel, we cover all your road trip needs.

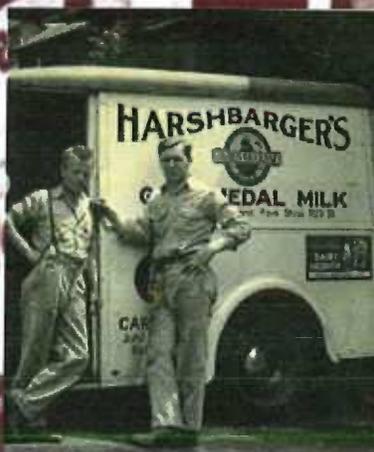


# SHEETZ<sup>®</sup> KWIK SHOPPER



For more than 60 years, our mission at Sheetz has been to meet the needs of customers on the go. Of course, things have changed over those 60+ years. Life is faster and busier, and customers expect us to be there when they need us most. One thing that hasn't changed is our commitment to our customers, our employees and the communities in which we operate.

New Jewish Spread  
79¢



**1962**  
A second store opens under the name Sheetz Kwik Shopper



**1969**  
Steve joins Bob in business as general manager. The brothers plan to expand with a target of seven stores



**1952**  
Bob Sheetz founds Sheetz, Inc. when he purchases one of his father's five dairy stores located in Altoona

**1972**  
The brothers expand to 14 stores

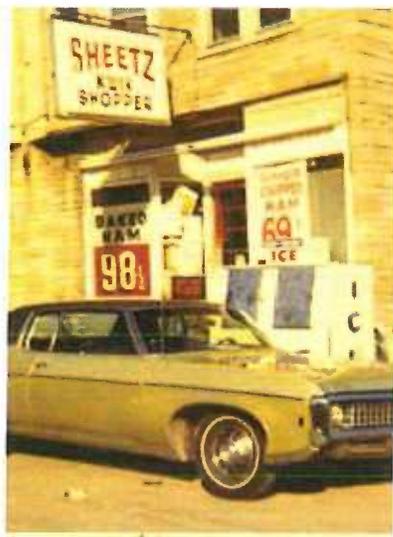


**1973**  
Sheetz adds gasoline pumps and introduces self-serve gasoline to central Pennsylvania



**1983**  
Bob and Steve open their 100th store





# COMPANY HISTORY

Bob Sheetz founded Sheetz, Inc. in 1952 when he purchased one of his father's five dairy stores located in Altoona, Pennsylvania. In 1961, Bob hired his brother Steve to work parttime at the store.

It was not until 1963 that the second store was opened under the name "Sheetz Kwik Shopper." It took another five years to open the third store. In 1969, Steve joined Bob in the business as general manager. The brothers planned to expand at the rate of one store per year with a target of seven stores by 1972. In 1972, the brothers literally doubled the size of the company, expanding from seven to fourteen stores. One year later, Sheetz added gasoline pumps and introduced self-serve gasoline to Central Pennsylvania.

By 1983, Bob and Steve had opened 100 stores. The following year, Bob retired and handed over leadership of the company to his trusted business partner and brother Steve.

In 1995, Stan Sheetz, Bob's son, became president and Steve assumed the position of Chairman. In 2013, Joe Sheetz, Bob's nephew, became the third Sheetz family member to assume the role of president. To this day, Sheetz maintains a unique and successful family business with five family members serving on the Executive Committee.

Since 1952, Sheetz has grown from a small dairy/deli in Altoona, to one of the fastest growing family-owned convenience retailers in the world, with more than 500 locations across six states — Pennsylvania, Maryland, Virginia, West Virginia, Ohio and North Carolina — and more than 15,500 employees.



**1984**  
Bob retires and hands over leadership of the company to his brother Steve



**1993**  
CLI Transport delivers first load of gasoline to a Sheetz store.

**1995**  
Stan, Bob's son, becomes President/CEO and Steve becomes Chairman of the Board



**1998**  
Sheetz opens its first store in Ohio



**2001**  
Sheetz opens Distribution Center; 1st deliveries are supplies to the Pentagon and Ground Zero in the aftermath of the September 11th attacks

**2004**  
Sheetz opens its first North Carolina Store

**2008**  
Sheetz Bros. Kitchen, a brand new, state-of-the-art kitchen was built in Claysburg, PA

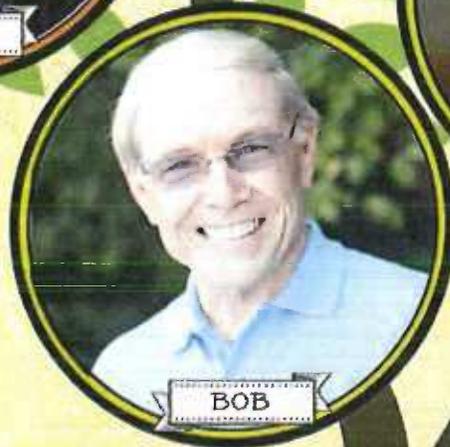
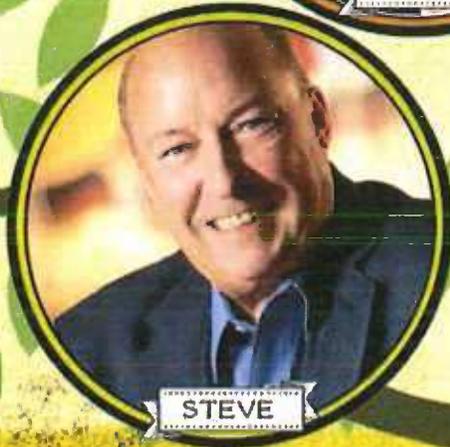
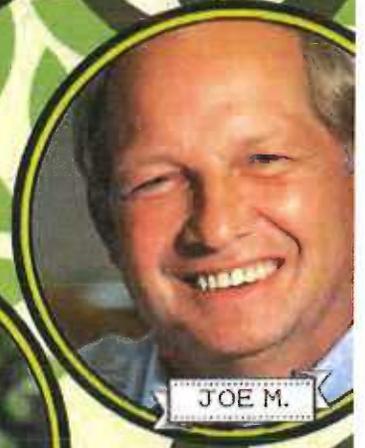
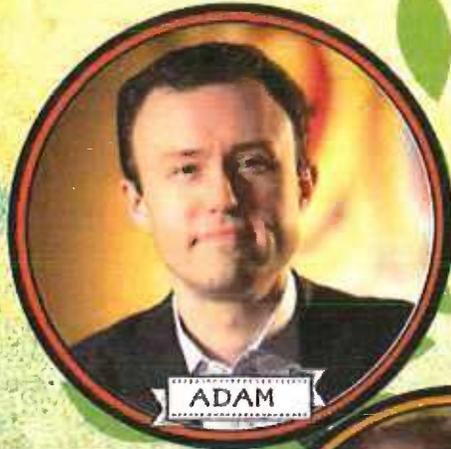
**2011**  
Sheetz opens its 400th store



**2013**  
Joe, Bob's nephew takes over as CEO of the company

**2014**  
Adds a 2nd Distribution Center and Kitchen in Burlington, NC

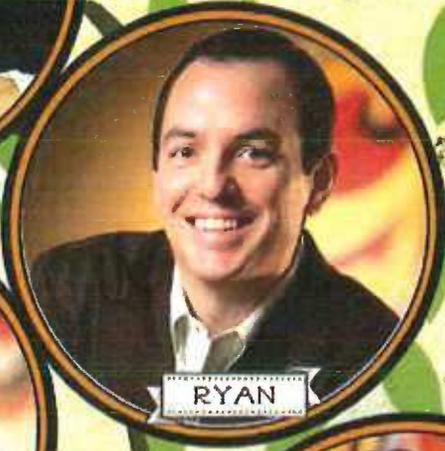
**2015**  
500th store opens



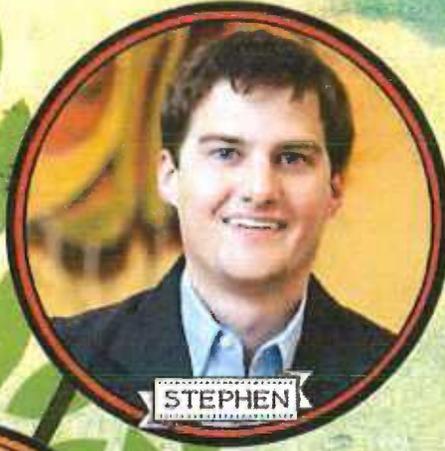
-  3RD GENERATION
-  2ND GENERATION
-  1ST GENERATION



ALLIE



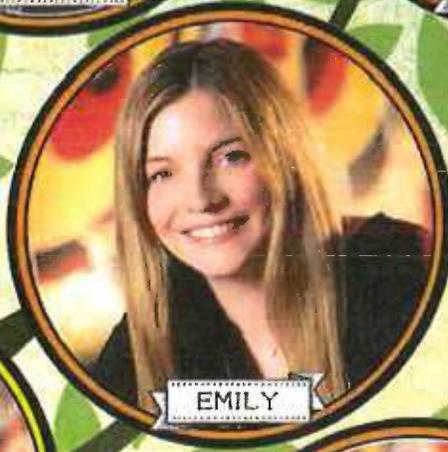
RYAN



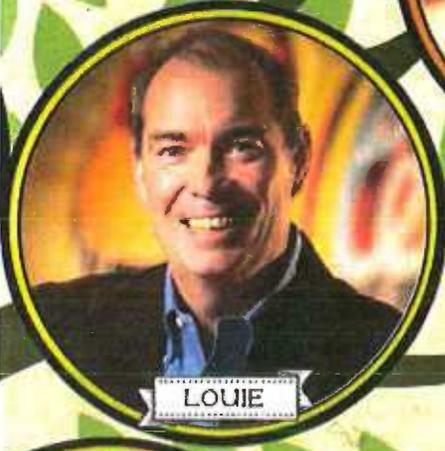
STEPHEN



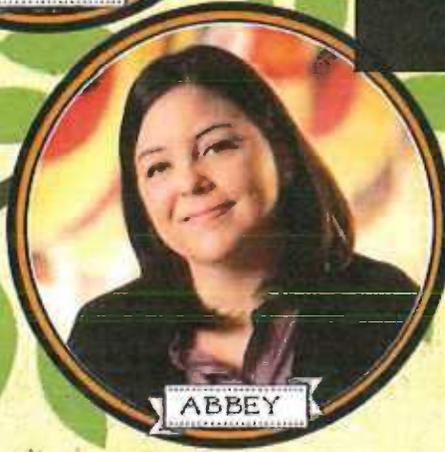
JOE S.



EMILY



LOUIE



ABBEY



CHARLIE

## ■ SHEETZ FAMILY

Sheetz is still family owned, and this is the core of the company. The fact that a family is at the helm together creates an environment where senior management genuinely cares about its employees and customers.

## FOOD

It's a popular belief that you can't get great-tasting food at a convenience store. At Sheetz, we like to turn such conventions on their heads. We have developed a food program that rivals any quick-serve restaurant you've ever visited. Our menu is made to order, or M•T•O® as we call it for short. We use only the highest quality ingredients and prepare your food especially for you, while you wait. Get exactly what you want, when you want it, 24/7. That's pretty convenient.

Our menu also feeds your busy lifestyle. Whether you need breakfast to start your day, a family dinner in the car as you're running the kids to activities, or a 3 am late night snack, all menu items are available, all day.

At Sheetz, we utilize cutting-edge technology to allow you to order your food ELECTRONICALLY through a touchscreen. Browse our extensive menu and check off your custom options with the touch of a finger. Quick. Easy. Nonverbal. Nothing wrong with that.

## SHEETZBROS. COFFEEZ®

Looking for 5-star coffee and specialty beverages for less bucks? Well, look no further! Sheetz is proud to offer authentic, hand-made espresso beverages created on traditional Italian espresso machines — made in the store, on the spot. And forget about wading through loads of coffeehouse jargon, because all Sheetz Bros. Coffeez® are prepared made-to-order using our signature touchscreen menu system.





FRESH FOOD

# SHEETZ

MADE TO ORDER

# MENU

## BREAKFAST

### BREAKFAST RECIPES

- FARMHOUSE CHICKEN FLATBREAD • KICKIN' CHICKEN SAUSAGE • WILDWEST FLATBREAD
- PROTEIN SHOWDOWN

### SANDWICHES

- WALKER BREAKFAST RANGER • DREAMY BACON CROISSANT • MAPLE HOTCAKE GRIDDLE
- TWISTED BLT • FRIED BACON & EGG SAMMICH
- SHMUFFINS<sup>®</sup> • SHMAGEL<sup>®</sup> • SHMISCUITS<sup>®</sup>
- CROISSANTS • MELTZ • MAPLE HOT CAKES
- CIABATTA ROLL • WHEAT BREAD • WHITE BREAD
- FLATBREAD • BREAKFAST BURRITOS

### OTHER SHUFF

- GRANDE BURRITO • BREAKFAST BURRITOS
- HASHBROWNZ

### BREADS

- PLAIN BAGEL • BISCUIT • CROISSANT • ENGLISH MUFFIN • SLICED WHITE BREAD • SLICED WHEAT BREAD • PRETZEL ROLL • CIABATTA ROLL

### THE BIG SHWIRL

## BURGERZ & DOGZ

### PREMIUM BURGERZ

- THE BOSS BACON BURGER • ATOMIC
- TWISTED BRUNCH • THE BIG MOZZ
- CAROLINA SLAW • MADE-TO-ORDER

### BURGER SLIDERZ

### BURGER SHNACK WRAP

### 2/\$1 ORIGINAL DOGZ

### LOADED M-T-O<sup>®</sup> DOGZ

### JALAPEÑO CHEDDAR DOG

### RECIPE DOGZ

- BLT DOG • PHILLY DOG • FIREHOUSE DOG
- JUNKYARD DOG • SHMOKEHOUSE DOG

## SALADZ & WRAPZ

### SALADZ

- HOUSE • ITALIAN • FRUITY NUT CHICKEN
- SPICY CHICKEN CAESAR • CALI COBB
- STEAK N' FRYZ • TACO • MADE-TO-ORDER

### WRAPZ

- HOT WRAPZ (Grilled Chicken, Steak, Crispy Chicken, Pork, Popcorn Chicken, Meatball, Pepperoni)
- COLD WRAPZ (Premium Dietz & Watson<sup>®</sup> Turkey, Turkey, Chicken Caesar, Ham, Deli, Italian, Tuna Salad, Chicken Salad, Bacon, Club Combo, Veggie)
- SHNACK WRAPZ (Crispy Chicken, Burger, Fish)

## SNACKZ & SIDEZ

### SHWEET STUFF

- THE BIG SHWIRL • CHURROS

### POPCORN CHICKEN

### SHWINGZ & STRIPZ

- SHWINGZ • CRISPY STRIPZ

## FRIED APPETIZERS

- APPETIZER SAMPLER (Build it your way) • MAC N' CHEESE BITES • WISCONSIN CHEESE BITES
- MOZZARELLA STICKS

## FRYZ, RINGS & TOTZ

- FRYZ (Bag, Cup, Bucket, Loaded Fryz)
- RINGZ (Bag, Cup, Bucket)
- TOTZ (Bag, Cup, Bucket, Loaded Totz)

## SLIDERZ & SHNACK WRAPZ

- SHNACK WRAPZ (Crispy Chicken, Burger, Fish)
- SLIDERZ (Meatball, Chicken, Burger)

## MAC N' CHEESE

- MAC N' CHEESE • CHILI MAC N' CHEESE
- THREE CHEESE MAC N' CHEESE

## GOURMET PRETZELS

- SALTED • PLAIN • CHEESE FILLED
- JALAPEÑO CHEESE • CINNAMON SUGAR

## OTHER SIDES

- RICE & BEANS • APPLE SLICES
- HARD BOILED EGGS • COLESLAW

## MEX-AMERICAN

### WALKING TACOS

- (All with choice of Doritos<sup>®</sup>, Fritos<sup>®</sup>, Tostitos<sup>®</sup>)
- TRADITIONAL WALKING TACO
- WALKING TACO GRANDE in a BAG OR BOWL

### MACHO NACHO

- DORITOS<sup>®</sup> • FRITOS<sup>®</sup> • TOSTITOS<sup>®</sup>

### BURRITO

- TORTILLA • BOWL

### TACO SALAD

### QUESADILLA

- GRILLED CHICKEN
- STEAK
- CHEESE

### CHURROS

## PIZZA & PEPPEROLI'Z

### MEDIUM PIZZA

- PEPPERONI • CHEESE
- SIGNATURE RECIPE BUFFALO CHICKEN
- SIGNATURE RECIPE PHILLY CHEESESTEAK
- SIGNATURE RECIPE MEAT OVERLOAD
- SIGNATURE RECIPE VEGGIE
- MADE-TO-ORDER

### PIZZA BY THE SLICE

- CHEESE • MADE-TO-ORDER

### PEPPEROLLI'Z

## CHICKEN & FISH

### SHWINGZ & STRIPZ

- SHWINGZ • CRISPY STRIPZ

### POPCORN CHICKEN

### SLIDERZ

## CHICKEN SUBZ

- CHICKEN TENDER SUB • GRILLED CHICKEN SUB
- POPCORN CHICKEN SUB

## PREMIUM GRILLED CHICKEN SANDWICH

- THE BOSS BACON • ATOMIC
- TWISTED BRUNCH • THE BIG MOZZ
- CAROLINA SLAW • MADE-TO-ORDER

## HOMESTYLE CRISPY CHICKEN SANDWICH

- THE BOSS BACON • ATOMIC
- TWISTED BRUNCH • THE BIG MOZZ
- CAROLINA SLAW • MADE-TO-ORDER

## SPICY CRISPY CHICKEN SANDWICH

- THE BOSS BACON • ATOMIC
- TWISTED BRUNCH • THE BIG MOZZ
- CAROLINA SLAW • MADE-TO-ORDER

## CHICKEN SHNACK WRAP

## CHICKEN PLATTERS

- 1 ITEM PLATTER • 2 ITEM PLATTER

## FISH SUB

## FISH WRAP

## FISH SHNACK WRAP

## FISH PLATTERS

- 1 ITEM PLATTER • 2 ITEM PLATTER

## SUBZ & SANDWICHEZ

## RECIPES

- SKINNY HOT CHICK • THE BIG PHILLY
- BOOM BOOM CHICKEN PO BOY
- CALI TURKEY FLATBREAD
- MEXI BAGEL MELT

## HOT MENU

- PRETZEL MELTZ (Premium Dietz & Watson<sup>®</sup> Turkey, Turkey, Ham, Country Club (Ham & Turkey), Bacon, Italian, Chicken Salad, Cold Cut, Tuna Salad, Steak, Pepperoni, Grilled Chicken, Pork)
- STEAK • CHICKEN • MEATBALL
- PEPPERONI • PULLED PORK
- POPCORN CHICKEN • CRISPY CHICKEN

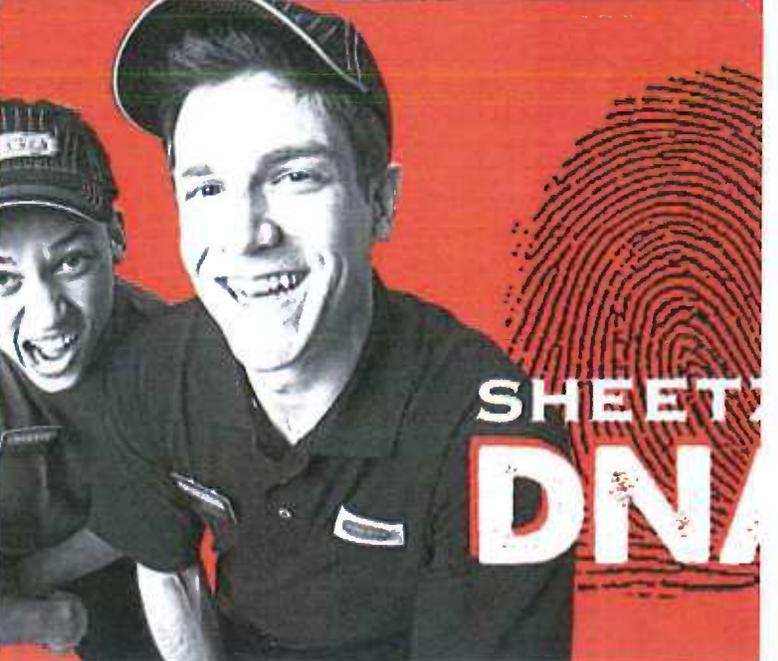
## COLD MENU

- PREMIUM DIETZ & WATSON<sup>®</sup> TURKEY
- TURKEY • HAM • DELI • ITALIAN
- TUNA SALAD • CHICKEN SALAD • BACON
- CLUB COMBO (Ham & Turkey)
- CHEESE • VEGGIE

You love our vast menu, right? We know. We do, too! It's one of our best traits! Just don't be surprised if something you find on this menu isn't available at the store you're visiting. Items vary by store. And we update our offerings frequently. So, just use this as a "guide" for Sheetz made-to-order awesomeness. And please excuse any inaccuracies or missing items.



**SHEETZ BROS  
KITCHEN**





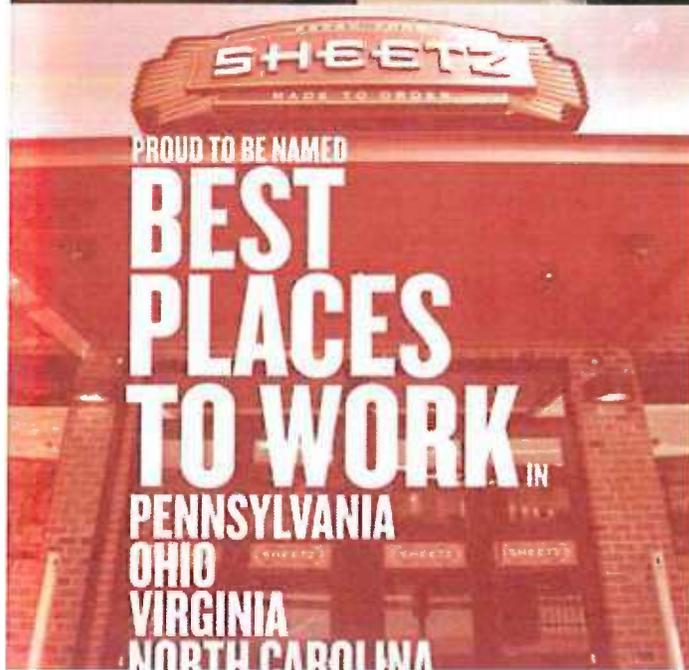
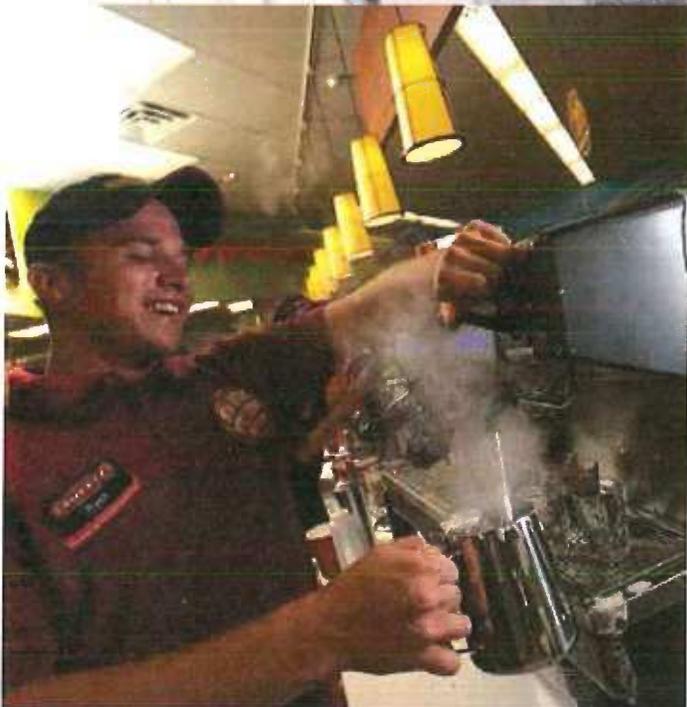
## ■ OUR CULTURE

Making Fortune magazine's 100 Best Companies To Work For® has been a long-term goal of Sheetz. We have joined the likes of companies all famous for their exceptional work environments. Fortune looked at the workplace practices used at Sheetz, policies and procedures when making their decision, but two-thirds of our score comes directly from the employee feedback they receive via independent survey. We could not have made the list without ALL of our outstanding employees!

Stan Sheetz said that his dream was to have employees more excited to clock in than clock out. We work hard to make that dream come true. Our employees say that Sheetz as a company treats employees, customers and just about everyone else as if they are among its nearest and dearest. Sheetz employees are not only proud of the Sheetz name but also of the work they do together to make this company succeed 365 days a year! Our employees agree that Sheetz offers not just a job, but a chance to get an education, receive professional training and give back to the community they work in. The company encourages people to give back to the community in ways that go beyond everyday good customer service.

Sometimes it can be hard to put a company's culture into words. But a few years ago, we set out to do just that. Who better to tackle that job than our employees? We interviewed hundreds of our people to define just what it is that makes up the DNA of Sheetz. As usual, they nailed it. Our employees are all unique individuals who bring their own special talents and abilities to the table. But there are a few things they have in common, and that's what makes Sheetz...Sheetz.

We show respect, are driven to win, real, stay connected to the community, dependable, we have high energy and a pioneering spirit.



# Wellness & Sustainability



The U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) program is a framework for identifying and prioritizing practical and measurable green building design, construction, operations and maintenance solutions. LEED certification provides independent third-party verification that a building, home or commercial space designed and built using strategies aimed at achieving high performance in key areas of human and environmental health, sustainability, site development, water savings, energy efficiency, materials selection and indoor environmental quality.

Sheetz Center for Sustainability was designed and built as a healthy and sustainable facility honoring our community of stakeholders. Investing heavily in green on the environment. Using the LEED framework, the building achieved Gold Level Certification, an impressive level of sustainability, well ahead of other great sustainable design features!



### Site & Transportation

- Bicycle racks to encourage cycling and pedestrian parking for bicycling and high-occupancy vehicles.
- Open space adjacent to the building has been set aside to promote natural habitat and the use of locally sourced and/or recycled lighting and light fixtures that would impact wildlife.
- Stormwater management and infiltration, if applicable.

### Energy & Water Efficiency

- Projected annual water savings of approximately 20% compared to a conventional building due to efficient fixtures and faucets.
- Smart use of daylighting including clerestory windows. Exterior lighting and signage throughout the building rely on energy efficient LED and compact fluorescent lighting.
- Reducing the lighting load also reduces the energy used to cool the building.

### Indoor Environmental Quality

- Low-emitting materials, including paints, sealants, adhesives, coatings, flooring and carpeting, are used by contractors to reduce indoor air quality issues. Formaldehyde-free paints are used in a minimum.
- Air quality in the building was protected during construction by using air purifiers and dust control methods, and an advanced air filtration system maintains healthy indoor air.

### Sustainable Materials

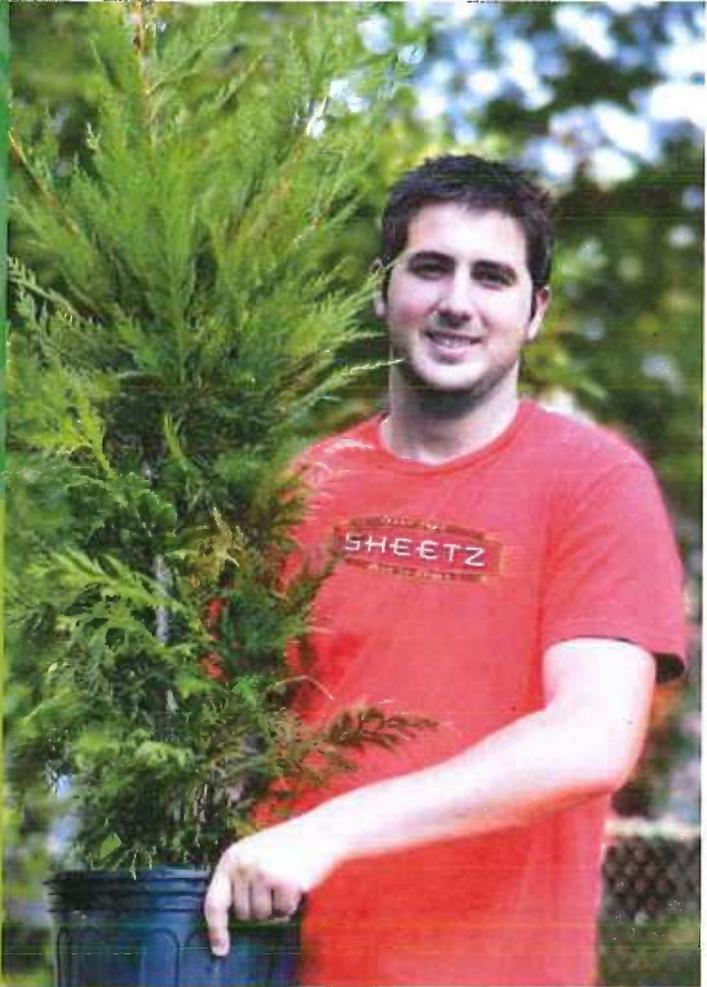
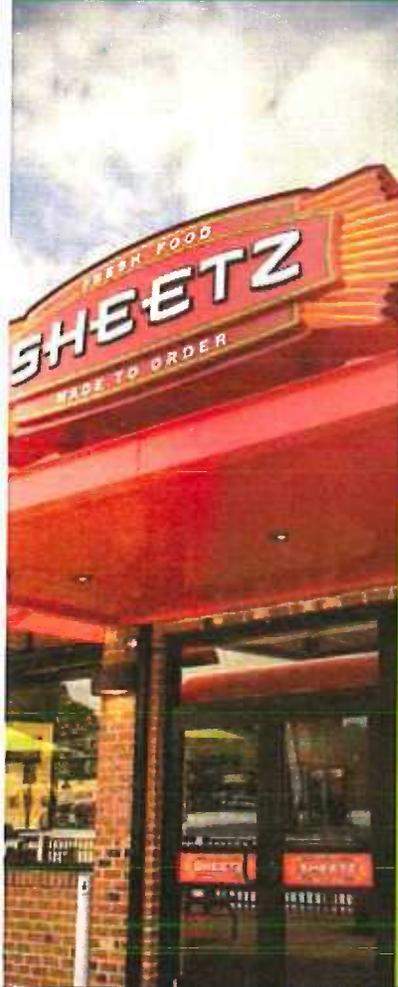
- Green building materials, including recycled wood and bamboo, paper composite countertops and cabinetry, are used in conjunction with high recycled content and rapidly renewable carpet, but are also SDP+ regional (within 500 miles) of the building's overall environmental footprint.

### Waste Management

- Efforts to reduce waste include recycling operational waste throughout the facility.
- Recycled water tanks were provided to all digital employees to encourage use of the Rainwater Harvesting, reducing water from plastic bottles.
- Construction waste was recycled or reused whenever possible.
- Use of energy-efficient lighting and other sustainable design features.



REDUCE, REUSE, RECYCLE. REPEAT.



**2**  
MILLION  
SHEETS OF PAPER



We set our printers to print double-sided by default. That saves two million sheets of paper per year companywide. Laid end to end, it would stretch over 347 miles! That's nearly the distance from Altoona, PA, to Burlington, NC.

**11**  
TONS

An average store that recycles diverts over 11 tons of material from landfills every year. That's more than the weight of two adult elephants!



**414,002**  
BOTTLES

AMOUNT OF  
WATER  
SAVED  
PER STORE  
EVERY YEAR



BY **LOW FLOW**  
**FIXTURES**  
IN OUR STORES

## ■ ENVIRONMENTAL RESPONSIBILITY

Sheetz strives to be a responsible steward of our environment. We've taken significant steps to reduce our impact, and we're now building stores that are more environmentally-friendly and more energy- and water-efficient. We've invested in alternative energy infrastructure, and we're dedicated to giving surplus food to those who need it.

- All of our stores use LED lighting, which saves a lot of energy! We also use water efficient plumbing fixtures, which decrease our water needs drastically.
- We've installed five electric vehicle charging stations across Pennsylvania, allowing electric car owners to charge up quickly and drive between Pittsburgh and Harrisburg (over 200 miles!!) without worry!
- Our stores donate leftover Made-to-Go® ready-to-eat food items to local food banks and other organizations that help those in need.
- In 2012, we opened the Sheetz Center for Shwellness, an employee medical and workout center next to our distribution center in Claysburg, PA. The building is certified "Gold" by the US Green Building Council's Leadership in Energy and Environmental Design (LEED) program. It's heated using geothermal energy, is built with local and rapidly renewable materials, and has energy and water features that reduce its resource use by 30% compared to similar buildings its size!
- Annually, Sheetz support staff celebrate Earth Day by attending an all-day environmental responsibility and wellness fair at our distribution centers in Claysburg, PA and Burlington, NC. While there, our employees have the opportunity to meet with representatives from local environmental and health-related organizations to learn how to live healthier lives, both for themselves and the planet.
- Support staff at our corporate office in Altoona, PA and our distribution center in Claysburg, PA have adopted 2 mile stretches of a local highway to keep it free of litter as part of the Pennsylvania Department of Transportation's Adopt-a-Highway program.

## ■ CORPORATE SPONSORSHIPS

We are a part of the communities where we operate and we want to be involved in our customers' lives. At Sheetz, we try and stay true to the charitable mission set forth by founder Bob Sheetz by sponsoring youth sports and development programs. Sheetz is involved with little league teams, elementary and high school sports, marching bands, booster clubs and collegiate level activities.

Sheetz began its partnership with Pennsylvania Special Olympics in 1991 and has been a proud supporter of the games in Pennsylvania. Over the years, they have enhanced their partnership with the Special Olympics in the Maryland, Ohio, North Carolina, Virginia and West Virginia. Sheetz has been a proud supporter with both financial and product support as well as providing event volunteers. As part of every Sheetz grand opening, Sheetz makes a donation of \$2500 to Special Olympics. Sheetz customers can also donate to this organization with change boxes that are in every store.



One way we stay involved with our communities is through our corporate charities. These are programs we support on a large scale, company wide. The Sheetz For The Kidz® program is extremely special to us because it was created by our own employees.





## ■ SHEETZ FAMILY CHARITIES

A tradition was born in 1992 when Sheetz employees in Blair County, Pennsylvania, created a way to give needy children the opportunity to celebrate the holidays with new toys, clothes and other basic needs. They began the Sheetz For the Kidz® holiday event (previously known as Sheetz Family Christmas®). The \$12,000 raised that first year was enough to take 126 kids on a Christmas shopping spree.

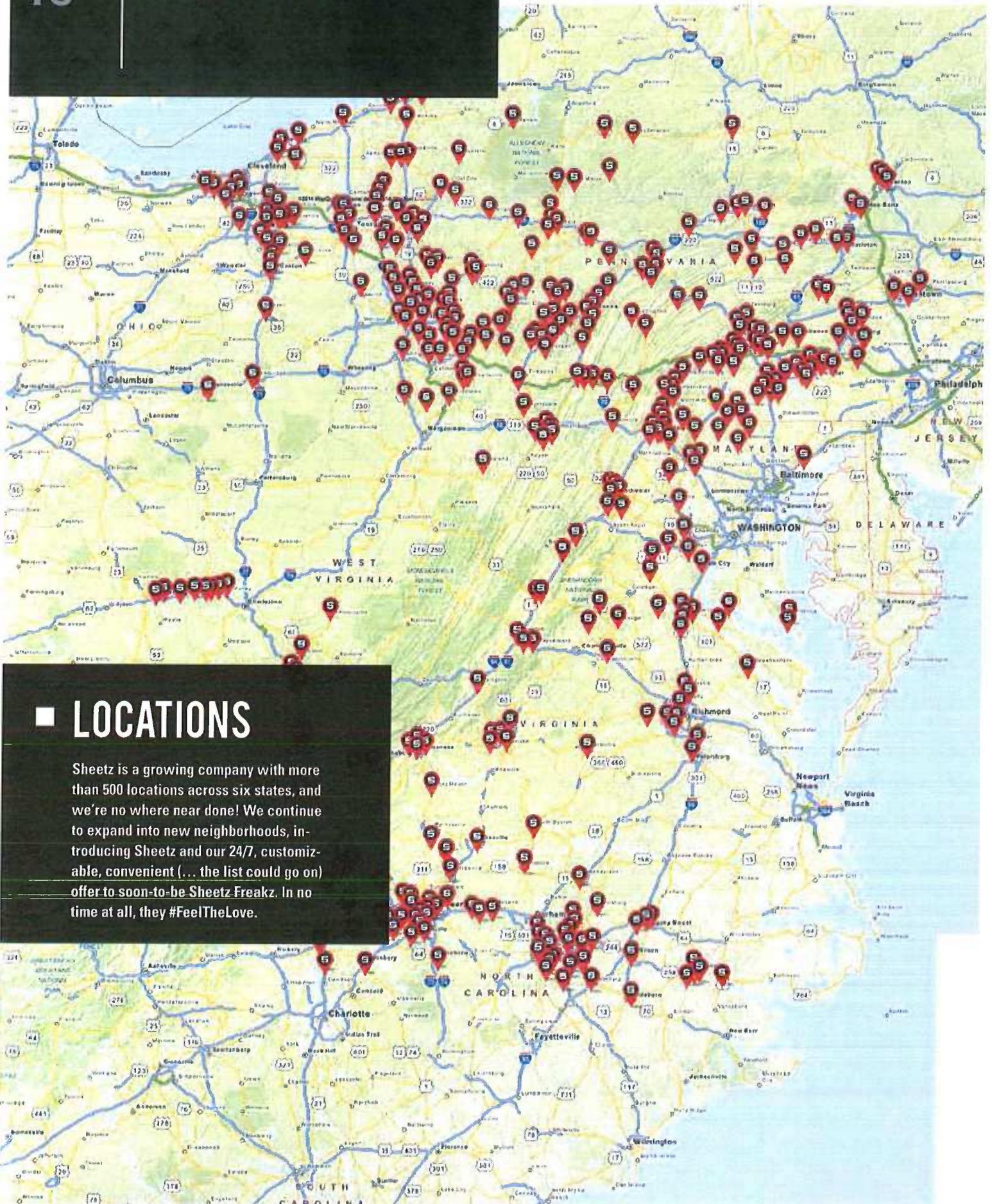
Our level of giving through the charity today is outstanding! Sheetz Family Charities raised more than \$1.8 million in 2013 alone, making the holiday season brighter for more than 7,400 children in PA, OH, MD, WV, VA and NC. Sheetz employees from every Sheetz operating area participated in the shopping days. Then we held special Christmas parties in each of our districts, where Santa presented the children with the gifts that were purchased totalling more than \$16.2 million.

### THE MAKE A WISH FOUNDATION®

Sheetz Family Charities developed a partnership with the Make-A-Wish Foundation in 2005. Through a donation of \$150,000, the charity sponsored 30 families of seriously ill children for a dream vacation to Orlando, Florida, fulfilling their "wish". Sheetz Family Charities continues to work with the good people of this organization and provide funding for children in our operating areas to make this trip.

In 2013 the charity donated \$210,000 to the Make-A-Wish Foundation, making it possible to send 42 families to Florida to experience the magic and make memories their families will cherish forever.





## LOCATIONS

Sheetz is a growing company with more than 500 locations across six states, and we're no where near done! We continue to expand into new neighborhoods, introducing Sheetz and our 24/7, customizable, convenient (... the list could go on) offer to soon-to-be Sheetz Freakz. In no time at all, they #FeelTheLove.





1%

OF ALL GAS SOLD IN THE US  
(3 MILLION \$ A DAY)

6.9

BILLION  
IN TOTAL SALES

500  
STORES

2,000  
SUPPORT  
STAFF

1,000,000

CUSTOMERS SERVED EACH DAY

7  
MIL

DONATED

IN CASH AND PRODUCT EVERY YEAR TO COMMUNITY ENDEAVORS

38  
NEW AND REBUILT  
STORES OPENING  
THIS YEAR

16,000  
EMPLOYEES

32

AVG NUMBER OF  
EMPLOYEES PER STORE

4  
6

STATES  
SELECTED AS A  
BEST PLACE TO WORK



## ■ ECONOMIC BENEFITS

Sheetz, with annual sales of more than \$6.9 billion, is a family owned and a productive member of the communities we serve.

### CREATING JOBS AND ECONOMIC GROWTH IN THE COMMUNITY

Sheetz employs 16,000 employees in over 480 stores. Every dollar earned and spent by a worker living and working in the community, is rolled over and spent seven more times by others in the form of goods and services. The full impact of a new Sheetz store coming to a community is far greater than just the immediate jobs.

- Each store employees 30-40 workers, the majority of which are full-time
- Sheetz employment offers:
  - Pay in the top 10% of all like retailers in the industry
  - Bonuses
  - Benefits (medical, dental, vision, and prescription medicines)
  - 401K and employee stock ownership plans
  - Training, vacation, holidays and tuition reimbursement



**COME BACK ANYTIME.  
WE'RE ALWAYS OPEN.**





SHEETZ INC. 2014

# **EXHIBIT B**



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# TMC NEWS

March 05, 2006

## Convenience culture: A lot more than gas

(Reading Eagle (PA) (KRT) Via Thomson Dialog NewsEdge) Mar. 5- Whenever people talk about the success of the fast-rising Wawa chain, now spread across every nook and cranny of Berks County, they often talk about the low price of gas and the fresh food, or the ATMs and vast selection of soft drinks.

0   0

But there's another force at work as I pass by three of them on my way to work. It starts with signage that is the same color and shape as a sunny side up egg, and ends with a \$1.25 cup of coffee I could have easily made at home for 10 cents.

Today's gas stations are basically fastfood restaurants and convenience stores that also happen to sell fuel, a trend over half a century in the making. But the newest hybrids, like Wawa and Sheetz, have injected an atmosphere not unlike that of Barnes & Noble or Pier One. Getting gas is actually pleasant.

Somehow, through a combination of food and atmosphere, Wawa has figured out the ultimate formula to make customers take the extra step and come inside, or better, stop in when they don't even need gas. At any given time of day, there are just as many people getting gas as there are getting something else. Here at the Eagle, I work next to someone who specifically makes a three-mile trek at lunch just to order Wawa's grilled chicken sandwich twice a week.

It's the little things in places like Wawa or Sheetz -- also the color of eggs and bacon -- that keep customers coming back. And if you think those colors are randomly picked, think again. Ever notice how the colors at McDonald's and Burger King are the colors of, well, burgers? Wawa's logo is exceptionally clever because it's the color of bacon and eggs, and also a picture of a sunrise and Canada goose. Nothing says "good morning" better than eggs, the sunrise and waterfowl.

Once you're inside, drawn in by the goose and egg, you're hit with the smell of hazelnut coffee emanating from two dozen coffee pots near the back, in plain sight of everything. There's never a shortage of coffee. Wawa may actually be creating a shortage for the rest of the planet.

Hovering around the coffee bay are the other early risers: the woman in hospital scrubs, the dusty laborer covered in drywall and the young hipster with an iPod. They look tired, but grateful for the

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coffee that will help lift them from under their cloud. You wonder what it's like to have a morning routine like these people, until you realize you have one yourself.

Nothing links Wawa to the likes of Barnes & Noble and Starbucks more than their coffee lids, which come in two styles: the standard flat white lid you need to tear open, or the more modern black dome lid with the little slit. While the white one will probably only take 10 million years to decay, I prefer the heartier black one, figuring most of my money is going toward the cup, lid and cardboard holder anyway. Might as well go the extra mile and maximize the ecological damage. I actually get a little annoyed with people who take the white lid and no holder. This isn't Chevron, people.

Then there's food. There was a time when the thought of integrating food with gas stations would turn your stomach. At best, you'd find a few packs of gum and cigarettes behind the counter, rung up by a mechanic who had just finished installing brake pads. Imagine those hands today, assembling a buffalo chicken sandwich.

Ads for Sheetz's food occupy countless billboards across the county, announcing a new food that either starts with an "Sh" (Shmuffin) or ends with a "z" (Pretzel Meltz). Wawa is famous for their wraps, which come in seemingly 30 varieties of the "Southwestern" persuasion.

Then there's gas, which is an afterthought anymore. There are differences in pumping experiences depending where you go. The general rule -- just like ATMs -- is that no two pumps are alike. Wawa's pumps are pretty standard, and they play pretty good music. Lots of Motown.

The coolest gas pumps on the planet are at Sunoco, located at 17th Street and Perkiomen Avenue. If you get a chance, take a sack lunch and make a day trip of it. Bring the children.

The strangest pumps are located outside our area at an Exxon just north of Allentown on Route 309. They have little televisions inside. The problem is, by the time you get over the initial astonishment of television sets inside gas pumps, it's too late to enjoy what's on. Half of them no longer work anyway, no doubt broken by confused teens.

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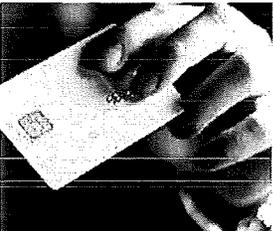


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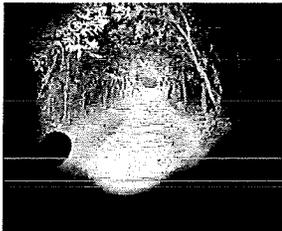


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## Upcoming Events



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3



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# **EXHIBIT C**

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Mark: SHMAGELZ

SHMAGELZ

US Serial Number: 86011740

Application Filing Date:

Jul. 16, 2013

US Registration Number: 4440388

Registration Date:

Nov. 26, 2013

Register:

Principal

Mark Type:

Trademark

Status:

Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date:

Nov. 26, 2013

Publication Date: Sep. 10, 2013

---

## Mark Information

---

Mark Literal Elements:

SHMAGELZ

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:

2736589

---

## 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 PRODUCTS, NAMELY BAGELS AND PREPARED SANDWICHES FOR CONSUMPTION ON AND OFF THE PREMISES

International Class(es): 030 - Primary Class

U.S Class(es):

046

Class Status:

ACTIVE

Basis:

1(a)

First Use: Jan. 23, 2002

Use in Commerce:

Jan. 23, 2002

---

## 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  
Filed 66A: No  
Filed No Basis: No

Currently 44E: No  
Currently 66A: No  
Currently No Basis: No

Amended 44E: No

---

## Current Owner(s) Information

---

**Owner Name:**

Sheetz of Delaware, Inc.

**Owner Address:**

501 Silverside Drive, Suite 67  
Wilmington, DELAWARE UNITED STATES 19809

**Legal Entity Type:** CORPORATION

**State or Country Where  
Organized:**

DELAWARE

---

## Attorney/Correspondence Information

---

**Attorney of Record**

**Attorney Name:** Roberta Jacobs-Meadway

**Docket Number:**

297764-00062

**Attorney Primary Email  
Address:** [rjacobsmeadway@eckertseamans.com](mailto:rjacobsmeadway@eckertseamans.com)

**Attorney Email  
Authorized:**

Yes

**Correspondent**

**Correspondent  
Name/Address:**

ROBERTA JACOBS-MEADWAY  
ECKERT SEAMANS CHERIN & MELLOTT, LLC  
50 SOUTH 16TH STREET  
PHILADELPHIA, PENNSYLVANIA UNITED STATES 19102-2516

**Phone:** 215-851-8522

**Fax:**

(215) 851-8383

**Correspondent e-mail:** [rjacobsmeadway@eckertseamans.com](mailto:rjacobsmeadway@eckertseamans.com) [lpdocket@eckertseamans.com](mailto:lpdocket@eckertseamans.com) [lmquinness@eckertseamans.com](mailto:lmquinness@eckertseamans.com)

**Correspondent e-mail  
Authorized:**

Yes

**Domestic Representative - Not Found**

---

## Prosecution History

---

Date	Description	Proceeding Number
Jan. 14, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 26, 2013	REGISTERED-PRINCIPAL REGISTER	
Sep. 10, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 10, 2013	PUBLISHED FOR OPPOSITION	
Aug. 21, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Aug. 02, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 02, 2013	ASSIGNED TO EXAMINER	74666
Jul. 24, 2013	NOTICE OF PSEUDO MARK E-MAILED	
Jul. 23, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 19, 2013	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:**

Nov. 26, 2013

Generated on:

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Mark: SHWEETZ

# SHWEETZ

US Serial Number: 77502030

Application Filing Date:

Jun. 18, 2008

US Registration Number: 3696718

Registration Date:

Oct. 13, 2009

Register:

Principal

Mark Type:

Service Mark

Status:

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

Status Date:

Oct. 27, 2014

Publication Date: Nov. 11, 2008

Notice of Allowance Date:

Feb. 03, 2009

---

## Mark Information

---

Mark Literal Elements:

SHWEETZ

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

---

## 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:

retail store services featuring bakery goods

International Class(es): 035 - Primary Class

U.S Class(es):

100, 101, 102

Class Status:

ACTIVE

Basis:

1(a)

First Use: Sep. 01, 2008

Use in Commerce:

Sep. 01, 2008

---

## 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:**

Sheetz of Delaware, Inc.

**Owner Address:**501 Silverside Drive, Suite 67  
Wilmington, DELAWARE 19809  
UNITED STATES**Legal Entity Type:** CORPORATION**State or Country Where  
Organized:**

DELAWARE

## Attorney/Correspondence Information

**Attorney of Record****Attorney Name:** Roberta Jacobs-Meadway**Docket Number:**

297764-00021

**Attorney Primary Email  
Address:** [rjacobsmeadway@eckertseamans.com](mailto:rjacobsmeadway@eckertseamans.com)**Attorney Email  
Authorized:**

No

**Correspondent****Correspondent  
Name/Address:**ROBERTA JACOBS-MEADWAY  
ECKERT SEAMANS CHERIN & MELLOTT, LLC  
50 SOUTH 16TH STREET  
PHILADELPHIA, PENNSYLVANIA 19102-2516  
UNITED STATES**Phone:** 215-851-8522**Fax:**

(215) 851-8383

**Correspondent e-mail:** [rjacobsmeadway@eckertseamans.com](mailto:rjacobsmeadway@eckertseamans.com) [lpdocket@eckertseamans.com](mailto:lpdocket@eckertseamans.com) [lmcguinness@eckertseamans.com](mailto:lmcguinness@eckertseamans.com)**Correspondent e-mail  
Authorized:**

Yes

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Oct. 27, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Oct. 27, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67723
Oct. 27, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67723
Oct. 15, 2014	TEAS SECTION 8 & 15 RECEIVED	
Jan. 14, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 13, 2009	REGISTERED-PRINCIPAL REGISTER	
Sep. 08, 2009	LAW OFFICE REGISTRATION REVIEW COMPLETED	59272
Aug. 16, 2009	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Aug. 13, 2009	STATEMENT OF USE PROCESSING COMPLETE	69302
Jul. 15, 2009	USE AMENDMENT FILED	69302
Aug. 13, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	69302
Jul. 15, 2009	TEAS STATEMENT OF USE RECEIVED	
Feb. 03, 2009	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 11, 2008	PUBLISHED FOR OPPOSITION	
Oct. 22, 2008	NOTICE OF PUBLICATION	
Oct. 06, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	59272
Oct. 06, 2008	ASSIGNED TO LIE	59272
Sep. 24, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 24, 2008	ASSIGNED TO EXAMINER	69225
Jun. 23, 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: TMO LAW OFFICE 110

Date in Location:

Oct. 27, 2014

**Generated on:**

This page was generated by TSDR on 2015-12-14 11:24:45 EST

**Mark:** SHEETZ BROS. COFFEEZ

SHEETZ BROS. COFFEEZ

**US Serial Number:** 76538081

**Application Filing Date:**

Aug. 18, 2003

**US Registration Number:** 2923976

**Registration Date:**

Feb. 01, 2005

**Register:**

Principal

**Mark Type:**

Trademark

**Status:**

The registration has been renewed.

**Status Date:**

Feb. 14, 2015

**Publication Date:** Jun. 01, 2004

**Notice of Allowance Date:**

Aug. 24, 2004

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## Mark Information

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**Mark Literal Elements:**

SHEETZ BROS. COFFEEZ

**Standard Character Claim:**

No

**Mark Drawing Type:**

1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

**Disclaimer:**

"COFFEES"

**Acquired Distinctiveness Claim:**

In part

**Distinctiveness Limitation Statement:**

as to "SHEETZ"

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## Related Properties Information

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**Claimed Ownership of US Registrations:**

1274635, 2123441, 2292455, 2318225, 2425636, 2541824, 2650622 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:**

Non-alcoholic prepared coffee-based beverages for consumption on and off the premises

**International Class(es):** 030 - Primary Class

**U.S Class(es):**

046

**Class Status:**

ACTIVE

**Basis:**

1(a)

First Use: Nov. 17, 2003

Use in Commerce:

Nov. 17, 2003

### 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:**

Sheetz of Delaware, Inc.

**Owner Address:**

501 Silverside Drive  
Suite 67  
Wilmington, DELAWARE 19809  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:**

DELAWARE

### Attorney/Correspondence Information

**Attorney of Record**

**Attorney Name:** Roberta Jacobs-Meadway

**Docket Number:**

297764-00020

**Attorney Primary Email Address:** [rjacobsmeadway@eckertseamans.com](mailto:rjacobsmeadway@eckertseamans.com)

**Attorney Email Authorized:**

Yes

**Correspondent**

**Correspondent Name/Address:**

Roberta Jacobs-Meadway  
ECKERT SEAMANS CHERIN & MELLOTT, LLC  
50 SOUTH 16TH STREET  
PHILADELPHIA, PENNSYLVANIA 19102-2516  
UNITED STATES

**Phone:** 215-851-8522

**Fax:**

(215) 851-8383

**Correspondent e-mail:** [rjacobsmeadway@eckertseamans.com](mailto:rjacobsmeadway@eckertseamans.com) [lpdocket@eckertseamans.com](mailto:lpdocket@eckertseamans.com) [lmcginness@eckertseamans.com](mailto:lmcginness@eckertseamans.com)

**Correspondent e-mail Authorized:**

Yes

**Domestic Representative - Not Found**

### Prosecution History

Date	Description	Proceeding Number
Feb. 14, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Feb. 14, 2015	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68335
Feb. 14, 2015	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68335
Feb. 13, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68335
Jan. 30, 2015	TEAS SECTION 8 & 9 RECEIVED	
Jan. 14, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 06, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	77315
Feb. 05, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	77315
Jan. 24, 2011	TEAS SECTION 8 & 15 RECEIVED	
Mar. 06, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 01, 2005	REGISTERED-PRINCIPAL REGISTER	

Nov. 26, 2004	LAW OFFICE REGISTRATION REVIEW COMPLETED	78145
Nov. 26, 2004	ASSIGNED TO LIE	78145
Nov. 10, 2004	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 08, 2004	STATEMENT OF USE PROCESSING COMPLETE	73797
Oct. 18, 2004	USE AMENDMENT FILED	73797
Oct. 20, 2004	PAPER RECEIVED	
Aug. 24, 2004	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 01, 2004	PUBLISHED FOR OPPOSITION	
May 12, 2004	NOTICE OF PUBLICATION	
Mar. 21, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 18, 2004	EXAMINERS AMENDMENT MAILED	
Mar. 01, 2004	NON-FINAL ACTION MAILED	
Feb. 26, 2004	ASSIGNED TO EXAMINER	72620

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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:**

Feb. 01, 2015

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### TM Staff and Location Information

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**TM Staff Information - None**

**File Location**

**Current Location:** GENERIC WEB UPDATE

**Date in Location:**

Feb. 14, 2015

**Generated on:**

This page was generated by TSDR on 2015-12-14 11:25:18 EST

Mark: SHMISCUITZ

SHMISCUITZ

US Serial Number: 76457713

Application Filing Date:

Oct. 11, 2002

US Registration Number: 2736590

Registration Date:

Jul. 15, 2003

Register:

Principal

Mark Type:

Trademark

Status:

The registration has been renewed.

Status Date:

Aug. 06, 2013

Publication Date: Apr. 22, 2003

---

## Mark Information

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**Mark Literal Elements:**

SHMISCUITZ

**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:**

2541277

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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:**

bakery products, namely biscuits and prepared sandwiches for consumption on and off the premises

International Class(es): 030 - Primary Class

U.S Class(es):

046

**Class Status:**

ACTIVE

**Basis:**

1(a)

First Use: Nov. 01, 2000

Use in Commerce:

Nov. 01, 2000

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## 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  
Filed No Basis: No

Currently 66A: No  
Currently No Basis: No

---

## Current Owner(s) Information

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**Owner Name:**

Sheetz of Delaware, Inc.

**Owner Address:**

501 SILVERSIDE DRIVE, STE 67  
Wilmington, DELAWARE 19809  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country Where  
Organized:**

DELAWARE

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## Attorney/Correspondence Information

---

**Attorney of Record**

**Attorney Name:** Roberta Jacobs-Meadway

**Docket Number:**

297764-00020

**Attorney Primary Email  
Address:** [rjacobsmeadway@eckertseamans.com](mailto:rjacobsmeadway@eckertseamans.com)

**Attorney Email  
Authorized:**

Yes

**Correspondent**

**Correspondent  
Name/Address:**

Roberta Jacobs-Meadway  
ECKERT SEAMANS CHERIN & MELLOTT, LLC  
50 SOUTH 16TH STREET  
PHILADELPHIA, PENNSYLVANIA 19102-2516  
UNITED STATES

**Phone:** 215-851-8522

**Fax:**

(215) 851-8383

**Correspondent e-mail:** [rjacobsmeadway@eckertseamans.com](mailto:rjacobsmeadway@eckertseamans.com) [lpdocket@eckertseamans.com](mailto:lpdocket@eckertseamans.com) [lmcquinness@eckertseamans.com](mailto:lmcquinness@eckertseamans.com)

**Correspondent e-mail  
Authorized:**

Yes

**Domestic Representative - Not Found**

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## Prosecution History

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Date	Description	Proceeding Number
Jan. 14, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 06, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Aug. 06, 2013	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	66607
Aug. 06, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	66607
Aug. 06, 2013	AMENDMENT UNDER SECTION 7 - ISSUED	66607
Jul. 17, 2013	TEAS SECTION 7 REQUEST RECEIVED	
Jul. 15, 2013	TEAS SECTION 8 & 9 RECEIVED	
Jul. 11, 2013	TEAS SECTION 7 REQUEST RECEIVED	
Aug. 18, 2009	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	66607
Jul. 20, 2009	ASSIGNED TO PARALEGAL	66607
Jul. 15, 2009	TEAS SECTION 8 & 15 RECEIVED	
Mar. 06, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 15, 2003	REGISTERED-PRINCIPAL REGISTER	
Apr. 22, 2003	PUBLISHED FOR OPPOSITION	
Apr. 02, 2003	NOTICE OF PUBLICATION	
Mar. 06, 2003	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 27, 2003	ASSIGNED TO EXAMINER	76733

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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:**

Jul. 15, 2013

**Change in Registration:**

Yes

**Amendment to a  
Registration/Renewal  
Certificate:**

THE MARK IS AMENDED TO APPEAR AS FOLLOWS: SHMISCUITZ

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## **TM Staff and Location Information**

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**TM Staff Information - None**

**File Location**

**Current Location:** POST REGISTRATION

**Date in Location:**

Sep. 10, 2013

**Generated on:**

This page was generated by TSDR on 2015-12-14 11:27:41 EST

**Mark:** SHMUFFINZ

**SHMUFFINZ**

**US Serial Number:** 75151056

**Application Filing Date:**

Aug. 16, 1996

**US Registration Number:** 2087594

**Registration Date:**

Aug. 12, 1997

**Register:**

Principal

**Mark Type:**

Trademark

**Status:**

The registration has been renewed.

**Status Date:**

Aug. 28, 2007

**Publication Date:** May 20, 1997

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### Mark Information

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**Mark Literal Elements:**

SHMUFFINZ

**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

---

### 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:**

sandwiches for consumption on or off the premises

**International Class(es):** 030 - Primary Class

**U.S Class(es):**

046

**Class Status:**

ACTIVE

**Basis:**

1(a)

**First Use:** Aug. 1994

**Use in Commerce:**

Aug. 1994

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### Basis Information (Case Level)

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<b>Filed Use:</b> Yes	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> No	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

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### Current Owner(s) Information

---

**Owner Name:**

SHEETZ OF DELAWARE INC

**Owner Address:**

501 SILVERSIDE DR.  
SUITE 67  
WILMINGTON, DELAWARE 19809  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country Where  
Organized:**

DELAWARE

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## Attorney/Correspondence Information

---

**Attorney of Record**

**Attorney Name:** Roberta Jacobs-Meadway,

**Docket Number:**

069805

**Correspondent**

**Correspondent  
Name/Address:**

ROBERTA JACOBS-MEADWAY  
ECKERT SEAMANS CHERIN & MELLOTT, LLC  
50 SOUTH 16TH STREET  
PHILADELPHIA, PENNSYLVANIA 19102-2516  
UNITED STATES

**Phone:** 215-851-8522

**Fax:**

(215) 851-8383

**Correspondent e-mail:** [rjacobsmeadway@eckertseamans.com](mailto:rjacobsmeadway@eckertseamans.com) [lpdocket@eckertseamans.com](mailto:lpdocket@eckertseamans.com) [lmcguinness@eckertseamans.com](mailto:lmcguinness@eckertseamans.com)

**Correspondent e-mail  
Authorized:**

Yes

Domestic Representative - Not Found

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## Prosecution History

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Date	Description	Proceeding Number
Jan. 14, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 27, 2013	AMENDMENT UNDER SECTION 7 - ISSUED	67603
Jul. 11, 2013	SEC 7 REQUEST FILED	67603
Jul. 20, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67603
Jul. 11, 2013	TEAS SECTION 7 REQUEST RECEIVED	
Mar. 06, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 28, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	65765
Aug. 28, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Aug. 27, 2007	ASSIGNED TO PARALEGAL	65765
Aug. 07, 2007	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Aug. 07, 2007	TEAS SECTION 8 & 9 RECEIVED	
Mar. 13, 2007	CASE FILE IN TICRS	
Sep. 20, 2003	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Jul. 23, 2003	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jul. 23, 2003	PAPER RECEIVED	
Aug. 12, 1997	REGISTERED-PRINCIPAL REGISTER	
May 20, 1997	PUBLISHED FOR OPPOSITION	
Apr. 18, 1997	NOTICE OF PUBLICATION	
Feb. 28, 1997	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 26, 1997	ASSIGNED TO EXAMINER	73710

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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. 12, 2007

**Change in Registration:**

Yes

**Amendment to a  
Registration/Renewal  
Certificate:**

The mark is amended to appear as follows: SHMUFFINZ, a standard character claim is inserted.

---

**TM Staff and Location Information**

---

**TM Staff Information - None**

**File Location**

**Current Location:** POST REGISTRATION

**Date in Location:**

Oct. 03, 2013