

ESTTA Tracking number: **ESTTA737648**

Filing date: **04/04/2016**

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 parties oppose registration of the indicated application.

Opposers Information

Name	Arabica Funding, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	3900 Lakebreeze Avenue North Brooklyn Center, MN 55429 UNITED STATES		

Name	Caribou Coffee Company, Inc.		
Entity	Corporation	Citizenship	Minnesota
Address	3900 Lakebreeze Avenue North Brooklyn Center, MN 55429 UNITED STATES		

Attorney information	Elizabeth Buckingham Dorsey & Whitney LLP Suite 1500, 50 South Sixth Street Minneapolis, MN 55402 UNITED STATES ip.docket@dorsey.com, buckingham.elizabeth@dorsey.com, ever-ist.evan@dorsey.com Phone:612-343-2178		
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Applicant Information

Application No	86755440	Publication date	03/08/2016
Opposition Filing Date	04/04/2016	Opposition Period Ends	04/07/2016
Applicant	Vermont Coffee Company, LLC 1197 Exchange St MIDDLEBURY, VT 05753 UNITED STATES		

Goods/Services Affected by Opposition

Class 030. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Unsweetened coffee beverages

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.	3533290	Application Date	10/22/2007
Registration Date	11/18/2008	Foreign Priority	NONE

		Date	
Word Mark	CARIBOU		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1992/12/14 First Use In Commerce: 1994/09/04 Ground and Whole Bean Coffee; Coffee and Coffee-Based Beverages; Ready-to-DrinkCoffee; Espresso, Herbal Tea, and Tea Beverages; Sandwiches		

U.S. Registration No.	4313121	Application Date	09/07/2012
Registration Date	04/02/2013	Foreign Priority Date	NONE
Word Mark	CARIBOU		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1997/01/20 First Use In Commerce: 1997/01/20 Beverage Smoothies; Fruit Juices; Non-Alcoholic Beverages, Namely, Carbonated Beverages; Soft Drinks Flavored with Tea;Fruit Flavored Soft Drinks; Soft Drinks, Namely, Sodas		

U.S. Application No.	86629133	Application Date	05/14/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	CARIBOU COFFEE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2003/03/31 First Use In Commerce: 2003/03/31		

	Milk-Based Beverages Containing Coffee;Milk-Based Beverages Containing Tea; Milk-Based Beverages Containing Chocolate;Dried and Cooked Fruit; Fruit Salads and Vegetable Salads; Butter, Cheese, Cream Cheese, Hummus, Margarine, Milk, yogurt; fish, not live, jams, Meats, Peanut Butter, Poultry Class 030. First use: First Use: 2003/03/31 First Use In Commerce: 2003/03/31 Ice cream		
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U.S. Registration No.	2609319	Application Date	04/16/2001
Registration Date	08/20/2002	Foreign Priority Date	NONE
Word Mark	CARIBOU COFFEE		
Design Mark	CARIBOU COFFEE		
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1992/12/14 First Use In Commerce: 1994/09/04 Ground and Whole Bean Coffee; Hot and Frozen Coffee; Espresso, Herbal Tea, and Tea Beverages; Baked Goods, Namely, Biscotti, Bread, Brownies, Cakes, Cookies, Muffins, Pastries, and Scones; Chocolate;Candy Class 032. First use: First Use: 1997/01/20 First Use In Commerce: 1997/01/20 Beverage Smoothies		

U.S. Registration No.	4229376	Application Date	02/24/2012
Registration Date	10/23/2012	Foreign Priority Date	NONE
Word Mark	CARIBOU COFFEE		
Design Mark	CARIBOU COFFEE		
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2009/09/30 First Use In Commerce: 2009/09/30 Breakfast Cereals and Beverages with a Chocolate Base		

U.S. Registration No.	4374989	Application Date	09/07/2012
Registration Date	07/30/2013	Foreign Priority Date	NONE

Word Mark	CARIBOU COFFEE
Design Mark	CARIBOU COFFEE
Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 1997/01/20 First Use In Commerce: 1997/01/20 Beverage Smoothies; Fruit Juices; Non-Alcoholic Beverages, Namely, Carbonated Beverages; Soft Drinks Flavored with Tea;Fruit Flavored Soft Drinks; Soft Drinks, Namely Sodas

U.S. Application No.	86351991	Application Date	07/30/2014
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	CARIBOU COFFEE
Design Mark	CARIBOU COFFEE
Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 0 First Use In Commerce: 0 Coffee and Espresso-Based Spirits and Liqueurs

U.S. Registration No.	2703741	Application Date	04/16/2001
Registration Date	04/08/2003	Foreign Priority Date	NONE

Word Mark	CARIBOU COFFEE
Design Mark	CARIBOU COFFEE
Description of Mark	NONE

Goods/Services	Class 035. First use: First Use: 1997/04/01 First Use In Commerce: 1997/04/01 Retail store services, [mail order catalog services and] on-line retailing and ordering services featuring coffee, coffee brewing accessories, food and beverage ware		
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U.S. Registration No.	1839091	Application Date	12/04/1992
Registration Date	06/07/1994	Foreign Priority Date	NONE
Word Mark	CARIBOU COFFEE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1992/09/01 First Use In Commerce: 1992/09/01 restaurant services and retail store services in the field of coffee		

U.S. Registration No.	4264888	Application Date	12/23/2009
Registration Date	12/25/2012	Foreign Priority Date	NONE
Word Mark	CARIBOU COFFEE		
Design Mark			
Description of Mark	The mark consists of a stylized design of a leaping caribou against a background of a shield, with the words "CARIBOU COFFEE" in stylized letters below the shield design.		
Goods/Services	Class 029. First use: First Use: 2009/11/01 First Use In Commerce: 2009/11/01 Milk-Based Beverage Containing Coffee; Dried Fruit; Fruit Salads and Vegetable Salads; Yogurt		

U.S. Registration No.	3935459	Application Date	12/21/2009
Registration Date	03/22/2011	Foreign Priority	NONE

		Date	
Word Mark	CARIBOU COFFEE		
Design Mark			
Description of Mark	The mark consists of the word "CARIBOU" in stylized letters, followed by the stylized design of a leaping caribou against the background of a shield, followed by the word "COFFEE", all three elements in a horizontal line.		
Goods/Services	Class 030. First use: First Use: 2010/03/01 First Use In Commerce: 2010/03/01 Ground and Whole Bean Coffee; Coffee and Coffee-Based Beverages; Espresso, Herbal Tea, and Tea Beverages; Baked Goods, Namely, Biscotti, Bread, Brownies, Cakes, Cookies, Muffins, Pastries, and Scones; Chocolate; Candy; Sandwiches		

U.S. Registration No.	3878893	Application Date	12/23/2009
Registration Date	11/23/2010	Foreign Priority Date	NONE
Word Mark	CARIBOU COFFEE		
Design Mark			
Description of Mark	The mark consists of the word "CARIBOU" in stylized letters, followed by the stylized design of a leaping caribou against the background of a shield, followed by the word "COFFEE", all three elements in a horizontal line.		
Goods/Services	Class 032. First use: First Use: 2010/03/01 First Use In Commerce: 2010/03/01 Beverage Smoothies; Non-Alcoholic Beverages Containing Fruit Juices		

U.S. Application No.	86352001	Application Date	07/30/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	CARIBOU COFFEE		

Design Mark			
Description of Mark	The mark consists of the word "CARIBOU" in stylized letters, followed by the stylized design of a leaping caribou against the background of a shield, followed by the word "COFFEE", all three elements in a horizontal line.		
Goods/Services	Class 033. First use: First Use: 0 First Use In Commerce: 0 Coffee and Espresso-Based Spirits and Liqueurs		

U.S. Registration No.	3945509	Application Date	12/22/2009
Registration Date	04/12/2011	Foreign Priority Date	NONE

Word Mark	CARIBOU COFFEE		
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Design Mark			
Description of Mark	The mark consists of the word "CARIBOU" in stylized letters, followed by the stylized design of a leaping caribou against the background of a shield, followed by the word "COFFEE", all three elements in a horizontal line.		
Goods/Services	Class 035. First use: First Use: 2010/03/01 First Use In Commerce: 2010/03/01 Retail Store Services, and On-Line Retail Stores Services Featuring Coffee, Tea, Coffee and Tea Brewing Accessories, Food, and Beverageware; Retail Store Services in the Field of Coffee, Tea, Coffee and Tea Brewing Accessories, Food, and Beverageware, Featuring a Bonus Incentive Program for Customers		

U.S. Registration No.	3878886	Application Date	12/21/2009
Registration Date	11/23/2010	Foreign Priority Date	NONE

Word Mark	CARIBOU COFFEE		
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Design Mark			
Description of Mark	The mark consists of the word "CARIBOU" in stylized letters, followed by the stylized design of a leaping caribou against the background of a shield, followed by the word "COFFEE", all three elements in a horizontal line.		
Goods/Services	Class 043. First use: First Use: 2010/03/01 First Use In Commerce: 2010/03/01 Restaurant Services; Office Coffee Supply Services; Providing news and information in the field of drinks, specifically coffee		

U.S. Registration No.	3935455	Application Date	12/21/2009
Registration Date	03/22/2011	Foreign Priority Date	NONE

Word Mark	CARIBOU COFFEE		
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Design Mark			
Description of Mark	The mark consists of the word "CARIBOU" in stylized letters in brown, followed by the stylized design of a leaping caribou in brown against the background of a shield in teal/aqua, followed by the word "COFFEE" in teal/aqua, all three elements in a horizontal line.		
Goods/Services	Class 030. First use: First Use: 2010/03/01 First Use In Commerce: 2010/03/01 Ground and Whole Bean Coffee; Coffee and Coffee-Based Beverages; Espresso, Herbal Tea, and Tea Beverages; Baked Goods, Namely, Biscotti, Bread, Brownies, Cakes, Cookies, Muffins, Pastries, and Scones; Chocolate; Candy; Sandwiches		

U.S. Registration No.	3941677	Application Date	12/21/2009
Registration Date	04/05/2011	Foreign Priority Date	NONE

Word Mark	CARIBOU COFFEE		
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Design Mark			
Description of Mark	The mark consists of the word "CARIBOU" in stylized letters in brown, followed by the stylized design of a leaping caribou in brown against the background of a shield in teal/aqua, followed by the word "COFFEE" in teal/aqua, all three elements in a horizontal line.		
Goods/Services	Class 035. First use: First Use: 2010/03/01 First Use In Commerce: 2010/03/01 Retail Store Services, and On-Line Retail Stores Services Featuring Coffee, Tea, Coffee and Tea Brewing Accessories, Food, and Beverageware; Retail Store Services in the Field of Coffee, Tea, Coffee and Tea Brewing Accessories, Food, and Beverageware, Featuring a Bonus Incentive Program for Customers		

U.S. Registration No.	3878884	Application Date	12/21/2009
Registration Date	11/23/2010	Foreign Priority Date	NONE
Word Mark	CARIBOU COFFEE		
Design Mark			
Description of Mark	The mark consists of the word "CARIBOU" in stylized letters in brown, followed by the stylized design of a leaping caribou in brown against the background of a shield in teal/aqua followed by the word "COFFEE" in teal/aqua, all three elements in a horizontal line.		
Goods/Services	Class 043. First use: First Use: 2010/03/01 First Use In Commerce: 2010/03/01 Restaurant Services; Office Coffee Supply Services; Providing news and information in the field of drinks, namely, coffee		

U.S. Registration No.	2609338	Application Date	04/18/2001
Registration Date	08/20/2002	Foreign Priority Date	NONE
Word Mark	CARIBOU COFFEE		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 030. First use: First Use: 1992/12/14 First Use In Commerce: 1994/09/04 Ground and Whole Bean Coffee; Hot and Frozen Coffee; Espresso, Herbal Tea, and Tea Beverages; Baked Goods, Namely, Biscotti, Bread, Brownies, Cakes, Cookies, Muffins, Pastries, and Scones; Chocolate; Candy</p> <p>Class 032. First use: First Use: 1997/01/20 First Use In Commerce: 1997/01/20 [Beverage smoothies]</p>

U.S. Registration No.	2703747	Application Date	04/17/2001
Registration Date	04/08/2003	Foreign Priority Date	NONE

Word Mark	CARIBOU COFFEE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 035. First use: First Use: 1997/04/01 First Use In Commerce: 1997/04/01 Retail store services, [mail order catalog services and on-line retailing and ordering services] featuring coffee, coffee brewing accessories, food and beverage ware</p>
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U.S. Registration No.	1841047	Application Date	07/26/1993
Registration Date	06/21/1994	Foreign Priority Date	NONE
Word Mark	CARIBOU COFFEE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1992/09/01 First Use In Commerce: 1992/09/01 restaurant and cafe services and general retail store services in the field of coffee [and ice cream]		

U.S. Application No.	86719595	Application Date	08/10/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	CARIBOU COFFEE		
Design Mark			
Description of Mark	The mark consists of the word "CARIBOU" in stylized letters, followed by the word "COFFEE" in upper-case, block letters.		
Goods/Services	Class 030. First use: First Use: 2010/03/01 First Use In Commerce: 2010/03/01 Ground and Whole Bean Coffee; Coffee and Coffee-Based Beverages; Espresso; Herbal Tea, and Tea Beverages; Beverages with a Chocolate Base; Baked Goods, Namely, Bagels, Biscotti, Bread, Brownies, Cakes, Cookies, Muffins, Pastries, and Scones; Chocolate; Candy; Sandwiches; Breakfast Cereals		

U.S. Application No.	86719644	Application Date	08/10/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	CARIBOU COFFEE		
Design Mark			
Description of Mark	The mark consists of the word "CARIBOU" in stylized letters, followed by the word "COFFEE" in upper-case, block letters.		
Goods/Services	Class 035. First use: First Use: 2010/03/01 First Use In Commerce: 2010/03/01 Retail Store Services and On-line Retail Store Services Featuring Coffee, Tea, Coffee and Tea Brewing Accessories, Food, and Beverageware; Retail Store Services in the Field of Coffee, Tea, Coffee and Tea Brewing Accessories, Food, and Beverageware Featuring a Bonus Incentive Program for Customers; Customer Loyalty Services for Commercial, Promotional and/or Advertising Purposes; Franchising, Namely, Consultation and Assistance in Business Manage-		

	ment, Organization and Promotion		
U.S. Application No.	86719674	Application Date	08/10/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	CARIBOU COFFEE		
Design Mark			
Description of Mark	The mark consists of the word "CARIBOU" in stylized letters, followed by the word "COFFEE" in upper-case, block letters.		
Goods/Services	Class 043. First use: First Use: 2010/03/01 First Use In Commerce: 2010/03/01 Restaurant Services; Office Coffee Supply Services; Providing News and Information in the Field of Drinks, namely, Coffee		
U.S. Application No.	86719695	Application Date	08/10/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	CARIBOU COFFEE		
Design Mark			
Description of Mark	The mark consists of the word "CARIBOU" in stylized letters, above the word "COFFEE" in upper-case, block letters.		
Goods/Services	Class 029. First use: First Use: 2009/11/01 First Use In Commerce: 2009/11/01 Milk-Based Beverages Containing Coffee; Milk-Based Beverages Containing Tea; Milk-Based Beverages Containing Chocolate; Dried and Cooked Fruit; Fruit Salads and Vegetable Salads; Butter, Cheese, Cream Cheese, Ice Cream, Hummus, Margarine, Milk, Yogurt; Fish, Jams, Jellies, Meats, Peanut Butter, Poultry Class 030. First use: First Use: 2009/11/01 First Use In Commerce: 2009/11/01 Ice cream		
U.S. Application No.	86719727	Application Date	08/10/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	CARIBOU COFFEE		

Design Mark	
Description of Mark	The mark consists of the word "CARIBOU" in stylized letters, above the word "COFFEE" in upper-case, block letters.
Goods/Services	Class 032. First use: First Use: 2010/03/01 First Use In Commerce: 2010/03/01 Beverage Smoothies; Fruit Juices; Non-Alcoholic Beverages, Namely, Carbonated Beverages; Soft Drinks Flavored with Tea; Fruit Flavored Soft Drinks; Soft Drinks, namely, Sodas

U.S. Registration No.	3295338	Application Date	11/23/2005
Registration Date	09/18/2007	Foreign Priority Date	NONE

Word Mark	CARIBOU COFFEE DRIVE THRU
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 043. First use: First Use: 2005/12/19 First Use In Commerce: 2005/12/19 Restaurant services
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U.S. Registration No.	4094172	Application Date	12/23/2009
Registration Date	01/31/2012	Foreign Priority Date	NONE

Word Mark	DRIVE THRU CARIBOU COFFEE
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Design Mark	
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Description of Mark	The mark consists of design of a stylized caribou against the background of the upper portion of a shield, the design stacked above the words "DRIVE THRU" in bold letters appearing horizontally against the mid-section of the shield, stacked above the stylized words "CARIBOU COFFEE" at the bottom of the shield.
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Goods/Services	Class 043. First use: First Use: 2011/10/14 First Use In Commerce: 2011/10/14 Restaurant services
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U.S. Registration No.	4495927	Application Date	12/03/2012
Registration Date	03/11/2014	Foreign Priority Date	NONE
Word Mark	CARIBOU COOLER		
Design Mark	CARIBOU COOLER		
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2013/10/01 First Use In Commerce: 2013/10/01 Beverage Smoothies		

U.S. Registration No.	4465259	Application Date	05/02/2013
Registration Date	01/14/2014	Foreign Priority Date	NONE
Word Mark	CARIBOU PERKS		
Design Mark	CARIBOU PERKS		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2013/04/23 First Use In Commerce: 2013/04/23 Retail Store Services in the Field of Coffee, Tea, Coffee and Tea Brewing Accessories, Food, Candy, and Beverageware Featuring a Bonus Incentive Program for Customers		

Attachments	77310077#TMSN.png(bytes) 85723521#TMSN.png(bytes) 86629133#TMSN.png(bytes) 76241266#TMSN.png(bytes) 85551926#TMSN.png(bytes) 85723546#TMSN.png(bytes) 86351991#TMSN.png(bytes) 76241264#TMSN.png(bytes) 77899883#TMSN.png(bytes) 77898365#TMSN.png(bytes) 77899895#TMSN.png(bytes) 86352001#TMSN.png(bytes) 77899059#TMSN.png(bytes) 77898380#TMSN.png(bytes) 77898282#TMSN.png(bytes) 77898304#TMSN.png(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	/Elizabeth C. Buckingham/
Name	Elizabeth C. Buckingham
Date	04/04/2016

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

In the Matter of Application Serial No. 86/755,440
Published on March 8, 2016

ARABICA FUNDING, INC. and
CARIBOU COFFEE COMPANY, INC.

Opposers,

v.

VERMONT COFFEE COMPANY, LLC

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

Arabica Funding, Inc., a Delaware corporation, with its principal place of business at 3900 Lakebreeze Ave., Brooklyn Center, Minnesota, 55429 ("Arabica"), and its exclusive licensee, Caribou Coffee Company, Inc., with its principal place of business at 3900 Lakebreeze Ave., Brooklyn Center, Minnesota, 55429 ("Caribou") (Arabica and Caribou each an "Opposer," collectively the "Opposers"), believe that they will be damaged by registration of the mark CARBO COFFEE, that is the subject of U.S. Application Serial No. 86/755,440, sought to be registered by Vermont Coffee Company, LLC ("Applicant") and hereby oppose same.

As grounds for opposition, it is alleged that:

1. The trademark application for the mark CARBO COFFEE herein opposed, U.S. Application Serial No. 86/755,440, was filed on September 14, 2015, for "Unsweetened coffee beverages" in International Class 30 (the "Opposed Application").
2. The Opposed Application was filed on an intent-to-use basis. Since no amendment to allege use has been filed for this application, its constructive priority date is the filing date, September 14, 2015.

Likelihood of Confusion (Lanham Act § 2(d))

3. Arabica is the owner and Caribou the exclusive licensee of a large portfolio of trademark applications and registrations and common-law trademark rights of CARIBOU-variant marks for a variety of goods and services (“Opposers’ Marks”).

4. Arabica is the owner of the following applications and registrations of Opposers’ Marks (“Opposers’ Applications and Registrations”), among others:

Mark	Ser. / Reg. No.	Filing Date / Reg. Date	Class: Goods/Services, First Use Dates
CARIBOU	3,533,290	Oct 22, 2007 / Nov 18, 2008	30: Ground and Whole Bean Coffee; Coffee and Coffee-Based Beverages; Ready-to-Drink Coffee; Espresso, Herbal Tea, and Tea Beverages; Sandwiches First Use: Dec 14, 1992; First Use in Commerce: Sept 4, 1994.
CARIBOU	4,313,121	Sept 7, 2012 / Apr 2, 2013	32: Beverage Smoothies; Fruit Juices; Non-Alcoholic Beverages, Namely, Carbonated Beverages; Soft Drinks Flavored with Tea; Fruit Flavored Soft Drinks; Soft Drinks, Namely, Sodas First Use: Jan 20, 1997; First Use in Commerce: Jan 20, 1997.
CARIBOU COFFEE	86/629,133	May 14, 2015	29: Milk-Based Beverages Containing Coffee; Milk-Based Beverages Containing Tea; Milk-Based Beverages Containing Chocolate; Dried and Cooked Fruit; Fruit Salads and Vegetable Salads; Butter, Cheese, Cream Cheese, Hummus, Margarine, Milk, yogurt; fish, not live, jams, Meats, Peanut Butter, Poultry First Use: Mar 31, 2003; First Use in Commerce: Mar 31, 2003. 30: Ice Cream First Use: Mar 31, 2003; First Use in Commerce: Mar 31, 2003.

Mark	Ser. / Reg. No.	Filing Date / Reg. Date	Class: Goods/Services, First Use Dates
CARIBOU COFFEE	2,609,319	Apr 16, 2001 / Aug 20, 2002	30: Ground and Whole Bean Coffee; Hot and Frozen Coffee, Espresso, Herbal Tea, and Tea Beverages; Baked Goods, Namely, Biscotti, Bread, Brownies, Cakes, Cookies, Muffins, Pastries, and Scones; Chocolate; Candy First Use: Dec 14, 1992; First Use in Commerce: Sept 4, 1994. 32: Beverage Smoothies First Use: Jan 20, 1997; First Use in Commerce: Jan 20, 1997.
CARIBOU COFFEE	4,229,376	Feb 24, 2012 / Oct 23, 2012	30: Breakfast Cereals and Beverages with a Chocolate Base First Use: Sept 30, 2009; First Use in Commerce: Sept 30, 2009.
CARIBOU COFFEE	4,374,989	Sept 7, 2012 / Jul 30, 2013	32: Beverage Smoothies; Fruit Juices; Non-Alcoholic Beverages, Namely, Carbonated Beverages; Soft Drinks Flavored with Tea; Fruit Flavored Soft Drinks; Soft Drinks, Namely Sodas First Use: Jan 20, 1997; First Use in Commerce: Jan 20, 1997.
CARIBOU COFFEE	86/351,991	Jul 30, 2014	33: Coffee and Espresso-Based Spirits and Liqueurs Intent to use
CARIBOU COFFEE	2,703,741	Apr 16, 2001 / Apr 8, 2003	Class 35: Retail Store Services, On-Line Retailing and Ordering Services Featuring Coffee, Coffee Brewing Accessories, Food and Beverageware First Use: Apr 1, 1997; First Use in Commerce: Apr 1, 1997.

Mark	Ser. / Reg. No.	Filing Date / Reg. Date	Class: Goods/Services, First Use Dates
CARIBOU COFFEE	1,839,091	Dec 4, 1992 / Jun 7, 1994	Class 42: Restaurant Services and Retail Store Services in the Field of Coffee First Use: Sept 1, 1992; First Use in Commerce: Sept 1, 1992.
 CARIBOU COFFEE & Leaping Caribou and Shield Design	4,264,888	Dec 23, 2009 / Dec 25, 2012	Class 29: Milk-Based Beverage Containing Coffee; Dried Fruit; Fruit Salads and Vegetable Salads; Yogurt First Use: Nov 1, 2009; First Use in Commerce: Nov 1, 2009.
 CARIBOU COFFEE & Leaping Caribou and Shield Design	3,935,459	Dec 21, 2009 / Mar 22, 2011	Class 30: Ground and Whole Bean Coffee; Coffee and Coffee-Based Beverages; Espresso, Herbal Tea, and Tea Beverages; Baked Goods, Namely, Biscotti, Bread, Brownies, Cakes, Cookies, Muffins, Pastries, and Scones; Chocolate; Candy; Sandwiches First Use: Mar 1, 2010; First Use in Commerce: Mar 1, 2010.
 CARIBOU COFFEE & Leaping Caribou and Shield Design	3,878,893	Dec 23, 2009 / Nov 23, 2010	Class 32: Beverage Smoothies; Non-Alcoholic Beverages Containing Fruit Juices First Use: Mar 1, 2010; First Use in Commerce: Mar 1, 2010.
 CARIBOU COFFEE & Leaping Caribou and Shield Design	86/352,001	Jul 30, 2014	33: Coffee and Espresso-Based Spirits and Liqueurs Intent to use

Mark	Ser. / Reg. No.	Filing Date / Reg. Date	Class: Goods/Services, First Use Dates
 CARIBOU COFFEE & Leaping Caribou and Shield Design	3,945,509	Dec 22, 2009 / Apr 12, 2011	Class 35: Retail Store Services, and On-Line Retail Stores Services Featuring Coffee, Tea, Coffee and Tea Brewing Accessories, Food, and Beverageware; Retail Store Services in the Field of Coffee, Tea, Coffee and Tea Brewing Accessories, Food, and Beverageware, Featuring a Bonus Incentive Program for Customers First Use: Mar 1, 2010; First Use in Commerce: Mar 1, 2010.
 CARIBOU COFFEE & Leaping Caribou and Shield Design	3,878,886	Dec 21, 2009 / Nov 23, 2010	Class 43: Restaurant Services; Office Coffee Supply Services; Providing News and Information in the Field of Drinks, Specialty Coffee First Use: Mar 1, 2010; First Use in Commerce: Mar 1, 2010.
 CARIBOU COFFEE & Leaping Caribou and Shield Design (in Color)	3,935,455	Dec 21, 2009 / Mar 22, 2011	Class 30: Ground and Whole Bean Coffee; Coffee and Coffee-Based Beverages; Espresso, Herbal Tea, and Tea Beverages; Baked Goods, Namely, Biscotti, Bread, Brownies, Cakes, Cookies, Muffins, Pastries, and Scones; Chocolate; Candy; Sandwiches First Use: Mar 1, 2010; First Use in Commerce: Mar 1, 2010.
 CARIBOU COFFEE & Leaping Caribou and Shield Design (in Color)	3,941,677	Dec 21, 2009 / Apr 5, 2011	Class 35: Retail Store Services, and On-Line Retail Stores Services Featuring Coffee, Tea, Coffee and Tea Brewing Accessories, Food, and Beverageware; Retail Store Services in the Field of Coffee, Tea, Coffee and Tea Brewing Accessories, Food, and Beverageware, Featuring a Bonus Incentive Program for Customers First Use: Mar 1, 2010; First Use in Commerce: Mar 1, 2010.

Mark	Ser. / Reg. No.	Filing Date / Reg. Date	Class: Goods/Services, First Use Dates
 CARIBOU COFFEE & Leaping Caribou and Shield Design (in Color)	3,878,884	Dec 21, 2009 / Nov 23, 2010	Class 43: Restaurant Services; Office Coffee Supply Services; Providing News and Information in the Field of Drinks, Namely Coffee First Use: Mar 1, 2010; First Use in Commerce: Mar 1, 2010.
 CARIBOU COFFEE & Leaping Caribou Design	2,609,338	Apr 18, 2001 / Aug 20, 2002	Class 30: Ground and Whole Bean Coffee; Hot and Frozen Coffee; Espresso, Herbal Tea, and Tea Beverages; Baked Goods, Namely, Biscotti, Bread, Brownies, Cakes, Cookies, Muffins, Pastries, and Scones; Chocolate; Candy First Use: Dec 14, 1992; First Use in Commerce: Sept 4, 1994.
 CARIBOU COFFEE & Leaping Caribou Design	2,703,747	Apr 17, 2001 / Apr 8, 2003	Class 35: Retail Store Services Featuring Coffee, Coffee Brewing Accessories, Food and Beverageware First Use: Apr 1, 1997; First Use in Commerce: Apr 1, 1997.
 CARIBOU COFFEE & Leaping Caribou Design	1,841,047	Jul 26, 1993 / Jun 21, 1994	Class 42: Restaurant and Café Services and General Retail Store Services in the Field of Coffee First Use: Sept 1, 1992; First Use in Commerce: Sept 1, 1992.
 CARIBOU COFFEE (Stylized)	86/719,595	Aug 10, 2015	Class 30: Ground and Whole Bean Coffee; Coffee and Coffee-Based Beverages; Espresso; Herbal Tea, and Tea Beverages; Beverages with a Chocolate Base; Baked Goods, Namely, Bagels, Biscotti, Bread, Brownies, Cakes, Cookies, Muffins, Pastries, and Scones; Chocolate; Candy; Sandwiches; Breakfast Cereals First Use: Mar 1, 2010; First Use in Commerce: Mar 1, 2010.

Mark	Ser. / Reg. No.	Filing Date / Reg. Date	Class: Goods/Services, First Use Dates
<p><i>Caribou</i> COFFEE</p> <p>CARIBOU COFFEE (Stylized)</p>	86/719,644	Aug 10, 2015	<p>Class 35: Retail Store Services and On-line Retail Store Services Featuring Coffee, Tea, Coffee and Tea Brewing Accessories, Food, and Beverageware; Retail Store Services in the Field of Coffee, Tea, Coffee and Tea Brewing Accessories, Food, and Beverageware Featuring a Bonus Incentive Program for Customers; Customer Loyalty Services for Commercial, Promotional and/or Advertising Purposes; Franchising, Namely, Consultation and Assistance in Business Management, Organization and Promotion</p> <p>First Use: Mar 1, 2010; First Use in Commerce: Mar 1, 2010.</p>
<p><i>Caribou</i> COFFEE</p> <p>CARIBOU COFFEE (Stylized)</p>	86/719,674	Aug 10, 2015	<p>Class 43: Restaurant Services; Office Coffee Supply Services; Providing News and Information in the Field of Drinks, namely, Coffee</p> <p>First Use: Mar 1, 2010; First Use in Commerce: Mar 1, 2010.</p>
<p><i>Caribou</i> COFFEE</p> <p>CARIBOU COFFEE (Stylized) (Vertical)</p>	86/719,695	Aug 10, 2015	<p>Class 29: Milk-Based Beverages Containing Coffee; Milk-Based Beverages Containing Tea; Milk-Based Beverages Containing Chocolate; Dried and Cooked Fruit; Fruit Salads and Vegetable Salads; Butter, Cheese, Cream Cheese, Ice Cream, Hummus, Margarine, Milk, Yogurt; Fish, Jams, Jellies, Meats, Peanut Butter, Poultry</p> <p>First Use: Nov 11, 2009; First Use in Commerce: Nov 11, 2009.</p>
<p><i>Caribou</i> COFFEE</p> <p>CARIBOU COFFEE (Stylized) (Vertical)</p>	86/719,727	Aug 10, 2015	<p>Class 32: Beverage Smoothies; Fruit Juices; Non-Alcoholic Beverages, Namely, Carbonated Beverages; Soft Drinks Flavored with Tea; Fruit Flavored Soft Drinks; Soft Drinks, namely, Sodas</p> <p>First Use: Mar 1, 2010; First Use in Commerce: Mar 1, 2010.</p>

Mark	Ser. / Reg. No.	Filing Date / Reg. Date	Class: Goods/Services, First Use Dates
 <p>CARIBOU COFFEE DRIVE THRU & Leaping Caribou Design (in Color)</p>	3,295,338	Nov 23, 2005 / Sept 18, 2007	Class 43: Restaurant Services First Use: Dec 19, 2005; First Use in Commerce: Dec 19, 2005.
 <p>DRIVE THRU CARIBOU COFFEE & Leaping Caribou and Shield Design</p>	4,094,172	Dec 23, 2009 / Jan 31, 2012	Class 43: Restaurant Services First Use: Oct 14, 2011; First Use in Commerce: Oct 14, 2011.
CARIBOU COOLER	4,495,927	Dec 3, 2012 / Mar 11, 2014	Class 32: Beverage Smoothies First Use: Oct 1, 2013; First Use in Commerce: Oct 1, 2013.
CARIBOU PERKS	4,465,259	May 2, 2013 / Jan 14, 2014	Class 35: Retail Store Services in the Field of Coffee, Tea, Coffee and Tea Brewing Accessories, Food, Candy, and Beverageware Featuring a Bonus Incentive Program for Customers First Use: Apr 23, 2013; First Use in Commerce: Apr 23, 2013.

5. Caribou is the exclusive licensee of all of Arabica's Marks.
6. Opposers' rights in Opposers' Marks were established well prior to September 14, 2015, the filing date of the Opposed Application. Opposers' Marks have not been abandoned.

7. Applicant's CARBO COFFEE mark is highly similar in appearance and nearly phonetically identical to Opposers' Applications and Registrations for the marks CARIBOU and CARIBOU COFFEE.

8. The goods and services of Applicant and Opposers are related and likely to be offered to overlapping customers and in overlapping channels of trade.

9. Applicant has not been licensed or in any way authorized by Opposers to use the mark CARBO COFFEE, or any mark containing variations of the term "CARIBOU" or any phonetic derivations, such as "CARBO," for any goods or services.

10. Applicant's CARBO COFFEE mark would be likely to cause confusion, to cause mistake, or to deceive, if it were used on or registered for use on the goods identified in the Opposed Application. It is likely that consumers would mistakenly believe that those goods were offered by Opposers or were in some way sponsored by or connected with Opposers. As such, the Opposed Application should be denied registration under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

WHEREFORE Opposers believe that they will be damaged by registration of Applicant's CARBO COFFEE mark and pray that this opposition be sustained, and that Application Serial No. 86/755,440 be denied.

Please recognize as attorneys for Opposers in this proceeding Elizabeth C. Buckingham, Peter M. Lancaster, and Evan P. Everist, all members of the Bar of the State of Minnesota, all with the firm of Dorsey & Whitney LLP, Suite 1500, 50 South Sixth Street, Minneapolis, Minnesota.

DORSEY & WHITNEY LLP

Dated: April 4, 2016

By: Elizabeth C. Buckingham
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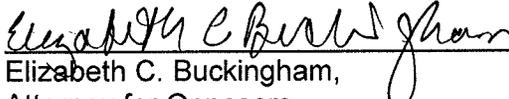
CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that the foregoing document is being transmitted electronically through ESTTA pursuant to 37 C.F.R. § 2.195(a) on this 4th day of April, 2016.


Elizabeth C. Buckingham,
Attorney for Opposers

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been served on Applicant Vermont Coffee Company, LLC, by mailing a true and correct copy of the same, by first class mail, postage prepaid, to its attorney, Sharon J. Merritt, Merritt & Merritt & Moulton, 60 Lake Street, 2nd Floor, PO Box 5839, Burlington, Vermont 05402, on this 4th day of April, 2016.


Elizabeth C. Buckingham,
Attorney for Opposers