

ESTTA Tracking number: **ESTTA758415**

Filing date: **07/14/2016**

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 party opposes registration of the indicated application.

Opposer Information

Name	Buc-ee's Ltd.		
Entity	Partnership	Citizenship	Texas
Composed Of:	DEW-GP, LC, a Texas limited liability company, and AHA- GP, LC, a Texas limited liability company		
Address	327 FM 2004 Lake Jackson, TX 77566 UNITED STATES		

Attorney information	Joseph J. Berghammer Banner & Witcoff, Ltd. 10 South Wacker Drive Suite 3000 Chicago, IL 60606 UNITED STATES jberghammer@bannerwitcoff.com, kfink@bannerwitcoff.com, mhouston@bannerwitcoff.com, bwptotm@bannerwitcoff.com, bwlitdock-et@bannerwitcoff.com Phone:312-463-5000
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Applicant Information

Application No	86881189	Publication date	06/14/2016
Opposition Filing Date	07/14/2016	Opposition Period Ends	07/14/2016
Applicant	Bucky's Pickles, LLC 403 State Street Elrosa, MN 56325 UNITED STATES		

Goods/Services Affected by Opposition

Class 029. First Use: 2015/10/01 First Use In Commerce: 2015/11/24
All goods and services in the class are opposed, namely: Pickles

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4007063	Application Date	10/16/2009
Registration Date	08/02/2011	Foreign Priority Date	NONE
Word Mark	BUC-EE'S		

Design Mark	<h1>BUC-EE'S</h1>
Description of Mark	NONE
Goods/Services	<p>Class 016. First use: First Use: 2006/08/00 First Use In Commerce: 2006/08/00 Stickers sold in retail convenience stores</p> <p>Class 021. First use: First Use: 2006/08/00 First Use In Commerce: 2006/08/00 Drinking glasses, drinking mugs, coffeemugs, mugs with metal logos, insulated mugs, portable beverage coolers, and bread boards sold in retail convenience stores</p> <p>Class 025. First use: First Use: 2006/08/00 First Use In Commerce: 2006/08/00 Clothing sold in retail convenience stores, namely, shirts, pants, jackets, t-shirts, ball caps, pajamas, underwear, boxers, hats, cowboy hats</p> <p>Class 029. First use: First Use: 2006/08/00 First Use In Commerce: 2006/08/00 Foods sold in retail convenience stores, namely, banana chips; prepared meats, namely, chicken, pork, beef and turkey; processed foods, namely, pickled fruits and vegetables, jellies, fruit preserves, fruit flavored butters, apple butter, cherry butter, pumpkin butter, sweet potato butter, peach butter, vegetable-flavored butters, nut-based snack foods; trail mixes consisting primarily of processed nuts, seeds, and/or dried fruit; trail mixes consisting primarily of processed nuts, seeds, and/or dried fruit and also containing chocolate; candied nuts, roasted nuts, processed nuts, prepared nuts, dried-vegetable snack foods, snack food dips, food package combinations consisting primarily of meat and/or cheese, processed cheeses, pickled vegetables</p> <p>Class 030. First use: First Use: 2006/08/00 First Use In Commerce: 2006/08/00 Foods sold in retail convenience stores, namely, candy, candy with nuts; salsa; trail mixes comprised primarily of crackers, pretzels, and/or popcorn; trail mixes comprised primarily of crackers, pretzels, and/or popcorn and also containing candied nuts</p> <p>Class 031. First use: First Use: 2006/08/00 First Use In Commerce: 2006/08/00 Raw nuts</p> <p>Class 035. First use: First Use: 2006/08/00 First Use In Commerce: 2006/08/00 Retail store services featuring: metal goods, namely, metal keychains; electrical and scientific apparatus, namely, decorative magnets; vehicle products, namely, antenna toppers, attachments to the tips of automobile antennas; printed stickers; wind chimes; housewares and glass, namely, drinking glasses, drinking mugs, drinking mugs with metal logos, insulated mugs, portable beverage coolers, bread boards; clothing, namely, shirts, pants, jackets, t-shirts, ball caps, pajamas, underwear, boxers, hats, cowboy hats; sporting goods; board games; balls for games; meats and processed foods, namely, prepared chicken, prepared pork, prepared beef, prepared turkey, banana chips, pickled fruits, pickled vegetables, jellies, fruit preserves, fruit flavored butters, apple butter, cherry butter, pumpkin butter, sweet potato butter, peach butter, vegetable-flavored butters, nuts; snack foods, namely, nut-based snacks, trail mixes, candied nuts, roasted nuts, processed nuts, prepared nuts, dried-vegetables snack foods, snack food dips, food package combinations consisting primarily of meat and/or</p>

	cheese, processed cheeses, pickled vegetables; staple foods, namely, confectionary, candy, candy with nuts, candied nuts, salsa
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U.S. Registration No.	4316457	Application Date	07/30/2012
Registration Date	04/09/2013	Foreign Priority Date	NONE
Word Mark	BUC-EE'S		
Design Mark			
Description of Mark	The mark consists of a stylized version of the word "BUC-EE'S".		
Goods/Services	<p>Class 016. First use: First Use: 2006/08/00 First Use In Commerce: 2006/08/00 Stickers sold in retail convenience stores</p> <p>Class 021. First use: First Use: 2006/08/00 First Use In Commerce: 2006/08/00 Drinking glasses, drinking mugs, coffeemugs, mugs with metal logos, insulated mugs, portable beverage coolers, and bread boards sold in retail convenience stores</p> <p>Class 025. First use: First Use: 2006/08/00 First Use In Commerce: 2006/08/00 Clothing sold in retail convenience stores, namely, shirts, pants, jackets, t-shirts, ball caps, pajamas, underwear, boxers, hats, cowboy hats</p> <p>Class 028. First use: First Use: 2006/08/00 First Use In Commerce: 2006/08/00 Board games, balls for games, stuffed toy animals sold in retail convenience stores</p> <p>Class 029. First use: First Use: 2006/08/00 First Use In Commerce: 2006/08/00 Foods sold in retail convenience stores, namely, banana chips; prepared meats, namely, chicken, pork, beef and turkey; processed foods, namely, pickled fruits and vegetables, jellies, fruit preserves, fruit flavored butters, apple butter, cherry butter, pumpkin butter, sweet potato butter, peach butter, vegetable-flavored butters, nut-based snack foods; trail mixes consisting primarily of processed nuts, seeds, and/or dried fruit; trail mixes consisting primarily of processed nuts, seeds, and/or dried fruit and also containing chocolate; candied nuts, roasted nuts, processed nuts, prepared nuts, dried-vegetable snack foods, snack food dips, food package combinations consisting primarily of meat and/or cheese, processed cheeses, pickled vegetables</p> <p>Class 030. First use: First Use: 2006/08/00 First Use In Commerce: 2006/08/00 Foods sold in retail convenience stores, namely, candy, candy with nuts; salsa; trail mixes comprised primarily of crackers, pretzels, and/or popcorn; trail mixes comprised primarily of crackers, pretzels, and/or popcorn and also containing candied nuts</p> <p>Class 031. First use: First Use: 2006/08/00 First Use In Commerce: 2006/08/00 Raw nuts</p> <p>Class 035. First use: First Use: 2006/08/00 First Use In Commerce: 2006/08/00 Retail store services featuring: metal goods, namely, metal keychains; electrical and scientific apparatus, namely, decorative magnets; vehicle products, namely, antenna toppers, attachments to the tips of automobile antennas; printed stickers; wind chimes; housewares and glass, namely, drinking glasses, drinking mugs, drinking mugs with metal logos, insulated mugs, portable beverage coolers, bread boards; clothing, namely, shirts, pants, jackets, t-shirts, ball caps, pajamas, underwear, boxers, hats, cowboy hats; toys and sporting goods, namely, board games, balls for games, stuffed toy animals; meats and processed foods, namely, prepared chicken, prepared pork, prepared beef, prepared turkey, banana chips, pickled fruits, pickled vegetables, jellies, fruit preserves, fruit flavored butters, apple butter, cherry butter, pumpkin butter, sweet potato butter, peach butter, vegetable-flavored butters, nuts; snack foods, namely, nut-based</p>		

	snacks, trail mixes, candied nuts, roasted nuts, processed nuts, prepared nuts, dried-vegetables snack foods, snack food dips, food package combinations consisting primarily of meat and/or cheese, processed cheeses, pickled vegetables; staple foods, namely, confectionary, candy, candy withnuts, candied nuts, salsa
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U.S. Registration No.	3763277	Application Date	04/04/2006
Registration Date	03/23/2010	Foreign Priority Date	NONE
Word Mark	BUC-EE'S		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1982/07/01 First Use In Commerce: 1982/07/01 Retail store services featuring convenience store items and gasoline		

U.S. Registration No.	4455099	Application Date	06/21/2013
Registration Date	12/24/2013	Foreign Priority Date	NONE
Word Mark	BUC-EE'S		



Description of Mark	The mark consists of the word "BUC-EE'S" and a star inside a circle.
Goods/Services	Class 021. First use: First Use: 2003/12/01 First Use In Commerce: 2003/12/01 Cups and mugs Class 030. First use: First Use: 2003/12/01 First Use In Commerce: 2003/12/01 Coffee; Coffee based beverages; Chocolate-based beverages Class 043. First use: First Use: 2003/12/01 First Use In Commerce: 2003/12/01 Coffee bars

U.S. Registration	4585744	Application Date	06/21/2013
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No.			
Registration Date	08/12/2014	Foreign Priority Date	NONE
Word Mark	BUC-EE'S		
Design Mark			
Description of Mark	The mark consists of the word "BUC-EE'S" and a star inside a circle.		
Goods/Services	Class 030. First use: First Use: 2014/05/12 First Use In Commerce: 2014/05/12 Tea		

U.S. Registration No.	4431414	Application Date	01/17/2013
Registration Date	11/12/2013	Foreign Priority Date	NONE
Word Mark	BUC-EE'S NUG-EES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2012/01/04 First Use In Commerce: 2012/01/04 Toasted corn puffs with a cheese flavored coating		

Attachments	77982023#TMSN.png(bytes) 85966323#TMSN.png(bytes) 008614.00005 Notice of Opposition.pdf(183244 bytes) 008614.00005 Exhibit A.pdf(219974 bytes) 008614.00005 Exhibit B.pdf(3241784 bytes) 008614.00005 Exhibit C.pdf(485768 bytes) 008614.00005 Exhibit D.pdf(1948670 bytes) 008614.00005 Exhibit E.pdf(1821641 bytes) 008614.00005 Exhibit F.pdf(141505 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	/Katherine Laatsch Fink/
Name	Katherine Laatsch Fink
Date	07/14/2016

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

In the Matter of Trademark Applicant)	
Bucky's Pickles, LLC)	
Mark: BUCKY'S)	
Serial No.: 86/881,189)	
Filed: January 20, 2016)	
Published in the Official Gazette dated June 14, 2016)	
_____)	
BUC-EE'S, LTD.,)	
Opposer,)	Opposition No. _____
vs.)	
BUCKY'S PICKLES, LLC,)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

Buc-ee's, Ltd., a Texas limited partnership, having a principal place of business at 327 FM 2004, Lake Jackson, Texas 77566 and composed of DEW-GP, LC, a Texas limited liability company, and AHA-GP, LC, a Texas limited liability company ("Opposer"), believes that it will be damaged by registration of the above-identified mark (hereinafter "Applicant's Mark"), applied for on the Principal Register by Bucky's Pickles, LLC, a limited liability company of Minnesota, having a principal place of business at 403 State Street, Elrosa, Minnesota 56325 ("Applicant"), and hereby opposes registration of the same.

The grounds for the opposition are as follows:

1. Opposer has offered quality convenience store services, food, and merchandise to the public under the Buc-ee's brand for over three decades.

2. Opposer is the owner of rights granted via federal registrations and common law rights for the marks that include “BUC-EE’S” and “BUC-EE’S” and Design (collectively “the BUC-EE’S Marks”).

3. Opposer has continuously used the BUC-EE’S Marks in interstate commerce since at least as early as August 2006, in connection with pickles and pickled vegetables among other goods and services.

4. Opposer is the owner of the following U.S. Trademark Registrations that include the mark “BUC-EE’S”:

Mark	Reg. No./ Ser. No.	Reg. Date	Date of First Use	Full Goods/Services
BUC-EE’S	RN: 4007063 SN: 77982023	August 2, 2011	At least as early as August, 2006	(Int’l Class: 16) stickers sold in retail convenience stores (Int’l Class: 21) drinking glasses, drinking mugs, coffee mugs, mugs with metal logos, insulated mugs, portable beverage coolers, and bread boards sold in retail convenience stores (Int’l Class: 25) clothing sold in retail convenience stores, namely, shirts, pants, jackets, t-shirts, ball caps, pajamas, underwear, boxers, hats, cowboy hats (Int’l Class: 29) foods sold in retail convenience stores, namely, banana chips; prepared meats, namely, chicken, pork, beef and turkey; processed foods, namely, pickled fruits and

Mark	Reg. No./ Ser. No.	Reg. Date	Date of First Use	Full Goods/Services
				<p>vegetables, jellies, fruit preserves, fruit flavored butters, apple butter, cherry butter, pumpkin butter, sweet potato butter, peach butter, vegetable-flavored butters, nut-based snack foods; trail mixes consisting primarily of processed nuts, seeds, and/or dried fruit; trail mixes consisting primarily of processed nuts, seeds, and/or dried fruit and also containing chocolate; candied nuts, roasted nuts, processed nuts, prepared nuts, dried-vegetable snack foods, snack food dips, food package combinations consisting primarily of meat and/or cheese, processed cheeses, pickled vegetables</p> <p>(Int'l Class: 30) foods sold in retail convenience stores, namely, candy, candy with nuts; salsa; trail mixes comprised primarily of crackers, pretzels, and/or popcorn; trail mixes comprised primarily of crackers, pretzels, and/or popcorn and also containing candied nuts</p> <p>(Int'l Class: 31) raw nuts</p> <p>(Int'l Class: 35) retail store services featuring: metal goods, namely, metal keychains; electrical and scientific apparatus, namely,</p>

Mark	Reg. No./ Ser. No.	Reg. Date	Date of First Use	Full Goods/Services
				<p>decorative magnets; vehicle products, namely, antenna toppers, attachments to the tips of automobile antennas; printed stickers; wind chimes; housewares and glass, namely, drinking glasses, drinking mugs, drinking mugs with metal logos, insulated mugs, portable beverage coolers, bread boards; clothing, namely, shirts, pants, jackets, t-shirts, ball caps, pajamas, underwear, boxers, hats, cowboy hats; sporting goods; board games; balls for games; meats and processed foods, namely, prepared chicken, prepared pork, prepared beef, prepared turkey, banana chips, pickled fruits, pickled vegetables, jellies, fruit preserves, fruit flavored butters, apple butter, cherry butter, pumpkin butter, sweet potato butter, peach butter, vegetable-flavored butters, nuts; snack foods, namely, nut-based snacks, trail mixes, candied nuts, roasted nuts, processed nuts, prepared nuts, dried-vegetables snack foods, snack food dips, food package combinations consisting primarily of meat and/or cheese, processed cheeses, pickled vegetables; staple foods, namely, confectionary, candy, candy with nuts, candied nuts, salsa</p>

Mark	Reg. No./ Ser. No.	Reg. Date	Date of First Use	Full Goods/Services
	RN: 4316457 SN: 85689858	April 9, 2013	At least as early as August, 2006	<p>(Int'l Class: 16) stickers sold in retail convenience stores</p> <p>(Int'l Class: 21) drinking glasses, drinking mugs, coffee mugs, mugs with metal logos, insulated mugs, portable beverage coolers, and bread boards sold in retail convenience stores</p> <p>(Int'l Class: 25) clothing sold in retail convenience stores, namely, shirts, pants, jackets, t-shirts, ball caps, pajamas, underwear, boxers, hats, cowboy hats</p> <p>(Int'l Class: 28) board games, balls for games, stuffed toy animals sold in retail convenience stores</p> <p>(Int'l Class: 29) foods sold in retail convenience stores, namely, banana chips; prepared meats, namely, chicken, pork, beef and turkey; processed foods, namely, pickled fruits and vegetables, jellies, fruit preserves, fruit flavored butters, apple butter, cherry butter, pumpkin butter, sweet potato butter, peach butter, vegetable-flavored butters, nut-based snack foods; trail mixes consisting primarily of processed nuts, seeds, and/or dried fruit; trail mixes consisting primarily of</p>

Mark	Reg. No./ Ser. No.	Reg. Date	Date of First Use	Full Goods/Services
				<p>processed nuts, seeds, and/or dried fruit and also containing chocolate; candied nuts, roasted nuts, processed nuts, prepared nuts, dried-vegetable snack foods, snack food dips, food package combinations consisting primarily of meat and/or cheese, processed cheeses, pickled vegetables</p> <p>(Int'l Class: 30) foods sold in retail convenience stores, namely, candy, candy with nuts; salsa; trail mixes comprised primarily of crackers, pretzels, and/or popcorn; trail mixes comprised primarily of crackers, pretzels, and/or popcorn and also containing candied nuts</p> <p>(Int'l Class: 31) raw nuts</p> <p>(Int'l Class: 35) retail store services featuring: metal goods, namely, metal keychains; electrical and scientific apparatus, namely, decorative magnets; vehicle products, namely, antenna toppers, attachments to the tips of automobile antennas; printed stickers; wind chimes; housewares and glass, namely, drinking glasses, drinking mugs, drinking mugs with metal logos, insulated mugs, portable beverage coolers, bread boards; clothing,</p>

Mark	Reg. No./ Ser. No.	Reg. Date	Date of First Use	Full Goods/Services
				namely, shirts, pants, jackets, t-shirts, ball caps, pajamas, underwear, boxers, hats, cowboy hats; toys and sporting goods, namely, board games, balls for games, stuffed toy animals; meats and processed foods, namely, prepared chicken, prepared pork, prepared beef, prepared turkey, banana chips, pickled fruits, pickled vegetables, jellies, fruit preserves, fruit flavored butters, apple butter, cherry butter, pumpkin butter, sweet potato butter, peach butter, vegetable-flavored butters, nuts; snack foods, namely, nut-based snacks, trail mixes, candied nuts, roasted nuts, processed nuts, prepared nuts, dried-vegetables snack foods, snack food dips, food package combinations consisting primarily of meat and/or cheese, processed cheeses, pickled vegetables; staple foods, namely, confectionary, candy, candy with nuts, candied nuts, salsa
BUC-EE'S	RN: 3763277 SN: 78853252	March 23, 2010	At least as early as July 1, 1982	(Int'l Class: 35) retail store services featuring convenience store items and gasoline
	RN: 4455099 SN: 85966323	December 24, 2013	At least as early as December 1, 2003	(Int'l Class: 21) cups and mugs (Int'l Class: 30) coffee; coffee based beverages; chocolate-based

Mark	Reg. No./ Ser. No.	Reg. Date	Date of First Use	Full Goods/Services
				beverages (Int'l Class: 43) coffee bars
	RN: 4585744 SN: 85966333	August 12, 2014	At least as early as May 12, 2014	(Int'l Class: 30) tea
BUC-EE'S NUG-EES	RN: 4431414 SN: 85826127	November 12, 2013	At least as early as 2012	(Int'l Class: 30) toasted corn puffs with a cheese flavored coating

Copies of the above registrations for the BUC-EE'S Marks, including the USPTO TSDR records showing the current status and title are attached as Exhibits A-F.

5. Opposer also has common law rights in the BUC-EE'S Marks for use in connection with, *inter alia*, pickled vegetables, such as pickled cucumbers or pickles.

6. As a result of Opposer's prior use and registration of the BUC-EE'S Marks, Opposer has developed substantial goodwill in the marks, and the public has come to associate the BUC-EE'S Marks with the goods and services of Opposer.

7. Applicant filed its application for Applicant's Mark BUCKY'S on January 20, 2016, pursuant to Section 1(a) of the Trademark Act, alleging a date of first use of October 1, 2015, and first use in commerce of November 24, 2015.

8. Applicant seeks to register Applicant's Mark BUCKY'S for "pickles" in International Class 29.

9. If Applicant is permitted to register its mark, the registration will give Applicant a *prima facie* exclusive right to the use of Applicant's Mark for the goods set forth in the application. Such registration would damage and injure Opposer.

COUNT I
LIKELIHOOD OF CONFUSION

10. Opposer repeats and realleges paragraphs 1-9 as paragraph 10 of this Count I.

11. Opposer's use and registration of its BUC-EE'S Marks is long prior to the filing date of the opposed Application.

12. On information and belief, Applicant was aware of Opposer's BUC-EE'S Marks at the time that it filed its application.

13. Applicant's BUCKY'S mark is confusingly similar to Opposer's BUC-EE'S Marks.

14. Applicant's use and registration of its mark will inevitably lead to confusion, to mistake, or to deception of the public within the meaning of Section 2(d) of the Lanham Act, 15 USC §1052(d), all to Opposer's grave and irreparable damage.

15. Registration of Applicant's Mark should be denied based on a likelihood of confusion with Opposer's prior BUC-EE'S Marks, in violation of Section 2(d) of the Lanham Act, 15 USC §1052(d).

COUNT II
DILUTION

16. Opposer repeats and realleges paragraphs 1-15 as paragraph 16 of this Count II.

17. As a further ground for opposition, Opposer's BUC-EE'S Marks, some of which have been in use in commerce for more than thirty years, are famous within the meaning of Lanham Act Section 43(c), 15 U.S.C. § 1125(c).

18. Opposer's BUC-EE'S Marks became famous prior to the filing date of the application for Applicant's Mark and prior to any alleged date of first use or first use in commerce of Applicant's Mark.

19. Applicant's use and registration of its mark is likely to cause dilution of Opposer's BUC-EE'S Marks, to the injury of Opposer, by lessening or otherwise blurring the capacity of Opposer's BUC-EE'S Marks to identify and distinguish Opposer's goods and services, in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

20. Registration of Applicant's Mark should be denied based on a likelihood of dilution of the distinctive quality of Opposer's famous BUC-EE'S Marks, in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

CLAIM FOR RELIEF/DAMAGE

21. By reason of the foregoing, Applicant's registration of the mark herein opposed will cause injury and damage to Opposer's rights to its registered BUC-EE'S Marks and to its use thereof described above.

WHEREFORE, Opposer respectfully prays that the present opposition be sustained and that the registration sought by the Applicant be refused.

DEPOSIT ACCOUNT AUTHORIZATION

Please charge the statutory fee of \$300 to our firm's deposit account, No. 19-0733. Please also charge any additional fees, or credit any overpayments, to our firm's deposit account, No. 19-0733.

Respectfully submitted,
BANNER & WITCOFF, LTD.
Attorneys for Opposer

Date: July 14, 2016

By: /Katherine Laatsch Fink/
Joseph J. Berghammer
Katherine Laatsch Fink
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Chicago, Illinois 60606
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Email: bwptotm@bannerwitcoff.com

Enclosures:

Exhibit A

Copy of Reg. No. 4,007,063 and TSDR Record Showing Current Status and Title

Exhibit B

Copy of Reg. No. 4,316,457 and TSDR Record Showing Current Status and Title

Exhibit C

Copy of Reg. No. 3,763,277 and TSDR Record Showing Current Status and Title

Exhibit D

Copy of Reg. No. 4,455,099 and TSDR Record Showing Current Status and Title

Exhibit E

Copy of Reg. No. 4,585,744 and TSDR Record Showing Current Status and Title

Exhibit F

Copy of Reg. No. 4,431,414 and TSDR Record Showing Current Status and Title

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Opposition was served on counsel for Applicant on July 14, 2016, at the correspondence address of record, by first class mail, addressed as follows:

EDWIN E. VOIGT II
VIDAS, ARRETT & STEINKRAUS P.A.
9531 WEST 78TH STREET
SUITE 400
EDEN PRAIRIE, MINNESOTA 55344
UNITED STATES

/Katherine Laatsch Fink/

Exhibit A

Generated on: This page was generated by TSDR on 2016-07-14 13:04:57 EDT

Mark: BUC-EE'S

BUC-EE'S

US Serial Number: 77982023

Application Filing Date: Oct. 16, 2009

US Registration Number: 4007063

Registration Date: Aug. 02, 2011

Register: Principal

Mark Type: Trademark, Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

Status Date: Aug. 02, 2011

Publication Date: Sep. 21, 2010

Notice of Allowance Date: Nov. 16, 2010

Mark Information

Mark Literal Elements: BUC-EE'S

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: 3763277

Registrations:

Child Of: 77850186

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: Stickers sold in retail convenience stores

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 2006

Use in Commerce: Aug. 2006

For: Drinking glasses, drinking mugs, coffee mugs, mugs with metal logos, insulated mugs, portable beverage coolers, and bread boards sold in retail convenience stores

International Class(es): 021 - Primary Class

U.S Class(es): 002, 013, 023, 029, 030, 033, 040, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 2006

Use in Commerce: Aug. 2006

For: Clothing sold in retail convenience stores, namely, shirts, pants, jackets, t-shirts, ball caps, pajamas, underwear, boxers, hats, cowboy hats

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 2006

Use in Commerce: Aug. 2006

For: Foods sold in retail convenience stores, namely, banana chips; prepared meats, namely, chicken, pork, beef and turkey; processed foods, namely, pickled fruits and vegetables, jellies, fruit preserves, fruit flavored butters, apple butter, cherry butter, pumpkin butter, sweet potato butter, peach butter, vegetable-flavored butters, nut-based snack foods; trail mixes consisting primarily of processed nuts, seeds, and/or dried fruit; trail mixes consisting primarily of processed nuts, seeds, and/or dried fruit and also containing chocolate; candied nuts, roasted nuts, processed nuts, prepared nuts, dried-vegetable snack foods, snack food dips, food package combinations consisting primarily of meat and/or cheese, processed cheeses, pickled vegetables

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 2006

Use in Commerce: Aug. 2006

For: Foods sold in retail convenience stores, namely, candy, candy with nuts; salsa; trail mixes comprised primarily of crackers, pretzels, and/or popcorn; trail mixes comprised primarily of crackers, pretzels, and/or popcorn and also containing candied nuts

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 2006

Use in Commerce: Aug. 2006

For: Raw nuts

International Class(es): 031 - Primary Class

U.S Class(es): 001, 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 2006

Use in Commerce: Aug. 2006

For: Retail store services featuring: metal goods, namely, metal keychains; electrical and scientific apparatus, namely, decorative magnets; vehicle products, namely, antenna toppers, attachments to the tips of automobile antennas; printed stickers; wind chimes; housewares and glass, namely, drinking glasses, drinking mugs, drinking mugs with metal logos, insulated mugs, portable beverage coolers, bread boards; clothing, namely, shirts, pants, jackets, t-shirts, ball caps, pajamas, underwear, boxers, hats, cowboy hats; sporting goods; board games; balls for games; meats and processed foods, namely, prepared chicken, prepared pork, prepared beef, prepared turkey, banana chips, pickled fruits, pickled vegetables, jellies, fruit preserves, fruit flavored butters, apple butter, cherry butter, pumpkin butter, sweet potato butter, peach butter, vegetable-flavored butters, nuts; snack foods, namely, nut-based snacks, trail mixes, candied nuts, roasted nuts, processed nuts, prepared nuts, dried-vegetables snack foods, snack food dips, food package combinations consisting primarily of meat and/or cheese, processed cheeses, pickled vegetables; staple foods, namely, confectionary, candy, candy with nuts, candied nuts, salsa

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 2006

Use in Commerce: Aug. 2006

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: Buc-ee's, Ltd.

Composed of: DEW-GP, LC, Texas limited liability company and AHA-GP, LC, Texas limited liability company

Owner Address: 327 FM 2004
Lake Jackson, TEXAS UNITED STATES 77566

Legal Entity Type: LIMITED PARTNERSHIP

State or Country TEXAS
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Erin B. Roth

Docket Number: BUCE.T0006US

Correspondent

Correspondent Name/Address: Erin B. Roth
Fulbright & Jaworski LLP
2200 Ross Avenue, Suite 2800
Dallas, TEXAS UNITED STATES 75201-2784

Phone: 214-855-8000

Fax: 214-855-8200

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 06, 2014	NOTICE OF SUIT	
Jun. 14, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 14, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 15, 2013	REVIEW OF CORRESPONDENCE COMPLETE - POWER OF ATTORNEY ENTERED	71427
Jun. 14, 2013	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	
May 09, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
May 09, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 28, 2013	NOTICE OF SUIT	
Aug. 02, 2011	REGISTERED-PRINCIPAL REGISTER	
Jul. 01, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jun. 30, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	77976
Jun. 28, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 25, 2011	NOTICE OF PSEUDO MARK MAILED	
Jun. 24, 2011	STATEMENT OF USE PROCESSING COMPLETE	76874
May 16, 2011	USE AMENDMENT FILED	76874
Jun. 24, 2011	DIVISIONAL PROCESSING COMPLETE	
May 16, 2011	DIVISIONAL REQUEST RECEIVED	
Jun. 16, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 20, 2011	ITU OFFICE ACTION ISSUED FOR DIVISIONAL REQUEST	76874
May 18, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76874
May 16, 2011	TEAS REQUEST TO DIVIDE RECEIVED	
May 16, 2011	TEAS STATEMENT OF USE RECEIVED	
Nov. 16, 2010	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 21, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 21, 2010	PUBLISHED FOR OPPOSITION	
Aug. 17, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	77976
Aug. 16, 2010	ASSIGNED TO LIE	77976
Jul. 29, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 29, 2010	EXAMINER'S AMENDMENT ENTERED	88888
Jul. 29, 2010	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jul. 29, 2010	EXAMINERS AMENDMENT E-MAILED	6328
Jul. 29, 2010	EXAMINERS AMENDMENT -WRITTEN	77875
Jul. 29, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	77875

Jul. 20, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	77875
Jul. 20, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 22, 2010	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 22, 2010	NON-FINAL ACTION E-MAILED	6325
Jan. 22, 2010	NON-FINAL ACTION WRITTEN	77875
Jan. 20, 2010	ASSIGNED TO EXAMINER	77875
Oct. 21, 2009	NOTICE OF PSEUDO MARK MAILED	
Oct. 20, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 20, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jun. 30, 2011

United States of America

United States Patent and Trademark Office

BUC-EE'S

Reg. No. 4,007,063

BUC-EE'S, LTD. (TEXAS LIMITED PARTNERSHIP)
327 FM 2004

Registered Aug. 2, 2011

LAKE JACKSON, TX 77566

**Int. Cls.: 16, 21, 25, 29,
30, 31, and 35**

FOR: STICKERS SOLD IN RETAIL CONVENIENCE STORES , IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 8-0-2006; IN COMMERCE 8-0-2006.

TRADEMARK

FOR: DRINKING GLASSES, DRINKING MUGS, COFFEE MUGS, MUGS WITH METAL LOGOS, INSULATED MUGS, PORTABLE BEVERAGE COOLERS, AND BREAD BOARDS SOLD IN RETAIL CONVENIENCE STORES, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

SERVICE MARK

FIRST USE 8-0-2006; IN COMMERCE 8-0-2006.

PRINCIPAL REGISTER

FOR: CLOTHING SOLD IN RETAIL CONVENIENCE STORES, NAMELY, SHIRTS, PANTS, JACKETS, T-SHIRTS, BALL CAPS, PAJAMAS, UNDERWEAR, BOXERS, HATS, COWBOY HATS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 8-0-2006; IN COMMERCE 8-0-2006.

FOR: FOODS SOLD IN RETAIL CONVENIENCE STORES, NAMELY, BANANA CHIPS; PREPARED MEATS, NAMELY, CHICKEN, PORK, BEEF AND TURKEY; PROCESSED FOODS, NAMELY, PICKLED FRUITS AND VEGETABLES, JELLIES, FRUIT PRESERVES, FRUIT FLAVORED BUTTERS, APPLE BUTTER, CHERRY BUTTER, PUMPKIN BUTTER, SWEET POTATO BUTTER, PEACH BUTTER, VEGETABLE-FLAVORED BUTTERS, NUT-BASED SNACK FOODS; TRAIL MIXES CONSISTING PRIMARILY OF PROCESSED NUTS, SEEDS, AND/OR DRIED FRUIT; TRAIL MIXES CONSISTING PRIMARILY OF PROCESSED NUTS, SEEDS, AND/OR DRIED FRUIT AND ALSO CONTAINING CHOCOLATE; CANDIED NUTS, ROASTED NUTS, PROCESSED NUTS, PREPARED NUTS, DRIED-VEGETABLE SNACK FOODS, SNACK FOOD DIPS, FOOD PACKAGE COMBINATIONS CONSISTING PRIMARILY OF MEAT AND/OR CHEESE, PROCESSED CHEESES, PICKLED VEGETABLES, IN CLASS 29 (U.S. CL. 46).

FIRST USE 8-0-2006; IN COMMERCE 8-0-2006.

FOR: FOODS SOLD IN RETAIL CONVENIENCE STORES, NAMELY, CANDY, CANDY WITH NUTS; SALSA; TRAIL MIXES COMPRISED PRIMARILY OF CRACKERS, PRETZELS, AND/OR POPCORN; TRAIL MIXES COMPRISED PRIMARILY OF CRACKERS, PRETZELS, AND/OR POPCORN AND ALSO CONTAINING CANDIED NUTS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 8-0-2006; IN COMMERCE 8-0-2006.



David J. Kyjars

Director of the United States Patent and Trademark Office

Reg. No. 4,007,063 FOR: RAW NUTS, IN CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE 8-0-2006; IN COMMERCE 8-0-2006.

FOR: RETAIL STORE SERVICES FEATURING: METAL GOODS, NAMELY, METAL KEY-CHAINS; ELECTRICAL AND SCIENTIFIC APPARATUS, NAMELY, DECORATIVE MAGNETS; VEHICLE PRODUCTS, NAMELY, ANTENNA TOPPERS, ATTACHMENTS TO THE TIPS OF AUTOMOBILE ANTENNAS; PRINTED STICKERS; WIND CHIMES; HOUSEWARES AND GLASS, NAMELY, DRINKING GLASSES, DRINKING MUGS, DRINKING MUGS WITH METAL LOGOS, INSULATED MUGS, PORTABLE BEVERAGE COOLERS, BREAD BOARDS; CLOTHING, NAMELY, SHIRTS, PANTS, JACKETS, T-SHIRTS, BALL CAPS, PAJAMAS, UNDERWEAR, BOXERS, HATS, COWBOY HATS; SPORTING GOODS; BOARD GAMES; BALLS FOR GAMES; MEATS AND PROCESSED FOODS, NAMELY, PREPARED CHICKEN, PREPARED PORK, PREPARED BEEF, PREPARED TURKEY, BANANA CHIPS, PICKLED FRUITS, PICKLED VEGETABLES, JELLIES, FRUIT PRESERVES, FRUIT FLAVORED BUTTERS, APPLE BUTTER, CHERRY BUTTER, PUMPKIN BUTTER, SWEET POTATO BUTTER, PEACH BUTTER, VEGETABLE-FLAVORED BUTTERS, NUTS; SNACK FOODS, NAMELY, NUT-BASED SNACKS, TRAIL MIXES, CANDIED NUTS, ROASTED NUTS, PROCESSED NUTS, PREPARED NUTS, DRIED-VEGETABLES SNACK FOODS, SNACK FOOD DIPS, FOOD PACKAGE COMBINATIONS CONSISTING PRIMARILY OF MEAT AND/OR CHEESE, PROCESSED CHEESES, PICKLED VEGETABLES; STAPLE FOODS, NAMELY, CONFECTIONARY, CANDY, CANDY WITH NUTS, CANDIED NUTS, SALSA, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 8-0-2006; IN COMMERCE 8-0-2006.

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

OWNER OF U.S. REG. NO. 3,763,277.

SN 77-982,023, FILED 10-16-2009.

KIMBERLY FRYE, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

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

Requirements in the First Ten Years*
What and When to File:

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

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

Requirements in Successive Ten-Year Periods*
What and When to File:

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

Grace Period Filings*

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

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

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

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

Exhibit B

Generated on: This page was generated by TSDR on 2016-07-14 13:08:45 EDT

Mark: BUC-EE'S

BUC-EE'S

US Serial Number: 85689858

Application Filing Date: Jul. 30, 2012

US Registration Number: 4316457

Registration Date: Apr. 09, 2013

Register: Principal

Mark Type: Trademark, Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

Status Date: Apr. 09, 2013

Publication Date: Jan. 22, 2013

Mark Information

Mark Literal Elements: BUC-EE'S

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Description of Mark: The mark consists of a stylized version of the word "BUC-EE'S".

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

Related Properties Information

Claimed Ownership of US Registrations: 3763277, 4007063

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: Stickers sold in retail convenience stores

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 2006

Use in Commerce: Aug. 2006

For: Drinking glasses, drinking mugs, coffee mugs, mugs with metal logos, insulated mugs, portable beverage coolers, and bread boards sold in retail convenience stores

International Class(es): 021 - Primary Class

U.S Class(es): 002, 013, 023, 029, 030, 033, 040, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 2006

Use in Commerce: Aug. 2006

For: Clothing sold in retail convenience stores, namely, shirts, pants, jackets, t-shirts, ball caps, pajamas, underwear, boxers, hats, cowboy hats

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 2006

Use in Commerce: Aug. 2006

For: Board games, balls for games, stuffed toy animals sold in retail convenience stores

International Class(es): 028 - Primary Class

U.S Class(es): 022, 023, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 2006

Use in Commerce: Aug. 2006

For: Foods sold in retail convenience stores, namely, banana chips; prepared meats, namely, chicken, pork, beef and turkey; processed foods, namely, pickled fruits and vegetables, jellies, fruit preserves, fruit flavored butters, apple butter, cherry butter, pumpkin butter, sweet potato butter, peach butter, vegetable-flavored butters, nut-based snack foods; trail mixes consisting primarily of processed nuts, seeds, and/or dried fruit; trail mixes consisting primarily of processed nuts, seeds, and/or dried fruit and also containing chocolate; candied nuts, roasted nuts, processed nuts, prepared nuts, dried-vegetable snack foods, snack food dips, food package combinations consisting primarily of meat and/or cheese, processed cheeses, pickled vegetables

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 2006

Use in Commerce: Aug. 2006

For: Foods sold in retail convenience stores, namely, candy, candy with nuts; salsa; trail mixes comprised primarily of crackers, pretzels, and/or popcorn; trail mixes comprised primarily of crackers, pretzels, and/or popcorn and also containing candied nuts

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 2006

Use in Commerce: Aug. 2006

For: Raw nuts

International Class(es): 031 - Primary Class

U.S Class(es): 001, 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 2006

Use in Commerce: Aug. 2006

For: Retail store services featuring: metal goods, namely, metal keychains; electrical and scientific apparatus, namely, decorative magnets; vehicle products, namely, antenna toppers, attachments to the tips of automobile antennas; printed stickers; wind chimes; housewares and glass, namely, drinking glasses, drinking mugs, drinking mugs with metal logos, insulated mugs, portable beverage coolers, bread boards; clothing, namely, shirts, pants, jackets, t-shirts, ball caps, pajamas, underwear, boxers, hats, cowboy hats; toys and sporting goods, namely, board games, balls for games, stuffed toy animals; meats and processed foods, namely, prepared chicken, prepared pork, prepared beef, prepared turkey, banana chips, pickled fruits, pickled vegetables, jellies, fruit preserves, fruit flavored butters, apple butter, cherry butter, pumpkin butter, sweet potato butter, peach butter, vegetable-flavored butters, nuts; snack foods, namely, nut-based snacks, trail mixes, candied nuts, roasted nuts, processed nuts, prepared nuts, dried-vegetables snack foods, snack food dips, food package combinations consisting primarily of meat and/or cheese, processed cheeses, pickled vegetables; staple foods, namely, confectionary, candy, candy with nuts, candied nuts, salsa

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 2006

Use in Commerce: Aug. 2006

Basis Information (Case Level)

Filed Use: Yes
Filed ITU: No
Filed 44D: No
Filed 44E: No
Filed 66A: No
Filed No Basis: No

Currently Use: Yes
Currently ITU: No
Currently 44D: No
Currently 44E: No
Currently 66A: No
Currently No Basis: No

Amended Use: No
Amended ITU: No
Amended 44D: No
Amended 44E: No

Current Owner(s) Information

Owner Name: Buc-ee's, Ltd.

Composed of: DEW-GP, LC, Texas limited liability company and AHA-GP, LC, Texas limited liability company

Owner Address: 327 FM 2004
Lake Jackson, TEXAS UNITED STATES 77566

Legal Entity Type: LIMITED PARTNERSHIP

State or Country TEXAS
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Erin B. Roth

Docket Number: BUCE.T0002US

Correspondent

Correspondent Name/Address: Erin B. Roth
Fulbright & Jaworski LLP
2200 Ross Avenue, Suite 2800
Dallas, TEXAS UNITED STATES 75201-2784

Phone: 214-855-8000

Fax: 214-855-8200

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 14, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 14, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 15, 2013	REVIEW OF CORRESPONDENCE COMPLETE - POWER OF ATTORNEY ENTERED	71427
Jun. 14, 2013	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	
Apr. 09, 2013	REGISTERED-PRINCIPAL REGISTER	
Jan. 22, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 22, 2013	PUBLISHED FOR OPPOSITION	
Jan. 02, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 17, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Dec. 15, 2012	ASSIGNED TO LIE	70138
Dec. 03, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 03, 2012	EXAMINER'S AMENDMENT ENTERED	88888
Dec. 03, 2012	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Dec. 03, 2012	EXAMINERS AMENDMENT E-MAILED	6328
Dec. 03, 2012	EXAMINERS AMENDMENT -WRITTEN	81092
Nov. 27, 2012	ASSIGNED TO EXAMINER	81092
Aug. 07, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 02, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 09, 2013

United States of America
United States Patent and Trademark Office

BUC-EE'S

Reg. No. 4,316,457

BUC-EE'S, LTD. (TEXAS LIMITED PARTNERSHIP)
327 FM 2004

Registered Apr. 9, 2013

LAKE JACKSON, TX 77566

**Int. Cls.: 16, 21, 25, 28,
29, 30, 31 and 35**

FOR: STICKERS SOLD IN RETAIL CONVENIENCE STORES, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 8-0-2006; IN COMMERCE 8-0-2006.

TRADEMARK

FOR: DRINKING GLASSES, DRINKING MUGS, COFFEE MUGS, MUGS WITH METAL LOGOS, INSULATED MUGS, PORTABLE BEVERAGE COOLERS, AND BREAD BOARDS SOLD IN RETAIL CONVENIENCE STORES, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

SERVICE MARK

FIRST USE 8-0-2006; IN COMMERCE 8-0-2006.

PRINCIPAL REGISTER

FOR: CLOTHING SOLD IN RETAIL CONVENIENCE STORES, NAMELY, SHIRTS, PANTS, JACKETS, T-SHIRTS, BALL CAPS, PAJAMAS, UNDERWEAR, BOXERS, HATS, COWBOY HATS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 8-0-2006; IN COMMERCE 8-0-2006.



FOR: BOARD GAMES, BALLS FOR GAMES, STUFFED TOY ANIMALS SOLD IN RETAIL CONVENIENCE STORES, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 8-0-2006; IN COMMERCE 8-0-2006.

FOR: FOODS SOLD IN RETAIL CONVENIENCE STORES, NAMELY, BANANA CHIPS; PREPARED MEATS, NAMELY, CHICKEN, PORK, BEEF AND TURKEY; PROCESSED FOODS, NAMELY, PICKLED FRUITS AND VEGETABLES, JELLIES, FRUIT PRESERVES, FRUIT FLAVORED BUTTERS, APPLE BUTTER, CHERRY BUTTER, PUMPKIN BUTTER, SWEET POTATO BUTTER, PEACH BUTTER, VEGETABLE-FLAVORED BUTTERS, NUT-BASED SNACK FOODS; TRAIL MIXES CONSISTING PRIMARILY OF PROCESSED NUTS, SEEDS, AND/OR DRIED FRUIT; TRAIL MIXES CONSISTING PRIMARILY OF PROCESSED NUTS, SEEDS, AND/OR DRIED FRUIT AND ALSO CONTAINING CHOCOLATE; CANDIED NUTS, ROASTED NUTS, PROCESSED NUTS, PREPARED NUTS, DRIED-VEGETABLE SNACK FOODS, SNACK FOOD DIPS, FOOD PACKAGE COMBINATIONS CONSISTING

Sean Street Lee

Acting Director of the United States Patent and Trademark Office

Reg. No. 4,316,457 PRIMARILY OF MEAT AND/OR CHEESE, PROCESSED CHEESES, PICKLED VEGETABLES, IN CLASS 29 (U.S. CL. 46).

FIRST USE 8-0-2006; IN COMMERCE 8-0-2006.

FOR: FOODS SOLD IN RETAIL CONVENIENCE STORES, NAMELY, CANDY, CANDY WITH NUTS; SALSA; TRAIL MIXES COMPRISED PRIMARILY OF CRACKERS, PRETZELS, AND/OR POPCORN; TRAIL MIXES COMPRISED PRIMARILY OF CRACKERS, PRETZELS, AND/OR POPCORN AND ALSO CONTAINING CANDIED NUTS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 8-0-2006; IN COMMERCE 8-0-2006.

FOR: RAW NUTS , IN CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE 8-0-2006; IN COMMERCE 8-0-2006.

FOR: RETAIL STORE SERVICES FEATURING: METAL GOODS, NAMELY, METAL KEY-CHAINS; ELECTRICAL AND SCIENTIFIC APPARATUS, NAMELY, DECORATIVE MAGNETS; VEHICLE PRODUCTS, NAMELY, ANTENNA TOPPERS, ATTACHMENTS TO THE TIPS OF AUTOMOBILE ANTENNAS; PRINTED STICKERS; WIND CHIMES; HOUSEWARES AND GLASS, NAMELY, DRINKING GLASSES, DRINKING MUGS, DRINKING MUGS WITH METAL LOGOS, INSULATED MUGS, PORTABLE BEVERAGE COOLERS, BREAD BOARDS; CLOTHING, NAMELY, SHIRTS, PANTS, JACKETS, T-SHIRTS, BALL CAPS, PAJAMAS, UNDERWEAR, BOXERS, HATS, COWBOY HATS; TOYS AND SPORTING GOODS, NAMELY, BOARD GAMES, BALLS FOR GAMES, STUFFED TOY ANIMALS; MEATS AND PROCESSED FOODS, NAMELY, PREPARED CHICKEN, PREPARED PORK, PREPARED BEEF, PREPARED TURKEY, BANANA CHIPS, PICKLED FRUITS, PICKLED VEGETABLES, JELLIES, FRUIT PRESERVES, FRUIT FLAVORED BUTTERS, APPLE BUTTER, CHERRY BUTTER, PUMPKIN BUTTER, SWEET POTATO BUTTER, PEACH BUTTER, VEGETABLE-FLAVORED BUTTERS, NUTS; SNACK FOODS, NAMELY, NUT-BASED SNACKS, TRAIL MIXES, CANDIED NUTS, ROASTED NUTS, PROCESSED NUTS, PREPARED NUTS, DRIED-VEGETABLES SNACK FOODS, SNACK FOOD DIPS, FOOD PACKAGE COMBINATIONS CONSISTING PRIMARILY OF MEAT AND/OR CHEESE, PROCESSED CHEESES, PICKLED VEGETABLES; STAPLE FOODS, NAMELY, CONFECTIONARY, CANDY, CANDY WITH NUTS, CANDIED NUTS, SALSA, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 8-0-2006; IN COMMERCE 8-0-2006.

OWNER OF U.S. REG. NOS. 3,763,277 AND 4,007,063.

THE MARK CONSISTS OF A STYLIZED VERSION OF THE WORD "BUC-EE'S".

SER. NO. 85-689,858, FILED 7-30-2012.

ELI HELLMAN, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

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

Requirements in the First Ten Years*

What and When to File:

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

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

Requirements in Successive Ten-Year Periods*

What and When to File:

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

Grace Period Filings*

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

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

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

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

Exhibit C

Generated on: This page was generated by TSDR on 2016-07-14 13:15:03 EDT

Mark: BUC-EE'S

BUC-EE'S

US Serial Number: 78853252

Application Filing Date: Apr. 04, 2006

US Registration Number: 3763277

Registration Date: Mar. 23, 2010

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

Status Date: Apr. 01, 2015

Publication Date: Jan. 05, 2010

Mark Information

Mark Literal Elements: BUC-EE'S

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 convenience store items and gasoline

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 01, 1982

Use in Commerce: Jul. 01, 1982

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Buc-ee's, Ltd.

Composed of: AHA-GP, LC - a Texas limited liability company, General Partner DEW-GP, LC - a Texas limited liability company, General Partner

Owner Address: 327 FM 2004
Lake Jackson, TEXAS UNITED STATES 77566

Legal Entity Type: LIMITED PARTNERSHIP

State or Country TEXAS
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Erin B. Roth

Docket Number: BUCE.T0006US

Correspondent

Correspondent Name/Address: Erin B. Roth
Norton Rose Fulbright US LLP
2200 Ross Avenue, Suite 3600
Dallas, TEXAS UNITED STATES 75201-7932

Phone: 214-855-8000

Fax: 214-855-8200

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 02, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - MAILED	
Apr. 01, 2015	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	73376
Apr. 01, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	73376
Mar. 23, 2015	TEAS SECTION 8 & 15 RECEIVED	
Aug. 06, 2014	NOTICE OF SUIT	
Jun. 14, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 14, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 15, 2013	REVIEW OF CORRESPONDENCE COMPLETE - POWER OF ATTORNEY ENTERED	71427
Jun. 14, 2013	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	
May 09, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
May 09, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 28, 2013	NOTICE OF SUIT	
Mar. 23, 2010	REGISTERED-PRINCIPAL REGISTER	
Jan. 05, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 05, 2010	PUBLISHED FOR OPPOSITION	
Nov. 30, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	77976
Nov. 24, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 02, 2009	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	77976
Sep. 30, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 29, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 29, 2009	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Sep. 29, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Sep. 29, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 02, 2009	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	77976
Oct. 01, 2008	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	77976
Apr. 01, 2008	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	77976
Apr. 01, 2008	ASSIGNED TO LIE	77976
Sep. 21, 2007	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Mar. 16, 2007	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Sep. 15, 2006	LETTER OF SUSPENSION E-MAILED	6332
Sep. 15, 2006	SUSPENSION LETTER WRITTEN	80796
Sep. 15, 2006	ASSIGNED TO EXAMINER	80796
Apr. 07, 2006	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 115

Date in Location: Apr. 01, 2015

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91177801](#)

Filing Date: Jun 13, 2007

Status: Terminated

Status Date: Mar 29, 2010

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name: Buck's, Inc.

Correspondent Address: JOHN P. PASSARELLI
KUTAK ROC KLLP
THE OMAHA BUILDING, 1650 FARNAM STREET
OMAHA NE UNITED STATES , 68102

Correspondent e-mail: patrick.stephenson@kutakrock.com , john.passarelli@kutakrock.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BUCKY'S	Section 8 and 15 - Accepted and Acknowledged	76653211	3783086

Plaintiff(s)

Name: Buc-ee's Ltd.

Correspondent Address: JOHN W. MONTGOMERY, ESQ.
OSHA LIANG LLP
909 FANNIN STREET, SUITE 3500
HOUSTON TX UNITED STATES , 77010

Correspondent e-mail: wunder@oshaliang.com , muller@oshaliang.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BUC-EE'S	Section 8 and 15 - Accepted and Acknowledged	78853252	3763277

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 13, 2007	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 13, 2007	Jul 23, 2007
3	PENDING, INSTITUTED	Jun 13, 2007	
4	STIPULATION FOR AN EXTENSION OF TIME	Jul 20, 2007	
5	EXTENSION OF TIME GRANTED	Jul 20, 2007	
6	ANSWER	Aug 22, 2007	
7	STIPULATION FOR AN EXTENSION OF TIME	Nov 28, 2007	
8	EXTENSION OF TIME GRANTED	Nov 28, 2007	
9	STIPULATION FOR AN EXTENSION OF TIME	Jan 28, 2008	
10	EXTENSION OF TIME GRANTED	Jan 28, 2008	

11	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	May 23, 2008	
12	SUSPENDED	May 23, 2008	
13	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Aug 22, 2008	
14	STIPULATION FOR AN EXTENSION OF TIME	Sep 11, 2008	
15	EXTENSION OF TIME GRANTED	Sep 17, 2008	
16	CHANGE OF CORRESPONDENCE ADDRESS	Oct 30, 2008	
17	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Nov 06, 2008	
18	D'S REQUEST TO WITHDRAW AS ATTORNEY	Nov 07, 2008	
19	STIPULATION FOR AN EXTENSION OF TIME	Nov 10, 2008	
20	EXTENSION OF TIME GRANTED	Nov 10, 2008	
21	TRIAL DATES REMAIN AS SET	Dec 03, 2008	
22	D'S MOT TO SUSP PEND DISP CIV ACTION	Dec 04, 2008	
23	D'S MOTION TO QUASH	Dec 04, 2008	
24	D'S REPLY IN SUPPORT OF MOTION	Dec 04, 2008	
25	SUSPENDED PENDING DISP OF CIVIL ACTION	Dec 05, 2008	
26	RESPONSE DUE 30 DAYS (DUE DATE)	Dec 22, 2009	Jan 21, 2010
27	STIPULATED RESPONSE TO BOARD ORDER	Jan 15, 2010	
28	SUSPENDED	Jan 26, 2010	
29	WITHDRAWAL OF OPPOSITION	Mar 26, 2010	
30	BD'S DECISION: DISMISSED W/ PREJUDICE	Mar 29, 2010	
31	TERMINATED	Mar 29, 2010	

United States of America

United States Patent and Trademark Office

BUC-EE'S

Reg. No. 3,763,277 BUC-EE'S, LTD. (TEXAS LIMITED PARTNERSHIP)
Registered Mar. 23, 2010 327 FM 2004
LAKE JACKSON, TX 77566

Int. Cl.: 35 FOR: RETAIL STORE SERVICES FEATURING CONVENIENCE STORE ITEMS AND GAS-
OLINE, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

SERVICE MARK FIRST USE 7-1-1982; IN COMMERCE 7-1-1982.
PRINCIPAL REGISTER

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

SER. NO. 78-853,252, FILED 4-4-2006.

ALLISON SCHRODY, EXAMINING ATTORNEY



David J. Kyfos

Director of the United States Patent and Trademark Office

Exhibit D

Generated on: This page was generated by TSDR on 2016-07-14 12:59:02 EDT

Mark: BUC-EE'S



US Serial Number: 85966323

Application Filing Date: Jun. 21, 2013

US Registration Number: 4455099

Registration Date: Dec. 24, 2013

Register: Principal

Mark Type: Trademark, Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

Status Date: Dec. 24, 2013

Publication Date: Oct. 08, 2013

Mark Information

Mark Literal Elements: BUC-EE'S

Standard Character Claim: No

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

Description of Mark: The mark consists of the word "BUC-EE'S" and a star inside a circle.

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

Design Search Code(s): 01.01.03 - Star - a single star with five points
26.01.21 - Circles that are totally or partially shaded.

Related Properties Information

Claimed Ownership of US Registrations: 3763277, 4007063, 4316457

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: Cups and mugs

International Class(es): 021 - Primary Class

U.S Class(es): 002, 013, 023, 029, 030, 033, 040, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 2003

Use in Commerce: Dec. 01, 2003

For: Coffee; Coffee based beverages; Chocolate-based beverages

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 2003

Use in Commerce: Dec. 01, 2003

For: Coffee bars

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 2003

Use in Commerce: Dec. 01, 2003

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Buc-ee's, Ltd.

Composed of: general partner, DEW-GP, LC, a Texas limited liability company, and general partner, AHA-GP, LC, a Texas limited liability company

Owner Address: 327 FM 2004 Rd
Lake Jackson, TEXAS UNITED STATES 77566

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where Organized: TEXAS

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Erin B. Roth

Docket Number: BUCE.T0009US

Correspondent

Correspondent Name/Address: ERIN B. ROTH
FULBRIGHT & JAWORSKI LLP
2200 ROSS AVE STE 2800
DALLAS, TEXAS UNITED STATES 75201-2784

Phone: 214-855-8000

Fax: 214-855-8200

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 24, 2013	REGISTERED-PRINCIPAL REGISTER	
Oct. 08, 2013	PUBLISHED FOR OPPOSITION	
Sep. 18, 2013	NOTICE OF PUBLICATION	
Aug. 30, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 28, 2013	ASSIGNED TO EXAMINER	72153
Jul. 04, 2013	NOTICE OF DESIGN SEARCH CODE MAILED	
Jul. 03, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 25, 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: Dec. 24, 2013

United States of America

United States Patent and Trademark Office



Reg. No. 4,455,099

BUC-EE'S, LTD. (TEXAS LIMITED PARTNERSHIP)
327 FM 2004 RD
LAKE JACKSON, TX 77566

Registered Dec. 24, 2013

Int. Cls.: 21, 30 and 43

FOR: CUPS AND MUGS, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 12-1-2003; IN COMMERCE 12-1-2003.

TRADEMARK

FOR: COFFEE; COFFEE BASED BEVERAGES; CHOCOLATE-BASED BEVERAGES, IN CLASS 30 (U.S. CL. 46).

SERVICE MARK

PRINCIPAL REGISTER

FIRST USE 12-1-2003; IN COMMERCE 12-1-2003.

FOR: COFFEE BARS, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 12-1-2003; IN COMMERCE 12-1-2003.

OWNER OF U.S. REG. NOS. 3,763,277, 4,007,063, AND 4,316,457.

THE MARK CONSISTS OF THE WORD "BUC-EE'S" AND A STAR INSIDE A CIRCLE.

SER. NO. 85-966,323, FILED 6-21-2013.

MARY ROSSMAN, EXAMINING ATTORNEY



Deborah S. Cohn

Commissioner for Trademarks of the
United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

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

Requirements in the First Ten Years*

What and When to File:

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

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

Requirements in Successive Ten-Year Periods*

What and When to File:

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

Grace Period Filings*

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

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

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

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

Exhibit E

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Mark: BUC-EE'S



US Serial Number: 85966333

Application Filing Date: Jun. 21, 2013

US Registration Number: 4585744

Registration Date: Aug. 12, 2014

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

Status Date: Aug. 12, 2014

Publication Date: Oct. 08, 2013

Notice of Allowance Date: Dec. 03, 2013

Mark Information

Mark Literal Elements: BUC-EE'S

Standard Character Claim: No

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

Description of Mark: The mark consists of the word "BUC-EE'S" and a star inside a circle.

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

Design Search Code(s): 01.01.03 - Star - a single star with five points
26.01.21 - Circles that are totally or partially shaded.

Related Properties Information

Claimed Ownership of US Registrations: 3763277, 4007063, 4316457

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: Tea

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: May 12, 2014

Use in Commerce: May 12, 2014

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: Buc-ee's, Ltd.

Composed of: general partner, DEW-GP, LC, a Texas limited liability company, and general partner, AHA-GP, LC, a Texas limited liability company

Owner Address: 327 FM 2004 Rd
Lake Jackson, TEXAS UNITED STATES 77566

Legal Entity Type: LIMITED PARTNERSHIP

State or Country: TEXAS
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Erin B. Roth

Docket Number: BUCE.T0009US

Correspondent

Correspondent Name/Address: ERIN B. ROTH
FULBRIGHT & JAWORSKI LLP
2200 ROSS AVE STE 2800
DALLAS, TEXAS UNITED STATES 75201-2784

Phone: 214-855-8000

Fax: 214-855-8200

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 12, 2014	REGISTERED-PRINCIPAL REGISTER	
Jul. 11, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE MAILED	
Jul. 10, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 19, 2014	STATEMENT OF USE PROCESSING COMPLETE	61813
May 22, 2014	USE AMENDMENT FILED	61813
Jun. 16, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	61813
May 22, 2014	TEAS STATEMENT OF USE RECEIVED	
Dec. 03, 2013	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 08, 2013	PUBLISHED FOR OPPOSITION	
Sep. 18, 2013	NOTICE OF PUBLICATION	
Aug. 30, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 28, 2013	ASSIGNED TO EXAMINER	72153
Jul. 04, 2013	NOTICE OF DESIGN SEARCH CODE MAILED	
Jul. 03, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 25, 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: Jul. 10, 2014

United States of America

United States Patent and Trademark Office



Reg. No. 4,585,744

BUC-EE'S, LTD. (TEXAS LIMITED PARTNERSHIP)
327 FM 2004 RD

Registered Aug. 12, 2014

LAKE JACKSON, TX 77566

Int. Cl.: 30

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

TRADEMARK

FIRST USE 5-12-2014; IN COMMERCE 5-12-2014.

PRINCIPAL REGISTER

OWNER OF U.S. REG. NOS. 3,763,277, 4,007,063, AND 4,316,457.

THE MARK CONSISTS OF THE WORD "BUC-EE'S" AND A STAR INSIDE A CIRCLE.

SN 85-966,333, FILED 6-21-2013.

MARY ROSSMAN, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

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

Requirements in the First Ten Years*
What and When to File:

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

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

Requirements in Successive Ten-Year Periods*
What and When to File:

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

Grace Period Filings*

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

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

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

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

Exhibit F

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Mark: BUC-EE'S NUG-EES

BUC-EE'S NUG-EES

US Serial Number: 85826127

Application Filing Date: Jan. 17, 2013

US Registration Number: 4431414

Registration Date: Nov. 12, 2013

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

Status Date: Nov. 12, 2013

Publication Date: Aug. 27, 2013

Mark Information

Mark Literal Elements: BUC-EE'S NUG-EES

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: 3763277, 4007063, 4316457

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: Toasted corn puffs with a cheese flavored coating

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 04, 2012

Use in Commerce: Jan. 04, 2012

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Buc-ee's, Ltd.

Composed of: general partner, DEW-GP, LC, a Texas limited liability company, and general partner, AHA-GP, LC, a Texas limited liability company

Owner Address: 327 FM 2004
Lake Jackson, TEXAS UNITED STATES 77566

Legal Entity Type: LIMITED PARTNERSHIP

State or Country TEXAS
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Erin B. Roth

Docket Number: BUCE.T0004US

Correspondent

Correspondent Name/Address: Erin B. Roth
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Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 12, 2013	REGISTERED-PRINCIPAL REGISTER	
Aug. 27, 2013	PUBLISHED FOR OPPOSITION	
Aug. 07, 2013	NOTICE OF PUBLICATION	
Jul. 19, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	73296
Jul. 17, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 15, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 15, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 15, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 25, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	73296
Jun. 18, 2013	ASSIGNED TO LIE	73296
Jun. 14, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 14, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 14, 2013	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	
May 07, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 07, 2013	NON-FINAL ACTION E-MAILED	6325
May 07, 2013	NON-FINAL ACTION WRITTEN	78449
Apr. 30, 2013	ASSIGNED TO EXAMINER	78449
Jan. 24, 2013	NOTICE OF PSEUDO MARK MAILED	
Jan. 23, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 21, 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. 12, 2013

United States of America

United States Patent and Trademark Office

BUC-EE'S NUG-EES

Reg. No. 4,431,414

BUC-EE'S, LTD. (TEXAS LIMITED PARTNERSHIP)
327 FM 2004

Registered Nov. 12, 2013

LAKE JACKSON, TX 77566

Int. Cl.: 30

FOR: TOASTED CORN PUFFS WITH A CHEESE FLAVORED COATING, IN CLASS 30 (U.S. CL. 46).

TRADEMARK

FIRST USE 1-4-2012; IN COMMERCE 1-4-2012.

PRINCIPAL REGISTER

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

OWNER OF U.S. REG. NOS. 3,763,277, 4,007,063, AND 4,316,457.

SER. NO. 85-826,127, FILED 1-17-2013.

ODESSA BIBBINS, EXAMINING ATTORNEY



Lisa Street Lee

Deputy Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

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

Requirements in the First Ten Years*

What and When to File:

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

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

Requirements in Successive Ten-Year Periods*

What and When to File:

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

Grace Period Filings*

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

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

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

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