

ESTTA Tracking number: **ESTTA775353**

Filing date: **10/07/2016**

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	Woodstream Corporation
Granted to Date of previous extension	10/12/2016
Address	69 North Locust Street Lititz, PA 17543 UNITED STATES

Attorney information	Harvey B. Jacobson, Jr. & Leesa N. Weiss Jacobson Holman PLLC 400 7th St., N.W.Suite 700 Washington, DC 20004 UNITED STATES trade-mark@jhip.com,hjacobson@jhip.com,lweiss@jhip.com,daris@jhip.com,jgurney@jhip.com Phone:2026386666
----------------------	--

Applicant Information

Application No	86514638	Publication date	06/14/2016
Opposition Filing Date	10/07/2016	Opposition Period Ends	10/12/2016
Applicant	Classic Brands, LLC 3600 Yosemite Street, Suite 1000 Denver, CO 80237 UNITED STATES		

Goods/Services Affected by Opposition

Class 021. First Use: 2011/04/15 First Use In Commerce: 2011/12/15 All goods and services in the class are opposed, namely: Bird feeders; plastic storage containers for storing and dispensing bird seed for domestic use

Grounds for Opposition

The mark is merely descriptive	Trademark Act Section 2(e)(1)
The mark is generic	Trademark Act Sections 1, 2 and 45
Failure to function as a mark	Trademark Act Sections 1, 2 and 45
The mark is not inherently distinctive and has not acquired distinctiveness	Trademark Act Sections 1, 2 and 45; and Section 2(f)

Attachments	Notice of Opposition as filed.pdf(29840 bytes) Exhibit 1 D0178917.pdf(32126 bytes)
-------------	---

	Exhibit 2 D0347714.pdf(166491 bytes) Exhibit 3 D0205772.pdf(42017 bytes) Exhibit 4 D0216361.pdf(39610 bytes) Exhibit 5 D0567098.pdf(65998 bytes) Exhibit 6 D0612549.pdf(131777 bytes) Exhibit 7 D0656690.pdf(231225 bytes) Exhibit 8 D0664437.pdf(219170 bytes) Exhibit 9 2004 Spring Outdoor Seasons Catalog.pdf(655547 bytes) Exhibit 10 2007 - 2008 Bird Feeder Catalog.pdf(1032986 bytes) Exhibit 11 Perky-Pet 447-12 Round Glass Hummingbird Feeder.pdf(527235 bytes) Exhibit 12 Wholesale 485ml dry condiments glass pot - Alibaba.pdf(437175 bytes) Exhibit 13 Vintage White Milk Glass Swirl Lamp Light.pdf(608639 bytes) Exhibit 14 jelly glasses with swirl ridge pattern glass.pdf(621411 bytes)
--	--

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	/Leesa N. Weiss/
Name	Harvey B. Jacobson, Jr. & Leesa N. Weiss
Date	10/07/2016

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

WOODSTREAM CORPORATION,)	
)	
Opposer,)	
)	
v.	)	Opposition No.
)	
CLASSIC BRANDS, LLC,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

In the matter of an application to register a trademark under the Trademark Act of 1946, Serial No. 86/514,638 (“the '638 application”), filed January 26, 2015, by Classic Brands, LLC (“Applicant”), published for opposition in the *Trademark Official Gazette* of June 14, 2016, for a Miscellaneous Design mark¹ (“Applicant’s alleged mark”), the Opposer, Woodstream Corporation, believes it will be damaged by the registration of said alleged mark and hereby opposes same. The grounds for opposition are as follows:

1. The Opposer, Woodstream Corporation, is a corporation duly organized and existing under the laws of the Commonwealth of Pennsylvania, having a place of business at 69 North Locust Street, Lititz, Pennsylvania 17543.
2. Opposer is a global manufacturer and marketer of more than 2,500 unique, innovative, quality branded consumer products, accessories and supplies for the home, garden/landscape, and other outdoor living spaces, as well as providing online resources, guides,

¹The mark of the '638 application, as published, is described as “a three-dimensional configuration of a bird feeder consisting of a vessel with a swirl ridge pattern on the vessel which is depicted in solid lines. The opening of the vessel and base of the vessel are not features of the mark and are depicted in broken lines.”

articles, and general information in the fields of gardening, outdoor living and the like, accessible by means of the internet and social media (collectively, “Woodstream’s products and services”).

3. The diversity of Woodstream’s products and services has grown substantially in large part due to the acquisition of complementary companies with specialized niches in their respective markets. In the decades prior to the filing date of, and the date of first use alleged in, the '638 application opposed herein, Woodstream, itself and its predecessors-in-interest, have manufactured, promoted, offered for sale, distributed, shipped and sold an extensive variety of wild bird feeders, including feed, related accessories and supplies. Companies known for their wild bird feeders which Woodstream has acquired include Hyde Bird Feeder Co. and Opus, Inc., their associated trademarks, and the innovative and creative designs for many of the bird feeders sold under these trademarks.

4. In August 2005, Woodstream acquired Colibri Holding Corporation (“Colibri”) and Colibri’s subsidiaries, including Perky-Pet Products Co. (“Perky-Pet Products”), a Denver, Colorado manufacturer and distributor of bird feeders and pet supplies, as well as the intellectual property owned by Colibri and its subsidiary companies including, but not limited to, Perky-Pet Products. Following Woodstream’s acquisition of Perky-Pet Products in 2005, several of Perky-Pet Products’ employees, including some of the individuals identified in the prosecution of the '638 application as “Applicant’s Design Team”, including the former president of Perky-Pet Products, briefly remained as employees of Perky-Pet Products.

5. On March 20, 2006, Perky-Pet Products was formally merged with and into Woodstream Corporation (hereinafter, collectively, referred to as “Perky-Pet”). Today, Perky-

Pet is a renowned and trusted brand in the marketplace for wild bird feeders, the national sales leader and ultimate bird resource in the wild bird feeding category with more than two hundred types of bird feeders, and the number one in national sales for hummingbird feeders.

6. Bird feeders are differentiated by their functionality and design. The myriad types of bird feeders include, but are not limited to top fill (float, push/pull, plunger, on/off switch); wide mouth (fully featured with nectar); squirrel proof; mixed seed and thistle; collapsible mesh and stretch metal mesh; water feeding (float); and feeders with interchangeable components. The primary reasons for purchasing one type of bird feeder over another are the effectiveness of the pest deterrent features, the price and the ease with which one is able to view birds.

7. Perky-Pet manufactures, promotes, offers for sale, distributes, ships and sells wild bird feeders, including hummingbird feeders, under its **Perky-Pet**[®] house brand, as well as its other brands, including **Garden Song**[®], **Opus**[®], **Birdscapes**[®], **NO/NO**[®], **K-Feeders**[™] (collectively, “**Perky-Pet**[®] wild bird feeders”). The **Perky-Pet**[®] wild bird feeders, and hummingbird feeders in particular, are promoted, offered for sale, distributed, shipped and sold through Perky-Pet’s *perkypet.com*², *birdfeeders.com* and *avantgardendecor.com* e-commerce sites; as well as many third-party e-commerce retailers such as *amazon.com*; traditional brick and mortar stores and their e-commerce sites, such as Walmart, Target, Home Depot and Ace Hardware; and numerous specialty stores and their e-commerce sites.

8. Long prior to the filing date of, and the date of first use alleged in, the '638 application opposed herein, Perky-Pet and its competitors have manufactured, promoted, offered

²Perky-Pet transitioned from its use of the *perkypet.com* URL/web site address to its *birdfeeders.com* URL/web site address on or about June 1, 2008.

for sale, distributed, shipped and sold wild bird feeders, including hummingbird feeders, incorporating common ornamental and decorative product designs, including features such as feeders in which the primary vessel is manufactured from plastic or glass having textured, molded patterns and/or other aesthetically functional properties.

9. On January 26, 2015, Applicant filed the '638 application to register Applicant's alleged mark, described as: "a three-dimensional configuration of a bird feeder consisting of a vessel with a swirl ridge pattern on the vessel which is depicted in solid lines." Executing the '638 application, Applicant's chief executive officer declared that "no other person has the right to use [Applicant's alleged] mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive."

10. The '638 application contains no claim to the size, shape or color of any bird feeder vessel.

11. The '638 application asserts that, as of the January 26, 2015 filing date, Applicant's alleged mark had been, and was being, used for "bird feeders; plastic storage containers for storing and dispensing bird seed" and that the first use of Applicant's alleged mark anywhere was on April 15, 2011, and in commerce on December 15, 2011.

12. Registration of Applicant's alleged mark initially was refused in an Office Action dated May 5, 2015 ("Office Action"), on the basis that the mark comprised "a nondistinctive product design or nondistinctive feature of a product design that is not registrable on the Principal Register without sufficient proof of acquired distinctiveness."

13. The Office Action required Applicant to provide advertising, promotional and/or explanatory materials concerning Applicant's alleged mark; a written explanation and evidence of alternative designs available for the features embodied in Applicant's alleged mark, and whether such alternative designs are equally efficient and/or competitive; a written explanation and any documentation concerning similar designs used by competitors; a written statement as to whether the product design comprising Applicant's alleged mark results from a comparatively simple or inexpensive method of manufacture in relation to alternative designs for the product; information regarding the method and/or cost of manufacture relating to Applicant's goods; and any other evidence considered relevant to the registrability of Applicant's alleged mark.

14. On November 5, 2015, Applicant's attorney filed a Response to the Office Action ("Applicant's Response"). Applicant's Response contained numerous unverified statements in an effort to support Applicant's argument that its alleged mark is inherently distinctive; *e.g.*, "Applicant's feeder featuring the applied-for mark is unique and is not in use by any other manufacturer."

15. The arguments submitted with Applicant's Response also relied on unverified statements claiming the per unit cost to manufacture the bird feeder featuring Applicant's alleged mark is \$0.21 (twenty-one cents) greater than the cost to manufacture "certain of Applicant's smooth surface" bird feeder vessels, along with additional unverified quotes purportedly from "Applicant's Design Team" and "Applicant's design engineer" with "evidence that applicant considers relevant to the registrability of the applied-for configuration mark".

16. Applicant's attorney submitted approximately 330 pages of print-outs with Applicant's Response, many of which comprised duplicate copies of the print-outs, and many of

which were from unidentifiable sources (*viz.*, containing no uniform resource locator (“URL”) or other identification of web site or other source).

17. Approximately 70 pages of the 330 pages of print-outs submitted with Applicant’s Response consisted of internet print-outs, seventy-five percent of which were from the online retailer Amazon.com³, reflecting e-commerce sales of third-party wild bird feeders, most of which were **Perky-Pet**[®] wild bird feeders⁴, and none of which were responsive to the Examining Attorney’s requirement in the Office Action that Applicant provide evidence of “alternative designs available for the feature(s) embodied in the applied-for mark, and whether such alternative designs are equally efficient and/or competitive.”⁵

18. Applicant’s Response argued that Applicant’s alleged mark was inherently distinctive or, in the alternative, had acquired secondary meaning and, therefore, was registrable on the Principal Register under Section 2(f) of the Trademark Act without any declarations or other verified statements, notwithstanding less than four years use in commerce of Applicant’s alleged mark.

19. In support of the assertion that Applicant’s alleged mark had acquired secondary meaning, Applicant’s attorney submitted additional print-outs which were undated, contained no

³Applicant’s gratuitous *non sequitur*, referring to Amazon.com as “the world’s largest online retailer” which “carries hundreds of brands and varieties of bird feeders and seed storage containers” was unsupported by the mere handful of brands of bird feeders represented.

⁴Including Perky-Pet’s **Garden Song**[®], **Birdscapes**[®] and **NO/NO**[®] wild bird feeders.

⁵Applicant utilized the same, or substantially all of the same, print-outs to respond to similarly-based refusals of registration raised by the same Examining Attorney in connection with (then) co-pending trademark applications seeking registration of other differing ornamental and/or functional bird feeder trade dress/product designs, namely, Serial Nos. 86/542,515; 86/514,627; 86/514,632; 86/514,644; 86/514,650; 86/514,653; 86/514,659; and 86/542,525.

URL or verifiable identification of source⁶, and consisted of duplicate pages and/or referred or related to the goods identified in the '638 application but did not refer or relate to Applicant's alleged mark.⁷

20. None of the additional 70 pages⁸ of print-outs from the Amazon.com e-commerce site submitted by Applicant's attorney with Applicant's Response contained any evidence that purchasers of bird feeders featuring Applicant's alleged mark perceive, recognize or associate Applicant's alleged mark with Applicant, or as an indicator of source of any of the goods identified in the '638 application.

21. Applicant's Response relied on an unverified statement by Applicant's attorney claiming "total sales revenue" of "products featuring the applied-for mark" of \$1.79 million, with advertising expenditures of only \$2,000, in less than four years.⁹ None of the print-outs submitted with and/or relied on by Applicant's attorney in Applicant's Response reflects advertising and/or promotion of the goods in the '638 application in such a way as to promote or associate Applicant's alleged mark with a single source, namely, Applicant.

22. The Office Action required Applicant to provide a written statement as "to whether the applied-for mark, or any feature(s) thereof, is or has been the subject of a design or

⁶See, e.g., the duplicate print-outs from Sears (pages 135 to 137 and pages 329 to 332; pages 172 to 174 and pages 366-368); Southern States (pages 138-140 and 332-334); Do My Own Pest Control (pages 141-144 and pages 335-338); my Agway (pages 145 and 339); Country Max (pages 146 and 340); Southern Agriculture (pages 147 and 341); and The Bird Shed (pages 148 and 342).

⁷See, e.g., the duplicate print-outs from Applicant's Facebook page (page 134 and page 328), and Applicant's Pinterest page (pages 169 to 171 and 363 to 365).

⁸See pages 34 to 87 and pages 114 to 133. Pages 254 to 327 are duplicates of pages 34 to 87 and pages 114-124.

⁹From the asserted date of first use in commerce of Applicant's alleged mark in commerce on December 15, 2011, through the date of Applicant's Response on November 5, 2015.

utility patent” and if so, to provide copies of the patent. Applicant’s Response disclosed three design patents assigned to Applicant and provided copies of same, but failed to disclose other patents responsive to the Examining Attorney’s requirement for patents for the common features incorporated in Applicant’s alleged mark and cited as prior art in the design patents identified in Applicant’s Response. *See e.g.*, D178,917; D205,772; D216,361; D347,714; D567,098; D612,549; D656,690 and D664,437, copies of which are attached as Opposer’s Exhibits 1 through 8.

23. The Examining Attorney accepted Applicant’s request to enter a claim of acquired distinctiveness based on the evidence submitted with Applicant’s Response, and the ‘638 application was approved and published for opposition in the *Official Gazette* of June 14, 2016.¹⁰

Count I:

Applicant’s Alleged Mark is Purely Ornamental

24. Opposer restates and realleges Paragraphs 1 through 23, above.

25. Opposer and Applicant are competitors in the marketplace for wild bird feeders.

26. Applicant’s alleged mark is purely ornamental, and by Applicant’s own admission, “purely decorative”, does not and cannot function as a trademark and, therefore, is ineligible for registration on either the Principal Register or the Supplemental Register.

15 U.S.C. §§ 1051, 1052 and 1127.

¹⁰The ‘638 application was published for opposition on December 29, 2015. However, Applicant filed a post-publication amendment to the ‘638 application, resulting in the subsequent republication of same on June 14, 2016.

27. The simple repeating pattern which is the subject matter of Applicant's alleged mark is neither unique nor unusual in Applicant's field, or for the goods identified in the '638 application, and reinforces the ornamental nature of the design. *See, e.g.*, Opposer's Exhibits 9¹¹, 10¹², and 11¹³.

28. Applicant's alleged mark serves as an ornamental function to decorate the goods identified in the '638 application and, therefore, consumers would not be predisposed to equate or perceive Applicant's alleged mark with a single source.

29. The swirling ridge pattern comprising Applicant's alleged mark is composed of common shapes, and is similar to and/or merely a refinement or variation of common or well-known forms of ornamentation.

30. Applicant's alleged mark merely repeats an ordinary shape in an unremarkable pattern and places it on the goods in the '638 application in an unremarkable way.

31. Registration of Applicant's alleged mark as sought in the '638 application would provide Applicant with the color of rights in and to Applicant's alleged mark, and thereby preclude Perky-Pet from using and/or employing the use of and incorporating similar well-known ornamentation, including but not limited to decorative or ornamental molded ridges or swirls or other abstract features in the design and manufacture of the **Perky-Pet**[®] wild bird feeders, to the damage and detriment of Perky-Pet.

¹¹**Perky-Pet**[®] Outdoor Seasons Spring 2004 catalog, Model No. 274 Elegant Glass Hummingbird Feeder.

¹²**Perky-Pet**[®] **Birdscapes**[®] Bird Feeder Catalog 2007-2008, Model No. 219 Helix Top Fill hummingbird feeder; and No. 2330 Blown Glass Feeder.

¹³**Perky-Pet**[®] Round Glass Hummingbird Feeder, Model No. 447-12.

Count II:

Applicant's Alleged Mark Constitutes Nondistinctive Product Design

32. Opposer restates and realleges Paragraphs 1 through 31, above.

33. In the event the Board finds that Applicant's alleged mark is not purely ornamental, incapable of trademark significance and/or ineligible for registration, Perky-Pet submits, in the alternative, that Applicant's alleged mark constitutes a nondistinctive product design, and does not function as a trademark under §§ 1, 2 and 45 of the Trademark Act. 15 U.S.C. §§ 1051, 1052 and 1127.

34. Applicant's Response concedes the ornamental design comprising Applicant's alleged mark "serves a purely decorative purpose".

35. Applicant's alleged mark is a mere refinement of commonly adopted and well-known ornamentation for glass vessels, namely, employing the use of and/or incorporating decorative or ornamental molded ridges or swirls or other abstract features in the design and manufacture of wild bird feeders in general, and hummingbird feeders in particular, and therefore would be viewed by the public purely as decoration or ornamentation for the goods, incapable of distinguishing Applicant's goods. *See, e.g.*, Opposer's Exhibits 12 through 14, attached hereto.

36. In view of the foregoing, Applicant's alleged mark is not inherently distinctive, constitutes nondistinctive product design and, therefore, is not eligible for registration on the Principal Register.

Count III:

Applicant's Alleged Mark has not Acquired Distinctiveness

37. Opposer restates and realleges Paragraphs 1 through 36, above.
38. Applicant has not filed any verified statements or declarations in support of the assertion that Applicant's alleged mark has acquired distinctiveness.
39. Applicant has not demonstrated long use of Applicant's alleged mark. The '638 application states that the first use in commerce of Applicant's alleged mark was December 15, 2011; Applicant's Response to the Office Action in which the Examining Attorney refused registration of Applicant's alleged mark was filed less than five years later, on November 5, 2015.
40. Applicant has not provided any evidence of its own advertising expenditures.
41. Applicant has failed to show that it has made efforts to associate Applicant's alleged mark with a single source.
42. Applicant has not filed any surveys or other evidence of consumer recognition of Applicant's alleged mark as the source of any of the goods identified in the '638 application.
43. None of the wild bird feeders identified in the attached print-outs submitted with Applicant's Response contain or embody alternative or competitive designs for the purely decorative or ornamental features comprising Applicant's alleged mark.
44. None of the evidence submitted with Applicant's Response refer or relate to Applicant's alleged mark or any efforts to associate Applicant's alleged mark with a single source.

45. None of the evidence submitted with Applicant's Response refer or relate to Applicant's alleged mark or any efforts to promote consumer recognition of Applicant's alleged mark with a single source.

46. None of the evidence submitted with Applicant's Response demonstrates that Applicant has successfully educated the public to associate Applicant's alleged mark and the goods identified in the '638 application with a single source.

47. In view of the foregoing, Applicant's alleged mark has not acquired distinctiveness or secondary meaning and, therefore, is not eligible for registration on the Principal Register.

48. Registration of Applicant's alleged mark as sought in the '638 application would provide Applicant with the color of *prima facie* exclusive rights to use Applicant's alleged mark, and thereby preclude Perky-Pet from using and/or employing the use of and incorporating similar well-known ornamentation, including but not limited to decorative or ornamental molded ridges or swirls or other abstract features in the design and manufacture of the **Perky-Pet**[®] wild bird feeders, to the damage and detriment of Perky-Pet.

49. By virtue of the foregoing, Perky-Pet believes it will be damaged by the registration by Applicant of Applicant's alleged mark, as set forth in the '638 application therefor.

50. If Applicant is granted the registration opposed herein, and Applicant obtains such rights as conferred under the Principal Register of the Trademark Act of 1946, Applicant will obtain unlawful gain and advantage to which it is not entitled under the Trademark Act of 1946, to the detriment and harm of Perky-Pet.

WHEREFORE, this Opposer believes and alleges that it will be damaged by registration of the mark of application Serial No. 86/514,638, as aforesaid, and prays that:

- A. judgment in the present opposition be entered in favor of Opposer;
- B. the present opposition be sustained; and
- C. registration of application Serial No. 86/514,638 be rejected and refused.

Should the payment accompanying this Notice of Opposition be insufficient, the Board is hereby authorized to charge counsel's Deposit Account No. 06-1358.

Respectfully submitted,

WOODSTREAM CORPORATION

By: /Leesa N. Weiss/
Harvey B. Jacobson, Jr.
Leesa N. Weiss
JACOBSON HOLMAN PLLC
400 Seventh St., N.W.
Washington, D.C. 20004
(202) 638-6666

Date: October 7, 2016

Certificate of Service

I hereby certify that on this 7th day of October, 2016, the foregoing Notice of Opposition was served, by mailing same first class and postage prepaid, on the following correspondent as set forth in the records of the U.S. Patent & Trademark Office:

Margaret M. Arcarp
Polsinelli PC
1515 Wynkoop Street
Suite 600
Denver, Colorado 80202-2062

 /Leesa N. Weiss/

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

WOODSTREAM CORPORATION,)	
)	
Opposer,)	
)	
v.	)	Opposition No.
)	
CLASSIC BRANDS, LLC,	)	Application Serial No. 86/514,638
)	
Applicant.)	

NOTICE OF OPPOSITION

EXHIBIT 1

178,917

BOTTLE OR SIMILAR ARTICLE

Alonzo H. England, St. Albans, and Clifford A. Riddle,
New York, N. Y.

Application June 17, 1955, Serial No. 36,561

Term of patent 14 years

(Cl. D58—8)

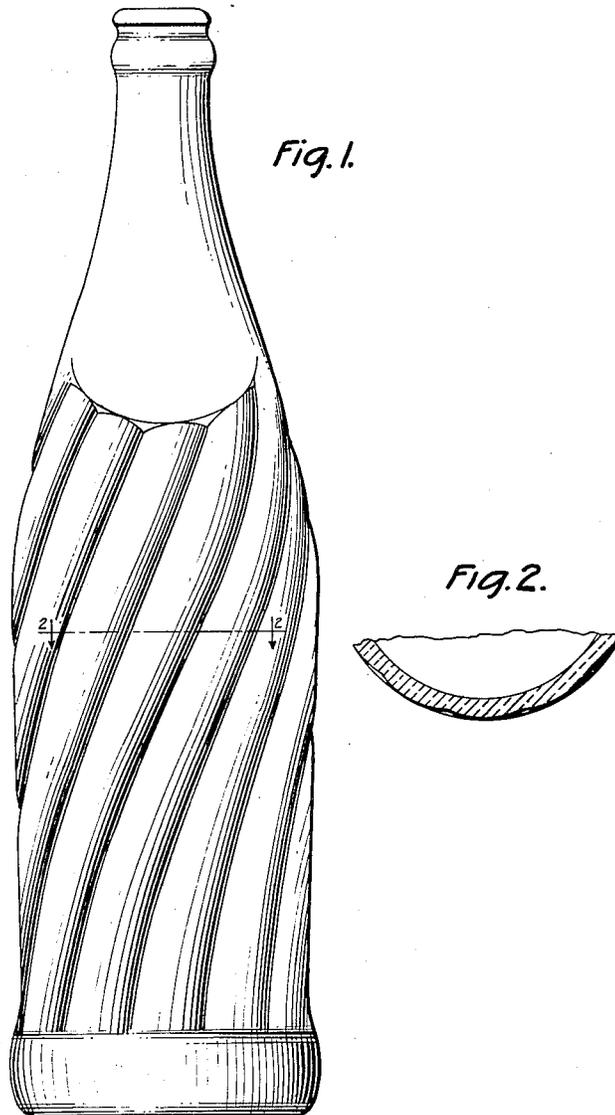


Fig. 1 is a front view of a bottle showing our new design the rear view being substantially the same as the front view; and

Fig. 2 is a sectional view taken along line 2—2 of Fig. 1.

We claim:

The ornamental design for a bottle or similar article, as shown.

References Cited in the file of this patent

UNITED STATES PATENTS

D. 69,462	Sears	Feb. 16, 1926
D. 111,411	D'Addario	Sept. 20, 1938

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

WOODSTREAM CORPORATION,)	
)	
Opposer,)	
)	
v.	)	Opposition No.
)	
CLASSIC BRANDS, LLC,	)	Application Serial No. 86/514,638
)	
Applicant.)	

NOTICE OF OPPOSITION

EXHIBIT 2



US00D347714S

United States Patent [19]

[11] Patent Number: **Des. 347,714**

Maple et al.

[45] Date of Patent: **** Jun. 7, 1994**

- [54] **HUMMINGBIRD FEEDER BOTTLE**
- [75] Inventors: **Wade A. F. Maple, Wooster; Stanley Mathey, Orrville, both of Ohio**
- [73] Assignee: **Rubbermaid Incorporated, Wooster, Ohio**
- [**] Term: **14 Years**
- [21] Appl. No.: **925,477**
- [22] Filed: **Aug. 5, 1992**
- [52] U.S. Cl. **D30/128; D9/552; D9/521; D9/538**
- [58] Field of Search **119/52.1-52.3, 119/53, 54, 57.8-57.9, 77; D9/521, 538-539, 542, 552, 565; D30/121-122, 124-128, 132-133**

[56] **References Cited**

U.S. PATENT DOCUMENTS

- D. 178,917 10/1956 England **D9/539**
- D. 205,772 9/1966 Blair **D30/128**
- D. 216,361 12/1969 Pappas **D9/552**
- D. 278,168 3/1985 Latham et al. **D30/127**
- 3,125,069 3/1964 Fowler **119/77**
- 3,244,150 4/1966 Blair **119/52.3**
- 4,691,665 9/1987 Hefner **119/77**
- 4,732,112 3/1988 Fenner et al. **119/52.2**
- 4,901,673 2/1990 Overstreit **119/77**
- 5,140,945 8/1992 Barnhart et al. **119/52.2**

FOREIGN PATENT DOCUMENTS

- 2815211 10/1979 Fed. Rep. of Germany .
- 3320833 12/1984 Fed. Rep. of Germany .
- 2241635 9/1991 United Kingdom **119/77**

OTHER PUBLICATIONS

Signatures Catalog page; Hummingbird Feeder.
 Signals Catalog; p. 37; Hummingbird Feeder.
 United States Purchasing Exchange Catalog; Spring '91; p. 56; Hummingbird Feeder.
 P. 98, Hummingbird Feeders, Walter Drake & Sons, 10 Drake Building, Colorado Springs, Colo. 80940. Publication date 1990.
 Catalog Page, Hummingbird Feeders, Briggs Associates Inc., P.O. Box 29310, Thornton, Colo. 80229. It is believed that the product depicted herein has been on sale for more than one (1) year prior to the application

date of this instant application; items GL-18, p-12, p-32, GL-32.

Catalog Page, Hummingbird Feeders, Briggs Associates Inc., P.O. Box 29310, Thornton, Colo. 80229. It is believed that the product depicted herein has been on sale for more than one (1) year prior to the application date of this instant application; items P-14, P-16, P-10, PC32.

P. 8, Hummingbird Feeders, Hyde Bird Feeder Co., 56 Felton Street, P.O. Box 168, Waltham, Mass. 02254. Publication date Fall-Winter 1989-1990.

Pp. 3, 4, 6 and 7, Hummingbird Feeders, Opus, P.O. Box 525, Bellingham, Mass. 02019. Publication date Jun. 1990.

Catalog Page, Hummingbird Feeders, Perky-Pet Products Co., 2201 South Wabash Street, Denver, Colo. 80231. It is believed that the product depicted herein has been on sale for more than one (1) year prior to the application date of this instant application; items 203-C, 203CP, 204CP.

Catalog Page, Hummingbird Feeders, Perky-Pet Products Co., 2201 South Wabash Street, Denver, Colo. 80231. It is believed that the product depicted herein has been on sale for more than one (1) year prior to the application date of this instant application; items 209, 210P, 211, 212, 219, 212P.

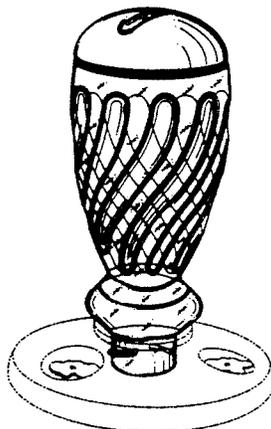
Catalog Page, Hummingbird Feeders, Perky-Pet Products Co., 2201 South Wabash Street, Denver, Colo. 80231. It is believed that the product depicted herein has been on sale for more than one (1) year prior to the application date of this instant application; items 217, 218, 213, 208.

Catalog Page, Hummingbird Feeders, Perky-Pet Products Co., 2201 South Wabash Street, Denver, Colo. 80231. It is believed that the product depicted herein has been on sale for more than one (1) year prior to the application date of this instant application; items 201C, 202, 202-C, 202-CF, 214, 215.

Catalog Page, Hummingbird Feeder, Rubbermaid Incorporated, 1147 Akron Road, Wooster, Ohio 44691. Publication date 1984; item: 3410.

Catalog Page, Hummingbird Feeder, Rubbermaid Incorporated, 1147 Akron Road, Wooster, Ohio 44691. Publication date 1984; items 3410 & 3420.

Catalog Page, Hummingbird Feeder, Rubbermaid In-



corporated, 1147 Akron Road, Wooster, Ohio 44691.
Publication date 1984; items 3426, 3427, 3428, 3408.

Primary Examiner—Cathy Anne MacCormac
Attorney, Agent, or Firm—Richard B. O'Planick; Lisa B. Riedesel

[57]

CLAIM

The ornamental design for a hummingbird feeder bottle, as shown and described.

DESCRIPTION

FIG. 1 is a top left front perspective view of a hum-

mingbird feeder bottle showing our new design, and showing, in phantom, a feeder base which could be attached to said hummingbird feeder bottle;

FIG. 2 is a front elevational view thereof; the rear elevational view being a mirror image;

FIG. 3 is a left side elevational view thereof; the opposite side being a mirror image;

FIG. 4 is a top plan view thereof; and,

FIG. 5 is a bottom plan view thereof.

The broken lines in FIG. 1 are for purposes of illustration only and form no part of the claimed design.

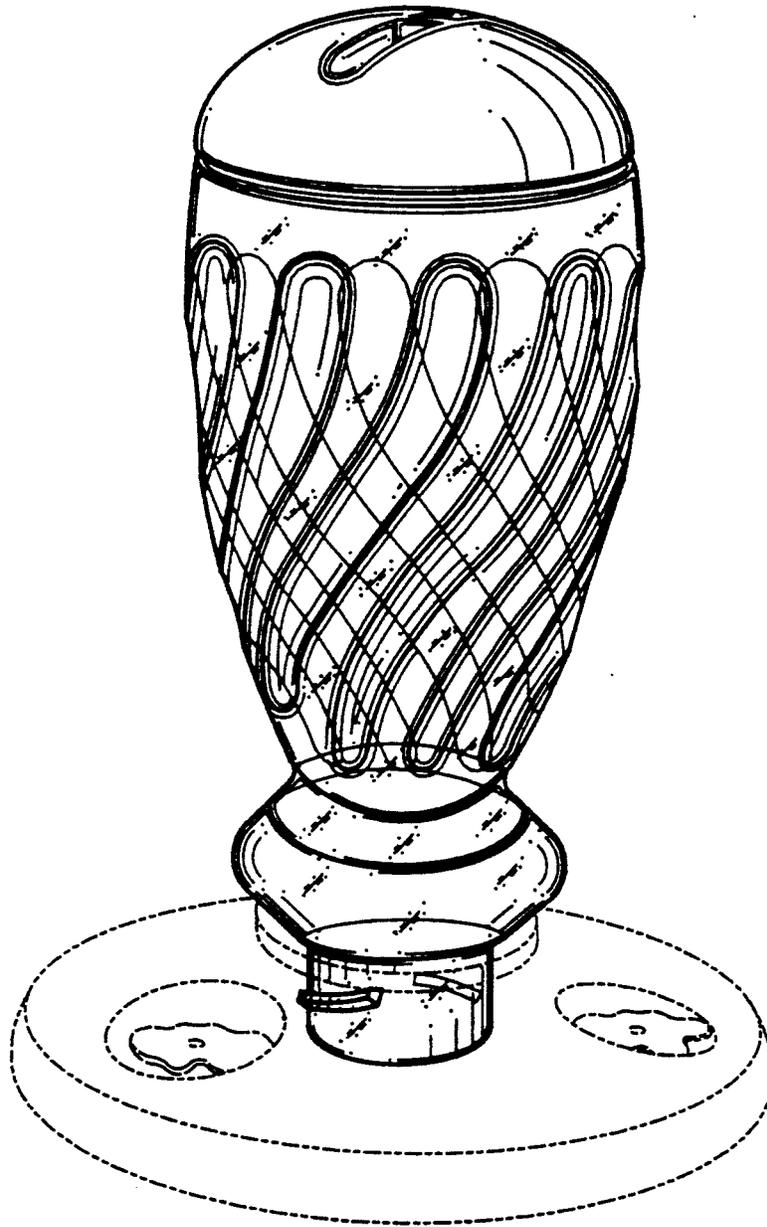


FIG. 1

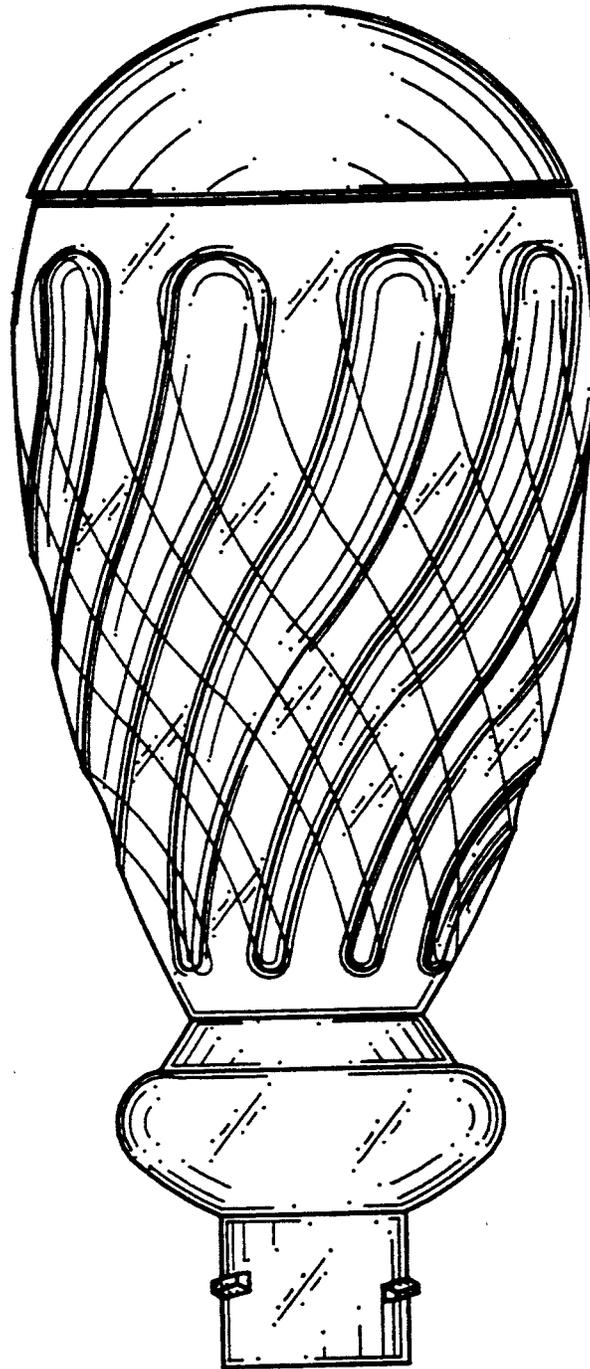


FIG. 2

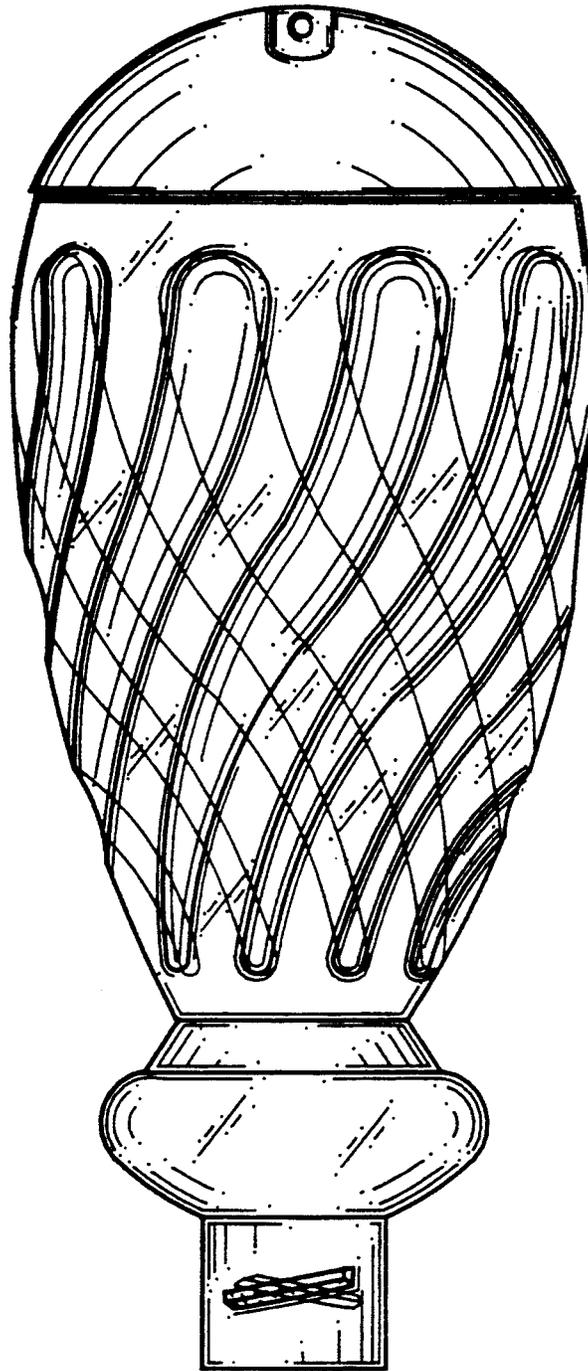


FIG. 3

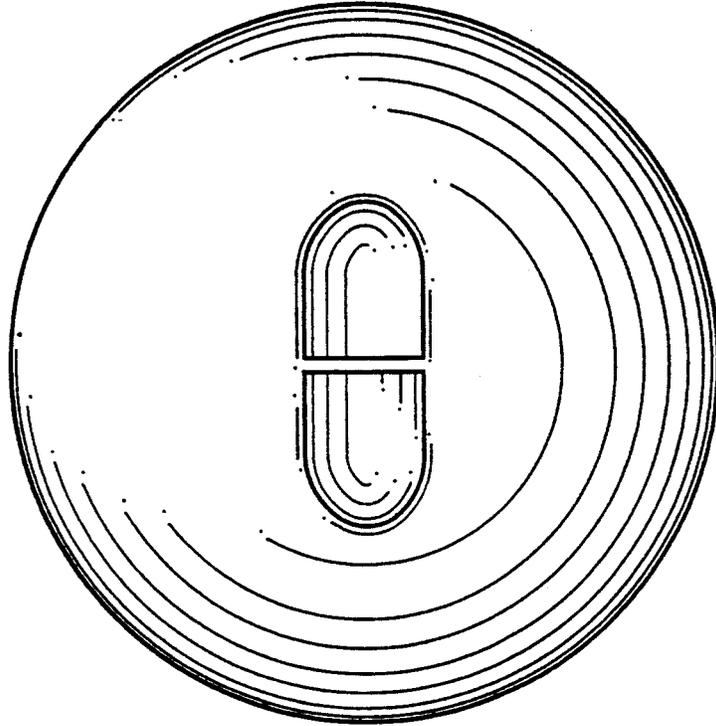


FIG. 4

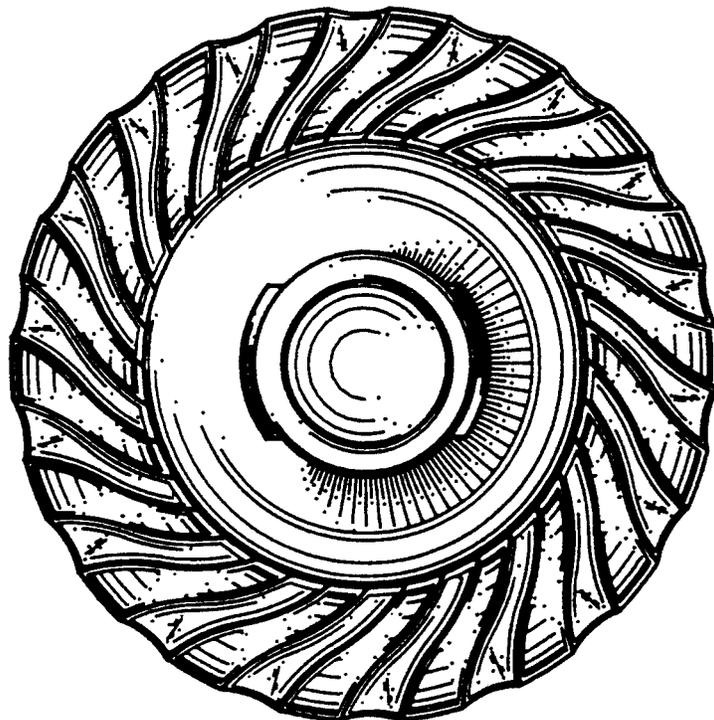


FIG. 5

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

WOODSTREAM CORPORATION,)	
)	
Opposer,)	
)	
v.	)	Opposition No.
)	
CLASSIC BRANDS, LLC,	)	Application Serial No. 86/514,638
)	
Applicant.)	

NOTICE OF OPPOSITION

EXHIBIT 3

205,772

BIRD FEEDER

Benton Blair, Prospect St., East Woodstock, Conn.

Filed Dec. 28, 1965, Ser. No. 349

Term of patent 14 years

(Cl. D31—2)

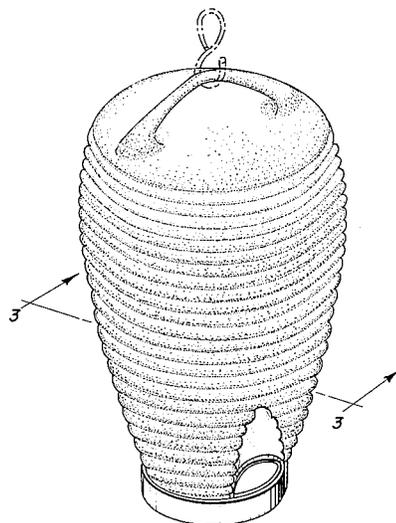


FIG. 1

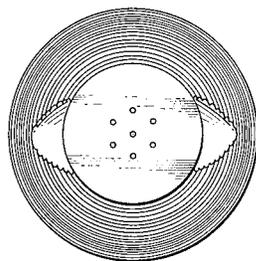


FIG. 2

FIG. 3

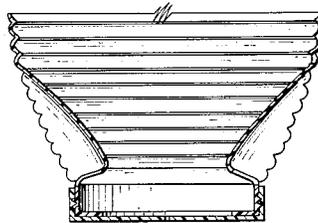


FIG. 1 is a perspective view of the feeder;
FIG. 2 is a bottom view of the feeder; and
FIG. 3 is a section taken on line 3—3 of FIGURE 1.
The broken lines are shown for illustrative purposes only.

I claim:

The ornamental design for a bird feeder, as shown and described.

References Cited by the Examiner

UNITED STATES PATENTS

D. 173,294	10/1954	Voeks	-----	D31—2
D. 173,501	11/1954	Kupka	-----	D31—2
2,796,517	6/1957	Herzfelder.		
3,090,354	5/1963	Merritt et al.	-----	119—51 XR
3,244,150	4/1966	Blair	-----	119—52

WALLACE R. BURKE, *Primary Examiner.*

BERNARD ANSHER, *Assistant Examiner.*

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

WOODSTREAM CORPORATION,)	
)	
Opposer,)	
)	
v.	)	Opposition No.
)	
CLASSIC BRANDS, LLC,	)	Application Serial No. 86/514,638
)	
Applicant.)	

NOTICE OF OPPOSITION

EXHIBIT 4

216,361

BOTTLE

John C. Pappas, Jr., Belmont, Mass., assignor to
C. Pappas Company, Inc., Boston, Mass.

Filed May 9, 1969, Ser. No. 17,099

Term of patent 14 years

Int. Cl. D9—01

U.S. Cl. D9—87

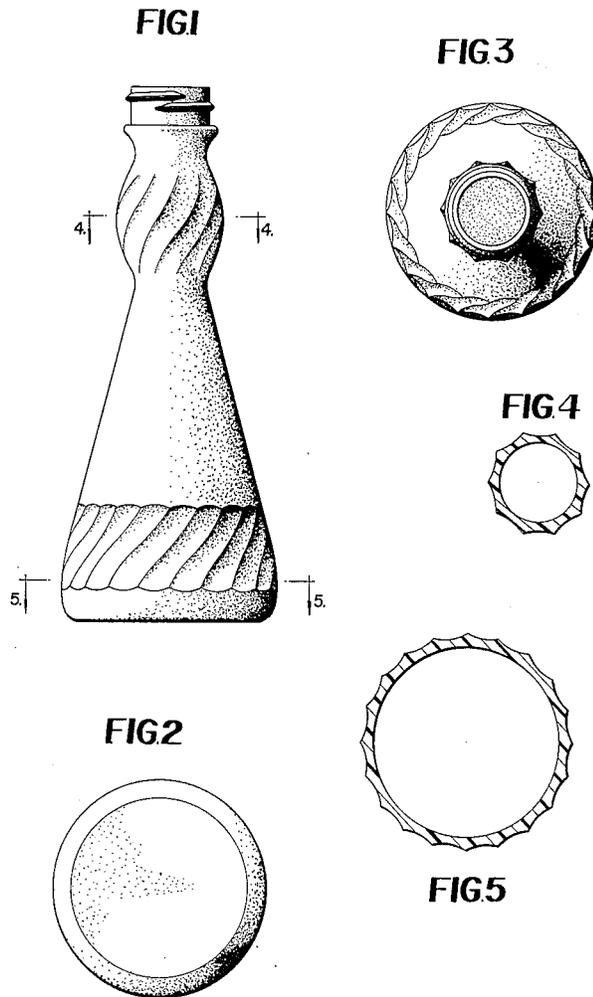


FIG. 1 is an elevational view of a bottle showing my new design;

FIG. 2 is a bottom plan view;

FIG. 3 is a top plan view;

FIG. 4 is a sectional view taken along line 4—4 of FIG. 1 with the bottom portion of the bottle being omitted for convenience of illustration; and

FIG. 5 is a sectional view taken along line 5—5 of FIG. 1 with the bottom portion of the bottle being omitted for convenience of illustration.

I claim:

The ornamental design for a bottle, as shown.

References Cited

UNITED STATES PATENTS

D. 36,455	7/1903	Kochs	.....	D9—148.
D. 176,181	11/1955	Fuerst	.....	D9—88
D. 186,085	9/1959	Dallas	.....	D9—80
D. 187,246	2/1960	Barton	.....	D9—80
D. 187,302	2/1960	Campbell	.....	D9—87

ROBERT C. SPANGLER, Primary Examiner

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

WOODSTREAM CORPORATION,)	
)	
Opposer,)	
)	
v.	)	Opposition No.
)	
CLASSIC BRANDS, LLC,	)	Application Serial No. 86/514,638
)	
Applicant.)	

NOTICE OF OPPOSITION

EXHIBIT 5



US00D567098S

(12) **United States Design Patent**
Sequeira

(10) **Patent No.:** **US D567,098 S**

(45) **Date of Patent:** **** Apr. 22, 2008**

(54) **PORTION OF A BOTTLE**

(75) Inventor: **Clarence Sequeira**, New Milford, CT (US)

(73) Assignee: **PepsiCo, Inc.**, Purchase, NY (US)

(**) Term: **14 Years**

(21) Appl. No.: **29/297,860**

(22) Filed: **Nov. 20, 2007**

Related U.S. Application Data

(62) Division of application No. 29/244,060, filed on Dec. 3, 2005.

(51) **LOC (8) Cl.** **09-01**

(52) **U.S. Cl.** **D9/552**

(58) **Field of Classification Search** D9/500,
D9/503, 516, 520, 537-541, 544-546, 548-549,
D9/552, 556, 558, 565, 574-575, 682, 688-693;
D7/509-511; 215/381-385, 396, 398
See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

1,837,068	A	*	12/1931	Richter	.....	215/385	X
D86,037	S	*	1/1932	Lloyd	.....	D9/500	
D115,956	S	*	8/1939	Dennis	.....	D9/558	
D119,303	S	*	3/1940	Deletzke	.....	D9/558	
D221,836	S	*	9/1971	Iloyd	.....	D9/500	
D287,933	S	*	1/1987	Mills et al.	.....	D9/500	
D347,714	S	*	6/1994	Maple et al.	.....	D9/538	X
D386,043	S	*	11/1997	Chiag	.....	D7/511	X

5,785,197	A	*	7/1998	Slat	.....	215/375	
D404,651	S	*	1/1999	Warner et al.	.....	D9/552	
D406,065	S	*	2/1999	Cheng	.....	D9/552	
D429,156	S	*	8/2000	Williams et al.	.....	D9/552	X
D435,219	S	*	12/2000	Williams et al.	.....	D9/538	
D443,519	S	*	6/2001	Warner et al.	.....	D9/538	
D462,013	S	*	8/2002	Iizuka et al.	.....	D9/538	
D468,640	S	*	1/2003	Mitchell et al.	.....	D9/549	X
D476,570	S	*	7/2003	Silvers	.....	D9/500	
D545,209	S	*	6/2007	Batliner	.....	D9/558	
2002/0070193	A1	*	6/2002	Mero	.....	215/381	

* cited by examiner

Primary Examiner—Carol Rademaker

(74) *Attorney, Agent, or Firm*—Banner & Witcoff, Ltd.

(57) **CLAIM**

The ornamental design for a portion of a bottle, as shown and described.

DESCRIPTION

FIG. 1 is a top, front perspective view of a portion of a bottle depicting the new design;

FIG. 2 is a front elevational view thereof, the rear elevational view being a mirror image;

FIG. 3 is a top plan view thereof, and,

FIG. 4 is a bottom plan view thereof.

The dash-dot lines immediately adjacent to the shaded areas of the bottle represent unclaimed boundaries of the claimed design. The dotted lines showing the remainder of the bottle are for illustrative purposes only and form no part of the claimed design.

1 Claim, 2 Drawing Sheets

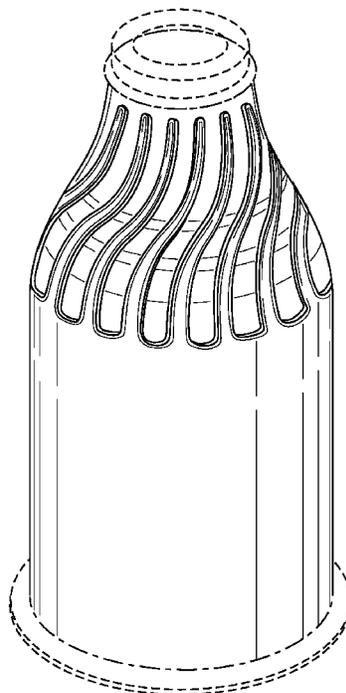


Fig. 1

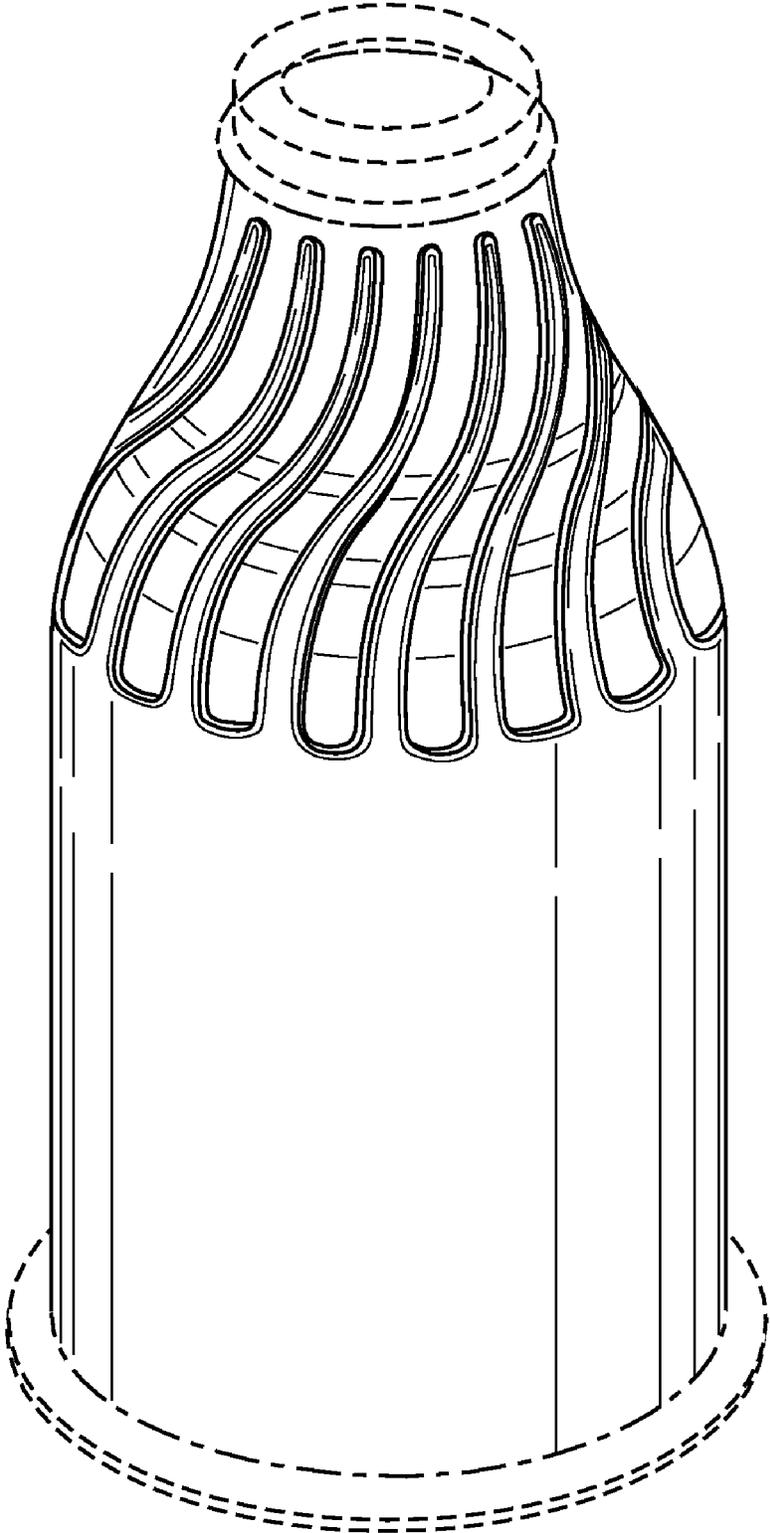


Fig. 2

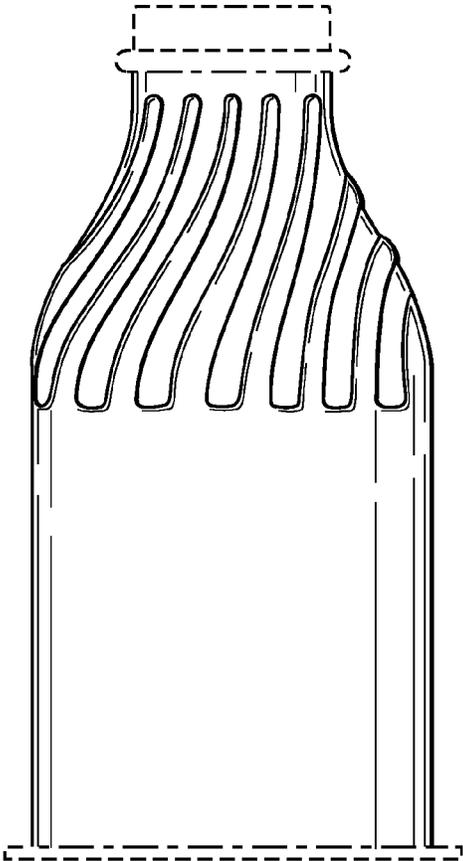


Fig. 3

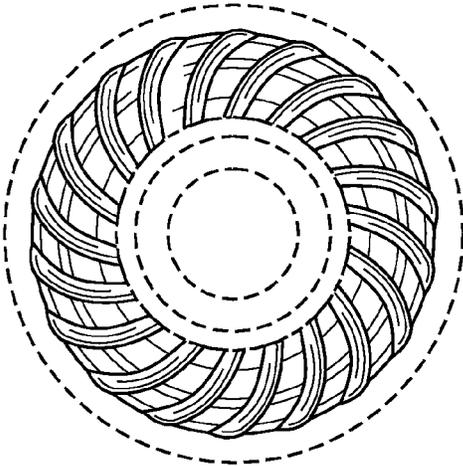
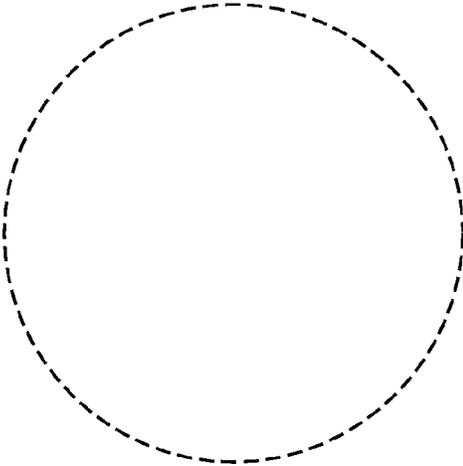


Fig. 4



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

WOODSTREAM CORPORATION,)	
)	
Opposer,)	
)	
v.	)	Opposition No.
)	
CLASSIC BRANDS, LLC,	)	Application Serial No. 86/514,638
)	
Applicant.)	

NOTICE OF OPPOSITION

EXHIBIT 6



US00D612549S

(12) **United States Design Patent**
Garcia-Lucio et al.

(10) **Patent No.:** **US D612,549 S**

(45) **Date of Patent:** **** Mar. 23, 2010**

(54) **HUMMINGBIRD FEEDER**

(75) Inventors: **Alfredo Garcia-Lucio**, Denver, CO (US); **Jim B. McKeever**, Denver, CO (US)

(73) Assignee: **Parasol LLC**, Denver, CO (US)

(**) Term: **14 Years**

(21) Appl. No.: **29/343,907**

(22) Filed: **Sep. 21, 2009**

Related U.S. Application Data

(62) Division of application No. 29/305,105, filed on Mar. 13, 2008, now Pat. No. Des. 602,650.

(51) **LOC (9) Cl.** **30-03**

(52) **U.S. Cl.** **D30/128**

(58) **Field of Classification Search** D30/121,
D30/124-128, 110, 115, 117, 119; 119/51.01,
119/57.8, 53, 428, 429, 469

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

46,801	A	*	3/1865	Ivers	119/255
948,805	A	*	2/1910	Akerlind	119/6.5
1,175,948	A		3/1916	French	
1,189,954	A	*	7/1916	Jacobs	221/265
1,239,151	A	*	9/1917	Woods	119/464
D85,253	S	*	9/1931	Matsuno	D30/102
D98,762	S	*	3/1936	Franklin	D30/103
D99,010	S		3/1936	Garwood	
D112,039	S	*	11/1938	Crosby	D7/313
D119,982	S	*	4/1940	Munz	D11/145
D122,184	S	*	8/1940	Martin, Jr.	D9/680
D129,632	S		6/1941	Bowers	
D162,985	S	*	4/1951	Punzak	D7/702
D162,986	S	*	4/1951	Punzak	D7/703
2,570,733	A		10/1951	Thomas	
D165,628	S	*	1/1952	Blazier	D30/128
2,608,779	A	*	9/1952	Joy	40/431
D175,498	S	*	9/1955	Easton	D7/540

D178,082	S	*	6/1956	Piermont	D99/37
2,866,435	A	*	12/1958	Blazier	119/53
D191,897	S	*	12/1961	Shirley	D30/101
3,168,887	A	*	2/1965	Bodell	119/201
3,292,589	A		12/1966	Williams	
3,292,840	A	*	12/1966	Schmidt	220/4.25

(Continued)

OTHER PUBLICATIONS

Amazon.com, Hummingbird Feeders, 3 pages, <http://www.amazon.com/exec/obidos/tg/feature/-/48886/102-4376996-7921723>, accessed May 7, 2002.

(Continued)

Primary Examiner—Susan Moon Lee
(74) *Attorney, Agent, or Firm*—Sheridan Ross P.C.

(57) **CLAIM**

The ornamental design for a hummingbird feeder, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of the hummingbird feeder, showing our new design;

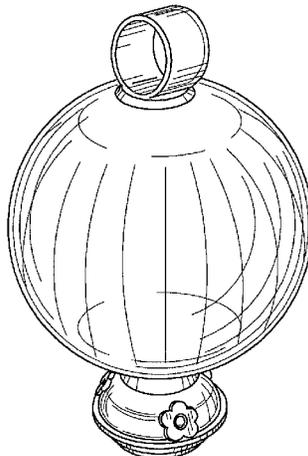
FIG. 2 is a right elevation view of the hummingbird feeder illustrated in FIG. 1;

FIG. 3 is a front elevation view of the hummingbird feeder illustrated in FIG. 1;

FIG. 4 is a bottom plan view of the hummingbird feeder illustrated in FIG. 1; and,

FIG. 5 is a top plan view of the hummingbird feeder illustrated in FIG. 1.

1 Claim, 2 Drawing Sheets



U.S. PATENT DOCUMENTS

3,332,682	A *	7/1967	Schuller	273/454
D220,748	S	5/1971	Gould	
D228,769	S *	10/1973	Bower	D30/128
3,780,703	A *	12/1973	Boehland, Jr.	119/53
3,788,279	A *	1/1974	Boehland, Jr.	119/52.3
3,810,535	A *	5/1974	Phipps	194/296
3,822,674	A *	7/1974	Tobin	119/53
3,903,642	A *	9/1975	Yellin	47/69
3,913,527	A *	10/1975	Kilham	119/74
D239,182	S *	3/1976	Kilbaum	D30/125
D240,307	S *	6/1976	Sochowski et al.	D30/160
3,975,845	A *	8/1976	Mellard	40/414
D243,648	S *	3/1977	Conroy	D7/703
D245,030	S *	7/1977	Fiedler	D30/128
4,037,361	A	7/1977	Murphy et al.	
D246,202	S *	10/1977	Oppermann	D26/112
4,117,805	A *	10/1978	Ward	119/246
4,133,138	A *	1/1979	Coons	446/16
D252,288	S *	7/1979	Kilham	D30/125
D255,756	S *	7/1980	Dybala	D7/360
D255,988	S *	7/1980	Mascia et al.	D9/519
4,250,833	A *	2/1981	Waldon	119/6.5
4,272,372	A *	6/1981	Fonseca	210/167.25
D268,444	S *	3/1983	Young	D30/117
4,481,905	A *	11/1984	Fonseca	119/261
D279,643	S *	7/1985	Jensen	D7/589
D284,837	S *	7/1986	Nilsson	D9/503
D284,838	S *	7/1986	Cillario	D9/643
D289,355	S *	4/1987	Paulides	D7/523
D300,067	S *	2/1989	Smith et al.	D30/101
D302,323	S *	7/1989	Daniels	D26/55
D304,246	S *	10/1989	Ross et al.	D30/102
D304,913	S *	12/1989	Cassells et al.	D11/145
5,116,255	A *	5/1992	Keeling et al.	119/475
5,174,239	A *	12/1992	Sato	119/249
5,269,258	A	12/1993	Brown	
5,335,851	A	8/1994	Adaska et al.	
5,394,647	A *	3/1995	Blackford, Jr.	47/62 A
5,395,322	A	3/1995	Moser et al.	
D360,496	S *	7/1995	Norman	D30/124
D360,710	S *	7/1995	Colwell	D30/121
5,450,816	A	9/1995	Santa Cruz	
5,454,348	A *	10/1995	Colwell et al.	119/72
D368,336	S	3/1996	Brown	
5,507,249	A *	4/1996	Shaw	119/72
D375,411	S *	11/1996	Hawkins	D6/314
D382,376	S *	8/1997	Bescherer	D30/124
D391,686	S *	3/1998	Shue	D30/104
5,722,348	A *	3/1998	Phillips et al.	119/452
5,740,759	A	4/1998	Cummings	
D395,240	S	6/1998	Dinand	
5,775,529	A *	7/1998	Lo	215/270
5,806,460	A	9/1998	Klein	
5,865,141	A *	2/1999	Poynter et al.	119/246
D407,995	S *	4/1999	Gallegos	D11/164
5,924,382	A	7/1999	Shumaker	
5,947,054	A *	9/1999	Liethen	119/57.9
D418,634	S *	1/2000	Harmony	D30/101
6,041,740	A *	3/2000	Newman	119/261
6,056,149	A	5/2000	Murphy et al.	
6,056,206	A	5/2000	Whiton	
D435,942	S *	1/2001	Willinger	D30/106
D441,923	S	5/2001	Garcia-Lucio et al.	
6,230,913	B1	5/2001	Cornell et al.	
D445,064	S *	7/2001	Han	D11/152
D450,892	S	11/2001	Garcia-Lucio et al.	
D450,893	S	11/2001	Garcia-Lucio et al.	
D455,100	S *	4/2002	Burnette	D11/152
6,397,782	B1 *	6/2002	Cope et al.	119/452
D460,693	S *	7/2002	Flowers	D9/519
D465,733	S *	11/2002	Hill	D9/519

6,499,430	B2	12/2002	Garcia-Lucio et al.	
D472,351	S *	3/2003	Griffin	D30/128
D478,813	S *	8/2003	Beene	D9/519
6,672,249	B2 *	1/2004	Garcia-Lucio et al.	119/72
6,776,315	B1 *	8/2004	Laulom et al.	222/568
D496,552	S *	9/2004	Killips	D7/300.2
D511,646	S *	11/2005	McKinney et al.	D7/396.2
D517,749	S *	3/2006	Jung et al.	D30/124
D537,753	S *	3/2007	Belokin	D11/145
D552,054	S *	10/2007	Pena Angarita	D14/498
D559,627	S *	1/2008	Wild	D7/566
7,430,823	B1 *	10/2008	Chung	40/409
7,448,347	B2 *	11/2008	Richmond	119/72
D592,064	S *	5/2009	Kilany	D9/519
D596,527	S *	7/2009	Kertz	D11/145
7,587,859	B2 *	9/2009	Bradley	47/62 R
D602,650	S *	10/2009	Garcia-Lucio et al.	D30/124
2003/0019435	A1 *	1/2003	George	119/51.01
2004/0197746	A1 *	10/2004	Green et al.	434/131
2008/0102197	A1 *	5/2008	Chen et al.	427/157
2008/0257273	A1 *	10/2008	Carter et al.	119/72
2009/0078211	A1 *	3/2009	Charlton	119/77
2009/0133636	A1 *	5/2009	Richmond	119/52.2

OTHER PUBLICATIONS

Blossom Hummingbird Feeders, 2006, 1 page, <http://www.parasolgarden.com/blossom.asp>.

Blossom on Garden Stake, Parasol, 2006, <http://www.parasolgarden.com/blossom.asp>, accessed Aug. 15, 2006.

Blossom on Hanging Hook, Parasol, 2006, <http://www.parasolgarden.com/blossom.asp>, accessed Aug. 15, 2006.

Carson Home Accents Advertisement, Glass Hummingbird Feeders, Jan. 2004, 1 page.

Carson Home Accents Website, Wind Chime and Garden Accents, <http://www.carsonindustries.com/Carson-Chimes&Garden.html>, accessed Feb. 9, 2004, 1 page.

Fat Ruby for hummingbird heavyweights, 2004, 2 pages, <http://www.fatruby.com/newproducts.html>, accessed Feb. 9, 2004.

Import Center, Lawn & Garden, Glass Ball—44012, 44019, 44025, <http://www.importre.com/systempl/productpictures/view.nhtml?profile=productpictures&UID=10097>, accessed Jun. 7, 2001.

Mt. St. Helens Glass Hummingbird Feeder, <http://www.gardenfantasy.com/cat/Products/mainhtml/Mt.St.HelensFeeder.htm>, accessed Feb. 1, 2002.

Opus Bird Feeders [online]; found on www.archive.org/http://opususa.com; circa 2000; 1 pg.

Opus GardenSong 10 oz. Hummingbird Feeder [online]; found on www.archive.org/http://opususa.com; circa 2002; 1 pg.

Opus GardenSong 10oz. Glass Hummingbird Feeder [online]; found on [http://web.archive.org/web/20010428183228/www.necommerce.com/Tango3.acgi\\$/Tango3/...](http://web.archive.org/web/20010428183228/www.necommerce.com/Tango3.acgi$/Tango3/...) accessed Jun. 11, 2003.

Opus GardenSong 10oz. Glass Hummingbird Feeder [online]; found on www.archive.org/http://opususa.com; circa 2001; 1 pg.

Opus GardenSong 15 oz. Hummingbird Feeder [online]; found on www.archive.org/http://opususa.com; circa 2001; 1 pg.

Opus GardenSong 16 oz. Hummingbird Feeder [online]; found on www.archive.org/http://opususa.com; circa 2002; 1 pg.

Opus GardenSong 28 oz. Hummingbird Feeder [online]; found on www.archive.org/http://opususa.com; circa 2001; 1 pg.

Opus GardenSong 48 oz. Hummingbird Feeder [online]; found on www.archive.org/http://opususa.com; circa 2001; 1 pg.

Opus Hummingbird Feeders [online]; found on www.archive.org/http://opususa.com; circa 2000; 1 pg.

Plow & Hearth: Products for Country Living, Handblown Hummingbird Feeder, 1 page, <http://www.plowhearth.com/product.asp?pcode=7644>, accessed Jul. 3, 2003.

Raindrop Hummingbird Feeder, Woodenickel, 1 page, <http://woodenickel.safeshopper.com/3/15.htm?961>, accessed May 7, 2002.

Red/Green Spotted Flower Hummingbird Feeder, BestNest.com, [wysiwyg://19/http://www.bestnest.com/bestnest/Product.asp?ProdID=498&DeptID=10](http://www.bestnest.com/bestnest/Product.asp?ProdID=498&DeptID=10), accessed Dec. 21, 2001.

US D612,549 S

Page 3

Smith & Hawken Web Site, Harlequin Hummingbird Feeders, 2 pages, available at <http://www.smith-hawken.com/jhtml/site/catalog/Product.jhtml?PRODID=10471&CATID=75>, accessed Aug. 3, 2001.

The Bird Shed: The backyard birder's choice, Perry's Hummingbird Feeders for sale on website, 2006, 2 pages, <http://www.thebirdshed.com/hupr1.html>, accessed Jul. 20, 2006.

The Little Chickadee, Bird Brain "Charisma" Hummingbird Feeder Lime Green, <http://littlechickadee.com/proddetail>.

[asp?prod=BirdBrain-693](#), accessed Apr. 27, 2004.

Official Action for U.S. Appl. No. 29/305,105, mailed Dec. 16, 2008.

Official Action for U.S. Appl. No. 29/305,105, mailed Apr. 28, 2009.

Notice of Allowance for U.S. Appl. No. 29/305,105, mailed Sep. 29, 2009.

* cited by examiner

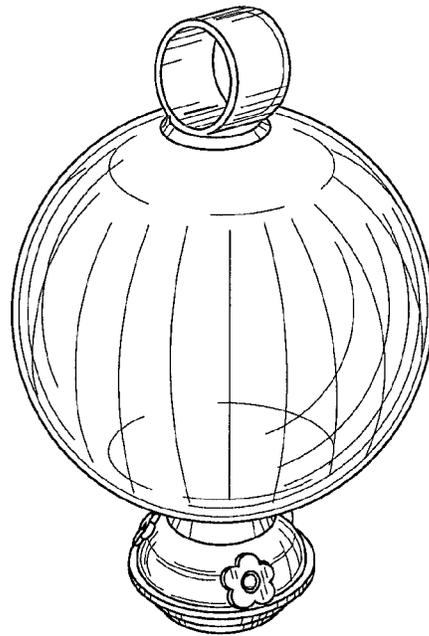


Fig. 1

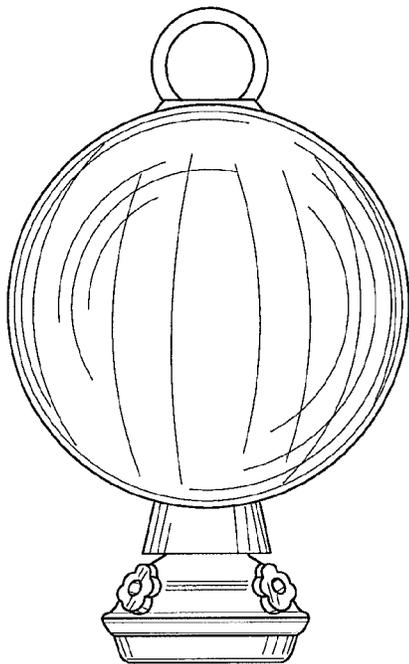


Fig. 2

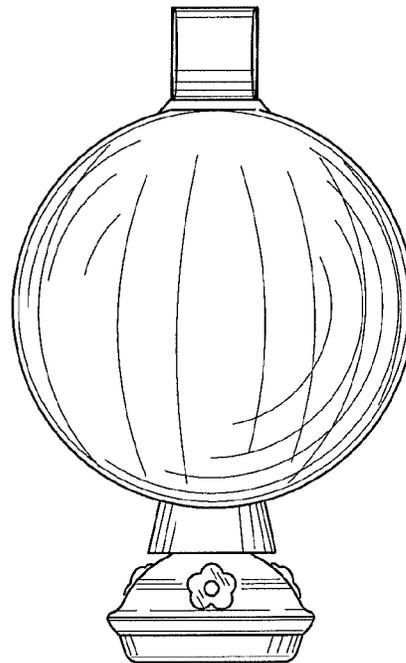


Fig. 3

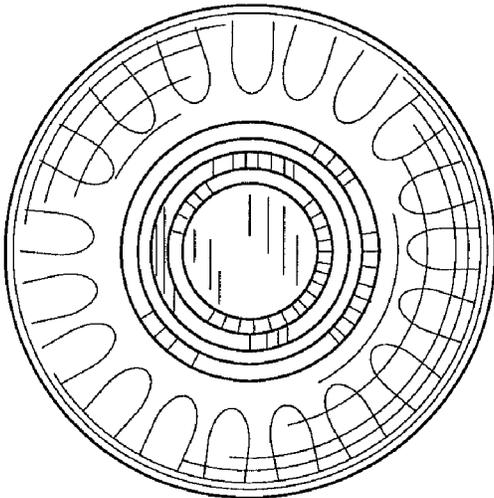


Fig. 4

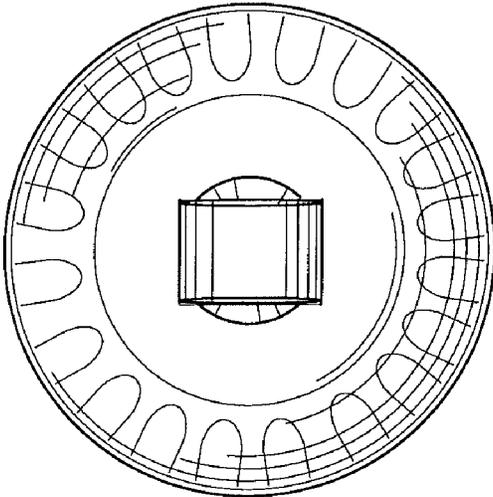


Fig. 5

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

WOODSTREAM CORPORATION,)	
)	
Opposer,)	
)	
v.	)	Opposition No.
)	
CLASSIC BRANDS, LLC,	)	Application Serial No. 86/514,638
)	
Applicant.)	

NOTICE OF OPPOSITION

EXHIBIT 7



US00D656690S

(12) **United States Design Patent**
Tu

(10) **Patent No.:** **US D656,690 S**

(45) **Date of Patent:** **** Mar. 27, 2012**

(54) **RESERVOIR FOR HUMMINGBIRD FEEDER**

(74) *Attorney, Agent, or Firm* — Gerald T. Bodner

(76) Inventor: **Hua Tu**, Changhwa (TW)

(57) **CLAIM**

The ornamental design for a reservoir for a hummingbird feeder, substantially as shown and described.

(**) Term: **14 Years**

DESCRIPTION

(21) Appl. No.: **29/373,955**

(22) Filed: **Jun. 14, 2011**

(51) **LOC (9) Cl.** **30-03**

(52) **U.S. Cl.** **D30/127**

(58) **Field of Classification Search** D30/121,
D30/124–128, 133; 119/51.01, 52.2–52.4,
119/57.8, 57.9, 248, 77; 248/219.1, 222.11,
248/224.7, 229.1, 230.1, 689

See application file for complete search history.

FIG. 1 is a top front perspective view of a reservoir for a hummingbird feeder showing my new design;

FIG. 2 is a bottom rear perspective view thereof;

FIG. 3 is a top plan view thereof;

FIG. 4 is a bottom plan view thereof;

FIG. 5 is a left elevational view thereof;

FIG. 6 is a right elevational view thereof;

FIG. 7 is an exploded top front perspective view of a hummingbird feeder and the reservoir shown in FIGS. 1-6 forming a part thereof;

FIG. 8 is an exploded bottom rear perspective view of the hummingbird feeder and reservoir shown in FIG. 7;

FIG. 9 is an exploded top plan view of the hummingbird feeder and reservoir shown in FIG. 7;

FIG. 10 is an exploded bottom plan view of the hummingbird feeder and reservoir shown in FIG. 7;

FIG. 11 is an exploded left elevational view of the hummingbird feeder and reservoir shown in FIG. 7;

FIG. 12 is an exploded right elevational view of the hummingbird feeder and reservoir shown in FIG. 7;

FIG. 13 is a top front perspective view of the hummingbird feeder and the reservoir forming a part thereof shown in FIG. 7;

FIG. 14 is a bottom rear perspective view of the hummingbird feeder and reservoir shown in FIG. 7;

FIG. 15 is a top plan view of the hummingbird feeder and reservoir shown in FIG. 7;

FIG. 16 is a bottom plan view of the hummingbird feeder and reservoir shown in FIG. 7;

FIG. 17 is a left elevational view of the hummingbird feeder and reservoir shown in FIG. 7; and,

FIG. 18 is a right elevational view of the hummingbird feeder and reservoir shown in FIG. 7.

The broken lines are for illustrative purposes only and form no part of the claimed design.

(56) **References Cited**

U.S. PATENT DOCUMENTS

117,807	A *	8/1871	Orndorff	119/77
727,597	A *	5/1903	Day	119/77
813,954	A *	2/1906	Davis	119/77
1,023,240	A *	4/1912	Bowie	119/77
1,023,658	A *	4/1912	Klussman	119/77
D43,781	S *	4/1913	Sanford	D7/597
1,069,943	A *	8/1913	Haffey	119/77
1,091,392	A *	3/1914	Schlichtinger	119/77
1,107,206	A *	8/1914	Schwartzburg	119/77
1,181,045	A *	4/1916	Tessier	119/77
1,251,935	A *	1/1918	Stevens	119/77
1,290,775	A *	1/1919	Oakes	119/77
1,372,371	A *	3/1921	Ross	119/51.5
1,502,847	A *	7/1924	Collins	119/77
1,561,871	A *	11/1925	Lord	119/77

(Continued)

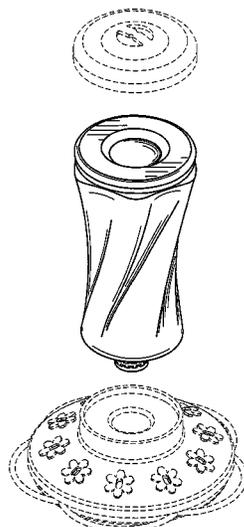
OTHER PUBLICATIONS

Nottawa Wild Bird Supply Supply Co., *Bird Feeders: Hummingbird: Best—1 8oz Hummingbird Feeder* <http://www.nottawawildbirdsupply.com/80z-hummingbird-feeder-by-%20best1-p-243.html> (4 Pages) (accessed Sep. 1, 2011).

(Continued)

Primary Examiner — Susan Moon Lee

1 Claim, 13 Drawing Sheets



US D656,690 S

U.S. PATENT DOCUMENTS

1,565,117	A *	12/1925	Stabbert	119/77	6,164,473	A *	12/2000	Waldrup	215/378
1,566,571	A *	12/1925	Appleton	119/77	D448,909	S *	10/2001	Friesen et al.	D34/39
1,734,390	A *	11/1929	Meredith	119/77	D454,669	S	3/2002	Lieb	D30/125
2,573,802	A *	11/1951	Mitchell	119/77	D468,507	S *	1/2003	McGee	D34/7
2,600,103	A *	6/1952	Feck	119/77	6,659,041	B1 *	12/2003	Curts	119/52.2
2,725,663	A *	12/1955	Mullen	43/131	D499,334	S *	12/2004	Murray, Jr.	D9/673
D194,846	S	3/1963	Parry	D30/125	6,905,038	B2 *	6/2005	Lopez	215/228
3,089,605	A *	5/1963	Buonauro	215/377	D509,325	S *	9/2005	Jung et al.	D30/127
3,125,069	A *	3/1964	Fowler	119/77	D514,749	S	2/2006	Fort, II et al.	D30/124
3,244,150	A *	4/1966	Blair	119/52.3	7,234,418	B2	6/2007	Fort, II et al.	119/72
D205,772	S *	9/1966	Blair	D30/128	D561,040	S *	2/2008	Sequeira	D9/548
3,526,335	A *	9/1970	Swett et al.	220/630	D575,118	S *	8/2008	Bignon	D7/672
D241,860	S	10/1976	Calamia	D30/128	7,448,346	B1 *	11/2008	Stone et al.	119/52.3
D268,056	S *	2/1983	Campbell-Kelly et al.	D30/121	D599,159	S *	9/2009	Stein	D7/306
4,570,575	A *	2/1986	Hinz	119/52.2	D606,708	S *	12/2009	McMullen	D30/127
D284,033	S *	5/1986	Brodsky	D24/117	D606,709	S *	12/2009	McMullen	D30/127
4,664,066	A *	5/1987	Steuernagel et al.	119/52.2	7,743,732	B2 *	6/2010	Webber	119/77
D290,773	S *	7/1987	Liethen	D30/124	7,874,264	B2 *	1/2011	McMullen	119/52.2
4,691,665	A	9/1987	Hefner	119/77	7,921,808	B2 *	4/2011	Frazier	119/52.2
4,732,112	A *	3/1988	Fenner et al.	119/52.2	7,946,249	B2 *	5/2011	Colvin et al.	119/78
4,901,673	A *	2/1990	Overstreet	119/77	D640,034	S *	6/2011	Martheenal	D34/39
4,938,168	A *	7/1990	Meidell	119/77	7,997,434	B2 *	8/2011	Benetti	215/376
5,140,945	A *	8/1992	Barnhart et al.	119/52.2	8,011,323	B2 *	9/2011	Vaughn et al.	119/72
D329,892	S *	9/1992	Brister	D23/228	2009/0078211	A1 *	3/2009	Charlton	119/77
D331,647	S	12/1992	Embree	D30/124	2009/0145875	A1 *	6/2009	Gardner	215/228
D347,714	S *	6/1994	Maple et al.	D30/128					
D360,710	S	7/1995	Colwell	D30/121					
5,479,879	A *	1/1996	Biek	119/52.2					
D382,376	S	8/1997	Bescherer	D30/124					
5,655,477	A *	8/1997	Hoffman et al.	119/52.2					
5,682,835	A	11/1997	Walter et al.	119/57.8					
D399,611	S	10/1998	Ericson et al.	D30/124					
5,947,054	A	9/1999	Liethen	119/57.9					
D417,528	S *	12/1999	Rizzo	D30/121					
6,079,361	A *	6/2000	Bowell et al.	119/72					

OTHER PUBLICATIONS

Perky Pet®, *Blossom Top Fill Hummingbird Feeder*, <http://www.birdfeeders.com/store/hummingbird-feeders/227> (5 Pages) (accessed Sep. 1, 2011).
 World of Hummingbirds, *Hummingbird Feeders*, <http://www.worldofhummingbirds.com/shopfeeders.php> (48 Pages) (accessed Sep. 1, 2011).

* cited by examiner

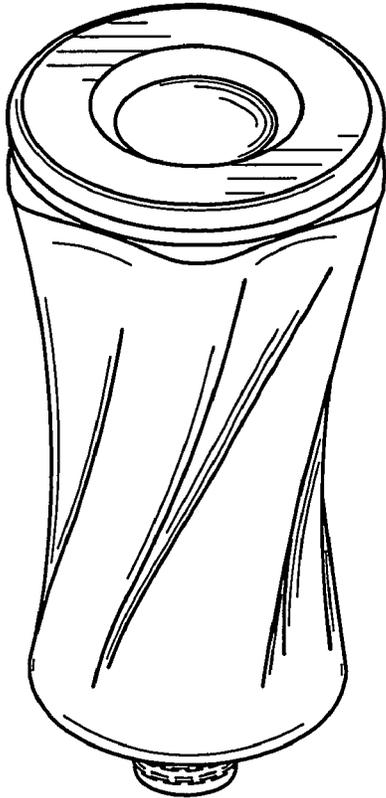


FIG. 1

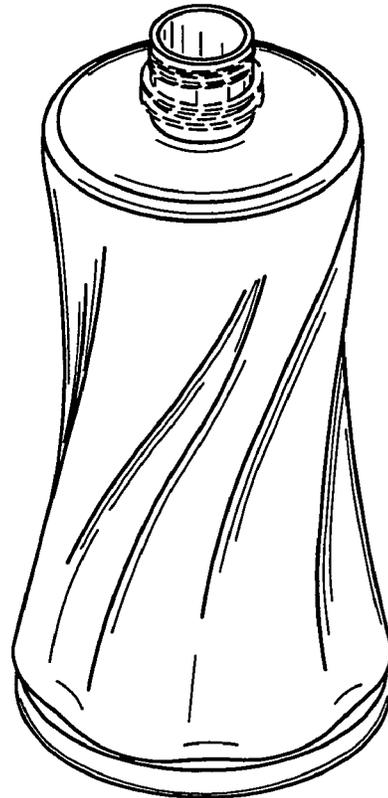


FIG. 2

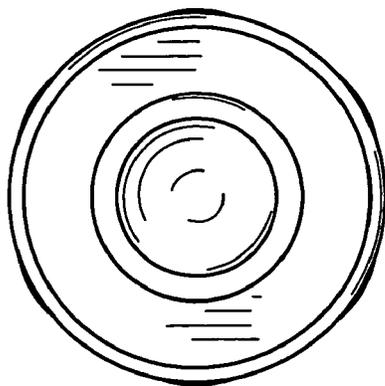


FIG. 3

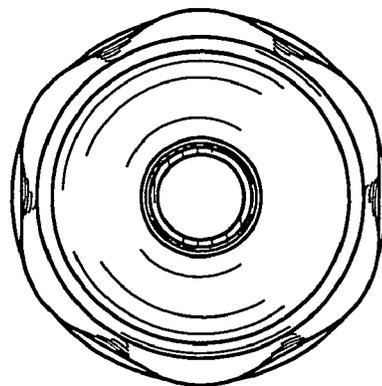


FIG. 4



FIG. 5



FIG. 6

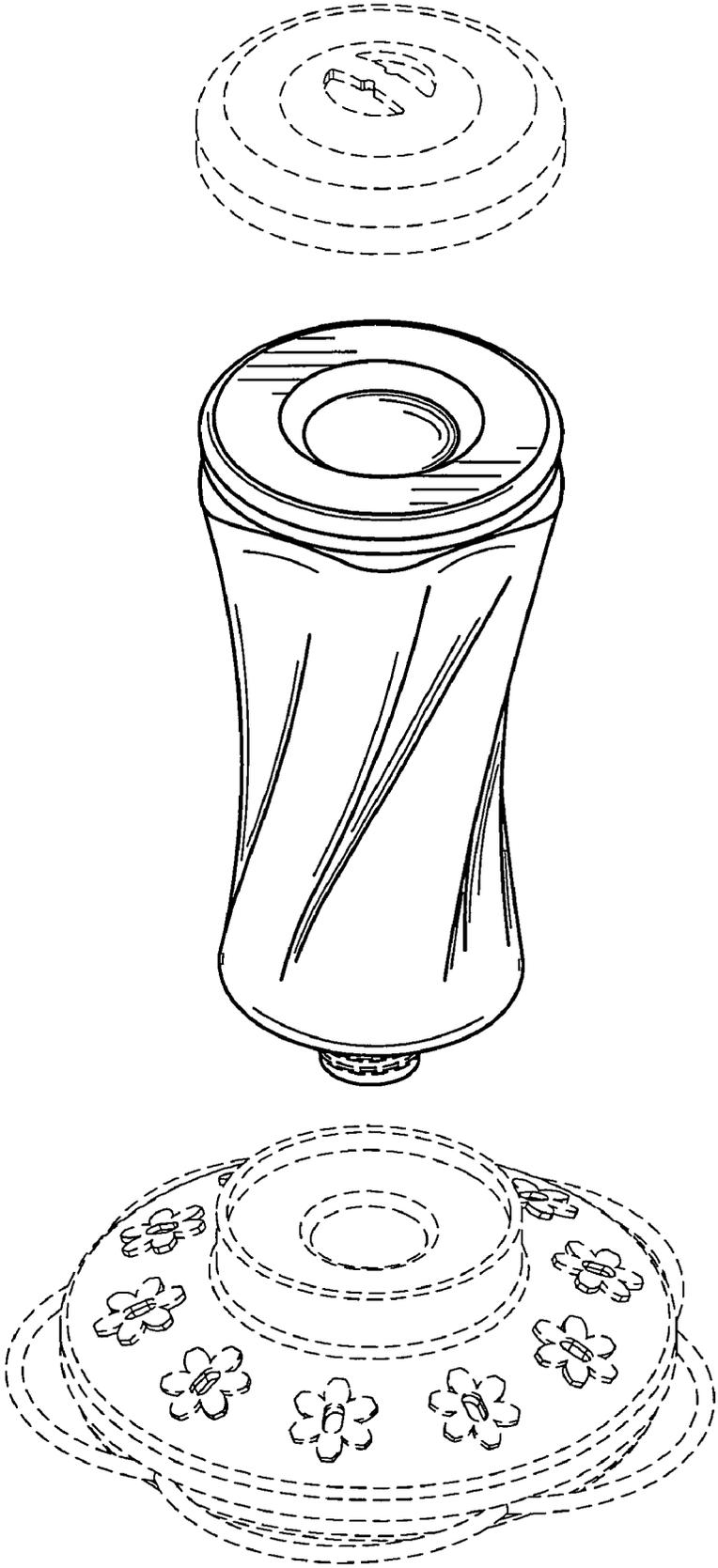


FIG. 7

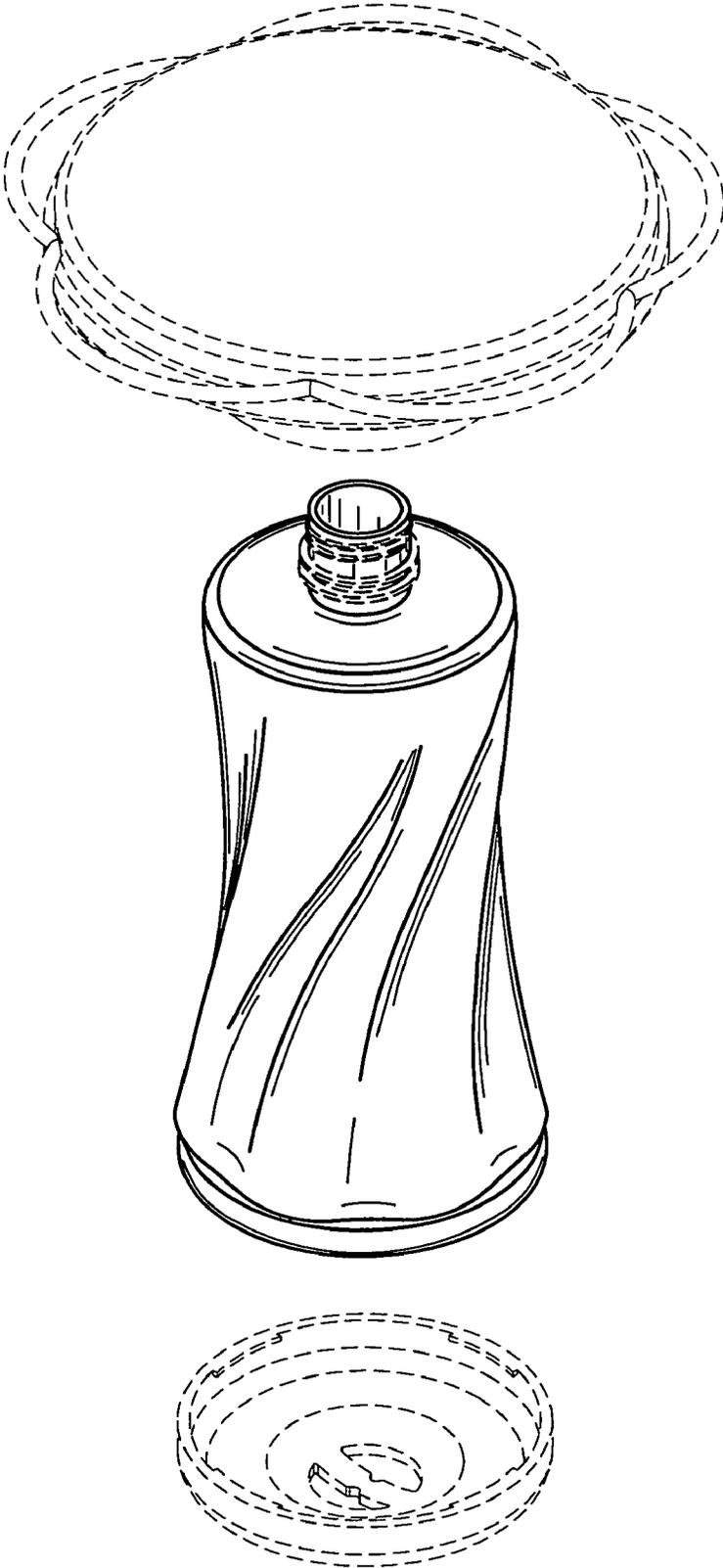


FIG. 8

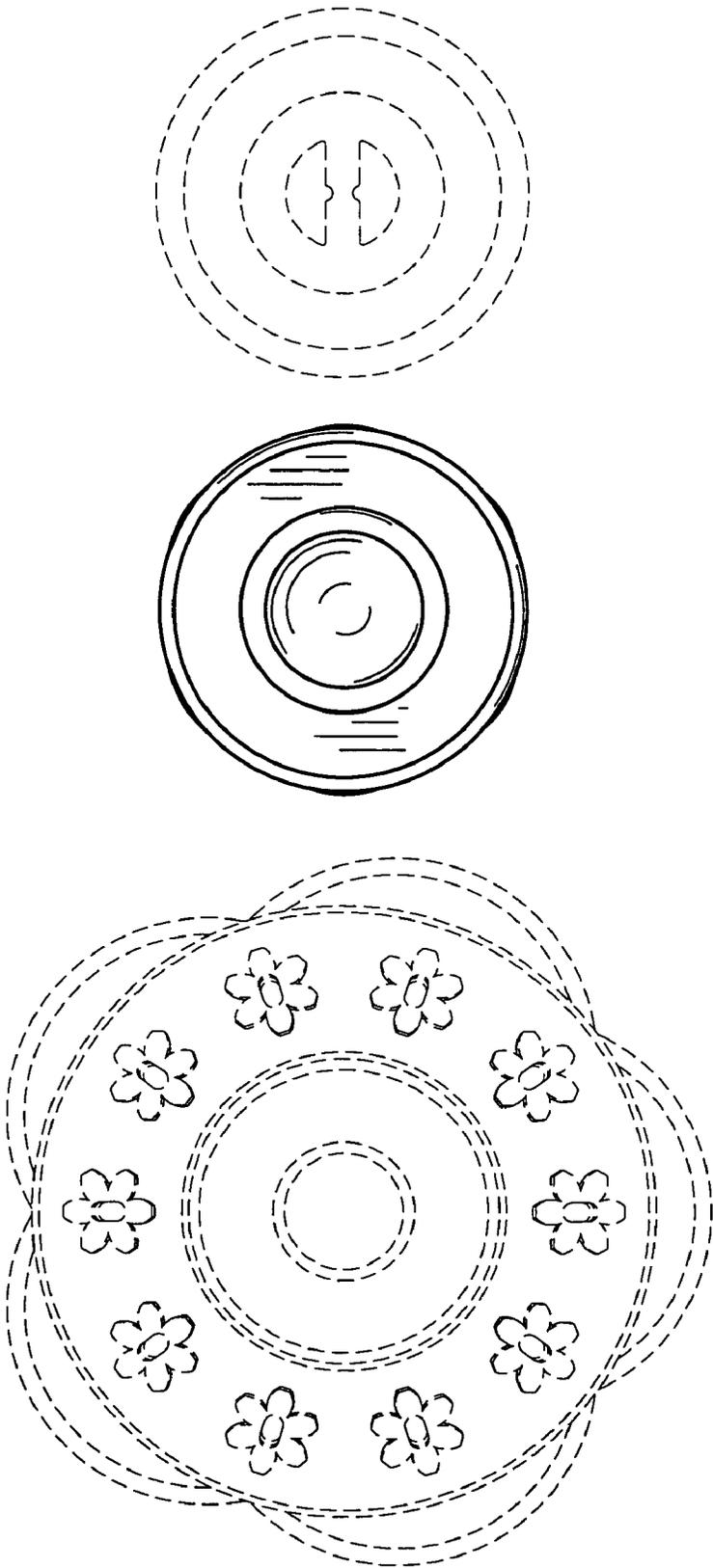


FIG. 9

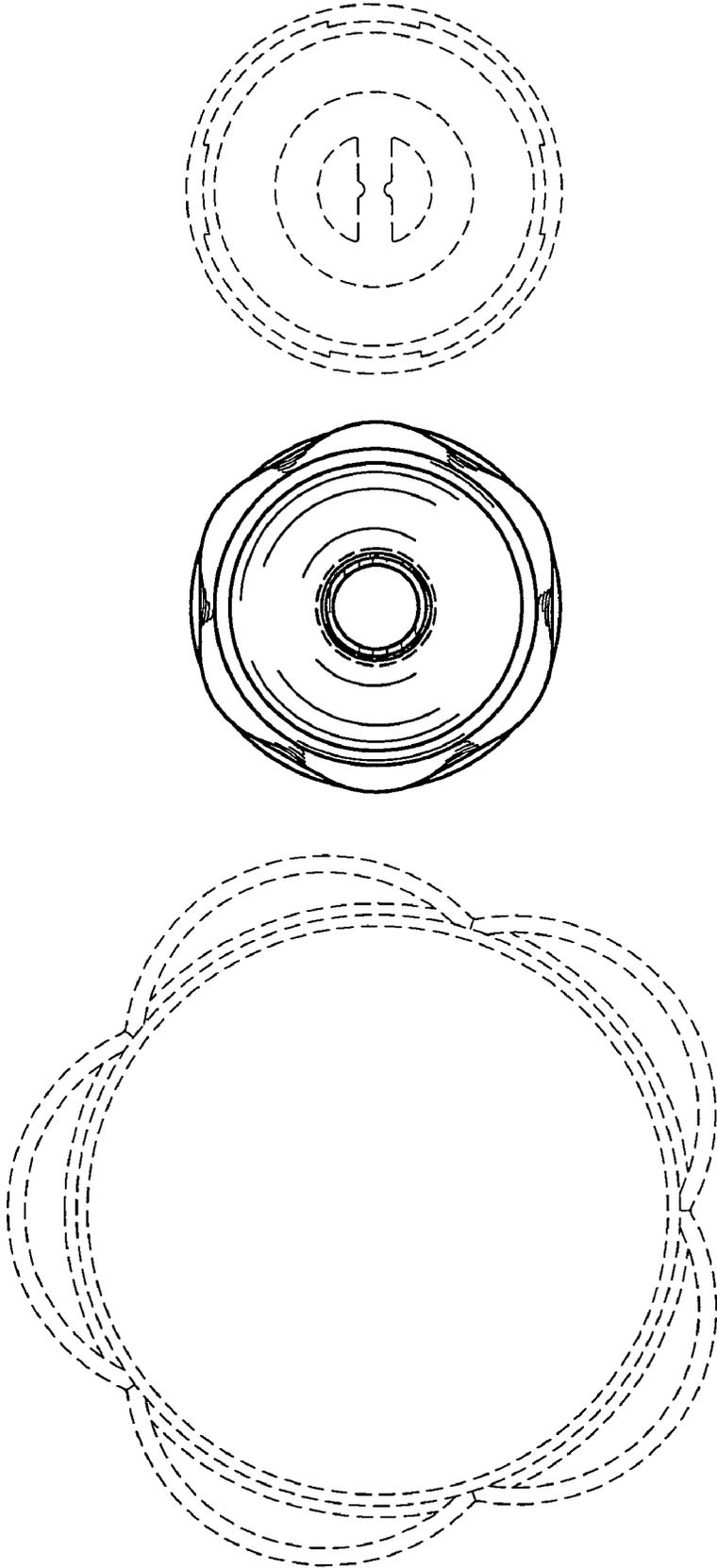


FIG. 10

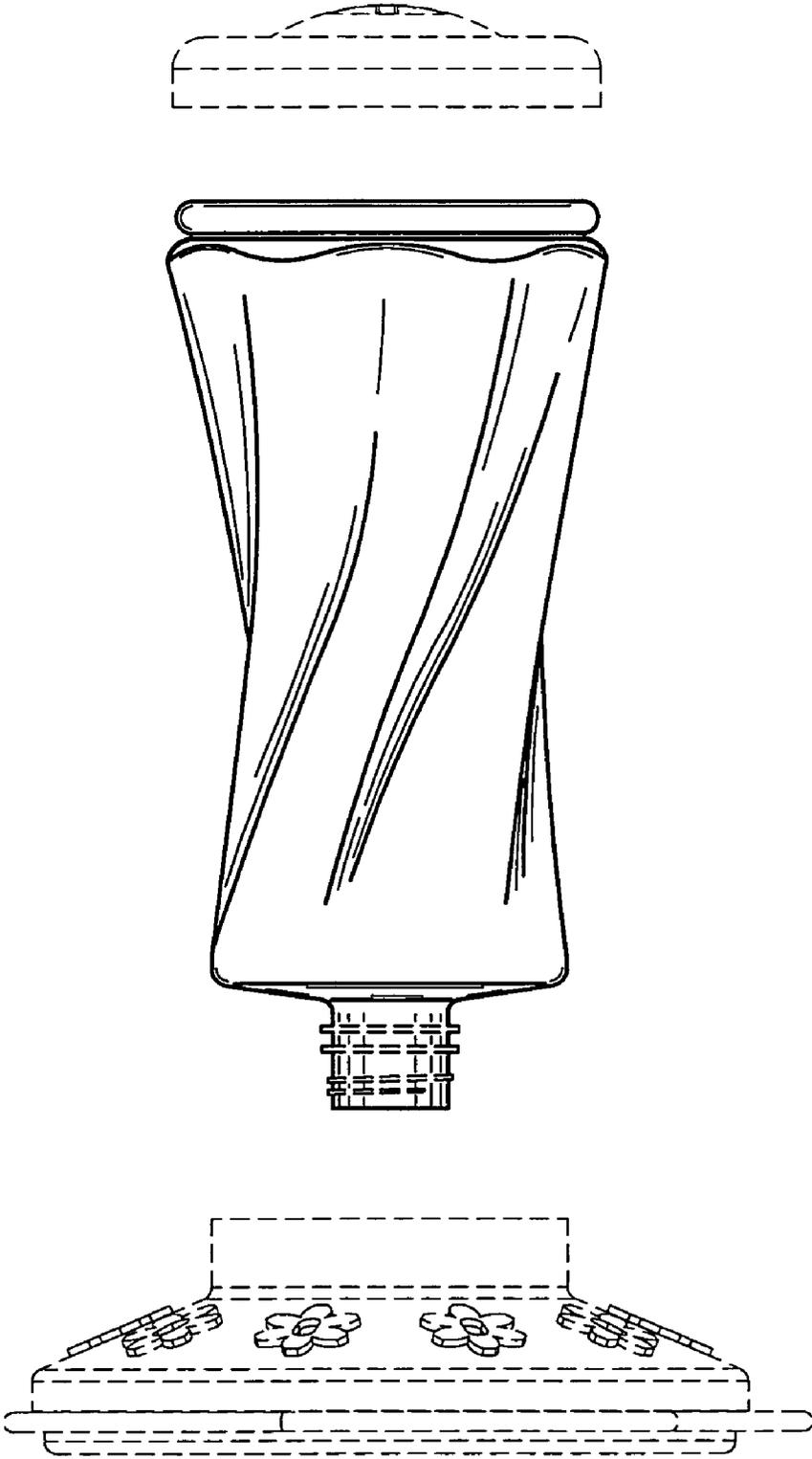


FIG. 11

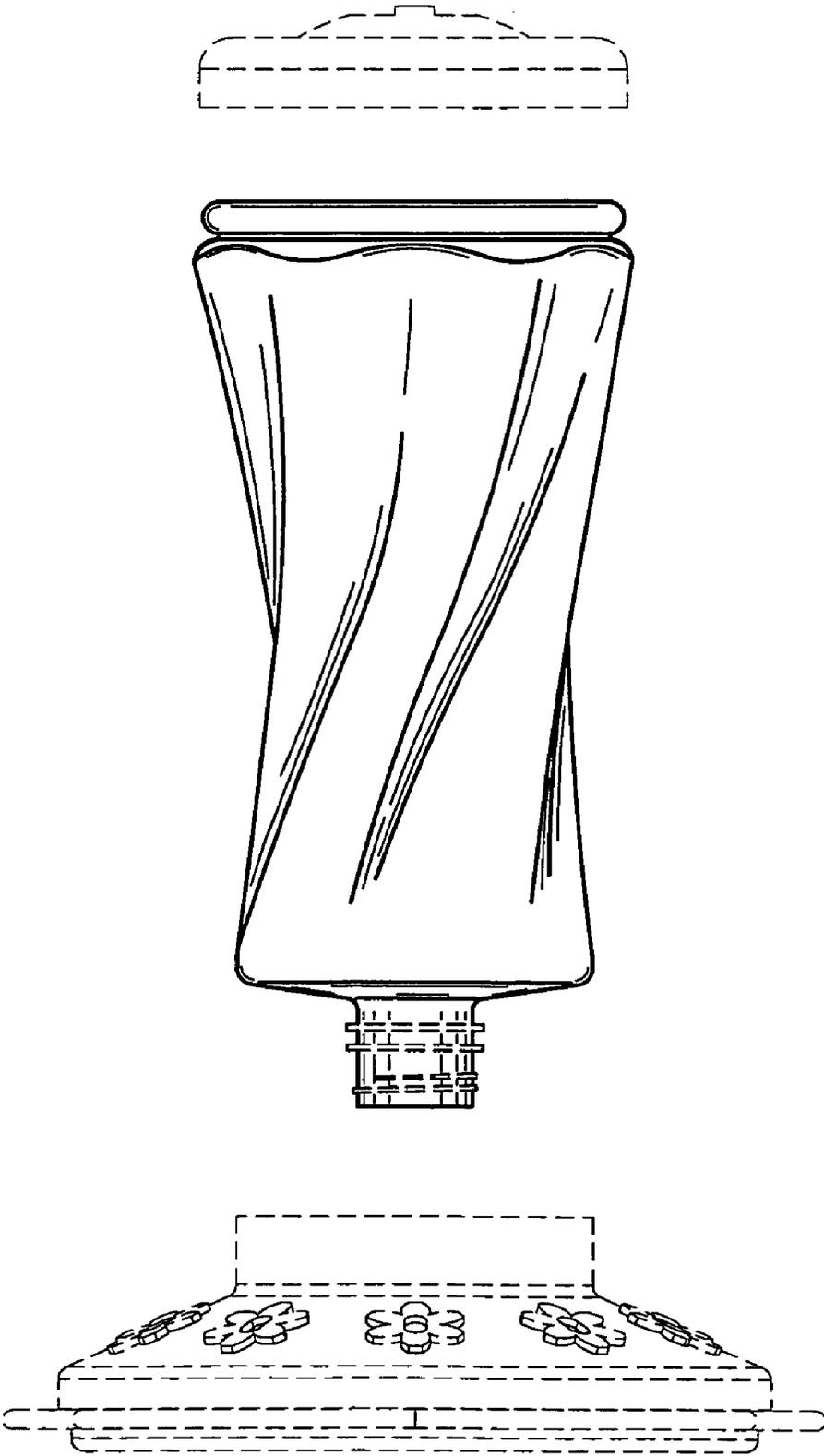


FIG. 12

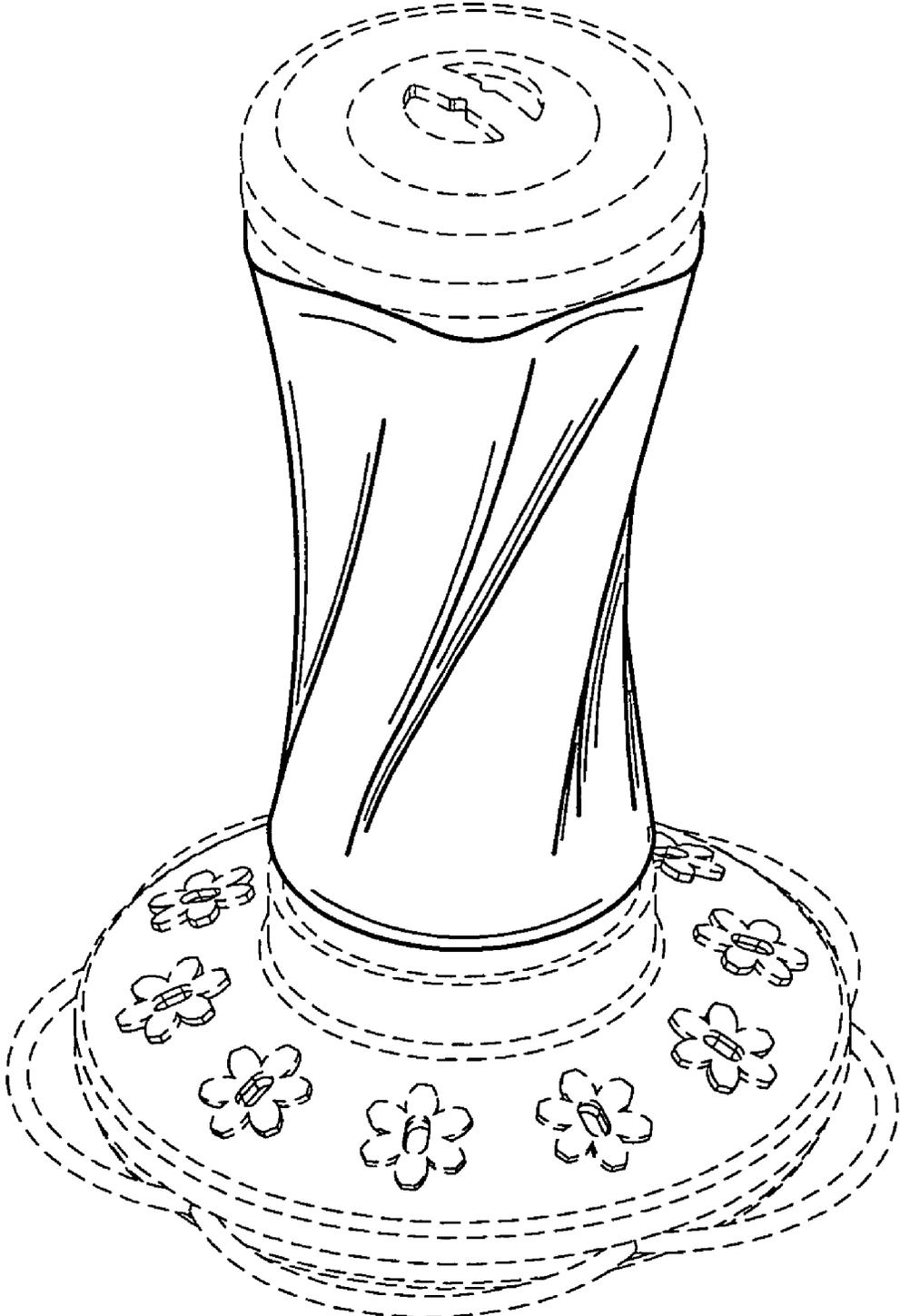


FIG. 13

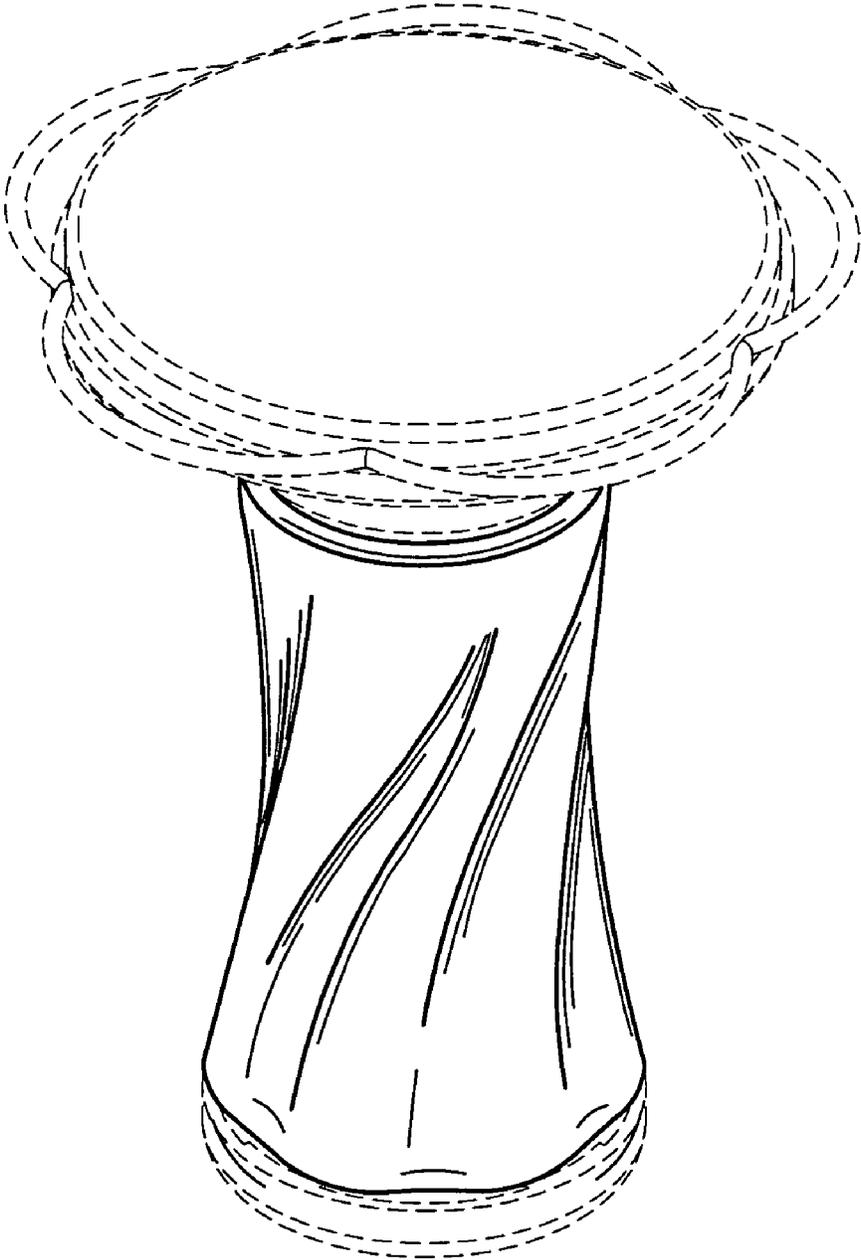


FIG. 14

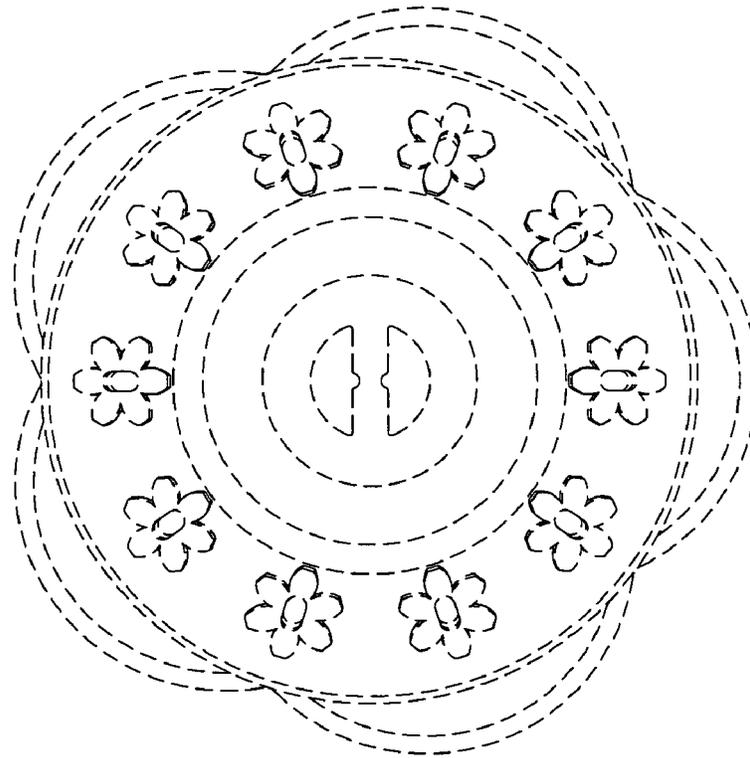


FIG. 15

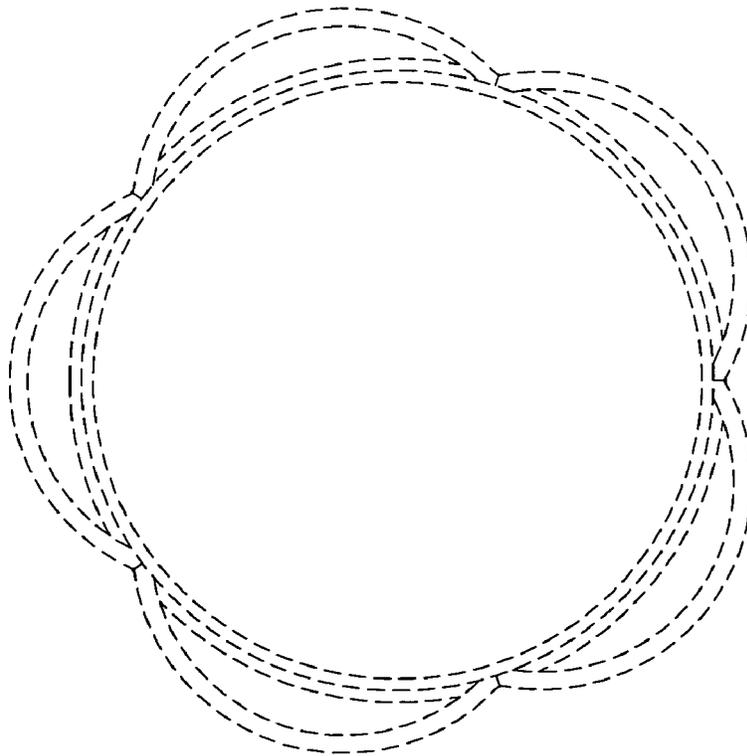


FIG. 16

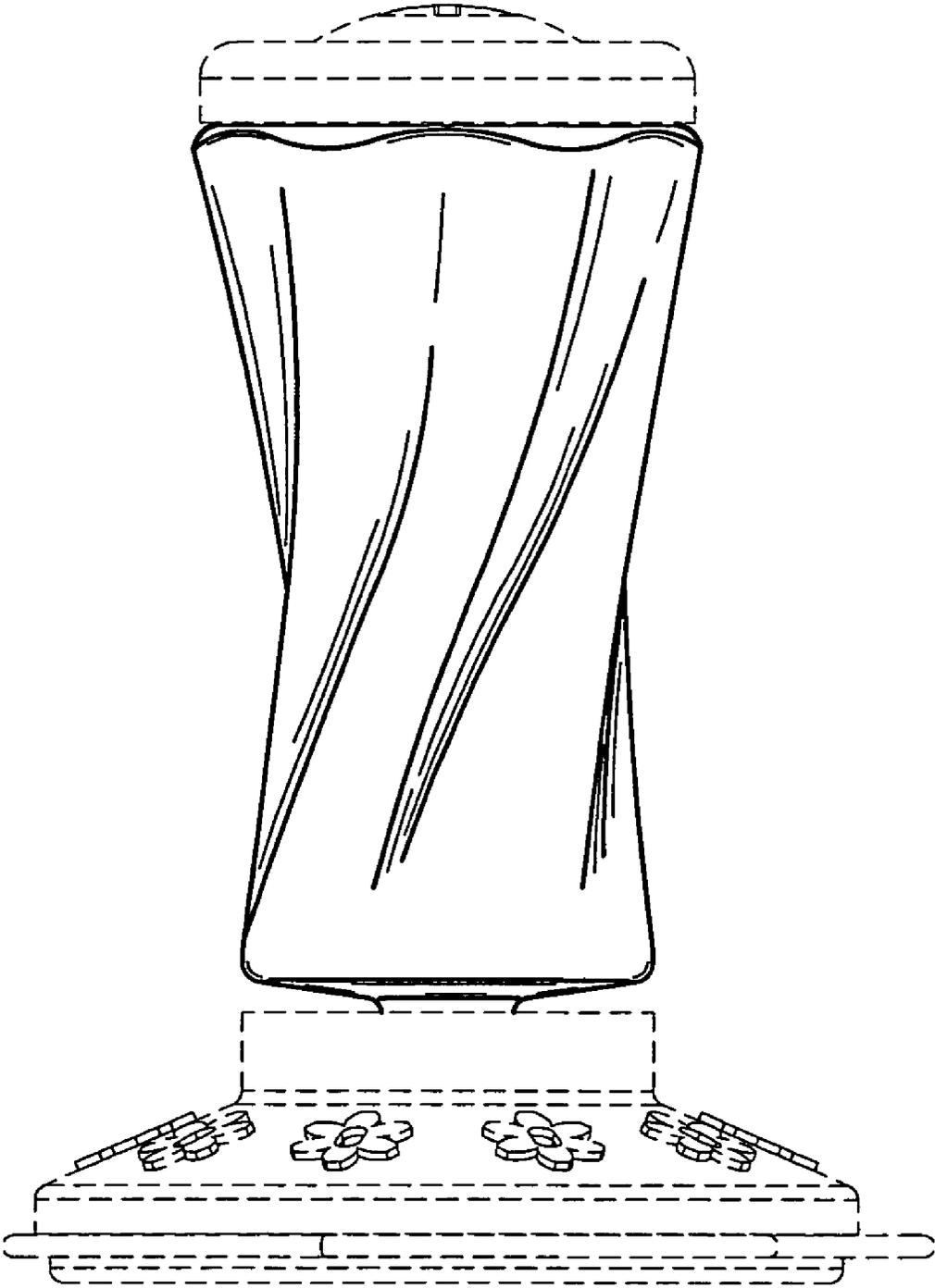


FIG. 17

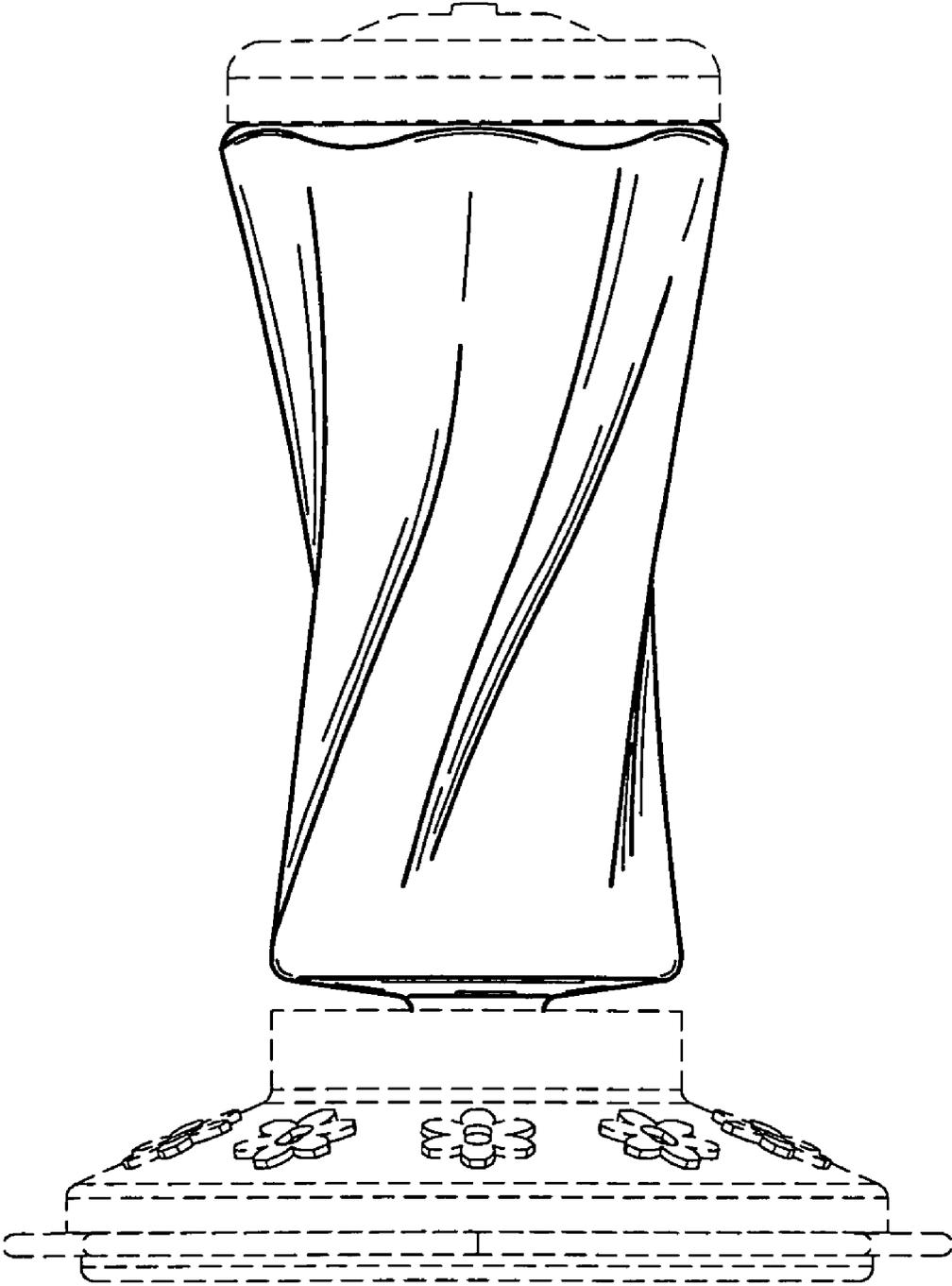


FIG. 18

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

WOODSTREAM CORPORATION,)	
)	
Opposer,)	
)	
v.	)	Opposition No.
)	
CLASSIC BRANDS, LLC,	)	Application Serial No. 86/514,638
)	
Applicant.)	

NOTICE OF OPPOSITION

EXHIBIT 8



US00D664437S

(12) **United States Design Patent**
Barel

(10) **Patent No.:** **US D664,437 S**

(45) **Date of Patent:** **** Jul. 31, 2012**

(54) **BOTTLE**

(75) **Inventor:** **Moreno Barel, Refrontolo (IT)**

(73) **Assignee:** **P.E.T. Engineering S.R.L. (IT)**

(**) **Term:** **14 Years**

(21) **Appl. No.:** **29/349,386**

(22) **Filed:** **Mar. 30, 2010**

(51) **LOC (9) Cl.** **09-01**

(52) **U.S. Cl.** **D9/538; D9/539; D9/552; D9/556;**
D9/557; D9/571

(58) **Field of Classification Search** **D9/502,**
D9/516, 690-693, 537-541, 545-546, 549,
D9/552, 556-558, 565, 571; 215/382-384;
220/660, 669, 675
See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

D212,276 S *	9/1968	Loading et al.	D9/538
D347,714 S *	6/1994	Maple et al.	D9/538 X
D358,547 S *	5/1995	Darr	D9/520
D387,284 S *	12/1997	Briggs et al.	D9/552
D404,651 S *	1/1999	Warner et al.	D9/552
D406,065 S *	2/1999	Cheng	D9/552
D429,156 S *	8/2000	Williams et al.	D9/520
D435,219 S *	12/2000	Williams et al.	D9/538
D443,519 S *	6/2001	Warner et al.	D9/538
D506,931 S *	7/2005	Delmotte	D9/557 X
D522,873 S *	6/2006	Forget	D9/557 X

D543,847 S *	6/2007	Yelland	D9/502
D559,695 S *	1/2008	Lesueur	D9/541 X
D567,098 S *	4/2008	Sequeira	D9/552
D568,754 S *	5/2008	Sequeira	D9/565 X
D576,497 S *	9/2008	Ozer	D9/556
D584,954 S *	1/2009	Pagliacci	D9/545
D586,224 S *	2/2009	Darr et al.	D9/556 X
D602,367 S *	10/2009	Lepoitevin	D9/571 X
D607,733 S *	1/2010	Lepoitevin	D9/538
D623,950 S *	9/2010	Eugui et al.	D9/516
D628,074 S *	11/2010	Mero et al.	D9/520
D635,861 S *	4/2011	Caldwell	D9/558 X

FOREIGN PATENT DOCUMENTS

DM	072543	1/2010
DM	072670	2/2010
EP	2221157 A1	8/2010

* cited by examiner

Primary Examiner — Carol P Rademaker

(74) *Attorney, Agent, or Firm* — K&L Gates LLP

(57) **CLAIM**

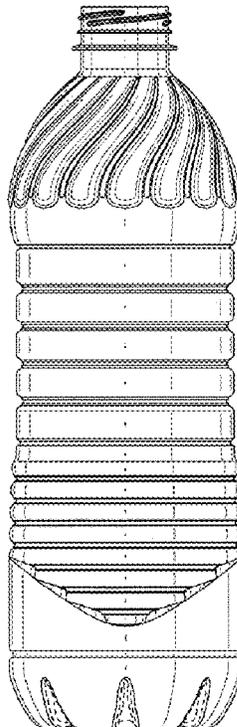
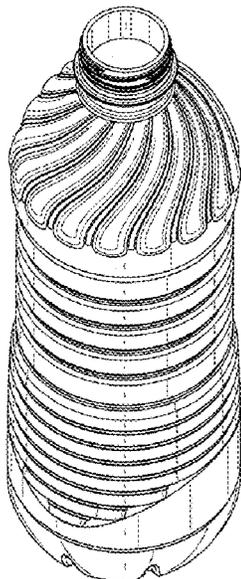
The ornamental design for a bottle, as shown and described.

DESCRIPTION

FIG. 1 is a top, front, right side perspective view of a bottle; FIG. 2 is a front elevational view thereof; FIG. 3 is a rear elevational view thereof; and, FIG. 4 is a top plan view thereof.

The broken line showing of a portion of the bottom edge surface is included for the purpose of illustrating environmental structure and forms no part of the claimed design.

1 Claim, 4 Drawing Sheets



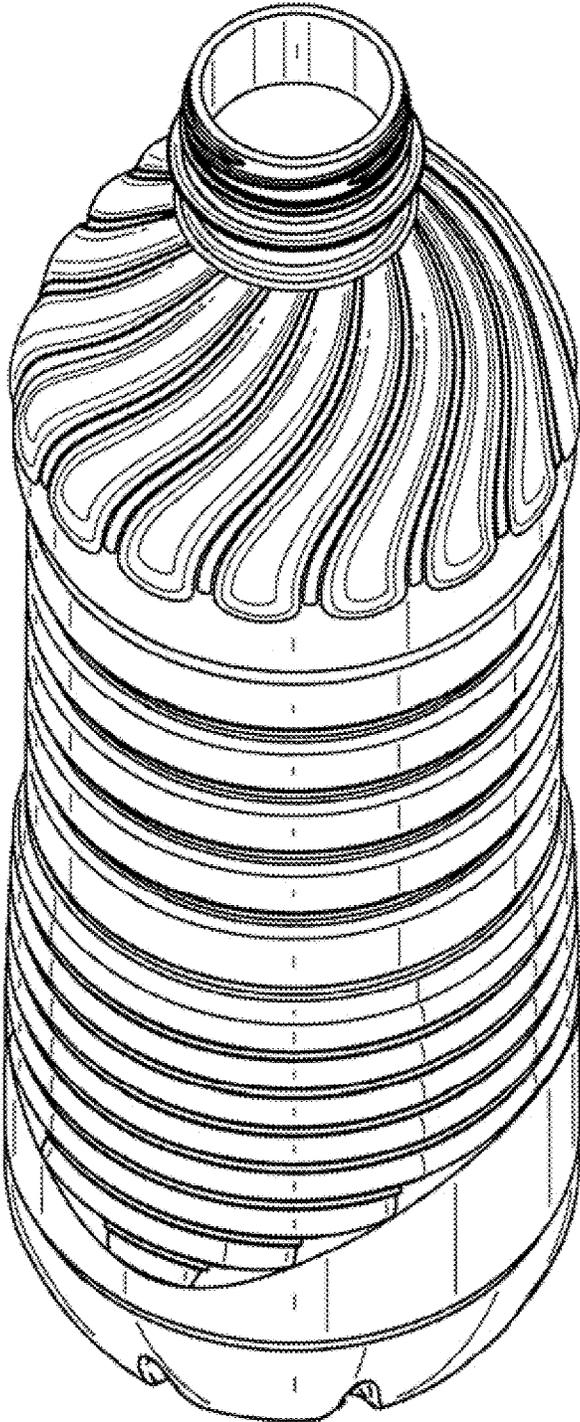


FIG. 1

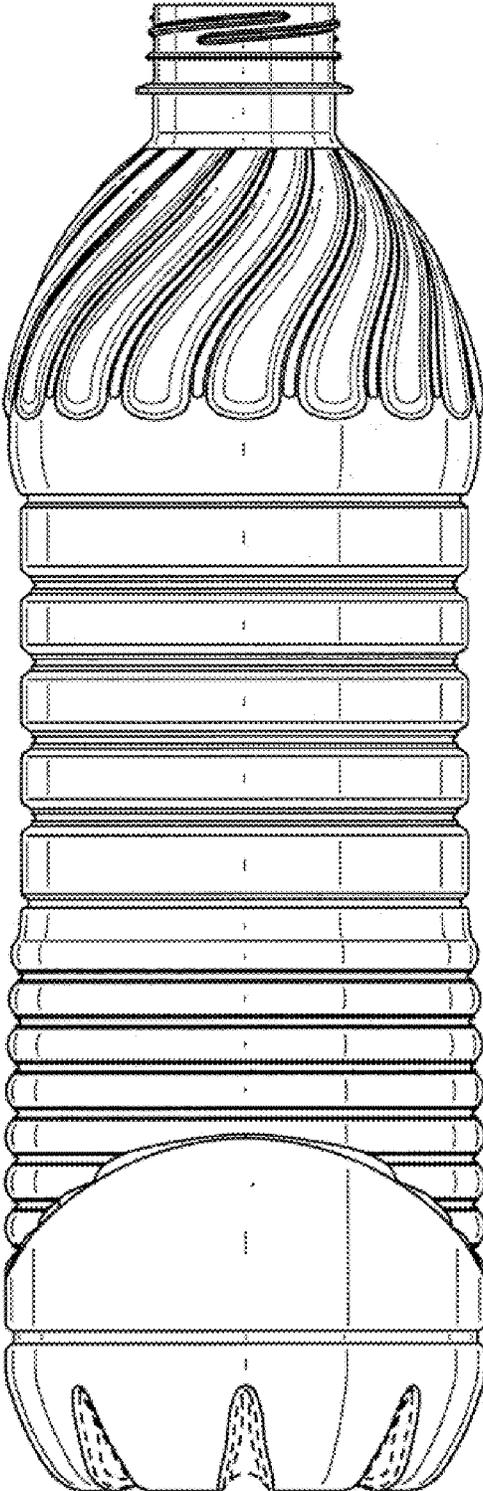


FIG. 2

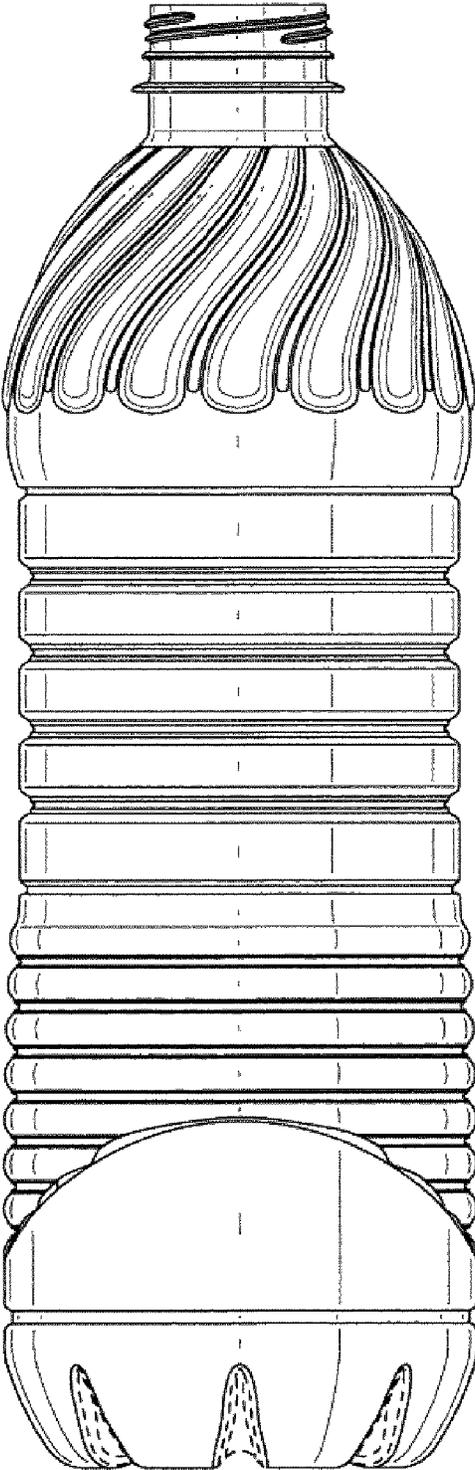


FIG. 3

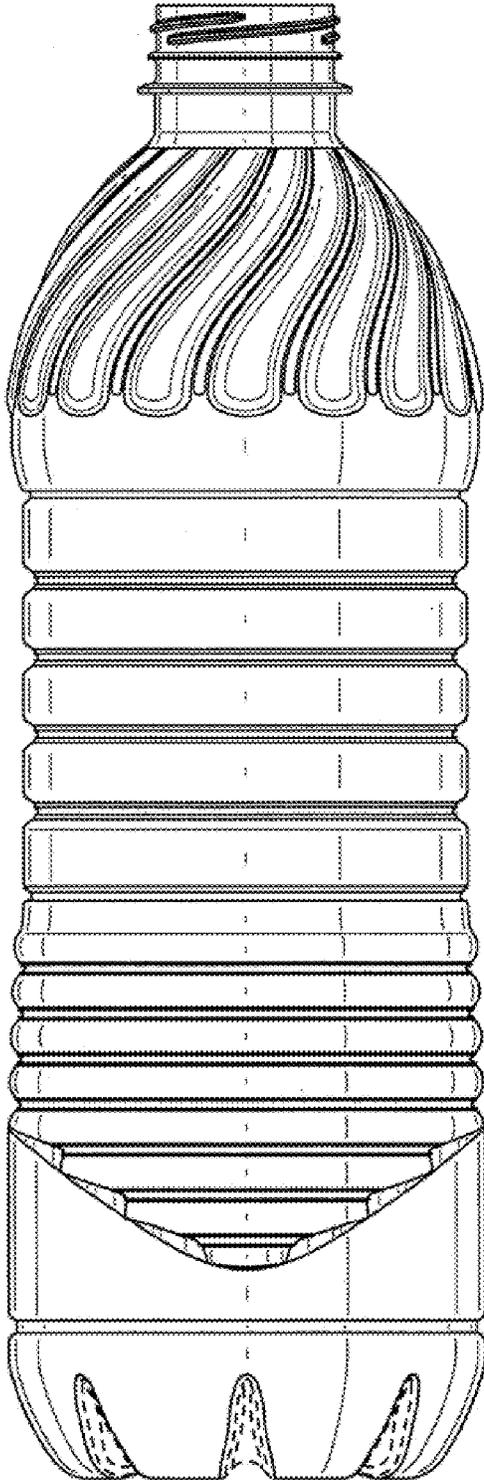


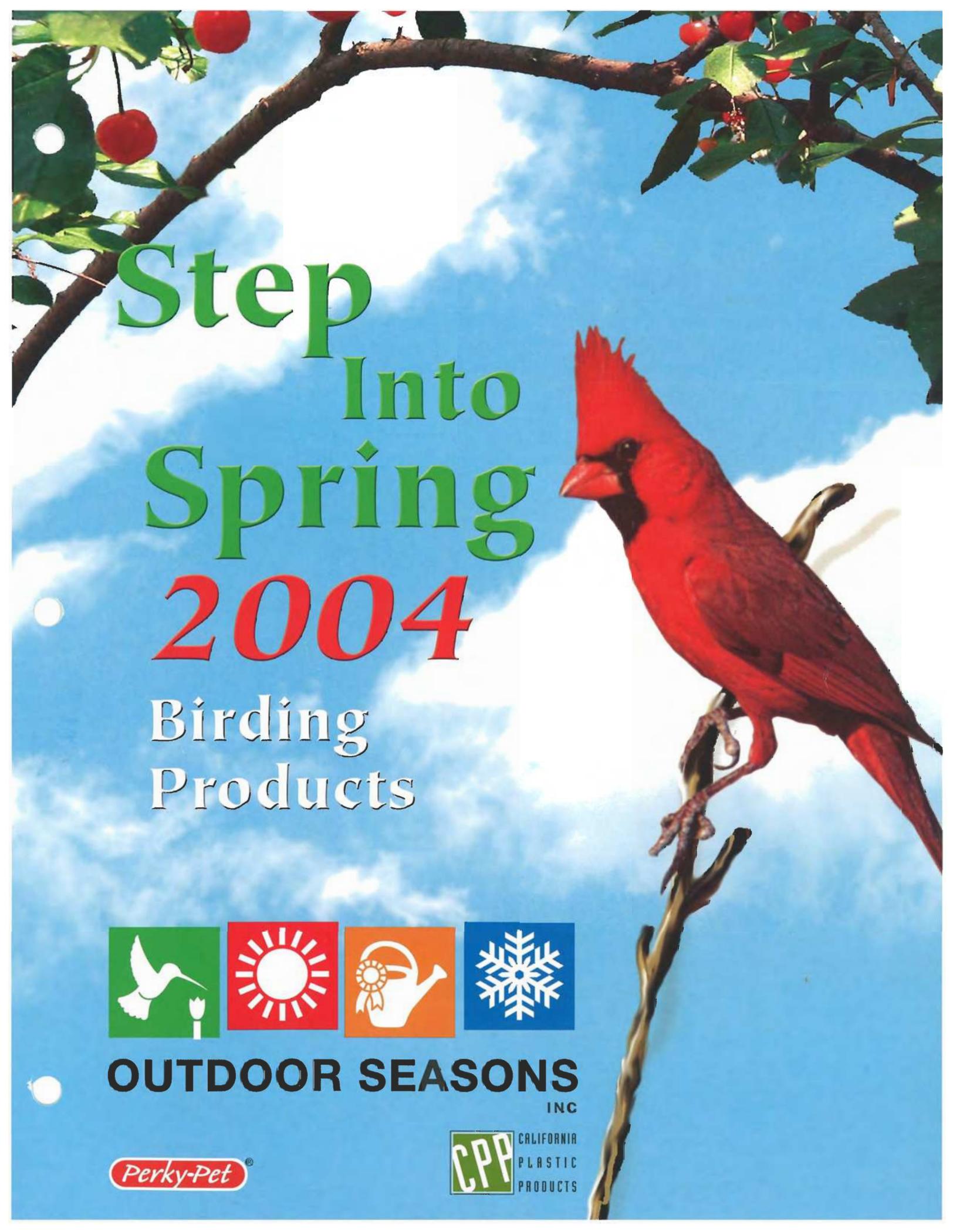
FIG. 4

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

WOODSTREAM CORPORATION,)	
)	
Opposer,)	
)	
v.	)	Opposition No.
)	
CLASSIC BRANDS, LLC,	)	Application Serial No. 86/514,638
)	
Applicant.)	

NOTICE OF OPPOSITION

EXHIBIT 9



Step Into Spring 2004

Birding
Products



OUTDOOR SEASONS

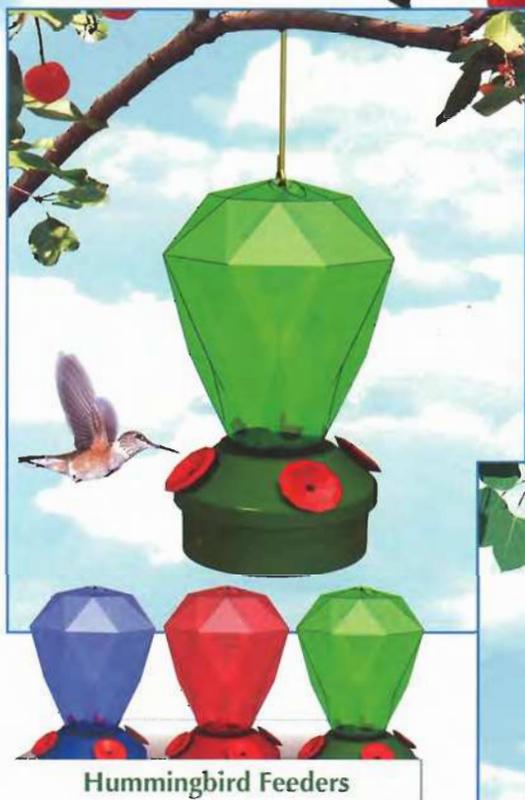
INC

Perky-Pet[®]

CPP

CALIFORNIA
PLASTIC
PRODUCTS

Perky-Pet



Hummingbird Feeders

No. 246 Gemstone Series

4 Great New Hummingbird Feeders!

Gemstone Series for a Great Value

- Three gem cut styles to choose from – Sapphire, Ruby or Emerald
- 12 oz. capacity
- Shatter-proof bottle with four facet cut feeding ports
- 6 feeder variety pack – 2 of each color

Case: 2 of each style, 6 total • Wt. 3 lb • Cube .64

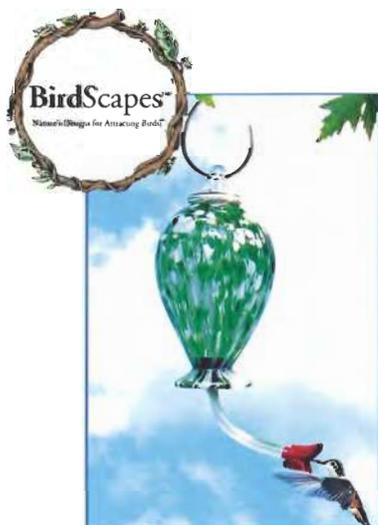


No. 275 Ceramic Lighthouse Feeder

Handcrafted Ceramic Lighthouse Feeder

- Vivid lighthouse detail
- 3 lifesaver shaped ports
- 14 oz. capacity

Case: 4 ea • Wt. 6 lb • Cube 1.30



274 Elegant Glass Hummingbird Feeder

Elegant Glass Feeder

- Beautiful, handcrafted glass design
- Attractive feeding blossom will invite more birds
- Convenient 6 oz. capacity

Case: 2 ea • Wt. 3 lb • Cube .27



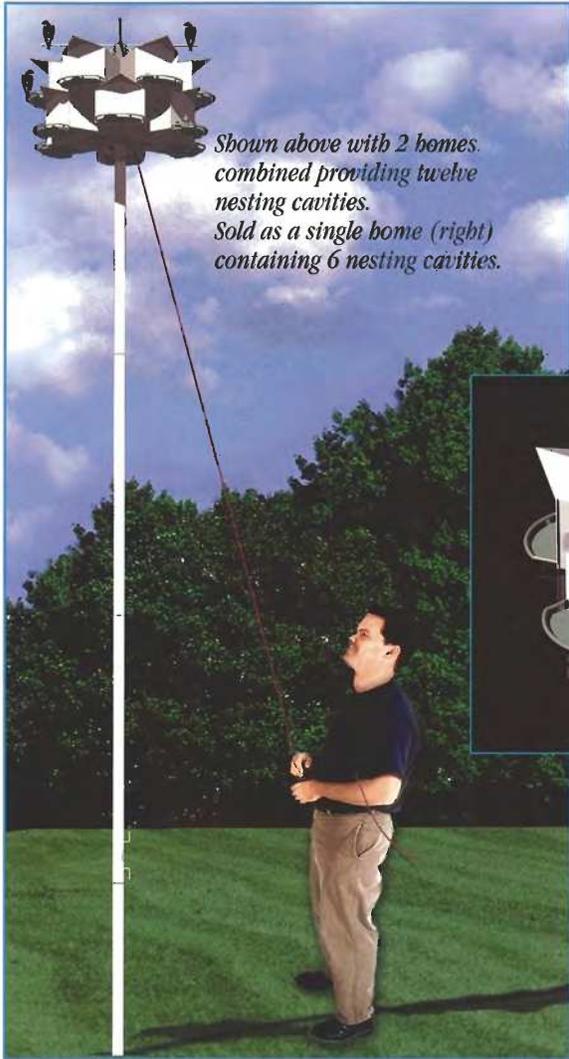
No. 272 Ceramic Hummingbird Feeder

Beautiful, Handcrafted Feeder

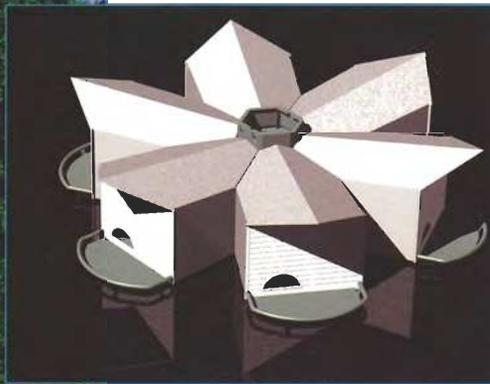
- Hand painted hummingbirds
- Nectar controlling tip to reduce dripping
- 16 oz. capacity
- Decorative hanger included

Case: 2 ea • Wt. 3 lb • Cube .40

Distinctive New Martin Home



*Shown above with 2 homes combined providing twelve nesting cavities.
Sold as a single home (right) containing 6 nesting cavities.*



Outstanding design

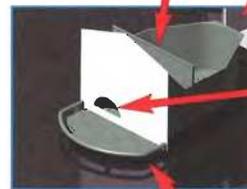
"It's perfect." – Executive Director, Purple Martin Conservation Association

Modular construction

Expandable - buy 2 and set up a 12-room home.

- Unique predator guard foyer stops owls and other predators from accessing nesting cavity.

- Removable home unit makes cleaning a snap.



- Keep Pesky Starlings out with starling guard.

- Keep Baby Martins safe with Baby Martin guard rail.

No. 166

Five ★ Purple Martin Home

- Six room expandable design
- Approved by The Purple Martin Conservation Association
- Easy to Assemble – durable, lightweight patent pending design
- “No-Slip” textured floors prevents injury to offsprings and adults
- Ventilation and drains provided to keep the home cool and dry
- Designed specifically to be used with the No. 75 Purple Martin Pole

Case: 1 ea • Weight and Cube: Call customer service for details.

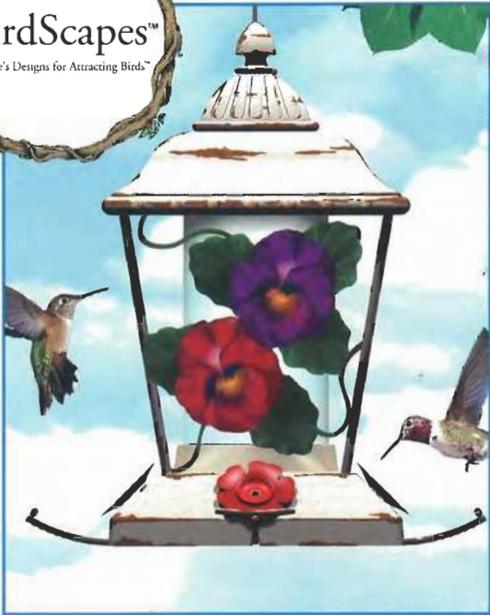
No. 75

Five ★ Purple Martin Pole

- Telescopic 15' pole
- Exclusive pulley system allows for easy raising and lowering of home
- Heavy-duty, all metal construction
- Designed specifically to be used with the No. 166 Purple Martin Home

Case: 1 ea • Weight and Cube: Call customer service for details.

BirdScapes™
Nature's Designs for Attracting Birds™



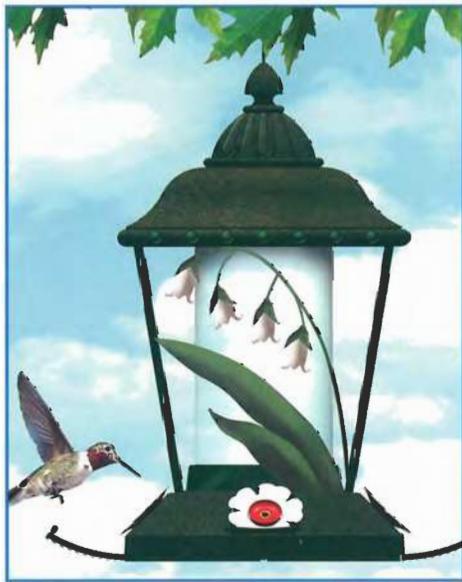
No. 276 English Garden "Antique White" Feeder

2 Styles of English Garden Style Hummingbird Feeders to Choose From!

"Antique" White English Garden

- Handcrafted metal frame with decorative flowers
- 4 flower feeding stations
- Shatter-proof 18 oz. bottle

Case: 2 ea • Wt. 6 lb • Cube .68



No. 278 English Garden "Rustic Green" Feeder

"Rustic Green" English Garden

- Attractive Lilies of the Valley flowers on a handcrafted metal frame
- 4 flower feeding stations
- Shatter-proof 18 oz. bottle

Case: 2 ea • Wt. 6 lb • Cube .68

Contact Us

USA Customers:

Outdoor Seasons, Inc.
2201 S. Wabash St.
Denver, Colorado 80231
1-800-782-3514
Sales & accounts receivable
1-800-854-8111
Customer service
Fax: 303-368-9616
Website: www.outdoorseasons.com
E-mail: wings@perky-pet.com

Canadian Customers:

Yule-Hyde Associates Co.
4 Lowry Drive
Brampton, Ontario L7A 1C4
1-800-387-6678 (Canada only)
1-905-840-2640
Fax: 905-840-2642
Website: www.yule-hyde.com

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

WOODSTREAM CORPORATION,)	
)	
Opposer,)	
)	
v.	)	Opposition No.
)	
CLASSIC BRANDS, LLC,	)	Application Serial No. 86/514,638
)	
Applicant.)	

NOTICE OF OPPOSITION

EXHIBIT 10



Bird Feeder CATALOG

2007 | 2008



What's New

TopFill



This new generation of patent pending Top Fill hummingbird feeders provides the easiest and most convenient experience for consumers.



218- Masterpiece Top Fill



219- Helix Top Fill



223- Lightpost Top Fill





Bringing beauty and grace to the garden



219- Helix Top Fill

- 16 ounce capacity
- Shatterproof bottle
- Patent pending technology
- Unscrew cap for easy filling
- Four feeding ports
- UPC: 078978219007
- Case pack: 4



271- Rose Petal Feeder

- 19 ounce capacity
- Shatterproof bottle
- Four feeding ports
- Built-in perches and ant moat
- UPC: 078978271005
- Case pack: 4



279- Deluxe Rose Petal Feeder

- 12 ounce capacity
- Hardened glass bottle
- Four feeding ports
- Built-in perches and ant moat
- UPC: 078978279001
- Case pack: 4



223- Lightpost Top Fill

- 24 ounce capacity
- Patent pending technology
- Metal exterior hangs in tree while nectar reservoir is removed for filling
- Shatterproof nectar reservoir disassembles for easy filling
- Five feeding ports
- UPC: 078978223004
- Case pack: 2



Hummingbird Feeders

Bringing beauty and grace to the garden



710- Brushed Metal Feeder

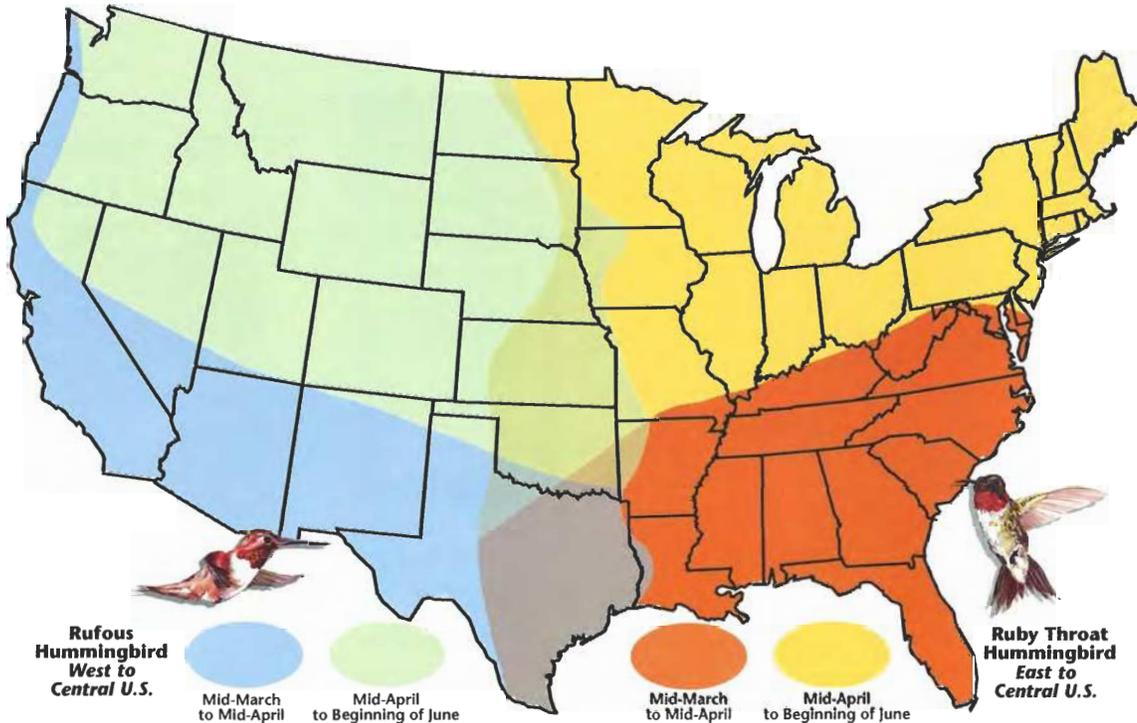
- 12 ounce capacity
- Four feeding ports
- Hardened glass bottle
- Unique circular perch design
- UPC: 078978710009
- Case pack: 2



2330- Blown Glass Feeder

- 16 ounce capacity
- Decorative blue etched glass bottle
- UPC: 036348023302
- Case pack: 6

When Hummingbirds Arrive



Hummingbird Feeders

Bringing beauty and grace to the garden



SQUIRREL



PROOF



350- Squirrel-Be-Gone™ I

- Holds 6 lb of seed
- Feeding ports close under squirrel's weight on perch or metal frame
- Bird preferred U-shaped perches
- Sure-Lock™ cap system keeps squirrels out
- UPC: 078978350007
- Case pack: 2



735- The Preserve™

- Holds 3 lb of seed
- Allows birds in and keeps squirrels out
- Patented diamond shaped barrier allows birds to feed undisturbed
- Decorative metal top, feeding ports and perches
- UPC: 078978735002
- Case pack: 2



173- ClearView™ Squirrel Proof Feeder

- Holds 7.5 lb of seed
- Uses squirrel's own weight to block off access to seed
- Easy filling
- Case pack: 2



351- Squirrel-Be-Gone™ II

- Holds 12 lb of seed
- Weight sensitive bar prevents squirrels from feeding
- Sure-Lock™ cap system keeps squirrels out
- Can be hung or pole mounted
- UPC: 078978351004
- Case pack: 1

Squirrel Proof Feeders



USA Customers
Woodstream Corporation
69 North Locust Street
Lititz, PA 17543
800-800-1819

www.birdfeeders.com

Canadian Customers
Woodstream Canada
4 Lowry Drive
Brampton, Ontario L7A 1C4
Canada
800-800-1819

www.birdfeeders.com

For Image Downloads please visit
www.woodstreamcorp.com and click on Image Library

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

WOODSTREAM CORPORATION,)	
)	
Opposer,)	
)	
v.	)	Opposition No.
)	
CLASSIC BRANDS, LLC,	)	Application Serial No. 86/514,638
)	
Applicant.)	

NOTICE OF OPPOSITION

EXHIBIT 11



Sign In | Register

0

checkout

0

Sign in | Register

Cart



What can we help you find?

\$5 Flat Rate Ground Shipping/FREE over \$49

Change Store: US ▾

Blog | Contact Us

1-855-737-5973

[Home](#) | Perky-Pet® Round Glass Hummingbird Feeder



Perky-Pet® Round Glass Hummingbird Feeder

Model #: 447-12

★★★★★ 4.2 (45) [Write a review](#)

[Ask a question](#)

\$9.19

- 1 +

add to cart



10% Off First Order with eNews Signup



Reward Points with My Account

- Cute droplet shaped glass nectar reservoir
- 2 bee resistant feeding ports
- Built in metal hanging loop for easy hanging
- Holds 10 oz of nectar

Like

Tweet



G+

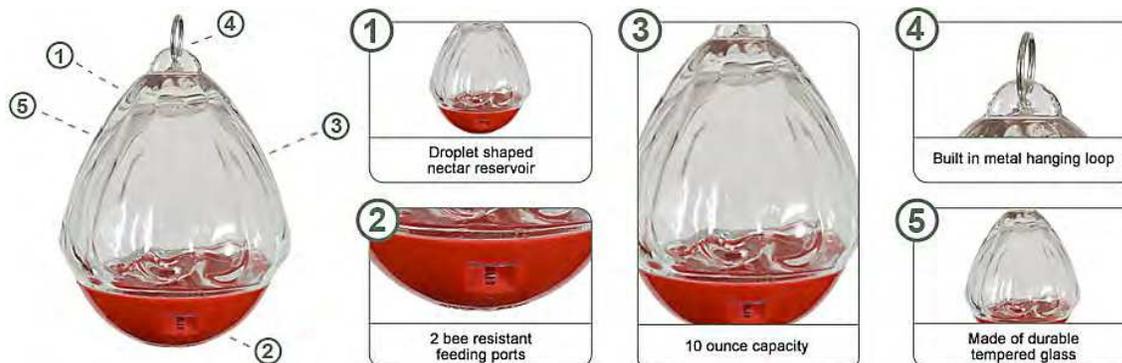
Description



Perky-Pet® Round Glass Hummingbird Feeder

This delightful, unusual glass birdfeeder for hummingbirds will attract both the tiny birds and their ardent fans.

The **Perky-Pet® Round Glass Hummingbird Feeder** features a durable, tempered clear glass nectar container, 2 bee-resistant feeding ports, and a 10 oz nectar capacity. The clear glass reservoir makes it easy to monitor nectar levels and unscrews easily from the feeder base for quick cleaning and filling.



Click to Enlarge

For best results, use **Perky-Pet® Instant High Energy Nectar**. This specially blended nectar is easy to use, requires no boiling and stays fresh longer.

The feeder may be cleaned with the **Perky-Pet® Cleaning Mop**. Remember to clean your glass hummingbird feeders at least twice a week, more often in very warm climates or seasons.

Suggested Placement for your Perky Pet® Hummingbird...





Accessorize your Hummingbird or Oriole Feeder

Powdered Nectar

Liquid Nectar

Mop

Ant Guard

Hook

Waterer



Birdfeeders.com is the top destination to find quality Wild Bird Feeders and Accessories. Perky-Pet®, K-Feeders® and NO/NO® wild bird products are trusted brands to bird lovers everywhere. Interact with nature, relax and build memories that last a lifetime by conveniently ordering from birdfeeders.com. Happy Bird Feeding!

[Specs](#)

[Videos](#)

[Warranty](#)

[Reviews](#)

[Q&A](#)

All About



All About Hummingbirds

Want to know about these tiny, amazing birds? We have a Hummingbird Library filled with information about various kinds of hummingbirds. **Check it out!**

Check out the **Hummingbird Migration Map** to see when hummingbirds will arrive in your area!

[Tips](#)

[FAQs](#)

Recommended Products





**Perky-Pet®
Window Mount**

\$6.79

★★★★★ (38)

add to cart



**Perky-Pet® Foam
Feeder Cleaning**

\$4.19

★★★★★ (24)

add to cart



**Clear Liquid
Hummingbird**

\$5.74

★★★★★ (0)

add to cart



**Perky-Pet® Daisy
Vase Vintage**

~~\$22~~ \$19.99

★★★★★ (16)

add to cart

Get 15% Off Your First Order! Learn More

Sign up for our eNewsletter

Contact Us

Contact Form

1-855-737-5973

Customer Service

Track Your Order

Replacement Parts

FAQs

Where to Buy Near You

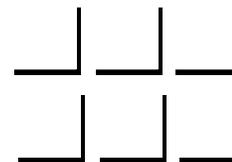
Shipping Policy

Return Policy

Privacy & Security

Bird feeder Coupons

Reward Points



READ OUR BLOG



About Us

About birdfeeders.com

Articles

Press Releases

eNewsletter

Wholesale Information

Site Map

Contests

100% Secure Shopping

We Accept

© 2016 Woodstream Corporation. All Rights Reserved.

69 N. Locust St. Lititz, PA 17543

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

WOODSTREAM CORPORATION,)	
)	
Opposer,)	
)	
v.	)	Opposition No.
)	
CLASSIC BRANDS, LLC,	)	Application Serial No. 86/514,638
)	
Applicant.)	

NOTICE OF OPPOSITION

EXHIBIT 12

Wholesaler

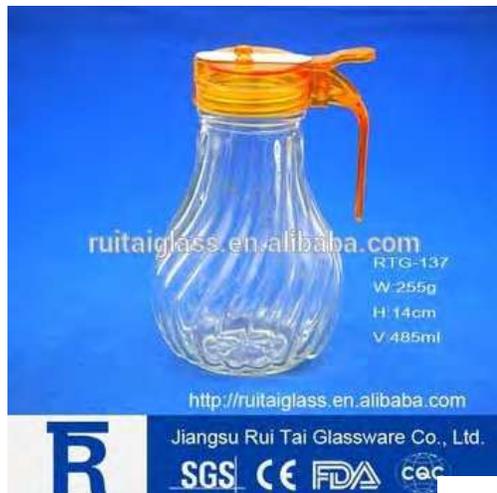
Search Wholesale Products

Search

0 Cart

Wholesale > Packaging & Printing > Bottles (19087)

Multi-Language Sites



485ml dry condiments glass pot

US \$0.15 / Piece | 10000 Pieces (Min. Order)

Quantity: Pieces

Shipping: Express / Open to negotiation

[Buy Now](#)

[Leave Messages](#) [Add To Cart](#)

Seller Support: **Trade Assurance**
 Payment protection On-time shipment
 Product quality protection
 Secure Payment

Payment:

Share to:

[Add to My Favorites](#)

[View larger image](#)

5YRS Jianguo Rui Tai Glassware Co., Ltd.
 China (Mainland) | Manufacturer, Trading Company

Transaction Level:

Supplier Assessments:

1 Products sold

[Visit Minisite](#)

[Contact Supplier](#)

[Leave Messages](#)

Product Details

Company Profile

[Report Suspicious Activity](#)

Product Description

Quick Details

Material:	Glass	Industrial Use:	tea/beer/juice	Sealing Type:	Other
Surface Handling:	Engraving	Place of Origin:	Jiangsu China (Mainland)	Brand Name:	Ruitai
Model Number:	RTG-137	Logo Printing:	Acceptable	Custom Design:	Acceptable
Feature:	Recyclable/Uperization	Color:	Clear or customized	Further processing:	Available

Product Description

485ml dry condiments glass pot

More from this Supplier



glass oilcan

US \$0.15 / Piece
Min.Order: 30000 Pieces



cup

US \$0.5 / Piece
Min.Order: 80000 Pieces



[My Wishlist](#)





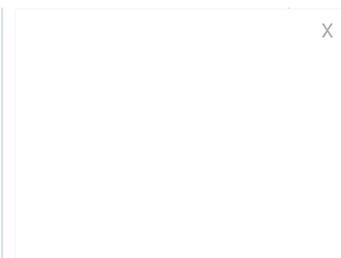
Art No.	RTG-137
Weight	255G
Height	14CM
Volume	485ml
Sample	Free samples
Sample lead-time	15 days after receiving deposit
Delivery lead-time	20-30 days
Packing method	1. Pallet 2. Carton 3. packing according to your requirements
Custom services	1. Providing subsequent craftwork like decal, frosting etc. 2. OEM acceptable

WE PROMISE :

- Super quality** -- the most stable quality ,the best gloss and change new product in 2-5 days .
- Most varieties** --about 32 series glass craft articles of thousands of types , to realize "one- stop "work style products and services .
- Best credit standing** --Ruitai members will serve you with Superior quality, attractive designs ,reasonable price and extreme credit for you .
- Most complete equipment supporting** --own cap factory , mould factory, after processing factory.
- Own right of export and import** --A: Customer Registered NO. 3203964024
B: Commodity Inspection NO. 3214600524
- Ruitai has passed IS9001:2008**,which is the professional manufacturer and trader of glass bottles . It has the most advanced I.S. machine production line in china ,and automatic quality inspection line too .

We sincerely hope to establish long and good business relationships with the customers all over the world.

THIS IS RUITAI ----- Distinguished guests WELCOME TO OUR FACTORY !



Drinking glass cup
US \$0.5 / Piece
 Min.Order: 80000 Pieces



beer cup
US \$0.5 / Piece
 Min.Order: 80000 Pieces



YILI glass milk cup
US \$0.5 / Piece
 Min.Order: 80000 Pieces

My Wishlist



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

WOODSTREAM CORPORATION,)	
)	
Opposer,)	
)	
v.	)	Opposition No.
)	
CLASSIC BRANDS, LLC,	)	Application Serial No. 86/514,638
)	
Applicant.)	

NOTICE OF OPPOSITION

EXHIBIT 13



Search...

All Categories

Back to search results | Listed in category: Collectibles > Lamps, Lighting > Lamps: Electric > Table Lamps



Mouse over image to zoom



Have one to sell? [Sell now](#)

Vintage White Milk Glass Swirl Lamp Light Electric Glass Hurricane Glass Chimney

Item **Used** condition:

Time left: 8d 20h 9/24, 2:49PM

Price: **US \$39.99**

[Buy It Now](#)

[Add to cart](#)

1 watching

[Add to watch list](#)

[Add to collection](#)

Located in United States

Seller information
gavin2012us (78)

100% Positive feedback

Follow this seller

Visit store: [gavin2012us](#)

[See other items](#)

Shipping: **\$12.99** Economy Shipping | [See details](#)

Item location: Chicago, Illinois, United States

Ships to: United States

Delivery: Estimated on or before **Fri. Sep. 23** to 20852

Payments

Credit Cards processed by PayPal

PayPal CREDIT

Get more time to pay. [Apply Now](#) | [See Terms](#)

[See details](#)

Returns: Seller does not offer returns. You are covered by the [eBay Money Back Guarantee](#) if you received an item that is not as described in the listing.

Guarantee: [See details](#)

Get the item you ordered or get your money back. Covers your purchase price and original shipping.

People who viewed this item also viewed

Feedback



Vintage White Milk Glass Hob Nail Ele...
\$39.99

[Buy It Now](#)



Vintage pinkish purple fusia clear gl...
\$42.00

[Buy It Now](#)
+ \$30.00



VINTAGE 13.5" TALL MILK GLASS
\$21.24

[Buy It Now](#)
+ \$14.95



Vintage Electric White Milk Glass Hob...
\$20.99

[Buy It Now](#)
+ \$20.00



Vint Victrola
\$19.99

0 bids
+ \$3

[Description](#)

[Shipping and payments](#)

Seller assumes all responsibility for this listing.

eBay item number:

Item specifics

Condition: Used; An item that has been used previously. See the seller's listing for full details and description of... [Read more](#)

Vintage White Milk Glass Swirl Lamp Light Electric

Beautiful Vintage Milk Glass Swirl Lamp For Sale.

No cracks, breaks or chips in the glass.

It does have rust around the gold holder for the shade.

I noticed that it has a shortage in the cord.

It turned on fine the first couple of times but when I turned it back on again I had to wiggle the cord.

It has a vintage on/off turn key.

Nice swirl design at the bottom base and on the shade.

Measures:

13" Tall

6 1/2" Diameter

Unique Design, Nice Looking Lamp.

I try my best in describing my items.

I have provided pictures for your evaluation and any questions.

Thanks for viewing.

Questions and answers about this item

No questions or answers have been posted about this item.

[Ask a question](#)

Sponsored Links



Fenton Hobnail-Milk Glass Gone with...
\$299.95



Blue Tamoshanta Swirl Night Light...
\$164.91



Amber Tamoshanta Swirl Night Light...
\$164.91



Pink Tamoshanta Swirl Night Light...
\$164.91



Blue Swirl Optic Shade Night Light ...
\$174.91



L G Wright Glass Moon & Stars-Ruby...
\$549.95



Large Amber Swirl Optic Night Light...
\$344.91



White C Shade
\$119.95

Free Shipping
Replacements, Ltd.

Free Shipping
Lamps Plus

Free Shipping
Lamps Plus

Free Shipping
Lamps Plus

Free Shipping
Lamps Plus

Free Shipping
Replacements, Ltd.

Free Shipping
Lamps Plus

Free Sh
Lamps



[Back to search results](#)

Related buying guides : [How to Repair a Table Lamp](#), [How to wire a lamp... from scratch.](#), [Finding the right desk lamp for your home office.](#), [How to Use a Hurricane Lamp](#), [5 Timeless Modern Light Fixtures](#)

More to explore : [AF Lighting Glass Lamps](#), [Trend Lighting Glass Lamps](#), [Cal Lighting Glass Lamps](#), [Diamond Lighting Glass Lamps](#), [Elk Lighting Glass Lamps](#), [TransGlobe Lighting Glas](#)

[About eBay](#) [Announcements](#) [Community](#) [Security Center](#) [Resolution Center](#) [Seller Information Center](#) [Policies](#) [Affiliates](#) [Help & Contact](#) [Site Map](#)

Copyright © 1995-2016 eBay Inc. All Rights Reserved. [User Agreement](#), [Privacy](#), [Cookies](#) and [AdChoice](#)

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

WOODSTREAM CORPORATION,)	
)	
Opposer,)	
)	
v.	)	Opposition No.
)	
CLASSIC BRANDS, LLC,	)	Application Serial No. 86/514,638
)	
Applicant.)	

NOTICE OF OPPOSITION

EXHIBIT 14



Laurel Leaf Farm
country antiques ~ vintage farmhouse



vi

he



share this page ->

old fashioned jelly glasses / diner style drinking glasses, 24 heavy glass tumblers









Large set of vintage glass tumblers, old fashioned jelly glasses about 3 3/4" tall. These are all in very good condition.

It's a nice large set of sturdy all-purpose glasses - good 'everyday' glassware, easy to hold, easy to clean.

Sale price: \$66.00

Item #nt012115

add to cart

view our other categories

vintage farm & garden
collectibles

cottage vintage home decor and
furniture

vintage linens and laundry

blankets, bedspreads, quilts &
rugs

vintage sewing notions & feed
sack fabric

architectural & industrial
furniture, lighting, hardware

vintage lighting, lamps,
chandeliers & sconces

vintage kitchenware & everyday
dishes

vintage glassware, pressed
pattern glass & crystal

vintage fine china & dinnerware

vintage flatware, silver & silver
plate, copper & brass

historical memorabilia

holidays



Internet Payment
Gateway

*easy online
ordering with
checks,
Visa/MasterCard
or PayPal*

© Copyright 1999 - 2016
Laurel Leaf Inc.
info@laurelleaffarm.com