

PTO Form 1960 (Rev 9/2007)

OMB No. xxx-xxxx (Exp. x/xxxx)

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77135366
LAW OFFICE ASSIGNED	LAW OFFICE 112
MARK SECTION (no change)	
ARGUMENT(S)	
<p>Arguments in support of Request for Reconsideration, Serial No. 77/135366</p> <p>Applicant respectfully requests that the Examining Attorney reconsider and withdraw the refusal of registration under Section 2(d) of the Trademark Act. Based on a thorough evaluation of the factors outlined in TMEP Section 1207.01, there is no likelihood of confusion between the cited marks and Applicant's mark.</p> <p><u>Dissimilarity of the Marks</u></p> <p>In reviewing the potential for confusion, the Examining Attorney must evaluate the similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation, and commercial impression. The TMEP and cited Federal Circuit cases warn that "likelihood of confusion cannot be predicated on dissection of a mark, that is, on only part of a mark." TMEP Sec. 1207.01. Although Applicant's mark and the cited marks share the word DUO, they are different in their overall commercial impressions. The applied-for mark incorporates the Applicant's house mark GALAXY DESSERTS and the wording "Elegant French Desserts," all incorporated in a box design with minor design embellishments. In contrast, the cited marks DUO DELIGHTS, DUO, and DUOS do not include a house mark or any design elements. The additional word elements and design elements in Applicant's mark will make it easily distinguishable from the cited marks. Consequently, customers will not be confused as to the source of the goods offered under Applicant's mark and the cited marks. Similarity of the marks in one respect – sight, sound, or meaning – should not automatically result in a finding of likelihood of confusion, even if the goods or services are identical or closely related. <u>TMEP 1207.01(b)(i)</u>.</p> <p>If the element shared by two marks is a weak element, i.e. descriptive or highly suggestive of the goods/services, customers typically will be able to avoid confusion unless the overall combinations have elements in common. <u>TMEP Sec. 1207.01(b)(viii)</u>. Here, the element shared by the marks is the word "duo." According to the Merriam-Webster Online Dictionary, the word "duo" has two meanings: a duet or a pair (see attached printout). Since the goods at issue are not a musical duet, the meaning relevant to these goods is a "pair". The word "duo" is highly suggestive of the goods offered by the parties, since it refers to the presence of two paired components in the food item, i.e. a duo.</p>	

“The Trademark Trial and Appeal Board and the courts have recognized that merely descriptive and weak designations may be entitled to a narrower scope of protection than an entirely arbitrary or coined word.” TMEP Sec. 1207.01(b)(ix). Accordingly, since the shared element in the marks at issue is highly suggestive of the goods covered by the cited registrations and Applicant’s application, the cited registrations are entitled to only a narrow scope of protection.

Number and Nature of Similar Marks in Use on Similar Goods

In determining whether a likelihood of confusion exists, the Examining Attorney should consider the number and nature of similar marks in use on similar goods, since that will help establish the state of the marketplace, and whether customers can readily distinguish two marks that share a common element. As reported in the first Response to Office Action, Applicant’s counsel reviewed the records of the USPTO and found three additional relevant marks in Class 30 incorporating the word DUO for use with similar goods. The Examining Attorney has stated that “the applicant’s reference of other marks are not dispositive on the determination in the herein matter.” However, the TMEP takes a contrary view, stating: “Third-party registrations may be relevant to show that the mark or a portion of the mark is descriptive, suggestive, or so commonly used that the public will look to other elements to distinguish the source of the goods or services.” TMEP Sec. 1207.01(d)(iii).

Applicant’s counsel has reviewed the records of the USPTO and has found additional marks registered in Class 29 for use with food items related to the goods at issue in the present application and the cited registrations. Summarized below are the DUO-formative marks in Classes 29 and 30 registered for use with food items, including both those cited by the Examining Attorney and those deemed irrelevant by the Examining Attorney, and attached for the evidentiary record are the TARR records for the registrations not cited:

DUOS, Registration No. 2520572
Goods: Cookies
Owner: Western Family Foods, Inc.

DUO DELIGHTS, Registration No. 3072353
Goods: Candies, cookies, and chocolates
Owner: Wisconsin Cheeseman, Inc.

DOUBLE DUOS, Registration No. 2520909
Goods: Cookies
Owner: Western Family Foods, Inc.

DUO PENOTTI DIPPI, Registration No. 2641799
Goods: Cocoa and cocoa products, namely, cocoa-based sandwich spreads; bread; bread sticks; biscuits; pies; crackers; pastry; chocolate, namely, chocolate sauces; chocolate spread; cereal-based snack food; rice-based snack foods; wheat-based snack foods; snack mix consisting primarily of crackers, pretzels, candies, nuts, and/or popcorn
Owner: Peeters Produkten B.V.

GUMMI DUO HEARTS, Registration No. 2530824
Goods: Candy
Owner: Nabisco Brands Company

DUO-LIZER, Registration No. 0435880

Goods: Combination stabilizer-emulsifier for ice cream
Owner: Borden, Inc.

BIG-DUO, Registration No. 3139267

Goods: Milk desserts, namely, yogurt, dairy-based whipped topping; whipping cream; chocolate milk; cream cheese preparations, namely, cream cheese containing various types of fruit
Owner: Lidl Stiftung & KG

DIPPIN' DUOS, Registration No. 2985789

Goods: Entrees consisting primarily of meat, fish, poultry, or vegetables which are frozen, prepared and packaged
Owner: Night Hawk Frozen Foods, Inc.

When evidence is submitted showing that the consuming public is exposed to third-party use of similar marks on similar goods, this evidence is relevant to establish that an earlier registered mark is entitled to only a narrow scope of protection. TMEP Sec. 1207.01(d)(iii). Based on the evidence of eight registered DUO-formative marks in Classes 29 and 30, all covering a variety of food items, in particular, desserts, cookies, candy, and other sweets, it is clear that the Office has determined that marks incorporating the element DUO are entitled to a narrow scope of protection. That determination was made explicitly by the Examining Attorney reviewing the DUO DELIGHTS application prior to its registration, when he stated in his September 4, 2002 Examiner's Amendment: "Although the referenced application [No. 75/571275 for DUOS, covering cookies] has matured into a registration, it is not perceived that a likelihood of confusion exists with the current mark in relation to 'candies, cookies, and chocolates.'" (See attached copy).

The fact that the Office has allowed coexisting registration of the marks DUOS and DOUBLE DUOS, owned by one party, along with DUO DELIGHTS, owned by a second party, all covering the identical goods (cookies), is a strong indication that the element DUO is entitled to a narrow scope of protection. That narrow scope of protection is confirmed by the coexisting registrations for DUO DELIGHTS and GUMMI DUO HEARTS, both covering the identical goods, namely, candy. The refusal of registration of a mark for goods not identical to those in the earlier registrations is inconsistent with these prior decisions allowing DUO a narrow scope of protection, even for identical goods.

Applicant notes the Examining Attorney's comment that: "Previous decisions of examiners allowing other marks are without evidentiary value and are not binding upon the Agency or the Board." However, when seven other examiners have previously determined that a group of marks that share a common element can coexist on the Register, those decisions should be entitled to considerable evidentiary value concerning the registrability of a later-filed mark sharing that same element. The number of prior decisions allowing coexistence suggest that the present refusal is arbitrary and ill-founded. If customers are able to distinguish the eight earlier marks from each other, they can certainly distinguish Applicant's mark, the newcomer to the field.

Conclusion

Based on the distinctive appearance of Applicant's mark, and the number of third party marks on the Register, Applicant respectfully requests that the refusal of registration under Section 2(d) be reconsidered and withdrawn.

Attached Evidence:

Merriam-Webster definition Registration records Examiner's Amendment from 75/679246	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	http://tgate/PDF/RFR/
ORIGINAL PDF FILE	http://tgate/PDF/RFR/
ORIGINAL PDF FILE	http://tgate/PDF/RFR/
DESCRIPTION OF EVIDENCE FILE	a dictionary definition for the word "duo"; an Examiner's Amendment from one of the cited registrations; and TARR records for other relevant registrations.
SIGNATURE SECTION	
RESPONSE SIGNATURE	/johanna sistek/
SIGNATORY'S NAME	Johanna F. Sistek
SIGNATORY'S POSITION	Attorney for Applicant
DATE SIGNED	01/30/2008
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Jan 30 17:24:50 EST 2008
TEAS STAMP	USPTO/RFR-71.134.233.54-2 0080130172450543140-77135 366-410ede680b6fcdac38509 55a47b6d7ed5-N/A-N/A-2008 0130171849042285

PTO Form 1960 (Rev 9/2007)

OMB No. xxxx-xxxx (Exp. x/xxxx)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. 77135366 has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Arguments in support of Request for Reconsideration, Serial No. 77/135366

Applicant respectfully requests that the Examining Attorney reconsider and withdraw the refusal of registration under Section 2(d) of the Trademark Act. Based on a thorough evaluation of the factors outlined in TMEP Section 1207.01, there is no likelihood of confusion between the cited marks and Applicant's mark.

Dissimilarity of the Marks

In reviewing the potential for confusion, the Examining Attorney must evaluate the similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation, and commercial impression. The TMEP and cited Federal Circuit cases warn that "likelihood of confusion cannot be predicated on dissection of a mark, that is, on only part of a mark." TMEP Sec. 1207.01. Although Applicant's mark and the cited marks share the word DUO, they are different in their overall commercial impressions. The applied-for mark incorporates the Applicant's house mark GALAXY DESSERTS and the wording "Elegant French Desserts," all incorporated in a box design with minor design embellishments. In contrast, the cited marks DUO DELIGHTS, DUO, and DUOS do not include a house mark or any design elements. The additional word elements and design elements in Applicant's mark will make it easily distinguishable from the cited marks. Consequently, customers will not be confused as to the source of the goods offered under Applicant's mark and the cited marks. Similarity of the marks in one respect – sight, sound, or meaning – should not automatically result in a finding of likelihood of confusion, even if the goods or services are identical or closely related. TMEP 1207.01(b)(i).

If the element shared by two marks is a weak element, i.e. descriptive or highly suggestive of the goods/services, customers typically will be able to avoid confusion unless the overall combinations have elements in common. TMEP Sec. 1207.01(b)(viii). Here, the element shared by the marks is the word "duo." According to the Merriam-Webster Online Dictionary, the word "duo" has two meanings: a duet or a pair (see attached printout). Since the goods at issue are not a musical duet, the meaning relevant to these goods is a "pair". The word "duo" is highly suggestive of the goods offered by the parties, since it refers to the presence of two paired components in the food item, i.e. a duo. "The Trademark Trial and Appeal Board and the courts have recognized that merely descriptive and weak designations may be entitled to a narrower scope of protection than an entirely arbitrary or coined word." TMEP Sec. 1207.01(b)(ix). Accordingly, since the shared element in the marks at issue is highly suggestive of the goods covered by the cited registrations and Applicant's application, the cited registrations are entitled to only a narrow scope of protection.

Number and Nature of Similar Marks in Use on Similar Goods

In determining whether a likelihood of confusion exists, the Examining Attorney should consider the number and nature of similar marks in use on similar goods, since that will help establish the state of the marketplace, and whether customers can readily distinguish two marks that share a common element.

As reported in the first Response to Office Action, Applicant's counsel reviewed the records of the USPTO and found three additional relevant marks in Class 30 incorporating the word DUO for use with similar goods. The Examining Attorney has stated that "the applicant's reference of other marks are not dispositive on the determination in the herein matter." However, the TMEP takes a contrary view, stating: "Third-party registrations may be relevant to show that the mark or a portion of the mark is

descriptive, suggestive, or so commonly used that the public will look to other elements to distinguish the source of the goods or services." TMEP Sec. 1207.01(d)(iii).

Applicant's counsel has reviewed the records of the USPTO and has found additional marks registered in Class 29 for use with food items related to the goods at issue in the present application and the cited registrations. Summarized below are the DUO-formative marks in Classes 29 and 30 registered for use with food items, including both those cited by the Examining Attorney and those deemed irrelevant by the Examining Attorney, and attached for the evidentiary record are the TARR records for the registrations not cited:

DUOS, Registration No. 2520572

Goods: Cookies

Owner: Western Family Foods, Inc.

DUO DELIGHTS, Registration No. 3072353

Goods: Candies, cookies, and chocolates

Owner: Wisconsin Cheeseman, Inc.

DOUBLE DUOS, Registration No. 2520909

Goods: Cookies

Owner: Western Family Foods, Inc.

DUO PENOTTI DIPPI, Registration No. 2641799

Goods: Cocoa and cocoa products, namely, cocoa-based sandwich spreads; bread; bread sticks; biscuits; pies; crackers; pastry; chocolate, namely, chocolate sauces; chocolate spread; cereal-based snack food; rice-based snack foods; wheat-based snack foods; snack mix consisting primarily of crackers, pretzels, candies, nuts, and/or popcorn

Owner: Peeters Produkten B.V.

GUMMI DUO HEARTS, Registration No. 2530824

Goods: Candy

Owner: Nabisco Brands Company

DUO-LIZER, Registration No. 0435880

Goods: Combination stabilizer-emulsifier for ice cream

Owner: Borden, Inc.

BIG-DUO, Registration No. 3139267

Goods: Milk desserts, namely, yogurt, dairy-based whipped topping; whipping cream; chocolate milk; cream cheese preparations, namely, cream cheese containing various types of fruit

Owner: Lidl Stiftung & KG

DIPPIN' DUOS, Registration No. 2985789

Goods: Entrees consisting primarily of meat, fish, poultry, or vegetables which are frozen, prepared and packaged

Owner: Night Hawk Frozen Foods, Inc.

When evidence is submitted showing that the consuming public is exposed to third-party use of similar marks on similar goods, this evidence is relevant to establish that an earlier registered mark is entitled to only a narrow scope of protection. TMEP Sec. 1207.01(d)(iii). Based on the evidence of eight registered DUO-formative marks in Classes 29 and 30, all covering a variety of food items, in particular, desserts,

cookies, candy, and other sweets, it is clear that the Office has determined that marks incorporating the element DUO are entitled to a narrow scope of protection. That determination was made explicitly by the Examining Attorney reviewing the DUO DELIGHTS application prior to its registration, when he stated in his September 4, 2002 Examiner's Amendment: "Although the referenced application [No. 75/571275 for DUOS, covering cookies] has matured into a registration, it is not perceived that a likelihood of confusion exists with the current mark in relation to 'candies, cookies, and chocolates.'" (See attached copy).

The fact that the Office has allowed coexisting registration of the marks DUOS and DOUBLE DUOS, owned by one party, along with DUO DELIGHTS, owned by a second party, all covering the identical goods (cookies), is a strong indication that the element DUO is entitled to a narrow scope of protection. That narrow scope of protection is confirmed by the coexisting registrations for DUO DELIGHTS and GUMMI DUO HEARTS, both covering the identical goods, namely, candy. The refusal of registration of a mark for goods not identical to those in the earlier registrations is inconsistent with these prior decisions allowing DUO a narrow scope of protection, even for identical goods.

Applicant notes the Examining Attorney's comment that: "Previous decisions of examiners allowing other marks are without evidentiary value and are not binding upon the Agency or the Board." However, when seven other examiners have previously determined that a group of marks that share a common element can coexist on the Register, those decisions should be entitled to considerable evidentiary value concerning the registrability of a later-filed mark sharing that same element. The number of prior decisions allowing coexistence suggest that the present refusal is arbitrary and ill-founded. If customers are able to distinguish the eight earlier marks from each other, they can certainly distinguish Applicant's mark, the newcomer to the field.

Conclusion

Based on the distinctive appearance of Applicant's mark, and the number of third party marks on the Register, Applicant respectfully requests that the refusal of registration under Section 2(d) be reconsidered and withdrawn.

Attached Evidence:
Merriam-Webster definition
Registration records
Examiner's Amendment from 75/679246

EVIDENCE

Evidence in the nature of a dictionary definition for the word "duo"; an Examiner's Amendment from one of the cited registrations; and TARR records for other relevant registrations. has been attached.

Original PDF file:

<http://tgate/PDF/RFR/>

Converted PDF file(s) (pages)

Original PDF file:

<http://tgate/PDF/RFR/>

Converted PDF file(s) (pages)

Original PDF file:

<http://tgate/PDF/RFR/>

Converted PDF file(s) (pages)

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /johanna sistek/ Date: 01/30/2008

Signatory's Name: Johanna F. Sistek

Signatory's Position: Attorney for Applicant

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 77135366

Internet Transmission Date: Wed Jan 30 17:24:50 EST 2008

TEAS Stamp: USPTO/RFR-71.134.233.54-2008013017245054

3140-77135366-410ede680b6fcdac3850955a47

b6d7ed5-N/A-N/A-20080130171849042285

Merriam-Webster

Tired of taking pills to relieve joint pain?

Dictionary Thesaurus Spanish/English Medical

Search "duo" in:

- [Thesaurus](#)
- [Spanish/English](#)
- [Medical Dictionary](#)
- [Open Dictionary](#)

Browse words next to:

[duo](#)

Browse the Dictionary:

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z #

duo

2 entries found.

duo
duo-

Main Entry: **duo**

Pronunciation: \dū-(.)ō also 'dyū-\

Function: *noun*

Inflected Form(s): *plural du-os*

Etymology: Italian, from Latin, two — more at [two](#)

Date: 1590

1 : [two](#)

2 : [two](#) 2

Learn more about "duo" and related topics at [Etymology.com](#)

Sponsored Links

[Duo Boots](#)

We Offer 5,000+ Pairs of Boots. Slip into Duo Boots!
[Shop. \[Call. \\[Buy Boots!\\]\\(#\\)\]\(#\)](#)

[Duo boots](#)

Huge Selection of Designer Boots Free Shipping, Free Returns! (Aff)
[Zaenoe.com](#)

[Pronunciation Symbols](#)



UNITED STATES PATENT AND TRADEMARK OFFICE

62

SERIAL NO: 75/679246

SEP -4 2002

APPLICANT: Duo Delights, Inc

CORRESPONDENT ADDRESS:

THE WISCONSIN CHEESEMAN, INC
310 BROADWAY DR.
SUN PRAIRIE WISCONSIN 53590-1743

RETURN ADDRESS:

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513
ecom111@uspto.gov

If no fees are enclosed, the address should include the words "Box Responses - No Fee."

MARK: DUO DELIGHTS

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

N/A

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and email address.

RE: Serial Number 75/679246

EXAMINER'S AMENDMENT

In accordance with the authorization granted by Jim Berkenstadt on September 4, 2002, the application has been AMENDED as indicated below. Please note that if the identification of goods or services has been amended below, any future amendments must be in accordance with 37 C.F.R. 2.71(a); TMEP section 1402.07(e). No response is necessary unless there is an objection to the amendment. If there is an objection to the amendment, the applicant should notify the examining attorney immediately.

The identification of goods is amended to read as follows: (candies, cookies and chocolates in International Class 30.)

Please note, the present application was suspended on November 24, 1999, pending the disposition of Application Serial No. 75/571275. Although the referenced application has matured into a registration, it is not perceived that a likelihood of confusion exists with the current mark in relation to "candies, cookies and chocolates." Therefore, the potential Section 2(d) refusal is withdrawn. Accordingly, the Section 2(d) refusal based upon the U.S. Registration No. 1938184 is also withdrawn.

No response is necessary unless there is an objection to the amendment. If there is an objection to the amendment, the applicant should notify the examining attorney immediately.

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2008-01-29 10:47:42 ET

Serial Number: 76147909 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 2641799

Mark (words only): DUO PENNONTI DIPP

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2008-01-11

Filing Date: 2008-10-13

Transformed into a National Application: No

Registration Date: 2008-10-29

Register: Principal

Law Office Assigned: LAW OFFICE 11.

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 850 - Post Registration

Date In Location: 2008-01-11

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Peeters Producten B.V.

Address:

Peeters Producten B.V.
Loomstraat 13
4505 RT Eindhoven
Netherlands

Legal Entity Type: Company

State or Country Where Organized: Netherlands

GOODS AND/OR SERVICES**International Class:** 030**Class Status:** Active

Cakes and other products, namely, cream-based sandwich spreads; bread; bread sticks; biscuits; pies; crackers; pastry; chocolate, namely chocolate sauces; chocolate spread; cereal-based snack food; rice-based snack foods; wheat-based snack foods; snack mix consisting primarily of crackers, pretzels, candy ice nuts, and/or popcorn

Basis: 44(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**ADDITIONAL INFORMATION****Foreign Registration Number:** 0664472**Foreign Registration Date:** 1999-08-10**Country:** Belgium**Foreign Expiration Date:** 2009-08-10**MADRID PROTOCOL INFORMATION**

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2006-01-11 - Section 8 (6-year) accepted & Section 15 acknowledged

2005-01-10 - Assigned To Paralegal

2004-01-08 - TEAS Section 8 & 15 Received

2002-10-29 - Registered - Principal Register

2002-08-06 - Published for opposition

2002-07-17 - Notice of publication

2002-04-24 - Approved for Pub - Principal Register (initial exam)

2002-01-17 - RTU claim related
2002-01-17 - Sec. 44(B) Claim Added
2002-01-17 - Communication received from applicant
2001-08-13 - Communication received from applicant
2000-12-19 - Communication received from applicant
2001-03-15 - Non-final action mailed
2001-03-13 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Jennifer Sheehan Anderson

Correspondent

Jennifer Sheehan Anderson
Haugman Miller Schwartz and Coia LLP
38500 Woodward Avenue, Suite 100
Bloomfield Hills MI 48304
Phone Number: 248-866-8532
Fax Number: 248-866-8523

Domestic Representative

Eums, Doane, Swecker & Mathis, L.L.P.

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2008-01-29 17:48:07 ET

Serial Number: 75518009 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 2530824

Mark (words only): GUMMI DUO HEARTS

Standard Character claim: No

Current Status: Registered

Date of Status: 2002-01-15

Filing Date: 1998-07-12

Transformed into a National Application: No

Registration Date: 2002-01-15

Register: Supplemental

Law Office Assigned: LAW OFFICE 101

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2007-04-20

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. NABISCO BRANDS COMPANY

Address:

NABISCO BRANDS COMPANY
1103 NORTH MARKET STREET, SUITE 003
WILMINGTON, DE 19801

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 030

Class Status: Active

CANDY

Basis: 1(c)

First Use Date: 1998-11-19

First Use in Commerce Date: 1998-11-19

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-04-30 - Case File In ENCLIS

2006-05-24 - Attorney Revoked And/Or Appointed

2006-05-24 - TEAS Revokes/Appoint Attorney Received

2005-03-29 - Assignment Of Ownership Not Updated Automatically

2003-02-24 - Section 7 request abandoned

2001-10-30 - TEAS Change Of Correspondence Received

2002-03-27 - Post Registration action mailed - Section 7

2002-02-25 - Section 7 amendment filed

2002-02-23 - PAPER RECEIVED

2002-01-15 - Registered - Supplemental Register

2001-03-26 - APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER
2001-03-26 - Amendment to Use approved
2000-03-10 - Non-final action mailed
2000-01-07 - Assigned To Examiner
1999-12-09 - Assigned To Examiner
1999-11-13 - Communication received from applicant
1999-12-07 - Amendment to use processing complete
1999-11-12 - Amendment to Use filed
1999-05-13 - Final refusal mailed
1999-03-30 - Communication received from applicant
1998-09-30 - Non-final action mailed
1998-09-29 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Andrew C. Ehard

Correspondent

Andrew S. Ehard
Merchant & Gould P.C.
P.O. Box 2910
Minneapolis MN 55402-0910
Phone Number: 612-332-5300
Fax Number: 612-332-4991

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-01-29 17:48:05 ET

Serial Number: 7151234 Assignment Information Trademark Document Retrieval

Registration Number: 436880

Mark

DUO-LIZER

(words only): DUO-LIZER

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 1988-09-12

Filing Date: 1946-11-08

Transformed into a National Application: No

Registration Date: 1948-01-13

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 - File Repository (Francfort)

Date In Location: 2004-08-04

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. BORDEN, INC.

Address:

BORDEN, INC.
120 EAST BROAD STREET
COLUMBUS, OH 43215
United States

Legal Entity Type: Corporation

State or Country of Incorporation: New Jersey

GOODS AND/OR SERVICES

U.S. Class: 046 (International Class 030)

Class Status: Active

COMBINATION STABILIZER-EMULSIFIER FOR ICE CREAM

Basis: (1a)

First Use Date: 1946-08-27

First Use in Commerce Date: 1946-08-27

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

1980-01-13 - Second renewal

1987-12-30 - Section 9 filed/check record for Section 9

1988-01-13 - First renewal

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

MS. LISA M. KALTMAN

BCREEM, INC.
160 EAST BROAD STREET
COLUMBUS, OHIO 43215

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-01-25 17:26:00 ET

Serial Number: 79010374 Assignment Information Trademark Document Retrieval

Registration Number: 3139267

Mark

BIG-DUO

(words only): BIG-DUO

Standard Character claim: Yes

Current Status: Registered

Date of Status: 2006-09-05

Filing Date: 2005-03-01

Transformed into a National Application: No

Registration Date: 2006-09-05

Register: Principal

Law Office Assigned: LAW OFFICE 117

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 - Publication And Issue Section

Date In Location: 2006-09-05

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Lidl Stiftung & Co. KG

Address:

Lidl Stiftung & Co. KG
Stiftsbergstr. 1 74167 Neckarsulm
Fed Rep Germany

Legal Entity Type: Corporation**State or Country of Incorporation:** Fed Rep Germany**GOODS AND/OR SERVICES****International Class:** 029**Class Status:** Active

Milk desserts, namely, yogurt, dairy-based whipped topping, whipping cream, chocolate milk, cream cheese preparations, namely, cream cheese containing various types of fruits

Basis: 66(a)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**ADDITIONAL INFORMATION**

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION**International Registration Number:** 0847917**International Registration Date:** 2005-03-21**Priority Claimed:** No**Date of Section 67 Priority Claim:** (DATE NOT AVAILABLE)**International Registration Status:** Request For Extension Of Protection Processed**Date of International Registration Status:** 2015-05-26**International Registration Renewal Date:** 2015-03-21**Notification of Designation Date:** 2005-03-26**Date of Automatic Protection:** 2006-11-26**Date International Registration Cancelled:** (DATE NOT AVAILABLE)**First Refusal:** Yes**PROSECUTION HISTORY**

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-04-20 - Final Disposition Notice Sent To IB

2007-04-20 - Final Disposition Processed
2007-04-16 - Final Disposition Notice Created. To Be Sent To IB
2006-09-05 - Registered - Principal Registrar
2006-06-15 - Published for opposition
2006-05-24 - Notice of publication
2006-04-25 - Law Office Publication Review Completed
2006-04-21 - Assigned To LIE
2006-04-19 - Examiner's amendment mailed
2006-04-19 - Approved for Pub - Principal Registrar (initial exam)
2006-04-19 - Examiner's Amendment Entered
2006-04-19 - Examiner's Amendment - Written
2006-04-14 - Amendment From Applicant Entered
2006-03-27 - Communication received from applicant
2006-03-27 - PAPER RECEIVED
2005-11-04 - Refusal Processed By IB
2005-10-18 - Non-Final Action Mailed - Refusal Sent To IB
2005-10-17 - Non-Final Action (IB Refusal) Prepared For Review
2005-10-17 - Non-Final Action Written
2005-10-12 - Assigned To Examiner
2005-05-27 - New Application Entered In Team
2005-05-26 - Sr Assigned For Sect 66a Appl From IB

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

MARIA CEE LIN
MORGAN & FINNEGAN LLP
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10081-2101

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2008-01-29 17:27:21 ET

Serial Number: 76465132 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 2985769

Mark (words only): DIPPIN' DUCKS

Standard Character claim: No

Current Status: Registered.

Date of Status: 2005-08-16

Filing Date: 2002-11-07

Transformed into a National Application: No

Registration Date: 2005-08-16

Register: Principal

Law Office Assigned: LAW OFFICE 171

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-07-07

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Night Hawk Frozen Foods, Inc.

Address:

Night Hawk Frozen Foods, Inc.
100 Night Hawk Circle
Buda, TX 78610
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Texas

Phone Number: 510-295-4166

Fax Number: 510-295-3988

GOODS AND/OR SERVICES

International Class: 029

Class Status: Active

Entrees consisting primarily of meat, fish, poultry or vegetables which are frozen, prepared and packaged

Basis: 1(a)

First Use Date: 2003-04-14

First Use in Commerce Date: 2003-04-24

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2005-03-16 - Registered - Principal Register

2005-07-05 - Law Office Registration Review Completed

2005-07-01 - Assigned To LHE

2005-06-29 - Allowed for Registration - Principal Register (SOU accepted)

2005-06-20 - Statement of use processing complete

2005-06-20 - Amendment to Use filed

2005-06-20 - TEAS statement of Use Received

2005-06-07 - Notice of allowance - mailed

2005-04-25 - Opposition terminated for Proceeding

- 2005-04-15 - Opposition dismissed for Proceeding
- 2004-09-13 - Case File In TARRS
- 2003-10-09 - Opposition instituted for Proceeding
- 2003-07-10 - Extension Of Time To Oppose Received
- 2003-05-03 - Published for opposition
- 2003-05-14 - Notice of publication
- 2003-03-31 - Approved for Pub - Principal Register (initial exam)
- 2003-03-31 - Examiner's amendment mailed

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

NIGHT HAWK FROZEN FOODS, INC.
100 NIGHT HAWK CIRCLE
EUDA, TX 78610
Phone Number: 512-298-4166
Fax Number: 512-298-3966