

ESTTA Tracking number: **ESTTA234207**

Filing date: **09/03/2008**

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	Publix Asset Management Company
Granted to Date of previous extension	09/03/2008
Address	3300 Publix Corporate Parkway Lakeland, FL 33811 UNITED STATES

Attorney information	James B. Lake Thomas & LoCicero 400 N. Ashley Drive, Suite 1100 Tampa, FL 33602 UNITED STATES jlake@tlolawfirm.com, trademarks@tlolawfirm.com Phone:813-984-3060
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### Applicant Information

Application No	77409725	Publication date	05/06/2008
Opposition Filing Date	09/03/2008	Opposition Period Ends	09/03/2008
Applicant	The Great Atlantic & Pacific Tea Company, Inc. 2 Paragon Drive Montvale, NJ 07645 UNITED STATES		

### Goods/Services Affected by Opposition

<p>Class 003. All goods and services in the class are opposed, namely: Shampoos and hair conditioners; skin moisturizers; human body conditioners; skin treatment lotions and creams; anti-aging and stretch mark creams; non-medicated lotions and creams for hands, nails, skin, face, hair, foot and leg muscles and joints; depilatory lotions and creams; shaving lotions and creams; non-medicated skin care preparation, namely, lotions and creams for treating dry and damaged skin, anti-aging, firming, anti-wrinkle, stretch marks, under eye and eyelid firming; gels, namely, depilatory gels, shaving gels, shower gels; oils, namely, body oils, non-medicated human body serums; soaps; liquid soaps; bar soaps; anti-bacterial liquid soaps; anti-bacterial bar soaps; body washing soaps; bubble bath; body and facial scrubs; masks, namely, beauty masks, facial masks, body masks, gel eye masks, skin masks, and skin moisturizer masks; non-medicated skin care preparations, namely, face peels; cosmetic sun protection creams and lotions, sun creams and lotions; sun block; soaps and detergents for household use for the purposes of cleaning and maintenance without harm to the environment</p>
<p>Class 004. All goods and services in the class are opposed, namely: Charcoal; white birch firewood; fire wood chips for use as fuel; fireplace logs</p>

Class 005. All goods and services in the class are opposed, namely: Hand sanitizing preparations; dietary food supplements
Class 008. All goods and services in the class are opposed, namely: disposable forks, knives, and spoons
Class 009. All goods and services in the class are opposed, namely: Batteries
Class 011. All goods and services in the class are opposed, namely: Compact fluorescent electric light bulbs
Class 016. All goods and services in the class are opposed, namely: Paper towels; paper table cloths; paper napkins; bathroom tissue; notebooks; notebook paper; and facial tissues
Class 020. All goods and services in the class are opposed, namely: Reeds, namely, diffuser reeds
Class 021. All goods and services in the class are opposed, namely: Paper plates and paper cups
Class 029. All goods and services in the class are opposed, namely: Frozen hamburger patties; processed edible seeds; processed nuts; dried fruits; raisins; trail mix, namely, snack mixes primarily consisting of processed fruits, processed nuts, pretzels; potato chips
Class 030. All goods and services in the class are opposed, namely: Teas; sesame sticks; chocolate coated nuts; yogurt coated nuts; macaroni and cheese; pesto sauce; bread; tortillas; tortillas chips
Class 031. All goods and services in the class are opposed, namely: Pet food
Class 032. All goods and services in the class are opposed, namely: Soda pop

## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2520595	Application Date	11/19/1998
Registration Date	12/18/2001	Foreign Priority Date	NONE
Word Mark	GREENWISE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2001/03/14 First Use In Commerce: 2001/03/14 retail grocery store services		

U.S. Registration No.	2654223	Application Date	01/09/2002
Registration Date	11/26/2002	Foreign Priority Date	NONE
Word Mark	GREENWISE		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 2001/02/26 First Use In Commerce: 2001/02/26 newsletter in the field of health and nutrition

U.S. Registration No.	2732403	Application Date	11/19/1998
Registration Date	07/01/2003	Foreign Priority Date	NONE
Word Mark	GREENWISE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2001/03/14 First Use In Commerce: 2001/03/14 food products, namely, bakery goods, breads, breakfast cereals, cakes, cereal derived food bars, grain-based chips, ground coffee, coffee beans, cookies, crackers, gravy mixes, salad dressings, sauces, spices, flour, sugar, herbal food beverages, herbal teas, honey, pasta, pretzels, rice-based snack foods, rice and tomato sauce		

U.S. Registration No.	2729423	Application Date	11/19/1998
Registration Date	06/24/2003	Foreign Priority Date	NONE
Word Mark	GREENWISE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2001/03/14 First Use In Commerce: 2001/03/14 food products, namely, eggs, cheeses, milk, flavored milk, chocolate milk, sour cream, cottage cheese, fresh and processed seafood and shellfish, refrigerated yogurt, potato chips, processed nuts, edible processed seeds, dried fruits, jams, jellies, dried beans, peanut butter, cooking oil, fresh and processed meat and poultry, and tomato paste		

U.S. Registration No.	3328951	Application Date	04/02/2007
Registration Date	11/06/2007	Foreign Priority Date	NONE
Word Mark	GREENWISE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 2003/03/31 First Use In Commerce: 2003/03/31 paper products, namely, bathroom tissue, facial tissue, paper napkins and paper towels		

U.S. Application No.	77476248	Application Date	05/16/2008
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	GREENWISE
Design Mark	
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 2007/09/19 First Use In Commerce: 2007/10/31 Laundry bleach

Attachments	76356569#TMSN.gif ( 1 page )( bytes ) 77145911#TMSN.jpeg ( 1 page )( bytes ) 77476248#TMSN.jpeg ( 1 page )( bytes ) 0015-000018_Notice Of Opposition_16.pdf ( 7 pages )(318508 bytes ) 0015-000018_Composite Exhibit A_17.pdf ( 15 pages )(535584 bytes ) 0015-000018_Exhibit B_18.pdf ( 3 pages )(110809 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/james b. lake/
Name	James B. Lake
Date	09/03/2008

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

In re Application of:

The Great Atlantic & Pacific Tea Company, Inc.

Mark: GREEN WAY

Serial No.: 77/409,725

Date Filed: February 29, 2008

Date Published: May 6, 2008

Publix Asset Management Company,  
Opposer,

v.

Opposition No. \_\_\_\_\_

The Great Atlantic & Pacific Tea Company, Inc.,  
Applicant.

\_\_\_\_\_ /

NOTICE OF OPPOSITION

Publix Asset Management Company believes it will be damaged by registration to The Great Atlantic & Pacific Tea Company, Inc. ("A&P") of the mark GREEN WAY, Serial No. 77/409,725, for the services listed in A&P's application and hereby opposes registration of that mark for those services. As grounds for this opposition, Publix Asset Management Company alleges:

*Background*

1. Publix Asset Management Company and Publix Super Markets, Inc. (collectively "Publix") are corporations duly organized and existing under the laws of the State of Florida. Their principal place of business is Lakeland, Florida.
2. Upon information and belief, Applicant The Great Atlantic & Pacific Tea Company, Inc. ("A&P") is a Maryland corporation with an address of 2 Paragon Drive, Montvale, NJ 07645.
3. Publix Super Markets, Inc., is the largest and fastest-growing employee-owned supermarket company in the United States. Founded in 1930, Publix Super Markets, Inc., has grown into a Fortune 500 company with more than 900 stores.

4. Publix Asset Management Company is related to Publix Super Markets, Inc., and owns and manages trademarks that are licensed to Publix Super Markets, Inc.

5. For example, Publix Asset Management Company owns the following GREENWISE trademark registrations:

- Reg. No. 2,520,595, for retail grocery store services, with a first-use date of March 14, 2001;
- Reg. No. 2,654,223, for newsletters in the field of health and nutrition, with a first-use date of February 26, 2001;
- Reg. No. 2,732,403, for food products, namely, bakery goods, breads, breakfast cereals, cakes, cereal derived food bars, grain-based chips, ground coffee, coffee beans, cookies, crackers, gravy mixes, salad dressings, sauces, spices, flour, sugar, herbal food beverages, herbal teas, honey, pasta, pretzels, rice-based snack foods, rice and tomato sauce, with a first-use date of March 14, 2001;
- Reg. No. 2,729,423, for food products, namely, eggs, cheeses, milk, flavored milk, chocolate milk, sour cream, cottage cheese, fresh and processed seafood and shellfish, refrigerated yogurt, potato chips, processed nuts, edible processed seeds, dried fruits, jams, jellies, dried beans, peanut butter, cooking oil, fresh and processed meat and poultry, and tomato paste, with a first-use date of March 14, 2001; and
- Reg. No. 3,328,951, for paper products, namely, bathroom tissue, facial tissue, paper napkins and paper towels, with a first-use date of March 31, 2003.

PTO information concerning these registrations is attached as Composite Exhibit A.

6. In addition, Publix Asset Management Company has applied for registration of GREENWISE, Serial No. 77/476,248, for laundry bleach, with a first-use date of October 31, 2007. That application has been approved for publication. PTO information concerning this application is attached as Exhibit B.

7. As these registrations and approved application demonstrate, Publix has used and uses the GREENWISE mark extensively and to refer to a variety of consumer goods in numerous classes. Publix's GREENWISE products are sold in hundreds of retail grocery stores, and the product line is constantly expanding.

8. On May 6, 2008, the PTO's *Official Gazette* gave notice that A&P sought to register GREEN WAY. On June 2, 2008, Publix Asset Management Company requested a 90-day extension of time in which to oppose the A&P GREEN WAY application. That extension was granted. This opposition, therefore, is timely.

*A&P's application*

9. A&P operates approximately 450 retail stores, including full-service supermarkets featuring fresh produce, seafood, meat, deli, groceries, floral products, and pharmacies.

10. A&P "was a pioneer in developing a series of products that were sold under an A&P label and that were only available in A&P stores." *U.S. v. Topco Associates, Inc.*, 405 U.S. 596, 599 n. 3. (1972). Now, the breadth of the pending application suggests, A&P is planning another mark – GREEN WAY – to be used on products sold in retail stores.

11. A&P applied to register the mark GREEN WAY on February 29, 2008, approximately seven years after Publix began using its GREENWISE mark.

12. A&P's pending application seeks registration of GREEN WAY as follows:

- In International Class 003, for shampoos and hair conditioners; skin moisturizers; human body conditioners; skin treatment lotions and creams; anti-aging and stretch mark creams; non-medicated lotions and creams for hands, nails, skin, face, hair, foot and leg muscles and joints; depilatory lotions and creams; shaving lotions and creams; non-medicated skin care preparation, namely, lotions and creams for treating dry and damaged skin, anti-aging, firming, anti-wrinkle, stretch marks, under eye and eyelid firming; gels, namely, depilatory gels, shaving gels, shower gels; oils, namely, body oils, non-medicated human body serums; soaps; liquid soaps; bar soaps; anti-bacterial liquid soaps; anti-bacterial bar soaps; body washing soaps; bubble bath; body and facial scrubs; masks, namely, beauty masks, facial masks, body masks, gel eye masks, skin masks, and skin moisturizer masks; non-medicated skin care preparations, namely, face peels; cosmetic sun protection creams and lotions, sun creams and lotions; sun block; soaps and detergents for household use for the purposes of cleaning and maintenance without harm to the environment.
- In International Class 004, for charcoal; white birch firewood; fire wood chips for use as fuel; fireplace logs.
- In International Class 005, for hand sanitizing preparations; dietary food supplements.

- In International Class 008, for disposable forks, knives, and spoons.
- In International Class 009, for batteries.
- In International Class 011, for compact fluorescent electric light bulbs.
- In International Class 016, for paper towels; paper table cloths; paper napkins; bathroom tissue; notebooks; notebook paper; and facial tissues.
- In International Class 020, for reeds, namely, diffuser reeds.
- In International Class 021, for paper plates and paper cups.
- In International Class 029, for frozen hamburger patties; processed edible seeds; processed nuts; dried fruits; raisins; trail mix, namely, snack mixes primarily consisting of processed fruits, processed nuts, pretzels; potato chips.
- In International Class 030, for teas; sesame sticks; chocolate coated nuts; yogurt coated nuts; macaroni and cheese; pesto sauce; bread; tortillas; tortillas chips.
- In International Class 031, for pet food.
- In International Class 032, for soda pop.

13. The goods listed in A&P's pending application are the kinds of goods sold in retail supermarkets, such as A&P's and Publix's.

14. A&P has not alleged actual use of the GREEN WAY mark in commerce.

15. A&P's claimed mark is confusingly similar to GREENWISE, a well-established brand name that Publix uses to identify a variety of similar and identical goods sold in the same industry. Under these circumstances, consumer confusion is quite likely.

16. In particular, confusion is likely because the marks at issue are so similar. A&P's proposed mark copies the primary element of Publix's mark – i.e., the word GREEN – and adds to that word a one-syllable suffix that begins with the letter “W.” The marks, therefore, are quite similar in sight, sound, and meaning. This similarity is likely to cause confusion.

17. The strength of Publix's GREENWISE mark also weighs against A&P. Publix has used the mark since early 2001, and the PTO has already recognized the incontestability of



Publix's rights in GREENWISE for retail grocery store services and newsletters. *See* Reg. Nos. 2,520,595 & 2,654,223. Because these registrations are incontestable, Publix's GREENWISE mark is presumptively strong. *See AutoZone, Inc. v. Tandy Corp.*, 373 F.3d 786, 794 (6th Cir. 2004) (incontestable marks are presumed to be strong marks); *Wynn Oil Co. v. American Way Service Corp.*, 943 F.2d 595, 600 (6th Cir. 1991) (equating mark's incontestability with strength). "Strong marks are given strong protection over a wide range of related products and services." *Turner Greenberg Assoc, Inc. v. C & C Imports, Inc.*, 320 F. Supp. 2d 1317, 1332 (S.D. Fla. 2004) (citing *John H. Harland Co. v. Clarke Checks, Inc.*, 711 F.2d 966, 973 (11th Cir. 1983)). The GREENWISE mark has been the subject of extensive marketing and advertising by Publix since its introduction in 2001. As a result, the GREENWISE mark is strong, and that strength supports a finding that confusion is likely if A&P's proposed GREEN WAY mark is registered.

18. In addition, the parties' goods and services are sufficiently similar to cause confusion. Both A&P and Publix operate retail grocery stores. Not surprisingly, therefore, Publix's GREENWISE mark identifies a wide range of consumer goods that are sold in grocery stores, and many of those goods also are listed in A&P's application. Specifically, GREENWISE is registered for bread, pretzels, potato chips, processed nuts, processed edible seeds, dried fruits, bathroom tissue, facial tissues, paper napkins, and paper towels. A&P now intends to use GREEN WAY for those same goods. A&P also has plans for GREEN WAY pesto sauce and teas, much like Publix's GREENWISE sauces and herbal teas. And numerous other goods on the A&P application are closely related to Publix's GREENWISE products, such as A&P's proposed paper table cloths and Publix's paper napkins. Such duplication of goods will inevitably foster consumer confusion.

19. Because A&P and Publix both operate retail grocery stores, the parties also operate in similar channels of trade. Publix's GREENWISE goods and services are sold in retail grocery stores, just as A&P apparently plans to sell its own GREEN WAY goods in retail grocery stores. Certainly nothing in A&P's application limits its sales channels or suggests the goods will not be sold in the same manner as Publix's GREENWISE goods and services. Accordingly, the fact that the parties utilize identical trade channels – i.e., direct sales to consumers in grocery stores – further suggest a likelihood of confusion.

20. Finally, because A&P has filed an intent-to-use application, a lack of actual confusion at this point would not be significant. The Patent & Trademark Office is not required to wait for confusion to occur before rejecting a proposed confusing mark.

21. For all of these reasons, A&P's proposed GREEN WAY mark is likely to cause confusion with Publix's very similar GREENWISE mark.

22. In addition, registration of GREEN WAY is likely to dilute and to tarnish Publix's GREENWISE mark. A&P plans to adopt a mark very similar to Publix's famous GREENWISE mark. A&P's planned use of that very similar mark threatens to dilute the quality of Publix's mark by diminishing the mark's capacity to identify and to distinguish Publix's goods.

*Damage to Publix*

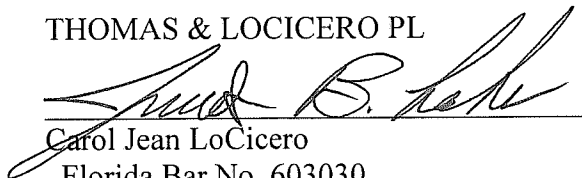
23. Publix believes that it would be damaged by registration of GREEN WAY to A&P. As discussed above, GREENWISE is an important mark that has been used extensively for years. Registration of the GREEN WAY mark to A&P would constitute prima facie evidence that A&P has an exclusive right to use GREEN WAY to refer to goods that are similar to Publix's GREENWISE goods and services. Such an exclusive right would be inconsistent with Publix's established exclusive right to use GREENWISE to refer to its goods and services.

*Conclusion*

Publix will be damaged by registration of the mark shown in Serial No. 77/409,725 and opposes registration thereof. Registration must be denied. This notice is being filed with the appropriate filing fee required in Section 2.6 of the Rules of Practice.

Respectfully submitted,

THOMAS & LOCICERO PL



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Florida Bar No. 603030

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Tampa, FL 33601-2602

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Attorneys for Opposer

Publix Asset Management Company

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

**This page was generated by the TARR system on 2008-06-03 09:21:07 ET**

**Serial Number: 75592629 Assignment Information      Trademark Document Retrieval**

**Registration Number: 2520595**

**Mark (words only): GREENWISE**

**Standard Character claim: No**

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

**Date of Status: 2007-07-06**

**Filing Date: 1998-11-19**

**Transformed into a National Application: No**

**Registration Date: 2001-12-18**

**Register: Principal**

**Law Office Assigned: LAW OFFICE 111**

**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: 830 -Post Registration**

**Date In Location: 2007-07-06**

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

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1. Publix Asset Management Company

**Address:**

Publix Asset Management Company  
3300 Publix Corporate Parkway  
Lakeland, FL 33811  
United States

**Legal Entity Type: Corporation**

**State or Country of Incorporation: Florida**

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**GOODS AND/OR SERVICES**

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**International Class: 035**

**Class Status: Active**

retail grocery store services

**Basis: 1(a)**

**First Use Date: 2001-03-14**

**First Use in Commerce Date:** 2001-03-14

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**ADDITIONAL INFORMATION**

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**Disclaimer:** "MARKET"

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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

2007-07-06 - Section 8 (6-year) accepted & Section 15 acknowledged  
2007-06-11 - Section 8 (6-year) and Section 15 Filed  
2007-06-11 - TEAS Section 8 & 15 Received  
2007-01-04 - Case File In TIGRS  
2006-06-03 - Applicant/Correspondence Changes (Non-Responsive) Entered  
2006-06-03 - TEAS Change Of Owner Address Received  
2006-06-03 - TEAS Change Of Correspondence Received  
2006-03-09 - PAPER RECEIVED  
2003-12-22 - TEAS Change Of Correspondence Received  
2003-08-14 - TEAS Change Of Correspondence Received  
2001-12-18 - Registered - Principal Register  
2001-08-27 - Allowed for Registration - Principal Register (SOU accepted)  
2001-08-23 - Assigned To Examiner  
2001-08-22 - Statement of use processing complete  
2001-08-14 - Amendment to Use filed  
2001-02-13 - Extension 2 granted  
2001-02-13 - Extension 2 filed  
2000-10-04 - Extension 1 granted

2000-08-02 - Extension 1 filed

2000-02-15 - Notice of allowance - mailed

1999-11-23 - Published for opposition

1999-10-22 - Notice of publication

1999-08-24 - Approved for Pub - Principal Register (Initial exam)

1999-08-19 - Examiner's amendment mailed

1999-06-29 - Non-final action mailed

1999-06-24 - Assigned To Examiner

1999-06-18 - Assigned To Examiner

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Attorney of Record**

James B. Lake

**Correspondent**

James B. Lake

Thomas & LoCicero

P.O. Box 2602

Tampa FL 33601-2602

Phone Number: (813) 984-3060

Fax Number: (813) 984-3070

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

**This page was generated by the TARR system on 2008-06-03 09:21:22 ET**

**Serial Number:** 76356569 Assignment Information      Trademark Document Retrieval

**Registration Number:** 2654223

**Mark (words only):** GREENWISE

**Standard Character claim:** No

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

**Date of Status:** 2008-01-16

**Filing Date:** 2002-01-09

**Transformed into a National Application:** No

**Registration Date:** 2002-11-26

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 107

**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:** 830 -Post Registration

**Date In Location:** 2008-01-16

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

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1. Publix Asset Management Company

**Address:**

Publix Asset Management Company  
3300 Publix Corporate Parkway  
Lakeland, FL 33811  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Florida

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**GOODS AND/OR SERVICES**

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**International Class:** 016

**Class Status:** Active

newsletter in the field of health and nutrition

**Basis:** 1(a)

**First Use Date:** 2001-02-26

**First Use in Commerce Date:** 2001-02-26

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**ADDITIONAL INFORMATION**

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(NOT AVAILABLE)

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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

2008-01-16 - Section 8 (6-year) accepted & Section 15 acknowledged

2008-01-09 - Assigned To Paralegal

2008-01-07 - TEAS Section 8 & 15 Received

2006-06-03 - Applicant/Correspondence Changes (Non-Responsive) Entered

2006-06-03 - TEAS Change Of Owner Address Received

2006-06-03 - TEAS Change Of Correspondence Received

2006-03-09 - PAPER RECEIVED

2003-12-22 - TEAS Change Of Correspondence Received

2003-08-19 - TEAS Change Of Correspondence Received

2002-11-26 - Registered - Principal Register

2002-09-03 - Published for opposition

2002-08-14 - Notice of publication

2002-04-30 - Approved for Pub - Principal Register (Initial exam)

2002-04-23 - Assigned To Examiner

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Attorney of Record**  
Carol Jean LoCicero

**Correspondent**  
Carol Jean LoCicero



Thomas & LoCicero  
P.O. Box 2602  
Tampa FL 33601-2602  
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Fax Number: (813) 984-3070

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

**This page was generated by the TARR system on 2008-06-03 09:21:36 ET**

**Serial Number:** 75592641 Assignment Information      Trademark Document Retrieval

**Registration Number:** 2732403

**Mark (words only):** GREENWISE

**Standard Character claim:** No

**Current Status:** Registered.

**Date of Status:** 2003-07-01

**Filing Date:** 1998-11-19

**Transformed into a National Application:** No

**Registration Date:** 2003-07-01

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 111

**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 (Franconia)

**Date In Location:** 2003-07-10

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

---

1. Publix Super Markets, Inc.

**Address:**

Publix Super Markets, Inc.  
3300 Publix Corporate Parkway  
Lakeland, FL 33811  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Florida

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**GOODS AND/OR SERVICES**

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**International Class:** 030

**Class Status:** Active

food products, namely, bakery goods, breads, breakfast cereals, cakes, cereal derived food bars, grain-based chips, ground coffee, coffee beans, cookies, crackers, gravy mixes, salad dressings, sauces, spices, flour, sugar, herbal food beverages, herbal teas, honey, pasta, pretzels, rice-based

snack foods, rice and tomato sauce  
**Basis:** 1(a)  
**First Use Date:** 2001-03-14  
**First Use in Commerce Date:** 2001-03-14

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**ADDITIONAL INFORMATION**

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(NOT AVAILABLE)

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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

2006-06-03 - Applicant/Correspondence Changes (Non-Responsive) Entered

2006-06-03 - TEAS Change Of Owner Address Received

2006-06-03 - TEAS Change Of Correspondence Received

2006-03-09 - PAPER RECEIVED

2003-12-22 - TEAS Change Of Correspondence Received

2003-08-14 - TEAS Change Of Correspondence Received

2003-07-01 - Registered - Principal Register

2003-05-05 - Allowed for Registration - Principal Register (SOU accepted)

2003-02-27 - Statement of use processing complete

2003-02-27 - Amendment to Use filed

2003-02-27 - PAPER RECEIVED

2002-09-20 - Extension 5 granted

2002-08-23 - Extension 5 filed

2002-08-23 - PAPER RECEIVED

2002-03-12 - Extension 4 granted

2002-02-26 - Extension 4 filed

2001-08-23 - Extension 3 granted

2001-08-14 - Extension 3 filed  
2001-02-13 - Extension 2 granted  
2001-02-13 - Extension 2 filed  
2000-09-28 - Extension 1 granted  
2000-08-07 - Extension 1 filed  
2000-02-29 - Notice of allowance - mailed  
1999-12-07 - Published for opposition  
1999-11-05 - Notice of publication  
1999-09-21 - Approved for Pub - Principal Register (Initial exam)  
1999-09-16 - Examiner's amendment mailed  
1999-09-09 - Final refusal mailed  
1999-08-18 - Communication received from applicant  
1999-03-23 - Non-final action mailed  
1999-03-19 - Assigned To Examiner  
1999-03-17 - Assigned To Examiner

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Attorney of Record**

Leslie S. Spitalney

**Correspondent**

Carol Jean LoCicero  
Thomas & LoCicero  
P.O. Box 2602  
Tampa FL 33601-2602  
Phone Number: (813) 984-3060  
Fax Number: (813) 984-3070

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

**This page was generated by the TARR system on 2008-06-03 09:21:52 ET**

**Serial Number: 75592640 Assignment Information      Trademark Document Retrieval**

**Registration Number: 2729423**

**Mark (words only): GREENWISE**

**Standard Character claim: No**

**Current Status: Registered.**

**Date of Status: 2003-06-24**

**Filing Date: 1998-11-19**

**Transformed into a National Application: No**

**Registration Date: 2003-06-24**

**Register: Principal**

**Law Office Assigned: LAW OFFICE 111**

**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: 2003-05-14**

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

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1. Publix Super Markets, Inc.

**Address:**

Publix Super Markets, Inc.  
3300 Publix Corporate Parkway  
Lakeland, FL 33811  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Florida

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**GOODS AND/OR SERVICES**

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**International Class: 029**

**Class Status:** Active

food products, namely, eggs, cheeses, milk, flavored milk, chocolate milk, sour cream, cottage cheese, fresh and processed seafood and shellfish, refrigerated yogurt, potato chips, processed nuts, edible processed seeds, dried fruits, jams, jellies, dried beans, peanut butter, cooking oil,

fresh and processed meat and poultry, and tomato paste

**Basis:** 1(a)

**First Use Date:** 2001-03-14

**First Use in Commerce Date:** 2001-03-14

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**ADDITIONAL INFORMATION**

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(NOT AVAILABLE)

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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

2006-06-03 - Applicant/Correspondence Changes (Non-Responsive) Entered

2006-06-03 - TEAS Change Of Owner Address Received

2006-06-03 - TEAS Change Of Correspondence Received

2006-03-09 - PAPER RECEIVED

2003-12-22 - TEAS Change Of Correspondence Received

2003-08-14 - TEAS Change Of Correspondence Received

2003-06-24 - Registered - Principal Register

2003-05-05 - Allowed for Registration - Principal Register (SOU accepted)

2003-02-27 - Statement of use processing complete

2003-02-27 - Amendment to Use filed

2003-02-27 - PAPER RECEIVED

2002-10-17 - Extension 5 granted

2002-09-06 - Extension 5 filed

2002-09-06 - PAPER RECEIVED

2002-03-11 - Extension 4 granted

2002-02-26 - Extension 4 filed

2001-09-22 - Extension 3 granted

2001-09-06 - Extension 3 filed  
2001-03-29 - Extension 2 granted  
2001-03-07 - Extension 2 filed  
2000-11-30 - Extension 1 granted  
2000-09-07 - Extension 1 filed  
2000-03-07 - Notice of allowance - mailed  
1999-12-14 - Published for opposition  
1999-11-12 - Notice of publication  
1999-09-08 - Approved for Pub - Principal Register (Initial exam)  
1999-08-18 - Communication received from applicant  
1999-03-23 - Non-final action mailed  
1999-03-19 - Assigned To Examiner  
1999-03-17 - Assigned To Examiner

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Attorney of Record**  
Leslie S. Spitalney

**Correspondent**  
Carol Jean LoCicero  
Thomas & LoCicero  
P.O. Box 2602  
Tampa FL 33601-2602  
Phone Number: (813) 984-3060  
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**This page was generated by the TARR system on 2008-06-03 09:20:17 ET**

**Serial Number: 77145911 Assignment Information**

**Trademark Document Retrieval**

**Registration Number: 3328951**

**Mark**

**GREENWISE**

**(words only): GREENWISE**

**Standard Character claim: Yes**

**Current Status: Registered.**

**Date of Status: 2007-11-06**

**Filing Date: 2007-04-02**

**Transformed into a National Application: No**

**Registration Date: 2007-11-06**

**Register: Principal**

**Law Office Assigned: LAW OFFICE 102**

**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: 2007-11-06**

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

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**1. Publix Asset Management Company**

**Address:**

**Publix Asset Management Company**

**3300 Publix Corporate Parkway**

**Lakeland, FL 33811**

**United States**

**Legal Entity Type: Corporation**



**State or Country of Incorporation:** Florida

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**GOODS AND/OR SERVICES**

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**International Class:** 016

**Class Status:** Active

paper products, namely, bathroom tissue, facial tissue, paper napkins and paper towels

**Basis:** 1(a)

**First Use Date:** 2003-03-31

**First Use in Commerce Date:** 2003-03-31

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**ADDITIONAL INFORMATION**

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**Prior Registration Number(s):**

2654223

2729423

2732403

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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

2007-11-06 - Registered - Principal Register

2007-08-21 - Published for opposition

2007-08-01 - Notice of publication

2007-07-14 - Law Office Publication Review Completed

2007-07-14 - Assigned To LIE

2007-06-10 - Approved for Pub - Principal Register (Initial exam)

2007-06-10 - Assigned To Examiner

2007-04-06 - Notice Of Pseudo Mark Mailed

2007-04-05 - New Application Entered In Tram

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**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

James B. Lake

**Correspondent**

JAMES B. LAKE

THOMAS & LOCICERO PL

PO BOX 2602

TAMPA, FL 33601-2602

Phone Number: 813-984-3060

Fax Number: 813-984-3070

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

**This page was generated by the TARR system on 2008-08-28 14:07:29 ET**

**Serial Number:** 77476248 Assignment Information

Trademark Document Retrieval

**Registration Number:** (NOT AVAILABLE)

**Mark**

# GREENWISE

**(words only):** GREENWISE

**Standard Character claim:** Yes

**Current Status:** Final review prior to publication has been completed, application will be published for opposition.

**Date of Status:** 2008-08-22

**Filing Date:** 2008-05-16

**Filed as TEAS Plus Application:** Yes

**Currently TEAS Plus Application:** Yes

**The Information will be/was published in the Official Gazette on** 2008-09-30

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 101

**Attorney Assigned:**  
CONNOLLY KATHERINE E

**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2008-08-22

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

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1. Publix Asset Management Company

**Exhibit B**

**Address:**

Publix Asset Management Company  
3300 Publix Corporate Parkway  
Lakeland, FL 33811  
United States

**Legal Entity Type:** Corporation**State or Country of Incorporation:** Florida

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**GOODS AND/OR SERVICES**

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**International Class:** 003**Class Status:** Active

Laundry bleach

**Basis:** 1(a)**First Use Date:** 2007-09-19**First Use in Commerce Date:** 2007-10-31

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**ADDITIONAL INFORMATION**

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**Prior Registration Number(s):**

2520595

2729423

3328951

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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

2008-08-22 - Law Office Publication Review Completed

2008-08-22 - Assigned To LIE

2008-08-14 - Approved for Pub - Principal Register (Initial exam)

2008-08-14 - Assigned To Examiner

2008-05-21 - Notice Of Pseudo Mark Mailed

2008-05-20 - New Application Entered In Tram

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**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Carol Jean LoCicero

**Correspondent**

CAROL JEAN LOCICERO  
THOMAS & LOCICERO PL  
PO BOX 2602  
TAMPA, FL 33601-2602  
Phone Number: 813-984-3060  
Fax Number: 813-984-3070

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