

ESTTA Tracking number: **ESTTA424304**

Filing date: **08/10/2011**

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	Starway Restaurants, LLC
Granted to Date of previous extension	08/10/2011
Address	2018 156TH AVE NESuite 333 Bellevue, WA 98007-3825 UNITED STATES
Correspondence information	Allen J. Baden Edge Law Group 236 N Santa Cruz Ste 228 Los Gatos, CA 95030 UNITED STATES abaden@edgelawgroup.com Phone:4088274461

Applicant Information

Application No	85165680	Publication date	04/12/2011
Opposition Filing Date	08/10/2011	Opposition Period Ends	08/10/2011
Applicant	OSR ENTERPRISES, INC. 1910 E. Stowell Road Santa Maria, CA 93454 UNITED STATES		

Goods/Services Affected by Opposition

Class 031. First Use: 1972/01/01 First Use In Commerce: 1972/01/01 All goods and services in the class are opposed, namely: Fresh vegetables

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2989780	Application Date	08/04/2004
Registration Date	08/30/2005	Foreign Priority Date	NONE
Word Mark	SKIPPERS		

Design Mark	SKIPPERS
Description of Mark	NONE
Goods/Services	Class 043. First use: First Use: 1978/02/01 First Use In Commerce: 1978/02/01 Restaurant services; take-out restaurant services


U.S. Application No.	77671525	Application Date	02/16/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SKIPPER'S ALL AMERICAN SEAFOOD		
Design Mark	SKIPPER'S ALL AMERICAN SEAFOOD		
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 1977/09/01 First Use In Commerce: 1977/09/01 Restaurant services		

U.S. Registration No.	2939224	Application Date	09/11/2003
Registration Date	04/12/2005	Foreign Priority Date	NONE
Word Mark	SKIPPERS SEAFOOD & CHOWDER		

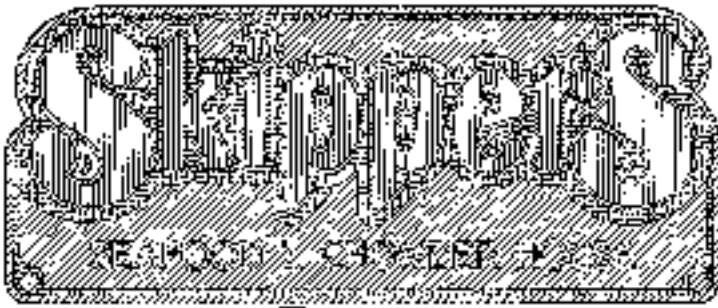
Design Mark	
Description of Mark	NONE
Goods/Services	Class 029. First use: First Use: 2003/03/25 First Use In Commerce: 2003/03/25 Prepared meals, namely, cooked menu items and entree dishes consisting primarily of fish for consumption on or off the premises

U.S. Registration No.	2945580	Application Date	09/10/2003
Registration Date	05/03/2005	Foreign Priority Date	NONE
Word Mark	SKIPPERS SEAFOOD & CHOWDER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 2003/03/25 First Use In Commerce: 2003/03/25 Restaurant services; take-out restaurant services		

U.S. Registration No.	1552365	Application Date	12/09/1988
Registration Date	08/15/1989	Foreign Priority Date	NONE
Word Mark	SKIPPERS		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 042. First use: First Use: 1978/02/01 First Use In Commerce: 1978/02/01 RESTAURANT SERVICES

U.S. Registration No.	1358223	Application Date	10/26/1983
Registration Date	09/03/1985	Foreign Priority Date	NONE
Word Mark	SKIPPERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 1978/11/00 First Use In Commerce: 1978/11/00 CLAM CHOWDER Class 030. First use: First Use: 1979/09/00 First Use In Commerce: 1979/09/00 TARTAR SAUCE AND COCKTAIL SAUCE		

U.S. Registration No.	1120753	Application Date	03/27/1978
Registration Date	06/19/1979	Foreign Priority Date	NONE
Word Mark	SKIPPER'S SEAFOOD 'N CHOWDER HOUSE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1978/02/01 First Use In Commerce: 1978/02/01 RESTAURANT SERVICES SERVING SEAFOOD PRODUCTS		

U.S. Registration	1001691	Application Date	04/08/1974
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No.			
Registration Date	01/14/1975	Foreign Priority Date	NONE
Word Mark	SKIPPERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1969/04/09 First Use In Commerce: 1973/09/03 RESTAURANT SERVICES		

Attachments	78462079#TMSN.jpeg (1 page)(bytes) 77671525#TMSN.jpeg (1 page)(bytes) 76544103#TMSN.jpeg (1 page)(bytes) 76543550#TMSN.jpeg (1 page)(bytes) 73768390#TMSN.gif (1 page)(bytes) 73163708#TMSN.gif (1 page)(bytes) Notice of Opposition OSR Enterprises SKIPPER-As Filed.pdf (22 pages) (1062351 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	/Allen J Baden/
Name	Allen J. Baden
Date	08/10/2011

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

In re Application of: OSR ENTERPRISES, INC.
Serial No.: 85165680
Filed: October 31, 2010
For the Mark: Skipper and Design in International Class 31
Date of Publication: April 12, 2011
TM Page 1159

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Starway Restaurants, LLC, a limited liability company under the laws of Washington having its principal place of business in Bellevue, Washington ("Opposer"), believing that it will be damaged by registration of the alleged "Skipper" stylized word and design mark claimed in U.S. Trademark Application Serial No. 85165680 (the "Challenged Application"), hereby opposes the same.



As grounds for its opposition, Opposer alleges as follows, with knowledge concerning its own acts, and on information and belief as to all other matters:

1. Opposer timely filed a request for an extension of time to oppose the instant application and is timely filing its notice of opposition thereto.
2. OSR Enterprises, Inc., a corporation organized under the laws of California, having an address at 1910 E. Stowell Road Santa Maria, California 93454 ("Applicant"), is the applicant of record of the Challenged Application.
3. By the application herein opposed, Applicant is seeking to obtain registration for "Skipper" (stylized with a design element) (as illustrated above) for fresh vegetables in International Class 31 (the "Challenged Application"). The dominant element of Applicant's alleged mark is the term "Skipper."
4. Opposer attaches a copy of page TM Page 1159 from the Official Gazette of April 12, 2011, in which the U.S. Patent and Trademark Office published the Challenged Application, as Exhibit A to this paper.

5. The Applicant filed for the Challenged Application under Section 1(a) of the Trademark Act on October 10, 2011, claiming use of the Challenged Mark since at least as early as January 1, 1972.
6. Opposer, Starway Restaurants, LLC, is the successor in interest to Skippers, Inc., a Washington corporation founded in 1969. Skipper's, Inc. operated a chain of restaurants under the name Skipper's Seafood 'n Chowder House ("Skipper's Restaurants") and sold Skipper's packaged food products ("Skippers Packaged Goods"), including Skipper's Clam Chowder, Skipper's Tartar Sauce, Skipper's Cocktail Sauce, Skipper's Coleslaw Dressing, and Skipper's Barbeque Sauce, through grocery stores, restaurants, numerous specialty retail locations, including but not limited to, retail pharmacies and convenience stores, as well as by brokers, distributors, affiliates, and on the of Skipper's, Inc. <skippers.net> website.
7. Skipper's, Inc. enjoyed rapid growth in from the early 1970's to the 1990's, expanding its operations of Skipper's Restaurants to over 250 locations from the area encompassing the entire West coast of the United States and as far East as Minnesota. Skipper's grew to be the third largest seafood restaurant chain by store count in the United States and sold Skipper's products in the grocery, restaurant, specialty retail, affiliate, broker and distribution spaces.
8. A group of investors purchased Skipper's, Inc. in 2002 and Skipper's, Inc. declared bankruptcy under Chapter 11 in an organizational restructuring on December 12, 2006. The restructuring did not meet its objectives, and Skipper's, Inc. liquidated its assets on June 29, 2007. As part of the liquidation, the bankruptcy court authorized the bankruptcy trustee for Skipper's, Inc. to sell the entity's assets, including but not limited to, the entity's intellectual property assets , as more specifically described below (and collectively referred to as the "Skipper's IP") to Skipper's USA, Inc.
9. Subsequently, Skipper's, Inc. assigned all of its right, title, and interest in certain Skipper's assets, including but not limited to the Skipper's IP to Skipper's USA, Inc. via a Bill of Sale dated July 10, 2007. Therein, Skipper's, Inc. assigned to Skipper's USA, Inc., *inter alia*, "[a]ll rights, title and interests worldwide, including but not limited to common law rights" in all of Skipper's, Inc.'s federally and state recognized trademarks, as well as "[a]ll other assets or intellectual property rights owned or controlled" by Skipper's, Inc., "including but not limited to trademarks, logos, registration rights, franchise rights, manuals, products, product specification, recipes, operating processes, financial information, customer and vendor information, and know how."
10. Opposer subsequently purchased the Skipper's IP from Skipper's USA, Inc., and today owns all right, title and interest in and to the Skipper's IP.
11. The Skipper's IP includes the following federal trademark registrations for Opposer's trademarks (collectively referred to as the "Skipper's Marks"):

Trademark	Reg. No.	Reg. Date	Goods/Services
SKIPPERS	2989780	Aug. 30, 2005	Restaurant services; take-out restaurant services.
SKIPPERS	1552365	Aug. 15, 1989	Restaurant services
SKIPPERS	1358223	Sept. 3, 1985	Clam Chowder
SKIPPERS	1001691	Jan. 14, 1975	Restaurant services
SKIPPERS SEAFOOD & CHOWDER	2904780	Nov. 23, 2004	Restaurant services; take-out restaurant services.

Trademark	Reg. No.	Reg. Date	Goods/Services
SKIPPERS SEAFOOD & CHOWDER	2939224	Apr. 12, 2005	Prepared meals, namely, cooked menu items and entree dishes consisting primarily of fish for consumption on or off the premises.
SKIPPERS SEAFOOD & CHOWDER	2945580	May 3, 2005	Restaurant services; take-out restaurant services.
SKIPPER'S SEAFOOD 'N CHOWDER HOUSE	1120753	June 19, 1979	Restaurant services serving seafood products.

12. Opposer has registered and uses a stylized form of its SKIPPER'S trademark, namely, the stylized mark depicted below, that is quite similar to that depicted in the Challenged Application:



Opposer's Skipper's Mark (Stylized)



Applicant's Alleged Mark

13. Opposer attaches and makes of record a copy of the electronic record for each of the U.S. Registrations identified above, prepared and issued by the Office showing both the status of and title to the registrations, as Exhibit B to this paper.
14. Opposer also owns broad common law trademark rights in the Skipper's Marks by virtue of its (and its predecessors') lengthy and continuous use of SKIPPER'S as a trade name and its broad, multistate provision of goods and services under the Skipper's Marks.
15. Today, there are over 30 Skippers locations operating under limited license agreements with Opposer in Idaho, Montana, Oregon, Utah and Washington. Opposer continues to invest heavily in the Skipper's Marks and sell Skipper's Clam Chowder, Skipper's Tartar Sauce, Skipper's Cocktail Sauce, Skipper's Coleslaw Dressing and Skipper's Barbeque Sauce through grocery stores, restaurants, specialty retail locations, including but not limited to, retail pharmacy locations and convenience stores, as well as via distributors, brokers, affiliates, and over the Internet. Opposer also invests heavily in, and significantly promotes, its Skipper's goods and services via licensed Skipper's restaurant locations, restaurant displays, restaurant point of purchase materials, grocery store advertisements, including but not limited to, fliers, displays, and point of purchase materials, as well as specialty retail store advertisements, fliers, displays, newspaper display ads, newspaper inserts, direct mail pieces, social media sites, pages, and applications, including Facebook and Twitter, Internet advertising and promotions, affiliates, and from its Skippers.com website.
16. As a result, consumers and the trade use Opposer's Skipper's Mark to recognize and identify a myriad of goods and services provided by Opposer, including goods and services in Classes 31, 32 and 43. Many of these goods and services are related to and provided to the similar channels of trade, as are the goods for which Applicant now seeks registration of the subject alleged trademark.

17. By virtue of Opposer's efforts and the expenditure of considerable sums for promotional activities, and by virtue of the excellence of its goods and services, Opposer has gained for its Skipper's Marks a most valuable reputation and exceedingly valuable goodwill as demonstrated by the longstanding and continuing high demand for Skipper's products from multiple manufacturers, retailers, restaurants, wholesalers, distributors, brokers, and affiliates who have entered or wish to enter into agreements with the Opposer for the purpose of Licensing and or being affiliated with the Skipper's Marks.
18. The alleged trademark proposed for registration by the Applicant, namely, the stylized term Skipper, is substantially identical and confusingly similar to Opposer's Skipper's Marks, both visually and aurally.
19. The alleged mark in the Challenged Application "so resembles a mark registered in the Patent and Trademark Office or a mark previously used in the United States by another and not abandoned," namely Opposer's Skipper's Marks, "as to be likely when applied to the [goods and] services of Applicant, to cause confusion, or to cause mistake, or to deceive."
20. Moreover, the applied for trademark is not a "trademark by which the [goods] of the Applicant may be distinguished from the [goods and] services of others," namely the goods and services offered by Opposer under its Skipper's Marks, which Opposer and its predecessors used since well prior to the filing date of Applicant's application, and Opposer has never abandoned its trademark.
21. If the Applicant were permitted to use and register the Skipper mark (whether in block or stylized form, and with or without a design element) for its goods, as specified in the application herein opposed, confusion in the trade resulting in damage and injury to the Opposer, including Opposer's licensees, manufacturers, retailers, distributors, brokers and affiliates, would be caused and would result by reason of the substantial similarity between Applicant's mark that is the subject of the Challenged Application and Opposer's Skipper's Marks.
22. Persons familiar with Opposer's goods and services may well confuse Applicant's goods as and for goods offered by Opposer. Furthermore, any defect, objection or fault found with Applicant's goods marketed under its alleged trademark would necessarily reflect upon and seriously injure the reputation that Opposer has established for the goods and services sold or provided under its trademark.
23. If the USPTO were to grant Applicant a registration for the alleged trademark herein opposed, it would obtain thereby at least the *prima facie* exclusive right to use said mark. Such registration would be inconsistent with Opposer's right to use its Skipper's Marks to identify the source of and describe Opposer's goods and services.
24. Accordingly, the Board should refuse and deny registration of Applicant's alleged trademark in accordance with Section 2(d) of the Trademark Act of 1946, 15 U.S.C. § 1052(d).
25. WHEREFORE, the Opposer prays that the Trademark Trial and Appeals Board reject application Serial No. 85165680, and that the registration of the mark therein sought for the goods and services therein specified be denied and refused, and that the Board sustain this Opposition.

Please address all future communications regarding this opposition to the following attorney of record for Opposer:

Allen J. Baden
Edge Law Group
236 N Santa Cruz Ave., Ste. 228
Los Gatos, CA 95030
Telephone: (408) 827-4461
Email: abaden@edgelawgroup.com

Applicant files this Notice of Opposition electronically, pursuant to 37 C.F.R. § 2.1 04(a).

Respectfully submitted,

Dated: August 10, 2011

by: /Allen J. Baden/

Edge Law Group
236 N Santa Cruz Ave., Ste. 228
Los Gatos, CA 95030
Telephone: (408) 827-4461
Email: abaden@edgelawgroup.com

Exhibit A

Except from the Official Gazette

Exhibit B

Printouts from USPTO Website

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice of Opposition was transmitted to Applicant's counsel of record:

Thomas A. Dirksen, Attorney at Law
4607 Lakeview Canyon Road, Suite 117
Westlake Village, California 91361
Phone (805) 370-9100
Fax (805) 435-1795
Email address trademarks@dirksenlaw.com

by mailing full, true, and correct copies thereof in a sealed, first-class postage-prepaid envelope deposited with the United States Postal Service at Los Gatos, California, on the date set forth below.

DATED: this 10th day of August 2011.

/Marie Kotsubo/
I. Marie Kotsubo

CLASS 31—(Continued).

SN 85-165,654. OSR ENTERPRISES, INC., SANTA MARIA, CA. FILED 10-31-2010.

SAILBOAT

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

OWNER OF U.S. REG. NO. 1,068,240.
FOR FRESH VEGETABLES (U.S. CLS. 1 AND 46).
FIRST USE 1-1-1941; IN COMMERCE 1-1-1941.
JACLYN KIDWELL WALKER, EXAMINING ATTORNEY

SN 85-165,669. JACK KLEIN TRUST PARTNERSHIP, STOCKTON, CA. FILED 10-31-2010.



OWNER OF U.S. REG. NO. 1,922,314.
THE MARK CONSISTS OF THE WORDS "DELTA KING" SUPERIMPOSED OVER A STYLIZED RIBBON APPEARING ABOVE THE DESIGN OF A STEAMSHIP.
FOR FRESH VEGETABLES (U.S. CLS. 1 AND 46).
FIRST USE 7-1-1994; IN COMMERCE 7-1-1994.
ANDREA BUTLER, EXAMINING ATTORNEY

SN 85-165,674. OSR ENTERPRISES, INC., SANTA MARIA, CA. FILED 10-31-2010.



OWNER OF U.S. REG. NO. 1,270,959.
THE MARK CONSISTS OF THE WORDS "BIG" WITH AN ENCIRCLED STYLIZED LETTER "R".
FOR FRESH VEGETABLES (U.S. CLS. 1 AND 46).
FIRST USE 1-1-1980; IN COMMERCE 1-1-1980.
JACLYN KIDWELL WALKER, EXAMINING ATTORNEY

CLASS 31—(Continued).

SN 85-165,680. OSR ENTERPRISES, INC., SANTA MARIA, CA. FILED 10-31-2010.



OWNER OF U.S. REG. NO. 1,271,971.
THE MARK CONSISTS OF THE IMAGE OF A MAN WEARING A CAPTAIN'S HAT SITTING IN A SMALL BOAT AND THE WORD "SKIPPER" APPEARING DIRECTLY ABOVE THE DESIGN.
FOR FRESH VEGETABLES (U.S. CLS. 1 AND 46).
FIRST USE 1-1-1972; IN COMMERCE 1-1-1972.
JACLYN KIDWELL WALKER, EXAMINING ATTORNEY

SN 85-165,691. OSR ENTERPRISES, INC., SANTA MARIA, CA. FILED 10-31-2010.



OWNER OF U.S. REG. NOS. 732,228 AND 2,218,983.
THE MARK CONSISTS OF THE WORDS "GREEN MAGIC" ON A BACKGROUND OF RAYS OF THE SUN AND A LANDSCAPE OF TREES AND BUSHES.
FOR FRESH VEGETABLES (U.S. CLS. 1 AND 46).
FIRST USE 1-1-1995; IN COMMERCE 1-1-1995.
JACLYN KIDWELL WALKER, EXAMINING ATTORNEY

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SKIPPERS

Word Mark SKIPPERS

Goods and Services IC 043. US 100 101. G & S: Restaurant services; take-out restaurant services. FIRST USE: 19780201. FIRST USE IN COMMERCE: 19780201

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78462079

Filing Date August 4, 2004

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition June 7, 2005

Registration Number 2989780

Registration Date August 30, 2005

Owner (REGISTRANT) Skipper's, Inc. CORPORATION WASHINGTON Suite A-7 120 W. Dayton Edmonds WASHINGTON 98020

(LAST LISTED OWNER) STARWAY RESTAURANTS, LLC LIMITED LIABILITY COMPANY WASHINGTON 11914 S.E. 78TH ST. NEWCASTLE WASHINGTON 98056

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Allen J. Baden

Prior Registrations 1001691;1358223;1552365;AND OTHERS
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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SKIPPER'S ALL AMERICAN SEAFOOD

Word Mark	SKIPPER'S ALL AMERICAN SEAFOOD
Goods and Services	IC 043. US 100 101. G & S: Restaurant services. FIRST USE: 19770901. FIRST USE IN COMMERCE: 19770901
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77671525
Filing Date	February 16, 2009
Current Filing Basis	1B
Original Filing Basis	1B
Published for Opposition	June 9, 2009
Owner	(APPLICANT) STARWAY RESTAURANTS, LLC LIMITED LIABILITY COMPANY WASHINGTON 11914 S.E. 78TH ST. NEWCASTLE WASHINGTON 98004
Attorney of Record	Allen J. Baden
Prior Registrations	1001691
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SEAFOOD" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

Registration Number 3672818

Registration Date August 25, 2009

Owner (REGISTRANT) **STARWAY RESTAURANTS, LLC LIMITED LIABILITY COMPANY WASHINGTON**
11914 S.E. 78TH ST. NEWCASTLE WASHINGTON 98056

Attorney of Record Allen J. Baden

Description of Mark Color is not claimed as a feature of the mark. The mark consists of the term "STARWAY" in conjunction with the design of a sailing ship against an oval background with stars.

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Word Mark SKIPPERS SEAFOOD & CHOWDER

Goods and Services IC 029. US 046. G & S: Prepared meals, namely, cooked menu items and entree dishes consisting primarily of fish for consumption on or off the premises. FIRST USE: 20030325. FIRST USE IN COMMERCE: 20030325

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 03.19.24 - Stylized fish, whales, seals, sea lions
03.19.25 - Catfish; Other fish (this section includes basic fish); Piranhas; Salmon; Tuna
24.09.07 - Advertising, banners; Banners
26.01.07 - Circles with a decorative border, including scalloped, ruffled and zig-zag edges
26.01.20 - Circles within a circle

Serial Number 76544103

Filing Date September 11, 2003

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition January 18, 2005

Registration Number 2939224

Registration Date April 12, 2005

Owner (REGISTRANT) Skipper's, Inc. CORPORATION WASHINGTON 170 W. Dayton Street, Suite 204
Edmonds WASHINGTON 98020

(LAST LISTED OWNER) **STARWAY RESTAURANTS, LLC LIMITED LIABILITY COMPANY**
WASHINGTON 11914 S.E. 78TH ST. NEWCASTLE WASHINGTON 98056

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Allen J. Baden

Prior Registrations 1001691;1094095;1120753;1358223;1552365;AND OTHERS

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE SEAFOOD & CHOWDER APART FROM THE MARK AS SHOWN

Description of Mark The color(s) red, white, black, teal, royal blue and silver is/are claimed as a feature of the mark. The mark consists of the word SKIPPERS in the color red, outlined in white and black above the words SEAFOOD & CHOWDER in the color white on a teal green banner. Above the word SKIPPERS is a representation of a fish in the colors black and white. The words and the fish are atop a circle in the color royal blue outlined by a silver starburst.

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Word Mark SKIPPERS SEAFOOD & CHOWDER
Goods and Services IC 043. US 100 101. G & S: Restaurant services; take-out restaurant services. FIRST USE: 20030325. FIRST USE IN COMMERCE: 20030325
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 03.19.24 - Stylized fish, whales, seals, sea lions
 03.19.25 - Catfish; Other fish (this section includes basic fish); Piranhas; Salmon; Tuna
 24.09.07 - Advertising, banners; Banners
 26.01.07 - Circles with a decorative border, including scalloped, ruffled and zig-zag edges
 26.01.20 - Circles within a circle
 26.01.21 - Circles that are totally or partially shaded.
Serial Number 76543550
Filing Date September 10, 2003
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition October 19, 2004
Registration Number 2945580
Registration Date May 3, 2005

Owner (REGISTRANT) Skipper's, Inc. CORPORATION WASHINGTON 170 W. Dayton Street, Suite 204 Edmonds WASHINGTON 98020

(LAST LISTED OWNER) **STARWAY RESTAURANTS, LLC** LIMITED LIABILITY COMPANY WASHINGTON 2018 156TH AVE NE, Suite 333 Bellevue WASHINGTON 980073825

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Allen J. Baden

Prior Registrations 1001691;1094095;1120753;1358223;1552365;AND OTHERS

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE SEAFOOD & CHOWDER APART FROM THE MARK AS SHOWN

Description of Mark The color(s) red, black, white, teal green, royal blue and silver is/are claimed as a feature of the mark. The mark consists of the word SKIPPERS in the color red, outlined in white and black above the words SEAFOOD & CHOWDER in the color white on a teal green banner. Above the word SKIPPERS is a representation of a fish in the colors black and white. The words and the fish are atop a circle in the color royal blue outlined by a silver starburst. These colors are claimed as features of the design mark.

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

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Word Mark SKIPPERS
Goods and Services IC 042. US 100. G & S: RESTAURANT SERVICES. FIRST USE: 19780201. FIRST USE IN COMMERCE: 19780201
Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number 73768390
Filing Date December 9, 1988
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition May 23, 1989
Registration Number 1552365
Registration Date August 15, 1989
Owner (REGISTRANT) SKIPPER'S, INC. CORPORATION WASHINGTON SUITE 200 14450 N.E. 29TH PL. BELLEVUE WASHINGTON 98007
 (LAST LISTED OWNER) STARWAY RESTAURANTS, LLC LIMITED LIABILITY COMPANY WASHINGTON 11914 S.E. 78TH ST. NEWCASTLE WASHINGTON 98056

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Allen J. Baden

Prior Registrations 1001691;1008903;1008904;1019639;1094095;1120753;1358223;AND OTHERS

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20100116.

Renewal 1ST RENEWAL 20100116

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Word Mark	SKIPPERS
Goods and Services	IC 029. US 046. G & S: CLAM CHOWDER. FIRST USE: 19781100. FIRST USE IN COMMERCE: 19781100
	IC 030. US 046. G & S: TARTAR SAUCE AND COCKTAIL SAUCE. FIRST USE: 19790900. FIRST USE IN COMMERCE: 19790900
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73449812
Filing Date	October 26, 1983
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	June 25, 1985
Change In Registration	CHANGE IN REGISTRATION HAS OCCURRED
Registration Number	1358223
Registration Date	September 3, 1985
Owner	(REGISTRANT) SKIPPER'S, INC. CORPORATION WASHINGTON 14450 NE 29TH PL. SUITE 200 BELLEVUE WASHINGTON 98007
	(LAST LISTED OWNER) STARWAY RESTAURANTS, LLC LIMITED LIABILITY COMPANY WASHINGTON 11914 S.E. 78TH ST. NEWCASTLE WASHINGTON 98056
Assignment Recorded	ASSIGNMENT RECORDED

Attorney of Record Allen J. Baden
Prior Registrations 1001691;1008903;1008904;1019639;1094095;1120753
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20051121.
Renewal 1ST RENEWAL 20051121
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Word Mark SKIPPER'S SEAFOOD 'N CHOWDER HOUSE
Goods and Services IC 042. US 100. G & S: RESTAURANT SERVICES SERVING SEAFOOD PRODUCTS. FIRST USE: 19780201. FIRST USE IN COMMERCE: 19780201
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 07.13.02 - Advertising, signs, alone; Street signs not attached to a support
 26.11.21 - Rectangles that are completely or partially shaded
Serial Number 73163708
Filing Date March 27, 1978
Current Filing Basis 1A
Original Filing Basis 1A
Registration Number 1120753
Registration Date June 19, 1979
Owner (REGISTRANT) SKIPPER'S FISH & CHIPS, INC. CORPORATION WASHINGTON 1715 114TH SE. BELLEVUE WASHINGTON 98004
 (LAST LISTED OWNER) STARWAY RESTAURANTS, LLC LIMITED LIABILITY COMPANY WASHINGTON 11914 S.E. 78TH ST. NEWCASTLE WASHINGTON 98056
Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Allen J. Baden

Prior Registrations 1001691;1094095;AND OTHERS

Disclaimer NO CLAIM IS MADE TO EXCLUSIVE USE OF THE WORDS "SEAFOOD 'N CHOWDER" APART FROM THE MARK AS SHOWN.

Description of Mark THE MARK IS LINED FOR THE COLORS YELLOW, RED AND BROWN.

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20100106.

Renewal 2ND RENEWAL 20100106

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Typed Drawing

Word Mark SKIPPERS

Goods and Services IC 042. US 100. G & S: RESTAURANT SERVICES. FIRST USE: 19690409. FIRST USE IN COMMERCE: 19730903

Mark Drawing Code (1) TYPED DRAWING

Serial Number 73018305

Filing Date April 8, 1974

Current Filing Basis 1A

Original Filing Basis 1A

Change In Registration CHANGE IN REGISTRATION HAS OCCURRED

Registration Number 1001691

Registration Date January 14, 1975

Owner (REGISTRANT) SKIPPER'S FISH & CHIPS, INC. CORPORATION WASHINGTON 300 120TH AVE. NE. BELLEVUE WASHINGTON 98005

(LAST LISTED OWNER) STARWAY RESTAURANTS, LLC LIMITED LIABILITY COMPANY WASHINGTON 11914 S.E. 78TH ST. NEWCASTLE WASHINGTON 98056

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Allen J. Baden

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20060111.
Renewal 2ND RENEWAL 20060111
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