

ESTTA Tracking number: **ESTTA609272**

Filing date: **06/11/2014**

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	Big Boy Restaurants International, LLC		
Entity	Limited Liability Company	Citizenship	Michigan
Address	4199 Marcy Warren, MI 48091 UNITED STATES		

Attorney information	Michael T. Raggio Raggio & Dinnin, P.C. 2701 Cambridge Court, Ste. 410 Auburn Hills, MI 48326 UNITED STATES raggiodinnin@aol.com Phone:248-364-2100
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**Applicant Information**

Application No	85964441	Publication date	05/13/2014
Opposition Filing Date	06/11/2014	Opposition Period Ends	06/12/2014
International Registration No.	NONE	International Registration Date	NONE
Applicant	Byong-Jin JOO Apt. 601, Sungsan-dong, Mapo-gu Seoul, KOREA, REPUBLIC OF		

**Goods/Services Affected by Opposition**

Class 030. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Dried cooked rice; Packed boiled rice; Cooked rice mixed with vegetables and beef; Cereal-based processed products, namely, processed cereals, Korean buckwheatnoodles; Sushi, Fried Rice; Pizzas; Instant noodles; Spaghetti; Cooked dish consisting primarily of stir-fried rice cake with fermented hot pepper paste; Sandwiches; Korean-style dumplings; Mung beanpancake (Bindaetteok); Oatmeal; Udon noodles; Green onion pancake (Pajeon); Hotdogs sandwiches and sausages in a breadroll; Corn flakes; Noodles
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**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.	1230170	Application Date	09/11/1981
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Registration Date	03/08/1983	Foreign Priority Date	NONE
Word Mark	BOB'S BIG BOY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1938/00/00 First Use In Commerce: 1947/00/00 Hamburger Sandwiches, for Consumption On or Off the Premises Class 043. First use: First Use: 1938/00/00 First Use In Commerce: 1947/00/00 Restaurant Services		

U.S. Registration No.	1230569	Application Date	10/30/1981
Registration Date	03/08/1983	Foreign Priority Date	NONE
Word Mark	BOB'S BIG BOY FAMILY RESTAURANTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 1965/00/00 First Use In Commerce: 1965/00/00 Restaurant Services		

U.S. Registration No.	1230570	Application Date	10/30/1981
Registration Date	03/08/1983	Foreign Priority Date	NONE
Word Mark	BOB'S BIG BOY RESTAURANTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 1938/00/00 First Use In Commerce: 1938/00/00		

	Restaurant Services		
U.S. Registration No.	1230137	Application Date	09/11/1981
Registration Date	03/08/1983	Foreign Priority Date	NONE
Word Mark	BOB'S		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 1938/00/00 First Use In Commerce: 1947/00/00 Salad Dressings, for Consumption On or Off the Premises Class 030. First use: First Use: 1952/09/01 First Use In Commerce: 1953/02/24 Hamburger Sandwiches, Sauces, Except Cranberry and Apple Sauce, (( AND COFFEE, )) FOR CONSUMPTION ON OR OFF THE PREMISES Class 043. First use: First Use: 1938/00/00 First Use In Commerce: 1947/00/00 Restaurant Services		

U.S. Registration No.	1300991	Application Date	10/13/1981
Registration Date	10/16/1984	Foreign Priority Date	NONE
Word Mark	BOB'S		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 1938/00/00 First Use In Commerce: 1947/00/00 Restaurant Services		

Attachments	73334791#TMSN.gif( bytes ) 73334792#TMSN.gif( bytes ) 73332418#TMSN.gif( bytes ) 225_50058_Notice_of_Opposition.pdf(73617 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	/Michael T. Raggio/
Name	Michael T. Raggio
Date	06/11/2014

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

In the matter of trademark application Serial No: 85/964,441

Filed: June 19, 2013

For the mark: V-BOB

Published in the Official Gazette on May 13, 2014

BIG BOY RESTAURANTS INTERNATIONAL, LLC

Opposer,

-vs-

BYONG-JIN JOO, Individual

Applicant.

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**NOTICE OF OPPOSITION TO PROPOSED USE OF TRADEMARK**

Big Boy Restaurants International LLC (“Opposer”), pursuant to U.S.C.A., Title 15 §1063, states the following in support of its Opposition to Proposed Use:

1. Opposer is a Michigan limited liability company located at 4199 Marcy, Warren, Michigan 48091.
2. BYONG-JIN JOO, an Individual, (“Applicant”) has applied for the registration and use of the trademark “V-BOB” listed as Serial No: 85/964,441, of the Official Gazette of the United States Patent and Trademark Office, dated May 13, 2014.
3. Applicant has filed for registration in International Class 30, namely, “Dried cooked rice; Packed boiled rice; Cooked rice mixed with vegetables and beef; Cereal-based processed products, namely, processed cereals, Korean buckwheat noodles; Sushi, Fried Rice, Pizzas; Instant noodles; Spaghetti; Cooked dish consisting primarily of stir-fried rice cake with fermented hot pepper paste; Sandwiches; Korean-style dumplings; Mung bean pancake

(Bindaetteok); Oatmeal; Udon Noodles; Green onion pancake (Pajeon); Hot dogs sandwiches and sausages in a bread roll; Corn flakes; Noodles”

4. Applicant’s proposed use of the “V-BOB” trademark is confusingly similar to or likely to be confused with Opposer’s numerous “BOB’S” trademarks.

5. Opposer filed an Affidavit of Current Use and Incontestability pursuant to §8 of the Trademark Statute and 37 C.F.R. §§2.161-166 and §15 of the Trademark Statute and 37 C.F.R. §§2.167 and 2.168 respectively, which were acknowledged according to the attached Exhibit A. Opposer will file its renewal for all registrations on a timely basis.

6. Since its first use in 1937, the “BOB’S” trademarks have been prevalent and continuous and their ubiquitous use has made them well known to the public.

7. In connection with Opposer’s operation and promotion of its restaurant business, both in the United States and internationally, Opposer employs one or more of its federally registered “BOB’S” trademarks. For Opposer, the “BOB’S” trademark is its identifying mark as to the quality and origin of goods and services it offers to the consuming public.

8. If Applicant is allowed to register and use the “V-BOB” name as proposed, Opposer’s numerous “BOB’S” marks will be diluted by Applicant’s use of this trademark.

9. If Applicant is allowed to register and use the “V-BOB” name as proposed, Opposer will be damaged by Applicant’s use of this confusingly similar trademark in connection with the goods and services listed on Applicant’s Application for Class 30.

10. The consuming public will likely be confused or deceived by Applicant’s use of “V-BOB” since Opposer promotes its “BOB’S” services, in the same class and region of the United States as the Applicant.

11. Applicant will achieve an unfair competitive advantage by appropriating the goodwill established by Opposer's use of the "BOB'S" mark.

12. Opposer, having used its "BOB'S" trademarks in commerce as early as 1937, does not wish to mislead the consuming public that Opposer is part of the services which are used in connection with Applicant, nor does Opposer wish to be adversely affected by any loss of goodwill which may incur as a result of Applicant's use of the "V-BOB" mark.

13. Applicant's use of the trademark "V-BOB" infringes upon Opposer's use of its "BOB'S" trademarks and upon the goodwill associated with those trademarks, to the latter's damages.

14. Opposer has never abandoned use of the "BOB'S" trademarks.

Accordingly, Opposer requests that this Office refuse Applicant's proposed use and registration of the trademark "V-BOB".

Respectfully submitted,

RAGGIO & DINNIN, P.C.



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*Attorney for Opposer*

Dated: June 11, 2014

**EXHIBIT A**

**BIG BOY RESTAURANTS INTERNATIONAL LLC  
"BOB'S" REGISTERED TRADEMARKS**

<b>NAME</b>	<b>REGISTRATION NO.</b>	<b>USE CLASSIFICATION</b>
"Bob's Big Boy"	1,230,170	Int. Cl. 30 Int. Cl. 42
"Bob's Big Boy Family Restaurants" (and design)	1,230,569	Int. Cl. 42
"Bob's Big Boy Restaurants" (and design)	1,230,570	Int. Cl. 42
"Bob's"	1,230,137	Int. Cl. 29 Int. Cl. 30 Int. Cl. 42
"Bob's"	1,300,991	Int. Cl. 42