

ESTTA Tracking number: **ESTTA641935**

Filing date: **12/01/2014**

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	Clover-Stornetta Farms, Inc.
Granted to Date of previous extension	11/30/2014
Address	91 Lakeville Street Petaluma, CA 94952 UNITED STATES
Attorney information	Meredith Pikser, Robert N. Phillips Reed Smith LLP 599 Lexington Avenue New York, NY 10022 UNITED STATES mpikser@reedsmith.com, RobPhillips@ReedSmith.com Phone:2125215400

Applicant Information

Application No	86037168	Publication date	06/03/2014
Opposition Filing Date	12/01/2014	Opposition Period Ends	11/30/2014
Applicants	Walker, Andrew #2 Los Angeles, CA 90068 UNITED STATES Troy Walker, Cassandra #2 Los angeles, CA 900682965 UNITED STATES		

Goods/Services Affected by Opposition

Class 030. First Use: 2013/01/24 First Use In Commerce: 2013/01/24 All goods and services in the class are opposed, namely: Bakery goods, namely, muffins, cookies,vegan cookies, cereal based energy bars, donuts, granola, pastries; Sandwiches
Class 032. First Use: 2013/01/24 First Use In Commerce: 2013/01/24 All goods and services in the class are opposed, namely: Fruit juices; Vegetable juices

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration	3503416	Application Date	08/20/2007
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No.			
Registration Date	09/23/2008	Foreign Priority Date	NONE
Word Mark	CLOVER STORNETTA		
Design Mark	CLOVER STORNETTA		
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 1980/01/01 First Use In Commerce: 1980/01/01 Milk; eggs; and other daily products, namely, cheese Class 030. First use: First Use: 1980/01/01 First Use In Commerce: 1980/01/01 Ice Cream		

U.S. Registration No.	4545538	Application Date	08/20/2007
Registration Date	06/10/2014	Foreign Priority Date	NONE
Word Mark	CLOVER ORGANIC FARMS		
Design Mark	CLOVER ORGANIC FARMS		
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2005/02/18 First Use In Commerce: 2005/02/18 organic milk, eggs, and other dairy products, namely, cheese Class 030. First use: First Use: 2005/02/18 First Use In Commerce: 2005/02/18 organic ice cream		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	CLOVER BRAND BUTTER, CLOVER BRAND PRODUCTS, CLOVER BRAND DAIRY PRODUCTS, CLOVER-STORNETTA FARMS		
Goods/Services	creamery, dairy and food products		

Attachments	76680930#TMSN.png(bytes) 76680931#TMSN.png(bytes) Clover (Walker) Notice of Opp.pdf(242370 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	/Meredith D. Pikser/
Name	Meredith Pikser, Robert N. Phillips
Date	12/01/2014

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

CLOVER-STORNETTA FARMS, INC.	:	
	:	
Opposer,	:	Serial No. 86/037,168
	:	Mark: CLOVER & Design
v.	:	Published: June 3, 2014
	:	
CASSANDRA TROY WALKER AND	:	Opposition No. _____
ANDREW WALKER	:	
	:	
Applicants.	:	
	:	

BOX TTAB - FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-14513

NOTICE OF OPPOSITION

1. Opposer, Clover-Stornetta Farms, Inc. (“Opposer”), a California corporation having a place of business at 91 Lakeville Street, Petaluma, California 94952, believes that it is or will be damaged by the registration of Application Serial No. 86/037,168 for the mark CLOVER & Design and hereby opposes same pursuant to 15 U.S.C. §§ 1052 and 1063.

2. On information and belief, Cassandra Troy Walker and Andrew Walker (hereinafter, “Applicants”), are individuals residing at #2 2261 N. Beachwood Drive, Los Angeles, California 90068.

As grounds for this opposition, Opposer alleges the following:

3. On August 14, 2013, Applicants filed Application Serial No. 86/037,168 under 15. U.S.C. § 1051(a) to register the mark CLOVER & Design (see image below), claiming a date of first use in commerce of January 24, 2013 on or in connection with “bakery goods, namely,

muffins, cookies, vegan cookies, cereal based energy bars, donuts, granola, pastries; sandwiches” in International Class 30 and “fruit juices; vegetable juices” in International Class 32 (“Applicants’ Mark”).



4. In the early 1900s, Petaluma Co-operative Creamery (“PCC”), a predecessor in interest of Opposer, began distributing “Clover” branded dairy products. On June 23, 1916, the Secretary of State of the State of California issued a “Claim to Trade Mark” to PCC for CLOVER BRAND BUTTER & Design to be used in connection with the manufacture and marketing of creamery products. By at least 1929, PCC was bottling milk under the CLOVER mark. On May 16, 1930, the Secretary of State of the State of California issued a “Claim to Trade Mark” to the PCC for CLOVER BRAND PRODUCTS & Design to be used in connection with creamery and dairy products. In 1933, PCC began selling cottage cheese under the CLOVER mark, and by 1963, PCC was selling a variety of products under the CLOVER mark, including, but not limited to, milk, butter, cottage cheese, and sour cream. PCC became California Co-operative Creamery (“CCC”) and on July 29, 1977, Opposer purchased CCC’s bottled milk distribution business, including rights to various brand names, including, CLOVER BRAND DAIRY PRODUCTS. Opposer’s CLOVER-STORNETTA FARMS mark was first used in 1977, and on March 14, 1988, the Secretary of State of the State of California issued a Certificate of Registration for CLOVER-STORNETTA & Design for use in connection with dairy and food products.

5. On information and belief, Opposer began using the mark CLOVER in connection with juice products at least as early as 1960.

6. Opposer is the owner of the following trademark registrations in the U.S. Patent and Trademark Office (“USPTO”) for the marks CLOVER STORNETTA and CLOVER ORGANIC FARMS (together with the marks referenced in Paragraph 4 above, are hereinafter referred to as “Opposer’s Marks”), the registrations of which are valid and in full force and effect:

Trademark	Ser./Reg. No.	Goods	Status
CLOVER STORNETTA	SN: 76/680,930 RN: 3,503,416	(Int'l Class: 29 and 30) Milk; eggs; and other daily products, namely, cheese, in class 29 Ice cream, in class 30	Filed August 20, 2007 Registered September 23, 2008 First Use in Commerce January 1, 1980
CLOVER ORGANIC FARMS	SN: 76/680,931 RN: 4,545,538	(Int'l Class: 29 and 30) organic milk, eggs, and other dairy products, namely, cheese, in class 29 Organic ice cream, in class 30	Filed August 20, 2007 Registered June 10, 2014 First Use in Commerce February 18, 2005

Copies of the Certificates of Registration for Opposer’s Marks from the USPTO’s Trademark Electronic Search System are attached hereto as Exhibit A and incorporated herein.

7. Opposer has continuously used and continues to use Opposer’s Marks in interstate commerce on or in connection with its goods since at least as early as June 23, 1916, through its predecessor in interest.

8. The goods offered under Opposer's Marks are known by consumers, prospective consumers and throughout the food and beverage industry as consistently high-quality products.

9. Opposer's Marks, through Opposer's long and extensive use, have come to exclusively identify the high quality goods of Opposer and to distinguish them from products emanating from other food and beverage providers. As a result of Opposer's extensive advertising and marketing efforts and use for nearly 100 years, Opposer's Marks have become well-known and represent goodwill of tremendous value to Opposer.

10. Applicants' Mark is confusingly similar to Opposer's Marks.

11. Applicants' Mark incorporates identical language to that of Opposer's Marks.

12. The goods in Application Serial No. 86/037,168 are identical and/or closely related to Opposer's goods.

13. Applicants' Mark is used in connection with products that directly compete with those of Opposer and are likely to be offered for sale, sold and/or marketed through the same channels of trade to the same class of purchasers.

14. Opposer's use and registration of Opposer's Marks predate any priority date that can validly be claimed by Applicants for Applicants' Mark, including the filing date of Application Serial No. 86/037,168 and Applicants' claimed date of first use of Applicants' Mark in commerce. As such, Opposer's rights in Opposer's Marks were established long prior to and are superior to any rights Applicants may claim in Applicants' Mark.

15. If Applicants are permitted to use and register the subject mark for the goods specified in the application herein opposed, confusion in trade resulting in damage and injury to Opposer would result. Persons familiar with Opposer's Marks would likely confuse Applicants' products as originating from Opposer, or as being in some way associated with, connected with, sponsored by, licensed by, or otherwise authorized by Opposer, all to the detriment of Opposer, unless this Opposition is sustained. Any such confusion in trade would inevitably result in loss of sales to Opposer. Furthermore, any objections or faults found with the goods offered by Applicants under Applicants' Mark would adversely reflect upon and seriously injure the reputation of Opposer by association.

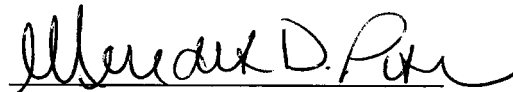
15. In view of, without limitation, the similarity of the respective marks, similarity of the channels of trade, similarity of the class of purchasers and the identical and/or related nature of the goods offered for sale by the respective parties, the mark in Application Serial No. 86/037,168 so resembles Opposer's Marks as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of Applicants' goods by suggesting that Applicants' products are associated with or approved, endorsed, affiliated, authorized, or sponsored by Opposer.

WHEREFORE, Opposer prays that Application Serial No. 86/037,168 be rejected, that no registration be issued thereon to Applicants and that this Opposition be sustained in favor of Opposer.

Respectfully submitted,

REED SMITH LLP

Date: December 1, 2014

By: 

Robert N. Phillips
Meredith D. Pikser
599 Lexington Avenue
New York, NY 10022
Tel: (212) 521-5400
Email: RobPhillips@reedsmith.com;
mpikser@reedsmith.com
Attorneys for Opposer

EXHIBIT A

Int. Cls.: 29 and 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,503,416

Registered Sep. 23, 2008

**TRADEMARK
PRINCIPAL REGISTER**

CLOVER STORNETTA

CLOVER-STORNETTA FARMS, INC. (CALIFOR-
NIA CORPORATION)
91 LAKEVILLE STREET
PETALUMA, CA 94952

FOR: MILK; EGGS; AND OTHER DAILY PRO-
DUCTS, NAMELY, CHEESE, IN CLASS 29 (U.S. CL.
46).

FIRST USE 1-1-1980; IN COMMERCE 1-1-1980.

FOR: ICE CREAM , IN CLASS 30 (U.S. CL. 46).

FIRST USE 1-1-1980; IN COMMERCE 1-1-1980.

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

SER. NO. 76-680,930, FILED 8-20-2007.

AMY GEARIN, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

CLOVER ORGANIC FARMS

Reg. No. 4,545,538

Registered June 10, 2014

Int. Cls.: 29 and 30

TRADEMARK

PRINCIPAL REGISTER

CLOVER-STORNETTA FARMS, INC. (CALIFORNIA CORPORATION)
91 LAKEVILLE STREET
PETALUMA, CA 94952

FOR: ORGANIC MILK, EGGS, AND OTHER DAIRY PRODUCTS, NAMELY, CHEESE, IN CLASS 29 (U.S. CL. 46).

FIRST USE 2-18-2005; IN COMMERCE 2-18-2005.

FOR: ORGANIC ICE CREAM, IN CLASS 30 (U.S. CL. 46).

FIRST USE 2-18-2005; IN COMMERCE 2-18-2005.

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

REGISTRATION LIMITED TO THE AREA COMPRISING THE STATES OF MINNESOTA, IOWA, MISSOURI, ARKANSAS, LOUISIANA, NORTH DAKOTA, SOUTH DAKOTA, NEBRASKA, KANSAS, OKLAHOMA, TEXAS, MONTANA, WYOMING, COLORADO, NEW MEXICO, UTAH, ARIZONA, IDAHO, NEVADA, WASHINGTON, OREGON, CALIFORNIA, ALASKA, AND HAWAII PURSUANT TO CONCURRENT USE PROCEEDING NO. 94002602. CONCURRENT REGISTRATION WITH CLOVER FARMS DAIRY COMPANY, 3300 POTTSVILLE PIKE, READING, PA 19605.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ORGANIC FARMS", APART FROM THE MARK AS SHOWN.

SER. NO. 76-680,931, FILED 8-20-2007.

TRACY FLETCHER, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office