

ESTTA Tracking number: **ESTTA836550**

Filing date: **07/31/2017**

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	American Dairy Queen Corporation
Granted to Date of previous extension	10/25/2017
Address	7505 Metro Boulevard Edina, MN 55439 UNITED STATES
Attorney information	Sheldon H. Klein Gray, Plant, Mooty, Mooty & Bennett, P.A. 600 New Hampshire Avenue, Suite 700 Washington, DC 20037 UNITED STATES Email: trademark@gpmlaw.com, sheldon.klein@gpmlaw.com Phone: 2022952200

### Applicant Information

Application No	87210633	Publication date	06/27/2017
Opposition Filing Date	07/31/2017	Opposition Period Ends	10/25/2017
Applicant	W.B. Mason Co., Inc. 59 Centre Street Brockton, MA 02303 UNITED STATES		

### Goods/Services Affected by Opposition

Class 032. First Use: 2015/09/15 First Use In Commerce: 2015/09/15  
All goods and services in the class are opposed, namely: Spring water

### Applicant Information

Application No	87210712	Publication date	04/18/2017
Opposition Filing Date	07/31/2017	Opposition Period Ends	
Applicant	W.B. Mason Co., Inc. 59 Centre Street Brockton, MA 02303 UNITED STATES		

### Goods/Services Affected by Opposition

Class 032. First Use: 2015/09/15 First Use In Commerce: 2015/09/15  
All goods and services in the class are opposed, namely: Spring water

## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols, or brings them into contempt, or disrepute	Trademark Act Section 2(a)

## Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	2693918	Application Date	12/11/2000
Registration Date	03/04/2003	Foreign Priority Date	NONE
Word Mark	THE ORIGINAL BLIZZARD ONLY AT DQ		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2001/02/00 First Use In Commerce: 2001/02/00 Frozen reduced-fat ice cream soft serve for consumption on and off the premises consisting primarily of frozen reduced-fat ice cream with one or more of the following toppings, namely, candy, cookies, syrup, nut or fruit toppings		

U.S. Registration No.	1503396	Application Date	11/06/1987
Registration Date	09/06/1988	Foreign Priority Date	NONE
Word Mark	BLIZZARD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1987/09/09 First Use In Commerce: 1987/09/09 RESTAURANT SERVICES		

U.S. Registration No.	1458987	Application Date	02/20/1987
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Registration Date	09/29/1987	Foreign Priority Date	NONE
Word Mark	BLIZZARD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 007. First use: First Use: 1984/10/29 First Use In Commerce: 1984/10/29 FLAVOR BLENDER MACHINE FOR FROZEN TREATS		

U.S. Registration No.	895139	Application Date	10/16/1967
Registration Date	07/21/1970	Foreign Priority Date	NONE
Word Mark	BLIZZARD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U046 (International Class 001, 005, 029, 030, 031, 032). First use: First Use: 1952/01/00 First Use In Commerce: 1952/01/00 MILK SHAKES AND SEMI-FROZEN ICE MILK AND ICE CREAM CONFECTIONS[ WITH CARBONATED BEVERAGES]		

U.S. Registration No.	559844	Application Date	09/12/1950
Registration Date	06/10/1952	Foreign Priority Date	NONE
Word Mark	BLIZZARD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1946/07/21 First Use In Commerce: 1946/07/21 HEAVY BODIED MILKSHAKES		

Attachments	76179783#TMSN.png( bytes ) 71603440#TMSN.png( bytes ) Notice of Opposition.pdf(2685102 bytes )
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Signature	/Sheldon H. Klein/
Name	Sheldon H. Klein
Date	07/31/2017



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

In re Application No. 87210712, for the mark BLIZZARD SPRING WATER, published April 18, 2017, and Application No. 87210633, for the mark WHO BUT W.B. MASON'S BLIZZARD SPRING WATER, published June 27, 2017

	)	
American Dairy Queen Corporation,	)	
	)	
Opposer,	)	
	)	Opposition No. _____
v.	)	
	)	
W.B. Mason Co., Inc.,	)	
	)	
Applicant.	)	
	)	

## NOTICE OF OPPOSITION



Opposer American Dairy Queen Corporation, a Delaware corporation, having a principal place of business at 7505 Metro Boulevard, Edina, MN, 55439, believes that it will be damaged by the registration of the above identified marks and, accordingly, hereby opposes the applications for registration of the marks pursuant to the provisions of Section 13(a) of the Trademark Act of 1946, 15 U.S.C. § 1063(a), as amended.

As grounds for this Opposition, Opposer alleges the following:

1. Opposer is the franchisor of the DAIRY QUEEN® system of quick-serve restaurants. Opposer and its franchisees operate more than 6,700 DAIRY QUEEN® restaurants throughout the world, including approximately 4,500 DAIRY QUEEN® restaurants in 49 of the 50 states in the U.S. (Vermont is the only exception).
2. One of the most popular and well-known menu items at DAIRY QUEEN® restaurants is the BLIZZARD® flavor treat, consisting of soft serve ice cream blended with fruit, nuts, candy

pieces, and other flavorings. The BLIZZARD® flavor treat is a “required core menu item” at all DAIRY QUEEN® locations.

3. Opposer’s BLIZZARD® mark (including the variant THE ORIGINAL BLIZZARD ONLY AT DQ®) is the subject of five valid and subsisting registrations in the U.S. Patent and Trademark Office (“USPTO”):

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>	<u>First Use Date (at least as early as)</u>	<u>Goods/Services</u>
	2,693,918	3/4/2003	Feb. 2001	Frozen reduced-fat ice cream soft serve for consumption on and off the premises consisting primarily of frozen reduced-fat ice cream with one or more of the following toppings, namely, candy, cookies, syrup, nut or fruit toppings.
BLIZZARD	1,503,396	9/6/1988	Sep. 1987	Restaurant services.
BLIZZARD	1,458,987	9/29/1987	Oct. 1984	Flavor blender machine for frozen treats.
BLIZZARD	895,139	7/21/1970	Jan. 1952	Milk shakes and semi-frozen ice milk and ice cream confections.
	559,844	6/10/1952	Jul. 1946	Heavy bodied milkshakes.

4. Each of these registrations for the above marks (collectively, the “BLIZZARD® Marks”) is incontestable, pursuant to 15 U.S.C. §§ 1065 and 1115(b), and is thus conclusive evidence of its validity and of the validity of the mark covered by the registration, and of Opposer’s ownership of, and exclusive right to use, the mark covered by the registration. A current printout of information

from the TSDR electronic database records of the United States Patent and Trademark Office showing the current status and title of each of these registrations is being submitted herewith.

5. Opposer debuted a BLIZZARD® product in 1946. The current form of the BLIZZARD® flavor treat was introduced in 1985. More than 75 million BLIZZARD® flavor treats were sold that first year alone. Over the past 32 years, the DAIRY QUEEN® system has introduced more than 134 different BLIZZARD® flavor varieties. Currently, DAIRY QUEEN® restaurants in the United States and Canada generate over \$950 Million in sales of BLIZZARD® products each year.

6. For more than 32 years, Opposer has used the BLIZZARD® Marks continuously throughout the United States and abroad. As a result of Opposer's long-standing use of the BLIZZARD® Marks, and due to the extensive promotion and advertising of those marks, they have become strongly associated in the minds of the U.S. and worldwide consuming public with frozen and semi-frozen treats emanating from DAIRY QUEEN® restaurants, and are symbols of premium, high quality food products.

7. The BLIZZARD® Marks are arbitrary and inherently distinctive as applied to, and as used on and in connection with, the food products of Opposer and its licensees.

8. By reason of Opposer's exclusive and continuous use, promotion and advertising of the BLIZZARD® Marks in the United States and throughout the world, the BLIZZARD® Marks have become identified and recognized as marks for high quality food products originating exclusively with Opposer and its licensees.

9. Opposer extensively advertises and promotes the BLIZZARD® Marks and flavor treats in all manner of media, including print advertisements, radio spots, and television commercials, the DAIRY QUEEN® website and other websites, including Facebook®, Twitter, Instagram, and other social media sites, and mobile apps, and Opposer has spent substantial amounts of time and

money on these advertisements and promotions. In 2016 alone, Opposer, through its national marketing fund, expended approximately \$20 Million on national media, including top national television networks, for the BLIZZARD® product, in addition to additional amounts spent in local and regional markets.

10. Opposer began the BLIZZARD® flavor of the Month promotion in July 2003 and featured the first monthly “All-American” BLIZZARD® flavor treat. The BLIZZARD® of the Month promotion still continues to feature new and returning BLIZZARD® flavor treats each month.

11. In 2005, Opposer’s BLIZZARD® treat and BLIZZARD® brand were the centerpiece of an episode of The Apprentice, the hit reality television series hosted by Donald Trump. The sixty-minute episode, originally broadcast by NBC on October 13, 2005, challenged the two contestant teams to design a new mascot to promote ADQ’s BLIZZARD® treat. Upon information and belief, that episode of The Apprentice was seen by more than 11 million viewers across the United States during its initial broadcast.

12. Every year since 2006, Opposer has prominently featured the BLIZZARD® flavor treat in an annual nationwide campaign for the Children’s Miracle Network (“CMN”) called Miracle Treat Day. On Miracle Treat Day, participating DAIRY QUEEN® restaurants donate \$1.00 or more to CMN for each BLIZZARD® flavor treat sold. In 2016, DAIRY QUEEN® restaurants in the United States and Canada combined to donate more than \$ 9.1 Million to CMN through Miracle Treat Day BLIZZARD® sales, point-of-sale canister donations, and related programs. More than \$4.3 Million of the 2016 donations were related directly to the product sale of BLIZZARD® treats on Miracle Treat Day.

13. The BLIZZARD® Marks were the subject of special promotions in 2010, as Opposer celebrated the twenty-fifth anniversary of the BLIZZARD® flavor treat. Opposer’s “BLIZZARD®mobile” toured 25 cities around the United States and Canada, and introduced a new

“Mini” BLIZZARD® treat. Opposer spent in excess of \$750,000 in 2010 in connection with the production and operation of the BLIZZARD®mobile. The twenty-fifth anniversary of the BLIZZARD® treat, the BLIZZARD®mobile tour, and the “Mini” BLIZZARD® treat were extensively advertised in a wide variety of media.

14. In 2017, Opposer debuted its newest limited edition BLIZZARD® flavor called the Guardians Awesome Mix BLIZZARD® Treat, created in partnership with one of the most anticipated MARVEL® movies of the year, *Guardians of the Galaxy Vol. 2*. The BLIZZARD® flavor treat was served in a themed *Guardians of the Galaxy* cup. The movie, *Guardians of the Galaxy Vol. 2*, took in more than \$850 Million dollars at the box office. From approximately April – July, 2017, Opposer sold more than 5.37 Million Guardians Awesome Mix BLIZZARD® Treats in the United States and Canada, totaling more than \$20.66 Million in sales.

15. Opposer has a life-sized, walking BLIZZARD® flavor treat mascot that appears at various promotions and events throughout the country.

16. The BLIZZARD® flavor treat has its own fan club, for which Opposer maintains a web page at <https://www.dairyqueen.com/us-en/Blizzard-Fan-Club/?localechange=1&>. The current fan base stands at over 4,361,000 members.

17. A substantial portion of Opposer’s approximately 4,500 DAIRY QUEEN® restaurants in the United States sell bottled water branded with third party marks in close proximity to sales of, and advertising featuring, Opposer’s BLIZZARD® flavor treats and the BLIZZARD® Marks.

18. Notwithstanding Opposer’s prior rights, Applicant has filed the following applications with the United States Patent and Trademark Office:

Application No. 87210712 – BLIZZARD SPRING WATER, for spring water.  
Filed October 20, 2016. Use since September 15, 2015 alleged.

Application No. 87210633 – WHO BUT W.B. MASON’S BLIZZARD SPRING

WATER for spring water. Filed October 20, 2016. Use since September 15, 2015 alleged.

19. On information and belief, Applicant made no use of its alleged marks prior to the date of first use alleged in the applications, i.e., September 15, 2015.

20. On information and belief, Applicant made no use in commerce of its alleged marks prior to the date of first use alleged in the applications, i.e., September 15, 2015.

21. Applicant proposes to register marks that are confusingly similar to Opposer's BLIZZARD® marks in connection with products that are closely related to goods and services for which Opposer uses and has registered its BLIZZARD® Marks.

**Count I – Likelihood of Confusion - § 2(d)**

22. Opposer repeats and realleges the allegations of paragraphs 1 through 21 above and incorporates those allegations herein by reference.

23. The alleged marks sought to be registered by Applicant so resemble Opposer's BLIZZARD® Marks that their use and registration in connection with Applicant's goods is likely to cause confusion, or to cause mistake, or to deceive as to the source or origin of Applicant's goods, or to cause the public to assume erroneously that Applicant's goods are in some way connected with and/or sponsored by or affiliated with Opposer, or vice versa, all within the meaning of Section 2(d) of the Trademark Act of 1946, 15 U.S.C. § 1052(d), as amended, and will injure and damage Opposer and the goodwill and reputation that has been established in Opposer's BLIZZARD® Marks.

**Count II – Deception/False Suggestion of Connection - § 2(a)**

24. Opposer repeats and realleges the allegations of paragraphs 1 through 23 above and incorporates those allegations herein by reference.

25. The alleged marks sought to be registered by Applicant so closely resemble Opposer's BLIZZARD® Marks that they are likely to cause deception, in violation of Section 2(a) of the

Trademark Act of 1946, 15 U.S.C. § 1052(a), as amended, since the marks sought to be registered point uniquely to Opposer, and purchasers will assume that goods sold under the marks sought to be registered are connected with Opposer.

**Count III – Dilution By Blurring - 15 U.S.C. § 43(c)**

26. Opposer repeats and realleges the allegations of paragraphs 1 through 25 above and incorporates those allegations herein by reference.

27. As a separate cause of action and ground for relief, Opposer alleges that Applicant's use and attempted registration of the alleged marks constitutes dilution by blurring, in violation of Section 43(c) of the Trademark Act of 1946, 15 U.S.C §1125 (c), as amended.

28. Opposer's BLIZZARD® Marks are famous. They are widely recognized by the general consuming public of the United States as a designation of source of Opposer's goods and services.

29. Opposer's BLIZZARD® Marks have been exclusively and extensively used and promoted throughout the United States for many years.

30. A substantial volume of goods and services have been sold under Opposer's BLIZZARD® Marks throughout the United States.

31. Opposer's BLIZZARD® Marks enjoy a high degree of actual recognition.

32. Applicant has applied for and made unauthorized use in commerce of the marks sought to be registered.

33. Applicant's applications for its alleged marks were filed, and its unauthorized use in commerce of its alleged marks began, long after Opposer's BLIZZARD® Marks became famous.

34. Applicant's use and attempted registration of its alleged marks is likely to cause an association arising from the similarity between Applicant's alleged marks and Opposer's BLIZZARD® Marks that impairs the distinctiveness of Opposer's BLIZZARD® Marks.

35. Applicant's alleged marks and Opposer's BLIZZARD® Marks are highly similar.

36. Opposer's BLIZZARD® Marks are highly distinctive.

37. On information and belief, Applicant intends to create an association between Applicant's alleged marks and Opposer's BLIZZARD® Marks.

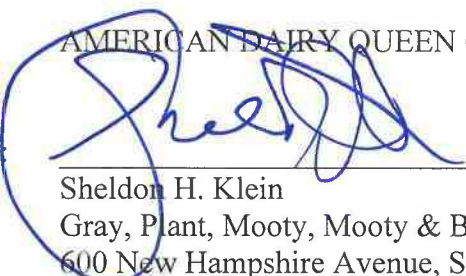
38. Applicant's use and attempted registration of its alleged marks constitute dilution by blurring within the meaning of Section 43(c) of the Trademark Act of 1946, 15 U.S.C. §1125 (c), as amended.

39. By reason of all of the foregoing, Opposer will be damaged by the registration of Applicant's alleged marks.

WHEREFORE, Opposer requests that this Opposition be sustained, and that registration of the alleged marks by Applicant be denied.

By

AMERICAN DAIRY QUEEN CORPORATION

  
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July 31, 2017

*Attorneys for Opposer*

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Mark: THE ORIGINAL BLIZZARD ONLY AT DQ



US Serial Number: 76179783

Application Filing Date: Dec. 11, 2000

US Registration Number: 2693918

Registration Date: Mar. 04, 2003

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Feb. 22, 2013

Publication Date: Jun. 11, 2002

Notice of Allowance Date: Sep. 03, 2002

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## Mark Information

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Mark Literal Elements: THE ORIGINAL BLIZZARD ONLY AT DQ

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Disclaimer: "THE ORIGINAL"

Design Search Code(s): 01.15.14 - Snow on top of letters

26.03.17 - Concentric ovals; Concentric ovals and ovals within ovals; Ovals within ovals; Ovals, concentric  
26.03.21 - Ovals that are completely or partially shaded

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## Related Properties Information

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Claimed Ownership of US Registrations: 0559884, 0829864, 0853385, 0895139, 0951528, 0960525, 0965673, 0976935, 0976938, 0978236, 0984155, 1187047, 1329927, 1329928, 1348388, 1409655, 1458987, 1461095, 1494685, 1503396, 1504195, 1504396, 1625366, 1646985, 1689190, 1840734, 1846880, 1857135, 1966198, 2066769, 2141545

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## Goods and Services

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Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Frozen reduced-fat ice cream soft serve for consumption on and off the premises consisting primarily of frozen reduced-fat ice cream with one or more of the following toppings, namely, candy, cookies, syrup, nut or fruit toppings

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 2001

Use in Commerce: Feb. 2001

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## Basis Information (Case Level)

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Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: American Dairy Queen Corporation  
 Owner Address: 7505 Metro Boulevard  
 Edina, MINNESOTA UNITED STATES 55439  
 Legal Entity Type: CORPORATION  
 State or Country Where Organized: DELAWARE

## Attorney/Correspondence Information

Attorney Name: Laura J. Hein	Attorney of Record	Docket Number: 56941US040
Attorney Primary Email Address: <a href="mailto:trademark@gpmlaw.com">trademark@gpmlaw.com</a>	Attorney Email Authorized: Yes	
Correspondent Name/Address: Laura J. Hein GRAY, PLANT, MOOTY, MOOTY & BENNETT, P.A. 500 IDS Center, 80 South Eighth Street MINNEAPOLIS, MINNESOTA UNITED STATES 55402	Correspondent	
Phone: 612-632-3357		Fax: 612-632-4444
Correspondent e-mail: <a href="mailto:trademark@gpmlaw.com">trademark@gpmlaw.com</a>	Correspondent e-mail Authorized: Yes	

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jun. 09, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 23, 2013	NOTICE OF SUIT	
Feb. 22, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Feb. 22, 2013	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	73376
Feb. 22, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	73376
Feb. 22, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	73376
Feb. 06, 2013	TEAS SECTION 8 & 9 RECEIVED	
Oct. 23, 2008	NOTICE OF DESIGN SEARCH CODE MAILED	
May 09, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	77315
May 09, 2008	ASSIGNED TO PARALEGAL	77315
Apr. 28, 2008	TEAS SECTION 8 & 15 RECEIVED	
Feb. 22, 2008	CASE FILE IN TIGRS	
Oct. 18, 2005	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 04, 2003	REGISTERED-PRINCIPAL REGISTER	
Dec. 11, 2002	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Dec. 09, 2002	STATEMENT OF USE PROCESSING COMPLETE	
Sep. 26, 2002	USE AMENDMENT FILED	
Sep. 30, 2002	PAPER RECEIVED	
Sep. 03, 2002	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 11, 2002	PUBLISHED FOR OPPOSITION	
May 22, 2002	NOTICE OF PUBLICATION	
Dec. 10, 2001	APPROVED FOR PUB - PRINCIPAL REGISTER	

Dec. 06, 2001 EXAMINERS AMENDMENT MAILED  
Aug. 27, 2001 CORRESPONDENCE RECEIVED IN LAW OFFICE  
Apr. 27, 2001 NON-FINAL ACTION MAILED  
Apr. 18, 2001 ASSIGNED TO EXAMINER

76733

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Mar. 04, 2013

## TM Staff and Location Information

TM Staff Information - None

File Location

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Feb. 22, 2013

## Proceedings

### Summary

**Number of Proceedings:** 3

### Type of Proceeding: Opposition

**Proceeding Number:** 91195789

**Filing Date:** Jul 26, 2010

**Status:** Terminated

**Status Date:** Oct 26, 2010

**Interlocutory Attorney:** MICHAEL B ADLIN

### Defendant

**Name:** Yogubliz, Inc.

**Correspondent Address:** STEPHEN E. ABRAHAM  
LAW OFFICES OF STEPHEN ABRAHAM  
1592 PEGASUS STREET  
NEWPORT BEACH CA UNITED STATES , 92660-7956

**Correspondent e-mail:** [stephen@abraham-lawoffices.com](mailto:stephen@abraham-lawoffices.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
BLIZZ FROZEN YOGURT	Cancelled - Section 8	<u>77871580</u>	<u>3882343</u>
<b>Plaintiff(s)</b>			

**Name:** American Dairy Queen Corporation

**Correspondent Address:** LAURA J. HEIN  
GRAY, PLANT, MOOTY, MOOTY & BENNETT, PA  
PO BOX 2906  
MINNEAPOLIS MN UNITED STATES , 55402-0906

**Correspondent e-mail:** [trademark@gpmlaw.com](mailto:trademark@gpmlaw.com) , [laura.hein@gpmlaw.com](mailto:laura.hein@gpmlaw.com) , [cheryl.johnson@gpmlaw.com](mailto:cheryl.johnson@gpmlaw.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
THE ORIGINAL BLIZZARD ONLY AT DQ	Renewed	<u>76179783</u>	<u>2693918</u>
BLIZZARD PIE	Cancelled - Section 8	<u>74417372</u>	<u>1840734</u>
BLIZZARD	Renewed	<u>73694056</u>	<u>1503396</u>
BLIZZARD	Renewed	<u>73645656</u>	<u>1458987</u>
BLIZZARD	Renewed	<u>72282523</u>	<u>895139</u>
BLIZZARD	Renewed	<u>71603440</u>	<u>559844</u>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 26, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 26, 2010	Sep 04, 2010
3	PENDING, INSTITUTED	Jul 26, 2010	
4	CHANGE OF CORRESPONDENCE ADDRESS	Jul 28, 2010	
5	D'S MOT TO SUSP PEND DISP CIV ACTION	Jul 28, 2010	
6	ANSWER	Jul 28, 2010	
7	SUSPENDED PENDING DISP OF CIVIL ACTION	Sep 01, 2010	
8	WITHDRAWAL OF OPPOSITION	Oct 25, 2010	
9	BD'S DECISION: DISMISSED W/O PREJUDICE	Oct 26, 2010	
10	TERMINATED	Oct 26, 2010	

#### Type of Proceeding: Cancellation

Proceeding Number: 92052818

Filing Date: Jul 26, 2010

Status: Terminated

Status Date: Oct 28, 2010

Interlocutory Attorney: CHERYL A BUTLER

#### Defendant

Name: Yogubliz, Inc.

Correspondent Address: YOGUBLIZ INC  
8408 FLORENCE AVENUE  
DOWNEY CA UNITED STATES , 90240

Correspondent e-mail: [stephen@abraham-lawoffices.com](mailto:stephen@abraham-lawoffices.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
BLIZZBERRY	Cancelled - Section 8	<u>77500348</u>	<u>3614999</u>
Plaintiff(s)			

Name: American Dairy Queen Corporation

Correspondent Address: LAURA J HEIN  
GRAY PLANT MOOTY MOOTY & BENNETT PA  
PO BOX 2906  
MINNEAPOLIS MN UNITED STATES , 55402-0906

Correspondent e-mail: [trademark@gpmlaw.com](mailto:trademark@gpmlaw.com) , [laura.hein@gpmlaw.com](mailto:laura.hein@gpmlaw.com) , [cheryl.johnson@gpmlaw.com](mailto:cheryl.johnson@gpmlaw.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
THE ORIGINAL BLIZZARD ONLY AT DQ	Renewed	<u>76179783</u>	<u>2693918</u>
BLIZZARD PIE	Cancelled - Section 8	<u>74417372</u>	<u>1840734</u>
BLIZZARD	Renewed	<u>73694056</u>	<u>1503396</u>
BLIZZARD	Renewed	<u>73645656</u>	<u>1458987</u>
BLIZZARD	Renewed	<u>72282523</u>	<u>895139</u>
BLIZZARD	Renewed	<u>71603440</u>	<u>559844</u>

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 26, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 28, 2010	Sep 06, 2010
3	PENDING, INSTITUTED	Jul 28, 2010	
4	NOTICE OF DEFAULT	Sep 29, 2010	
5	D'S RESPONSE TO BOARD ORDER/INQUIRY	Sep 29, 2010	
6	ANSWER	Sep 29, 2010	
7	D'S MOT TO SUSP PEND DISP CIV ACTION	Sep 29, 2010	
8	CHANGE OF CORRESPONDENCE ADDRESS	Sep 29, 2010	
9	D'S RESPONSE TO BOARD ORDER/INQUIRY	Oct 05, 2010	

10	WITHDRAWAL OF PETITION FOR CANCELLATION	Oct 25, 2010
11	BOARD'S DECISION: DISMISSED W/O PREJ	Oct 28, 2010
12	TERMINATED	Oct 28, 2010

**Type of Proceeding: Opposition**

**Proceeding Number:** 91186880 **Filing Date:** Oct 08, 2008

**Status:** Terminated **Status Date:** Oct 15, 2009

**Interlocutory Attorney:** LINDA M SKORO

**Defendant**

**Name:** WTM Establishment

**Correspondent Address:** ELENA MURAVINA  
ROSENFELD, MEYER & SUSMAN LLP  
9601 WILSHIRE BLVD, SUITE 710  
BEVERLY HILLS CA UNITED STATES , 90210-5225

**Correspondent e-mail:** [emuravina@rmslaw.com](mailto:emuravina@rmslaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BLIZZARD	Abandoned - After Inter-Partes Decision	<u>77324208</u>	

**Plaintiff(s)**

**Name:** American Dairy Queen Corporation

**Correspondent Address:** Laura J. Hein  
Gray, Plant, Mooty, Mooty & Bennett, P.A.  
P.O. Box 2906  
Minneapolis MN UNITED STATES , 55402-0906

**Correspondent e-mail:** [trademark@gpmlaw.com](mailto:trademark@gpmlaw.com) , [laura.hein@gpmlaw.com](mailto:laura.hein@gpmlaw.com) , [cheryl.johnson@gpmlaw.com](mailto:cheryl.johnson@gpmlaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BLIZZARD	Renewed	<u>71603440</u>	<u>559844</u>
BLIZZARD	Renewed	<u>72282523</u>	<u>895139</u>
BLIZZARD	Renewed	<u>73645656</u>	<u>1458987</u>
BLIZZARD	Renewed	<u>73694056</u>	<u>1503396</u>
THE ORIGINAL BLIZZARD ONLY AT DQ	Renewed	<u>76179783</u>	<u>2693918</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 08, 2008	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 08, 2008	Nov 17, 2008
3	PENDING, INSTITUTED	Oct 08, 2008	
4	ANSWER	Nov 17, 2008	
5	ANSWER	Nov 18, 2008	
6	STIPULATED PROTECTIVE ORDER	May 19, 2009	
7	PROTECTIVE AGREEMENT NOTED	May 21, 2009	
8	WITHDRAWAL OF APPLICATION	Sep 23, 2009	
9	BOARD'S DECISION: SUSTAINED	Sep 24, 2009	
10	TERMINATED	Sep 24, 2009	
11	WITHDRAWAL OF APPLICATION	Oct 12, 2009	
12	BD'S DECISION: DISMISSED W/O PREJUDICE	Oct 15, 2009	

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Mark: BLIZZARD

US Serial Number: 73694056

Application Filing Date: Nov. 06, 1987

US Registration Number: 1503396

Registration Date: Sep. 06, 1988

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: May 30, 2008

Publication Date: Jun. 14, 1988

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## Mark Information

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Mark Literal Elements: BLIZZARD

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

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## Related Properties Information

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Claimed Ownership of US Registrations: 0559844, 0895139, 1458987 and others

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## Goods and Services

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Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: RESTAURANT SERVICES

International Class(es): 042 - Primary Class

U.S Class(es): 100

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 09, 1987

Use in Commerce: Sep. 09, 1987

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## Basis Information (Case Level)

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Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

## Current Owner(s) Information

Owner Name: AMERICAN DAIRY QUEEN CORPORATION

Owner Address: 7505 Metro Boulevard  
Edina, MINNESOTA 55439  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Laura J. Hein

Docket Number: 56941-US-007

Attorney Primary Email Address: [trademark@gpmlaw.com](mailto:trademark@gpmlaw.com)

Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: Laura J. Hein  
GRAY, PLANT, MOOTY, MOOTY & BENNETT, P.A.  
500 IDS Center, 80 South Eighth Street  
MINNEAPOLIS, MINNESOTA 55402  
UNITED STATES

Phone: 612-632-3357

Fax: 612-632-4444

Correspondent e-mail: [trademark@gpmlaw.com](mailto:trademark@gpmlaw.com)

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jun. 09, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 01, 2008	CASE FILE IN TIGRS	
May 30, 2008	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	70619
May 30, 2008	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 23, 2008	RESPONSE RECEIVED TO POST REG. ACTION - SEC. 8 & 9	
Apr. 23, 2008	FAX RECEIVED	
Feb. 01, 2008	POST REGISTRATION ACTION MAILED - SEC. 8 & 9	70619
Dec. 13, 2007	ASSIGNED TO PARALEGAL	70619
Dec. 07, 2007	TEAS SECTION 8 & 9 RECEIVED	
Oct. 06, 2005	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Oct. 06, 2005	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 25, 1994	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Mar. 10, 1994	RESPONSE RECEIVED TO POST REG. ACTION	
Mar. 03, 1994	POST REGISTRATION ACTION MAILED - SEC. 8 & 15	
Oct. 06, 1993	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Sep. 06, 1988	REGISTERED-PRINCIPAL REGISTER	
Jun. 14, 1988	PUBLISHED FOR OPPOSITION	
May 16, 1988	NOTICE OF PUBLICATION	
Mar. 26, 1988	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 18, 1988	NON-FINAL ACTION MAILED	
Feb. 04, 1988	ASSIGNED TO EXAMINER	61751

## Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Sep. 06, 2008

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

Current Location: SCANNING ON DEMAND

Date in Location: Jul. 01, 2008

## Proceedings

### Summary

Number of 4  
Proceedings:

### Type of Proceeding: Opposition

Proceeding Number: 91195789

Filing Date: Jul 26, 2010

Status: Terminated

Status Date: Oct 26, 2010

Interlocutory Attorney: MICHAEL B ADLIN

#### Defendant

Name: Yogubliz, Inc.

Correspondent Address: STEPHEN E. ABRAHAM  
LAW OFFICES OF STEPHEN ABRAHAM  
1592 PEGASUS STREET  
NEWPORT BEACH CA , 92660-7956  
UNITED STATES

Correspondent e-mail: [stephen@abraham-lawoffices.com](mailto:stephen@abraham-lawoffices.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
BLIZZ FROZEN YOGURT	Cancelled - Section 8	<u>77871580</u>	<u>3882343</u>
Plaintiff(s)			

Name: American Dairy Queen Corporation

Correspondent Address: LAURA J. HEIN  
GRAY, PLANT, MOOTY, MOOTY & BENNETT, PA  
PO BOX 2906  
MINNEAPOLIS MN , 55402-0906  
UNITED STATES

Correspondent e-mail: [trademark@gpmlaw.com](mailto:trademark@gpmlaw.com) , [laura.hein@gpmlaw.com](mailto:laura.hein@gpmlaw.com) , [cheryl.johnson@gpmlaw.com](mailto:cheryl.johnson@gpmlaw.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
THE ORIGINAL BLIZZARD ONLY AT DQ	Renewed	<u>76179783</u>	<u>2693918</u>
BLIZZARD PIE	Cancelled - Section 8	<u>74417372</u>	<u>1840734</u>
BLIZZARD	Renewed	<u>73694056</u>	<u>1503396</u>
BLIZZARD	Renewed	<u>73645656</u>	<u>1458987</u>
BLIZZARD	Renewed	<u>72282523</u>	<u>895139</u>
BLIZZARD	Renewed	<u>71603440</u>	<u>559844</u>

### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 26, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 26, 2010	Sep 04, 2010
3	PENDING, INSTITUTED	Jul 26, 2010	
4	CHANGE OF CORRESPONDENCE ADDRESS	Jul 28, 2010	
5	D'S MOT TO SUSP PEND DISP CIV ACTION	Jul 28, 2010	
6	ANSWER	Jul 28, 2010	

7	SUSPENDED PENDING DISP OF CIVIL ACTION	Sep 01, 2010
8	WITHDRAWAL OF OPPOSITION	Oct 25, 2010
9	BD'S DECISION: DISMISSED W/O PREJUDICE	Oct 26, 2010
10	TERMINATED	Oct 26, 2010

**Type of Proceeding: Cancellation**

Proceeding Number: 92052818

Filing Date: Jul 26, 2010

Status: Terminated

Status Date: Oct 28, 2010

Interlocutory Attorney: CHERYL A BUTLER

**Defendant**

Name: Yogubliz, Inc.

Correspondent Address: YOGUBLIZ INC  
8408 FLORENCE AVENUE  
DOWNEY CA , 90240  
UNITED STATES

Correspondent e-mail: [stephen@abraham-lawoffices.com](mailto:stephen@abraham-lawoffices.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BLIZZBERRY	Cancelled - Section 8	<u>77500348</u>	<u>3614999</u>

**Plaintiff(s)**

Name: American Dairy Queen Corporation

Correspondent Address: LAURA J HEIN  
GRAY PLANT MOOTY MOOTY & BENNETT PA  
PO BOX 2906  
MINNEAPOLIS MN , 55402-0906  
UNITED STATES

Correspondent e-mail: [trademark@gpmlaw.com](mailto:trademark@gpmlaw.com) , [laura.hein@gpmlaw.com](mailto:laura.hein@gpmlaw.com) , [cheryl.johnson@gpmlaw.com](mailto:cheryl.johnson@gpmlaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
THE ORIGINAL BLIZZARD ONLY AT DQ	Renewed	<u>76179783</u>	<u>2693918</u>
BLIZZARD PIE	Cancelled - Section 8	<u>74417372</u>	<u>1840734</u>
BLIZZARD	Renewed	<u>73694056</u>	<u>1503396</u>
BLIZZARD	Renewed	<u>73645656</u>	<u>1458987</u>
BLIZZARD	Renewed	<u>72282523</u>	<u>895139</u>
BLIZZARD	Renewed	<u>71603440</u>	<u>559844</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 26, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 28, 2010	Sep 06, 2010
3	PENDING, INSTITUTED	Jul 28, 2010	
4	NOTICE OF DEFAULT	Sep 29, 2010	
5	D'S RESPONSE TO BOARD ORDER/INQUIRY	Sep 29, 2010	
6	ANSWER	Sep 29, 2010	
7	D'S MOT TO SUSP PEND DISP CIV ACTION	Sep 29, 2010	
8	CHANGE OF CORRESPONDENCE ADDRESS	Sep 29, 2010	
9	D'S RESPONSE TO BOARD ORDER/INQUIRY	Oct 05, 2010	
10	WITHDRAWAL OF PETITION FOR CANCELLATION	Oct 25, 2010	
11	BOARD'S DECISION: DISMISSED W/O PREJ	Oct 28, 2010	
12	TERMINATED	Oct 28, 2010	

**Type of Proceeding: Opposition**

Proceeding Number: 91186880

Filing Date: Oct 08, 2008

Status: Terminated

Status Date: Oct 15, 2009

Interlocutory Attorney: LINDA M SKORO

**Defendant**

Name: WTM Establishment

Correspondent ELENA MURAVINA  
Address: ROSENFELD, MEYER & SUSMAN LLP  
9601 WILSHIRE BLVD, SUITE 710  
BEVERLY HILLS CA , 90210-5225  
UNITED STATES

Correspondent e-mail: [emuravina@rmslaw.com](mailto:emuravina@rmslaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BLIZZARD	Abandoned - After Inter-Partes Decision	<u>77324208</u>	

**Plaintiff(s)**

Name: American Dairy Queen Corporation

Correspondent Laura J. Hein  
Address: Gray, Plant, Mooty, Mooty & Bennett, P.A.  
P.O. Box 2906  
Minneapolis MN , 55402-0906  
UNITED STATES

Correspondent e-mail: [trademark@gpmlaw.com](mailto:trademark@gpmlaw.com) , [laura.hein@gpmlaw.com](mailto:laura.hein@gpmlaw.com) , [cheryl.johnson@gpmlaw.com](mailto:cheryl.johnson@gpmlaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BLIZZARD	Renewed	<u>71603440</u>	<u>559844</u>
BLIZZARD	Renewed	<u>72282523</u>	<u>895139</u>
BLIZZARD	Renewed	<u>73645656</u>	<u>1458987</u>
BLIZZARD	Renewed	<u>73694056</u>	<u>1503396</u>
THE ORIGINAL BLIZZARD ONLY AT DQ	Renewed	<u>76179783</u>	<u>2693918</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 08, 2008	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 08, 2008	Nov 17, 2008
3	PENDING, INSTITUTED	Oct 08, 2008	
4	ANSWER	Nov 17, 2008	
5	ANSWER	Nov 18, 2008	
6	STIPULATED PROTECTIVE ORDER	May 19, 2009	
7	PROTECTIVE AGREEMENT NOTED	May 21, 2009	
8	WITHDRAWAL OF APPLICATION	Sep 23, 2009	
9	BOARD'S DECISION: SUSTAINED	Sep 24, 2009	
10	TERMINATED	Sep 24, 2009	
11	WITHDRAWAL OF APPLICATION	Oct 12, 2009	
12	BD'S DECISION: DISMISSED W/O PREJUDICE	Oct 15, 2009	

**Type of Proceeding: Opposition**

Proceeding Number: 91111831

Filing Date: Sep 24, 1998

Status: Terminated

Status Date: Dec 22, 1998

Interlocutory Attorney: CHARLES GRENDL

**Defendant**

Name: TROPEAK, INC.

Correspondent GARY L. BUSH  
Address: BUSH RIDDLE & JACKSON LLP  
950 ECHO LANE SUITE 180

HOUSTON TX , 77024  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BLUEBERRY BLIZZARD	Abandoned - After Inter-Partes Decision	<u>75343981</u>	

**Plaintiff(s)**

**Name:** AMERICAN DAIRY QUEEN CORPORATION

**Correspondent** JAMES B. MUSKAL

**Address:** LEYDIG, VOIT & MAYER, LTD.  
TWO PRUDENTIAL PLAZA SUITE 4900  
CHICAGO IL , 60601  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BLIZZARD	Renewed	<u>73694056</u>	<u>1503396</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 24, 1998	
2	NOTICE SENT; ANSWER DUE (DUE DATE)	Oct 05, 1998	Nov 14, 1998
3	PENDING, INSTITUTED	Oct 05, 1998	
4	ABANDONMENT OF SN 75/343,981	Oct 14, 1998	
5	BOARD'S DECISION: SUSTAINED	Dec 22, 1998	
6	TERMINATED	Dec 22, 1998	

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Mark: BLIZZARD

US Serial Number: 73645656

Application Filing Date: Feb. 20, 1987

US Registration Number: 1458987

Registration Date: Sep. 29, 1987

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: May 24, 2017

Publication Date: Jul. 07, 1987

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## Mark Information

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Mark Literal Elements: BLIZZARD

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

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## Related Properties Information

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Claimed Ownership of US Registrations: 0559844, 0895139

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## Goods and Services

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Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: FLAVOR BLENDER MACHINE FOR FROZEN TREATS

International Class(es): 007 - Primary Class

U.S Class(es): 023

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 29, 1984

Use in Commerce: Oct. 29, 1984

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## Basis Information (Case Level)

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Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

## Current Owner(s) Information

Owner Name: AMERICAN DAIRY QUEEN CORPORATION

Owner Address: 7505 Metro Boulevard  
Edina, MINNESOTA 55439  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country DELAWARE  
Where Organized:

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Jennifer C. Debrow

Docket Number: 56941US054

Attorney Primary [trademark@gpmlaw.com](mailto:trademark@gpmlaw.com)  
Email Address:

Attorney Email Yes  
Authorized:

### Correspondent

Correspondent Name/Address: Jennifer C. Debrow  
GRAY, PLANT, MOOTY & BENNETT, P.A.  
500 IDS Center, 80 South 8th Street  
MINNEAPOLIS, MINNESOTA 55402  
UNITED STATES

Phone: 6126323357

Fax: 6126324444

Correspondent e-mail: [trademark@gpmlaw.com](mailto:trademark@gpmlaw.com)

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
May 24, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
May 24, 2017	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	67110
May 24, 2017	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	67110
May 24, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67110
Mar. 30, 2017	TEAS SECTION 8 & 9 RECEIVED	
Sep. 29, 2016	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Jun. 09, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 12, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	75461
Oct. 12, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Sep. 25, 2007	ASSIGNED TO PARALEGAL	75461
Sep. 12, 2007	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Sep. 12, 2007	TEAS SECTION 8 & 9 RECEIVED	
Mar. 13, 2007	CASE FILE IN TICRS	
Oct. 06, 2005	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Oct. 06, 2005	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 09, 1993	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Nov. 25, 1992	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Sep. 29, 1987	REGISTERED-PRINCIPAL REGISTER	
Jul. 07, 1987	PUBLISHED FOR OPPOSITION	
Jun. 08, 1987	NOTICE OF PUBLICATION	
May 14, 1987	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 20, 1987	ASSIGNED TO EXAMINER	65709

## Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Section 15 - Accepted

Incontestability:

Renewal Date: Sep. 29, 2017

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: May 24, 2017

## Proceedings

### Summary

Number of 3  
Proceedings:

### Type of Proceeding: Opposition

Proceeding Number: 91195789

Filing Date: Jul 26, 2010

Status: Terminated

Status Date: Oct 26, 2010

Interlocutory Attorney: MICHAEL B ADLIN

### Defendant

Name: Yogubliz, Inc.

Correspondent Address: STEPHEN E. ABRAHAM  
LAW OFFICES OF STEPHEN ABRAHAM  
1592 PEGASUS STREET  
NEWPORT BEACH CA , 92660-7956  
UNITED STATES

Correspondent e-mail: [stephen@abraham-lawoffices.com](mailto:stephen@abraham-lawoffices.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
BLIZZ FROZEN YOGURT	Cancelled - Section 8	<u>77871580</u>	<u>3882343</u>
Plaintiff(s)			

Name: American Dairy Queen Corporation

Correspondent Address: LAURA J. HEIN  
GRAY, PLANT, MOOTY, MOOTY & BENNETT, PA  
PO BOX 2906  
MINNEAPOLIS MN , 55402-0906  
UNITED STATES

Correspondent e-mail: [trademark@gpmlaw.com](mailto:trademark@gpmlaw.com) , [laura.hein@gpmlaw.com](mailto:laura.hein@gpmlaw.com) , [cheryl.johnson@gpmlaw.com](mailto:cheryl.johnson@gpmlaw.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
THE ORIGINAL BLIZZARD ONLY AT DQ	Renewed	<u>76179783</u>	<u>2693918</u>
BLIZZARD PIE	Cancelled - Section 8	<u>74417372</u>	<u>1840734</u>
BLIZZARD	Renewed	<u>73694056</u>	<u>1503396</u>
BLIZZARD	Renewed	<u>73645656</u>	<u>1458987</u>
BLIZZARD	Renewed	<u>72282523</u>	<u>895139</u>
BLIZZARD	Renewed	<u>71603440</u>	<u>559844</u>

### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 26, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 26, 2010	Sep 04, 2010
3	PENDING, INSTITUTED	Jul 26, 2010	
4	CHANGE OF CORRESPONDENCE ADDRESS	Jul 28, 2010	
5	D'S MOT TO SUSP PEND DISP CIV ACTION	Jul 28, 2010	

6	ANSWER	Jul 28, 2010
7	SUSPENDED PENDING DISP OF CIVIL ACTION	Sep 01, 2010
8	WITHDRAWAL OF OPPOSITION	Oct 25, 2010
9	BD'S DECISION: DISMISSED W/O PREJUDICE	Oct 26, 2010
10	TERMINATED	Oct 26, 2010

**Type of Proceeding: Cancellation**

**Proceeding Number:** 92052818

**Filing Date:** Jul 26, 2010

**Status:** Terminated

**Status Date:** Oct 28, 2010

**Interlocutory Attorney:** CHERYL A BUTLER

**Defendant**

**Name:** Yogubliz, Inc.

**Correspondent Address:** YOGUBLIZ INC  
8408 FLORENCE AVENUE  
DOWNEY CA , 90240  
UNITED STATES

**Correspondent e-mail:** [stephen@abraham-lawoffices.com](mailto:stephen@abraham-lawoffices.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BLIZZBERRY	Cancelled - Section 8	<u>77500348</u>	<u>3614999</u>

**Plaintiff(s)**

**Name:** American Dairy Queen Corporation

**Correspondent Address:** LAURA J HEIN  
GRAY PLANT MOOTY MOOTY & BENNETT PA  
PO BOX 2906  
MINNEAPOLIS MN , 55402-0906  
UNITED STATES

**Correspondent e-mail:** [trademark@gpmlaw.com](mailto:trademark@gpmlaw.com) , [laura.hein@gpmlaw.com](mailto:laura.hein@gpmlaw.com) , [cheryl.johnson@gpmlaw.com](mailto:cheryl.johnson@gpmlaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
THE ORIGINAL BLIZZARD ONLY AT DQ	Renewed	<u>76179783</u>	<u>2693918</u>
BLIZZARD PIE	Cancelled - Section 8	<u>74417372</u>	<u>1840734</u>
BLIZZARD	Renewed	<u>73694056</u>	<u>1503396</u>
BLIZZARD	Renewed	<u>73645656</u>	<u>1458987</u>
BLIZZARD	Renewed	<u>72282523</u>	<u>895139</u>
BLIZZARD	Renewed	<u>71603440</u>	<u>559844</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 26, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 28, 2010	Sep 06, 2010
3	PENDING, INSTITUTED	Jul 28, 2010	
4	NOTICE OF DEFAULT	Sep 29, 2010	
5	D'S RESPONSE TO BOARD ORDER/INQUIRY	Sep 29, 2010	
6	ANSWER	Sep 29, 2010	
7	D'S MOT TO SUSP PEND DISP CIV ACTION	Sep 29, 2010	
8	CHANGE OF CORRESPONDENCE ADDRESS	Sep 29, 2010	
9	D'S RESPONSE TO BOARD ORDER/INQUIRY	Oct 05, 2010	
10	WITHDRAWAL OF PETITION FOR CANCELLATION	Oct 25, 2010	
11	BOARD'S DECISION: DISMISSED W/O PREJ	Oct 28, 2010	
12	TERMINATED	Oct 28, 2010	

**Type of Proceeding: Opposition**

**Proceeding** 91186880

**Filing Date:** Oct 08, 2008

Number: \_\_\_\_\_

Status: Terminated

Status Date: Oct 15, 2009

Interlocutory Attorney: LINDA M SKORO

**Defendant**

Name: WTM Establishment

Correspondent ELENA MURAVINA  
Address: ROSENFELD, MEYER & SUSMAN LLP  
9601 WILSHIRE BLVD, SUITE 710  
BEVERLY HILLS CA , 90210-5225  
UNITED STATES

Correspondent e-mail: [emuravina@rmslaw.com](mailto:emuravina@rmslaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BLIZZARD	Abandoned - After Inter-Partes Decision	<u>77324208</u>	
<b>Plaintiff(s)</b>			

Name: American Dairy Queen Corporation

Correspondent Laura J. Hein  
Address: Gray, Plant, Mooty, Mooty & Bennett, P.A.  
P.O. Box 2906  
Minneapolis MN , 55402-0906  
UNITED STATES

Correspondent e-mail: [trademark@gpmlaw.com](mailto:trademark@gpmlaw.com) , [laura.hein@gpmlaw.com](mailto:laura.hein@gpmlaw.com) , [cheryl.johnson@gpmlaw.com](mailto:cheryl.johnson@gpmlaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BLIZZARD	Renewed	<u>71603440</u>	<u>559844</u>
BLIZZARD	Renewed	<u>72282523</u>	<u>895139</u>
BLIZZARD	Renewed	<u>73645656</u>	<u>1458987</u>
BLIZZARD	Renewed	<u>73694056</u>	<u>1503396</u>
THE ORIGINAL BLIZZARD ONLY AT DQ	Renewed	<u>76179783</u>	<u>2693918</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 08, 2008	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 08, 2008	Nov 17, 2008
3	PENDING, INSTITUTED	Oct 08, 2008	
4	ANSWER	Nov 17, 2008	
5	ANSWER	Nov 18, 2008	
6	STIPULATED PROTECTIVE ORDER	May 19, 2009	
7	PROTECTIVE AGREEMENT NOTED	May 21, 2009	
8	WITHDRAWAL OF APPLICATION	Sep 23, 2009	
9	BOARD'S DECISION: SUSTAINED	Sep 24, 2009	
10	TERMINATED	Sep 24, 2009	
11	WITHDRAWAL OF APPLICATION	Oct 12, 2009	
12	BD'S DECISION: DISMISSED W/O PREJUDICE	Oct 15, 2009	

Generated on: This page was generated by TSDR on 2017-07-28 13:10:12 EDT

Mark: BLIZZARD

US Serial Number: 72282523

Application Filing Date: Oct. 16, 1967

US Registration Number: 895139

Registration Date: Jul. 21, 1970

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Dec. 30, 2009

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## Mark Information

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Mark Literal Elements: BLIZZARD

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

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## Related Properties Information

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International Registration Number: 1304766

International Application(s) /Registration(s) Based on this Property: A0058058/1304766

Claimed Ownership of US Registrations: 0559844

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## Goods and Services

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Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: MILK SHAKES AND SEMI-FROZEN ICE MILK AND ICE CREAM CONFECTIONS[ WITH CARBONATED BEVERAGES]

International Class(es): 001, 005, 029, 030, 031, 032

U.S Class(es): 046 - Primary Class

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 1952

Use in Commerce: Jan. 1952

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## Basis Information (Case Level)

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Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

---

## Current Owner(s) Information

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**Owner Name:** AMERICAN DAIRY QUEEN CORPORATION

**Owner Address:** 7505 METRO BOULEVARD  
EDINA, MINNESOTA 55439  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country:** DELAWARE  
**Where Organized:**

---

## Attorney/Correspondence Information

---

<b>Attorney Name:</b> Laura J. Hein	<b>Attorney of Record</b>
<b>Attorney Primary Email Address:</b> <a href="mailto:trademark@gpmlaw.com">trademark@gpmlaw.com</a>	<b>Docket Number:</b> 56941US158
	<b>Attorney Email Authorized:</b> Yes
<b>Correspondent Name/Address:</b> Laura J. Hein GRAY, PLANT, MOOTY, MOOTY & BENNETT, P.A. 500 IDS Center, 80 South Eighth Street MINNEAPOLIS, MINNESOTA 55402 UNITED STATES	<b>Correspondent</b>
<b>Phone:</b> 612-632-3357	<b>Fax:</b> 612-632-4444
<b>Correspondent e-mail:</b> <a href="mailto:trademark@gpmlaw.com">trademark@gpmlaw.com</a>	<b>Correspondent e-mail Authorized:</b> Yes

**Domestic Representative - Not Found**

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## Prosecution History

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Date	Description	Proceeding Number
Jun. 09, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 23, 2013	NOTICE OF SUIT	
Dec. 30, 2009	REGISTERED AND RENEWED (THIRD RENEWAL - 10 YRS)	68335
Dec. 30, 2009	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Dec. 28, 2009	TEAS SECTION 8 & 9 RECEIVED	
Nov. 19, 2008	CASE FILE IN TIGRS	
Oct. 06, 2005	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 06, 2001	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	
Jan. 06, 2001	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
May 11, 2000	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Apr. 23, 1990	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Mar. 15, 1990	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Feb. 28, 1977	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	

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## Maintenance Filings or Post Registration Information

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**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Jul. 21, 2010

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## TM Staff and Location Information

### TM Staff Information - None

#### File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Dec. 30, 2009

## Proceedings

### Summary

Number of 4  
Proceedings:

### Type of Proceeding: Opposition

Proceeding Number: 91195789

Filing Date: Jul 26, 2010

Status: Terminated

Status Date: Oct 26, 2010

Interlocutory Attorney: MICHAEL B ADLIN

### Defendant

Name: Yogubliz, Inc.

Correspondent Address: STEPHEN E. ABRAHAM  
LAW OFFICES OF STEPHEN ABRAHAM  
1592 PEGASUS STREET  
NEWPORT BEACH CA , 92660-7956  
UNITED STATES

Correspondent e-mail: [stephen@abraham-lawoffices.com](mailto:stephen@abraham-lawoffices.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
BLIZZ FROZEN YOGURT	Cancelled - Section 8	<u>77871580</u>	<u>3882343</u>
<b>Plaintiff(s)</b>			

Name: American Dairy Queen Corporation

Correspondent Address: LAURA J. HEIN  
GRAY, PLANT, MOOTY, MOOTY & BENNETT, PA  
PO BOX 2906  
MINNEAPOLIS MN , 55402-0906  
UNITED STATES

Correspondent e-mail: [trademark@gpmlaw.com](mailto:trademark@gpmlaw.com) , [laura.hein@gpmlaw.com](mailto:laura.hein@gpmlaw.com) , [cheryl.johnson@gpmlaw.com](mailto:cheryl.johnson@gpmlaw.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
THE ORIGINAL BLIZZARD ONLY AT DQ	Renewed	<u>76179783</u>	<u>2693918</u>
BLIZZARD PIE	Cancelled - Section 8	<u>74417372</u>	<u>1840734</u>
BLIZZARD	Renewed	<u>73694056</u>	<u>1503396</u>
BLIZZARD	Renewed	<u>73645656</u>	<u>1458987</u>
BLIZZARD	Renewed	<u>72282523</u>	<u>895139</u>
BLIZZARD	Renewed	<u>71603440</u>	<u>559844</u>

### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 26, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 26, 2010	Sep 04, 2010
3	PENDING, INSTITUTED	Jul 26, 2010	
4	CHANGE OF CORRESPONDENCE ADDRESS	Jul 28, 2010	
5	D'S MOT TO SUSP PEND DISP CIV ACTION	Jul 28, 2010	
6	ANSWER	Jul 28, 2010	
7	SUSPENDED PENDING DISP OF CIVIL ACTION	Sep 01, 2010	
8	WITHDRAWAL OF OPPOSITION	Oct 25, 2010	

9 BD'S DECISION: DISMISSED W/O PREJUDICE Oct 26, 2010  
10 TERMINATED Oct 26, 2010

**Type of Proceeding: Cancellation**

Proceeding Number: 92052818 Filing Date: Jul 26, 2010

Status: Terminated Status Date: Oct 28, 2010

Interlocutory Attorney: CHERYL A BUTLER

**Defendant**

Name: Yogubliz, Inc.

Correspondent Address: YOGUBLIZ INC  
8408 FLORENCE AVENUE  
DOWNEY CA , 90240  
UNITED STATES

Correspondent e-mail: [stephen@abraham-lawoffices.com](mailto:stephen@abraham-lawoffices.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BLIZZBERRY	Cancelled - Section 8	<u>77500348</u>	<u>3614999</u>

**Plaintiff(s)**

Name: American Dairy Queen Corporation

Correspondent Address: LAURA J HEIN  
GRAY PLANT MOOTY MOOTY & BENNETT PA  
PO BOX 2906  
MINNEAPOLIS MN , 55402-0906  
UNITED STATES

Correspondent e-mail: [trademark@gpmlaw.com](mailto:trademark@gpmlaw.com) , [laura.hein@gpmlaw.com](mailto:laura.hein@gpmlaw.com) , [cheryl.johnson@gpmlaw.com](mailto:cheryl.johnson@gpmlaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
THE ORIGINAL BLIZZARD ONLY AT DQ	Renewed	<u>76179783</u>	<u>2693918</u>
BLIZZARD PIE	Cancelled - Section 8	<u>74417372</u>	<u>1840734</u>
BLIZZARD	Renewed	<u>73694056</u>	<u>1503396</u>
BLIZZARD	Renewed	<u>73645656</u>	<u>1458987</u>
BLIZZARD	Renewed	<u>72282523</u>	<u>895139</u>
BLIZZARD	Renewed	<u>71603440</u>	<u>559844</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 26, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 28, 2010	Sep 06, 2010
3	PENDING, INSTITUTED	Jul 28, 2010	
4	NOTICE OF DEFAULT	Sep 29, 2010	
5	D'S RESPONSE TO BOARD ORDER/INQUIRY	Sep 29, 2010	
6	ANSWER	Sep 29, 2010	
7	D'S MOT TO SUSP PEND DISP CIV ACTION	Sep 29, 2010	
8	CHANGE OF CORRESPONDENCE ADDRESS	Sep 29, 2010	
9	D'S RESPONSE TO BOARD ORDER/INQUIRY	Oct 05, 2010	
10	WITHDRAWAL OF PETITION FOR CANCELLATION	Oct 25, 2010	
11	BOARD'S DECISION: DISMISSED W/O PREJ	Oct 28, 2010	
12	TERMINATED	Oct 28, 2010	

**Type of Proceeding: Opposition**

Proceeding Number: 91186880 Filing Date: Oct 08, 2008

Status: Terminated Status Date: Oct 15, 2009

Interlocutory LINDA M SKORO

Attorney:

Defendant

Name: WTM Establishment

Correspondent ELENA MURAVINA  
Address: ROSENFELD, MEYER & SUSMAN LLP  
9601 WILSHIRE BLVD, SUITE 710  
BEVERLY HILLS CA , 90210-5225  
UNITED STATES

Correspondent e-mail: [emuravina@rmslaw.com](mailto:emuravina@rmslaw.com)

Associated marks

Mark	Application Status	Serial Number	Registration Number
BLIZZARD	Abandoned - After Inter-Partes Decision	<u>77324208</u>	

Plaintiff(s)

Name: American Dairy Queen Corporation

Correspondent Laura J. Hein  
Address: Gray, Plant, Mooty, Mooty & Bennett, P.A.  
P.O. Box 2906  
Minneapolis MN , 55402-0906  
UNITED STATES

Correspondent e-mail: [trademark@gpmlaw.com](mailto:trademark@gpmlaw.com) , [laura.hein@gpmlaw.com](mailto:laura.hein@gpmlaw.com) , [cheryl.johnson@gpmlaw.com](mailto:cheryl.johnson@gpmlaw.com)

Associated marks

Mark	Application Status	Serial Number	Registration Number
BLIZZARD	Renewed	<u>71603440</u>	<u>559844</u>
BLIZZARD	Renewed	<u>72282523</u>	<u>895139</u>
BLIZZARD	Renewed	<u>73645656</u>	<u>1458987</u>
BLIZZARD	Renewed	<u>73694056</u>	<u>1503396</u>
THE ORIGINAL BLIZZARD ONLY AT DQ	Renewed	<u>76179783</u>	<u>2693918</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 08, 2008	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 08, 2008	Nov 17, 2008
3	PENDING, INSTITUTED	Oct 08, 2008	
4	ANSWER	Nov 17, 2008	
5	ANSWER	Nov 18, 2008	
6	STIPULATED PROTECTIVE ORDER	May 19, 2009	
7	PROTECTIVE AGREEMENT NOTED	May 21, 2009	
8	WITHDRAWAL OF APPLICATION	Sep 23, 2009	
9	BOARD'S DECISION: SUSTAINED	Sep 24, 2009	
10	TERMINATED	Sep 24, 2009	
11	WITHDRAWAL OF APPLICATION	Oct 12, 2009	
12	BD'S DECISION: DISMISSED W/O PREJUDICE	Oct 15, 2009	

Type of Proceeding: Opposition

Proceeding Number: 91078928

Filing Date: Jul 07, 1988

Status: Terminated

Status Date: Jul 05, 1989

Interlocutory Attorney: PAULA T HAIRSTON

Defendant

Name: BLIZZARD SYSTEM INC.

Correspondent WILLIAM PATRICK WATERS  
Address: 5140 CAMPUS DRIVE  
NEWPORT BEACH CA , 92662  
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
BLIZZARD SYSTEM	Cancelled - Section 8	<u>73670596</u>	<u>1557233</u>
<b>Plaintiff(s)</b>			

**Name:** AMERICAN DAIRY QUEEN CORPORATION

**Correspondent** LEYDIG VOIT & MAYER  
**Address:** JOHN MICHAEL CURTIN  
ONE IBM PLAZA - SUITE 4600  
CHICAGO IL , 60611  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BLIZZARD	Renewed	<u>72282523</u>	<u>895139</u>
BLIZZARD	Renewed	<u>72282523</u>	<u>895139</u>

<b>Prosecution History</b>			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 07, 1988	
2	NOTICE SENT; ANSWER DUE (DUE DATE)	Oct 03, 1988	Nov 14, 1988
3	PENDING, INSTITUTED	Oct 03, 1988	
4	NOTICE SENT; ANSWER DUE (DUE DATE)	Oct 03, 1988	Nov 14, 1988
5	ANSWER	Nov 17, 1988	
6	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Dec 19, 1988	
7	SUSPENDED	Jan 11, 1989	
8	DEF'S AMENDMENT TO APPL. S/N 670,596	Apr 06, 1989	
9	AMENDMENT APPROVED; W/D OF OPP/STIP TO DISMISS DUE 5-11-89	Apr 24, 1989	
10	BD'S DECISION: DISMISSED W/O PREJUDICE	May 31, 1989	
11	TERMINATED	Jul 05, 1989	

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Mark: BLIZZARD



US Serial Number: 71603440

Application Filing Date: Sep. 12, 1950

US Registration Number: 559844

Registration Date: Jun. 10, 1952

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Jun. 07, 2012

## Mark Information

Mark Literal Elements: BLIZZARD

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Design Search Code(s): 01.15.14 - Snow on top of letters  
26.03.02 - Plain single line ovals; Ovals, plain single line

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*.\* identify additional (new) wording in the goods/services.

For: HEAVY BODIED MILKSHAKES

International Class(es): 030

U.S Class(es): 046 - Primary Class

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 21, 1946

Use in Commerce: Jul. 21, 1946

## Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: AMERICAN DAIRY QUEEN CORPORATION

Owner Address: 7505 METRO BOULEVARD  
MINNEAPOLIS, MINNESOTA 554390286  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

---

## Attorney/Correspondence Information

---

<b>Attorney Name:</b> LAURA J. HEIN	<b>Attorney of Record</b>
<b>Attorney Primary Email Address:</b> <a href="mailto:trademark@gpmlaw.com">trademark@gpmlaw.com</a>	<b>Docket Number:</b> 56941US108
	<b>Attorney Email Authorized:</b> Yes
<b>Correspondent Name/Address:</b> LAURA J. HEIN GRAY, PLANT, MOOTY, MOOTY & BENNETT, P.A. 500 IDS Center, 80 South Eighth Street MINNEAPOLIS, MINNESOTA 55402 UNITED STATES	<b>Correspondent</b>
<b>Phone:</b> 612-632-3357	<b>Fax:</b> 612-632-4444
<b>Correspondent e-mail:</b> <a href="mailto:trademark@gpmlaw.com">trademark@gpmlaw.com</a>	<b>Correspondent e-mail Authorized:</b> Yes

**Domestic Representative - Not Found**

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## Prosecution History

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Date	Description	Proceeding Number
Jun. 09, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 23, 2013	NOTICE OF SUIT	
Jun. 07, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jun. 07, 2012	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	64591
Jun. 07, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	64591
Jun. 04, 2012	TEAS SECTION 8 & 9 RECEIVED	
Oct. 14, 2008	CASE FILE IN TIGRS	
Aug. 12, 2002	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Aug. 12, 2002	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 22, 2002	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Apr. 22, 2002	PAPER RECEIVED	
Mar. 17, 1992	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	
Feb. 13, 1992	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Mar. 27, 1986	REGISTERED - SEC. 15 AFFIDAVIT FILED	
Jun. 27, 1986	REGISTERED - SEC. 15 ACKNOWLEDGED	
Mar. 27, 1986	POST REGISTRATION ACTION CORRECTION	
Jun. 10, 1972	REGISTERED AND RENEWED (FIRST RENEWAL - 20 YRS)	

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## Maintenance Filings or Post Registration Information

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**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Jun. 10, 2012

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## TM Staff and Location Information

---

<b>TM Staff Information - None</b>
<b>File Location</b>
<b>Current Location:</b> GENERIC WEB UPDATE
<b>Date in Location:</b> Jun. 07, 2012

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## Assignment Abstract Of Title Information

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<b>Summary</b>
<b>Total Assignments:</b> 1
<b>Registrant:</b> DAIRY QUEEN OF FLORIDA

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**Assignment 1 of 1**

---

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Reel/Frame: 0156/0562

Pages: 1

Date Recorded: Nov. 17, 1967

Supporting Documents: No Supporting Documents Available

**Assignor**

Name: DAIRY QUEEN OF FLORIDA, BY: KENNETH J. GANAWAY, MEMBER OF THE FIRM

Execution Date: Oct. 23, 1967

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

**Assignee**

Name: AMERICAN DAIRY QUEEN CORPORATION

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 7110 FRANCE AVE. SOUTH  
MINNEAPOLIS, MINNESOTA

**Correspondent**

Correspondent Name: OWEN J. OOMS

Correspondent Address: ONE NORTH LA SALLE ST.  
CHICAGO, IL 60602

Domestic Representative - Not Found

## Proceedings

**Summary**

Number of Proceedings: 6

**Type of Proceeding: Opposition**

Proceeding Number: 91195789

Filing Date: Jul 26, 2010

Status: Terminated

Status Date: Oct 26, 2010

Interlocutory Attorney: MICHAEL B ADLIN

**Defendant**

Name: Yogubliz, Inc.

Correspondent Address: STEPHEN E. ABRAHAM  
LAW OFFICES OF STEPHEN ABRAHAM  
1592 PEGASUS STREET  
NEWPORT BEACH CA , 92660-7956  
UNITED STATES

Correspondent e-mail: [stephen@abraham-lawoffices.com](mailto:stephen@abraham-lawoffices.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BLIZZ FROZEN YOGURT	Cancelled - Section 8	<u>77871580</u>	<u>3882343</u>

**Plaintiff(s)**

Name: American Dairy Queen Corporation

Correspondent Address: LAURA J. HEIN  
GRAY, PLANT, MOOTY, MOOTY & BENNETT, PA  
PO BOX 2906  
MINNEAPOLIS MN , 55402-0906  
UNITED STATES

Correspondent e-mail: [trademark@gpmlaw.com](mailto:trademark@gpmlaw.com) , [laura.hein@gpmlaw.com](mailto:laura.hein@gpmlaw.com) , [cheryl.johnson@gpmlaw.com](mailto:cheryl.johnson@gpmlaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
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THE ORIGINAL BLIZZARD ONLY AT DQ	Renewed	<u>76179783</u>	<u>2693918</u>
BLIZZARD PIE	Cancelled - Section 8	<u>74417372</u>	<u>1840734</u>
BLIZZARD	Renewed	<u>73694056</u>	<u>1503396</u>
BLIZZARD	Renewed	<u>73645656</u>	<u>1458987</u>
BLIZZARD	Renewed	<u>72282523</u>	<u>895139</u>
BLIZZARD	Renewed	<u>71603440</u>	<u>559844</u>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 26, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 26, 2010	Sep 04, 2010
3	PENDING, INSTITUTED	Jul 26, 2010	
4	CHANGE OF CORRESPONDENCE ADDRESS	Jul 28, 2010	
5	D'S MOT TO SUSP PEND DISP CIV ACTION	Jul 28, 2010	
6	ANSWER	Jul 28, 2010	
7	SUSPENDED PENDING DISP OF CIVIL ACTION	Sep 01, 2010	
8	WITHDRAWAL OF OPPOSITION	Oct 25, 2010	
9	BD'S DECISION: DISMISSED W/O PREJUDICE	Oct 26, 2010	
10	TERMINATED	Oct 26, 2010	

#### Type of Proceeding: Cancellation

Proceeding Number: 92052818

Filing Date: Jul 26, 2010

Status: Terminated

Status Date: Oct 28, 2010

Interlocutory Attorney: CHERYL A BUTLER

#### Defendant

Name: Yogubliz, Inc.

Correspondent Address: YOGUBLIZ INC  
8408 FLORENCE AVENUE  
DOWNEY CA , 90240  
UNITED STATES

Correspondent e-mail: [stephen@abraham-lawoffices.com](mailto:stephen@abraham-lawoffices.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
BLIZZBERRY	Cancelled - Section 8	<u>77500348</u>	<u>3614999</u>

#### Plaintiff(s)

Name: American Dairy Queen Corporation

Correspondent Address: LAURA J HEIN  
GRAY PLANT MOOTY MOOTY & BENNETT PA  
PO BOX 2906  
MINNEAPOLIS MN , 55402-0906  
UNITED STATES

Correspondent e-mail: [trademark@gpmlaw.com](mailto:trademark@gpmlaw.com) , [laura.hein@gpmlaw.com](mailto:laura.hein@gpmlaw.com) , [cheryl.johnson@gpmlaw.com](mailto:cheryl.johnson@gpmlaw.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
THE ORIGINAL BLIZZARD ONLY AT DQ	Renewed	<u>76179783</u>	<u>2693918</u>
BLIZZARD PIE	Cancelled - Section 8	<u>74417372</u>	<u>1840734</u>
BLIZZARD	Renewed	<u>73694056</u>	<u>1503396</u>
BLIZZARD	Renewed	<u>73645656</u>	<u>1458987</u>
BLIZZARD	Renewed	<u>72282523</u>	<u>895139</u>
BLIZZARD	Renewed	<u>71603440</u>	<u>559844</u>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 26, 2010	

2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 28, 2010	Sep 06, 2010
3	PENDING, INSTITUTED	Jul 28, 2010	
4	NOTICE OF DEFAULT	Sep 29, 2010	
5	D'S RESPONSE TO BOARD ORDER/INQUIRY	Sep 29, 2010	
6	ANSWER	Sep 29, 2010	
7	D'S MOT TO SUSP PEND DISP CIV ACTION	Sep 29, 2010	
8	CHANGE OF CORRESPONDENCE ADDRESS	Sep 29, 2010	
9	D'S RESPONSE TO BOARD ORDER/INQUIRY	Oct 05, 2010	
10	WITHDRAWAL OF PETITION FOR CANCELLATION	Oct 25, 2010	
11	BOARD'S DECISION: DISMISSED W/O PREJ	Oct 28, 2010	
12	TERMINATED	Oct 28, 2010	

**Type of Proceeding: Opposition**

**Proceeding Number:** 91186880

**Filing Date:** Oct 08, 2008

**Status:** Terminated

**Status Date:** Oct 15, 2009

**Interlocutory Attorney:** LINDA M SKORO

**Defendant**

**Name:** WTM Establishment

**Correspondent Address:** ELENA MURAVINA  
ROSENFELD, MEYER & SUSMAN LLP  
9601 WILSHIRE BLVD, SUITE 710  
BEVERLY HILLS CA , 90210-5225  
UNITED STATES

**Correspondent e-mail:** emuravina@rmslaw.com

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BLIZZARD	Abandoned - After Inter-Partes Decision	<u>77324208</u>	

**Plaintiff(s)**

**Name:** American Dairy Queen Corporation

**Correspondent Address:** Laura J. Hein  
Gray, Plant, Mooty, Mooty & Bennett, P.A.  
P.O. Box 2906  
Minneapolis MN , 55402-0906  
UNITED STATES

**Correspondent e-mail:** trademark@gpmlaw.com , laura.hein@gpmlaw.com , cheryl.johnson@gpmlaw.com

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BLIZZARD	Renewed	<u>71603440</u>	<u>559844</u>
BLIZZARD	Renewed	<u>72282523</u>	<u>895139</u>
BLIZZARD	Renewed	<u>73645656</u>	<u>1458987</u>
BLIZZARD	Renewed	<u>73694056</u>	<u>1503396</u>
THE ORIGINAL BLIZZARD ONLY AT DQ	Renewed	<u>76179783</u>	<u>2693918</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 08, 2008	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 08, 2008	Nov 17, 2008
3	PENDING, INSTITUTED	Oct 08, 2008	
4	ANSWER	Nov 17, 2008	
5	ANSWER	Nov 18, 2008	
6	STIPULATED PROTECTIVE ORDER	May 19, 2009	
7	PROTECTIVE AGREEMENT NOTED	May 21, 2009	
8	WITHDRAWAL OF APPLICATION	Sep 23, 2009	
	BOARD'S DECISION: SUSTAINED		

9		Sep 24, 2009
10	TERMINATED	Sep 24, 2009
11	WITHDRAWAL OF APPLICATION	Oct 12, 2009
12	BD'S DECISION: DISMISSED W/O PREJUDICE	Oct 15, 2009

**Type of Proceeding: Opposition**

Proceeding Number: 91109535

Filing Date: Feb 12, 1998

Status: Terminated

Status Date: May 19, 2000

Interlocutory Attorney: FRANCES S WOLFSON

**Defendant**

Name: KEYSTONE BREWERS HOLDING COMPANY

Correspondent Address: BARRY I. FRIEDMAN  
SUITE 400 TWO PPG PLACE  
PITTSBURGH PA , 15222  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BLIZZARD	Abandoned - After Inter-Partes Decision	<u>75152836</u>	

**Plaintiff(s)**

Name: AMERICAN DAIRY QUEEN CORPORATION

Correspondent Address: JAMES B. MUSKAL  
LEYDIG, VOIT & MAYER, LTD.  
TWO PRUDENTIAL PLAZA SUITE 4900  
CHICAGO IL , 60601  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BLIZZARD	Renewed	<u>71603440</u>	<u>559844</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 12, 1998	
2	NOTICE SENT; ANSWER DUE (DUE DATE)	Feb 23, 1998	Apr 04, 1998
3	PENDING, INSTITUTED	Feb 23, 1998	
4	NOTICE OF DEFAULT	Dec 02, 1998	
5	BOARD'S DECISION: SUSTAINED	May 19, 2000	
6	TERMINATED	May 19, 2000	

**Type of Proceeding: Opposition**

Proceeding Number: 91085576

Filing Date: Jul 23, 1991

Status: Terminated

Status Date: Mar 26, 1992

Interlocutory Attorney: PAULA T HAIRSTON

**Defendant**

Name: WARNER-LAMBERT COMPANY

Correspondent Address: MITCHELL E. RADIN  
WARNER-LAMBERT COMPANY  
201 TABOR ROAD  
MORRIS PLAINS NJ , 07950  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BLIZZARD	Abandoned - After Inter-Partes Decision	<u>74102532</u>	

**Plaintiff(s)**

Name: AMERICAN DAIRY QUEEN CORPORATION

Correspondent JOHN MICHAEL CURTIN  
Address: LEYDIG, VOIT & MAYER  
700 THIRTEENTH STREET, N.W. SUITE 300  
WASHINGTON DC , 20005  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BLIZZARD	Renewed	<u>71603440</u>	<u>559844</u>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 23, 1991	
2	NOTICE SENT; ANSWER DUE 10/21/91	Sep 09, 1991	
3	PENDING, INSTITUTED	Sep 09, 1991	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Oct 17, 1991	
5	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Dec 17, 1991	
6	MOT TO EXT GRANTED; ANSWER DUE 12/17/91	Jan 03, 1992	
7	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jan 16, 1992	
8	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Feb 14, 1992	
9	STIPULATED ABANDONMENT	Mar 11, 1992	
10	APPL ABANDONED ; OPP DSMD W/O PREJ	Mar 25, 1992	
11	TERMINATED	Mar 26, 1992	

**Type of Proceeding: Cancellation**

Proceeding Number: 92009245

Filing Date: Oct 23, 1968

Status: Terminated

Status Date: May 15, 1970

Interlocutory  
Attorney:

**Defendant**

Name: AMERICAN DAIRY QUEEN CORPORATION

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BLIZZARD	Renewed	<u>71603440</u>	<u>559844</u>

**Plaintiff(s)**

Name: THE COTTON CLUB BOTTLING COMPANY

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
		<u>72272921</u>	

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED	Oct 23, 1968	
2	PENDING, INSTITUTED	Nov 08, 1968	
3	ANSWER	Mar 13, 1969	
4	BOARD'S DECISION: DISMISSED	Nov 28, 1969	
5	PETITION FOR RECONSIDERATION	Dec 01, 1969	
6	RECONSIDERATION DENIED	Jan 30, 1970	
7	TERMINATED	May 15, 1970	