

ESTTA Tracking number: **ESTTA836562**

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	Wells Enterprises, Inc.
Granted to Date of previous extension	07/30/2017
Address	One Blue Bunny Drive Le Mars, IA 51031 UNITED STATES

Attorney information	Genevieve E. Charlton BARNES & THORNBURG LLP One North Wacker Drive - Suite 4400 Chicago, IL 60606 UNITED STATES Email: trademarks-ch@btlaw.com, gcharlton@btlaw.com, jfroemel@btlaw.com, jmueller@btlaw.com Phone: 3123571313
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Applicant Information

Application No	87154860	Publication date	01/31/2017
Opposition Filing Date	07/31/2017	Opposition Period Ends	07/30/2017
Applicant	Three Peaks Wellness, LLC P.O. Box 19092 Cleveland, OH 44119 UNITED STATES		

Goods/Services Affected by Opposition

Class 030. First Use: 2016/06/00 First Use In Commerce: 2016/06/00
All goods and services in the class are opposed, namely: Frozen confections, namely, freezer bars

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 No.	2114408	Application Date	06/13/1994
Registration Date	11/18/1997	Foreign Priority Date	NONE
Word Mark	CHILL		
Design Mark			


Description of Mark	NONE
Goods/Services	Class 030. First use: First Use: 1997/06/05 First Use In Commerce: 1997/06/05 naturally flavored Italian ice

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	CHILL		
Goods/Services	frozen confections		

Attachments	CHILL POP Stylized Notice of Opposition.pdf(91773 bytes)
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Signature	/Genevieve E. Charlton/
Name	Genevieve E. Charlton
Date	07/31/2017

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

<p>WELLS ENTERPRISES, INC.,</p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">v.</p> <p>THREE PEAKS WELLNESS, LLC,</p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No.: _____</p> <p style="text-align: center;"></p> <p>Mark:</p> <p>U.S. Serial No.: 87154860</p>
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NOTICE OF OPPOSITION

Wells Enterprises, Inc., an Iowa corporation, with an office at One Blue Bunny Drive, Le Mars, Iowa 51031 (“Opposer”), believes that it will be damaged by registration of the mark CHILL POP (Stylized) that is the subject of United States Trademark Application Serial No. 87/154,860 (the “Opposed Mark”), filed in the name of Three Peaks Wellness, LLC (“Applicant”), an Ohio corporation with an address of P.O. Box 19092 Cleveland, Ohio 44119, and therefore hereby opposes such registration pursuant to 15 U.S.C. § 1063. In support of its opposition, Opposer states as follows:

1. Applicant is the owner of U.S. Trademark Application Serial No. 87/154,860 for the Opposed Mark, filed on August 30, 2016, as a use-based application under § 1(a) and reciting the following goods: “frozen confections, namely, freezer bars” in International Class 30.
2. Opposer, through its predecessors in interest and affiliates, has been and is now, extensively engaged in the business of marketing and selling, in interstate commerce, various

goods and services, including frozen confections. In connection with the marketing and sale of such goods and services, Opposer has extensively used, since well prior to Applicant’s filing date and alleged first use date, and continues to use the mark CHILL (the “CHILL Mark”). Opposer has used the CHILL Mark in U.S. commerce since at least as early as 1997.

3. In addition to common law rights in the CHILL Mark, Opposer owns the following U.S. federal trademark registration for the CHILL Mark:

Mark	Reg. No.	Goods/Services
CHILL	2,114,408	Class 30: naturally flavored Italian ice.

This registration is valid, subsisting and in full force and effect. The registration certificate and printout from the USPTO’s TSDR database is attached as **Exhibit A**. The registration noted was issued on the Principal Register. In addition, the registration has achieved incontestable status and therefore constitutes conclusive evidence of Opposer’s ownership and exclusive right to use the subject mark in commerce.

4. Opposer’s CHILL Mark is strong and distinctive. Opposer’s goods and services offered in connection with the CHILL Mark has been, and continues to be marketed and sold in United States commerce. Further, Opposer and its predecessors in interest and affiliates have extensively promoted and sold Opposer’s goods and services in connection with the CHILL Mark in the United States. By reason of such advertising, promotion, and sale of Opposer’s goods and services under the CHILL Mark, Opposer has developed substantial goodwill and strong common law rights in connection with the CHILL Mark.

5. Notwithstanding Opposer’s prior rights in and to the CHILL Mark, on August 30, 2016, Applicant filed an application to register the Opposed Mark for “frozen confections, namely, freezer bars” in International Class 30. At that time, Applicant had at least constructive knowledge of Opposer’s rights in the CHILL Mark.

6. Opposer's rights in the CHILL Mark predate Applicant's rights in the Opposed Mark.

7. The Opposed Mark is confusingly similar, in appearance, sound, meaning, and commercial impression, to Opposer's registered and unregistered CHILL Mark. The registration and use of the Opposed Mark by Applicant in association with the claimed goods is likely to cause confusion as to the source or origin of Applicant's goods, and is likely to mislead consumers, all to Opposer's damage.

8. The goods and services that Opposer provides under the registered and unregistered CHILL Mark are identical, or, at a minimum, closely related or similar to the goods listed in Application Serial No. 87/154,860, and the goods are offered to identical, similar or overlapping classes of purchasers.

9. The Opposed Mark, when used in connection with Applicant's applied-for goods, is likely to cause confusion, to cause mistake, and to deceive the trade and public, who, upon seeing the Opposed Mark in connection with Applicant's applied-for goods, would believe that such goods originate with, are approved, sponsored or endorsed by, or have some connection or affiliation with Opposer. Accordingly, registration of the Opposed Mark would damage Opposer, and registration therefore should be refused pursuant to Section 2(d) of the Trademark Act.

WHEREFORE, Opposer believes that it will be damaged by registration of the mark which is the subject of United States Trademark Application Serial No. 87/154,860, and therefore respectfully requests that such registration be refused.

Respectfully submitted,

WELLS ENTERPRISES, INC.

Date: July 31, 2017

By: /s/ Jonathan P. Froemel

Jonathan P. Froemel
Genevieve E. Charlton
BARNES & THORNBURG LLP
One North Wacker Drive
Suite 4400
Chicago, Illinois 60606-2833
Attorneys for Opposer
Trademarks-ch@btlaw.com
jfroemel@btlaw.com
gcharlton@btlaw.com

EXHIBIT

A

Generated on: This page was generated by TSDR on 2017-07-31 12:39:46 EDT

Mark: CHILL

US Serial Number: 74536709

Application Filing Date: Jun. 13, 1994

US Registration Number: 2114408

Registration Date: Nov. 18, 1997

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: Dec. 08, 2007

Publication Date: Dec. 05, 1995

Notice of Allowance Date: Jun. 25, 1996

Mark Information

Mark Literal Elements: CHILL

Standard Character Claim: No

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

Acquired Distinctiveness Claim: In whole

Related Properties Information

Claimed Ownership of US Registrations: 1606621, 1798016

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: naturally flavored Italian ice

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 05, 1997

Use in Commerce: Jun. 05, 1997

Basis Information (Case Level)

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: WELLS ENTERPRISES, INC.
Owner Address: ONE BLUE BUNNY DRIVE
PO BOX 1310
LE MARS, IOWA UNITED STATES 51031
Legal Entity Type: CORPORATION
State or Country Where Organized: IOWA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jonathan P. Froemel
Attorney Primary Email Address: trademarks@btlaw.com
Docket Number: 58948-254835
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Jonathan P. Froemel
Barnes & Thornburg LLP
PO Box 2786
Chicago, ILLINOIS UNITED STATES 60690-2786
Phone: 312.357.1313
Fax: 312.759.5646
Correspondent e-mail: trademarks@btlaw.com jfroemel@btlaw.com gcha@btlaw.com rlton@btlaw.com enolan@btlaw.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 18, 2016	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Jun. 22, 2016	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 22, 2016	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 23, 2013	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Aug. 23, 2013	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Feb. 27, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Feb. 13, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jan. 30, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 28, 2011	NOTICE OF SUIT	
Mar. 16, 2011	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jan. 16, 2008	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Dec. 08, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	70132
Dec. 08, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Nov. 21, 2007	ASSIGNED TO PARALEGAL	70132
Nov. 19, 2007	TEAS SECTION 8 & 9 RECEIVED	
Jul. 02, 2007	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jul. 02, 2007	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Feb. 16, 2007	CASE FILE IN TICRS	
May 27, 2003	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	

Apr. 03, 2003	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Apr. 03, 2003	PAPER RECEIVED	
May 17, 2002	PAPER RECEIVED	
Nov. 18, 1997	REGISTERED-PRINCIPAL REGISTER	
Sep. 29, 1997	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 24, 1997	EXAMINERS AMENDMENT -WRITTEN	
Sep. 22, 1997	ASSIGNED TO EXAMINER	72102
Sep. 22, 1997	ASSIGNED TO EXAMINER	72102
Sep. 18, 1997	STATEMENT OF USE PROCESSING COMPLETE	
Jun. 17, 1997	USE AMENDMENT FILED	
Feb. 12, 1997	EXTENSION 1 GRANTED	
Dec. 23, 1996	EXTENSION 1 FILED	
Jun. 25, 1996	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 30, 1996	NOTICE OF ALLOWANCE CANCELLED	
Feb. 27, 1996	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Dec. 05, 1995	PUBLISHED FOR OPPOSITION	
Nov. 03, 1995	NOTICE OF PUBLICATION	
Aug. 08, 1995	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 15, 1995	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Dec. 15, 1994	NON-FINAL ACTION MAILED	
Dec. 15, 1994	ASSIGNED TO EXAMINER	72102
Nov. 30, 1994	ASSIGNED TO EXAMINER	69807

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Nov. 18, 2007

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Dec. 08, 2007

Assignment Abstract Of Title Information

Summary

Total Assignments: 14

Registrant: MOORE ENTERPRISES, INC.

Assignment 1 of 14

Conveyance: AMENDMENT TO TRADEMARK SECURITY AGREEMENT

Reel/Frame: [1886/0001](#)

Pages: 59

Date Recorded: Dec. 29, 1998

Supporting Documents: [assignment-tm-1886-0001.pdf](#)

Assignor

Name: [FROZFRUIT COMPANY, THE](#)

Execution Date: Dec. 08, 1998

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [FLEET CAPITAL CORPORATION](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: RHODE ISLAND

Address: 200 GLASTONBURY BLVD.
GLASTONBURY, CONNECTICUT 06033

Correspondent

Correspondent Name: WOLF, BLOCK, SCHORR AND SOLIS-COHEN LLP

Correspondent Address: ROBERT STEIN
250 PARK AVENUE, ROOM 1000
NEW YORK, NY 10177

Domestic Representative - Not Found**Assignment 2 of 14**

Conveyance: MERGER

Reel/Frame: [1887/0098](#)

Pages: 2

Date Recorded: Jun. 24, 1999

Supporting Documents: [assignment-tm-1887-0098.pdf](#)

Assignor

Name: [MOORE ENTERPRISES, INC.](#)

Execution Date: Dec. 10, 1998

Legal Entity Type: CORPORATION

State or Country Where Organized: TEXAS

Assignee

Name: [FROZFRUIT COMPANY, THE](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 2 PARAGON WAY - BLDG. 2
FREEHOLD, NEW JERSEY 07728

Correspondent

Correspondent Name: FROSS ZELNICK LEHRMAN & ZISSU, P.C.

Correspondent Address: J. ALLISON STRICKLAND
866 UNITED NATIONS PLAZA
NEW YORK, NY 10017

Domestic Representative - Not Found**Assignment 3 of 14**

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [2523/0457](#)

Pages: 8

Date Recorded: May 17, 2002

Supporting Documents: [assignment-tm-2523-0457.pdf](#)

Assignor

Name: [FROZFRUIT COMPANY, THE](#)

Execution Date: Dec. 22, 2000

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [CHILL-ICES LTD.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: NEW YORK

Address: 1193 MCDONALD AVENUE
BROOKLYN, NEW YORK 11230

Correspondent

Correspondent Name: FROSS ZELNICK LEHRMAN & ZISSU, P.C.

Correspondent Address: J. ALLISON STRICKLAND
866 UNITED NATIONS PLAZA
NEW YORK, NY 10017

Domestic Representative - Not Found**Assignment 4 of 14**

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [2932/0179](#)

Pages: 4

Date Recorded: Aug. 31, 2004

Supporting Documents: [assignment-tm-2932-0179.pdf](#)

Assignor

Name: [CHILL-ICES LTD.](#) Execution Date: Aug. 18, 2004
Legal Entity Type: CORPORATION State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [WELLS' DAIRY, INC.](#) State or Country Where Organized: IOWA
Legal Entity Type: CORPORATION
Address: ONE BLUE BUNNY DRIVE
P.O. BOX 1310
LE MARS, IOWA 51031

Correspondent

Correspondent Name: BRUCE W. MCKEE
Correspondent Address: 801 GRAND AVENUE, SUITE 3200
DES MOINES, IOWA 50309-2721

Domestic Representative - Not Found

Assignment 5 of 14

Conveyance: GRANT OF SECURITY INTEREST
Reel/Frame: [3691/0269](#) Pages: 14
Date Recorded: Jan. 07, 2008
Supporting Documents: [assignment-tm-3691-0269.pdf](#)

Assignor

Name: [WELLS DAIRY, INC.](#) Execution Date: Dec. 21, 2007
Legal Entity Type: CORPORATION State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [ABLECO FINANCE LLC, AS COLLATERAL AGENT](#) State or Country Where Organized: No Place Where Organized Found
Legal Entity Type: LIMITED LIABILITY COMPANY
Address: 450 PARK AVENUE
NEW YORK, NEW YORK 10022

Correspondent

Correspondent Name: WATT WANAPHA
Correspondent Address: 919 THIRD AVENUE
19TH FLOOR
NEW YORK, NY 10022

Domestic Representative - Not Found

Assignment 6 of 14

Conveyance: SECURITY INTEREST
Reel/Frame: [3714/0125](#) Pages: 16
Date Recorded: Feb. 06, 2008
Supporting Documents: [assignment-tm-3714-0125.pdf](#)

Assignor

Name: [WELLS DAIRY, INC.](#) Execution Date: Dec. 21, 2007
Legal Entity Type: CORPORATION State or Country Where Organized: IOWA

Assignee

Name: [WELLS FARGO FOOTHILL, LLC, AS AGENT](#) State or Country Where Organized: No Place Where Organized Found
Legal Entity Type: LIMITED LIABILITY COMPANY

Address: 1100 ABERNATHY ROAD
SUITE 1600
ATLANTA, GEORGIA 30328

Correspondent

Correspondent Name: NANCY BROUGHER C/O GOLDBERG KOHN

Correspondent Address: 55 EAST MONROE STREET
SUITE 3300
CHICAGO, IL 60603

Domestic Representative - Not Found

Assignment 7 of 14

Conveyance: SECURITY INTEREST

Reel/Frame: [4230/0210](#)

Pages: 32

Date Recorded: Jun. 23, 2010

Supporting Documents: [assignment-tm-4230-0210.pdf](#)

Assignor

Name: [WELLS DAIRY, INC.](#)

Execution Date: Jun. 23, 2010

Legal Entity Type: CORPORATION

State or Country Where Organized: IOWA

Assignee

Name: [WELLS FARGO BANK, NATIONAL ASSOCIATION](#)

State or Country Where Organized: UNITED STATES

Legal Entity Type: A NATIONAL BANKING ASSOCIATION

Address: 666 WALNUT STREET
MAC N8200-026
DES MOINES, IOWA 50309

Correspondent

Correspondent Name: FAEGRE & BENSON LLP

Correspondent Address: 90 SOUTH 7TH ST STE 2200
MINNEAPOLIS, MN 55402

Domestic Representative - Not Found

Assignment 8 of 14

Conveyance: CHANGE OF NAME

Reel/Frame: [4492/0056](#)

Pages: 9

Date Recorded: Mar. 08, 2011

Supporting Documents: [assignment-tm-4492-0056.pdf](#)

Assignor

Name: [WELLS' DAIRY, INC.](#)

Execution Date: Feb. 07, 2011

Legal Entity Type: CORPORATION

State or Country Where Organized: IOWA

Assignee

Name: [WELLS ENTERPRISES, INC.](#)

State or Country Where Organized: IOWA

Legal Entity Type: CORPORATION

Address: ONE BLUE BUNNY DRIVE
PO BOX 1310
LE MARS, IOWA 51031

Correspondent

Correspondent Name: MCKEE, VOORHEES & SEASE, PLC

Correspondent Address: 801 GRAND AVE. SUITE 3200
DES MOINES, IA 50309

Domestic Representative - Not Found

Assignment 9 of 14

Conveyance: SECURITY AGREEMENT

Reel/Frame: [4948/0455](#)

Pages: 27

Date Recorded: Jan. 24, 2013

Supporting Documents: [assignment-tm-4948-0455.pdf](#)

Assignor

Name: [WELLS ENTERPRISES, INC.](#)

Execution Date: Jan. 18, 2013

Legal Entity Type: CORPORATION

State or Country Where Organized: IOWA

Assignee

Name: [U.S. BANK NATIONAL ASSOCIATION](#)

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where Organized: UNITED STATES

Address: EP-MN-WS3C, 60 LIVINGSTON AVENUE
ST. PAUL, MINNESOTA 55107-1419

Correspondent

Correspondent Name: CORPORATION SERVICE COMPANY

Correspondent Address: 1090 VERMONT AVENUE, STE 430
WASHINGTON, DC 20005

Domestic Representative - Not Found

Assignment 10 of 14

Conveyance: SECURITY INTEREST

Reel/Frame: [4950/0938](#)

Pages: 27

Date Recorded: Jan. 29, 2013

Supporting Documents: [assignment-tm-4950-0938.pdf](#)

Assignor

Name: [WELLS ENTERPRISES, INC.](#)

Execution Date: Jan. 18, 2013

Legal Entity Type: CORPORATION

State or Country Where Organized: IOWA

Assignee

Name: [WELLS FARGO BANK, NATIONAL ASSOCIATION, AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: UNITED STATES

Address: 150 SOUTH WACKER DRIVE
SUITE 2200
CHICAGO, ILLINOIS 60606

Correspondent

Correspondent Name: VANDY F. FITZPATRICK - PARALEGAL

Correspondent Address: 55 EAST MONROE STREET
SUITE 3300
CHICAGO, IL 60603

Domestic Representative - Not Found

Assignment 11 of 14

Conveyance: RELEASE OF INTEREST IN TRADEMARKS

Reel/Frame: [4963/0361](#)

Pages: 10

Date Recorded: Feb. 20, 2013

Supporting Documents: [assignment-tm-4963-0361.pdf](#)

Assignor

Name: [WELLS FARGO CAPITAL FINANCE, LLC,](#)
[FORMERLY WELLS FARGO FOOTHILL, LLC](#)

Execution Date: Jan. 18, 2013

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: [WELLS ENTERPRISES, INC.](#)

Legal Entity Type: CORPORATION

State or Country IOWA
Where Organized:

Address: 1 BLUE BUNNY DRIVE
LEMARS, IOWA 51031

Correspondent

Correspondent Name: CORPORATION SERVICE COMPANY

Correspondent Address: 1090 VERMONT AVENUE NW, SUITE 430
WASHINGTON, DC 20005

Domestic Representative - Not Found

Assignment 12 of 14

Conveyance: RELEASE OF INTEREST IN TRADEMARKS

Reel/Frame: [4955/0109](#)

Pages: 11

Date Recorded: Feb. 05, 2013

Supporting Documents: [assignment-tm-4955-0109.pdf](#)

Assignor

Name: [WELLS FARGO BANK, NATIONAL ASSOCIATION](#)

Execution Date: Jan. 31, 2013

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country UNITED STATES
Where Organized:

Assignee

Name: [WELLS ENTERPRISES, INC.](#)

Legal Entity Type: CORPORATION

State or Country IOWA
Where Organized:

Address: 1 BLUE BUNNY DRIVE
LE MARS, IOWA 51031

Correspondent

Correspondent Name: CORPORATION SERVICE COMPANY

Correspondent Address: 1090 VERMONT AVENUE NW, SUITE 430
WASHINGTON, DC 20005

Domestic Representative - Not Found

Assignment 13 of 14

Conveyance: RELEASE OF INTEREST IN TRADEMARKS

Reel/Frame: [4957/0665](#)

Pages: 12

Date Recorded: Feb. 08, 2013

Supporting Documents: [assignment-tm-4957-0665.pdf](#)

Assignor

Name: [ABLECO FINANCE LLC](#)

Execution Date: Feb. 05, 2013

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country DELAWARE
Where Organized:

Assignee

Name: [WELLS ENTERPRISES, INC.](#)

Legal Entity Type: CORPORATION

State or Country IOWA
Where Organized:

Address: 1 BLUE BUNNY DRIVE
LE MARS, IOWA 51031

Correspondent

Correspondent Name: CORPORATION SERVICE COMPANY

Correspondent Address: 1090 VERMONT AVENUE NW, SUITE 430
WASHINGTON, DC 20005

Domestic Representative - Not Found

Assignment 14 of 14

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [4997/0669](#)

Pages: 5

Date Recorded: Apr. 03, 2013

Supporting Documents: [assignment-tm-4997-0669.pdf](#)

Assignor

Name: [FLEET CAPITAL CORPORATION](#)

Execution Date: Apr. 01, 2013

Legal Entity Type: CORPORATION

State or Country Where Organized: RHODE ISLAND

Assignee

Name: [WELLS ENTERPRISES, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: IOWA

Address: 1 BLUE BUNNY DRIVE
LE MARS, IOWA 51031

Correspondent

Correspondent Name: KIMBERLY ECKHART

Correspondent Address: 101 CALIFORNIA STREET
SAN FRANCISCO, CA 94111-5894

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91117449](#)

Filing Date: Feb 24, 2000

Status: Terminated

Status Date: May 10, 2001

Interlocutory Attorney: ALBERT J ZERVAS

Defendant

Name: SUPER SLUSH, LLC

Correspondent Address: VALERIE W. JOHNSON
BAKER DONELSON BEARMAN & CALDWELL
SUITE 2000, 165 MADISON AVENUE
MEMPHIS TN UNITED STATES , 38103

Associated marks

Mark	Application Status	Serial Number	Registration Number
FRUIT CHILLA GOURMET ICE	Cancelled - Section 8	75688255	2556563

Plaintiff(s)

Name: THE FROZFRUIT COMPANY

Correspondent Address: TAMAR NIV
FROSS ZELNICK LEHRMAN & ZISSU, PC
866 UNITED NATIONS PLAZA
NEW YORK NY UNITED STATES , 10017

Associated marks

Mark	Application Status	Serial Number	Registration Number
CHILL	Renewed	74536709	2114408

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 24, 2000	
2	NOTICE SENT; TRIAL DATES RESET; ANSWER DUE PENDING, INSTITUTED	Mar 22, 2000	May 01, 2000

3		Mar 22, 2000
4	ANSWER	Apr 28, 2000
5	PL'S MOT TO EXT W/ CON	May 30, 2000
6	PL'S MOT FOR WITHDRAWAL OF OPP W/CON	Oct 17, 2000
7	BOARD'S DECISION: DISMISSED	May 10, 2001
8	TERMINATED	May 10, 2001

Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 2,114,408

Registered Nov. 18, 1997

**TRADEMARK
PRINCIPAL REGISTER**

CHILL

MOORE ENTERPRISES, INC. (TEXAS CORPORATION)
3221 MAY STREET
FORT WORTH, TX 76110

OWNER OF U.S. REG. NOS. 1,606,621 AND
1,798,016.

SEC. 2(F).

FOR: NATURALLY FLAVORED ITALIAN
ICE, IN CLASS 30 (U.S. CL. 46).

SN 74-536,709, FILED 6-13-1994.

FIRST USE 6-5-1997; IN COMMERCE
6-5-1997.

HOWARD FRIEDMAN, EXAMINING ATTORNEY