

ESTTA Tracking number: **ESTTA848359**

Filing date: **09/26/2017**

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	THE WONDERFUL COMPANY LLC
Granted to Date of previous extension	09/27/2017
Address	11444 W. Olympic Blvd. 10th Floor Los Angeles, CA 90064 UNITED STATES

Attorney information	Darya P. Laufer Roll Law Group PC 11444 West Olympic Blvd. Suite 740 Los Angeles, CA 90064 UNITED STATES Email: ipdocketing@roll.com, darya.laufer@roll.com Phone: 310-966-8824
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Applicant Information

Application No	87272856	Publication date	05/30/2017
Opposition Filing Date	09/26/2017	Opposition Period Ends	09/27/2017
Applicant	Nordic Waffles, LLC 4200 James Ray Drive Grand Forks, ND 58202 UNITED STATES		

Goods/Services Affected by Opposition

Class 030. First Use: 2016/05/10 First Use In Commerce: 2016/05/10 All goods and services in the class are opposed, namely: Waffles; Filled waffles; Waffle cones; Pre-mixed waffle batter

Grounds for Opposition

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

U.S. Registration No.	4732120	Application Date	05/22/2013
Registration Date	05/05/2015	Foreign Priority Date	NONE
Word Mark	PURE GOODNESS		

Design Mark	PURE GOODNESS
Description of Mark	NONE
Goods/Services	Class 031. First use: First Use: 2013/10/28 First Use In Commerce: 2013/10/28 Fresh citrus fruits

Attachments	85940222#TMSN.png(bytes) nordic waffles noo.pdf(90919 bytes)
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Signature	/Darya P. Laufer/
Name	Darya P. Laufer
Date	09/26/2017

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

THE WONDERFUL COMPANY LLC,)	Opposition No.: _____
)	
Opposer,)	NOTICE OF OPPOSITION
)	
v.)	Mark: NORDIC WAFFLES 100% PURE
)	GOODNESS MILK + EGGS + FLOUR
NORDIC WAFFLES, LLC,)	SUGAR + LOVE + BUTTER & Design
)	
Applicant.)	
)	
)	
)	
)	
)	Application Serial No. 87272856
)	
)	Published in the <i>Official Gazette</i> of
)	May 30, 2017



The Wonderful Company LLC, a Delaware limited liability company, located and doing business at 11444 West Olympic Boulevard, Los Angeles, California 90064 (“Opposer”), believes it will be damaged by the registration of the NORDIC WAFFLES 100% PURE GOODNESS MILK + EGGS + FLOUR SUGAR + LOVE + BUTTER & Design trademark (the “NORDIC WAFFLES PURE GOODNESS Mark”) set forth in application serial number 87272856 (the “Application”) in International Class 30 for “*waffles; filled waffles; waffle cones; pre-mixed waffle batter*” (“Applicant’s Goods”), filed by Nordic Waffles, LLC, a North Dakota limited liability company (“Applicant”), located and doing business at 4200 James Ray Drive, Grand Folks, North Dakota 58202, and hereby opposes the same.

As grounds for this Opposition, Opposer alleges:

1. Opposer is the largest grower and processor of citrus fruits in the United States,

engaging in the growing, packaging, marketing and selling of a variety of citrus fruit products.

2. One of Opposer's affiliates, Wonderful Citrus LLC ("Wonderful Citrus"), is in the business of growing, shipping and packing fresh citrus in the United States.

3. Wonderful Citrus sells consumer products to the general consuming public.

4. Opposer and Wonderful Citrus are collectively referred to herein as "Wonderful".

5. Opposer owns a registered trademark for PURE GOODNESS for "fresh citrus fruits" in International Class 31 assigned U.S. Reg. No. 4732120 (the "PURE GOODNESS Mark").

6. The above registration is valid, subsisting and Opposer hereby gives notice in accordance with Trademark Rules of Practice 2.122(d)(2) that it will rely thereon as evidence in this proceeding, and status copies showing present title to these registrations will be introduced into evidence on its behalf during Opposer's testimony period.

7. The Application for and use of the NORDIC WAFFLES & Design Mark is without Opposer's consent or permission.

8. An opposition to the Application must be filed by September 27, 2017, thus, this Notice of Opposition is being timely filed.

COUNT I - LIKELIHOOD OF CONFUSION

9. Opposer incorporates its allegations of Paragraphs 1 through 8 herein.

10. Applicant's use of the NORDIC WAFFLES PURE GOODNESS Mark on Applicant's Goods is likely to cause confusion, mistake, or deception in that consumers are likely to believe Applicant's products are sponsored, authorized or licensed by, or in some other way legitimately connected with Wonderful or that Applicant's products are Wonderful products or made with Wonderful ingredients.

11. The purchasing public is likely to be led to believe that Applicant's Goods bearing the NORDIC WAFFLES PURE GOODNESS Mark emanate from or are approved, licensed, sponsored by, or in some other way legitimately connected with or affiliated with Opposer, or that Applicant and its business are owned by or are affiliated with Opposer and its PURE GOODNESS Mark branded products.

12. If Applicant is permitted to use the NORDIC WAFFLES PURE GOODNESS Mark on Applicant's Goods, confusion resulting in damage and injury to Opposer would be caused and would result by reason of the similarity between the use of the NORDIC WAFFLES PURE GOODNESS Mark on Applicant's Goods and the PURE GOODNESS Mark on Opposer's goods. Consumers familiar with the PURE GOODNESS Mark would be likely to believe Applicant's Goods are provided by Opposer or provided with Opposer's authorization or approval. Furthermore, any defect, objection or fault found with Applicant's Goods sold under the NORDIC WAFFLES PURE GOODNESS Mark would necessarily injure Opposer's reputation and the goodwill Opposer has established in the PURE GOODNESS Mark.

13. WHEREFORE, Opposer respectfully requests that this Opposition be sustained and that Application Serial No. 87272856 be denied registration in International Class 30 and that such other and further relief as is deemed just and proper be granted.

The Patent and Trademark Office and Trademark Trial and Appeal Board are hereby authorized to collect the \$400 per class fee necessitated by this Notice of Opposition from Deposit Account No. 502934.

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Please address all correspondence to Darya P. Laufer at Roll Law Group P.C., 11444 West Olympic Boulevard, Los Angeles, California 90064.

Respectfully Submitted,

The Wonderful Company LLC

Date: September 21, 2017

By: /s/ Darya P. Laufer /s/

Darya P. Laufer

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