

ESTTA Tracking number: **ESTTA892300**

Filing date: **04/25/2018**

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	Nulaid Foods, Inc		
Entity	Corporation	Citizenship	California
Address	200 West Fifth Street Ripon, CA 95366 UNITED STATES		

Attorney information	Michael James Cronen Zimmerman & Cronen 2930 Camino Diablo Suite 100-C Walnut Creek, CA 94597 UNITED STATES Email: mcronen@zimpatent.com Phone: 510-465-0828
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Applicant Information

Application No	87668063	Publication date	04/03/2018
Opposition Filing Date	04/25/2018	Opposition Period Ends	05/03/2018
Applicant	Crystal Farms Refrigerated Distribution Company 301 Carlson Parkway, Suite 400 Minnetonka, MN 55305 UNITED STATES		

Goods/Services Affected by Opposition

Class 029. First Use: 2017/01/08 First Use In Commerce: 2017/01/08
All goods and services in the class are opposed, namely: Ready-to-eat meals comprised primarily of a hard-boiled egg and also containing processed nuts and cheese

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.	1748680	Application Date	10/10/1991
Registration Date	01/26/1993	Foreign Priority Date	NONE
Word Mark	REDDI-EGG		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 029. First use: First Use: 1966/05/00 First Use In Commerce: 1966/05/00 egg product consisting of frozen or liquid mixture of egg whites and egg yolks

Related Proceedings	Nulaid Foods, Inc. v. Crystal Farms Refrigerated Distribution Company, Case No. 17-CV-01591-MCE-DB, pending in the U.S. District Court for the Eastern District of California.
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Attachments	NULAI DPleadNotOppositionT-TAB063AppIWordOnlyFILED-4-25-2018.pdf(43801 bytes)
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Signature	/s/Michael James Cronen
Name	Michael James Cronen
Date	04/25/2018

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

NULOID FOODS, INC.,)	
)	
Opposer,)	Opposition No.: _____
)	
v.)	Application Serial No. 87/668,063
)	
CRYSTAL FARMS REFRIGERATED)	Mark: READY EGG GO!
DISTRIBUTION CO.,)	
)	Published Official Gazette: April 3, 2018
Applicant.)	

NOTICE OF OPPOSITION

Opposer, Nulaid Foods, Inc., a California corporation located and doing business at 200 West Fifth Street, Ripon, CA 95366, believes that it will be damaged by registration of the mark shown in U.S. Trademark Application Serial No. 87/668,063, and hereby opposes same.

Applicant's application was filed on November 1, 2017. Applicant's application was Published for Opposition in the Official Gazette of April 3, 2018. The mark, READY EGG GO!, in Class 29, is for "Ready-to-eat meals comprised primarily of a hard-boiled egg and also containing processed nuts and cheese". The application claims first use on January 8, 2017.

As grounds of opposition, Opposer alleges that:

1. For over fifty (50) years, Opposer has marketed and sold whole eggs and egg products, including egg products consisting of frozen or liquid mixtures of egg whites and egg yolks. Opposer sells its products to the general consuming public in supermarkets, club stores,

and other retail businesses, in the United States and internationally.

2. Opposer is registered owner of United States Trademark Registration No. 1,748,680 for REDDI-EGG® in International Class 29, for “egg product consisting of frozen or liquid mixture of egg whites and egg yolks”. This registration issued in 1993 and claims Opposer’s first use of the mark over 50 years ago, in May, 1966. Said registration was based on Opposer’s application filed in the U.S. Trademark Office on October 10, 1991, which is a date prior to the date of filing of Applicant’s application and prior to the date of Applicant’s claimed date of first use. Said registered mark of Opposer is valid and subsisting and is conclusive evidence of Opposer’s exclusive right to use said mark in commerce on the goods specified in the registration. In view of the similarity of the respective marks and the related nature of the goods of the respective parties, Applicant’s mark so resembles Opposer’s registered mark as to be likely to cause confusion, or to cause mistake, or to deceive.

4. Opposer, since May, 1966, has been, and is now, using its registered mark in connection with the sale of eggs and egg products, including frozen or liquid mixtures of egg whites and egg yolks. Said use has been valid and continuous since said date of first use and has not been abandoned. Said mark of Opposer is symbolic of extensive goodwill and consumer recognition built up by Opposer through substantial amounts of time and effort in advertising and promotion. In view of the similarity of the respective marks and related nature of the goods of the respective parties, it is alleged that Applicant’s mark so resembles Opposer’s mark previously used in the United States, and not abandoned, as to be likely to cause confusion, or to cause mistake, or to deceive.

WHEREFORE, Opposer prays that said application Serial No. 87/668,063 be rejected,

that no registration be issued thereon to applicant, and that this opposition be sustained in favor of Opposer.

Opposer hereby appoints Michael James Cronen, Esq., of the law firm Zimmerman & Cronen, a member of the bar of the state of California, to act as attorney for Opposer herein, with the power to prosecute said opposition, to transact all the relevant business with the Trademark Office and in the United States courts, and to receive all official communications in connection with this opposition.

Dated: April 25, 2018

Respectfully submitted,

/s/Michael James Cronen
Michael James Cronen
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CERTIFICATE OF SERVICE

Opposition No.: _____
Application Serial No. 87/668,063
Mark: READY EGG GO!
Published Official Gazette: April 3, 2018

I, Michael J. Cronen, hereby certify that this paper [**NOTICE OF OPPOSITION**] is being deposited with the United States Postal Service on April 25, 2018, postage pre-paid, addressed to the following attorneys for Applicant:

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