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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	Kellogg North America Company
Granted to Date of previous extension	06/06/2018
Address	One Kellogg Square Battle Creek, MI 49016 UNITED STATES

Attorney information	Angela Alvarez Sujek Honigman, Miller, Schwartz and Cohn LLP 315 E. Eisenhower, Ste. 100 Ann Arbor, MI 48108 UNITED STATES Email: asujek@honigman.com, litdocket@honigman.com, trademark@honigman.com Phone: 734-418-4212

Applicant Information

Application No	86650155	Publication date	02/06/2018
Opposition Filing Date	06/06/2018	Opposition Period Ends	06/06/2018
Applicant	UBC FOOD DISTRIBUTORS, INC 12812 PROSPECT ST DEARBORN, MI 48126 UNITED STATES		

Goods/Services Affected by Opposition

Class 030. First Use: 2013/01/01 First Use In Commerce: 2013/01/05 All goods and services in the class are opposed, namely: Bakery products; Cookies and crackers

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	761704	Application Date	05/02/1963
Registration Date	12/17/1963	Foreign Priority Date	NONE
Word Mark	LOOPS		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 030. First use: First Use: 1963/04/26 First Use In Commerce: 1963/04/26 Cereal Breakfast Foods

U.S. Registration No.	786518	Application Date	05/11/1964
Registration Date	03/09/1965	Foreign Priority Date	NONE
Word Mark	FROOT LOOPS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1963/07/24 First Use In Commerce: 1963/07/24 CEREAL BREAKFAST FOODS		

U.S. Registration No.	1536599	Application Date	05/19/1988
Registration Date	04/25/1989	Foreign Priority Date	NONE
Word Mark	FROOT LOOPS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1963/07/24 First Use In Commerce: 1963/07/24 CEREAL-DERIVED FOOD PRODUCT TO BE USED AS A BREAKFAST FOOD, SNACK FOOD AND INGREDIENT FOR MAKING FOOD		

Attachments	LOOPS opposition.pdf(200845 bytes)

Signature	/angela alvarez sujek/
Name	Angela Alvarez Sujek
Date	06/06/2018

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

KELLOGG NORTH AMERICA COMPANY Opposer, v. UBC FOOD DISTRIBUTORS, INC, Applicant.	Application Serial No.: 86/650,155 Mark: LOOPS (Stylized) Opposition No.: _____

NOTICE OF OPPOSITION

Opposer Kellogg North America Company ("Opposer"), by and through its attorneys Honigman Miller Schwartz and Cohn LLP, for its Notice of Opposition against Applicant UBC Food Distributors, Inc ("Applicant"), alleges as follows:

Parties

1. Opposer is a Delaware corporation with an address at One Kellogg Square, Battle Creek, Michigan 49016.

2. According to its USPTO filings, Applicant is a Michigan corporation with an address of 12812 Prospect St., Dearborn, Michigan 48126.

3. Applicant filed an application for U.S. Registration of the mark LOOPS (Stylized), Application Ser. No. 86/650,155, for "Bakery products; Cookies and crackers," on June 3, 2015 ("Applicant's Application").

4. Applicant's Application was published on February 6, 2018.

5. Opposer filed a 90-Day Request for Extension of Time to Oppose for Good Cause against Applicant's Application, thus extending the deadline to file a Notice of Opposition to June 6, 2018.

6. Opposer believes that it will be damaged by registration of Applicant's mark LOOPS (Stylized). Therefore, pursuant to Lanham Act §13(a), 15 U.S.C. § 1063(a), Opposer has standing to oppose Applicant's Application and timely files this Opposition.

Opposer and Its World-Famous FROOT LOOPS Trademarks

7. Opposer, through its predecessors and/or affiliated companies (collectively, "Kellogg"), is engaged in the business of manufacturing, advertising, promoting, and selling breakfast cereals, and other similar or related goods under its registered LOOPS and FROOT LOOPS trademarks set forth in the chart below (the "LOOPS Marks").

8. Kellogg distributes these goods throughout the United States through local, regional, and national grocery stores, mass merchants, warehouse stores, club stores, drug stores, online retail stores (e.g. Amazon) and other types of retailers.

9. Kellogg adopted and first used the LOOPS Marks in connection with cereals at least as early as 1963, over fifty (50) years ago. Since that date, Kellogg has used the LOOPS Marks continuously.

10. Among its hundreds of registrations around the world, Kellogg owns the following U.S. trademark registrations, all of which are validly registered on the Principal Register of the United States Patent and Trademark Office ("USPTO"):

Mark	Registration No.	Description	Class
LOOPS	761,704	Cereal Breakfast Foods	30
FROOT LOOPS	786,518	Cereal breakfast foods	30
FROOT LOOPS	1,536,599	Cereal-derived food product to be used as a breakfast food, snack food and ingredient for making food	30

11. The registrations above are prima facie evidence of Opposer's exclusive ownership of the LOOPS Marks, and all of the registrations above are incontestable.

12. Kellogg has spent millions of dollars advertising and promoting the LOOPS Marks and has derived substantial revenue from sales of products identified by the LOOPS Marks.

13. Through its long-time use of the LOOPS Marks and expenditure of significant advertising and marketing dollars, Kellogg has generated substantial goodwill and widespread consumer recognition of the LOOPS Marks.

14. The LOOPS Marks are famous under Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c) and were famous prior to the filing of Applicant's Application.

Applicant and Its Application to Register LOOPS (Stylized)

15. Applicant's Application, filed June 3, 2015, seeks to register the mark LOOPS (Stylized) in connection with "Bakery products; Cookies and crackers," in International Class 30 ("Applicant's Mark"). Applicant's Application was assigned Serial No. 86/650,155.

16. Applicant filed based on actual use of the mark LOOPS (Stylized) claiming a date of first use anywhere at least as early as January 1, 2013 with a claim of first use in United States commerce at least as early as January 5, 2013.

17. Applicant applied for Applicant's Mark without the consent of Kellogg.

Likelihood of Confusion, 15 U.S.C. §1052(d)

18. Opposer incorporates herein by reference each of the foregoing paragraphs.

19. Opposer has priority based on its use of the LOOPS Marks, since 1963. Kellogg has used the LOOPS Marks for more than 50 years prior to Applicant's Application to register the LOOPS (Stylized) Mark and Applicant's claim of first use.

20. Applicant's Mark is confusingly similar to Opposer's Marks in sound, appearance and commercial impression. In particular, Applicant's Mark is identical to Opposer's mark LOOPS and highly similar to and fully incorporated within Opposer's mark FROOT LOOPS.

21. The goods identified by Applicant's mark are highly similar to the goods identified by Opposer's LOOPS Marks.

22. Applicant's Mark LOOPS (Stylized) is confusingly similar to Kellogg's LOOPS Marks, and registration and use by Applicant of Applicant's mark is likely to cause confusion, mistake, or deception that Applicant's goods are those of Kellogg or are otherwise endorsed, sponsored, or approved by Kellogg, or is likely to cause confusion, mistake, or deception as to the affiliation, connection, or association between Applicant and Kellogg.

23. Based on the above, Applicant's Mark so closely resembles Opposer's LOOPS Marks as to be likely to cause confusion or mistake, or to deceive consumers under Section 2(d) of the Lanham Act, as amended, 15 U.S.C. §1052(d).

Dilution, 15 U.S.C. §1125(c)

24. Opposer incorporates herein by reference each of the foregoing paragraphs.

25. Kellogg has engaged in extensive nationwide advertising, promotion and use of its distinctive and strong LOOPS Marks. Further, Kellogg has had extensive sales of the products identified by the LOOPS Marks over many decades.

26. Due to Kellogg's decades of use and extensive promotion of its products identified by the LOOPS Marks, the LOOPS Marks became famous under Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c), long before the filing date of the Application and Applicant's claim of first use.

27. In view of the above and fame of the LOOPS Marks, Applicant's Mark is likely to cause dilution by blurring of the distinctive quality of the famous LOOPS Marks.

WHEREFORE, Opposer prays that Application Serial No. 86/650,155 be refused registration, that no registration be issued thereon to Applicant and that this opposition be sustained in favor of Opposer.

Respectfully submitted,

Date: June 6, 2018

By: _____

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CERTIFICATE OF TRANSMITTAL

I hereby certify that on June 6, 2018, this correspondence is being electronically transmitted in PDF format to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (ESTTA).

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Angela Alvarez Sujek