

ESTTA Tracking number: **ESTTA941307**

Filing date: **12/13/2018**

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	Cave Man Kitchens Inc.
Granted to Date of previous extension	01/09/2019
Address	807 West Valley Highway Kent, WA 98032 UNITED STATES

Attorney information	Susan L. Stuart AEON Law, PLLC 506 2nd Avenue Suite 3000 Seattle, WA 98104 UNITED STATES trademarks@aeonlaw.com, susi@aeonlaw.com 206-217-2200
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**Applicant Information**

Application No	87890344	Publication date	09/11/2018
Opposition Filing Date	12/13/2018	Opposition Period Ends	01/09/2019
Applicant	Caveman Foods, LLC Suite 101 1777 Botelho Dr. Walnut Creek, CA 94596 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 035. First Use: 2012/02/01 First Use In Commerce: 2012/02/01 All goods and services in the class are opposed, namely: Online retail store services featuring snack foods
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**Grounds for Opposition**


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

**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	3222887	Application Date	06/02/2006
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Registration Date	03/27/2007	Foreign Priority Date	NONE
Word Mark	CAVE MAN KITCHENS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 1971/12/21 First Use In Commerce: 1971/12/21 Restaurant services; Carry-out and delivery restaurant services; Catering services; Food preparation services		

U.S. Application No.	86955705	Application Date	03/28/2016
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	CAVEMAN KITCHEN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 1971/12/01 First Use In Commerce: 1971/12/01 Catering services; Food preparation services; Restaurant services; Restaurant services, namely, providing of food and beverages for consumption on and off the premises		

U.S. Application No.	86966805	Application Date	04/06/2016
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	CAVEMAN		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 043. First use: First Use: 1971/12/01 First Use In Commerce: 1971/12/01 Catering services; Food preparation services; Restaurant services; Restaurant services, namely, providing of food and beverages for consumption on and off the premises

Related Proceedings	91234111, 92066099, 91235296
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Attachments	78899778#TMSN.png( bytes ) 86955705#TMSN.png( bytes ) 86966805#TMSN.png( bytes ) Notice of Opposition 87890344.pdf(734358 bytes )
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Signature	/Susan L. Stuart/
Name	Susan L. Stuart
Date	12/13/2018

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

Cave Man Kitchens Inc.	)	
	)	Opposition No. _____
Opposer,	)	
	)	
v.	)	Mark: CAVE MAN
	)	App. No. 87890344
Caveman Foods, LLC	)	Filing Date: Apr. 24, 2018
	)	Published: Sep. 11, 2018
Applicant.	)	

**NOTICE OF OPPOSITION**

Opposer, Cave Man Kitchens Inc., a Washington corporation with a business address of 807 West Valley Highway, Kent, Washington 98032, believes it would be damaged by the registration of CAVE MAN (Serial No. 87890344) (the “Application”) by Caveman Foods, LLC (the “Applicant”). Accordingly, Opposer, by and through its attorneys, hereby opposes the Application on the following grounds:

1. Opposer, for over forty years and since long prior to any date of first use upon which Applicant can rely, has adopted and continuously used the terms CAVE MAN and CAVEMAN as trademarks for restaurant and catering services, through which it offers foods including, but not limited to, smoked and dried meats, sandwiches, salads, baked beans, coleslaw, soups, breads, sauces, and desserts.

2. Opposer is the owner of Registration No. 3,222,887 for the mark CAVE MAN KITCHENS for restaurant services, carry-out and delivery restaurant services, catering services, and food preparation services (“Opposer’s Registration”). Registration was granted on March 27, 2007 and is valid, subsisting, unrevoked, and uncanceled. A true and correct copy of Opposer’s Registration and true and correct print-outs from the USPTO’s electronic database showing the current status and title for Opposer’s Registration is attached hereto as **Exhibit A**.

3. Opposer is also the owner of the following U.S. pending trademark applications (“Opposer’s Applications”):

Mark	Serial No.	Filing Date
CAVEMAN KITCHEN	86955705	Mar. 28, 2016
CAVEMAN	86966805	Apr. 06, 2016

True and correct print-outs from the USPTO's electronic database showing the current statuses and title for Opposer's Applications is attached hereto as **Exhibit B**. Together, Opposer's Registration and Opposer's Applications shall be referred to as "Opposer's Marks".

4. Opposer has achieved success and popularity in connection with its restaurant and catering services, which has resulted in significant media coverage and recognition.

5. Through extensive sales, advertising, promotion, and unsolicited media coverage, among other things, Opposer's Marks are famous and became famous before Applicant filed its Application.

6. On information and belief, Applicant uses and/or intends to use its Application in connection with smoked and/or dried meats. Shockingly, Opposer discovered what appears to be mold growing inside retail packaging of Applicant's product, found in a retail store in the same geographical area as Opposer's flagship restaurant location, where Opposer offers for sale smoked and dried meats. True and correct photographs of Applicant's product in question are attached hereto as **Exhibit C**.

7. Opposer's rights are senior to any rights that Applicant may allege to have in its Application because (a) Opposer's Registration registered before the filing date of Applicant's Application; and/or (b) on information and belief, Applicant did not use its mark(s) in commerce prior to the filing date of Opposer's Registration.

8. Applicant's Application so resemble Opposer's Marks that Applicant's registration and use of its Application is likely to cause confusion or mistake or to deceive, or to create the false impression that Applicant's goods are provided by, related to, endorsed by, or associated with Opposer, or otherwise cause injury to Opposer's rights in its marks, in violation of Lanham Act §2(d) (15 U.S.C §1052(d)), with consequent damage to Opposer and the public.

9. Opposer's Marks have been the subject of significant third-party media coverage, extensive sales, advertising, and promotion. Opposer's Marks have therefore become well-

known and/or famous among the relevant consuming public. As a result, Applicant's Application cause, or will likely cause, dilution of the distinctive quality of Opposer's Marks in violation of Lanham Act § 43(c) (15 U.S.C. §1125(c)), with consequent damages to Opposer and the public.

10. Moreover, Applicant's use of its Application in connection with the applied for goods is likely to cause dilution by tarnishment of the distinctive quality of Opposer's Marks. Such use is likely to (a) impair the ability of Opposer's Marks to carry an association of quality, (b) harm the reputation of Opposer's Marks, and (c) cause Opposer's Marks to be seen in an unappealing context, all in violation of Lanham Act § 43(c) (15 U.S.C. §1125(c)), with consequent damages to Opposer and the public.

11. Registration of Applicant's Application will interfere with Opposer's enjoyment of its rights in Opposer's Marks, to Opposer's substantial detriment.

WHEREFORE, it is respectfully requested that this opposition be sustained and that the Application be denied.

Respectfully submitted,  
Cave Man Kitchens Inc.

Dated: December 13, 2018

By: \_\_\_\_\_



Susan L. Stuart  
Adam L.K. Philipp

AEON Law, PLLC  
506 2<sup>nd</sup> Avenue, Suite 3000  
Seattle, WA 98104  
Tel: 206-217-2200  
Fax: 206-217-2201  
susi@aeonlaw.com;  
[adam@aeonlaw.com](mailto:adam@aeonlaw.com);

Attorneys for Opposer

TTAB Opposition No. \_\_\_\_\_  
CAVE MAN KITCHENS INC. v. CAVEMAN FOODS, LLC

## EXHIBIT A

Exhibit A

Int. Cl.: 43

Prior U.S. Cls.: 100 and 101

**United States Patent and Trademark Office**

**Reg. No. 3,222,887**

Registered Mar. 27, 2007

**SERVICE MARK  
PRINCIPAL REGISTER**

**CAVE MAN KITCHENS**

CAVEMAN KITCHENS INC. (WASHINGTON CORPORATION)

P.O. BOX 6319

FEDERAL WAY, WA 98063

FOR: RESTAURANT SERVICES; CARRY-OUT AND DELIVERY RESTAURANT SERVICES; CATERING SERVICES; FOOD PREPARATION SERVICES, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 12-21-1971; IN COMMERCE 12-21-1971.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "KITCHENS", APART FROM THE MARK AS SHOWN.

SER. NO. 78-899,778, FILED 6-2-2006.

WENDY JUN, EXAMINING ATTORNEY



**Generated on:** This page was generated by TSDR on 2018-12-13 17:41:38 EST

**Mark:** CAVE MAN KITCHENS

CAVE MAN KITCHENS

**US Serial Number:** 78899778

**Application Filing Date:** Jun. 02, 2006

**US Registration Number:** 3222887

**Registration Date:** Mar. 27, 2007

**Register:** Principal

**Mark Type:** Service Mark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.

**Status Date:** Jul. 23, 2018

**Publication Date:** Jan. 09, 2007

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## Mark Information

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**Mark Literal Elements:** CAVE MAN KITCHENS

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

**Disclaimer:** "Kitchens"

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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; Carry-out and delivery restaurant services; Catering services; Food preparation services

**International Class(es):** 043 - Primary Class

**U.S Class(es):** 100, 101

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Dec. 21, 1971

**Use in Commerce:** Dec. 21, 1971

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## Basis Information (Case Level)

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**Filed Use:** Yes

**Currently Use:** Yes

**Filed ITU:** No

**Currently ITU:** No

**Filed 44D:** No

**Currently 44E:** No

**Filed 44E:** No

**Currently 66A:** No

**Filed 66A:** No

**Currently No Basis:** No

**Filed No Basis:** No

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## Current Owner(s) Information

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**Owner Name:** Cave Man Kitchens Inc.

**Owner Address:** 807 West Valley Highway  
Kent, WASHINGTON UNITED STATES 98032

**Legal Entity Type:** CORPORATION

**State or Country** WASHINGTON  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Susan L. Stuart

**Docket Number:** CAVE-2006002

### Correspondent

**Correspondent Name/Address:** Susan L. Stuart  
AEON Law, PLLC  
506 2nd Avenue, Suite 3000  
Seattle, WASHINGTON UNITED STATES 98104

**Phone:** 206-217-2200

**Fax:** 206-217-2201

**Correspondent e-mail:** [trademarks@aeonlaw.com](mailto:trademarks@aeonlaw.com) [susi@aeonlaw.com](mailto:susi@aeonlaw.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Oct. 17, 2018	NOTICE OF SUIT	
Sep. 26, 2018	NOTICE OF SUIT	
Aug. 21, 2018	NOTICE OF SUIT	
Jul. 25, 2018	POST REGISTRATION ACTION MAILED - SEC. 7	68973
Jul. 23, 2018	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68973
Jul. 20, 2018	OTQR WITHDRAWAL FROM PUBLICATION	70853
Jun. 29, 2018	POST REGISTRATION ACTION CORRECTION	68973
Jun. 25, 2018	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68973
Jun. 01, 2018	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 01, 2018	TEAS SECTION 7 REQUEST RECEIVED	
May 23, 2018	NOTICE OF SUIT	
Jun. 07, 2017	COUNTERCLAIM OPP. NO. 999999	234111
Aug. 11, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 17, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jun. 17, 2016	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68335
Jun. 17, 2016	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68335
Jun. 17, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68335
Mar. 29, 2016	TEAS SECTION 8 & 9 RECEIVED	
Mar. 27, 2016	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Apr. 07, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Apr. 07, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	73376
Apr. 07, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	73376
Mar. 27, 2013	TEAS SECTION 8 & 15 RECEIVED	
Jun. 24, 2011	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 03, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 27, 2007	REGISTERED-PRINCIPAL REGISTER	
Jan. 09, 2007	PUBLISHED FOR OPPOSITION	
Dec. 20, 2006	NOTICE OF PUBLICATION	
Nov. 15, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	77976
Nov. 09, 2006	ASSIGNED TO LIE	77976
Nov. 03, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 02, 2006	ASSIGNED TO EXAMINER	81856
Jun. 08, 2006	NEW APPLICATION ENTERED IN TRAM	

## Maintenance Filings or Post Registration Information

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

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

**Renewal Date:** Mar. 27, 2017

**Correction made to Registration:** In the statement, Column 1, line 1, " Caveman Kitchens Inc." should be deleted, and Cave Man Kitchens Inc. should be inserted.

## TM Staff and Location Information

### TM Staff Information - None File Location

**Current Location:** TMEG LAW OFFICE 103

**Date in Location:** Jul. 25, 2018

## Proceedings

### Summary

**Number of Proceedings:** 2

### Type of Proceeding: Cancellation

**Proceeding Number:** [92066099](#)

**Filing Date:** May 08, 2017

**Status:** Pending

**Status Date:** May 08, 2017

**Interlocutory Attorney:** ANN LINNEHAN VOGLER

### Defendant

**Name:** Caveman Foods, LLC

**Correspondent Address:** MICHAEL D ADAMS  
RUTAN & TUCKER LLP  
611 ANTON BLVD, SUITE 1400  
COSTA MESA CA UNITED STATES , 92626

**Correspondent e-mail:** [madams@rutan.com](mailto:madams@rutan.com) , [mwilliams@rutan.com](mailto:mwilliams@rutan.com) , [trademarks@rutan.com](mailto:trademarks@rutan.com) , [scook@rutan.com](mailto:scook@rutan.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
CAVEMAN FOODS	Cancellation Pending	<a href="#">85983914</a>	<a href="#">4863604</a>
CAVEMAN JERKY	Cancellation Pending	<a href="#">85320308</a>	<a href="#">4841590</a>
CAVEMAN FOODS	Cancellation Pending	<a href="#">85981476</a>	<a href="#">4565451</a>

### Plaintiff(s)

**Name:** Cave Man Kitchens Inc.

**Correspondent Address:** SUSAN L STUART  
AEON LAW PLLC  
506 2ND AVE, SUITE 3000  
SEATTLE WA UNITED STATES , 98104

**Correspondent e-mail:** [trademarks@aeonlaw.com](mailto:trademarks@aeonlaw.com) , [susi@aeonlaw.com](mailto:susi@aeonlaw.com) , [adam@aeonlaw.com](mailto:adam@aeonlaw.com) , [kyle@aeonlaw.com](mailto:kyle@aeonlaw.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
CAVE MAN KITCHENS	Registered	<a href="#">78899778</a>	<a href="#">3222887</a>
CAVEMAN KITCHEN	Opposition Pending	<a href="#">86955705</a>	
CAVEMAN	Opposition Pending	<a href="#">86966805</a>	

### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 08, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 15, 2017	Jun 24, 2017
3	PENDING, INSTITUTED	May 15, 2017	

4	ANSWER	Jun 26, 2017
5	P MOT TO CONSOLIDATE	Oct 03, 2017
6	P MOT FOR EXT W/ CONSENT	Oct 18, 2017
7	EXTENSION OF TIME GRANTED	Oct 18, 2017
8	P MOT FOR EXT W/ CONSENT	Oct 18, 2017
9	CONSOLIDATED- CHILD; TRIAL DATES RESET	Dec 06, 2017
10	STIP FOR EXT	Jan 29, 2018
11	EXTENSION OF TIME GRANTED	Jan 29, 2018
12	P MOT TO SUSP PEND DISP CIV ACTION	Feb 23, 2018
13	D APPEARANCE / POWER OF ATTORNEY	Mar 29, 2018

**Type of Proceeding: Opposition**

**Proceeding Number:** [91234111](#) **Filing Date:** Apr 20, 2017  
**Status:** Pending **Status Date:** Apr 20, 2017  
**Interlocutory Attorney:** ANN LINNEHAN VOGLER

**Defendant**

**Name:** Caveman Foods, LLC  
**Correspondent Address:** MICHAEL D ADAMS  
RUTAN & TUCKER LLP  
611 ANTON BLVD, SUITE 1400  
COSTA MESA CA UNITED STATES , 92626  
**Correspondent e-mail:** [madams@rutan.com](mailto:madams@rutan.com) , [mwilliams@rutan.com](mailto:mwilliams@rutan.com) , [trademarks@rutan.com](mailto:trademarks@rutan.com) , [scook@rutan.com](mailto:scook@rutan.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CAVEMAN FOODS	Opposition Pending	<a href="#">87087186</a>	
CAVE MAN	Opposition Pending	<a href="#">87166881</a>	
CAVE MAN	Opposition Pending	<a href="#">86169105</a>	
CAVE MAN	Opposition Pending	<a href="#">86169099</a>	

**Plaintiff(s)**

**Name:** Cave Man Kitchens Inc.  
**Correspondent Address:** SUSAN L STUART  
AEON LAW PLLC  
506 2ND AVENUE, SUITE 3000  
SEATTLE WA UNITED STATES , 98104  
**Correspondent e-mail:** [trademarks@aeonlaw.com](mailto:trademarks@aeonlaw.com) , [susi@aeonlaw.com](mailto:susi@aeonlaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CAVE MAN KITCHENS	Registered	<a href="#">78899778</a>	<a href="#">3222887</a>
CAVEMAN KITCHEN	Opposition Pending	<a href="#">86955705</a>	
CAVEMAN	Opposition Pending	<a href="#">86966805</a>	

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 20, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 20, 2017	May 30, 2017
3	PENDING, INSTITUTED	Apr 20, 2017	
4	ANSWER AND COUNTERCLAIM (FEE)	May 30, 2017	
5	ANSWER TO COUNTERCLAIM DUE (DUE DATE)	Jun 06, 2017	Jul 06, 2017
6	ANSWER TO COUNTERCLAIM	Jul 05, 2017	
7	P MOT TO CONSOLIDATE	Oct 03, 2017	
8	P MOT FOR EXT W/ CONSENT	Oct 18, 2017	
9	CONSOLIDATED - PARENT; TRIAL DATES RESET	Dec 06, 2017	
10	P MOT FOR EXT W/ CONSENT	Jan 29, 2018	

11	TRIAL DATES RESET	Feb 06, 2018
12	P MOT TO SUSP PEND DISP CIV ACTION	Feb 23, 2018
13	SUSP PEND DISP OF CIVIL ACTION	Mar 02, 2018
14	D APPEARANCE / POWER OF ATTORNEY	Mar 29, 2018

TTAB Opposition No. \_\_\_\_\_  
CAVE MAN KITCHENS INC. v. CAVEMAN FOODS, LLC

## EXHIBIT B

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Mark: CAVEMAN KITCHEN

CAVEMAN KITCHEN

US Serial Number: 86955705

Application Filing Date: Mar. 28, 2016

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

Status: An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Jun. 28, 2017

Publication Date: Apr. 11, 2017

## Mark Information

Mark Literal Elements: CAVEMAN KITCHEN

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "KITCHEN"

## Related Properties Information

Claimed Ownership of US Registrations: 3222887

## 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: Catering services; Food preparation services; Restaurant services; Restaurant services, namely, providing of food and beverages for consumption on and off the premises

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 1971

Use in Commerce: Dec. 01, 1971

## 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:** CAVE MAN KITCHENS INC.

**Owner Address:** 807 West Valley Highway  
Kent, WASHINGTON 98032  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country** WASHINGTON  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Susan L. Stuart

**Docket Number:** CAVE-2016004

**Attorney Primary Email Address:** [trademarks@aeonlaw.com](mailto:trademarks@aeonlaw.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** SUSAN L STUART  
AEON LAW PC  
506 2ND AVE STE 3000  
SEATTLE, WASHINGTON 98104-2327  
UNITED STATES

**Phone:** 206-217-2200

**Fax:** 206-217-2201

**Correspondent e-mail:** [trademarks@aeonlaw.com](mailto:trademarks@aeonlaw.com) [susi@aeonlaw.com](mailto:susi@aeonlaw.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jun. 28, 2017	OPPOSITION INSTITUTED NO. 999999	235296
May 11, 2017	EXTENSION OF TIME TO OPPOSE RECEIVED	
Apr. 11, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 11, 2017	PUBLISHED FOR OPPOSITION	
Mar. 22, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Mar. 04, 2017	LAW OFFICE PUBLICATION REVIEW COMPLETED	74221
Feb. 13, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 13, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	74221
Feb. 13, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	74221
Feb. 13, 2017	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	74221
Feb. 11, 2017	ASSIGNED TO LIE	74221
Feb. 01, 2017	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Aug. 11, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 04, 2016	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Aug. 04, 2016	LETTER OF SUSPENSION E-MAILED	6332
Aug. 04, 2016	SUSPENSION LETTER WRITTEN	73708
Jul. 30, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 29, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 29, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 12, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 12, 2016	NON-FINAL ACTION E-MAILED	6325
Jul. 12, 2016	NON-FINAL ACTION WRITTEN	73708
Jul. 10, 2016	ASSIGNED TO EXAMINER	73708
Mar. 31, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 31, 2016	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** MCMORROW, RONALD G

**Law Office Assigned:** LAW OFFICE 118



**File Location****Current Location:** PUBLICATION AND ISSUE SECTION**Date in Location:** Mar. 04, 2017**Proceedings****Summary****Number of Proceedings:** 4**Type of Proceeding: Opposition****Proceeding Number:** [91235296](#)**Filing Date:** Jun 28, 2017**Status:** Pending**Status Date:** Jun 28, 2017**Interlocutory Attorney:** ANN LINNEHAN VOGLER**Defendant****Name:** Cave Man Kitchens Inc.**Correspondent Address:** SUSAN L STUART  
AEON LAW PC  
506 2ND AVE STE 3000  
SEATTLE WA , 98104-2327  
UNITED STATES**Correspondent e-mail:** [trademarks@aeonlaw.com](mailto:trademarks@aeonlaw.com) , [susi@aeonlaw.com](mailto:susi@aeonlaw.com) , [adam@aeonlaw.com](mailto:adam@aeonlaw.com) , [kyle@aeonlaw.com](mailto:kyle@aeonlaw.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CAVEMAN KITCHEN	Opposition Pending	<a href="#">86955705</a>	
CAVEMAN	Opposition Pending	<a href="#">86966805</a>	

**Plaintiff(s)****Name:** Caveman Foods, LLC**Correspondent Address:** MICHAEL ADAMS  
RUTAN & TUCKER LLP  
611 ANTON BOULEVARD, SUITE 1400  
COSTA MESA CA , 92626  
UNITED STATES**Correspondent e-mail:** [madams@rutan.com](mailto:madams@rutan.com) , [mwilliams@rutan.com](mailto:mwilliams@rutan.com) , [scook@rutan.com](mailto:scook@rutan.com) , [trademarks@rutan.com](mailto:trademarks@rutan.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CAVEMAN FOODS	Cancellation Pending	<a href="#">85981476</a>	<a href="#">4565451</a>
CAVEMAN	Registered	<a href="#">85719301</a>	<a href="#">4515492</a>
CAVEMAN DIET	REGISTERED AND RENEWED	<a href="#">78081973</a>	<a href="#">3068863</a>
CAVEMAN CRUNCH	Section 8 and 15 - Accepted and Acknowledged	<a href="#">85107869</a>	<a href="#">4120331</a>
CAVEMAN JERKY	Cancellation Pending	<a href="#">85320308</a>	<a href="#">4841590</a>
CAVEMAN FOODS	Cancellation Pending	<a href="#">85983914</a>	<a href="#">4863604</a>
CAVE MAN	Opposition Pending	<a href="#">87166881</a>	
CAVEMAN FOODS	Opposition Pending	<a href="#">87087186</a>	
CAVE MAN	Opposition Pending	<a href="#">86169105</a>	
CAVE MAN	Opposition Pending	<a href="#">86169099</a>	

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 28, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 28, 2017	Aug 07, 2017
3	PENDING, INSTITUTED	Jun 28, 2017	
4	ANSWER	Jul 21, 2017	
5	P MOT TO CONSOLIDATE	Jul 21, 2017	
6	P MOT FOR EXT W/ CONSENT	Oct 18, 2017	

7	CONSOLIDATED- CHILD; TRIAL DATES RESET	Dec 06, 2017
8	STIP FOR EXT	Jan 29, 2018
9	EXTENSION OF TIME GRANTED	Jan 29, 2018
10	D MOT TO SUSP PEND DISP CIV ACTION	Feb 23, 2018
11	P APPEARANCE / POWER OF ATTORNEY	Mar 29, 2018

**Type of Proceeding: Extension of Time**

**Proceeding Number:** [86955705](#) **Filing Date:** May 11, 2017  
**Status:** Terminated **Status Date:** Aug 09, 2017  
**Interlocutory Attorney:**

**Defendant**

**Name:** CAVE MAN KITCHENS INC.

**Correspondent Address:** SUSAN L. STUART  
 AEON LAW  
 506 2ND AVE STE 3000  
 SEATTLE WA , 98104-2327

**Correspondent e-mail:** [trademarks@aeonlaw.com](mailto:trademarks@aeonlaw.com) , [susi@aeonlaw.com](mailto:susi@aeonlaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CAVEMAN KITCHEN	Opposition Pending	<a href="#">86955705</a>	

**Potential Opposer(s)**

**Name:** Caveman Foods, LLC

**Correspondent Address:** Mark B. Mizrahi  
 Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP  
 11400 West Olympic Blvd., 9th Floor  
 Los Angeles CA , 90064  
 UNITED STATES

**Correspondent e-mail:** [patentandtrademarks@wrslawyers.com](mailto:patentandtrademarks@wrslawyers.com) , [dhochman@wrslawyers.com](mailto:dhochman@wrslawyers.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
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**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	May 11, 2017	
2	EXTENSION OF TIME GRANTED	May 11, 2017	

**Type of Proceeding: Cancellation**

**Proceeding Number:** [92066099](#) **Filing Date:** May 08, 2017  
**Status:** Pending **Status Date:** May 08, 2017  
**Interlocutory Attorney:** ANN LINNEHAN VOGLER

**Defendant**

**Name:** Caveman Foods, LLC

**Correspondent Address:** MICHAEL D ADAMS  
 RUTAN & TUCKER LLP  
 611 ANTON BLVD, SUITE 1400  
 COSTA MESA CA , 92626  
 UNITED STATES

**Correspondent e-mail:** [madams@rutan.com](mailto:madams@rutan.com) , [mwilliams@rutan.com](mailto:mwilliams@rutan.com) , [trademarks@rutan.com](mailto:trademarks@rutan.com) , [scook@rutan.com](mailto:scook@rutan.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CAVEMAN FOODS	Cancellation Pending	<a href="#">85983914</a>	<a href="#">4863604</a>
CAVEMAN JERKY	Cancellation Pending	<a href="#">85320308</a>	<a href="#">4841590</a>

CAVEMAN FOODS

Cancellation Pending

[85981476](#)

[4565451](#)

**Plaintiff(s)**

**Name:** Cave Man Kitchens Inc.

**Correspondent Address:** SUSAN L STUART  
AEON LAW PLLC  
506 2ND AVE, SUITE 3000  
SEATTLE WA , 98104  
UNITED STATES

**Correspondent e-mail:** [trademarks@aeonlaw.com](mailto:trademarks@aeonlaw.com) , [susi@aeonlaw.com](mailto:susi@aeonlaw.com) , [adam@aeonlaw.com](mailto:adam@aeonlaw.com) , [kyle@aeonlaw.com](mailto:kyle@aeonlaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CAVE MAN KITCHENS	Registered	<a href="#">78899778</a>	<a href="#">3222887</a>
CAVEMAN KITCHEN	Opposition Pending	<a href="#">86955705</a>	
CAVEMAN	Opposition Pending	<a href="#">86966805</a>	

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 08, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 15, 2017	Jun 24, 2017
3	PENDING, INSTITUTED	May 15, 2017	
4	ANSWER	Jun 26, 2017	
5	P MOT TO CONSOLIDATE	Oct 03, 2017	
6	P MOT FOR EXT W/ CONSENT	Oct 18, 2017	
7	EXTENSION OF TIME GRANTED	Oct 18, 2017	
8	P MOT FOR EXT W/ CONSENT	Oct 18, 2017	
9	CONSOLIDATED- CHILD; TRIAL DATES RESET	Dec 06, 2017	
10	STIP FOR EXT	Jan 29, 2018	
11	EXTENSION OF TIME GRANTED	Jan 29, 2018	
12	P MOT TO SUSP PEND DISP CIV ACTION	Feb 23, 2018	
13	D APPEARANCE / POWER OF ATTORNEY	Mar 29, 2018	

**Type of Proceeding: Opposition**

**Proceeding Number:** [91234111](#)

**Filing Date:** Apr 20, 2017

**Status:** Pending

**Status Date:** Apr 20, 2017

**Interlocutory Attorney:** ANN LINNEHAN VOGLER

**Defendant**

**Name:** Caveman Foods, LLC

**Correspondent Address:** MICHAEL D ADAMS  
RUTAN & TUCKER LLP  
611 ANTON BLVD, SUITE 1400  
COSTA MESA CA , 92626  
UNITED STATES

**Correspondent e-mail:** [madams@rutan.com](mailto:madams@rutan.com) , [mwilliams@rutan.com](mailto:mwilliams@rutan.com) , [trademarks@rutan.com](mailto:trademarks@rutan.com) , [scook@rutan.com](mailto:scook@rutan.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CAVEMAN FOODS	Opposition Pending	<a href="#">87087186</a>	
CAVE MAN	Opposition Pending	<a href="#">87166881</a>	
CAVE MAN	Opposition Pending	<a href="#">86169105</a>	
CAVE MAN	Opposition Pending	<a href="#">86169099</a>	

**Plaintiff(s)**

**Name:** Cave Man Kitchens Inc.

**Correspondent Address:** SUSAN L STUART  
AEON LAW PLLC

506 2ND AVENUE, SUITE 3000  
SEATTLE WA , 98104  
UNITED STATES

Correspondent e-mail: [trademarks@aeonlaw.com](mailto:trademarks@aeonlaw.com) , [susi@aeonlaw.com](mailto:susi@aeonlaw.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
CAVE MAN KITCHENS	Registered	<a href="#">78899778</a>	<a href="#">3222887</a>
CAVEMAN KITCHEN	Opposition Pending	<a href="#">86955705</a>	
CAVEMAN	Opposition Pending	<a href="#">86966805</a>	

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 20, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 20, 2017	May 30, 2017
3	PENDING, INSTITUTED	Apr 20, 2017	
4	ANSWER AND COUNTERCLAIM (FEE)	May 30, 2017	
5	ANSWER TO COUNTERCLAIM DUE (DUE DATE)	Jun 06, 2017	Jul 06, 2017
6	ANSWER TO COUNTERCLAIM	Jul 05, 2017	
7	P MOT TO CONSOLIDATE	Oct 03, 2017	
8	P MOT FOR EXT W/ CONSENT	Oct 18, 2017	
9	CONSOLIDATED - PARENT; TRIAL DATES RESET	Dec 06, 2017	
10	P MOT FOR EXT W/ CONSENT	Jan 29, 2018	
11	TRIAL DATES RESET	Feb 06, 2018	
12	P MOT TO SUSP PEND DISP CIV ACTION	Feb 23, 2018	
13	SUSP PEND DISP OF CIVIL ACTION	Mar 02, 2018	
14	D APPEARANCE / POWER OF ATTORNEY	Mar 29, 2018	

Generated on: This page was generated by TSDR on 2018-12-13 17:42:17 EST

Mark: CAVEMAN

# CAVEMAN

US Serial Number: 86966805

Application Filing Date: Apr. 06, 2016

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Opposition Pending

The pending trademark application has been examined by the Office and was published for opposition, at which time one or more oppositions were filed but they have not yet been decided.

Status: An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Jun. 28, 2017

Publication Date: Feb. 28, 2017

## Mark Information

Mark Literal Elements: CAVEMAN

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Related Properties Information

Claimed Ownership of US Registrations: 3222887

## 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: Catering services; Food preparation services; Restaurant services; Restaurant services, namely, providing of food and beverages for consumption on and off the premises

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 1971

Use in Commerce: Dec. 01, 1971

## Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

## Current Owner(s) Information

**Owner Name:** CAVE MAN KITCHENS INC.

**Owner Address:** 807 West Valley Highway  
Kent, WASHINGTON UNITED STATES 98032

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** WASHINGTON

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Susan L. Stuart

**Docket Number:** CAVE-2016005

**Attorney Primary Email Address:** [trademarks@aeonlaw.com](mailto:trademarks@aeonlaw.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** SUSAN L STUART  
AEON LAW PC  
506 2ND AVE STE 3000  
SEATTLE, WASHINGTON UNITED STATES 98104-2327

**Phone:** 206-217-2200

**Fax:** 206-217-2201

**Correspondent e-mail:** [trademarks@aeonlaw.com](mailto:trademarks@aeonlaw.com) [susi@aeonlaw.com](mailto:susi@aeonlaw.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jun. 28, 2017	OPPOSITION INSTITUTED NO. 999999	235296
Mar. 27, 2017	EXTENSION OF TIME TO OPPOSE RECEIVED	
Feb. 28, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 28, 2017	PUBLISHED FOR OPPOSITION	
Feb. 08, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 20, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 11, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 12, 2016	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jul. 12, 2016	LETTER OF SUSPENSION E-MAILED	6332
Jul. 12, 2016	SUSPENSION LETTER WRITTEN	73708
Jul. 10, 2016	ASSIGNED TO EXAMINER	73708
Apr. 12, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 09, 2016	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** MCMORROW, RONALD G

**Law Office Assigned:** LAW OFFICE 118

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Jan. 22, 2017

## Proceedings

### Summary

**Number of Proceedings:** 4

**Type of Proceeding:** Opposition

Proceeding [91235296](#)  
Number:

Filing Date: Jun 28, 2017

Status: Pending

Status Date: Jun 28, 2017

Interlocutory Attorney: ANN LINNEHAN VOGLER

#### Defendant

Name: Cave Man Kitchens Inc.

Correspondent Address: SUSAN L STUART  
AEON LAW PC  
506 2ND AVE STE 3000  
SEATTLE WA UNITED STATES , 98104-2327

Correspondent e-mail: [trademarks@aeonlaw.com](mailto:trademarks@aeonlaw.com) , [susi@aeonlaw.com](mailto:susi@aeonlaw.com) , [adam@aeonlaw.com](mailto:adam@aeonlaw.com) , [kyle@aeonlaw.com](mailto:kyle@aeonlaw.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
CAVEMAN KITCHEN	Opposition Pending	<a href="#">86955705</a>	
CAVEMAN	Opposition Pending	<a href="#">86966805</a>	

#### Plaintiff(s)

Name: Caveman Foods, LLC

Correspondent Address: MICHAEL ADAMS  
RUTAN & TUCKER LLP  
611 ANTON BOULEVARD, SUITE 1400  
COSTA MESA CA UNITED STATES , 92626

Correspondent e-mail: [madams@rutan.com](mailto:madams@rutan.com) , [mwilliams@rutan.com](mailto:mwilliams@rutan.com) , [scook@rutan.com](mailto:scook@rutan.com) , [trademarks@rutan.com](mailto:trademarks@rutan.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
CAVEMAN FOODS	Cancellation Pending	<a href="#">85981476</a>	<a href="#">4565451</a>
CAVEMAN	Registered	<a href="#">85719301</a>	<a href="#">4515492</a>
CAVEMAN DIET	REGISTERED AND RENEWED	<a href="#">78081973</a>	<a href="#">3068863</a>
CAVEMAN CRUNCH	Section 8 and 15 - Accepted and Acknowledged	<a href="#">85107869</a>	<a href="#">4120331</a>
CAVEMAN JERKY	Cancellation Pending	<a href="#">85320308</a>	<a href="#">4841590</a>
CAVEMAN FOODS	Cancellation Pending	<a href="#">85983914</a>	<a href="#">4863604</a>
CAVE MAN	Opposition Pending	<a href="#">87166881</a>	
CAVEMAN FOODS	Opposition Pending	<a href="#">87087186</a>	
CAVE MAN	Opposition Pending	<a href="#">86169105</a>	
CAVE MAN	Opposition Pending	<a href="#">86169099</a>	

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 28, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 28, 2017	Aug 07, 2017
3	PENDING, INSTITUTED	Jun 28, 2017	
4	ANSWER	Jul 21, 2017	
5	P MOT TO CONSOLIDATE	Jul 21, 2017	
6	P MOT FOR EXT W/ CONSENT	Oct 18, 2017	
7	CONSOLIDATED- CHILD; TRIAL DATES RESET	Dec 06, 2017	
8	STIP FOR EXT	Jan 29, 2018	
9	EXTENSION OF TIME GRANTED	Jan 29, 2018	
10	D MOT TO SUSP PEND DISP CIV ACTION	Feb 23, 2018	
11	P APPEARANCE / POWER OF ATTORNEY	Mar 29, 2018	

#### Type of Proceeding: Cancellation

Proceeding [92066099](#)  
Number:

Filing Date: May 08, 2017

Status: Pending

Status Date: May 08, 2017

Interlocutory Attorney: ANN LINNEHAN VOGLER

**Attorney:****Defendant****Name:** Caveman Foods, LLC**Correspondent Address:** MICHAEL D ADAMS  
RUTAN & TUCKER LLP  
611 ANTON BLVD, SUITE 1400  
COSTA MESA CA UNITED STATES , 92626**Correspondent e-mail:** [madams@rutan.com](mailto:madams@rutan.com) , [mwilliams@rutan.com](mailto:mwilliams@rutan.com) , [trademarks@rutan.com](mailto:trademarks@rutan.com) , [scook@rutan.com](mailto:scook@rutan.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CAVEMAN FOODS	Cancellation Pending	<a href="#">85983914</a>	<a href="#">4863604</a>
CAVEMAN JERKY	Cancellation Pending	<a href="#">85320308</a>	<a href="#">4841590</a>
CAVEMAN FOODS	Cancellation Pending	<a href="#">85981476</a>	<a href="#">4565451</a>

**Plaintiff(s)****Name:** Cave Man Kitchens Inc.**Correspondent Address:** SUSAN L STUART  
AEON LAW PLLC  
506 2ND AVE, SUITE 3000  
SEATTLE WA UNITED STATES , 98104**Correspondent e-mail:** [trademarks@aeonlaw.com](mailto:trademarks@aeonlaw.com) , [susi@aeonlaw.com](mailto:susi@aeonlaw.com) , [adam@aeonlaw.com](mailto:adam@aeonlaw.com) , [kyle@aeonlaw.com](mailto:kyle@aeonlaw.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CAVE MAN KITCHENS	Registered	<a href="#">78899778</a>	<a href="#">3222887</a>
CAVEMAN KITCHEN	Opposition Pending	<a href="#">86955705</a>	
CAVEMAN	Opposition Pending	<a href="#">86966805</a>	

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 08, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 15, 2017	Jun 24, 2017
3	PENDING, INSTITUTED	May 15, 2017	
4	ANSWER	Jun 26, 2017	
5	P MOT TO CONSOLIDATE	Oct 03, 2017	
6	P MOT FOR EXT W/ CONSENT	Oct 18, 2017	
7	EXTENSION OF TIME GRANTED	Oct 18, 2017	
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9	CONSOLIDATED- CHILD; TRIAL DATES RESET	Dec 06, 2017	
10	STIP FOR EXT	Jan 29, 2018	
11	EXTENSION OF TIME GRANTED	Jan 29, 2018	
12	P MOT TO SUSP PEND DISP CIV ACTION	Feb 23, 2018	
13	D APPEARANCE / POWER OF ATTORNEY	Mar 29, 2018	

**Type of Proceeding: Opposition****Proceeding Number:** [91234111](#)**Filing Date:** Apr 20, 2017**Status:** Pending**Status Date:** Apr 20, 2017**Interlocutory Attorney:** ANN LINNEHAN VOGLER**Defendant****Name:** Caveman Foods, LLC**Correspondent Address:** MICHAEL D ADAMS  
RUTAN & TUCKER LLP  
611 ANTON BLVD, SUITE 1400  
COSTA MESA CA UNITED STATES , 92626**Correspondent e-mail:** [madams@rutan.com](mailto:madams@rutan.com) , [mwilliams@rutan.com](mailto:mwilliams@rutan.com) , [trademarks@rutan.com](mailto:trademarks@rutan.com) , [scook@rutan.com](mailto:scook@rutan.com)



Associated marks			
Mark	Application Status	Serial Number	Registration Number
CAVEMAN FOODS	Opposition Pending	<a href="#">87087186</a>	
CAVE MAN	Opposition Pending	<a href="#">87166881</a>	
CAVE MAN	Opposition Pending	<a href="#">86169105</a>	
CAVE MAN	Opposition Pending	<a href="#">86169099</a>	

**Plaintiff(s)**

**Name:** Cave Man Kitchens Inc.

**Correspondent Address:** SUSAN L STUART  
AEON LAW PLLC  
506 2ND AVENUE, SUITE 3000  
SEATTLE WA UNITED STATES , 98104

**Correspondent e-mail:** [trademarks@aeonlaw.com](mailto:trademarks@aeonlaw.com) , [susi@aeonlaw.com](mailto:susi@aeonlaw.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
CAVE MAN KITCHENS	Registered	<a href="#">78899778</a>	<a href="#">3222887</a>
CAVEMAN KITCHEN	Opposition Pending	<a href="#">86955705</a>	
CAVEMAN	Opposition Pending	<a href="#">86966805</a>	

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 20, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 20, 2017	May 30, 2017
3	PENDING, INSTITUTED	Apr 20, 2017	
4	ANSWER AND COUNTERCLAIM (FEE)	May 30, 2017	
5	ANSWER TO COUNTERCLAIM DUE (DUE DATE)	Jun 06, 2017	Jul 06, 2017
6	ANSWER TO COUNTERCLAIM	Jul 05, 2017	
7	P MOT TO CONSOLIDATE	Oct 03, 2017	
8	P MOT FOR EXT W/ CONSENT	Oct 18, 2017	
9	CONSOLIDATED - PARENT; TRIAL DATES RESET	Dec 06, 2017	
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11	TRIAL DATES RESET	Feb 06, 2018	
12	P MOT TO SUSP PEND DISP CIV ACTION	Feb 23, 2018	
13	SUSP PEND DISP OF CIVIL ACTION	Mar 02, 2018	
14	D APPEARANCE / POWER OF ATTORNEY	Mar 29, 2018	

**Type of Proceeding: Extension of Time**

**Proceeding Number:** [86966805](#)

**Filing Date:** Mar 27, 2017

**Status:** Terminated

**Status Date:** Jun 28, 2017

**Interlocutory Attorney:**

**Defendant**

**Name:** CAVE MAN KITCHENS INC.

**Correspondent Address:** SUSAN L. STUART  
AEON LAW  
506 2nd Avenue, Suite 3000  
Seattle WA , 98104

**Correspondent e-mail:** [trademarks@aeonlaw.com](mailto:trademarks@aeonlaw.com) , [susi@aeonlaw.com](mailto:susi@aeonlaw.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
CAVEMAN	Opposition Pending	<a href="#">86966805</a>	

**Potential Opposer(s)**

**Name:** Caveman Foods, LLC

**Correspondent** Mark B. Mizrahi  
**Address:** Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP  
11400 West Olympic Blvd., 9th Floor  
Los Angeles CA UNITED STATES , 90064

**Correspondent e-mail:** [patentandtrademarks@wrslawyers.com](mailto:patentandtrademarks@wrslawyers.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number

Prosecution History			
Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Mar 27, 2017	
2	EXTENSION OF TIME GRANTED	Mar 27, 2017	

TTAB Opposition No. \_\_\_\_\_  
CAVE MAN KITCHENS INC. v. CAVEMAN FOODS, LLC

## EXHIBIT C



NO NITRATES\*

GLUTEN FREE

NO ADDED HORMONES\*\*

ALL NATURAL CHICKEN USED

PALEO INSPIRED

cave man



Chicken PRIMAL BAR CHICKEN WITH CHERRIES

18g PROTEIN PER BAR

NET WT 1.5 OZ (42g)

SWEET CHERRY

\*No artificial ingredients, minimally processed. \*\*Federal regulations do not permit the added use of hormones in chicken. \*\*\* Except for that naturally occurring in sea salt.

caveinajobs.com

...for that...

... (P.O. Box 100, Cambridge, MA 02142) ...

**acts** Serv. Size 1 bar (42g/1.5oz). Servings 1, Amount Per Serving: **Calories 150**, Fat 2.5g (4% DV), Sat. Fat 1g (2% DV), Trans Fat 0g, **Cholesterol 55mg** (18% DV), **Sodium 460mg** (19% DV), **Total Carb. 13g** (4% DV), **Fiber 1g** (4% DV), **Sugars 9g**, **Vitamin A** (15% DV), **Vitamin C** (0% DV), **Calcium** (0% DV), **Iron** (4% DV) Percent Daily Values are based on a diet of other people's secrets. © 2000 calorie diet.

**Ingredients:**  
Chicken (White and Dark Meat), Cherries, Chicken Broth, Apple Cider Vinegar, Honey, Sea Salt, Encapsulated Lactate, Spices, Potato Powder, Dried Garlic.  
Manufactured by  
Cave Mountain Foods, LLC  
Hayward, CA 94549  
WCP91.0.C  
cavemountainfoods.com



**What We're Meant to Eat**

**GRAIN FREE**  
gluten.org  
Gluten Intolerance Group

