

ESTTA Tracking number: **ESTTA942741**

Filing date: **12/20/2018**

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	Jack's Family Restaurants LP		
Entity	Limited Partnership	Citizenship	Delaware
Address	124 West Oxmoor Road Birmingham, AL 35209 UNITED STATES		

Attorney information	Douglas A. Rettew Finnegan, Henderson, Farabow, Garrett & Dunner, LLP 901 New York Avenue, NW Washington, DC 20001 UNITED STATES docketing@finnegan.com, doug.rettew@finnegan.com, laura.johnson@finnegan.com, TTAB-Legal-Assistants@finnegan.com 2024084000		
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Applicant Information

Application No	87725982	Publication date	11/20/2018
Opposition Filing Date	12/20/2018	Opposition Period Ends	12/20/2018
Applicant	Panama Jack International, Inc. 230 Ernestine Street Orlando, FL 32801 UNITED STATES		

Goods/Services Affected by Opposition

Class 043. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Nightclub services; making hotel and resort hotel lodging reservations for others; resort lodging services; hotel services; luxury hotel services; restaurant, catering, bar and cocktail lounge services; caf�� services; provision of general-purpose facilities for meetings, conferences and exhibitions; provision of banquet and social function facilities for special occasions; providing temporary and temporary long-term housing accommodations; and providing a website featuring information in the field of hotels, resort lodging services and temporary accommodations for travelers			
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Applicant Information

Application No	87726052	Publication date	11/20/2018
Opposition Filing Date	12/20/2018	Opposition Period Ends	12/20/2018
Applicant	Panama Jack International, Inc. 230 Ernestine Street		

	Orlando, FL 32801 UNITED STATES
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Goods/Services Affected by Opposition

Class 043. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Making hotel and resort hotel lodging reservations for others; resort lodging services; hotel services; luxury hotel services; restaurant, catering, bar and cocktail lounge services; caf   services; provision of general-purpose facilities for meetings, conferences and exhibitions; provision of banquet and social function facilities for special occasions; providing temporary and temporary long-termhousing accommodations; and providing awebsite featuring information in the field of hotels, resort lodging services and temporary accommodations for travelers

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.	793082	Application Date	07/01/1964
Registration Date	07/20/1965	Foreign Priority Date	NONE
Word Mark	JACK'S		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1961/12/01 First Use In Commerce: 1964/06/04 RESTAURANT SERVICES-NAMELY, DRIVE-IN RESTAURANTS SPECIALIZING IN THE SERVING OFSANDWICHES, SEAFOOD, AND NONALCOHOLIC BEVERAGES		

U.S. Registration No.	1002373	Application Date	08/09/1973
Registration Date	01/21/1975	Foreign Priority Date	NONE
Word Mark	JACK'S		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 042. First use: First Use: 1973/02/01 First Use In Commerce: 1973/02/01 RESTAURANT SERVICES FEATURING SPECIALLYPREPARED SAND- WICHES
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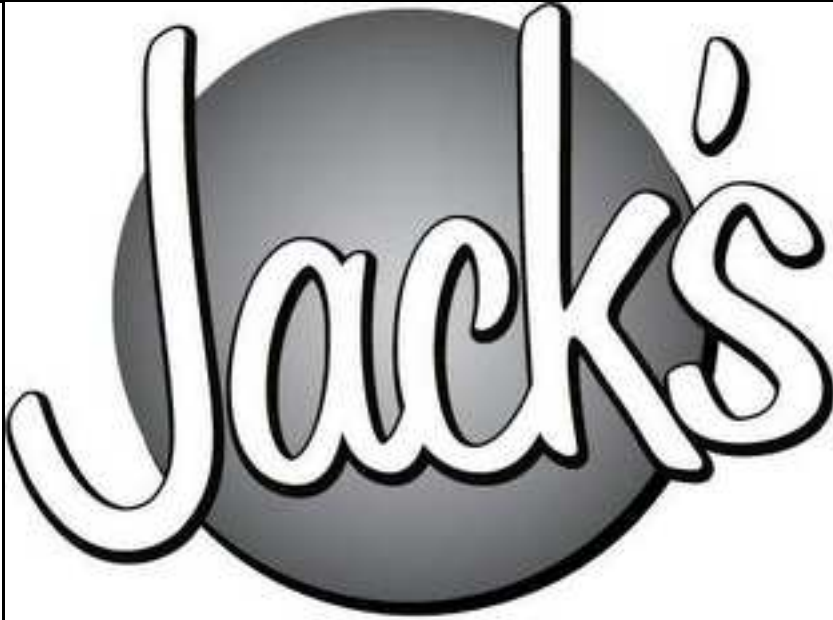
U.S. Registration No.	5327770	Application Date	03/23/2017
Registration Date	11/07/2017	Foreign Priority Date	NONE
Word Mark	JACK'S		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 2017/03/21 First Use In Commerce: 2017/03/21 Restaurant services		

U.S. Registration No.	2624814	Application Date	12/11/2001
Registration Date	09/24/2002	Foreign Priority Date	NONE
Word Mark	JACK'S EST. 1960		


Design Mark	
Description of Mark	NONE
Goods/Services	Class 043. First use: First Use: 2001/09/01 First Use In Commerce: 2001/09/01 restaurant services

U.S. Registration No.	4111738	Application Date	07/28/2011
Registration Date	03/13/2012	Foreign Priority Date	NONE

Word Mark	JACK'S
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Design Mark	
Description of Mark	The mark consists of the mark "Jack's" in stylized form with a circle in the background.
Goods/Services	Class 043. First use: First Use: 2011/07/01 First Use In Commerce: 2011/07/01 Restaurant services



U.S. Registration No.	2438488	Application Date	03/24/2000
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Registration Date	03/27/2001	Foreign Priority Date	NONE
Word Mark	EATATJACKS.COM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1999/08/01 First Use In Commerce: 1999/08/01 Fast food and restaurant services specializing in sandwiches, fries, and non-alcoholic beverages		

Attachments	72465200#TMSN.png(bytes) 87382431#TMSN.png(bytes) 76347603#TMSN.png(bytes) 85383229#TMSN.png(bytes) 76008890#TMSN.png(bytes) 12-20-18 Consolidated Notice of Opposition 87725982 JACKS 24 and 87726052 JACKS LANDING.pdf(1630658 bytes)
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Signature	/Douglas A. Rettew/
Name	Douglas A. Rettew
Date	12/20/2018


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

<p>JACK'S FAMILY RESTAURANTS LP,</p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">v.</p> <p>PANAMA JACK INTERNATIONAL, INC.,</p> <p style="text-align: center;">Applicant.</p>	<p>Consolidated Opposition No. _____</p> <div style="text-align: center;"></div> <p>Mark: Serial No.: 87725982 Filing Date: December 19, 2017</p> <div style="text-align: center;"></div> <p>Mark: Serial No.: 87726052 Filing Date: December 19, 2017</p>
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CONSOLIDATED NOTICE OF OPPOSITION

Jack's Family Restaurants LP ("Jack's") believes that it will be damaged by the

registration of Application Serial No. 87725982 for the mark  for "Nightclub services; making hotel and resort hotel lodging reservations for others; resort lodging services; hotel services; luxury hotel services; restaurant, catering, bar and cocktail lounge services; café services; provision of general-purpose facilities for meetings, conferences and exhibitions; provision of banquet and social function facilities for special occasions; providing temporary and temporary long-term housing accommodations; and providing a website featuring information in the field of hotels, resort lodging services and temporary accommodations for travelers" and

Application Serial No. 87726052 for the mark  for "Making hotel and resort hotel lodging reservations for others; resort lodging services; hotel services; luxury hotel services; restaurant, catering, bar and cocktail lounge services; café services; provision of general-purpose

facilities for meetings, conferences and exhibitions; provision of banquet and social function facilities for special occasions; providing temporary and temporary long-term housing accommodations; and providing a website featuring information in the field of hotels, resort lodging services and temporary accommodations for travelers” and opposes them. As grounds for this consolidated opposition, Jack’s alleges the following, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to other matters.

Jack’s and its JACK’S Name and Mark

1. Jack’s is a Delaware limited partnership with a principal place of business at 124 West Oxmoor Road, Birmingham, Alabama 35209.

2. Jack’s first started using the trade name and mark JACK’S in connection with restaurant services at least as early as November 21, 1960. Since that time, Jack’s has continuously used the JACK’S name and mark in various forms in connection with its restaurant services.

3. The JACK’S mark has been prominently displayed throughout Jack’s various restaurants via exterior and in-store signage, menus, uniforms, and packaging, as shown in the examples below:









4. Since its first use of the JACK'S name and mark, Jack's has extensively advertised its name, mark, and services through a wide variety of media, including the Internet, social-media websites, television, radio, print, billboard advertising, and local events.

5. Over the years, Jack's has built a large and loyal customer following due to its history, branding, and the consistent quality of its menu offerings available under the JACK'S name and mark. Today, millions of customers from all walks of life are exposed to the JACK'S name and mark and visit the 160-plus JACK'S-branded restaurant locations each year.

6. Jack's owns the following federal registrations for marks comprised of or containing JACK'S for restaurant services (printouts from the PTO TESS and TSDR databases, including Assignment information, are attached as Exhibit A):

Mark	Reg. No./ Issue Date	Goods/Services
JACK'S	0793082 07-20-1965	Restaurant services-namely, drive-in restaurants specializing in the serving of sandwiches, seafood, and nonalcoholic beverages
	1002373 01-21-1975	Restaurant services featuring specially prepared sandwiches
	5327770 11-7-2017	Restaurant services
	2624814 09-24-2002	Restaurant services
	4111738 03-13-2012	Restaurant services
EATATJACKS.COM	2438488 03-27-2001	Fast food and restaurant services specializing in sandwiches, fries, and non-alcoholic beverages

7. Registration Nos. 0793082, 1002373, 2624814, 4111738, and 2438488 are incontestable pursuant to 15 U.S.C. § 1065(b) and constitute conclusive evidence of Jack's exclusive right to use the marks for the services specified in the registrations pursuant to 15 U.S.C. §§ 1065 and 1115(b).


8. Jack's has established considerable and valuable trademark rights and goodwill in its JACK'S name and mark by virtue of long use, substantial promotional and marketing efforts, the expenditure of vast sums in advertising and promotional activities, strong sales, and third-party acclaim and attention.

9. In *Jack's Family Restaurants LP v. Wait List Incorporated*, Opposition No. 91222221 (TTAB July 26, 2018), after a full trial on the merits, the Trademark Trial and Appeal Board held that the mark JACK'S URBAN EATS, for restaurant services, conflicts with Jack's JACK'S mark on likelihood-of-confusion grounds.


**Panama Jack International, Inc.
and its JACK'S 24 and JACK'S LANDING Applications**

10. Panama Jack International, Inc. is a Florida corporation with an address at 230 Ernestine Street, Orland, Florida 32801.

11. On December 19, 2017, Applicant filed intent-to-use application Serial No.

87725982 for the mark  for "Nightclub services; making hotel and resort hotel lodging reservations for others; resort lodging services; hotel services; luxury hotel services; restaurant, catering, bar and cocktail lounge services; café services; provision of general-purpose facilities for meetings, conferences and exhibitions; provision of banquet and social function facilities for special occasions; providing temporary and temporary long-term housing accommodations; and providing a website featuring information in the field of hotels, resort lodging services and temporary accommodations for travelers" in Class 43. The application published for opposition on November 20, 2018.

12. On December 19, 2017, Applicant filed intent-to-use application Serial No.

87726052 for the mark  for “Making hotel and resort hotel lodging reservations for others; resort lodging services; hotel services; luxury hotel services; restaurant, catering, bar and cocktail lounge services; café services; provision of general-purpose facilities for meetings, conferences and exhibitions; provision of banquet and social function facilities for special occasions; providing temporary and temporary long-term housing accommodations; and providing a website featuring information in the field of hotels, resort lodging services and temporary accommodations for travelers” in Class 43. The application published for opposition on November 20, 2018.

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

13. Jack’s repeats and realleges each and every allegation set forth above.

14. Jack’s has priority based on its valid and subsisting registrations set forth in Paragraph 6 above. In addition, Jack’s has priority based on its use of the JACK’S name and mark in commerce for over a half a century before the December 19, 2017 filing date of Applicant’s Application Serial Nos. 87725982 and 87726052, and any first-use/use-in-commerce dates that may be alleged by Applicant.

15. The marks shown in Application Serial Nos. 87725982 and 87726052 so resemble Jack’s’ previously used and registered JACK’S name and mark as to be likely, when used in connection with the services in Application Serial Nos. 87725982 and 87726052, to cause confusion, or to cause mistake, or to deceive under Section 2(d) of the Lanham Act, as amended, 15 U.S.C. § 1052(d).

16. For the foregoing reasons, Jack’s will be damaged by the registration of Application Serial Nos. 87725982 and 87726052.

WHEREFORE, Jack's respectfully requests that Application Serial Nos. 87725982 and 87726052 be refused registration and this consolidated opposition be sustained.

This Consolidated Notice of Opposition is submitted with payment for the filing fee.
Any deficiency in the fee should be charged to Deposit Account No. 06-0916.

Respectfully submitted,

Date: December 20, 2018

/Douglas A. Rettew/
Douglas A. Rettew
Laura K. Johnson
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
901 New York Avenue N.W.
Washington, DC 20001-4413
202-408-4000 Phone

docketing@finnegan.com
doug.rettew@finnegan.com
laura.johnson@finnegan.com
TTAB-Legal-Assistants@finnegan.com

Attorneys for Opposer
JACK'S FAMILY RESTAURANTS LP

Consolidated Notice of Opposition

Serial No. 87725982 Mark:



Serial No. 87726052 Mark:



Exhibit A



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Typed Drawing

Word Mark JACK'S

Goods and Services IC 042. US 100. G & S: RESTAURANT SERVICES-NAMELY, DRIVE-IN RESTAURANTS SPECIALIZING IN THE SERVING OF SANDWICHES, SEAFOOD, AND NONALCOHOLIC BEVERAGES. FIRST USE: 19611201. FIRST USE IN COMMERCE: 19640604

Mark Drawing Code (1) TYPED DRAWING

Serial Number 72196866

Filing Date July 1, 1964

Current Basis 1A

Original Filing Basis 1A

Registration Number 0793082

Registration Date July 20, 1965

Owner (REGISTRANT) JACK'S FRANCHISING COMPANY, INCORPORATED CORPORATION ALABAMA 2719 S. 19TH STREET BIRMINGHAM ALABAMA

(LAST LISTED OWNER) JACK'S FAMILY RESTAURANTS LP LIMITED PARTNERSHIP DELAWARE 124 WEST OXMOOR RD. BIRMINGHAM ALABAMA 35209

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Kenneth M. Bush

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECTION 8(10-YR) 20140823.

Renewal 3RD RENEWAL 20140823

Live/Dead Indicator LIVE

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Mark: JACK'S

No Image exists for this case.

US Serial Number: 72196866

Application Filing Date: Jul. 01, 1964

US Registration Number: 793082

Registration Date: Jul. 20, 1965

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: The registration has been renewed.

Status Date: Aug. 23, 2014

Mark Information

Mark Literal Elements: JACK'S

Standard Character Claim: No

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

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: RESTAURANT SERVICES-NAMELY, DRIVE-IN RESTAURANTS SPECIALIZING IN THE SERVING OF SANDWICHES, SEAFOOD, AND NONALCOHOLIC BEVERAGES

International Class(es): 042

U.S Class(es): 100 - Primary Class

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 1961

Use in Commerce: Jun. 04, 1964

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: JACK'S FAMILY RESTAURANTS LP

Owner Address: 124 WEST OXMOOR RD.
BIRMINGHAM, ALABAMA UNITED STATES 35209

Legal Entity Type: LIMITED PARTNERSHIP

**State or Country Where
Organized:** DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Kenneth M. Bush

Attorney Primary Email kbush@bushlaw.us
Address:

Attorney Email Authorized: Yes

Correspondent

Correspondent Kenneth M. Bush

Name/Address: Bush Intellectual Property Law
PO BOX 381146
BIRMINGHAM, ALABAMA UNITED STATES 35238

Phone: 205-972-0145

Correspondent e-mail: kbush@bushlaw.us pwalsh@bushlaw.us

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 02, 2015	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jul. 15, 2015	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Aug. 23, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Aug. 23, 2014	REGISTERED AND RENEWED (THIRD RENEWAL - 10 YRS)	76873
Aug. 23, 2014	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76873
Aug. 23, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76873
Aug. 07, 2014	TEAS SECTION 8 & 9 RECEIVED	
Jan. 28, 2009	CASE FILE IN TIGRS	
Mar. 25, 2005	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	
Mar. 25, 2005	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Mar. 25, 2005	ASSIGNED TO PARALEGAL	65765
Oct. 18, 2004	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Oct. 18, 2004	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Oct. 18, 2004	TEAS SECTION 8 & 9 RECEIVED	
Jul. 20, 1985	REGISTERED AND RENEWED (FIRST RENEWAL - 20 YRS)	
Mar. 14, 1985	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jul. 20, 2015

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Aug. 23, 2014

Assignment Abstract Of Title Information

Summary

Total Assignments: 5

Conveyance FilterRegistrant: JACK'S FRANCHISING COMPANY,
INCORPORATED

Assignment 1 of 5

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Reel/Frame: 0240/0356

Pages: 1

Date Recorded: Aug. 09, 1973

Supporting Documents: No Supporting Documents Available

Assignor

Name: JACK'S FRANCHISING COMPANY
INCORPORATED

Execution Date: Aug. 02, 1973

Legal Entity Type: UNKNOWN

State or Country Where
Organized: No Place Where Organized Found

Assignee

Name: JACK'S FOOD SYSTEMS, INC.

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWAREAddress: 2719 SOUTH 19TH ST.
BIRMINGHAM, ALABAMA

Correspondent

Correspondent Name: JENNINGS, CARTER, ET AL.

Correspondent Address: SUITE 1414
BANK FOR SAVINGS BLDG.
BIRMINGHAM, AL 35203

Domestic Representative - Not Found

Assignment 2 of 5

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Reel/Frame: 0664/0790

Pages: 0

Date Recorded: Aug. 14, 1989

Supporting Documents: No Supporting Documents Available

Assignor

Name: JACK'S FOOD SYSTEMS, INC.

Execution Date: Jun. 02, 1989

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: BIG B FOOD SYSTEMS, LTD.

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where
Organized: ALABAMA

Address: No Assignee Address Found

Correspondent

Correspondent Name: SIROTE & PERMUTT, P.C.

Correspondent Address: P.O. BOX 55727
BIRMINGHAM, AL 35355-5727

Domestic Representative - Not Found

Assignment 3 of 5

Conveyance: MERGER

Reel/Frame: 1587/0911

Pages: 9

Date Recorded: May 12, 1997

Supporting Documents: No Supporting Documents Available

Assignor

Name: BIG B FOOD SYSTEMS, LTD.

Execution Date: Sep. 26, 1994

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: JACK'S FAMILY RESTAURANTS, INC.

State or Country Where Organized: ALABAMA

Legal Entity Type: CORPORATION

Address: 133 WEST OXMOOR ROAD, SUITE 215
BIRMINGHAM, ALABAMA 35209

Correspondent

Correspondent Name: VEAL & ASSOCIATES

Correspondent Address: ROBERT J. VEAL
200 CAHABA PARK CIRCLE, SUITE 125
BIRMINGHAM, AL 35242

Domestic Representative - Not Found

Assignment 4 of 5

Conveyance: TRADEMARK SECURITY AGREEMENT

Reel/Frame: 5566/0611

Pages: 7

Date Recorded: Jul. 01, 2015

Supporting Documents: [assignment-tm-5566-0611.pdf](#)

Assignor

Name: JACK'S FAMILY RESTAURANTS, INC.

Execution Date: Jul. 01, 2015

Legal Entity Type: CORPORATION

State or Country Where Organized: ALABAMA

Assignee

Name: ROYAL BANK OF CANADA, AS ADMINISTRATIVE AGENT

State or Country Where Organized: CANADA

Legal Entity Type: BANK

Address: 20 KING STREET WEST, 4TH FLOOR
TORONTO, CANADA M5H 1C4

Correspondent

Correspondent Name: LATHAM & WATKINS LLP

Correspondent Address: 650 TOWN CENTER DRIVE, SUITE 2000
COSTA MESA, CA 92626

Domestic Representative - Not Found

Assignment 5 of 5

Conveyance: ENTITY CONVERSION

Reel/Frame: 5607/0502

Pages: 8

Date Recorded: Aug. 25, 2015

Supporting Documents: [assignment-tm-5607-0502.pdf](#)

Assignor

Name: JACK'S FAMILY RESTAURANTS, INC.

Execution Date: Jul. 02, 2015

Legal Entity Type: CORPORATION

State or Country Where Organized: ALABAMA

Assignee

Name: JACK'S FAMILY RESTAURANTS LP

State or Country Where Organized: DELAWARE

Legal Entity Type: LIMITED PARTNERSHIP

Address: 124 WEST OXMOOR RD.

BIRMINGHAM, ALABAMA 35209

Correspondent

Correspondent Name: KENNETH M. BUSH

Correspondent Address: PO BOX 381146
BIRMINGHAM, AL 35238

Domestic Representative - Not Found

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TSDR	ASSIGN Status	TTAB Status
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Word Mark	JACK'S
Goods and Services	IC 042. US 100. G & S: RESTAURANT SERVICES FEATURING SPECIALLY PREPARED SANDWICHES. FIRST USE: 19730201. USED IN ANOTHER FORM DEC. 1, 1961, AS TO "JACK'S.". FIRST USE IN COMMERCE: 19730201
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.01.21 - Circles that are totally or partially shaded.
Serial Number	72465200
Filing Date	August 9, 1973
Current Basis	1A
Original Filing Basis	1A
Registration Number	1002373
Registration Date	January 21, 1975
Owner	(REGISTRANT) JACK'S FOOD SYSTEMS, INC. CORPORATION DELAWARE 2719 S. 19TH ST. BIRMINGHAM ALABAMA (LAST LISTED OWNER) JACK'S FAMILY RESTAURANTS LP LIMITED PARTNERSHIP DELAWARE 124 WEST OXMOOR RD. BIRMINGHAM ALABAMA 35209
Assignment Recorded	ASSIGNMENT RECORDED

Attorney of Record Kenneth M. Bush
Prior Registrations 0793082;0973045;AND OTHERS
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20140823.
Renewal 3RD RENEWAL 20140823
Live/Dead Indicator LIVE

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Mark: JACK'S



US Serial Number: 72465200

Application Filing Date: Aug. 09, 1973

US Registration Number: 1002373

Registration Date: Jan. 21, 1975

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: The registration has been renewed.

Status Date: Aug. 23, 2014

Mark Information

Mark Literal Elements: JACK'S

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Design Search Code(s): 26.01.21 - Circles that are totally or partially shaded.

Related Properties Information

Claimed Ownership of US [0973082](#), [0973045](#) and others

Registrations:

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: RESTAURANT SERVICES FEATURING SPECIALLY PREPARED SANDWICHES

International Class(es): 042

U.S Class(es): 100 - Primary Class

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 01, 1973

Use in Commerce: Feb. 01, 1973

Used Anywhere in Another DEC. 1, 1961, AS TO "JACK'S."

Used in Commerce in DEC. 1, 1961, AS TO "JACK'S."

Form:

Another Form:

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: JACK'S FAMILY RESTAURANTS LP

Owner Address: 124 WEST OXMOOR RD.
BIRMINGHAM, ALABAMA UNITED STATES 35209

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information**Attorney of Record**

Attorney Name: Kenneth M. Bush

Attorney Primary Email: kbush@bushlaw.us

Attorney Email Authorized: Yes

Address:

Correspondent

Correspondent: Kenneth M. Bush

Name/Address: Bush Intellectual Property Law
PO Box 381146
Birmingham, ALABAMA UNITED STATES 35238

Phone: 205-972-0145

Correspondent e-mail: kbush@bushlaw.us pwalsh@bushlaw.us

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 02, 2015	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jul. 15, 2015	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Aug. 23, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Aug. 23, 2014	REGISTERED AND RENEWED (THIRD RENEWAL - 10 YRS)	76873
Aug. 23, 2014	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76873
Aug. 23, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76873
Aug. 07, 2014	TEAS SECTION 8 & 9 RECEIVED	
Aug. 05, 2014	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 05, 2014	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Mar. 22, 2011	CASE FILE IN TIGRS	
Mar. 04, 2011	CASE FILE IN TIGRS	
Aug. 03, 2004	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	
Aug. 03, 2004	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
May 28, 2004	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Nov. 03, 1994	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Aug. 29, 1994	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Apr. 01, 1980	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jan. 21, 2015

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Aug. 23, 2014

Assignment Abstract Of Title Information

Summary

Total Assignments: 4

Conveyance Filter

Registrant: JACK'S FOOD SYSTEMS, INC.

Assignment 1 of 4

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Reel/Frame: 0664/0790

Pages: 0

Date Recorded: Aug. 14, 1989

Supporting Documents: No Supporting Documents Available

Assignor

Name: JACK'S FOOD SYSTEMS, INC.

Execution Date: Jun. 02, 1989

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: BIG B FOOD SYSTEMS, LTD.

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where
Organized: ALABAMA

Address: No Assignee Address Found

Correspondent

Correspondent Name: SIROTE & PERMUTT, P.C.

Correspondent Address: P.O. BOX 55727
BIRMINGHAM, AL 35355-5727

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance: MERGER

Reel/Frame: 1587/0911

Pages: 9

Date Recorded: May 12, 1997

Supporting Documents: No Supporting Documents Available

Assignor

Name: BIG B FOOD SYSTEMS, LTD.

Execution Date: Sep. 26, 1994

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where
Organized: No Place Where Organized Found

Assignee

Name: JACK'S FAMILY RESTAURANTS, INC.

Legal Entity Type: CORPORATION

State or Country Where
Organized: ALABAMAAddress: 133 WEST OXMOOR ROAD, SUITE 215
BIRMINGHAM, ALABAMA 35209

Correspondent

Correspondent Name: VEAL & ASSOCIATES

Correspondent Address: ROBERT J. VEAL
200 CAHABA PARK CIRCLE, SUITE 125
BIRMINGHAM, AL 35242

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance: TRADEMARK SECURITY AGREEMENT

Reel/Frame: 5566/0611

Pages: 7

Date Recorded: Jul. 01, 2015

Supporting Documents: [assignment-tm-5566-0611.pdf](#)**Assignor**Name: [JACK'S FAMILY RESTAURANTS, INC.](#)

Execution Date: Jul. 01, 2015

Legal Entity Type: CORPORATION

State or Country Where
Organized: ALABAMA**Assignee**Name: [ROYAL BANK OF CANADA, AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: BANK

State or Country Where
Organized: CANADAAddress: 20 KING STREET WEST, 4TH FLOOR
TORONTO, CANADA M5H 1C4**Correspondent**

Correspondent Name: LATHAM & WATKINS LLP

Correspondent Address: 650 TOWN CENTER DRIVE, SUITE 2000
COSTA MESA, CA 92626

Domestic Representative - Not Found

Assignment 4 of 4

Conveyance: ENTITY CONVERSION

Reel/Frame: [5607/0502](#)

Pages: 8

Date Recorded: Aug. 25, 2015

Supporting Documents: [assignment-tm-5607-0502.pdf](#)**Assignor**Name: [JACK'S FAMILY RESTAURANTS, INC.](#)

Execution Date: Jul. 02, 2015

Legal Entity Type: CORPORATION

State or Country Where
Organized: ALABAMA**Assignee**Name: [JACK'S FAMILY RESTAURANTS LP](#)

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where
Organized: DELAWAREAddress: 124 WEST OXMOOR RD.
BIRMINGHAM, ALABAMA 35209**Correspondent**

Correspondent Name: KENNETH M. BUSH

Correspondent Address: PO BOX 381146
BIRMINGHAM, AL 35238

Domestic Representative - Not Found

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Word Mark	JACK'S
Goods and Services	IC 043. US 100 101. G & S: Restaurant services. FIRST USE: 20170321. FIRST USE IN COMMERCE: 20170321
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.01.21 - Circles that are totally or partially shaded. 26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters
Serial Number	87382431
Filing Date	March 23, 2017
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	August 22, 2017
Registration Number	5327770
Registration Date	November 7, 2017
Owner	(REGISTRANT) Jack's Family Restaurants LP Big Jack Holdings LP, a Delaware limited partnership LIMITED PARTNERSHIP DELAWARE 124 West Oxmoor Road Birmingham ALABAMA 35209
Attorney of Record	Kenneth M. Bush
Description of Mark	Color is not claimed as a feature of the mark.
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Mark: JACK'S



US Serial Number: 87382431

Application Filing Date: Mar. 23, 2017

US Registration Number: 5327770

Registration Date: Nov. 07, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

TMS Common Status

LIVE/REGISTRATION/Issued and Active

Descriptor:



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: Nov. 07, 2017

Publication Date: Aug. 22, 2017

Mark Information

Mark Literal Elements: JACK'S

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 26.01.21 - Circles that are totally or partially shaded.

26.17.13 - Overlined words or letters; Underlined words or letters; Letters or words underlined and/or overlined by one or more strokes or lines

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: Restaurant services

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 21, 2017

Use in Commerce: Mar. 21, 2017

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: Jack's Family Restaurants LP

Composed of: Big Jack Holdings LP, a Delaware limited partnership

Owner Address: 124 West Oxmoor Road
Birmingham, ALABAMA UNITED STATES 35209

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where
Organized: DELAWARE**Attorney/Correspondence Information****Attorney of Record**

Attorney Name: Kenneth M. Bush

Docket Number: jacks tm17

Attorney Primary Email kbush@bushlaw.us
Address:

Attorney Email Authorized: Yes

Correspondent

Correspondent KENNETH M. BUSH

Name/Address: BUSH INTELLECTUAL PROPERTY LAW
PO BOX 381146
BIRMINGHAM, ALABAMA UNITED STATES 35238

Phone: 205-972-0145

Correspondent e-mail: kbush@bushlaw.us pwalsh@bushlaw.usCorrespondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 07, 2017	REGISTERED-PRINCIPAL REGISTER	
Aug. 22, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 22, 2017	PUBLISHED FOR OPPOSITION	
Aug. 02, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 16, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 16, 2017	EXAMINER'S AMENDMENT ENTERED	88888
Jun. 16, 2017	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jun. 16, 2017	EXAMINERS AMENDMENT E-MAILED	6328
Jun. 16, 2017	EXAMINERS AMENDMENT -WRITTEN	91165
Jun. 16, 2017	ASSIGNED TO EXAMINER	91165
Mar. 29, 2017	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Mar. 28, 2017	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 27, 2017	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Nov. 07, 2017

Assignment Abstract Of Title Information - None recorded

Proceedings - Click to Load



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 List At: OR to record: **Record 3 out of 3**

TSDR	ASSIGN Status	TTAB Status
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Word Mark	JACK'S EST. 1960
Goods and Services	IC 043. US 100 101. G & S: restaurant services. FIRST USE: 20010901. FIRST USE IN COMMERCE: 20010901
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.01.12 - Circles with bars, bands and lines 26.01.21 - Circles that are totally or partially shaded.
Serial Number	76347603
Filing Date	December 11, 2001
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	July 2, 2002
Registration Number	2624814
Registration Date	September 24, 2002
Owner	(REGISTRANT) Jack's Family Restaurants, Inc. CORPORATION ALABAMA 124 West Oxmoor Road Homewood ALABAMA 35209 (LAST LISTED OWNER) JACK'S FAMILY RESTAURANTS LP LIMITED PARTNERSHIP DELAWARE 124 WEST OXMOOR RD. BIRMINGHAM ALABAMA 35209
Assignment Recorded	ASSIGNMENT RECORDED

Attorney of Record Kenneth M. Bush

Prior Registrations 0793082;1002373;2273466

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "EST. 1960" APART FROM THE MARK AS SHOWN

Description of Mark Stippling in drawing is for contrast purposes and is not a feature of the mark.

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20120124.

Renewal 1ST RENEWAL 20120124

Live/Dead Indicator LIVE

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Starting Oct. 4, 2018, bulk data customers should no longer obtain direct access to TSDR data through tsdrsec.uspto.gov. **There are two alternative ways to receive bulk data from TSDR.**

STATUS DOCUMENTS MAINTENANCE

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Mark: JACK'S EST. 1960



US Serial Number: 76347603

Application Filing Date: Dec. 11, 2001

US Registration Number: 2624814

Registration Date: Sep. 24, 2002

Register: Principal

Mark Type: Service Mark

TM6 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: Jan. 24, 2012

Publication Date: Jul. 02, 2002

Mark Information

Mark Literal Elements: JACK'S EST. 1960

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Lining and Stippling Stippling in drawing is for contrast purposes and is not a feature of the mark.

Statement:

Disclaimer: "EST. 1960"

Design Search Code(s): 26.01.12 - Circles with bars, bands and lines

26.01.21 - Circles that are totally or partially shaded.

Related Properties Information

Claimed Ownership of US [0793082](#), [1002373](#), [2273466](#)

Registrations:

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: restaurant services

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 01, 2001

Use in Commerce: Sep. 01, 2001

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: JACK'S FAMILY RESTAURANTS LP

Owner Address: 124 WEST OXMOOR RD.
BIRMINGHAM, ALABAMA UNITED STATES 35209

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information**Attorney of Record**

Attorney Name: Kenneth M. Bush

Attorney Primary Email: kbush@bushlaw.us

Address:

Docket Number: jacks 9

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Kenneth M. Bush
BUSH INTELLECTUAL PROPERTY LAW
PO BOX 381146
BIRMINGHAM, ALABAMA UNITED STATES 35238

Phone: 205-972-0145

Correspondent e-mail: kbush@bushlaw.us

Fax: 205-972-0163

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
Sep. 02, 2015	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jul. 15, 2015	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jan. 24, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jan. 24, 2012	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69934
Jan. 24, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	69934
Jan. 12, 2012	TEAS SECTION 8 & 9 RECEIVED	
Jun. 06, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	69934
May 28, 2008	ASSIGNED TO PARALEGAL	69934
May 14, 2008	TEAS SECTION 8 & 15 RECEIVED	
Dec. 11, 2007	CASE FILE IN TIGRS	
Sep. 24, 2002	REGISTERED-PRINCIPAL REGISTER	
Jul. 02, 2002	PUBLISHED FOR OPPOSITION	
Jun. 12, 2002	NOTICE OF PUBLICATION	

Mar. 08, 2002 APPROVED FOR PUB - PRINCIPAL REGISTER
Mar. 06, 2002 EXAMINER'S AMENDMENT MAILED
Mar. 01, 2002 ASSIGNED TO EXAMINER 78479

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted
Affidavit of Incontestability: Section 15 - Accepted
Renewal Date: Sep. 24, 2012

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jan. 24, 2012

Assignment Abstract Of Title Information**Summary**

Total Assignments: 2

Registrant: Jack's Family Restaurants, Inc.

Conveyance Filter

Assignment 1 of 2

Conveyance: TRADEMARK SECURITY AGREEMENT

Reel/Frame: 5566/0611

Pages: 7

Date Recorded: Jul. 01, 2015

Supporting Documents: assignment-tm-5566-0611.pdf

Assignor

Name: JACK'S FAMILY RESTAURANTS, INC.

Execution Date: Jul. 01, 2015

Legal Entity Type: CORPORATION

**State or Country Where
Organized:** ALABAMA

Assignee

Name: ROYAL BANK OF CANADA, AS ADMINISTRATIVE AGENT

Legal Entity Type: BANK

**State or Country Where
Organized:** CANADA

Address: 20 KING STREET WEST, 4TH FLOOR
TORONTO, CANADA M5H 1C4

Correspondent

Correspondent Name: LATHAM & WATKINS LLP

Correspondent Address: 650 TOWN CENTER DRIVE, SUITE 2000
COSTA MESA, CA 92626

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: ENTITY CONVERSION

Reel/Frame: 5607/0502

Pages: 8

Date Recorded: Aug. 25, 2015

Supporting Documents: assignment-tm-5607-0502.pdf

Assignor

Name: JACK'S FAMILY RESTAURANTS, INC.

Execution Date: Jul. 02, 2015

Legal Entity Type: CORPORATION

**State or Country Where
Organized:** ALABAMA

Assignee

Name: JACK'S FAMILY RESTAURANTS LP

Legal Entity Type: LIMITED PARTNERSHIP

**State or Country Where
Organized:** DELAWARE

Address: 124 WEST OXMOOR RD.
BIRMINGHAM, ALABAMA 35209

Correspondent

Correspondent Name: KENNETH M. BUSH

Correspondent Address: PO BOX 381146
BIRMINGHAM, AL 35238

Domestic Representative - Not Found

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Word Mark	JACK'S
Goods and Services	IC 043. US 100 101. G & S: Restaurant services. FIRST USE: 20110701. FIRST USE IN COMMERCE: 20110701
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.01.21 - Circles that are totally or partially shaded.
Serial Number	85383229
Filing Date	July 28, 2011
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	December 27, 2011
Registration Number	4111738
Registration Date	March 13, 2012
Owner	(REGISTRANT) Jack's Family Restaurants, Inc. CORPORATION ALABAMA 124 West Oxmoor Rd Birmingham ALABAMA 35209 (LAST LISTED OWNER) JACK'S FAMILY RESTAURANTS LP LIMITED PARTNERSHIP DELAWARE 124 WEST OXMOOR RD. BIRMINGHAM ALABAMA 35209
Assignment Recorded	ASSIGNMENT RECORDED

Attorney of Record Kenneth M Bush
Prior Registrations 0793082;1002373;**2624814**;AND OTHERS
Description of Mark Color is not claimed as a feature of the mark. The mark consists of the mark "Jack's" in stylized form with a circle in the background.
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

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Mark: JACK'S



US Serial Number: 85383229

Application Filing Date: Jul. 28, 2011

US Registration Number: 4111738

Registration Date: Mar. 13, 2012

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status

LIVE/REGISTRATION/Issued and Active

Descriptor:



The trademark application has been registered with the Office.

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: May 13, 2017

Publication Date: Dec. 27, 2011

Mark Information

Mark Literal Elements: JACK'S

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the mark "Jack's" in stylized form with a circle in the background.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 26.01.21 - Circles that are totally or partially shaded.

Related Properties Information

Claimed Ownership of US [0793082](#), [1002373](#), [2624814](#) and others

Registrations:

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: Restaurant services

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 01, 2011

Use in Commerce: Jul. 01, 2011

Basis Information (Case Level)

Filed Use: Yes
 Filed ITU: No
 Filed 44D: No
 Filed 44E: No
 Filed 66A: No
 Filed No Basis: No

Currently Use: Yes
 Currently ITU: No
 Currently 44E: No
 Currently 66A: No
 Currently No Basis: No

Current Owner(s) Information

Owner Name: JACK'S FAMILY RESTAURANTS LP
 Owner Address: 124 WEST OXMOOR RD.
 BIRMINGHAM, ALABAMA UNITED STATES 35209
 Legal Entity Type: LIMITED PARTNERSHIP
 State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Kenneth M Bush
 Docket Number: jacks tm11
 Attorney Primary Email: kbush@bushlaw.us
 Attorney Email Authorized: No
 Address:

Correspondent

Correspondent: KENNETH M BUSH
 Name/Address: BUSH INTELLECTUAL PROPERTY LAW
 PO BOX 381146
 BIRMINGHAM, ALABAMA UNITED STATES 35238-1146
 Phone: 205-972-0145
 Correspondent e-mail: kbush@bushlaw.us pwaish@bushlaw.us
 Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 14, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
May 13, 2017	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70131
May 13, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70131
Mar. 31, 2017	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 31, 2017	TEAS SECTION 8 & 15 RECEIVED	
Mar. 13, 2017	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Sep. 02, 2015	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jul. 15, 2015	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 13, 2012	REGISTERED-PRINCIPAL REGISTER	
Dec. 27, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 27, 2011	PUBLISHED FOR OPPOSITION	
Dec. 07, 2011	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Nov. 19, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 19, 2011	ASSIGNED TO EXAMINER	63030
Aug. 03, 2011	NOTICE OF DESIGN SEARCH CODE MAILED	
Aug. 02, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 01, 2011	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted
 Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 101

Date in Location: May 13, 2017

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

[Conveyance Filter](#)

Registrant: Jack's Family Restaurants, Inc.

Assignment 1 of 2

Conveyance: TRADEMARK SECURITY AGREEMENT

Reel/Frame: [5566/0611](#)

Pages: 7

Date Recorded: Jul. 01, 2015

Supporting Documents: [assignment-tm-5566-0611.pdf](#)

Assignor

Name: [JACK'S FAMILY RESTAURANTS, INC.](#)

Execution Date: Jul. 01, 2015

Legal Entity Type: CORPORATION

State or Country Where
Organized: ALABAMA

Assignee

Name: [ROYAL BANK OF CANADA, AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: BANK

State or Country Where
Organized: CANADAAddress: 20 KING STREET WEST, 4TH FLOOR
TORONTO, CANADA M5H 1C4

Correspondent

Correspondent Name: LATHAM & WATKINS LLP

Correspondent Address: 650 TOWN CENTER DRIVE, SUITE 2000
COSTA MESA, CA 92626

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: ENTITY CONVERSION

Reel/Frame: [5607/0502](#)

Pages: 8

Date Recorded: Aug. 25, 2015

Supporting Documents: [assignment-tm-5607-0502.pdf](#)

Assignor

Name: [JACK'S FAMILY RESTAURANTS, INC.](#)

Execution Date: Jul. 02, 2015

Legal Entity Type: CORPORATION

State or Country Where
Organized: ALABAMA

Assignee

Name: [JACK'S FAMILY RESTAURANTS LP](#)

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where
Organized: DELAWAREAddress: 124 WEST OXMOOR RD.
BIRMINGHAM, ALABAMA 35209

Correspondent

Correspondent Name: KENNETH M. BUSH

Correspondent Address: PO BOX 381146
BIRMINGHAM, AL 35238

Domestic Representative - Not Found

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EATATJACKS.COM

Word Mark	EATATJACKS.COM
Goods and Services	IC 042. US 100 101. G & S: Fast food and restaurant services specializing in sandwiches, fries, and non-alcoholic beverages. FIRST USE: 19990801. FIRST USE IN COMMERCE: 19990801
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76008890
Filing Date	March 24, 2000
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	January 2, 2001
Registration Number	2438488
Registration Date	March 27, 2001
Owner	(REGISTRANT) Jack's Family Restaurants, Inc. CORPORATION ALABAMA 124 West Oxmoor Road Homewood ALABAMA 35209 (LAST LISTED OWNER) JACK'S FAMILY RESTAURANTS LP LIMITED PARTNERSHIP DELAWARE 124 WEST OXMOOR RD. BIRMINGHAM ALABAMA 35209
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Kenneth M. Bush
Prior Registrations	0793082;0973045;1002373;1126012;2273466;AND OTHERS

Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20101019.
Renewal 1ST RENEWAL 20101019
Live/Dead Indicator LIVE

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Mark: EATATJACKS.COM

EATATJACKS.COM

US Serial Number: 76008890

Application Filing Date: Mar. 24, 2000

US Registration Number: 2438488

Registration Date: Mar. 27, 2001

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: The registration has been renewed.

Status Date: Oct. 19, 2010

Publication Date: Jan. 02, 2001

Mark Information

Mark Literal Elements: EATATJACKS.COM

Standard Character Claim: No

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

Related Properties Information

Claimed Ownership of US [0793082](#), [0973045](#), [1002373](#), [1126012](#), [2273466](#) and others Registrations:

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: Fast food and restaurant services specializing in sandwiches, fries, and non-alcoholic beverages

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 01, 1999

Use in Commerce: Aug. 01, 1999

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: JACK'S FAMILY RESTAURANTS LP
 Owner Address: 124 WEST OXMOOR RD.
 BIRMINGHAM, ALABAMA UNITED STATES 35209
 Legal Entity Type: LIMITED PARTNERSHIP
 State or Country Where Organized: DELAWARE

Attorney/Correspondence Information**Attorney of Record**

Attorney Name: Kenneth M. Bush
 Docket Number: jacks tm6
 Attorney Primary Email: kbush@bushlaw.us
 Attorney Email Authorized: Yes
 Address:

Correspondent

Correspondent: Kenneth M. Bush
 Name/Address: Bush Intellectual Property Law
 PO BOX 381146
 Birmingham, ALABAMA UNITED STATES 35238
 Phone: 205-972-0145
 Fax: 205-972-0163
 Correspondent e-mail: kbush@bushlaw.us
 Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 02, 2015	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jul. 15, 2015	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Oct. 19, 2010	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	70132
Oct. 19, 2010	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Oct. 13, 2010	TEAS SECTION 8 & 9 RECEIVED	
Nov. 20, 2006	CASE FILE IN TIGRS	
Oct. 23, 2006	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70132
Oct. 13, 2006	ASSIGNED TO PARALEGAL	70132
Aug. 08, 2006	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Aug. 08, 2006	TEAS SECTION 8 & 15 RECEIVED	
Mar. 27, 2001	REGISTERED-PRINCIPAL REGISTER	
Jan. 02, 2001	PUBLISHED FOR OPPOSITION	
Dec. 01, 2000	NOTICE OF PUBLICATION	
Sep. 09, 2000	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 07, 2000	ASSIGNED TO EXAMINER	73714
Aug. 31, 2000	ASSIGNED TO EXAMINER	75572

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted
 Affidavit of Incontestability: Section 15 - Accepted
 Renewal Date: Mar. 27, 2011

TM Staff and Location Information

TM Staff Information - None
 File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Oct. 19, 2010

Assignment Abstract Of Title Information**Summary**[Conveyance Filter](#)

Total Assignments: 2

Registrant: Jack's Family Restaurants, Inc.

Assignment 1 of 2

Conveyance: TRADEMARK SECURITY AGREEMENT

Reel/Frame: [5566/0611](#)

Pages: 7

Date Recorded: Jul. 01, 2015

Supporting Documents: [assignment-tm-5566-0611.pdf](#)**Assignor**Name: [JACK'S FAMILY RESTAURANTS, INC.](#)

Execution Date: Jul. 01, 2015

Legal Entity Type: CORPORATION

State or Country Where
Organized: ALABAMA**Assignee**Name: [ROYAL BANK OF CANADA, AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: BANK

State or Country Where
Organized: CANADAAddress: 20 KING STREET WEST, 4TH FLOOR
TORONTO, CANADA M5H 1C4**Correspondent**

Correspondent Name: LATHAM & WATKINS LLP

Correspondent Address: 650 TOWN CENTER DRIVE, SUITE 2000
COSTA MESA, CA 92626

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: ENTITY CONVERSION

Reel/Frame: [5607/0502](#)

Pages: 8

Date Recorded: Aug. 25, 2015

Supporting Documents: [assignment-tm-5607-0502.pdf](#)**Assignor**Name: [JACK'S FAMILY RESTAURANTS, INC.](#)

Execution Date: Jul. 02, 2015

Legal Entity Type: CORPORATION

State or Country Where
Organized: ALABAMA**Assignee**Name: [JACK'S FAMILY RESTAURANTS LP](#)

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where
Organized: DELAWAREAddress: 124 WEST OXMOOR RD.
BIRMINGHAM, ALABAMA 35209**Correspondent**

Correspondent Name: KENNETH M. BUSH

Correspondent Address: PO BOX 381146
BIRMINGHAM, AL 35238

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