

ESTTA Tracking number: **ESTTA1003596**

Filing date: **09/20/2019**

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	Grapery, Inc.
Granted to Date of previous extension	09/22/2019
Address	501 N. Driver Road Shafter, CA 93263 UNITED STATES

Attorney information	BRUCE H LITTLE BARNES & THORNBURG LLP 225 SOUTH SIXTH STREET, SUITE 2800 MINNEAPOLIS, MN 55402-4662 UNITED STATES trademarks-mi@btlaw.com, bruce.little@btlaw.com, carolanne.been@dentons.com 612-367-8765
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Applicant Information

Application No	88163132	Publication date	03/26/2019
Opposition Filing Date	09/20/2019	Opposition Period Ends	09/22/2019
Applicant	International Fruit Genetics LLC 8224 Espresso Drive, Suite 200 Bakersfield, CA 93312 UNITED STATES		

Goods/Services Affected by Opposition

Class 031. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Fruits, namely, fresh table grapes

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.	4863698	Application Date	11/05/2013
Registration Date	12/01/2015	Foreign Priority Date	NONE
Word Mark	GUM DROPS		

Design Mark	GUM DROPS
Description of Mark	NONE
Goods/Services	Class 031. First use: First Use: 2015/09/08 First Use In Commerce: 2015/09/08 FRESH GRAPES

U.S. Registration No.	4852504	Application Date	11/03/2014
Registration Date	11/10/2015	Foreign Priority Date	NONE

Word Mark	MOON DROPS
Design Mark	MOON DROPS
Description of Mark	NONE
Goods/Services	Class 031. First use: First Use: 2015/08/31 First Use In Commerce: 2015/08/31 Fresh grapes

U.S. Registration No.	4908338	Application Date	07/24/2015
Registration Date	03/01/2016	Foreign Priority Date	NONE

Word Mark	TEAR DROPS
Design Mark	TEAR DROPS
Description of Mark	NONE
Goods/Services	Class 031. First use: First Use: 2015/08/31 First Use In Commerce: 2015/08/31 FRESH GRAPES

Attachments	86110601#TMSN.png(bytes)
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	86442969#TMSN.png(bytes) 86703589#TMSN.png(bytes) CANDY DROPS Notice of Opposition.pdf(499441 bytes)
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Signature	/Bruce H. Little-krt/
Name	Bruce H. Little
Date	09/20/2019

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

<p>Grapery, Inc.,</p> <p style="text-align:center">Opposer,</p> <p style="text-align:center">v.</p> <p>International Fruit Genetics LLC,</p> <p style="text-align:center">Applicant.</p>	<p>Opposition No.: _____</p> <p>Mark: CANDY DROPS</p> <p>U.S. Serial No.: 88/163,132</p>
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NOTICE OF OPPOSITION

Opposer, Grapery, Inc. (“Opposer”), a Delaware corporation with its principal place of business at 501 N. Driver Road, Shafter, CA 93263 and a mailing address of PO Box 970, Shafter, California 93263 believes that it will be damaged by registration of the mark that is the subject of United States Trademark Application Serial No. 88/163,132 (“Opposed Mark”), filed in the name of International Fruit Genetics LLC (“Applicant”), a Delaware limited liability company, with a place of business at 8224 Espresso Drive, Suite 200, Bakersfield, California, 93312 and therefore, hereby opposes such registration of the application pursuant to 15 U.S.C. § 1063. In support of its opposition, Opposer states as follows:

1. Prior to the filing date of Applicant’s application for registration of the Opposed Mark, Opposer has continuously and extensively used, in interstate commerce throughout the United States, the marks GUM DROPS since at least as early as September 8, 2015, and, MOON DROPS, and TEAR DROPS since at least as early as August 31, 2015, and (the DROPS Marks) on and in connection with the following goods: Fresh grapes in International Class 31 (“Opposer’s Goods”).

2. Opposer has invested considerable money, time and effort into the use, advertising, and promotion of the DROPS Marks for use in connection with Opposer's Goods. As a result of Opposer's extensive investment in the DROPS Marks, Opposer owns strong common law rights in the DROPS Marks, embodying very valuable goodwill throughout the United States.

3. In addition to its common law rights, Opposer owns the following federal trademark registrations for the DROPS Marks:

Mark/Name	Reg. No.	Goods/Services
GUM DROPS	4863698	Int. Class 31 Fresh grapes
MOON DROPS	4852504	Int. Class 31 Fresh grapes
TEAR DROPS	4908338	Int. Class 31 Fresh grapes

4. See printouts from the USPTO's TSDR database, attached hereto as Exhibit A, showing the current status and title of the referenced registrations.

5. The Opposed Mark is confusingly similar, in appearance, sound, meaning, and commercial impression, to Opposer's DROPS Marks. The registration and use of the Opposed Mark by Applicant in association with the applied-for goods is likely to cause confusion as to the source or origin of Applicant's goods, and is likely to mislead consumers, all to Opposer's damage.

6. The goods that Opposer provides under the DROPS Marks, are identical to the goods listed in the application for the Opposed Mark. Upon information and belief, Opposer's

Goods and Applicant's applied-for goods are offered to the same, similar or overlapping classes of purchasers.

7. The Opposed Mark, when used in connection with Applicant's applied-for goods, is likely to cause confusion, to cause mistake, and to deceive the trade and public, who, upon seeing the Opposed Mark in connection with Applicant's applied-for goods, would believe that such goods originate with, are approved, sponsored or endorsed by, or have some connection or affiliation with Opposer. Accordingly, registration of the Opposed Mark would damage Opposer, and registration, therefore, should be refused pursuant to Section 2(d) of the Trademark Act.

WHEREFORE, Opposer believes that it will be damaged by registration of the mark that is the subject of United States Service Mark Application Serial No. 88/163,132 and therefore, respectfully requests that such registration be refused.

Respectfully submitted,

GRAPER, INC.

Dated: September 20, 2019

By: Bruce H. Little /
BARNES & THORNBURG, LLP
225 South Sixth Street, Suite 2800
Minneapolis, Minnesota 55402
Phone: (612) 367-8765
Fax: (612) 333-6798
E-Mail: bruce.little@btlaw.com

Attorneys for Opposer

EXHIBIT A

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Mark: GUM DROPS

GUM DROPS

US Serial Number: 86110601

Application Filing Date: Nov. 05, 2013

US Registration Number: 4863698

Registration Date: Dec. 01, 2015

Register: Principal

Mark Type: Trademark

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: Dec. 01, 2015

Publication Date: Apr. 08, 2014

Notice of Allowance Date: Jun. 03, 2014

Mark Information

Mark Literal Elements: GUM DROPS

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

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: FRESH GRAPES

International Class(es): 031 - Primary Class

U.S Class(es): 001, 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 08, 2015

Use in Commerce: Sep. 08, 2015

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

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: GRAPERY, INC.

Owner Address: Suite 220
900 Mohawk Street
Bakersfield, CALIFORNIA UNITED STATES 93309

Legal Entity Type: CORPORATION

State or Country CALIFORNIA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Bruce H. Little

Docket Number: 74838-275026

Attorney Primary Email Address: trademarks-mi@btlaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Bruce H. Little

Barnes & Thornburg LLP
225 South Sixth Street, Suite 2800
Minneapolis, MINNESOTA UNITED STATES 55402-4662

Phone: 612-367-8765

Fax: 612-333-6798

Correspondent e-mail: trademarks-mi@btlaw.com bruce.little@btlaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 21, 2019	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Mar. 21, 2019	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Mar. 16, 2018	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 18, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 30, 2015	CERTIFICATE OF CORRECTION ISSUED	75184
Dec. 28, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75184
Dec. 07, 2015	TEAS SECTION 7 REQUEST RECEIVED	
Dec. 01, 2015	REGISTERED-PRINCIPAL REGISTER	
Oct. 30, 2015	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Oct. 29, 2015	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 28, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	76568
Oct. 28, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	76568
Oct. 28, 2015	ASSIGNED TO LIE	76568
Oct. 14, 2015	ASSIGNED TO LIE	74221
Sep. 25, 2015	STATEMENT OF USE PROCESSING COMPLETE	65362
Sep. 11, 2015	USE AMENDMENT FILED	65362
Sep. 11, 2015	TEAS STATEMENT OF USE RECEIVED	
Jun. 18, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 17, 2015	EXTENSION 2 GRANTED	65362
May 11, 2015	EXTENSION 2 FILED	65362
Jun. 10, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
May 11, 2015	TEAS EXTENSION RECEIVED	
Nov. 01, 2014	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Oct. 30, 2014	EXTENSION 1 GRANTED	98765
Oct. 30, 2014	EXTENSION 1 FILED	98765
Oct. 30, 2014	TEAS EXTENSION RECEIVED	
Jun. 03, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 08, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 08, 2014	PUBLISHED FOR OPPOSITION	
Mar. 19, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Mar. 02, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 21, 2014	ASSIGNED TO EXAMINER	76635

Nov. 15, 2013 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM

Nov. 08, 2013 NEW APPLICATION ENTERED IN TRAM

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Dec. 30, 2015

United States of America
United States Patent and Trademark Office

GUM DROPS

Reg. No. 4,863,698

Registered Dec. 1, 2015

Corrected Feb. 2, 2016

Int. Cl.: 31

TRADEMARK

PRINCIPAL REGISTER

GRAPERY, INC. (CALIFORNIA CORPORATION)
SUITE 220
900 MOHAWK STREET
BAKERSFIELD, CA 93309

FOR: FRESH GRAPES, IN CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE 9-8-2015; IN COMMERCE 9-8-2015.

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

SER. NO. 86-110,601, FILED 11-5-2013.



Michelle K. Lee

Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.

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Mark: MOON DROPS

MOON DROPS

US Serial Number: 86442969

Application Filing Date: Nov. 03, 2014

US Registration Number: 4852504

Registration Date: Nov. 10, 2015

Register: Principal

Mark Type: Trademark

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: Nov. 10, 2015

Publication Date: Apr. 07, 2015

Notice of Allowance Date: Jun. 02, 2015

Mark Information

Mark Literal Elements: MOON DROPS

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

International Registration Number: 1312383

International Application(s) /Registration(s) Based on this Property: A0060870/1312383

Goods and Services

Note:

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- 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: Fresh grapes

International Class(es): 031 - Primary Class

U.S Class(es): 001, 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 31, 2015

Use in Commerce: Aug. 31, 2015

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

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: GRAPERY, INC.

Owner Address: 900 Mohawk Street, Suite 220
Bakersfield, CALIFORNIA UNITED STATES 93309

Legal Entity Type: CORPORATION

State or Country CALIFORNIA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Bruce H. Little

Docket Number: 74838-275023

Attorney Primary trademarks-mi@btlaw.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Bruce H. Little
Name/Address: Barnes & Thornburg LLP
225 South Sixth Street, Suite 2800
Minneapolis, MINNESOTA UNITED STATES 55402-4662

Phone: 612-367-8765

Fax: 612-333-6798

Correspondent e-mail: trademarks-mi@btlaw.com bruce.little@btlaw.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 21, 2019	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Mar. 21, 2019	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Mar. 16, 2018	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 18, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
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Oct. 08, 2015	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
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Sep. 03, 2015	USE AMENDMENT FILED	74055
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Jun. 02, 2015	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 07, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 07, 2015	PUBLISHED FOR OPPOSITION	
Mar. 18, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 26, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 23, 2015	ASSIGNED TO EXAMINER	76741
Nov. 13, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 06, 2014	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: Oct. 07, 2015

United States of America
United States Patent and Trademark Office

MOON DROPS

Reg. No. 4,852,504

Registered Nov. 10, 2015

Int. Cl.: 31

TRADEMARK

PRINCIPAL REGISTER

GRAPERY, INC. (CALIFORNIA CORPORATION)
900 MOHAWK STREET, SUITE 220
BAKERSFIELD, CA 93309

FOR: FRESH GRAPES, IN CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE 8-31-2015; IN COMMERCE 8-31-2015.

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

SN 86-442,969, FILED 11-3-2014.

KARANENDRA S. CHHINA, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
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Mark: TEAR DROPS

TEAR DROPS

US Serial Number: 86703589

Application Filing Date: Jul. 24, 2015

US Registration Number: 4908338

Registration Date: Mar. 01, 2016

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

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: Mar. 01, 2016

Publication Date: Dec. 15, 2015

Mark Information

Mark Literal Elements: TEAR DROPS

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

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

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- 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.

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U.S Class(es): 001, 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 31, 2015

Use in Commerce: Aug. 31, 2015

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

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: Grapery, Inc.

Owner Address: P.O. Box 970
Shafter, CALIFORNIA UNITED STATES 93263

Legal Entity Type: CORPORATION

State or Country CALIFORNIA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Bruce H. Little

Docket Number: 74838-275020

Attorney Primary Email Address: trademarks-mi@btlaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Bruce H. Little
Barnes & Thornburg LLP
225 South Sixth Street, Suite 2800
Minneapolis, MINNESOTA UNITED STATES 55402-4662

Phone: 612-367-8765

Fax: 612-333-6798

Correspondent e-mail: trademarks-mi@btlaw.com bruce.little@btlaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 21, 2019	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Mar. 21, 2019	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
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Dec. 15, 2015	PUBLISHED FOR OPPOSITION	
Nov. 25, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Nov. 06, 2015	NOTICE OF ACCEPTANCE OF AMENDMENT TO ALLEGE USE E-MAILED	
Nov. 05, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 05, 2015	USE AMENDMENT ACCEPTED	83706
Nov. 04, 2015	ASSIGNED TO EXAMINER	83706
Sep. 02, 2015	AMENDMENT TO USE PROCESSING COMPLETE	88889
Sep. 02, 2015	USE AMENDMENT FILED	88889
Sep. 01, 2015	TEAS AMENDMENT OF USE RECEIVED	
Jul. 30, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 28, 2015	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: Mar. 01, 2016

United States of America
United States Patent and Trademark Office

TEAR DROPS

Reg. No. 4,908,338

Registered Mar. 1, 2016

Int. Cl.: 31

TRADEMARK

PRINCIPAL REGISTER

GRAPERY, INC. (CALIFORNIA CORPORATION)
P.O. BOX 970
SHAFTER, CA 93263

FOR: FRESH GRAPES, IN CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE 8-31-2015; IN COMMERCE 8-31-2015.

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

SER. NO. 86-703,589, FILED 7-24-2015.

APRIL ROACH, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

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Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.