

ESTTA Tracking number: **ESTTA1004053**

Filing date: **09/23/2019**

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	Societe des Produits Nestle S.A.		
Entity	societe anonyme	Citizenship	Switzerland
Address	Case Postale 353 Vevey, 1800 SWITZERLAND		

Attorney information	Catherine C. Miller Holland & Hart LLP P.O. Box 8749 Attn: Trademark Docketing Denver, CO 80201 UNITED STATES ccmiller@hollandhart.com, docket@hollandhart.com, aander- son@hollandhart.com, ncdavis@hollandhart.com, mamooore@hollandhart.com 3032452092		
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Applicant Information

Application No	88127337	Publication date	08/27/2019
Opposition Filing Date	09/23/2019	Opposition Period Ends	09/26/2019
International Registration No.	NONE	International Registration Date	NONE
Applicant	The a2 Milk Company Limited Level 10, 51 Shortland Street Auckland, 1010 NEW ZEALAND		

Goods/Services Affected by Opposition

Class 005. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Food for infants; milk and powdered milk for infants; dietetic foods adapted for medical purposes; dietetic beverages adapted for medical purposes; nutritional supplements; powdered nutritional supplement drink mixes; dietary supplemental drinks; protein dietary supplements; protein supplements in the form of powder
Class 029. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Milk powder; milk; butter; cheese; cream; yoghurt; milk beverages, milk predominating; milk-based protein drinks, namely, milk-based beverages containing protein; whey; dry whey

Grounds for Opposition

The mark is merely descriptive	Trademark Act Section 2(e)(1)
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The mark is generic	Trademark Act Sections 1, 2 and 45
Failure to function as a mark	Trademark Act Sections 1, 2 and 45
The mark is not inherently distinctive and has not acquired distinctiveness	Trademark Act Sections 1, 2 and 45; and Section 2(f)

Related Proceedings	Opposition No. 91249003
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Attachments	2019.09.23 Notice of Opposition ATWO.pdf(153181 bytes) Exhibit 1 ATWO Notice of Opposition.pdf(364082 bytes) Exhibit 2 ATWO Notice of Opposition.pdf(226784 bytes)
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Signature	/Catherine C. Miller/
Name	Catherine C. Miller
Date	09/23/2019

2. Opposer, through its affiliated companies and licensees, produces and sells food for infants and other food and beverage products containing milk products featuring the A2 beta casein protein.

3. The terms “A2” and “A2 milk” primarily signify to consumers that the goods contain or feature the A2 beta casein protein, rather than A1 beta casein protein, when the terms are used in connection with goods containing or consisting primarily of milk.

4. Applicant has frequently disclaimed the wording “A2” from its other U.S. trademark applications and registrations covering identical or related goods and services to the goods in the Application or has sought registration on the Supplemental Register, including the following:

Serial or Reg. No.	Trademark	Class and Goods/Services
86945252	TRUE a2	030 - Bakery desserts; Dessert mousse; Dessert puddings; Edible ices; Frozen yoghurt; Ice cream
5311685	TRUE A2	029 - Beverages consisting principally of milk; beverages having a milk base; cows' milk; dairy products excluding ice cream, ice milk and frozen yogurt; milk; powdered milk; all of the aforementioned goods contain A2 beta casein protein in whole or substantial part
5267836		030 - Ice cream; frozen yogurt; edible ices; desserts in the nature of bakery desserts, dessert puddings and ice cream desserts; all of the foregoing containing A2 beta-casein protein
4693969		005 - Food for infants, namely, human breast milk; powdered milk for babies; milk-based infant formula 029 – Milk products excluding ice cream, ice milk and frozen yogurt


4758183		<p>005 - Food for infants consisting in whole or substantial part of dairy cow's milk and dairy cow's milk products containing the A2 milk protein; milk and milk powder for infants containing the A2 milk protein; casein dietary supplements containing the A2 milk protein</p> <p>029 - Milk containing the A2 milk protein; milk products, namely, full cream, milk powder, full cream milk powder, skim milk powder, yogurt, yogurt powder, buttermilk powder all of the foregoing containing the A2 milk protein; whey and whey powder, butter, cheese all containing the A2 milk protein; milk beverages with high milk content containing the A2 milk protein</p>
4720459		<p>029 - Milk; milk products, namely, full cream, milk powder, full cream milk powder, skim milk powder, yogurt, yogurt powder, buttermilk powder; whey and whey powder, butter, cheese; milk beverages, namely, flavored milk</p>
5388849		<p>005 - Food for infants; powdered milk for babies; dietetic beverages adapted for medical use; animal semen; diagnostic preparations for veterinary purposes for detecting genetic predispositions; diagnostic test reagents for veterinary use; all of the foregoing containing A2 beta casein protein</p> <p>029 - Milk powder; milk; butter; cheese; yoghurt; milk beverages, milk predominating; all of the foregoing containing A2 beta casein protein</p> <p>030 - Ice cream, frozen yoghurt; flavoured ices; frozen ice cream desserts; all of the foregoing containing A2 beta casein protein</p> <p>044 - Veterinary services; animal breeding; providing information relating to animal breeding; genetic testing of animals for breeding purposes; breeding and stud services for cattle</p>




79205493	THANK YOU a2	<p>005 - Food for infants; powdered milk for infants; dietetic foods and beverages, namely, milk and milk-based food and beverages adapted for medical use</p> <p>009 - Downloadable electronic publications in the nature of books, magazines in the field of nutrition; electronic downloadable publications provided online from databases or the Internet in the nature of books, magazines in the field of nutrition; downloadable computer software applications for mobile phones, portable media players, handheld computers, namely, software for use in database management, use in electronic storage of data; computer software for mobile phones, portable media players, handheld computers, namely, software for use in database management, use in electronic storage of data</p> <p>016 - Printed materials, namely, written articles in the field of nutrition; printed publications in the nature of books, magazines, brochures, booklets, leaflets and informational materials in the field of nutrition; photographs</p> <p>029 - Milk powder; milk; butter; cheese; yoghurt; milk beverages, milk predominating</p> <p>038 - Audio, visual and multimedia transmission services; providing access to electronic and online databases</p> <p>041 - Providing non-downloadable electronic publications in the nature of books, magazines in the field of nutrition; publication of journals, pamphlets, newspapers; publication of magazines; on-line publication of journals, diaries, blogs and forums</p> <p>042 - Providing online non-downloadable software for mobile phones, portable media players, handheld computers, namely, software for use in database management, use in electronic storage of data; design and development of software; hosting computer websites; hosting of databases for others</p>
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5211249	a2 PLATINUM	<p>005 - Powdered milk foods for infants; powdered milk for babies; all of the foregoing containing A2 beta-casein protein</p> <p>029 - Milk powder; milk; butter; cheese; yoghurt; milk beverages, milk predominating; all of the foregoing containing A2 beta-casein protein</p>
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Printouts from the TSDR database showing the status of these applications and registrations are annexed as **Exhibit 1**.

5. Several of Applicant’s other applications for marks consisting of or containing the wording “A2” covering goods and services identical or related to the goods in the Application have been abandoned after receiving a final refusal from the Office: (a) under Section 2(e)(1), including a final disclaimer requirement for the entire literal element of a composite mark, or (b) on the ground that the mark is generic, including the following:

Serial No.	Trademark	Class and Goods/Services
87087474		<p>005 - Food for infants; powdered milk for babies; dietetic beverages adapted for medical use; Milk for infants; dietetic foods adapted for medical use; all of the forgoing containing A2 beta casein protein</p> <p>029 - Milk powder; milk; butter; cheese; yoghurt; milk beverages, milk predominating; Cream; all of the forgoing containing A2 beta casein protein</p>
86235571	THE a2 MILK COMPANY	<p>005 - Infant foods; milk and milk powder for infants; dietetic foods and beverages, namely, milk and milk-based food and beverages adapted for medical use; all containing A2 beta casein protein</p> <p>029 - Milk and milk products excluding ice cream, ice milk and frozen yogurt; goods including milk and milk products as ingredients, namely, yogurt, yogurt drinks, cream, and thickened cream; all containing A2 beta casein protein</p>

86959820		<p>005 - Infant food containing A2 beta-casein protein; milk and milk powder for infants containing A2 beta-casein protein; dietetic food, namely, milk and milk products adapted for medical use containing A2 beta-casein protein, and dietetic beverages, namely, nutritionally fortified beverages containing A2 beta-casein protein</p> <p>029 - Milk and milk products, namely, milk, flavored milk, full cream, milk powder, skim milk powder, yoghurt, yoghurt powder, buttermilk powder, casein, all of the foregoing containing A2 beta-casein protein; products with milk or milk products as ingredients, namely, whey and whey powder, butter, and cheese, all of the foregoing containing A2 beta-casein protein</p>
86811806		030 - Baked desserts, namely, pies, cookies, brownies and cakes, ice cream, frozen yogurt, edible ices; all of the foregoing containing A2 beta-casein protein
86815137	THE a2 MILK COMPANY	030 - Baked desserts, namely, pies, cookies, brownies and cakes, ice cream, frozen yogurt, edible ices; all of the foregoing containing A2 beta-casein protein
86786413	a2 ICE CREAM	030 – Ice cream; frozen yogurt; edible ices; desserts
86504450		<p>005 - A1 beta-casein protein free food for infants; A1 beta-casein protein free powdered milk for babies; A1 beta-casein protein free dietetic beverages adapted for medical use</p> <p>029 - A1 beta-casein protein free milk powder; A1 beta-casein protein free milk; A1 beta-casein protein free butter; A1 beta-casein protein free cheese; A1 beta-casein protein free yoghurt; milk beverages, A1 beta-casein protein free milk predominating</p>

Printouts from the TSDR database showing the status of these applications are annexed as **Exhibit 2**.

6. The mark ATWO is identical to the term A2 in pronunciation and meaning and indistinguishable from and interchangeable with the term A2 to U.S. consumers.

7. The term ATWO is therefore generic to the relevant U.S. purchasing public when used in connection with the goods in the Application.

8. Alternatively, the term ATWO merely describes an ingredient, quality, characteristic, or feature of the goods in the Application when used in connection with the goods in the Application.

COUNT I
The ATWO Mark Is Merely Descriptive
(15 U.S.C. § 1052(e)(1))

9. Opposer realleges and incorporates by reference the preceding allegations of this Notice of Opposition.

10. The term ATWO is a term that the relevant purchasing public in the U.S. would understand to merely describe milk products that contain only A2 beta casein protein, as opposed to A1 beta casein protein or any mixture of the two proteins.

11. The term ATWO is merely descriptive because it would be understood by the relevant purchasing public in the U.S. to describe an ingredient, quality, characteristic, and/or feature of the goods in the Application.

12. The term ATWO is merely descriptive because it immediately conveys knowledge of a quality, feature, or characteristics of the goods in the Application to the relevant purchasing public in the U.S.

13. The Application therefore should be refused registration under Section 2(e)(1) of the Lanham Act, 15 U.S.C. § 1052(e)(1).

COUNT II
The ATWO Mark Is Generic
(15 U.S.C. § 1052(e)(1))

14. Opposer realleges and incorporates by reference the preceding allegations of this Notice of Opposition

15. The term ATWO is a term that the relevant purchasing public in the U.S. would understand primarily as the common or class name for the goods in the Application.

16. Because a generic term is “the ultimate in descriptiveness” under Section 2(e)(1) (TMEP § 1209.01(c)), the mark is incapable of functioning as a trademark, and the Application therefore should be refused registration under Section 2(e)(1) of the Lanham Act, 15 U.S.C. § 1052(e)(1).

WHEREFORE, Opposer believes that it will be damaged by the registration of the ATWO mark shown in the Application and respectfully requests that this opposition be sustained and that registration to Applicant be refused.

The filing fee in the amount of \$800 should be charged to Deposit Account No. 08-2623.

Dated: September 23, 2019

Respectfully submitted,

/s/ Catherine C. Miller _____

Catherine C. Miller

Andrea Anderson

Nadya Davis

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Attorneys for Opposer

Soci t  des Produits Nestl  S.A.

NOTICE REGARDING SERVICE

Consistent with the Trademark Trial and Appeal Board Manual of Procedure Rule 309.02(c)(1) (amended January 14, 2017), service of the above NOTICE OF OPPOSITION will be effected by the Board. To facilitate the Board, the following physical addresses and email address(es) are available via TSDR:

The a2 Milk Company Limited
Level 10, 51 Shortland Street
Auckland, New Zealand 1010

Gregory J. Chinlund
Marshall, Gerstein & Borun LLP
233 South Wacker Drive, Suite 6300
Chicago, IL 60606
doCKET@marshallip.com

13548109_v1

EXHIBIT 1

Generated on: This page was generated by TSDR on 2019-09-16 14:01:19 EDT

Mark: TRUE A2

TRUE a2

US Serial Number: 86945252

Application Filing Date: Mar. 18, 2016

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: A fourth request for extension of time to file a Statement of Use has been granted.

Status Date: Mar. 19, 2019

Publication Date: Jan. 24, 2017

Notice of Allowance Date: Mar. 21, 2017

Mark Information

Mark Literal Elements: TRUE A2

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: "A2"

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: Bakery desserts; Dessert mousse; Dessert puddings; Edible ices; Frozen yoghurt; Ice cream

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: Yes

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: The a2 Milk Company Limited

Owner Address: c/- Simpson Grierson, Level 27
88 Shortland Street
Auckland NEW ZEALAND

Legal Entity Type: CORPORATION

State or Country NEW ZEALAND
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Amy C. Ziegler

Docket Number: 6107.123620

Attorney Primary Email Address: tmocket@gbclaw.net

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: AMY C. ZIEGLER
GREER, BURNS & CRAIN, LTD.
300 SOUTH WACKER DRIVE
SUITE 2500
CHICAGO, ILLINOIS UNITED STATES 60606

Phone: (312) 360-0080

Fax: (312) 360-9315

Correspondent e-mail: tmocket@gbclaw.net smelby@gbclaw.net

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Amy C. Ziegler

Phone: (312) 360-0080

Fax: (312) 360-9315

Domestic Representative e-mail: tmocket@gbclaw.net

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Mar. 21, 2019	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Mar. 19, 2019	EXTENSION 4 GRANTED	98765
Mar. 19, 2019	EXTENSION 4 FILED	98765
Mar. 19, 2019	TEAS EXTENSION RECEIVED	
Sep. 14, 2018	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Sep. 12, 2018	EXTENSION 3 GRANTED	98765
Sep. 12, 2018	EXTENSION 3 FILED	98765
Sep. 12, 2018	TEAS EXTENSION RECEIVED	
Mar. 13, 2018	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Mar. 09, 2018	EXTENSION 2 GRANTED	98765
Mar. 09, 2018	EXTENSION 2 FILED	98765
Mar. 09, 2018	TEAS EXTENSION RECEIVED	
Aug. 24, 2017	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Aug. 22, 2017	EXTENSION 1 GRANTED	98765
Aug. 22, 2017	EXTENSION 1 FILED	98765
Aug. 22, 2017	TEAS EXTENSION RECEIVED	
Mar. 21, 2017	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 24, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 24, 2017	PUBLISHED FOR OPPOSITION	
Jan. 04, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 12, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 12, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 12, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 12, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	

Jun. 30, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 30, 2016	NON-FINAL ACTION E-MAILED	6325
Jun. 30, 2016	NON-FINAL ACTION WRITTEN	76463
Jun. 28, 2016	ASSIGNED TO EXAMINER	76463
Mar. 24, 2016	NOTICE OF PSEUDO MARK E-MAILED	
Mar. 23, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 22, 2016	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: FAIRBANKS, RONALD L

Law Office Assigned: LAW OFFICE 119

File Location

Current Location: INTENT TO USE SECTION

Date in Location: Mar. 21, 2017

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: [91249003](#)

Filing Date: Jun 20, 2019

Status: Pending

Status Date: Jun 20, 2019

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Société des Produits Nestlé S.A.

Correspondent Address: CATHERINE C MILLER
HOLLAND & HART LLP
PO BOX 8749, ATTN TRADEMARK DOCKETING
DENVER CO UNITED STATES , 80201

Correspondent e-mail: docket@hollandhart.com , ccmiller@hollandhart.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
A2	Opposition Pending	88176317	

Plaintiff(s)

Name: The a2 Milk Company Limited

Correspondent Address: AMY C ZIEGLER
GREER BURNS & CRAIN LTD
300 SOUTH WACKER DRIVE, SUITE 2500
CHICAGO IL UNITED STATES , 60606

Correspondent e-mail: tm_docket@gbclaw.net , tproehl@gbclaw.net , aziegler@gbclaw.net , smelby@gbclaw.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
A2 MILK	REGISTERED AND RENEWED	78655252	3464046
A2 MILK	Registered	85453431	4693969
A2	Registered	85363084	4720459
A2 THE ORIGINAL MILK PROTEIN	Registered	85785224	4758183
A2 PLATINUM	Registered	79180209	5211249
THE A2 MILK COMPANY	Registered	86786429	5267836
THE A2 MILK COMPANY	Non-Final Action - Mailed	87820213	
·THE A2 MILK COMPANY· FEEL THE DIFFERENCE	Non-Final Action - Mailed	79215112	

A TWO · THE A2 MILK COMPANY · AS NATUREINTENDED	Final Refusal - Mailed	79214813	
A2 TRUE	Non-Final Action - Mailed	87799301	
A2 STORE	Suspension Inquiry - Mailed	87661483	
A2 ONLY	Suspension Inquiry - Mailed	87683494	
THANK YOU A2	Non-Final Action - Mailed	79205493	
TRUE A2	Fourth Extension - Granted	86945252	
TRUE A2	Registered	86380752	5311685
TRUE A2	Registered	79203394	5388849
TRUE A2	Registered	85651472	4531584
A2TONISHING	Registered	79192338	5331917
DO YOU A2?	Fourth Extension - Granted	86972428	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 20, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 20, 2019	Jul 30, 2019
3	INSTITUTED	Jun 20, 2019	
4	ANSWER AND COUNTERCLAIM (FEE)	Jul 25, 2019	
5	ANSWER TO COUNTERCLAIM DUE (DUE DATE)	Aug 01, 2019	Aug 31, 2019
6	P MOT FOR EXT W/ CONSENT	Aug 12, 2019	
7	EXTENSION OF TIME GRANTED	Aug 12, 2019	

Type of Proceeding: Opposition

Proceeding Number: [91247833](#)

Filing Date: Apr 29, 2019

Status: Pending

Status Date: Apr 29, 2019

Interlocutory Attorney: WINSTON T FOLMAR

Defendant

Name: The Epic Source Food Company, LLC

Correspondent Address: JOSEPH F. SCHMIDT
TAFT STETTINIUS & HOLLISTER LLP
111 E. WACKER DR., STE. 2800
CHICAGO IL , 60604

Correspondent e-mail: sf-ipdocket@taftlaw.com , jschmidt@taftlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
A2 MOO	Opposition Pending	87908426	

Plaintiff(s)

Name: The a2 Milk Company Limited

Correspondent Address: AMY C. ZIEGLER AND TANJA PROEHL
GREER BURNS & CRAIN, LTD.
300 SOUTH WACKER DRIVE SUITE 2500
CHICAGO IL UNITED STATES , 60606

Correspondent e-mail: tproehl@gbclaw.net , tmocket@gbclaw.net , aziegler@gbclaw.net , smelby@gbclaw.net

Associated marks

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A2 MILK	REGISTERED AND RENEWED	78655252	3464046
A2 MILK	Registered	85453431	4693969
A2	Registered	85363084	4720459
A2 THE ORIGINAL MILK PROTEIN	Registered	85785224	4758183
A2 PLATINUM	Registered	79180209	5211249
THE A2 MILK COMPANY	Registered	86786429	5267836

THE A2 MILK COMPANY	ABANDONED-FAILURE TO RESPOND OR LATE RESPONSE	86959820	
THE A2 MILK COMPANY	Non-Final Action - Mailed	87820213	
·THE A2 MILK COMPANY· FEEL THE DIFFERENCE	Non-Final Action - Mailed	79215112	
A TWO · THE A2 MILK COMPANY · AS NATUREINTENDED	Final Refusal - Mailed	79214813	
A2 MILK	ABANDONED-FAILURE TO RESPOND OR LATE RESPONSE	87087474	
A2 TRUE	Non-Final Action - Mailed	87799301	
A2 STORE	Suspension Inquiry - Mailed	87661483	
A2 ONLY	Suspension Inquiry - Mailed	87683494	
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TRUE A2	Registered	79203394	5388849
TRUE A2	Registered	85651472	4531584
A2TONISHING	Registered	79192338	5331917
DO YOU A2?	Fourth Extension - Granted	86972428	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 29, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 29, 2019	Jun 08, 2019
3	INSTITUTED	Apr 29, 2019	
4	D MOT FOR EXT W/ CONSENT	Jun 06, 2019	
5	EXTENSION OF TIME GRANTED	Jun 06, 2019	
6	D MOT FOR EXT W/ CONSENT	Jul 31, 2019	
7	EXTENSION OF TIME GRANTED	Jul 31, 2019	

Type of Proceeding: Opposition

Proceeding Number: [91247834](#)

Filing Date: Apr 29, 2019

Status: Pending

Status Date: Apr 29, 2019

Interlocutory Attorney: JILL M MCCORMACK

Defendant

Name: The Epic Source Food Company, LLC

Correspondent Address: JOSEPH F. SCHMIDT
TAFT STETTINIUS & HOLLISTER LLP
111 E. WACKER DR., STE. 2800
CHICAGO IL , 60604

Correspondent e-mail: sf-ipdocket@taftlaw.com , jschmidt@taftlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
A2 MOO	Opposition Pending	87908421	

Plaintiff(s)

Name: The a2 Milk Company Limited

Correspondent Address: AMY C. ZIEGLER AND TANJA PROEHL
GREER BURNS & CRAIN, LTD.
300 SOUTH WACKER DRIVE SUITE 2500
CHICAGO IL UNITED STATES , 60606

Correspondent e-mail: tproehl@gbclaw.net , tmldocket@gbclaw.net , aziegler@gbclaw.net , smelby@gbclaw.net

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THE A2 MILK COMPANY	Registered	86786429	5267836
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A2TONISHING	Registered	79192338	5331917
DO YOU A2?	Fourth Extension - Granted	86972428	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 29, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 29, 2019	Jun 08, 2019
3	INSTITUTED	Apr 29, 2019	
4	D MOT FOR EXT W/ CONSENT	Jun 06, 2019	
5	EXTENSION OF TIME GRANTED	Jun 06, 2019	
6	D MOT FOR EXT W/ CONSENT	Jul 31, 2019	
7	EXTENSION OF TIME GRANTED	Jul 31, 2019	

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Mark: TRUE A2

TRUE A2

US Serial Number: 86380752

Application Filing Date: Aug. 29, 2014

US Registration Number: 5311685

Registration Date: Oct. 17, 2017

Filed as TEAS Plus: Yes

Currently TEAS Plus: 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: Oct. 17, 2017

Publication Date: Oct. 25, 2016

Notice of Allowance Date: Dec. 20, 2016

Mark Information

Mark Literal Elements: TRUE A2

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: "A2"

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: Beverages consisting principally of milk; beverages having a milk base; cows' milk; dairy products excluding ice cream, ice milk and frozen yogurt; milk; powdered milk; all of the aforementioned goods contain A2 beta casein protein in whole or substantial part

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 01, 2013

Use in Commerce: Feb. 01, 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: The a2 Milk Company Limited

Owner Address: C/-Simpson Grierson
Level 27, 88 Shortland Street
Auckland NEW ZEALAND

Legal Entity Type: CORPORATION

State or Country Where Organized: NEW ZEALAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: John C. Nipp

Docket Number: 6011.016

Attorney Primary Email Address: jinipp@ahpapatent.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JOHN C. NIPP
ADDITON, HIGGINS & PENDLETON, P.A.
10706 Sikes Place
SUITE 350
CHARLOTTE, NORTH CAROLINA UNITED STATES 28277

Phone: 704-945-6700

Fax: 704-945-6735

Correspondent e-mail: jinipp@ahpapatent.com doCKET@ahpapatent.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 03, 2019	COUNTERCLAIM OPP. NO. 999999	249003
Oct. 17, 2017	REGISTERED-PRINCIPAL REGISTER	
Sep. 13, 2017	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Sep. 12, 2017	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 12, 2017	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 12, 2017	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	
Sep. 12, 2017	EXAMINERS AMENDMENT E-MAILED	
Sep. 12, 2017	SU-EXAMINER'S AMENDMENT WRITTEN	76842
Jul. 25, 2017	STATEMENT OF USE PROCESSING COMPLETE	65362
Jun. 20, 2017	USE AMENDMENT FILED	65362
Jul. 17, 2017	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Jun. 20, 2017	TEAS STATEMENT OF USE RECEIVED	
Dec. 20, 2016	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 25, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 25, 2016	PUBLISHED FOR OPPOSITION	
Oct. 05, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 15, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 15, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 14, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 14, 2016	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Aug. 31, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 21, 2016	NOTIFICATION OF FINAL REFUSAL EMAILED	
Mar. 21, 2016	FINAL REFUSAL E-MAILED	
Mar. 21, 2016	FINAL REFUSAL WRITTEN	76842
Feb. 09, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Feb. 08, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Feb. 08, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 07, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325

Aug. 07, 2015	NON-FINAL ACTION E-MAILED	6325
Aug. 07, 2015	NON-FINAL ACTION WRITTEN	76842
Jun. 27, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 26, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 26, 2015	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 26, 2014	NOTIFICATION OF PRIORITY ACTION E-MAILED	6326
Dec. 26, 2014	PRIORITY ACTION E-MAILED	6326
Dec. 26, 2014	PRIORITY ACTION WRITTEN	76842
Dec. 12, 2014	ASSIGNED TO EXAMINER	76842
Sep. 12, 2014	NOTICE OF PSEUDO MARK E-MAILED	
Sep. 11, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 02, 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: Sep. 12, 2017

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: [91249003](#)

Filing Date: Jun 20, 2019

Status: Pending

Status Date: Jun 20, 2019

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Société des Produits Nestlé S.A.

Correspondent Address: CATHERINE C MILLER
HOLLAND & HART LLP
PO BOX 8749, ATTN TRADEMARK DOCKETING
DENVER CO UNITED STATES , 80201

Correspondent e-mail: docket@hollandhart.com , ccmiller@hollandhart.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
A2	Opposition Pending	88176317	

Plaintiff(s)

Name: The a2 Milk Company Limited

Correspondent Address: AMY C ZIEGLER
GREER BURNS & CRAIN LTD
300 SOUTH WACKER DRIVE, SUITE 2500
CHICAGO IL UNITED STATES , 60606

Correspondent e-mail: tm_docket@gbclaw.net , tproehl@gbclaw.net , aziegler@gbclaw.net , smelby@gbclaw.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
A2 MILK	REGISTERED AND RENEWED	78655252	3464046
A2 MILK	Registered	85453431	4693969
A2	Registered	85363084	4720459
A2 THE ORIGINAL MILK PROTEIN	Registered	85785224	4758183
A2 PLATINUM	Registered	79180209	5211249

THE A2 MILK COMPANY	Registered	86786429	5267836
THE A2 MILK COMPANY	Non-Final Action - Mailed	87820213	
·THE A2 MILK COMPANY· FEEL THE DIFFERENCE	Non-Final Action - Mailed	79215112	
A TWO · THE A2 MILK COMPANY · AS NATUREINTENDED	Final Refusal - Mailed	79214813	
A2 TRUE	Non-Final Action - Mailed	87799301	
A2 STORE	Suspension Inquiry - Mailed	87661483	
A2 ONLY	Suspension Inquiry - Mailed	87683494	
THANK YOU A2	Non-Final Action - Mailed	79205493	
TRUE A2	Fourth Extension - Granted	86945252	
TRUE A2	Registered	86380752	5311685
TRUE A2	Registered	79203394	5388849
TRUE A2	Registered	85651472	4531584
A2TONISHING	Registered	79192338	5331917
DO YOU A2?	Fourth Extension - Granted	86972428	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 20, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 20, 2019	Jul 30, 2019
3	INSTITUTED	Jun 20, 2019	
4	ANSWER AND COUNTERCLAIM (FEE)	Jul 25, 2019	
5	ANSWER TO COUNTERCLAIM DUE (DUE DATE)	Aug 01, 2019	Aug 31, 2019
6	P MOT FOR EXT W/ CONSENT	Aug 12, 2019	
7	EXTENSION OF TIME GRANTED	Aug 12, 2019	

Type of Proceeding: Opposition

Proceeding Number: [91247833](#)

Filing Date: Apr 29, 2019

Status: Pending

Status Date: Apr 29, 2019

Interlocutory Attorney: WINSTON T FOLMAR

Defendant

Name: The Epic Source Food Company, LLC

Correspondent Address: JOSEPH F. SCHMIDT
TAFT STETTINIUS & HOLLISTER LLP
111 E. WACKER DR., STE. 2800
CHICAGO IL , 60604

Correspondent e-mail: sf-ipdocket@taftlaw.com , jschmidt@taftlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
A2 MOO	Opposition Pending	87908426	

Plaintiff(s)

Name: The a2 Milk Company Limited

Correspondent Address: AMY C. ZIEGLER AND TANJA PROEHL
GREER BURNS & CRAIN, LTD.
300 SOUTH WACKER DRIVE SUITE 2500
CHICAGO IL UNITED STATES , 60606

Correspondent e-mail: tproehl@gbclaw.net , tmocket@gbclaw.net , aziegler@gbclaw.net , smelby@gbclaw.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
A2 MILK	REGISTERED AND RENEWED	78655252	3464046
A2 MILK	Registered	85453431	4693969
A2	Registered	85363084	4720459

A2 THE ORIGINAL MILK PROTEIN	Registered	85785224	4758183
A2 PLATINUM	Registered	79180209	5211249
THE A2 MILK COMPANY	Registered	86786429	5267836
THE A2 MILK COMPANY	ABANDONED-FAILURE TO RESPOND OR LATE RESPONSE	86959820	
THE A2 MILK COMPANY	Non-Final Action - Mailed	87820213	
·THE A2 MILK COMPANY· FEEL THE DIFFERENCE	Non-Final Action - Mailed	79215112	
A TWO · THE A2 MILK COMPANY · AS NATUREINTENDED	Final Refusal - Mailed	79214813	
A2 MILK	ABANDONED-FAILURE TO RESPOND OR LATE RESPONSE	87087474	
A2 TRUE	Non-Final Action - Mailed	87799301	
A2 STORE	Suspension Inquiry - Mailed	87661483	
A2 ONLY	Suspension Inquiry - Mailed	87683494	
THANK YOU A2	Non-Final Action - Mailed	79205493	
TRUE A2	Fourth Extension - Granted	86945252	
TRUE A2	Registered	86380752	5311685
TRUE A2	Registered	79203394	5388849
TRUE A2	Registered	85651472	4531584
A2TONISHING	Registered	79192338	5331917
DO YOU A2?	Fourth Extension - Granted	86972428	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 29, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 29, 2019	Jun 08, 2019
3	INSTITUTED	Apr 29, 2019	
4	D MOT FOR EXT W/ CONSENT	Jun 06, 2019	
5	EXTENSION OF TIME GRANTED	Jun 06, 2019	
6	D MOT FOR EXT W/ CONSENT	Jul 31, 2019	
7	EXTENSION OF TIME GRANTED	Jul 31, 2019	

Type of Proceeding: Opposition

Proceeding Number: [91247834](#)

Filing Date: Apr 29, 2019

Status: Pending

Status Date: Apr 29, 2019

Interlocutory Attorney: JILL M MCCORMACK

Defendant

Name: The Epic Source Food Company, LLC

Correspondent Address: JOSEPH F. SCHMIDT
TAFT STETTINIUS & HOLLISTER LLP
111 E. WACKER DR., STE. 2800
CHICAGO IL , 60604

Correspondent e-mail: sf-ipdocket@taftlaw.com , jschmidt@taftlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
A2 MOO	Opposition Pending	87908421	

Plaintiff(s)

Name: The a2 Milk Company Limited

Correspondent Address: AMY C. ZIEGLER AND TANJA PROEHL
GREER BURNS & CRAIN, LTD.
300 SOUTH WACKER DRIVE SUITE 2500
CHICAGO IL UNITED STATES , 60606

Correspondent e-mail: tproehl@gbclaw.net , tmocket@gbclaw.net , aziegler@gbclaw.net , smelby@gbclaw.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
A2 MILK	REGISTERED AND RENEWED	78655252	3464046
A2 MILK	Registered	85453431	4693969
A2	Registered	85363084	4720459
A2 THE ORIGINAL MILK PROTEIN	Registered	85785224	4758183
A2 PLATINUM	Registered	79180209	5211249
THE A2 MILK COMPANY	Registered	86786429	5267836
THE A2 MILK COMPANY	ABANDONED-FAILURE TO RESPOND OR LATE RESPONSE	86959820	
THE A2 MILK COMPANY	Non-Final Action - Mailed	87820213	
·THE A2 MILK COMPANY· FEEL THE DIFFERENCE	Non-Final Action - Mailed	79215112	
A TWO · THE A2 MILK COMPANY · AS NATUREINTENDED	Final Refusal - Mailed	79214813	
A2 MILK	ABANDONED-FAILURE TO RESPOND OR LATE RESPONSE	87087474	
A2 TRUE	Non-Final Action - Mailed	87799301	
A2 STORE	Suspension Inquiry - Mailed	87661483	
A2 ONLY	Suspension Inquiry - Mailed	87683494	
THANK YOU A2	Non-Final Action - Mailed	79205493	
TRUE A2	Fourth Extension - Granted	86945252	
TRUE A2	Registered	86380752	5311685
TRUE A2	Registered	79203394	5388849
TRUE A2	Registered	85651472	4531584
A2TONISHING	Registered	79192338	5331917
DO YOU A2?	Fourth Extension - Granted	86972428	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 29, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 29, 2019	Jun 08, 2019
3	INSTITUTED	Apr 29, 2019	
4	D MOT FOR EXT W/ CONSENT	Jun 06, 2019	
5	EXTENSION OF TIME GRANTED	Jun 06, 2019	
6	D MOT FOR EXT W/ CONSENT	Jul 31, 2019	
7	EXTENSION OF TIME GRANTED	Jul 31, 2019	

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Mark: THE A2 MILK COMPANY



US Serial Number: 86786429

Application Filing Date: Oct. 13, 2015

US Registration Number: 5267836

Registration Date: Aug. 15, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Supplemental

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Amended to Principal Register: No

Date Amended to Current Register: May 25, 2017

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

Status Date: Aug. 15, 2017

Mark Information

Mark Literal Elements: THE A2 MILK COMPANY

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 a purple circle containing the words "The a2 Milk Company" in white lettering.

Color Drawing: Yes

Color(s) Claimed: The color(s) purple and white is/are claimed as a feature of the mark.

Disclaimer: "COMPANY"

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

26.03.28 - Oval shape (miscellaneous overall shape); Miscellaneous designs with overall oval shape, including amoeba-like shapes and irregular ovals

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 1029488

Foreign Application Filing Date: Oct. 13, 2015

Foreign Registration Number: 1029488

Foreign Registration Date: Apr. 14, 2016

Application/Registration Country: Foreign NEW ZEALAND

Foreign Expiration Date: Apr. 14, 2026

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: Ice cream; frozen yogurt; edible ices; desserts in the nature of bakery desserts, dessert puddings and ice cream desserts; all of the foregoing containing A2 beta-casein protein

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: No

Filed 44D: Yes

Currently 44E: Yes

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: The a2 Milk Company Limited

Owner Address: C/-Simpson Grierson
Level 27, 88 Shortland Street
Auckland NEW ZEALAND

Legal Entity Type: limited company (ltd.)

State or Country Where Organized: NEW ZEALAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: MARK KUSNER

Docket Number: BS11348US

Attorney Primary Email Address: mkusner@kusnerjaffe.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: MARK KUSNER
KUSNER & JAFFE
6150 PARKLAND BLVD., STE. 105
PARAGON CENTER II
MAYFIELD HEIGHTS, OHIO UNITED STATES 44124

Phone: 440-684-1090

Fax: 440-681-1095

Correspondent e-mail: mkusner@kusnerjaffe.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 15, 2017	REGISTERED-SUPPLEMENTAL REGISTER	
Jul. 13, 2017	LAW OFFICE PUBLICATION REVIEW COMPLETED	66213
Jul. 12, 2017	APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER	
Jul. 12, 2017	EXAMINER'S AMENDMENT ENTERED	88888
Jul. 12, 2017	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jul. 12, 2017	EXAMINERS AMENDMENT E-MAILED	6328
Jul. 12, 2017	EXAMINERS AMENDMENT -WRITTEN	68356
Jun. 23, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	66213
Jun. 23, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	66213
Jun. 23, 2017	ASSIGNED TO LIE	66213
May 25, 2017	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Feb. 24, 2017	NOTIFICATION OF INQUIRY AS TO SUSPENSION E-MAILED	

Feb. 24, 2017	INQUIRY TO SUSPENSION E-MAILED	
Feb. 24, 2017	SUSPENSION INQUIRY WRITTEN	68356
Aug. 24, 2016	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Aug. 24, 2016	LETTER OF SUSPENSION E-MAILED	6332
Aug. 24, 2016	SUSPENSION LETTER WRITTEN	68356
Aug. 04, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 04, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 04, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 04, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Feb. 04, 2016	NON-FINAL ACTION E-MAILED	6325
Feb. 04, 2016	NON-FINAL ACTION WRITTEN	68356
Feb. 03, 2016	ASSIGNED TO EXAMINER	68356
Oct. 17, 2015	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Oct. 16, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 16, 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:** Aug. 15, 2017

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: [91249003](#) **Filing Date:** Jun 20, 2019
Status: Pending **Status Date:** Jun 20, 2019
Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Société des Produits Nestlé S.A.

Correspondent Address: CATHERINE C MILLER
HOLLAND & HART LLP
PO BOX 8749, ATTN TRADEMARK DOCKETING
DENVER CO UNITED STATES , 80201

Correspondent e-mail: docket@hollandhart.com , ccmiller@hollandhart.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
A2	Opposition Pending	88176317	

Plaintiff(s)

Name: The a2 Milk Company Limited

Correspondent Address: AMY C ZIEGLER
GREER BURNS & CRAIN LTD
300 SOUTH WACKER DRIVE, SUITE 2500
CHICAGO IL UNITED STATES , 60606

Correspondent e-mail: tmocket@gbclaw.net , tproehl@gbclaw.net , aziegler@gbclaw.net , smelby@gbclaw.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
A2 MILK	REGISTERED AND RENEWED	78655252	3464046
A2 MILK	Registered	85453431	4693969

A2	Registered	85363084	4720459
A2 THE ORIGINAL MILK PROTEIN	Registered	85785224	4758183
A2 PLATINUM	Registered	79180209	5211249
THE A2 MILK COMPANY	Registered	86786429	5267836
THE A2 MILK COMPANY	Non-Final Action - Mailed	87820213	
·THE A2 MILK COMPANY· FEEL THE DIFFERENCE	Non-Final Action - Mailed	79215112	
A TWO · THE A2 MILK COMPANY · AS NATUREINTENDED	Final Refusal - Mailed	79214813	
A2 TRUE	Non-Final Action - Mailed	87799301	
A2 STORE	Suspension Inquiry - Mailed	87661483	
A2 ONLY	Suspension Inquiry - Mailed	87683494	
THANK YOU A2	Non-Final Action - Mailed	79205493	
TRUE A2	Fourth Extension - Granted	86945252	
TRUE A2	Registered	86380752	5311685
TRUE A2	Registered	79203394	5388849
TRUE A2	Registered	85651472	4531584
A2TONISHING	Registered	79192338	5331917
DO YOU A2?	Fourth Extension - Granted	86972428	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 20, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 20, 2019	Jul 30, 2019
3	INSTITUTED	Jun 20, 2019	
4	ANSWER AND COUNTERCLAIM (FEE)	Jul 25, 2019	
5	ANSWER TO COUNTERCLAIM DUE (DUE DATE)	Aug 01, 2019	Aug 31, 2019
6	P MOT FOR EXT W/ CONSENT	Aug 12, 2019	
7	EXTENSION OF TIME GRANTED	Aug 12, 2019	

Type of Proceeding: Opposition

Proceeding Number: [91247833](#)

Filing Date: Apr 29, 2019

Status: Pending

Status Date: Apr 29, 2019

Interlocutory Attorney: WINSTON T FOLMAR

Defendant

Name: The Epic Source Food Company, LLC

Correspondent Address: JOSEPH F. SCHMIDT
TAFT STETTINIUS & HOLLISTER LLP
111 E. WACKER DR., STE. 2800
CHICAGO IL , 60604

Correspondent e-mail: sf-ipdocket@taftlaw.com , jschmidt@taftlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
A2 MOO	Opposition Pending	87908426	

Plaintiff(s)

Name: The a2 Milk Company Limited

Correspondent Address: AMY C. ZIEGLER AND TANJA PROEHL
GREER BURNS & CRAIN, LTD.
300 SOUTH WACKER DRIVE SUITE 2500
CHICAGO IL UNITED STATES , 60606

Correspondent e-mail: tproehl@gbclaw.net , tmocket@gbclaw.net , aziegler@gbclaw.net , smelby@gbclaw.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
------	--------------------	---------------	---------------------

A2 MILK	REGISTERED AND RENEWED	78655252	3464046
A2 MILK	Registered	85453431	4693969
A2	Registered	85363084	4720459
A2 THE ORIGINAL MILK PROTEIN	Registered	85785224	4758183
A2 PLATINUM	Registered	79180209	5211249
THE A2 MILK COMPANY	Registered	86786429	5267836
THE A2 MILK COMPANY	ABANDONED-FAILURE TO RESPOND OR LATE RESPONSE	86959820	
THE A2 MILK COMPANY	Non-Final Action - Mailed	87820213	
·THE A2 MILK COMPANY· FEEL THE DIFFERENCE	Non-Final Action - Mailed	79215112	
A TWO · THE A2 MILK COMPANY · AS NATUREINTENDED	Final Refusal - Mailed	79214813	
A2 MILK	ABANDONED-FAILURE TO RESPOND OR LATE RESPONSE	87087474	
A2 TRUE	Non-Final Action - Mailed	87799301	
A2 STORE	Suspension Inquiry - Mailed	87661483	
A2 ONLY	Suspension Inquiry - Mailed	87683494	
THANK YOU A2	Non-Final Action - Mailed	79205493	
TRUE A2	Fourth Extension - Granted	86945252	
TRUE A2	Registered	86380752	5311685
TRUE A2	Registered	79203394	5388849
TRUE A2	Registered	85651472	4531584
A2TONISHING	Registered	79192338	5331917
DO YOU A2?	Fourth Extension - Granted	86972428	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 29, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 29, 2019	Jun 08, 2019
3	INSTITUTED	Apr 29, 2019	
4	D MOT FOR EXT W/ CONSENT	Jun 06, 2019	
5	EXTENSION OF TIME GRANTED	Jun 06, 2019	
6	D MOT FOR EXT W/ CONSENT	Jul 31, 2019	
7	EXTENSION OF TIME GRANTED	Jul 31, 2019	

Type of Proceeding: Opposition

Proceeding Number: [91247834](#)

Filing Date: Apr 29, 2019

Status: Pending

Status Date: Apr 29, 2019

Interlocutory Attorney: JILL M MCCORMACK

Defendant

Name: The Epic Source Food Company, LLC

Correspondent Address: JOSEPH F. SCHMIDT
TAFT STETTINIUS & HOLLISTER LLP
111 E. WACKER DR., STE. 2800
CHICAGO IL , 60604

Correspondent e-mail: sf-ipdocket@taftlaw.com , jschmidt@taftlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
A2 MOO	Opposition Pending	87908421	

Plaintiff(s)

Name: The a2 Milk Company Limited

Correspondent Address: AMY C. ZIEGLER AND TANJA PROEHL
GREER BURNS & CRAIN, LTD.
300 SOUTH WACKER DRIVE SUITE 2500
CHICAGO IL UNITED STATES , 60606

Correspondent e-mail: tproehl@gbclaw.net , tmocket@gbclaw.net , aziegler@gbclaw.net , smelby@gbclaw.net

Associated marks			
Mark	Application Status	Serial Number	Registration Number
A2 MILK	REGISTERED AND RENEWED	78655252	3464046
A2 MILK	Registered	85453431	4693969
A2	Registered	85363084	4720459
A2 THE ORIGINAL MILK PROTEIN	Registered	85785224	4758183
A2 PLATINUM	Registered	79180209	5211249
THE A2 MILK COMPANY	Registered	86786429	5267836
THE A2 MILK COMPANY	ABANDONED-FAILURE TO RESPOND OR LATE RESPONSE	86959820	
THE A2 MILK COMPANY	Non-Final Action - Mailed	87820213	
·THE A2 MILK COMPANY· FEEL THE DIFFERENCE	Non-Final Action - Mailed	79215112	
A TWO · THE A2 MILK COMPANY · AS NATUREINTENDED	Final Refusal - Mailed	79214813	
A2 MILK	ABANDONED-FAILURE TO RESPOND OR LATE RESPONSE	87087474	
A2 TRUE	Non-Final Action - Mailed	87799301	
A2 STORE	Suspension Inquiry - Mailed	87661483	
A2 ONLY	Suspension Inquiry - Mailed	87683494	
THANK YOU A2	Non-Final Action - Mailed	79205493	
TRUE A2	Fourth Extension - Granted	86945252	
TRUE A2	Registered	86380752	5311685
TRUE A2	Registered	79203394	5388849
TRUE A2	Registered	85651472	4531584
A2TONISHING	Registered	79192338	5331917
DO YOU A2?	Fourth Extension - Granted	86972428	

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 29, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 29, 2019	Jun 08, 2019
3	INSTITUTED	Apr 29, 2019	
4	D MOT FOR EXT W/ CONSENT	Jun 06, 2019	
5	EXTENSION OF TIME GRANTED	Jun 06, 2019	
6	D MOT FOR EXT W/ CONSENT	Jul 31, 2019	
7	EXTENSION OF TIME GRANTED	Jul 31, 2019	

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Mark: A2 MILK



US Serial Number: 85453431

Application Filing Date: Oct. 21, 2011

US Registration Number: 4693969

Registration Date: Mar. 03, 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: Mar. 03, 2015

Publication Date: Jan. 21, 2014

Mark Information

Mark Literal Elements: A2 MILK

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 term "a2" in white contained within a blue oval all appearing above the term "milk" in blue, wherein a white droplet appears within the lower portion of the letter "a".

Color Drawing: Yes

Color(s) Claimed: The color(s) blue and white is/are claimed as a feature of the mark.

Disclaimer: "A2" AND "MILK"

Design Search Code(s): 01.15.08 - Raindrop (a single drop); Single drop (rain, tear, etc.); Teardrop (a single drop)
26.03.21 - Ovals that are completely or partially shaded

Related Properties Information

Claimed Ownership of US Registrations: 3464046, 3503503, 3859423

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 851194

Foreign Application Filing Date: Oct. 20, 2011

Foreign Registration Number: 851194

Foreign Registration Date: Oct. 20, 2011

Foreign Application/Registration Country: NEW ZEALAND

Foreign Expiration Date: Oct. 20, 2021

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: Food for infants, namely, human breast milk; powdered milk for babies; milk-based infant formula

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 44(e)

For: Milk products excluding ice cream, ice milk and frozen yogurt

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: No

Filed 44D: Yes

Currently 44E: Yes

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: THE A2 MILK COMPANY LIMITED

Owner Address: 88 SHORTLAND STREET
C/-SIMPSON GRIERSON, LEVEL 27
AUCKLAND NEW ZEALAND

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: NEW ZEALAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jesse B. Ashe, III

Docket Number: 6011.009

Attorney Primary Email Address: jbashe@summalaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JESSE B. ASHE, III
ADDITON, HIGGINS & PENDLETON, P.A.
10706 SIKES PLACE, STE 350
CHARLOTTE, NORTH CAROLINA UNITED STATES 28277

Phone: 704-945-6700

Fax: 704-945-6735

Correspondent e-mail: docket@ahpapatent.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 10, 2017	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 19, 2015	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Mar. 03, 2015	REGISTERED-PRINCIPAL REGISTER	
Oct. 21, 2014	1(B) BASIS DELETED; PROCEED TO REGISTRATION	70565
Sep. 17, 2014	NOTICE OF ALLOWANCE CANCELLED	70565

Oct. 01, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70565
Sep. 17, 2014	TEAS DELETE 1(B) BASIS RECEIVED	
Jun. 18, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 18, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 21, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 21, 2014	PUBLISHED FOR OPPOSITION	
Jan. 01, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 16, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Dec. 16, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 16, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Dec. 16, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Dec. 16, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Dec. 16, 2013	EXAMINERS AMENDMENT -WRITTEN	67971
Dec. 15, 2013	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Nov. 22, 2013	WITHDRAWN FROM PUB - OG REVIEW QUERY	76621
Nov. 08, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Nov. 08, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 01, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 01, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Nov. 01, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 01, 2013	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
May 02, 2013	NOTIFICATION OF FINAL REFUSAL EMAILED	
May 02, 2013	FINAL REFUSAL E-MAILED	
May 02, 2013	FINAL REFUSAL WRITTEN	67971
Apr. 15, 2013	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Apr. 15, 2013	LETTER OF SUSPENSION E-MAILED	6332
Apr. 15, 2013	SUSPENSION LETTER WRITTEN	67971
Apr. 05, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Apr. 04, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Apr. 04, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 04, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 04, 2012	NON-FINAL ACTION E-MAILED	6325
Oct. 04, 2012	NON-FINAL ACTION WRITTEN	67971
Aug. 22, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	68171
Aug. 22, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	68171
Aug. 17, 2012	ASSIGNED TO LIE	68171
Aug. 14, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 14, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Feb. 14, 2012	NON-FINAL ACTION E-MAILED	6325
Feb. 14, 2012	NON-FINAL ACTION WRITTEN	67971
Feb. 08, 2012	ASSIGNED TO EXAMINER	67971
Oct. 27, 2011	NOTICE OF DESIGN SEARCH CODE MAILED	
Oct. 26, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 25, 2011	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. 03, 2015

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: A2 Corporation Limited

Conveyance: CHANGE OF NAME

Reel/Frame: [5598/0063](#)

Pages: 3

Date Recorded: Aug. 12, 2015

Supporting Documents: [assignment-tm-5598-0063.pdf](#)

Assignor

Name: [A2 CORPORATION LIMITED](#)

Execution Date: Apr. 08, 2014

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: NEW ZEALAND

Assignee

Name: [THE A2 MILK COMPANY LIMITED](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: NEW ZEALAND

Address: 88 SHORTLAND STREET
C/-SIMPSON GRIERSON, LEVEL 27
AUCKLAND, NEW ZEALAND

Correspondent

Correspondent Name: JOSEPH R. DAGES

Correspondent Address: 401 SOUTH FOURTH STREET
SUITE 2600
LOUISVILLE, KY 40202

Domestic Representative - Not Found

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Mark: A2 THE ORIGINAL MILK PROTEIN



US Serial Number: 85785224

Application Filing Date: Nov. 21, 2012

US Registration Number: 4758183

Registration Date: Jun. 23, 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: Jun. 23, 2015

Publication Date: Jun. 03, 2014

Mark Information

Mark Literal Elements: A2 THE ORIGINAL MILK PROTEIN

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 an irregular oval shape containing the letter "a" and the number "2"; the letter "a" has a teardrop design inside the letter; a glare surrounds the shape; the terms "THE ORIGINAL MILK PROTEIN" appear below the teardrop design and below a horizontal line separating the elements; all of the elements are within a shaded rectangle.

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

Disclaimer: "A2" AND "THE ORIGINAL MILK PROTEIN"

Design Search Code(s): 01.15.08 - Raindrop (a single drop); Single drop (rain, tear, etc.); Teardrop (a single drop)
26.11.21 - Rectangles that are completely or partially shaded
26.17.01 - Bands, straight; Bars, straight; Straight line(s), band(s) or bar(s); Lines, straight
26.17.05 - Bands, horizontal; Horizontal line(s), band(s) or bar(s); Bars, horizontal; Lines, horizontal

Related Properties Information

Claimed Ownership of US Registrations: 3451893, 3464046, 3859423 and others

Foreign Information

Foreign Registration Number: 1467103

Foreign Registration Date: Dec. 23, 2011

Application/Registration Country: AUSTRALIA

Foreign Expiration Date: Dec. 23, 2021

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: Food for infants consisting in whole or substantial part of dairy cow's milk and dairy cow's milk products containing the A2 milk protein; milk and milk powder for infants containing the A2 milk protein; casein dietary supplements containing the A2 milk protein

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 44(e)

For: Milk containing the A2 milk protein; milk products, namely, full cream, milk powder, full cream milk powder, skim milk powder, yogurt, yogurt powder, buttermilk powder all of the foregoing containing the A2 milk protein; whey and whey powder, butter, cheese all containing the A2 milk protein; milk beverages with high milk content containing the A2 milk protein

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44E: Yes

Filed 44E: Yes

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: THE A2 MILK COMPANY LIMITED

Owner Address: 88 SHORTLAND STREET
C/-SIMPSON GRIERSON, LEVEL 27
AUCKLAND NEW ZEALAND

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: NEW ZEALAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jesse B. Ashe, III

Docket Number: 6011.012

Attorney Primary Email Address: jbashe@summalaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JESSE B. ASHE, III
ADDITON, HIGGINS & PENDLETON, P.A.
10706 SIKES PLACE, STE 350
CHARLOTTE, NORTH CAROLINA UNITED STATES 28277

Phone: 704-945-6700

Fax: 704-945-6735

Correspondent e-mail: docket@ahpapatent.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 10, 2017	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 19, 2015	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jun. 23, 2015	REGISTERED-PRINCIPAL REGISTER	
Feb. 24, 2015	1(B) BASIS DELETED; PROCEED TO REGISTRATION	66530
Jan. 27, 2015	NOTICE OF ALLOWANCE CANCELLED	66530
Feb. 24, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530

Jan. 27, 2015	TEAS DELETE 1(B) BASIS RECEIVED	
Jan. 27, 2015	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	
Jul. 29, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 18, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 03, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 03, 2014	PUBLISHED FOR OPPOSITION	
May 14, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 30, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	71373
Apr. 29, 2014	ASSIGNED TO LIE	71373
Apr. 10, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 10, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 10, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Apr. 10, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Apr. 10, 2014	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Oct. 10, 2013	NOTIFICATION OF FINAL REFUSAL EMAILED	
Oct. 10, 2013	FINAL REFUSAL E-MAILED	
Oct. 10, 2013	FINAL REFUSAL WRITTEN	77966
Sep. 19, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 19, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 19, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 20, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 20, 2013	NON-FINAL ACTION E-MAILED	6325
Mar. 20, 2013	NON-FINAL ACTION WRITTEN	77966
Mar. 15, 2013	ASSIGNED TO EXAMINER	77966
Dec. 01, 2012	NOTICE OF DESIGN SEARCH CODE MAILED	
Nov. 30, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 24, 2012	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: Jun. 23, 2015

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: A2 Corporation Limited

Assignment 1 of 1

Conveyance: CHANGE OF NAME

Reel/Frame: [5598/0063](#)

Pages: 3

Date Recorded: Aug. 12, 2015

Supporting Documents: [assignment-tm-5598-0063.pdf](#)

Assignor

Name: [A2 CORPORATION LIMITED](#)

Execution Date: Apr. 08, 2014

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: NEW ZEALAND

Assignee

Name: [THE A2 MILK COMPANY LIMITED](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: NEW ZEALAND

Address: 88 SHORTLAND STREET
C/-SIMPSON GRIERSON, LEVEL 27
AUCKLAND, NEW ZEALAND

Correspondent

Correspondent Name: JOSEPH R. DAGES

Correspondent Address: 401 SOUTH FOURTH STREET
SUITE 2600
LOUISVILLE, KY 40202

Domestic Representative - Not Found

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Mark: A2



US Serial Number: 85363084

Application Filing Date: Jul. 05, 2011

US Registration Number: 4720459

Registration Date: Apr. 14, 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: Apr. 14, 2015

Publication Date: Oct. 01, 2013

Notice of Allowance Date: Nov. 26, 2013

Mark Information

Mark Literal Elements: A2

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 a shaded, irregular oval design, inside thereof are the elements "a2" with a design of a drop in the lower half of the letter "a"; the glare on the perimeter of the oval design and shaded rectangle behind the design are not claimed as part of the mark and serve merely as background for illustration purposes.

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

Disclaimer: "A2"

Design Search Code(s): 01.05.01 - Sun, rising or setting (partially exposed or partially obstructed); Sunrise
01.15.25 - Light rays; Liquids, spilling; Pouring liquids; Spilling liquids; Dust; Coal; Sand
26.03.21 - Ovals that are completely or partially shaded
26.03.28 - Oval shape (miscellaneous overall shape); Miscellaneous designs with overall oval shape, including amoeba-like shapes and irregular ovals

Related Properties Information

Claimed Ownership of US Registrations: 3503503, 3859423

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 839090

Foreign Application Filing Date: Mar. 23, 2011

Foreign Registration Number: 839090

Foreign Registration Date: Mar. 23, 2011

Foreign Application/Registration Country: NEW ZEALAND

Foreign Expiration Date: Mar. 23, 2021

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: Milk; milk products, namely, full cream, milk powder, full cream milk powder, skim milk powder, yogurt, yogurt powder, buttermilk powder; whey and whey powder, butter, cheese; milk beverages, namely, flavored milk

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a) 44(e)

First Use: Mar. 07, 2014

Use in Commerce: Mar. 07, 2014

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: Yes

Currently 44E: Yes

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: THE A2 MILK COMPANY LIMITED

Owner Address: 88 SHORTLAND STREET
C/-SIMPSON GRIERSON, LEVEL 27
AUCKLAND NEW ZEALAND

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: NEW ZEALAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jesse B. Ashe, III

Docket Number: 6011.006

Attorney Primary Email Address: jbashe@summalaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JESSE B. ASHE, III
ADDITON, HIGGINS & PENDLETON, P.A.
10706 SIKES PLACE, STE 350
CHARLOTTE, NORTH CAROLINA UNITED STATES 28277

Phone: 704-945-6700

Fax: 704-945-6735

Correspondent e-mail: docket@ahpapatent.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 10, 2017	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 19, 2015	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 14, 2015	REGISTERED-PRINCIPAL REGISTER	
Mar. 12, 2015	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Mar. 11, 2015	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 11, 2015	EXAMINER'S AMENDMENT ENTERED	88888
Mar. 11, 2015	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	

Mar. 11, 2015	EXAMINERS AMENDMENT E-MAILED	
Mar. 11, 2015	SU-EXAMINER'S AMENDMENT WRITTEN	77299
Jan. 22, 2015	NOTIFICATION OF FINAL REFUSAL EMAILED	
Jan. 22, 2015	FINAL REFUSAL E-MAILED	
Jan. 22, 2015	SU - FINAL REFUSAL - WRITTEN	77299
Dec. 30, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 30, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 30, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 30, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 30, 2014	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	
Jun. 30, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Jun. 30, 2014	NON-FINAL ACTION E-MAILED	
Jun. 30, 2014	SU - NON-FINAL ACTION - WRITTEN	77299
Jun. 18, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 18, 2014	STATEMENT OF USE PROCESSING COMPLETE	65362
May 27, 2014	USE AMENDMENT FILED	65362
Jun. 16, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
May 27, 2014	TEAS STATEMENT OF USE RECEIVED	
May 27, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 26, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 01, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 01, 2013	PUBLISHED FOR OPPOSITION	
Sep. 11, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Aug. 28, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	66121
Aug. 27, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 26, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 26, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 26, 2013	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Feb. 28, 2013	NOTIFICATION OF FINAL REFUSAL EMAILED	
Feb. 28, 2013	FINAL REFUSAL E-MAILED	
Feb. 28, 2013	FINAL REFUSAL WRITTEN	77299
Feb. 23, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	66121
Feb. 23, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	66121
Feb. 15, 2013	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Nov. 05, 2012	NOTIFICATION OF INQUIRY AS TO SUSPENSION E-MAILED	
Nov. 05, 2012	INQUIRY TO SUSPENSION E-MAILED	
Nov. 05, 2012	SUSPENSION INQUIRY WRITTEN	77299
Oct. 30, 2012	LIE CHECKED SUSP - TO ATTY FOR ACTION	66121
Oct. 30, 2012	ASSIGNED TO LIE	66121
Apr. 26, 2012	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Apr. 26, 2012	LETTER OF SUSPENSION E-MAILED	6332
Apr. 26, 2012	SUSPENSION LETTER WRITTEN	77299
Apr. 25, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Apr. 25, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Apr. 25, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 25, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 25, 2011	NON-FINAL ACTION E-MAILED	6325
Oct. 25, 2011	NON-FINAL ACTION WRITTEN	77299
Oct. 21, 2011	ASSIGNED TO EXAMINER	77299
Jul. 12, 2011	NOTICE OF DESIGN SEARCH CODE MAILED	
Jul. 11, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 08, 2011	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. 11, 2015

Assignment Abstract Of Title Information**Summary**

Total Assignments: 1

Registrant: A2 Corporation Limited

Assignment 1 of 1

Conveyance: CHANGE OF NAME

Reel/Frame: [5598/0063](#)

Pages: 3

Date Recorded: Aug. 12, 2015

Supporting Documents: [assignment-tm-5598-0063.pdf](#)**Assignor**Name: [A2 CORPORATION LIMITED](#)

Execution Date: Apr. 08, 2014

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country: NEW ZEALAND
Where Organized:**Assignee**Name: [THE A2 MILK COMPANY LIMITED](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country: NEW ZEALAND
Where Organized:Address: 88 SHORTLAND STREET
C/-SIMPSON GRIERSON, LEVEL 27
AUCKLAND, NEW ZEALAND**Correspondent**

Correspondent Name: JOSEPH R. DAGES

Correspondent Address: 401 SOUTH FOURTH STREET
SUITE 2600
LOUISVILLE, KY 40202**Domestic Representative - Not Found****Proceedings****Summary**

Number of Proceedings: 3

Type of Proceeding: OppositionProceeding Number: [91249003](#)

Filing Date: Jun 20, 2019

Status: Pending

Status Date: Jun 20, 2019

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Société des Produits Nestlé S.A.

Correspondent Address: CATHERINE C MILLER
HOLLAND & HART LLP
PO BOX 8749, ATTN TRADEMARK DOCKETING
DENVER CO UNITED STATES , 80201Correspondent e-mail: docket@hollandhart.com , ccmiller@hollandhart.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
A2	Opposition Pending	88176317	

Plaintiff(s)

Name: The a2 Milk Company Limited

Correspondent AMY C ZIEGLER
Address: GREER BURNS & CRAIN LTD
 300 SOUTH WACKER DRIVE, SUITE 2500
 CHICAGO IL UNITED STATES , 60606

Correspondent e-mail: tmocket@gbclaw.net , tproehl@gbclaw.net , aziegler@gbclaw.net , smelby@gbclaw.net

Mark	Application Status	Serial Number	Registration Number
A2 MILK	REGISTERED AND RENEWED	78655252	3464046
A2 MILK	Registered	85453431	4693969
A2	Registered	85363084	4720459
A2 THE ORIGINAL MILK PROTEIN	Registered	85785224	4758183
A2 PLATINUM	Registered	79180209	5211249
THE A2 MILK COMPANY	Registered	86786429	5267836
THE A2 MILK COMPANY	Non-Final Action - Mailed	87820213	
·THE A2 MILK COMPANY· FEEL THE DIFFERENCE	Non-Final Action - Mailed	79215112	
A TWO · THE A2 MILK COMPANY · AS NATUREINTENDED	Final Refusal - Mailed	79214813	
A2 TRUE	Non-Final Action - Mailed	87799301	
A2 STORE	Suspension Inquiry - Mailed	87661483	
A2 ONLY	Suspension Inquiry - Mailed	87683494	
THANK YOU A2	Non-Final Action - Mailed	79205493	
TRUE A2	Fourth Extension - Granted	86945252	
TRUE A2	Registered	86380752	5311685
TRUE A2	Registered	79203394	5388849
TRUE A2	Registered	85651472	4531584
A2TONISHING	Registered	79192338	5331917
DO YOU A2?	Fourth Extension - Granted	86972428	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 20, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 20, 2019	Jul 30, 2019
3	INSTITUTED	Jun 20, 2019	
4	ANSWER AND COUNTERCLAIM (FEE)	Jul 25, 2019	
5	ANSWER TO COUNTERCLAIM DUE (DUE DATE)	Aug 01, 2019	Aug 31, 2019
6	P MOT FOR EXT W/ CONSENT	Aug 12, 2019	
7	EXTENSION OF TIME GRANTED	Aug 12, 2019	

Type of Proceeding: Opposition

Proceeding Number: [91247833](#)

Filing Date: Apr 29, 2019

Status: Pending

Status Date: Apr 29, 2019

Interlocutory Attorney: WINSTON T FOLMAR

Defendant

Name: The Epic Source Food Company, LLC

Correspondent Address: JOSEPH F. SCHMIDT
 TAFT STETTINIUS & HOLLISTER LLP
 111 E. WACKER DR., STE. 2800
 CHICAGO IL , 60604

Correspondent e-mail: sf-ipdocket@taftlaw.com , jschmidt@taftlaw.com

Mark	Application Status	Serial Number	Registration Number
A2 MOO	Opposition Pending	87908426	

Plaintiff(s)**Name:** The a2 Milk Company Limited**Correspondent Address:** AMY C. ZIEGLER AND TANJA PROEHL
GREER BURNS & CRAIN, LTD.
300 SOUTH WACKER DRIVE SUITE 2500
CHICAGO IL UNITED STATES , 60606**Correspondent e-mail:** tproehl@gbclaw.net , tmocket@gbclaw.net , aziegler@gbclaw.net , smelby@gbclaw.net**Associated marks**

Mark	Application Status	Serial Number	Registration Number
A2 MILK	REGISTERED AND RENEWED	78655252	3464046
A2 MILK	Registered	85453431	4693969
A2	Registered	85363084	4720459
A2 THE ORIGINAL MILK PROTEIN	Registered	85785224	4758183
A2 PLATINUM	Registered	79180209	5211249
THE A2 MILK COMPANY	Registered	86786429	5267836
THE A2 MILK COMPANY	ABANDONED-FAILURE TO RESPOND OR LATE RESPONSE	86959820	
THE A2 MILK COMPANY	Non-Final Action - Mailed	87820213	
·THE A2 MILK COMPANY· FEEL THE DIFFERENCE	Non-Final Action - Mailed	79215112	
A TWO · THE A2 MILK COMPANY · AS NATUREINTENDED	Final Refusal - Mailed	79214813	
A2 MILK	ABANDONED-FAILURE TO RESPOND OR LATE RESPONSE	87087474	
A2 TRUE	Non-Final Action - Mailed	87799301	
A2 STORE	Suspension Inquiry - Mailed	87661483	
A2 ONLY	Suspension Inquiry - Mailed	87683494	
THANK YOU A2	Non-Final Action - Mailed	79205493	
TRUE A2	Fourth Extension - Granted	86945252	
TRUE A2	Registered	86380752	5311685
TRUE A2	Registered	79203394	5388849
TRUE A2	Registered	85651472	4531584
A2TONISHING	Registered	79192338	5331917
DO YOU A2?	Fourth Extension - Granted	86972428	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 29, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 29, 2019	Jun 08, 2019
3	INSTITUTED	Apr 29, 2019	
4	D MOT FOR EXT W/ CONSENT	Jun 06, 2019	
5	EXTENSION OF TIME GRANTED	Jun 06, 2019	
6	D MOT FOR EXT W/ CONSENT	Jul 31, 2019	
7	EXTENSION OF TIME GRANTED	Jul 31, 2019	

Type of Proceeding: Opposition**Proceeding Number:** [91247834](#)**Filing Date:** Apr 29, 2019**Status:** Pending**Status Date:** Apr 29, 2019**Interlocutory Attorney:** JILL M MCCORMACK**Defendant****Name:** The Epic Source Food Company, LLC**Correspondent Address:** JOSEPH F. SCHMIDT
TAFT STETTINIUS & HOLLISTER LLP
111 E. WACKER DR., STE. 2800
CHICAGO IL , 60604**Correspondent e-mail:** sf-ipdocket@taftlaw.com , jschmidt@taftlaw.com

mail:

Mark	Application Status	Serial Number	Registration Number
A2 MOO	Opposition Pending	87908421	

Plaintiff(s)

Name: The a2 Milk Company Limited

Correspondent Address: AMY C. ZIEGLER AND TANJA PROEHL
GREER BURNS & CRAIN, LTD.
300 SOUTH WACKER DRIVE SUITE 2500
CHICAGO IL UNITED STATES , 60606

Correspondent e-mail: tproehl@gbclaw.net , tmocket@gbclaw.net , aziegler@gbclaw.net , smelby@gbclaw.net

Mark	Application Status	Serial Number	Registration Number
A2 MILK	REGISTERED AND RENEWED	78655252	3464046
A2 MILK	Registered	85453431	4693969
A2	Registered	85363084	4720459
A2 THE ORIGINAL MILK PROTEIN	Registered	85785224	4758183
A2 PLATINUM	Registered	79180209	5211249
THE A2 MILK COMPANY	Registered	86786429	5267836
THE A2 MILK COMPANY	ABANDONED-FAILURE TO RESPOND OR LATE RESPONSE	86959820	
THE A2 MILK COMPANY	Non-Final Action - Mailed	87820213	
·THE A2 MILK COMPANY· FEEL THE DIFFERENCE	Non-Final Action - Mailed	79215112	
A TWO · THE A2 MILK COMPANY · AS NATUREINTENDED	Final Refusal - Mailed	79214813	
A2 MILK	ABANDONED-FAILURE TO RESPOND OR LATE RESPONSE	87087474	
A2 TRUE	Non-Final Action - Mailed	87799301	
A2 STORE	Suspension Inquiry - Mailed	87661483	
A2 ONLY	Suspension Inquiry - Mailed	87683494	
THANK YOU A2	Non-Final Action - Mailed	79205493	
TRUE A2	Fourth Extension - Granted	86945252	
TRUE A2	Registered	86380752	5311685
TRUE A2	Registered	79203394	5388849
TRUE A2	Registered	85651472	4531584
A2TONISHING	Registered	79192338	5331917
DO YOU A2?	Fourth Extension - Granted	86972428	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 29, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 29, 2019	Jun 08, 2019
3	INSTITUTED	Apr 29, 2019	
4	D MOT FOR EXT W/ CONSENT	Jun 06, 2019	
5	EXTENSION OF TIME GRANTED	Jun 06, 2019	
6	D MOT FOR EXT W/ CONSENT	Jul 31, 2019	
7	EXTENSION OF TIME GRANTED	Jul 31, 2019	

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Mark: TRUE A2



US Serial Number: 79203394

Application Filing Date: Jul. 22, 2016

US Registration Number: 5388849

Registration Date: Jan. 30, 2018

Register: Principal

Mark Type: Trademark, 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: Jan. 30, 2018

Publication Date: Nov. 14, 2017

Mark Information

Mark Literal Elements: TRUE A2

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 wording "TRUE A2" within a design of a ribbon.

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

Disclaimer: "A2"

Design Search Code(s): 24.07.07 - Ribbons, prize; Prize ribbons

Related Properties Information

International Registration Number: 1334986

International Registration Date: Jul. 22, 2016

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: Food for infants; powdered milk for babies; dietetic beverages adapted for medical use; animal semen; diagnostic preparations for veterinary purposes for detecting genetic predispositions; diagnostic test reagents for veterinary use; all of the foregoing containing A2 beta casein protein

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 66(a)

For: Milk powder; milk; butter; cheese; yoghurt; milk beverages, milk predominating; all of the foregoing containing A2 beta casein protein

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 66(a)

For: Ice cream, frozen yoghurt; flavoured ices; frozen ice cream desserts; all of the foregoing containing A2 beta casein protein

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 66(a)

For: Veterinary services; animal breeding; providing information relating to animal breeding; genetic testing of animals for breeding purposes; breeding and stud services for cattle

International Class(es): 044 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: Yes

Filed 66A: Yes

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: The a2 Milk Company Limited

Owner Address: Level 10, 51 Shortland Street
Auckland 1010
NEW ZEALAND

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: NEW ZEALAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Gregory J. Chinlund

Docket Number: 32711/60007

Attorney Primary Email Address: docket@marshallip.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Gregory J. Chinlund
Marshall, Gerstein & Borun LLP
233 South Wacker Drive, Suite 6300
CHICAGO, ILLINOIS UNITED STATES 60606

Phone: 312-474-6330

Fax: 312-474-0448

Correspondent e-mail: docket@marshallip.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 03, 2019	COUNTERCLAIM OPP. NO. 999999	249003
Jul. 06, 2018	CHANGE OF NAME/ADDRESS REC'D FROM IB	
Jun. 15, 2018	FINAL DECISION TRANSACTION PROCESSED BY IB	

May 03, 2018	FINAL DISPOSITION NOTICE SENT TO IB	
May 03, 2018	FINAL DISPOSITION PROCESSED	68359
Apr. 30, 2018	FINAL DISPOSITION NOTICE CREATED, TO BE SENT TO IB	
Jan. 30, 2018	REGISTERED-PRINCIPAL REGISTER	
Nov. 14, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 14, 2017	PUBLISHED FOR OPPOSITION	
Oct. 25, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 09, 2017	ASSIGNED TO LIE	70997
Sep. 25, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 22, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 21, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 21, 2017	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 09, 2017	REFUSAL PROCESSED BY IB	
Mar. 21, 2017	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Mar. 21, 2017	REFUSAL PROCESSED BY MPU	72629
Mar. 21, 2017	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Mar. 21, 2017	APPLICATION FILING RECEIPT MAILED	
Mar. 20, 2017	NON-FINAL ACTION WRITTEN	82422
Mar. 17, 2017	ASSIGNED TO EXAMINER	82422
Mar. 17, 2017	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 16, 2017	SN ASSIGNED FOR SECT 66A APPL FROM IB	

International Registration Information (Section 66a)

International Registration Number: 1334986	International Registration Date: Jul. 22, 2016
Priority Claimed Flag: Yes	Date of Section 67 Priority Claim: Jul. 01, 2016
Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION PROCESSED	Date of International Registration Status: Mar. 16, 2017
Notification of Designation Date: Mar. 16, 2017	Date of Automatic Protection: Sep. 16, 2018
International Registration Renewal Date: Jul. 22, 2026	
First Refusal Flag: Yes	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION **Date in Location:** Jan. 30, 2018

Assignment Abstract Of Title Information

Summary

Total Assignments: 1 **Registrant:** The a2 Milk Company Limited

Assignment 1 of 1

Conveyance: CHANGE OF ADDRESS
Reel/Frame: [6371/0663](#) **Pages:** 2
Date Recorded: Jul. 05, 2018
Supporting Documents: [assignment-tm-6371-0663.pdf](#)

Assignor

Name: [THE A2 MILK COMPANY LIMITED](#)

Execution Date: May 30, 2018

Legal Entity Type: UNKNOWN

State or Country Where Organized: NOT PROVIDED

Assignee

Name: [THE A2 MILK COMPANY LIMITED](#)

Legal Entity Type: UNKNOWN

State or Country Where Organized: NOT PROVIDED

Address: LEVEL 10, 51 SHORTLAND STREET
AUCKLAND 1010, NEW ZEALAND

Correspondent

Correspondent Name: THE A2 MILK COMPANY LIMITED

Correspondent Address: LEVEL 10, 51 SHORTLAND STREET
AUCKLAND 1010
NEW ZEALAND

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: [91249003](#)

Filing Date: Jun 20, 2019

Status: Pending

Status Date: Jun 20, 2019

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Société des Produits Nestlé S.A.

Correspondent Address: CATHERINE C MILLER
HOLLAND & HART LLP
PO BOX 8749, ATTN TRADEMARK DOCKETING
DENVER CO UNITED STATES , 80201

Correspondent e-mail: docket@hollandhart.com , ccmiller@hollandhart.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
A2	Opposition Pending	88176317	

Plaintiff(s)

Name: The a2 Milk Company Limited

Correspondent Address: AMY C ZIEGLER
GREER BURNS & CRAIN LTD
300 SOUTH WACKER DRIVE, SUITE 2500
CHICAGO IL UNITED STATES , 60606

Correspondent e-mail: tmocket@gbclaw.net , tproehl@gbclaw.net , aziegler@gbclaw.net , smelby@gbclaw.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
A2 MILK	REGISTERED AND RENEWED	78655252	3464046
A2 MILK	Registered	85453431	4693969
A2	Registered	85363084	4720459
A2 THE ORIGINAL MILK PROTEIN	Registered	85785224	4758183
A2 PLATINUM	Registered	79180209	5211249
THE A2 MILK COMPANY	Registered	86786429	5267836
THE A2 MILK COMPANY	Non-Final Action - Mailed	87820213	

·THE A2 MILK COMPANY· FEEL THE DIFFERENCE	Non-Final Action - Mailed	79215112	
A TWO · THE A2 MILK COMPANY · AS NATUREINTENDED	Final Refusal - Mailed	79214813	
A2 TRUE	Non-Final Action - Mailed	87799301	
A2 STORE	Suspension Inquiry - Mailed	87661483	
A2 ONLY	Suspension Inquiry - Mailed	87683494	
THANK YOU A2	Non-Final Action - Mailed	79205493	
TRUE A2	Fourth Extension - Granted	86945252	
TRUE A2	Registered	86380752	5311685
TRUE A2	Registered	79203394	5388849
TRUE A2	Registered	85651472	4531584
A2TONISHING	Registered	79192338	5331917
DO YOU A2?	Fourth Extension - Granted	86972428	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 20, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 20, 2019	Jul 30, 2019
3	INSTITUTED	Jun 20, 2019	
4	ANSWER AND COUNTERCLAIM (FEE)	Jul 25, 2019	
5	ANSWER TO COUNTERCLAIM DUE (DUE DATE)	Aug 01, 2019	Aug 31, 2019
6	P MOT FOR EXT W/ CONSENT	Aug 12, 2019	
7	EXTENSION OF TIME GRANTED	Aug 12, 2019	

Type of Proceeding: Opposition

Proceeding Number: [91247833](#) **Filing Date:** Apr 29, 2019
Status: Pending **Status Date:** Apr 29, 2019
Interlocutory Attorney: WINSTON T FOLMAR

Defendant

Name: The Epic Source Food Company, LLC
Correspondent Address: JOSEPH F. SCHMIDT
TAFT STETTINIUS & HOLLISTER LLP
111 E. WACKER DR., STE. 2800
CHICAGO IL , 60604
Correspondent e-mail: sf-ipdocket@taftlaw.com , jschmidt@taftlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
A2 MOO	Opposition Pending	87908426	

Plaintiff(s)

Name: The a2 Milk Company Limited
Correspondent Address: AMY C. ZIEGLER AND TANJA PROEHL
GREER BURNS & CRAIN, LTD.
300 SOUTH WACKER DRIVE SUITE 2500
CHICAGO IL UNITED STATES , 60606
Correspondent e-mail: tproehl@gbclaw.net , tmocket@gbclaw.net , aziegler@gbclaw.net , smelby@gbclaw.net

Associated marks

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A2 MILK	Registered	85453431	4693969
A2	Registered	85363084	4720459
A2 THE ORIGINAL MILK PROTEIN	Registered	85785224	4758183
A2 PLATINUM	Registered	79180209	5211249
THE A2 MILK COMPANY	Registered	86786429	5267836

THE A2 MILK COMPANY	ABANDONED-FAILURE TO RESPOND OR LATE RESPONSE	86959820	
THE A2 MILK COMPANY	Non-Final Action - Mailed	87820213	
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A2 ONLY	Suspension Inquiry - Mailed	87683494	
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TRUE A2	Registered	79203394	5388849
TRUE A2	Registered	85651472	4531584
A2TONISHING	Registered	79192338	5331917
DO YOU A2?	Fourth Extension - Granted	86972428	

Prosecution History

Entry Number	History Text	Date	Due Date
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4	D MOT FOR EXT W/ CONSENT	Jun 06, 2019	
5	EXTENSION OF TIME GRANTED	Jun 06, 2019	
6	D MOT FOR EXT W/ CONSENT	Jul 31, 2019	
7	EXTENSION OF TIME GRANTED	Jul 31, 2019	

Type of Proceeding: Opposition

Proceeding Number: [91247834](#)

Filing Date: Apr 29, 2019

Status: Pending

Status Date: Apr 29, 2019

Interlocutory Attorney: JILL M MCCORMACK

Defendant

Name: The Epic Source Food Company, LLC

Correspondent Address: JOSEPH F. SCHMIDT
TAFT STETTINIUS & HOLLISTER LLP
111 E. WACKER DR., STE. 2800
CHICAGO IL , 60604

Correspondent e-mail: sf-ipdocket@taftlaw.com , jschmidt@taftlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
A2 MOO	Opposition Pending	87908421	

Plaintiff(s)

Name: The a2 Milk Company Limited

Correspondent Address: AMY C. ZIEGLER AND TANJA PROEHL
GREER BURNS & CRAIN, LTD.
300 SOUTH WACKER DRIVE SUITE 2500
CHICAGO IL UNITED STATES , 60606

Correspondent e-mail: tproehl@gbclaw.net , tmddocket@gbclaw.net , aziegler@gbclaw.net , smelby@gbclaw.net

Associated marks

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A2 ONLY	Suspension Inquiry - Mailed	87683494	
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TRUE A2	Fourth Extension - Granted	86945252	
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TRUE A2	Registered	79203394	5388849
TRUE A2	Registered	85651472	4531584
A2TONISHING	Registered	79192338	5331917
DO YOU A2?	Fourth Extension - Granted	86972428	

Prosecution History

Entry Number	History Text	Date	Due Date
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5	EXTENSION OF TIME GRANTED	Jun 06, 2019	
6	D MOT FOR EXT W/ CONSENT	Jul 31, 2019	
7	EXTENSION OF TIME GRANTED	Jul 31, 2019	

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Mark: THANK YOU A2

THANK YOU a2

US Serial Number: 79205493

Application Filing Date: Dec. 22, 2016

Register: Principal

Mark Type: Trademark, Service Mark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Aug. 26, 2019

Mark Information

Mark Literal Elements: THANK YOU A2

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: "A2"

Related Properties Information

International Registration Number: 1340097

International Registration Date: Dec. 22, 2016

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: Food for infants; powdered milk for infants; dietetic foods and beverages, namely, milk and milk-based food and beverages adapted for medical use

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 66(a)

For: Downloadable electronic publications in the nature of books, magazines in the field of nutrition; electronic downloadable publications provided online from databases or the Internet in the nature of books, magazines in the field of nutrition; downloadable computer software applications for mobile phones, portable media players, handheld computers, namely, software for use in database management, use in electronic storage of data; computer software for mobile phones, portable media players, handheld computers, namely, software for use in database management, use in electronic storage of data

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 66(a)

For: Printed materials, namely, written articles in the field of nutrition; printed publications in the nature of books, magazines, brochures, booklets, leaflets and informational materials in the field of nutrition; photographs

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 66(a)

For: Milk powder; milk; butter; cheese; yoghurt; milk beverages, milk predominating

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 66(a)

For: Audio, visual and multimedia transmission services; providing access to electronic and online databases

International Class(es): 038 - Primary Class

U.S Class(es): 100, 101, 104

Class Status: ACTIVE

Basis: 66(a)

For: Providing non-downloadable electronic publications in the nature of books, magazines in the field of nutrition; publication of journals, pamphlets, newspapers; publication of magazines; on-line publication of journals, diaries, blogs and forums

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 66(a)

For: Providing online non-downloadable software for mobile phones, portable media players, handheld computers, namely, software for use in database management, use in electronic storage of data; design and development of software; hosting computer websites; hosting of databases for others

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: Yes

Filed 66A: Yes

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: The a2 Milk Company Limited

Owner Address: Level 10, 51 Shortland Street
Auckland 1010
NEW ZEALAND

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: NEW ZEALAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Gregory J. Chinlund

Docket Number: 32711/60009

Attorney Primary Email Address: docket@marshallip.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Gregory J. Chinlund
 MARSHALL, GERSTEIN & BORUN LLP
 233 South Wacker Drive, Suite 6300
 CHICAGO, ILLINOIS UNITED STATES 60606

Phone: 312-474-6330

Fax: 312-474-0448

Correspondent e-mail: docket@marshallip.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 26, 2019	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 26, 2019	NON-FINAL ACTION E-MAILED	6325
Aug. 26, 2019	NON-FINAL ACTION WRITTEN	93068
Jul. 08, 2019	LIE CHECKED SUSP - TO ATTY FOR ACTION	68171
Jan. 08, 2019	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	68171
Oct. 12, 2018	NOTIFICATION OF POSSIBLE OPPOSITION - PROCESSED BY IB	
Sep. 26, 2018	NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB	
Sep. 26, 2018	NOTIFICATION OF POSSIBLE OPPOSITION CREATED, TO BE SENT TO IB	
Jul. 06, 2018	CHANGE OF NAME/ADDRESS REC'D FROM IB	
Jun. 26, 2018	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	68171
Dec. 26, 2017	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Dec. 26, 2017	LETTER OF SUSPENSION E-MAILED	6332
Dec. 26, 2017	SUSPENSION LETTER WRITTEN	93068
Nov. 27, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	68171
Nov. 27, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	68171
Nov. 20, 2017	ASSIGNED TO LIE	68171
Nov. 09, 2017	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 27, 2017	REFUSAL PROCESSED BY IB	
May 11, 2017	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
May 11, 2017	REFUSAL PROCESSED BY MPU	72629
May 06, 2017	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
May 05, 2017	NON-FINAL ACTION WRITTEN	93068
May 02, 2017	APPLICATION FILING RECEIPT MAILED	
Apr. 27, 2017	ASSIGNED TO EXAMINER	93068
Apr. 27, 2017	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 21, 2017	LIMITATION FROM ORIGINAL APPLICATION ENTERED	72629
Apr. 20, 2017	SN ASSIGNED FOR SECT 66A APPL FROM IB	

International Registration Information (Section 66a)

International Registration Number: 1340097	International Registration Date: Dec. 22, 2016
Priority Claimed Flag: Yes	Date of Section 67 Priority Claim: Jun. 27, 2016
Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION PROCESSED	Date of International Registration Status: Apr. 20, 2017
Notification of Designation Date: Apr. 20, 2017	Date of Automatic Protection: Oct. 20, 2018
International Registration Renewal Date: Dec. 22, 2026	
First Refusal Flag: Yes	

TM Staff and Location Information

TM Staff Information

TM Attorney: ADEMI, XHENETA

Law Office Assigned: LAW OFFICE 122

File Location

Current Location: TMO LAW OFFICE 122 - EXAMINING ATTORNEY ASSIGNED

Date in Location: Aug. 26, 2019

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Applicant: The a2 Milk Company Limited

Assignment 1 of 1

Conveyance: CHANGE OF ADDRESS

Reel/Frame: [6371/0665](#)

Pages: 2

Date Recorded: Jul. 05, 2018

Supporting Documents: [assignment-tm-6371-0665.pdf](#)

Assignor

Name: [THE A2 MILK COMPANY LIMITED](#)

Execution Date: May 30, 2018

Legal Entity Type: UNKNOWN

State or Country Where Organized: NOT PROVIDED

Assignee

Name: [THE A2 MILK COMPANY LIMITED](#)

Legal Entity Type: UNKNOWN

State or Country Where Organized: NOT PROVIDED

Address: LEVEL 10, 51 SHORTLAND STREET
AUCKLAND 1010, NEW ZEALAND

Correspondent

Correspondent Name: THE A2 MILK COMPANY LIMITED

Correspondent Address: LEVEL 10, 51 SHORTLAND STREET
AUCKLAND 1010
NEW ZEALAND

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: [91249003](#)

Filing Date: Jun 20, 2019

Status: Pending

Status Date: Jun 20, 2019

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Société des Produits Nestlé S.A.

Correspondent Address: CATHERINE C MILLER
HOLLAND & HART LLP
PO BOX 8749, ATTN TRADEMARK DOCKETING
DENVER CO UNITED STATES , 80201

Correspondent e-mail: docket@hollandhart.com , ccmiller@hollandhart.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
A2	Opposition Pending	88176317	
Plaintiff(s)			

Name: The a2 Milk Company Limited

Correspondent Address: AMY C ZIEGLER
GREER BURNS & CRAIN LTD
300 SOUTH WACKER DRIVE, SUITE 2500
CHICAGO IL UNITED STATES , 60606

Correspondent e-mail: tmocket@gbclaw.net , tproehl@gbclaw.net , aziegler@gbclaw.net , smelby@gbclaw.net

Associated marks			
Mark	Application Status	Serial Number	Registration Number
A2 MILK	REGISTERED AND RENEWED	78655252	3464046
A2 MILK	Registered	85453431	4693969
A2	Registered	85363084	4720459
A2 THE ORIGINAL MILK PROTEIN	Registered	85785224	4758183
A2 PLATINUM	Registered	79180209	5211249
THE A2 MILK COMPANY	Registered	86786429	5267836
THE A2 MILK COMPANY	Non-Final Action - Mailed	87820213	
·THE A2 MILK COMPANY· FEEL THE DIFFERENCE	Non-Final Action - Mailed	79215112	
A TWO · THE A2 MILK COMPANY · AS NATUREINTENDED	Final Refusal - Mailed	79214813	
A2 TRUE	Non-Final Action - Mailed	87799301	
A2 STORE	Suspension Inquiry - Mailed	87661483	
A2 ONLY	Suspension Inquiry - Mailed	87683494	
THANK YOU A2	Non-Final Action - Mailed	79205493	
TRUE A2	Fourth Extension - Granted	86945252	
TRUE A2	Registered	86380752	5311685
TRUE A2	Registered	79203394	5388849
TRUE A2	Registered	85651472	4531584
A2TONISHING	Registered	79192338	5331917
DO YOU A2?	Fourth Extension - Granted	86972428	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 20, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 20, 2019	Jul 30, 2019
3	INSTITUTED	Jun 20, 2019	
4	ANSWER AND COUNTERCLAIM (FEE)	Jul 25, 2019	
5	ANSWER TO COUNTERCLAIM DUE (DUE DATE)	Aug 01, 2019	Aug 31, 2019
6	P MOT FOR EXT W/ CONSENT	Aug 12, 2019	
7	EXTENSION OF TIME GRANTED	Aug 12, 2019	

Type of Proceeding: Opposition

Proceeding Number: [91247833](#)

Filing Date: Apr 29, 2019

Status: Pending

Status Date: Apr 29, 2019

Interlocutory Attorney: WINSTON T FOLMAR

Defendant

Name: The Epic Source Food Company, LLC

Correspondent Address: JOSEPH F. SCHMIDT
TAFT STETTINIUS & HOLLISTER LLP
111 E. WACKER DR., STE. 2800
CHICAGO IL , 60604

Correspondent e-mail: sf-ipdocket@taftlaw.com , j Schmidt@taftlaw.com

Mark	Application Status	Serial Number	Registration Number
A2 MOO	Opposition Pending	87908426	

Plaintiff(s)

Name: The a2 Milk Company Limited

Correspondent Address: AMY C. ZIEGLER AND TANJA PROEHL
GREER BURNS & CRAIN, LTD.
300 SOUTH WACKER DRIVE SUITE 2500
CHICAGO IL UNITED STATES , 60606

Correspondent e-mail: tproehl@gbclaw.net , tmocket@gbclaw.net , aziegler@gbclaw.net , smelby@gbclaw.net

Mark	Application Status	Serial Number	Registration Number
A2 MILK	REGISTERED AND RENEWED	78655252	3464046
A2 MILK	Registered	85453431	4693969
A2	Registered	85363084	4720459
A2 THE ORIGINAL MILK PROTEIN	Registered	85785224	4758183
A2 PLATINUM	Registered	79180209	5211249
THE A2 MILK COMPANY	Registered	86786429	5267836
THE A2 MILK COMPANY	ABANDONED-FAILURE TO RESPOND OR LATE RESPONSE	86959820	
THE A2 MILK COMPANY	Non-Final Action - Mailed	87820213	
·THE A2 MILK COMPANY· FEEL THE DIFFERENCE	Non-Final Action - Mailed	79215112	
A TWO · THE A2 MILK COMPANY · AS NATUREINTENDED	Final Refusal - Mailed	79214813	
A2 MILK	ABANDONED-FAILURE TO RESPOND OR LATE RESPONSE	87087474	
A2 TRUE	Non-Final Action - Mailed	87799301	
A2 STORE	Suspension Inquiry - Mailed	87661483	
A2 ONLY	Suspension Inquiry - Mailed	87683494	
THANK YOU A2	Non-Final Action - Mailed	79205493	
TRUE A2	Fourth Extension - Granted	86945252	
TRUE A2	Registered	86380752	5311685
TRUE A2	Registered	79203394	5388849
TRUE A2	Registered	85651472	4531584
A2TONISHING	Registered	79192338	5331917
DO YOU A2?	Fourth Extension - Granted	86972428	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 29, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 29, 2019	Jun 08, 2019
3	INSTITUTED	Apr 29, 2019	
4	D MOT FOR EXT W/ CONSENT	Jun 06, 2019	
5	EXTENSION OF TIME GRANTED	Jun 06, 2019	
6	D MOT FOR EXT W/ CONSENT	Jul 31, 2019	
7	EXTENSION OF TIME GRANTED	Jul 31, 2019	

Type of Proceeding: Opposition

Proceeding Number: [91247834](#)

Filing Date: Apr 29, 2019

Status: Pending

Status Date: Apr 29, 2019

Interlocutory Attorney: JILL M MCCORMACK

Defendant

Name: The Epic Source Food Company, LLC

Correspondent JOSEPH F. SCHMIDT

Address: TAFT STETTINIUS & HOLLISTER LLP
111 E. WACKER DR., STE. 2800
CHICAGO IL , 60604

Correspondent e-mail: sf-ipdocket@taftlaw.com , jschmidt@taftlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
A2 MOO	Opposition Pending	87908421	

Plaintiff(s)

Name: The a2 Milk Company Limited

Correspondent AMY C. ZIEGLER AND TANJA PROEHL

Address: GREER BURNS & CRAIN, LTD.
300 SOUTH WACKER DRIVE SUITE 2500
CHICAGO IL UNITED STATES , 60606

Correspondent e-mail: aproehl@gbclaw.net , tmocket@gbclaw.net , aziegler@gbclaw.net , smelby@gbclaw.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
A2 MILK	REGISTERED AND RENEWED	78655252	3464046
A2 MILK	Registered	85453431	4693969
A2	Registered	85363084	4720459
A2 THE ORIGINAL MILK PROTEIN	Registered	85785224	4758183
A2 PLATINUM	Registered	79180209	5211249
THE A2 MILK COMPANY	Registered	86786429	5267836
THE A2 MILK COMPANY	ABANDONED-FAILURE TO RESPOND OR LATE RESPONSE	86959820	
THE A2 MILK COMPANY	Non-Final Action - Mailed	87820213	
·THE A2 MILK COMPANY· FEEL THE DIFFERENCE	Non-Final Action - Mailed	79215112	
A TWO · THE A2 MILK COMPANY · AS NATUREINTENDED	Final Refusal - Mailed	79214813	
A2 MILK	ABANDONED-FAILURE TO RESPOND OR LATE RESPONSE	87087474	
A2 TRUE	Non-Final Action - Mailed	87799301	
A2 STORE	Suspension Inquiry - Mailed	87661483	
A2 ONLY	Suspension Inquiry - Mailed	87683494	
THANK YOU A2	Non-Final Action - Mailed	79205493	
TRUE A2	Fourth Extension - Granted	86945252	
TRUE A2	Registered	86380752	5311685
TRUE A2	Registered	79203394	5388849
TRUE A2	Registered	85651472	4531584
A2TONISHING	Registered	79192338	5331917
DO YOU A2?	Fourth Extension - Granted	86972428	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 29, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 29, 2019	Jun 08, 2019
3	INSTITUTED	Apr 29, 2019	
4	D MOT FOR EXT W/ CONSENT	Jun 06, 2019	
5	EXTENSION OF TIME GRANTED	Jun 06, 2019	
6	D MOT FOR EXT W/ CONSENT	Jul 31, 2019	
7	EXTENSION OF TIME GRANTED	Jul 31, 2019	

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Mark: A2 PLATINUM

a2 PLATINUM

US Serial Number: 79180209

Application Filing Date: Dec. 03, 2015

US Registration Number: 5211249

Registration Date: May 30, 2017

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: May 30, 2017

Publication Date: Mar. 14, 2017

Mark Information

Mark Literal Elements: A2 PLATINUM

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: "A2"

Related Properties Information

International Registration Number: 1282530

International Registration Date: Dec. 03, 2015

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: Powdered milk foods for infants; powdered milk for babies; all of the foregoing containing A2 beta-casein protein

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 66(a)

For: Milk powder; milk; butter; cheese; yoghurt; milk beverages, milk predominating; all of the foregoing containing A2 beta-casein protein

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

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

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

Current Owner(s) Information

Owner Name: The a2 Milk Company Limited
Owner Address: Level 10, 51 Shortland Street
Auckland 1010
NEW ZEALAND
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: NEW ZEALAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Gregory J. Chinlund
Attorney Primary Email Address: docket@marshallip.com
Docket Number: 32711/60001
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Gregory J. Chinlund
Marshall, Gerstein & Borun LLP
233 S. Wacker Drive
Chicago, ILLINOIS UNITED STATES 60606
Phone: 312-474-6300
Fax: 312-474-0448
Correspondent e-mail: docket@marshallip.com
Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Gregory J. Chinlund
Phone: 312-474-6300
Fax: 312-474-0448
Domestic Representative e-mail: docket@marshallip.com
Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Jul. 06, 2018	CHANGE OF NAME/ADDRESS REC'D FROM IB	
Oct. 28, 2017	FINAL DECISION TRANSACTION PROCESSED BY IB	
Sep. 08, 2017	FINAL DISPOSITION NOTICE SENT TO IB	
Sep. 08, 2017	FINAL DISPOSITION PROCESSED	68359
Aug. 30, 2017	FINAL DISPOSITION NOTICE CREATED, TO BE SENT TO IB	
May 30, 2017	REGISTERED-PRINCIPAL REGISTER	
May 08, 2017	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
May 08, 2017	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Mar. 14, 2017	PUBLISHED FOR OPPOSITION	
Mar. 10, 2017	NOTIFICATION PROCESSED BY IB	
Feb. 22, 2017	NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB	
Feb. 22, 2017	NOTICE OF START OF OPPOSITION PERIOD CREATED, TO BE SENT TO IB	
Feb. 22, 2017	NOTICE OF PUBLICATION	
Feb. 06, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 03, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	88889

Feb. 02, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Feb. 02, 2017	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Aug. 24, 2016	FINAL REFUSAL MAILED	
Aug. 24, 2016	FINAL REFUSAL WRITTEN	68356
Aug. 05, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 05, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 05, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 27, 2016	REFUSAL PROCESSED BY IB	
Feb. 19, 2016	NEW REPRESENTATIVE AT IB RECEIVED	
Feb. 09, 2016	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Feb. 09, 2016	REFUSAL PROCESSED BY MPU	71529
Feb. 05, 2016	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Feb. 04, 2016	NON-FINAL ACTION WRITTEN	68356
Feb. 03, 2016	ASSIGNED TO EXAMINER	68356
Jan. 13, 2016	APPLICATION FILING RECEIPT MAILED	
Jan. 09, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 07, 2016	SN ASSIGNED FOR SECT 66A APPL FROM IB	

International Registration Information (Section 66a)

International Registration Number: 1282530	International Registration Date: Dec. 03, 2015
Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION PROCESSED	Date of International Registration Status: Jan. 07, 2016
Notification of Designation Date: Jan. 07, 2016	Date of Automatic Protection: Jul. 07, 2017
International Registration Renewal Date: Dec. 03, 2025	
First Refusal Flag: Yes	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION	Date in Location: May 30, 2017
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Assignment Abstract Of Title Information

Summary

Total Assignments: 1	Registrant: The a2 Milk Company Limited
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Assignment 1 of 1

Conveyance: CHANGE OF ADDRESS	
Reel/Frame: 6371/0560	Pages: 2
Date Recorded: Jul. 05, 2018	
Supporting Documents: assignment-tm-6371-0560.pdf	

Assignor

Name: THE A2 MILK COMPANY LIMITED	Execution Date: May 30, 2018
Legal Entity Type: UNKNOWN	State or Country Where Organized: NOT PROVIDED

Assignee

Name: THE A2 MILK COMPANY LIMITED	
Legal Entity Type: UNKNOWN	State or Country: NOT PROVIDED

Where Organized:

Address: LEVEL 10, 51 SHORTLAND STREET
AUCKLAND 1010, NEW ZEALAND

Correspondent

Correspondent Name: THE A2 MILK COMPANY LIMITED

Correspondent Address: LEVEL 10, 51 SHORTLAND STREET
AUCKLAND 1010
NEW ZEALAND

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: [91249003](#)

Filing Date: Jun 20, 2019

Status: Pending

Status Date: Jun 20, 2019

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Société des Produits Nestlé S.A.

Correspondent Address: CATHERINE C MILLER
HOLLAND & HART LLP
PO BOX 8749, ATTN TRADEMARK DOCKETING
DENVER CO UNITED STATES , 80201

Correspondent e-mail: docket@hollandhart.com , ccmiller@hollandhart.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
A2	Opposition Pending	88176317	

Plaintiff(s)

Name: The a2 Milk Company Limited

Correspondent Address: AMY C ZIEGLER
GREER BURNS & CRAIN LTD
300 SOUTH WACKER DRIVE, SUITE 2500
CHICAGO IL UNITED STATES , 60606

Correspondent e-mail: tmocket@gbclaw.net , tproehl@gbclaw.net , aziegler@gbclaw.net , smelby@gbclaw.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
A2 MILK	REGISTERED AND RENEWED	78655252	3464046
A2 MILK	Registered	85453431	4693969
A2	Registered	85363084	4720459
A2 THE ORIGINAL MILK PROTEIN	Registered	85785224	4758183
A2 PLATINUM	Registered	79180209	5211249
THE A2 MILK COMPANY	Registered	86786429	5267836
THE A2 MILK COMPANY	Non-Final Action - Mailed	87820213	
·THE A2 MILK COMPANY· FEEL THE DIFFERENCE	Non-Final Action - Mailed	79215112	
A TWO · THE A2 MILK COMPANY · AS NATUREINTENDED	Final Refusal - Mailed	79214813	
A2 TRUE	Non-Final Action - Mailed	87799301	
A2 STORE	Suspension Inquiry - Mailed	87661483	
A2 ONLY	Suspension Inquiry - Mailed	87683494	

THANK YOU A2	Non-Final Action - Mailed	79205493	
TRUE A2	Fourth Extension - Granted	86945252	
TRUE A2	Registered	86380752	5311685
TRUE A2	Registered	79203394	5388849
TRUE A2	Registered	85651472	4531584
A2TONISHING	Registered	79192338	5331917
DO YOU A2?	Fourth Extension - Granted	86972428	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 20, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 20, 2019	Jul 30, 2019
3	INSTITUTED	Jun 20, 2019	
4	ANSWER AND COUNTERCLAIM (FEE)	Jul 25, 2019	
5	ANSWER TO COUNTERCLAIM DUE (DUE DATE)	Aug 01, 2019	Aug 31, 2019
6	P MOT FOR EXT W/ CONSENT	Aug 12, 2019	
7	EXTENSION OF TIME GRANTED	Aug 12, 2019	

Type of Proceeding: Opposition

Proceeding Number: [91247833](#)

Filing Date: Apr 29, 2019

Status: Pending

Status Date: Apr 29, 2019

Interlocutory Attorney: WINSTON T FOLMAR

Defendant

Name: The Epic Source Food Company, LLC

Correspondent Address: JOSEPH F. SCHMIDT
TAFT STETTINIUS & HOLLISTER LLP
111 E. WACKER DR., STE. 2800
CHICAGO IL , 60604

Correspondent e-mail: sf-ipdocket@taftlaw.com , jschmidt@taftlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
A2 MOO	Opposition Pending	87908426	

Plaintiff(s)

Name: The a2 Milk Company Limited

Correspondent Address: AMY C. ZIEGLER AND TANJA PROEHL
GREER BURNS & CRAIN, LTD.
300 SOUTH WACKER DRIVE SUITE 2500
CHICAGO IL UNITED STATES , 60606

Correspondent e-mail: tproehl@gbclaw.net , tmddocket@gbclaw.net , aziegler@gbclaw.net , smelby@gbclaw.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
A2 MILK	REGISTERED AND RENEWED	78655252	3464046
A2 MILK	Registered	85453431	4693969
A2	Registered	85363084	4720459
A2 THE ORIGINAL MILK PROTEIN	Registered	85785224	4758183
A2 PLATINUM	Registered	79180209	5211249
THE A2 MILK COMPANY	Registered	86786429	5267836
THE A2 MILK COMPANY	ABANDONED-FAILURE TO RESPOND OR LATE RESPONSE	86959820	
THE A2 MILK COMPANY	Non-Final Action - Mailed	87820213	
·THE A2 MILK COMPANY· FEEL THE DIFFERENCE	Non-Final Action - Mailed	79215112	
A TWO · THE A2 MILK COMPANY · AS NATUREINTENDED	Final Refusal - Mailed	79214813	

A2 MILK	ABANDONED-FAILURE TO RESPOND OR LATE RESPONSE	87087474	
A2 TRUE	Non-Final Action - Mailed	87799301	
A2 STORE	Suspension Inquiry - Mailed	87661483	
A2 ONLY	Suspension Inquiry - Mailed	87683494	
THANK YOU A2	Non-Final Action - Mailed	79205493	
TRUE A2	Fourth Extension - Granted	86945252	
TRUE A2	Registered	86380752	5311685
TRUE A2	Registered	79203394	5388849
TRUE A2	Registered	85651472	4531584
A2TONISHING	Registered	79192338	5331917
DO YOU A2?	Fourth Extension - Granted	86972428	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 29, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 29, 2019	Jun 08, 2019
3	INSTITUTED	Apr 29, 2019	
4	D MOT FOR EXT W/ CONSENT	Jun 06, 2019	
5	EXTENSION OF TIME GRANTED	Jun 06, 2019	
6	D MOT FOR EXT W/ CONSENT	Jul 31, 2019	
7	EXTENSION OF TIME GRANTED	Jul 31, 2019	

Type of Proceeding: Opposition

Proceeding Number: [91247834](#)

Filing Date: Apr 29, 2019

Status: Pending

Status Date: Apr 29, 2019

Interlocutory Attorney: JILL M MCCORMACK

Defendant

Name: The Epic Source Food Company, LLC

Correspondent Address: JOSEPH F. SCHMIDT
TAFT STETTINIUS & HOLLISTER LLP
111 E. WACKER DR., STE. 2800
CHICAGO IL , 60604

Correspondent e-mail: sf-ipdocket@taftlaw.com , jschmidt@taftlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
A2 MOO	Opposition Pending	87908421	

Plaintiff(s)

Name: The a2 Milk Company Limited

Correspondent Address: AMY C. ZIEGLER AND TANJA PROEHL
GREER BURNS & CRAIN, LTD.
300 SOUTH WACKER DRIVE SUITE 2500
CHICAGO IL UNITED STATES , 60606

Correspondent e-mail: tproehl@gbclaw.net , tmocket@gbclaw.net , aziegler@gbclaw.net , smelby@gbclaw.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
A2 MILK	REGISTERED AND RENEWED	78655252	3464046
A2 MILK	Registered	85453431	4693969
A2	Registered	85363084	4720459
A2 THE ORIGINAL MILK PROTEIN	Registered	85785224	4758183
A2 PLATINUM	Registered	79180209	5211249
THE A2 MILK COMPANY	Registered	86786429	5267836

THE A2 MILK COMPANY	ABANDONED-FAILURE TO RESPOND OR LATE RESPONSE	86959820	
THE A2 MILK COMPANY	Non-Final Action - Mailed	87820213	
·THE A2 MILK COMPANY· FEEL THE DIFFERENCE	Non-Final Action - Mailed	79215112	
A TWO · THE A2 MILK COMPANY · AS NATUREINTENDED	Final Refusal - Mailed	79214813	
A2 MILK	ABANDONED-FAILURE TO RESPOND OR LATE RESPONSE	87087474	
A2 TRUE	Non-Final Action - Mailed	87799301	
A2 STORE	Suspension Inquiry - Mailed	87661483	
A2 ONLY	Suspension Inquiry - Mailed	87683494	
THANK YOU A2	Non-Final Action - Mailed	79205493	
TRUE A2	Fourth Extension - Granted	86945252	
TRUE A2	Registered	86380752	5311685
TRUE A2	Registered	79203394	5388849
TRUE A2	Registered	85651472	4531584
A2TONISHING	Registered	79192338	5331917
DO YOU A2?	Fourth Extension - Granted	86972428	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 29, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 29, 2019	Jun 08, 2019
3	INSTITUTED	Apr 29, 2019	
4	D MOT FOR EXT W/ CONSENT	Jun 06, 2019	
5	EXTENSION OF TIME GRANTED	Jun 06, 2019	
6	D MOT FOR EXT W/ CONSENT	Jul 31, 2019	
7	EXTENSION OF TIME GRANTED	Jul 31, 2019	

EXHIBIT 2

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Mark: A2 MILK



US Serial Number: 87087474

Application Filing Date: Jun. 29, 2016

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



DEAD/APPLICATION/Refused/Dismissed or Invalidated

This trademark application was refused, dismissed, or invalidated by the Office and this application is no longer active.

Status: Abandoned because the applicant failed to respond or filed a late response to an Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jun. 18, 2019

Date Abandoned: May 10, 2019

Mark Information

Mark Literal Elements: A2 MILK

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 small cap letter "a" and the number "2" attached to each other at the base with the word "Milk" appearing below "a2" and all inside an organic oval design.

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

Acquired Distinctiveness Claim: In whole

Design Search Code(s): 26.03.21 - Ovals that are completely or partially shaded
26.03.28 - Oval shape (miscellaneous overall shape); Miscellaneous designs with overall oval shape, including amoeba-like shapes and irregular ovals

Foreign Information

Foreign Registration Number: 1012285

Foreign Registration Date: Jan. 13, 2015

Foreign Application/Registration Country: NEW ZEALAND

Foreign Expiration Date: Jan. 13, 2025

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: Food for infants; powdered milk for babies; dietetic beverages adapted for medical use; Milk for infants; dietetic foods adapted for medical use; all of the foregoing containing A2 beta casein protein

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(b) 44(e)

For: Milk powder; milk; butter; cheese; yoghurt; milk beverages, milk predominating; Cream; all of the forgoing containing A2 beta casein protein

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b) 44(e)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: Yes

Filed 44D: No

Currently 44E: Yes

Filed 44E: Yes

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: The a2 Milk Company Limited

Owner Address: c/- Simpson Grierson, Level 27
88 Shortland Street
Auckland NEW ZEALAND

Legal Entity Type: CORPORATION

State or Country Where Organized: NEW ZEALAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Gregory J. Chinlund

Docket Number: 32223-60000

Attorney Primary Email Address: docket@marshallip.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: GREGORY J. CHINLUND
MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE, SUITE 6300
CHICAGO, ILLINOIS UNITED STATES 60606

Phone: 3124746300

Correspondent e-mail: docket@marshallip.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 18, 2019	ABANDONMENT NOTICE E-MAILED - FAILURE TO RESPOND	
Jun. 18, 2019	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Nov. 09, 2018	NOTIFICATION OF SUBSEQUENT FINAL EMAILED	
Nov. 09, 2018	SUBSEQUENT FINAL EMAILED	
Nov. 09, 2018	SUBSEQUENT FINAL REFUSAL WRITTEN	75593
Oct. 16, 2018	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 15, 2018	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 15, 2018	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Apr. 15, 2018	NOTIFICATION OF FINAL REFUSAL EMAILED	
Apr. 15, 2018	FINAL REFUSAL E-MAILED	
Apr. 15, 2018	FINAL REFUSAL WRITTEN	75593
Mar. 13, 2018	TEAS/EMAIL CORRESPONDENCE ENTERED	88889

Mar. 12, 2018	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 12, 2018	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 12, 2017	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 12, 2017	NON-FINAL ACTION E-MAILED	6325
Sep. 12, 2017	NON-FINAL ACTION WRITTEN	75593
Aug. 23, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 22, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 22, 2017	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 22, 2017	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Feb. 22, 2017	NON-FINAL ACTION E-MAILED	6325
Feb. 22, 2017	NON-FINAL ACTION WRITTEN	75593
Feb. 02, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Feb. 01, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Feb. 01, 2017	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 01, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 01, 2016	NON-FINAL ACTION E-MAILED	6325
Aug. 01, 2016	NON-FINAL ACTION WRITTEN	75593
Jul. 22, 2016	ASSIGNED TO EXAMINER	75593
Jul. 05, 2016	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Jul. 02, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 02, 2016	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: SWAIN, MICHELE LYNN

Law Office LAW OFFICE 116
Assigned:

File Location

Current Location: TMO LAW OFFICE 116 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Jun. 18, 2019

Proceedings

Summary

Number of 2
Proceedings:

Type of Proceeding: Opposition

Proceeding [91247833](#)
Number:

Filing Date: Apr 29, 2019

Status: Pending

Status Date: Apr 29, 2019

Interlocutory WINSTON T FOLMAR
Attorney:

Defendant

Name: The Epic Source Food Company, LLC

Correspondent JOSEPH F. SCHMIDT
Address: TAFT STETTINIUS & HOLLISTER LLP
111 E. WACKER DR., STE. 2800
CHICAGO IL , 60604

Correspondent e-mail: sf-ipdocket@taftlaw.com , jschmidt@taftlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
A2 MOO	Opposition Pending	87908426	

Plaintiff(s)

Name: The a2 Milk Company Limited

Correspondent AMY C. ZIEGLER AND TANJA PROEHL

Address: GREER BURNS & CRAIN, LTD.
300 SOUTH WACKER DRIVE SUITE 2500
CHICAGO IL UNITED STATES , 60606

Correspondent e-mail: proehl@gbclaw.net , tmocket@gbclaw.net , aziegler@gbclaw.net , smelby@gbclaw.net

Mark	Application Status	Serial Number	Registration Number
A2 MILK	REGISTERED AND RENEWED	78655252	3464046
A2 MILK	Registered	85453431	4693969
A2	Registered	85363084	4720459
A2 THE ORIGINAL MILK PROTEIN	Registered	85785224	4758183
A2 PLATINUM	Registered	79180209	5211249
THE A2 MILK COMPANY	Registered	86786429	5267836
THE A2 MILK COMPANY	ABANDONED-FAILURE TO RESPOND OR LATE RESPONSE	86959820	
THE A2 MILK COMPANY	Non-Final Action - Mailed	87820213	
·THE A2 MILK COMPANY· FEEL THE DIFFERENCE	Non-Final Action - Mailed	79215112	
A TWO · THE A2 MILK COMPANY · AS NATUREINTENDED	Final Refusal - Mailed	79214813	
A2 MILK	ABANDONED-FAILURE TO RESPOND OR LATE RESPONSE	87087474	
A2 TRUE	Non-Final Action - Mailed	87799301	
A2 STORE	Suspension Inquiry - Mailed	87661483	
A2 ONLY	Suspension Inquiry - Mailed	87683494	
THANK YOU A2	Non-Final Action - Mailed	79205493	
TRUE A2	Fourth Extension - Granted	86945252	
TRUE A2	Registered	86380752	5311685
TRUE A2	Registered	79203394	5388849
TRUE A2	Registered	85651472	4531584
A2TONISHING	Registered	79192338	5331917
DO YOU A2?	Fourth Extension - Granted	86972428	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 29, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 29, 2019	Jun 08, 2019
3	INSTITUTED	Apr 29, 2019	
4	D MOT FOR EXT W/ CONSENT	Jun 06, 2019	
5	EXTENSION OF TIME GRANTED	Jun 06, 2019	
6	D MOT FOR EXT W/ CONSENT	Jul 31, 2019	
7	EXTENSION OF TIME GRANTED	Jul 31, 2019	

Type of Proceeding: Opposition

Proceeding Number: [91247834](#)

Filing Date: Apr 29, 2019

Status: Pending

Status Date: Apr 29, 2019

Interlocutory Attorney: JILL M MCCORMACK

Defendant

Name: The Epic Source Food Company, LLC

Correspondent Address: JOSEPH F. SCHMIDT
TAFT STETTINIUS & HOLLISTER LLP
111 E. WACKER DR., STE. 2800
CHICAGO IL , 60604

Correspondent e-mail: sf-ipdocket@taftlaw.com , jschmidt@taftlaw.com

Mark	Application Status	Serial	Registration
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		Number	Number
A2 MOO	Opposition Pending	87908421	

Plaintiff(s)

Name: The a2 Milk Company Limited

Correspondent Address: AMY C. ZIEGLER AND TANJA PROEHL
GREER BURNS & CRAIN, LTD.
300 SOUTH WACKER DRIVE SUITE 2500
CHICAGO IL UNITED STATES , 60606

Correspondent e-mail: tproehl@gbclaw.net , tmocket@gbclaw.net , aziegler@gbclaw.net , smelby@gbclaw.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
A2 MILK	REGISTERED AND RENEWED	78655252	3464046
A2 MILK	Registered	85453431	4693969
A2	Registered	85363084	4720459
A2 THE ORIGINAL MILK PROTEIN	Registered	85785224	4758183
A2 PLATINUM	Registered	79180209	5211249
THE A2 MILK COMPANY	Registered	86786429	5267836
THE A2 MILK COMPANY	ABANDONED-FAILURE TO RESPOND OR LATE RESPONSE	86959820	
THE A2 MILK COMPANY	Non-Final Action - Mailed	87820213	
·THE A2 MILK COMPANY· FEEL THE DIFFERENCE	Non-Final Action - Mailed	79215112	
A TWO · THE A2 MILK COMPANY · AS NATUREINTENDED	Final Refusal - Mailed	79214813	
A2 MILK	ABANDONED-FAILURE TO RESPOND OR LATE RESPONSE	87087474	
A2 TRUE	Non-Final Action - Mailed	87799301	
A2 STORE	Suspension Inquiry - Mailed	87661483	
A2 ONLY	Suspension Inquiry - Mailed	87683494	
THANK YOU A2	Non-Final Action - Mailed	79205493	
TRUE A2	Fourth Extension - Granted	86945252	
TRUE A2	Registered	86380752	5311685
TRUE A2	Registered	79203394	5388849
TRUE A2	Registered	85651472	4531584
A2TONISHING	Registered	79192338	5331917
DO YOU A2?	Fourth Extension - Granted	86972428	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 29, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 29, 2019	Jun 08, 2019
3	INSTITUTED	Apr 29, 2019	
4	D MOT FOR EXT W/ CONSENT	Jun 06, 2019	
5	EXTENSION OF TIME GRANTED	Jun 06, 2019	
6	D MOT FOR EXT W/ CONSENT	Jul 31, 2019	
7	EXTENSION OF TIME GRANTED	Jul 31, 2019	

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Mark: THE A2 MILK COMPANY

THE A2 MILK COMPANY

US Serial Number: 86235571

Application Filing Date: Mar. 28, 2014

Register: Supplemental

Mark Type: Trademark

TM5 Common Status Descriptor:



DEAD/APPLICATION/Refused/Dismissed or Invalidated

This trademark application was refused, dismissed, or invalidated by the Office and this application is no longer active.

Amended to Principal Register: No

Date Amended to Current Register: Nov. 16, 2016

Status: Abandoned because the applicant failed to respond or filed a late response to an Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Apr. 18, 2018

Date Abandoned: Mar. 07, 2018

Mark Information

Mark Literal Elements: THE A2 MILK COMPANY

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: "MILK COMPANY"

Related Properties Information

Claimed Ownership of US Registrations: 3451893, 3464046, 3859423

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 6655

Foreign Application Filing Date: Feb. 24, 2014

Foreign Application/Registration Country: SAMOA

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: infant foods; milk and milk powder for infants; dietetic foods and beverages, namely, milk and milk-based food and beverages adapted for medical use; all containing A2 beta casein protein

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 01, 2015

Use in Commerce: Mar. 01, 2015

For: milk and milk products excluding ice cream, ice milk and frozen yogurt; goods including milk and milk products as ingredients, namely, yogurt, yogurt drinks, cream, and thickened cream; all containing A2 beta casein protein

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 01, 2015

Use in Commerce: Mar. 01, 2015

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: Yes

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: THE A2 MILK COMPANY LIMITED

Owner Address: 88 SHORTLAND STREET
C/-SIMPSON GRIERSON, LEVEL 27
AUCKLAND NEW ZEALAND

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: NEW ZEALAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jesse B. Ashe, III

Docket Number: 6011.015

Attorney Primary Email Address: jbashe@ahpapatent.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JESSE B. ASHE, III
Additon, Higgins & Pendleton, P.A.
10706 Sikes Place
Suite 350
CHARLOTTE, NORTH CAROLINA UNITED STATES 28277

Phone: 7049456710

Fax: 7049456735

Correspondent e-mail: jinipp@ahpapatent.com doCKET@ahpapatent.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 18, 2018	ABANDONMENT NOTICE MAILED - FAILURE TO RESPOND	
Apr. 18, 2018	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Sep. 06, 2017	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 06, 2017	NON-FINAL ACTION E-MAILED	6325
Sep. 06, 2017	NON-FINAL ACTION WRITTEN	75593
Aug. 16, 2017	ASSIGNED TO EXAMINER	75593
Aug. 11, 2017	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Aug. 01, 2017	APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER	
Jul. 11, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	88889

Jul. 11, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 11, 2017	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 11, 2017	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 11, 2017	NON-FINAL ACTION E-MAILED	6325
Jan. 11, 2017	NON-FINAL ACTION WRITTEN	74308
Jan. 11, 2017	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Jan. 09, 2017	WITHDRAWN FROM PUB - MANAGING ATTORNEY REQUEST	74308
Dec. 30, 2016	LAW OFFICE PUBLICATION REVIEW COMPLETED	68123
Dec. 10, 2016	NOTICE OF ACCEPTANCE OF AMENDMENT TO ALLEGE USE E-MAILED	
Dec. 09, 2016	APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER	
Dec. 09, 2016	USE AMENDMENT ACCEPTED	74308
Nov. 17, 2016	AMENDMENT TO USE PROCESSING COMPLETE	88889
Nov. 17, 2016	USE AMENDMENT FILED	88889
Nov. 16, 2016	TEAS AMENDMENT OF USE RECEIVED	
Nov. 16, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Nov. 16, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 16, 2016	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Nov. 16, 2016	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Sep. 01, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 17, 2016	NOTIFICATION OF INQUIRY AS TO SUSPENSION E-MAILED	
May 17, 2016	INQUIRY TO SUSPENSION E-MAILED	
May 17, 2016	SUSPENSION INQUIRY WRITTEN	74308
Apr. 28, 2016	LIE CHECKED SUSP - TO ATTY FOR ACTION	68123
Apr. 28, 2016	ASSIGNED TO LIE	68123
Oct. 07, 2015	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Oct. 07, 2015	LETTER OF SUSPENSION E-MAILED	6332
Oct. 07, 2015	SUSPENSION LETTER WRITTEN	74308
Aug. 19, 2015	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jul. 16, 2015	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jul. 16, 2015	LETTER OF SUSPENSION E-MAILED	6332
Jul. 16, 2015	SUSPENSION LETTER WRITTEN	74308
Jul. 03, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 03, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 03, 2015	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 24, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 24, 2015	NON-FINAL ACTION E-MAILED	6325
Jan. 24, 2015	NON-FINAL ACTION WRITTEN	74308
Jan. 06, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 05, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 05, 2015	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 05, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 05, 2015	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	
Jul. 05, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 05, 2014	NON-FINAL ACTION E-MAILED	6325
Jul. 05, 2014	NON-FINAL ACTION WRITTEN	74308
Jul. 05, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 05, 2014	NON-FINAL ACTION E-MAILED	6325
Jul. 05, 2014	NON-FINAL ACTION WRITTEN	74308
Jun. 30, 2014	ASSIGNED TO EXAMINER	74308
Jun. 18, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 12, 2014	NOTICE OF PSEUDO MARK E-MAILED	
Apr. 11, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 01, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information**TM Attorney:** SWAIN, MICHELE LYNN**Law Office Assigned:** LAW OFFICE 116**File Location****Current Location:** TMO LAW OFFICE 116 - EXAMINING ATTORNEY ASSIGNED**Date in Location:** Apr. 18, 2018**Assignment Abstract Of Title Information****Summary****Total Assignments:** 1**Applicant:** A2 Corporation Limited**Assignment 1 of 1****Conveyance:** CHANGE OF NAME**Reel/Frame:** [5598/0063](#)**Pages:** 3**Date Recorded:** Aug. 12, 2015**Supporting Documents:** [assignment-tm-5598-0063.pdf](#)**Assignor****Name:** [A2 CORPORATION LIMITED](#)**Execution Date:** Apr. 08, 2014**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country Where Organized:** NEW ZEALAND**Assignee****Name:** [THE A2 MILK COMPANY LIMITED](#)**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country Where Organized:** NEW ZEALAND**Address:** 88 SHORTLAND STREET
C/-SIMPSON GRIERSON, LEVEL 27
AUCKLAND, NEW ZEALAND**Correspondent****Correspondent Name:** JOSEPH R. DAGES**Correspondent Address:** 401 SOUTH FOURTH STREET
SUITE 2600
LOUISVILLE, KY 40202**Domestic Representative - Not Found**

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Mark: THE A2 MILK COMPANY



US Serial Number: 86959820

Application Filing Date: Mar. 31, 2016

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Supplemental

Mark Type: Trademark

TM5 Common Status Descriptor:



DEAD/APPLICATION/Refused/Dismissed or Invalidated

This trademark application was refused, dismissed, or invalidated by the Office and this application is no longer active.

Amended to Principal Register: No

Date Amended to Current Register: Jul. 10, 2017

Status: Abandoned because the applicant failed to respond or filed a late response to an Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jun. 18, 2019

Date Abandoned: May 10, 2019

Mark Information

Mark Literal Elements: THE A2 MILK COMPANY

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 design of an irregular-shaped purple oval with the wording "THE A2 MILK COMPANY" in white in the center of said oval.

Color Drawing: Yes

Color(s) Claimed: The color(s) purple and white is/are claimed as a feature of the mark.

Design Search Code(s): 26.01.02 - Plain single line circles; Circles, plain single line

Related Properties Information

Claimed Ownership of US Registrations: 3464046, 3859423, 4693969

Foreign Information

Foreign Registration Number: 1004058

Foreign Registration Date: Aug. 27, 2014

Application/Registration Country: Foreign NEW ZEALAND

Foreign Expiration Date: Aug. 27, 2024

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: Infant food containing A2 beta-casein protein; milk and milk powder for infants containing A2 beta-casein protein; dietetic food, namely, milk and milk products adapted for medical use containing A2 beta-casein protein, and dietetic beverages, namely, nutritionally fortified beverages containing A2 beta-casein protein

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 44(e)

For: Milk and milk products, namely, milk, flavored milk, full cream, milk powder, skim milk powder, yoghurt, yoghurt powder, buttermilk powder, casein, all of the foregoing containing A2 beta-casein protein; products with milk or milk products as ingredients, namely, whey and whey powder, butter, and cheese, all of the foregoing containing A2 beta-casein protein

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44E: Yes

Filed 44E: Yes

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: The a2 Milk Company Limited

Owner Address: C/- Simpson Grierson, Level 27
88 Shortland Street
Auckland NEW ZEALAND

Legal Entity Type: limited company (Ltd.)

State or Country Where Organized: NEW ZEALAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Joseph R. Dages

Docket Number: ZT834-16003

Attorney Primary Email Address: jdages@middletonlaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JOSEPH R. DAGES
MIDDLETON REUTLINGER
401 SOUTH FOURTH STREET
SUITE 2600
LOUISVILLE, KENTUCKY UNITED STATES 40202

Phone: 502-625-2865

Fax: 502-588-1965

Correspondent e-mail: jdages@middletonlaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 18, 2019	ABANDONMENT NOTICE E-MAILED - FAILURE TO RESPOND	
Jun. 18, 2019	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Nov. 09, 2018	NOTIFICATION OF FINAL REFUSAL EMAILED	
Nov. 09, 2018	FINAL REFUSAL E-MAILED	
Nov. 09, 2018	FINAL REFUSAL WRITTEN	75593

Nov. 07, 2018	DATA MODIFICATION COMPLETED	70629
Oct. 12, 2018	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 11, 2018	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 11, 2018	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 12, 2018	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Apr. 12, 2018	NON-FINAL ACTION E-MAILED	6325
Apr. 12, 2018	NON-FINAL ACTION WRITTEN	75593
Mar. 05, 2018	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 05, 2018	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 05, 2018	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 05, 2017	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 05, 2017	NON-FINAL ACTION E-MAILED	6325
Sep. 05, 2017	NON-FINAL ACTION WRITTEN	75593
Aug. 09, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	70629
Aug. 09, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	70629
Aug. 08, 2017	ASSIGNED TO LIE	70629
Jul. 10, 2017	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 10, 2017	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 10, 2017	NON-FINAL ACTION E-MAILED	6325
Jan. 10, 2017	NON-FINAL ACTION WRITTEN	75593
Dec. 14, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 17, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 14, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 14, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 15, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 15, 2016	NON-FINAL ACTION E-MAILED	6325
Jun. 15, 2016	NON-FINAL ACTION WRITTEN	75593
Jun. 08, 2016	ASSIGNED TO EXAMINER	75593
Apr. 06, 2016	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Apr. 05, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 04, 2016	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: SWAIN, MICHELE LYNN

Law Office Assigned: LAW OFFICE 116

File Location

Current Location: TMO LAW OFFICE 116 - EXAMINING ATTORNEY ASSIGNED

Date in Location: Jun. 18, 2019

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91247833](#)

Filing Date: Apr 29, 2019

Status: Pending

Status Date: Apr 29, 2019

Interlocutory Attorney: WINSTON T FOLMAR

Defendant

Name: The Epic Source Food Company, LLC

Correspondent Address: JOSEPH F. SCHMIDT
TAFT STETTINIUS & HOLLISTER LLP
111 E. WACKER DR., STE. 2800

CHICAGO IL , 60604

Correspondent e-mail: sf-ipdocket@taftlaw.com , jschmidt@taftlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
A2 MOO	Opposition Pending	87908426	

Plaintiff(s)

Name: The a2 Milk Company Limited

Correspondent Address: AMY C. ZIEGLER AND TANJA PROEHL
GREER BURNS & CRAIN, LTD.
300 SOUTH WACKER DRIVE SUITE 2500
CHICAGO IL UNITED STATES , 60606

Correspondent e-mail: tproehl@gbclaw.net , tmocket@gbclaw.net , aziegler@gbclaw.net , smelby@gbclaw.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
A2 MILK	REGISTERED AND RENEWED	78655252	3464046
A2 MILK	Registered	85453431	4693969
A2	Registered	85363084	4720459
A2 THE ORIGINAL MILK PROTEIN	Registered	85785224	4758183
A2 PLATINUM	Registered	79180209	5211249
THE A2 MILK COMPANY	Registered	86786429	5267836
THE A2 MILK COMPANY	ABANDONED-FAILURE TO RESPOND OR LATE RESPONSE	86959820	
THE A2 MILK COMPANY	Non-Final Action - Mailed	87820213	
·THE A2 MILK COMPANY· FEEL THE DIFFERENCE	Non-Final Action - Mailed	79215112	
A TWO · THE A2 MILK COMPANY · AS NATUREINTENDED	Final Refusal - Mailed	79214813	
A2 MILK	ABANDONED-FAILURE TO RESPOND OR LATE RESPONSE	87087474	
A2 TRUE	Non-Final Action - Mailed	87799301	
A2 STORE	Suspension Inquiry - Mailed	87661483	
A2 ONLY	Suspension Inquiry - Mailed	87683494	
THANK YOU A2	Non-Final Action - Mailed	79205493	
TRUE A2	Fourth Extension - Granted	86945252	
TRUE A2	Registered	86380752	5311685
TRUE A2	Registered	79203394	5388849
TRUE A2	Registered	85651472	4531584
A2TONISHING	Registered	79192338	5331917
DO YOU A2?	Fourth Extension - Granted	86972428	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 29, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 29, 2019	Jun 08, 2019
3	INSTITUTED	Apr 29, 2019	
4	D MOT FOR EXT W/ CONSENT	Jun 06, 2019	
5	EXTENSION OF TIME GRANTED	Jun 06, 2019	
6	D MOT FOR EXT W/ CONSENT	Jul 31, 2019	
7	EXTENSION OF TIME GRANTED	Jul 31, 2019	

Type of Proceeding: Opposition

Proceeding Number: [91247834](#)

Filing Date: Apr 29, 2019

Status: Pending

Status Date: Apr 29, 2019

Interlocutory Attorney: JILL M MCCORMACK

Defendant**Name:** The Epic Source Food Company, LLC**Correspondent Address:** JOSEPH F. SCHMIDT
TAFT STETTINIUS & HOLLISTER LLP
111 E. WACKER DR., STE. 2800
CHICAGO IL , 60604**Correspondent e-mail:** sf-ipdocket@taftlaw.com , jschmidt@taftlaw.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
A2 MOO	Opposition Pending	87908421	

Plaintiff(s)**Name:** The a2 Milk Company Limited**Correspondent Address:** AMY C. ZIEGLER AND TANJA PROEHL
GREER BURNS & CRAIN, LTD.
300 SOUTH WACKER DRIVE SUITE 2500
CHICAGO IL UNITED STATES , 60606**Correspondent e-mail:** proehl@gbclaw.net , tmddocket@gbclaw.net , aziegler@gbclaw.net , smelby@gbclaw.net**Associated marks**

Mark	Application Status	Serial Number	Registration Number
A2 MILK	REGISTERED AND RENEWED	78655252	3464046
A2 MILK	Registered	85453431	4693969
A2	Registered	85363084	4720459
A2 THE ORIGINAL MILK PROTEIN	Registered	85785224	4758183
A2 PLATINUM	Registered	79180209	5211249
THE A2 MILK COMPANY	Registered	86786429	5267836
THE A2 MILK COMPANY	ABANDONED-FAILURE TO RESPOND OR LATE RESPONSE	86959820	
THE A2 MILK COMPANY	Non-Final Action - Mailed	87820213	
·THE A2 MILK COMPANY· FEEL THE DIFFERENCE	Non-Final Action - Mailed	79215112	
A TWO · THE A2 MILK COMPANY · AS NATUREINTENDED	Final Refusal - Mailed	79214813	
A2 MILK	ABANDONED-FAILURE TO RESPOND OR LATE RESPONSE	87087474	
A2 TRUE	Non-Final Action - Mailed	87799301	
A2 STORE	Suspension Inquiry - Mailed	87661483	
A2 ONLY	Suspension Inquiry - Mailed	87683494	
THANK YOU A2	Non-Final Action - Mailed	79205493	
TRUE A2	Fourth Extension - Granted	86945252	
TRUE A2	Registered	86380752	5311685
TRUE A2	Registered	79203394	5388849
TRUE A2	Registered	85651472	4531584
A2TONISHING	Registered	79192338	5331917
DO YOU A2?	Fourth Extension - Granted	86972428	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 29, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 29, 2019	Jun 08, 2019
3	INSTITUTED	Apr 29, 2019	
4	D MOT FOR EXT W/ CONSENT	Jun 06, 2019	
5	EXTENSION OF TIME GRANTED	Jun 06, 2019	
6	D MOT FOR EXT W/ CONSENT	Jul 31, 2019	
7	EXTENSION OF TIME GRANTED	Jul 31, 2019	

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Mark: A2 MILK



US Serial Number: 86811806

Application Filing Date: Nov. 06, 2015

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



DEAD/APPLICATION/Refused/Dismissed or Invalidated

This trademark application was refused, dismissed, or invalidated by the Office and this application is no longer active.

Status: Abandoned because the applicant failed to respond or filed a late response to an Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Mar. 22, 2018

Date Abandoned: Feb. 20, 2018

Mark Information

Mark Literal Elements: A2 MILK

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 a stylized "a2" attached to each other at the base with the word "MILK" appearing below "a2" all inside a shaded oval design.

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

Design Search Code(s): 26.03.21 - Ovals that are completely or partially shaded

26.03.28 - Oval shape (miscellaneous overall shape); Miscellaneous designs with overall oval shape, including amoeba-like shapes and irregular ovals

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 1030992

Foreign Application Filing Date: May 11, 2015

Foreign Registration Number: 1030992

Foreign Registration Date: May 11, 2015

Foreign Application/Registration Country: NEW ZEALAND

Foreign Expiration Date: May 11, 2025

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: Baked desserts, namely, pies, cookies, brownies and cakes, ice cream, frozen yogurt, edible ices; all of the foregoing containing A2 beta-casein protein

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

Filed Use: No

Filed ITU: Yes

Filed 44D: Yes

Filed 44E: No

Filed 66A: No

Filed No Basis: No

Currently Use: No

Currently ITU: No

Currently 44E: Yes

Currently 66A: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: The a2 Milk Company Limited

Owner Address: C/-Simpson Grierson
Level 27, 88 Shortland Street
Auckland NEW ZEALAND

Legal Entity Type: CORPORATION

State or Country NEW ZEALAND
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Afschineh Latifi

Attorney Primary
Email Address: alatifi@tuckerlatifi.com

Attorney Email Yes
Authorized:

Correspondent

Correspondent
Name/Address: AFSCHINEH LATIFI
TUCKER & LATIFI, LLP
160 EAST 84TH STREET, SUITE 5-E
NEW YORK, NEW YORK UNITED STATES 10028

Phone: 212-472-6262

Fax: 212-744-6509

Correspondent e-
mail: alatifi@tuckerlatifi.com

Correspondent e-
mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 22, 2018	ABANDONMENT NOTICE MAILED - FAILURE TO RESPOND	
Mar. 22, 2018	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Aug. 16, 2017	NOTIFICATION OF FINAL REFUSAL EMAILED	
Aug. 16, 2017	FINAL REFUSAL E-MAILED	
Aug. 16, 2017	FINAL REFUSAL WRITTEN	68356
Jul. 28, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	66121
Jul. 28, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	66121
Jul. 27, 2017	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Feb. 24, 2017	NOTIFICATION OF INQUIRY AS TO SUSPENSION E-MAILED	
Feb. 24, 2017	INQUIRY TO SUSPENSION E-MAILED	
Feb. 24, 2017	SUSPENSION INQUIRY WRITTEN	68356
Aug. 24, 2016	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Aug. 24, 2016	LETTER OF SUSPENSION E-MAILED	6332
Aug. 24, 2016	SUSPENSION LETTER WRITTEN	68356
Aug. 15, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	66121
Aug. 15, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	66121
Aug. 13, 2016	ASSIGNED TO LIE	66121

Aug. 04, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 04, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Feb. 04, 2016	NON-FINAL ACTION E-MAILED	6325
Feb. 04, 2016	NON-FINAL ACTION WRITTEN	68356
Feb. 03, 2016	ASSIGNED TO EXAMINER	68356
Nov. 13, 2015	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Nov. 12, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 10, 2015	TEAS AMENDMENT ENTERED BEFORE ATTORNEY ASSIGNED	88889
Nov. 10, 2015	TEAS VOLUNTARY AMENDMENT RECEIVED	
Nov. 10, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: VANSTON, KATHLEEN MARY

Law Office Assigned: LAW OFFICE 107

File Location

Current Location: TMEG LAW OFFICE 107 - EXAMINING ATTORNEY ASSIGNED

Date in Location: Mar. 22, 2018

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Mark: THE A2 MILK COMPANY

THE a2 MILK COMPANY

US Serial Number: 86815137

Application Filing Date: Nov. 10, 2015

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



DEAD/APPLICATION/Refused/Dismissed or Invalidated

This trademark application was refused, dismissed, or invalidated by the Office and this application is no longer active.

Status: Abandoned because the applicant failed to respond or filed a late response to an Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Sep. 25, 2017

Date Abandoned: Aug. 25, 2017

Mark Information

Mark Literal Elements: THE A2 MILK COMPANY

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: "COMPANY"

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 1030993

Foreign Application Filing Date: Nov. 05, 2015

Foreign Application/Registration Country: NEW ZEALAND

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: Baked desserts, namely, pies, cookies, brownies and cakes, ice cream, frozen yogurt, edible ices; all of the foregoing containing A2 beta-casein protein

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b) 44(d)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: Yes

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

Currently 44E: No
Currently 66A: No
Currently No Basis: No

Current Owner(s) Information

Owner Name: The a2 Milk Company Limited
Owner Address: C/-Simpson Grierson
Level 27, 88 Shortland Street
Auckland NEW ZEALAND
Legal Entity Type: CORPORATION
State or Country Where Organized: NEW ZEALAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Afschineh Latifi
Attorney Primary Email Address: alatifi@tuckerlatifi.com
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: AFSCHINEH LATIFI
TUCKER & LATIFI, LLP
160 EAST 84TH STREET, SUITE 5-E
NEW YORK, NEW YORK UNITED STATES 10028
Phone: 212-472-6262
Fax: 212-744-6509
Correspondent e-mail: alatifi@tuckerlatifi.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 25, 2017	ABANDONMENT NOTICE MAILED - FAILURE TO RESPOND	
Sep. 25, 2017	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Feb. 24, 2017	NOTIFICATION OF INQUIRY AS TO SUSPENSION E-MAILED	
Feb. 24, 2017	INQUIRY TO SUSPENSION E-MAILED	
Feb. 24, 2017	SUSPENSION INQUIRY WRITTEN	68356
Aug. 24, 2016	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Aug. 24, 2016	LETTER OF SUSPENSION E-MAILED	6332
Aug. 24, 2016	SUSPENSION LETTER WRITTEN	68356
Aug. 15, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	66121
Aug. 15, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	66121
Aug. 13, 2016	ASSIGNED TO LIE	66121
Aug. 04, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 04, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Feb. 04, 2016	NON-FINAL ACTION E-MAILED	6325
Feb. 04, 2016	NON-FINAL ACTION WRITTEN	68356
Feb. 03, 2016	ASSIGNED TO EXAMINER	68356
Nov. 14, 2015	NOTICE OF PSEUDO MARK E-MAILED	
Nov. 13, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 13, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: VANSTON, KATHLEEN MARY

Law Office Assigned: LAW OFFICE 107

File Location

Current Location: TMEG LAW OFFICE 107 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Sep. 25, 2017

Generated on: This page was generated by TSDR on 2019-09-16 14:16:11 EDT

Mark: A2 ICE CREAM

a2 ICE CREAM

US Serial Number: 86786413

Application Filing Date: Oct. 13, 2015

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



DEAD/APPLICATION/Refused/Dismissed or Invalidated

This trademark application was refused, dismissed, or invalidated by the Office and this application is no longer active.

Status: Abandoned because the applicant failed to respond or filed a late response to an Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Sep. 25, 2017

Date Abandoned: Aug. 25, 2017

Mark Information

Mark Literal Elements: A2 ICE CREAM

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

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 1029489

Foreign Application Filing Date: Oct. 13, 2015

Foreign Application/Registration Country: NEW ZEALAND

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: ice cream; frozen yogurt; edible ices; desserts

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b) 44(d)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: Yes

Filed 44D: Yes

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: The a2 Milk Company Limited

Owner Address: C/-Simpson Grierson
Level 27, 88 Shortland Street
Auckland NEW ZEALAND

Legal Entity Type: limited company (Ltd.)

State or Country Where Organized: NEW ZEALAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: MARK KUSNER

Docket Number: BS11349US

Attorney Primary Email Address: mkusner@kusnerjaffe.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: MARK KUSNER
KUSNER & JAFFE
6150 PARKLAND BLVD., STE. 105
PARAGON CENTER II
MAYFIELD HEIGHTS, OHIO UNITED STATES 44124

Phone: 440-684-1090

Fax: 440-681-1095

Correspondent e-mail: mkusner@kusnerjaffe.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 25, 2017	ABANDONMENT NOTICE MAILED - FAILURE TO RESPOND	
Sep. 25, 2017	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Feb. 24, 2017	NOTIFICATION OF INQUIRY AS TO SUSPENSION E-MAILED	
Feb. 24, 2017	INQUIRY TO SUSPENSION E-MAILED	
Feb. 24, 2017	SUSPENSION INQUIRY WRITTEN	68356
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Feb. 04, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Feb. 04, 2016	NON-FINAL ACTION E-MAILED	6325
Feb. 04, 2016	NON-FINAL ACTION WRITTEN	68356
Feb. 03, 2016	ASSIGNED TO EXAMINER	68356
Oct. 17, 2015	NOTICE OF PSEUDO MARK E-MAILED	
Oct. 16, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 16, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: VANSTON, KATHLEEN MARY

Law Office Assigned: LAW OFFICE 107

File Location

Current Location: TMEG LAW OFFICE 107 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Sep. 25, 2017

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Mark: A2 MILK



US Serial Number: 86504450

Application Filing Date: Jan. 15, 2015

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



DEAD/APPLICATION/Refused/Dismissed or Invalidated

This trademark application was refused, dismissed, or invalidated by the Office and this application is no longer active.

Status: Abandoned because the applicant failed to respond or filed a late response to an Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jun. 10, 2016

Date Abandoned: May 04, 2016

Mark Information

Mark Literal Elements: A2 MILK

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Description of Mark: The mark consists of the term "a2" in stylized letters with a lower case letter "a" above the word "Milk" in stylized letters with a capital "M".

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

Related Properties Information

Claimed Ownership of US Registrations: 3464046, 3859423, 4693969

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 1012294

Foreign Application Filing Date: Jan. 13, 2015

Foreign Registration Number: 1012294

Foreign Registration Date: Jul. 14, 2015

Application/Registration Country: Foreign NEW ZEALAND

Foreign Expiration Date: Jan. 13, 2025

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: A1 beta-casein protein free food for infants; A1 beta-casein protein free powdered milk for babies; A1 beta-casein protein free dietetic beverages adapted for medical use

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 44(d) 44(e)

For: A1 beta-casein protein free milk powder; A1 beta-casein protein free milk; A1 beta-casein protein free butter; A1 beta-casein protein free cheese; A1 beta-casein protein free yoghurt; milk beverages, A1 beta-casein protein free milk predominating

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 44(d) 44(e)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: No

Filed 44D: Yes

Currently 44E: Yes

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: The a2 Milk Company Limited

Owner Address: C/-simpson Grierson
Level 27, 88 Shortland Street
Auckland NEW ZEALAND

Legal Entity Type: corporation

State or Country Where Organized: NEW ZEALAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Amy C. Ziegler

Docket Number: 5117.119691

Attorney Primary Email Address: tmocket@gbclaw.net

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: AMY C. ZIEGLER
Greer Burns & Crain
300 S Wacker Dr Ste 2500
Chicago, ILLINOIS UNITED STATES 60606-6752

Phone: 312-360-0080

Fax: 312-360-9315

Correspondent e-mail: tmocket@gbclaw.net

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 13, 2016	ABANDONMENT NOTICE MAILED - FAILURE TO RESPOND	
Jun. 10, 2016	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Nov. 03, 2015	NOTIFICATION OF FINAL REFUSAL EMAILED	
Nov. 03, 2015	FINAL REFUSAL E-MAILED	
Nov. 03, 2015	FINAL REFUSAL WRITTEN	75593
Oct. 13, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	68123
Oct. 13, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	68123
Oct. 02, 2015	ASSIGNED TO LIE	68123
Sep. 16, 2015	TEAS RESPONSE TO OFFICE ACTION RECEIVED	

Mar. 16, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 16, 2015	NON-FINAL ACTION E-MAILED	6325
Mar. 16, 2015	NON-FINAL ACTION WRITTEN	75593
Mar. 11, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 11, 2015	NON-FINAL ACTION E-MAILED	6325
Mar. 11, 2015	NON-FINAL ACTION WRITTEN	75593
Mar. 10, 2015	ASSIGNED TO EXAMINER	75593
Jan. 28, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 19, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: SWAIN, MICHELE LYNN

Law Office Assigned: LAW OFFICE 116

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ATTORNEY ASSIGNED

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