

ESTTA Tracking number: **ESTTA1053750**

Filing date: **05/06/2020**

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	Kozy Shack Enterprises, LLC
Granted to Date of previous extension	05/06/2020
Address	4001 LEXINGTON AVENUE NORTH ARDEN HILLS, MN 55126 UNITED STATES
Party who filed Extension of time to oppose	KOZY SHACK, LLC
Relationship to party who filed Extension of time to oppose	An assignment was filed.

Correspondence information	Heather Kliebenstein Merchant & Gould P.C. Suite 2200 150 South Fifth Street Minneapolis, MN 55402 UNITED STATES hkliebenstein@merchantgould.com, akrueger@merchantgould.com, dockmpls@merchantgould.com 6123325300
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**Applicant Information**

Application No	88285613	Publication date	01/07/2020
Opposition Filing Date	05/06/2020	Opposition Period Ends	05/06/2020
Applicant	Kozy Bar, Inc. 424 SW 10th Ave. Portland, OR 97205 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 030. First Use: 2018/11/15 First Use In Commerce: 2018/11/15  
All goods and services in the class are opposed, namely: Natural sweetener derived by fermentin-grice sold as a component ingredient of pastries, ice cream, cereal based energybars

**Grounds for Opposition**


Priority and likelihood of confusion	Trademark Act Section 2(d)
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### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4547239	Application Date	10/09/2013
Registration Date	06/10/2014	Foreign Priority Date	NONE
Word Mark	KOZY SHACK		
Design Mark			
Description of Mark	The mark consists of Oblong banner withthin oblong box around banner. The words "KOZY SHACK" is within oblong banner.		
Goods/Services	Class 030. First use: First Use: 2013/09/09 First Use In Commerce: 2013/09/09 refrigerated desserts, namely puddings and flavored and sweetened gelatins		

U.S. Registration No.	1225221	Application Date	03/10/1980
Registration Date	01/25/1983	Foreign Priority Date	NONE
Word Mark	KOZY SHACK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1977/04/10 First Use In Commerce: 1977/04/10 Food Products-Namely, Puddings		

U.S. Registration No.	3292883	Application Date	11/09/2006
Registration Date	09/18/2007	Foreign Priority Date	NONE
Word Mark	KOZY SHACK		

Design Mark	
Description of Mark	<p>The mark consists of Red bow tie shaped banner with straight sides and curved top and bottom lines. Banner contains the words "KOZY SHACK" in white, block stylized capital letters with tan shading inside the letters and black shading outside of the letters. Styled letter "K" bookends anchor the words "KOZY SHACK". Tan curved "smile" shape along the top line of the bow-tie banner and tan curved "frown" shape along the bottom line of the bow tie banner to accentuate the bowtie shape.</p>
Goods/Services	<p>Class 030. First use: First Use: 2006/08/15 First Use In Commerce: 2006/10/19 Refrigerated desserts, namely, puddings and flavored and sweetened gelatins</p>

Attachments	<p>86086805#TMSN.png( bytes )  77040717#TMSN.png( bytes )  2020 05 06 FINAL Notice of Opposition - KOZY .pdf(728840 bytes )</p>
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Signature	/Heather Kliebenstein/
Name	Heather Kliebenstein
Date	05/06/2020

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

_____	)	
	)	
Kozy Shack Enterprises, LLC,	)	Opposition No. _____
Opposer,	)	
	)	Serial No.: 88/285,613
v.	)	
	)	Mark: KOZY
Kozy Bar, Inc.,	)	
Applicant	)	
	)	
	)	
	)	
_____	)	

**NOTICE OF OPPOSITION**

Kozy Shack Enterprises, LLC, a limited liability company duly organized and existing under the laws of the Delaware, with a mailing address of 4001 Lexington Avenue North, Arden Hills, Minnesota 55126 (“Kozy Shack” or “Opposer”), believes that it will be damaged by the registration of the KOZY mark shown in Application Serial No. 88/285,613 (the “Application”), filed February 1, 2019, by Kozy Bar, Inc., an Oregon corporation with an address at 424 SW 10th Avenue, Portland, Oregon 97205 (“Applicant”) and hereby opposes registration of the mark under the following grounds:

1. By the Application herein opposed, Applicant is seeking to obtain under the provisions of the Trademark Act of 1946, as amended, registration on the Principal Register of the trademark KOZY for the following goods in Class 30 (“Applicant’s Mark”):

Natural sweetener derived by fermenting rice sold as a component ingredient of pastries, ice cream, cereal based energy bars.

2. Applicant filed its Application on February 1, 2019. The Application published for opposition on January 7, 2020. Opposer filed for a 90-day extension of time to oppose this application

on January 29, 2020. This Notice of Opposition is timely filed on or before the deadline of May 6, 2020.

3. Opposer is the owner of the following U.S. Trademark Registrations:



, U.S. Reg. No. 4,547,239, used in connection with refrigerated desserts, namely puddings and flavored and sweetened gelatins, in International Class 30. Said registration was registered on the Principal Register on June 10, 2014 and was based on an application filed in the U.S. Patent and Trademark Office on October 9, 2013, alleging a date of first use of September 9, 2013, which is a date prior to the date of filing of Applicants' application.

**KOZY SHACK**, U.S. Reg. No. 1,225,221, used in connection with food products-namely, puddings, in International Class 30. Said registration registered on the Principal Register on January 25, 1983 and was based on an application filed in the U.S. Patent and Trademark Office on March 10, 1980 alleging a date of first use of April 10 1977, which is a date prior to the date of filing of Applicants' application.



, U.S. Reg. No. 3,292,883, used in connection with refrigerated desserts, namely, puddings and flavored and sweetened gelatins, in International Class 30. Said registration was registered on the Principal Register on September 18, 2007 and was based on an application filed in the U.S. Patent and Trademark Office on November 9, 2006, alleging a date of first use of August 15, 2006, which is a date prior to the date of filing of Applicants' application. This registration is also incontestable.

Reports from the USPTO's Trademark Status and Document Retrieval (TSDR) database corresponding to each of the above KOZY SHACK registrations are attached hereto as **Exhibits A – C**. Ownership of U.S. Registration Nos. 1,225,221 and 3,292,883 was transferred from Kozy Shack, LLC to Kozy Shack Enterprises, LLC in an assignment recorded with the United States Patent and Trademark Office on May 5, 2020. (**Exhibit D**.)

4. Opposer's registered marks are valid and subsisting, and are prima facie or conclusive evidence of Opposer's exclusive right to use said mark in commerce on the goods specified in each registration.

5. In addition to Opposer's KOZY SHACK registrations identified above, Opposer also owns common law rights in the trademark KOZY SHACK in connection with a wide array of goods, including many that are closely related to those listed in the opposed Application. The first of said sales occurred long before the February 1, 2019 filing date of the Application. Opposer's registered and common law marks are hereinafter identified as Opposer's KOZY SHACK Marks.

6. Opposer operates a website at [www.kozyshack.com](http://www.kozyshack.com), where KOZY SHACK products are promoted and sold to consumers.

7. Opposer's KOZY SHACK Marks are well known in the United States. Hundreds of millions of dollars of KOZY SHACK branded products have been sold in the United States. Opposer's KOZY SHACK brand has been the subject of thousands of unsolicited media mentions, including on television, radio, print media, and online. Millions of dollars have been spent promoting the KOZY SHACK brand in the United States through a variety of channels.

8. Opposer has priority with respect to the marks at issue in this proceeding. Opposer used and registered the KOZY SHACK mark long before the February 1, 2019 filing date of the Application.

9. Applicant's KOZY application is confusingly similar to Opposer's KOZY SHACK marks. The marks are highly related as they both feature the same dominant term KOZY.

10. The goods listed in Applicant's Mark are closely related to the goods that Kozy Shack has long promoted and sold under its KOZY SHACK mark. For instance, Kozy Shack's U.S. Registrations for its KOZY SHACK mark cover refrigerated desserts, namely puddings and flavored and sweetened gelatins. Applicant's application for the KOZY mark covers natural

sweetener derived by fermenting rice sold as a component ingredient of pastries, ice cream, cereal based energy bars. Applicant's sweetener is sold for use in, or with, Registrant's products.

11. Applicant's Mark creates a false association with Opposer. The parties' marks have an overall similar appearance, sound, meaning and commercial impression. Consumers will mistakenly believe that Applicant's goods are connected with, affiliated with, and/or sponsored by Opposer when the same is not true.

12. Due to the confusingly similar nature of Applicant's Mark and Opposer's Marks and the closely related nature of the goods provided by the respective parties, consumers and potential consumers are likely to believe that Applicant's goods originate from Opposer, resulting in a likelihood of confusion in the marketplace and damage to Opposer.

13. The Application contains no restrictions as to the channels of trade used in promoting and selling the identified goods under Applicant's Mark. Accordingly, it is presumed the products promoted and sold under Applicant's Mark occupy all ordinary and normal channels of trade for such goods. Upon information and belief, the goods provided by Opposer under its KOZY SHACK Marks and the goods provided by Applicant under its mark will be promoted and sold in overlapping and similar channels of trade to the same consumers or class of consumers.

14. Because of the highly related and overlapping nature of the goods, the use of overlapping and similar channels of trade, and the confusingly similar nature of the marks in overall appearance, sound, meaning and commercial impression, use of Applicant's Mark will be likely to cause confusion, or mistake, that Applicant's goods are those of Opposer, or are otherwise endorsed, sponsored, or approved by Opposer causing further damage to Opposer.

15. Registration of the mark shown in Application Serial No. 88/285,613 will result in damage to Opposer as it stands as an inappropriate bar to Opposer's ability to expand its KOZY

SHACK mark, and creates a cloud on Opposer's title to its mark pursuant to Section 2(d) of the Trademark Act consistent with the allegations stated above.

WHEREFORE, Opposer asks that its Notice of Opposition be sustained and that Application Serial No. 88/285,613 for the mark KOZY in connection with the goods set forth therein be refused.

Please direct all correspondence to the attention of:

Heather J. Kliebenstein  
Merchant & Gould P.C.  
P.O. Box 2910  
Minneapolis, MN 55402-0910  
Tel: 612-336-4616 Fax: 612-332-9081

Opposer also hereby appoints: John A. Clifford, Ian G. McFarland, Danielle Mattessich, Gregory C. Golla, Scott W. Johnston, Andrew S. Ehard, Christopher J. Schulte, and Brent Routman as its attorneys with the full power to represent the Opposer in connection with this proceeding.

Respectfully submitted,

KOZY SHACK ENTERPRISES LLC,

By its attorneys,



Date: May 6, 2020

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Heather Kliebenstein  
Lindsay Jones  
MERCHANT & GOULD P.C.  
P.O. Box 2910  
Minneapolis, MN 55402-0910  
Tel. 612.336.4616  
Fax 612.332.9081



**CERTIFICATE OF FILING**

I hereby certify that a true and correct copy of the foregoing NOTICE OF OPPOSITION was filed electronically with the Electronic System for Trademark Trials and Appeals this 6<sup>th</sup> day of May, 2020.

*s/Abigail Krueger* \_\_\_\_\_

Abigail Krueger

# Exhibit A

For assistance with TSDR, email [teas@uspto.gov](mailto:teas@uspto.gov) and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

STATUS	DOCUMENTS	MAINTENANCE	<a href="#">Back to Search</a>	Print
Generated on: This page was generated by TSDR on 2020-05-06 14:01:47 EDT				
Mark:	KOZY SHACK			
US Serial Number:	86088805	Application Filing Date:	Oct. 09, 2013	
US Registration Number:	4547239	Registration Date:	Jun. 10, 2014	
Register:	Principal			
Mark Type:	Trademark			
TM5 Common Status Descriptor:		LIVE/REGISTRATION/Issued and Active		
Status:	A Sections 8 and 15 combined declaration has been accepted and acknowledged.			
Status Date:	Feb. 10, 2020			
Publication Date:	Mar. 25, 2014			
The trademark application has been registered with the Office.				
<b>▼ Mark Information</b> <span style="float: right;"><a href="#">Collapse All</a></span>				
Mark Literal Elements:	KOZY SHACK			
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 Oblong banner with thin oblong box around banner. The words "KOZY SHACK" is within oblong banner.			
Color(s) Claimed:	Color is not claimed as a feature of the mark.			
Design Search Code(s):	24.09.07 - Advertising, banners; Banners 26.11.25 - Rectangles with one or more curved sides 26.11.28 - Miscellaneous designs with overall rectangular shape; Rectangular shapes (miscellaneous overall shape)			
<b>▼ Related Properties Information</b>				
Claimed Ownership of US Registrations:	<a href="#">2909982</a> , <a href="#">3292883</a> , <a href="#">4035876</a> and others			
<b>▼ Goods and Services</b>				
Note:	The following symbols indicate that the registrant/owner has amended the goods/services:			
	<ul style="list-style-type: none"> <li>Brackets [.] indicate deleted goods/services;</li> <li>Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and</li> <li>Asterisks "*" identify additional (new) wording in the goods/services.</li> </ul>			
For:	refrigerated desserts, namely puddings and flavored and sweetened gelatins			
International Class(es):	030 - Primary Class	U.S Class(es):	046	
Class Status:	ACTIVE			
Basis:	1(a)			
First Use:	Sep. 09, 2013	Use in Commerce:	Sep. 09, 2013	
<b>▼ Basis Information (Case Level)</b>				
Filed Use:	Yes	Currently Use:	Yes	
Filed ITU:	No	Currently ITU:	No	
Filed 44D:	No	Currently 44E:	No	
Filed 44E:	No	Currently 66A:	No	
Filed 66A:	No	Currently No Basis:	No	
Filed No Basis:	No			
<b>▼ Current Owner(s) Information</b>				
Owner Name:	Kozy Shack Enterprises, LLC			
Owner Address:	4001 Lexington Avenue North Arden Hills, MINNESOTA UNITED STATES 55126			
Legal Entity Type:	LIMITED LIABILITY COMPANY	State or Country Where Organized:	DELAWARE	
<b>▼ Attorney/Correspondence Information</b>				
<b>Attorney of Record</b>				
Attorney Name:	Amber S. Stevens			
Attorney Primary Email Address:	<a href="mailto:trademarks@landolakes.com">trademarks@landolakes.com</a>	Attorney Email Authorized:	Yes	
<b>Correspondent</b>				
Correspondent Name/Address:	Amber S. Stevens and Katherine M. Lichty Land O'Lakes, Inc. 4001 Lexington Avenue North Arden Hills, MINNESOTA UNITED STATES 55126			
Correspondent e-mail:	<a href="mailto:trademarks@landolakes.com">trademarks@landolakes.com</a>	Correspondent e-mail Authorized:	Yes	
<b>Domestic Representative - Not Found</b>				
<b>▼ Prosecution History</b>				
Date	Description	Proceeding Number		
Feb. 10, 2020	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED			
Feb. 10, 2020	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68502		
Feb. 10, 2020	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68502		
Jan. 13, 2020	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED			
Jan. 13, 2020	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED			
Dec. 12, 2019	TEAS SECTION 8 & 15 RECEIVED			

Jun. 10, 2019	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Mar. 07, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Mar. 07, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jun. 10, 2016	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 10, 2016	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jun. 10, 2014	REGISTERED-PRINCIPAL REGISTER	
Mar. 25, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 25, 2014	PUBLISHED FOR OPPOSITION	
Mar. 05, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 18, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Feb. 17, 2014	ASSIGNED TO LIE	77312
Jan. 29, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 29, 2014	EXAMINER'S AMENDMENT ENTERED	88888
Jan. 29, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jan. 29, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Jan. 29, 2014	EXAMINERS AMENDMENT -WRITTEN	77762
Jan. 24, 2014	ASSIGNED TO EXAMINER	77762
Oct. 18, 2013	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Oct. 17, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 12, 2013	NEW APPLICATION ENTERED IN TRAM	

▼ **TM Staff and Location Information**

**TM Staff Information - None**

**File Location**

Current Location: TMEG LAW OFFICE 102


Date in Location: Feb. 10, 2020

▼ **Assignment Abstract Of Title Information - Click to Load**

▼ **Proceedings - Click to Load**

# Exhibit B

For assistance with TSDR, email [teas@uspto.gov](mailto:teas@uspto.gov) and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

<b>STATUS</b>		<b>DOCUMENTS</b>		<b>MAINTENANCE</b>		<a href="#">Back to Search</a>	<a href="#">Print</a>
Generated on: This page was generated by TSDR on 2020-05-06 14:00:47 EDT							
Mark: KOZY SHACK		No Image exists for this case.					
US Serial Number: 73253162		Application Filing Date: Mar. 10, 1980					
US Registration Number: 1225221		Registration Date: Jan. 25, 1983					
Register: Principal							
Mark Type: Trademark							
TM5 Common Status Descriptor:		LIVE/REGISTRATION/Issued and Active					
		The trademark application has been registered with the Office.					
Status: The registration has been renewed.							
Status Date: Dec. 04, 2012							
Publication Date: Nov. 02, 1982							
<b>▼ Mark Information</b> <span style="float:right">▲ Collapse All</span>							
Mark Literal Elements: KOZY SHACK							
Standard Character Claim: No							
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)							
<b>▼ Goods and Services</b>							
<b>Note:</b> 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 Products-Nameley, Puddings							
International Class(es): 030 - Primary Class		U.S Class(es): 004					
Class Status: ACTIVE							
Basis: 1(a)							
First Use: Apr. 10, 1977		Use in Commerce: Apr. 10, 1977					
<b>▼ Basis Information (Case Level)</b>							
Filed Use: Yes		Currently Use: Yes					
Filed ITU: No		Currently ITU: No					
Filed 44D: No		Currently 44E: No					
Filed 44E: No		Currently 66A: No					
Filed 66A: No		Currently No Basis: No					
Filed No Basis: No							
<b>▼ Current Owner(s) Information</b>							
Owner Name: KOZY SHACK, LLC							
Owner Address: 83 LUDY STREET HICKSVILLE, NEW YORK UNITED STATES 11801							
Legal Entity Type: LIMITED LIABILITY COMPANY		State or Country Where Organized: DELAWARE					
<b>▼ Attorney/Correspondence Information</b>							
<b>Attorney of Record</b>							
Attorney Name: Amber S. Stevens							
Attorney Primary Email Address: <a href="mailto:trademarks@landolakes.com">trademarks@landolakes.com</a>		Attorney Email Authorized: Yes					
<b>Correspondent</b>							
Correspondent Name/Address: Amber S. Stevens and Katherine M. Lichty Land O'Lakes, Inc. 4001 Lexington Avenue North Arden Hills, MINNESOTA UNITED STATES 55126							
Correspondent e-mail: <a href="mailto:trademarks@landolakes.com">trademarks@landolakes.com</a>		Correspondent e-mail Authorized: Yes					
<b>Domestic Representative - Not Found</b>							
<b>▼ Prosecution History</b>							
<b>Date</b>	<b>Description</b>	<b>Proceeding Number</b>					
Jan. 13, 2020	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED						
Jan. 13, 2020	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED						
Apr. 04, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED						
Apr. 04, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED						
Jun. 10, 2016	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED						
Jun. 10, 2016	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED						
Dec. 04, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED						
Dec. 04, 2012	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	76293					
Dec. 04, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76293					
Dec. 04, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76293					
Nov. 08, 2012	TEAS SECTION 8 & 9 RECEIVED						
Aug. 22, 2012	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP						

Oct. 05, 2009	REVIEW OF CORRESPONDENCE COMPLETE	66607
Apr. 11, 2008	CASE FILE IN TICRS	
Jan. 12, 2005	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jan. 12, 2005	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 18, 2004	PAPER RECEIVED	
Jun. 17, 2003	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Jun. 17, 2003	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 18, 2003	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Apr. 18, 2003	PAPER RECEIVED	
Sep. 28, 1988	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Apr. 28, 1988	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jan. 25, 1983	REGISTERED-PRINCIPAL REGISTER	
Nov. 02, 1982	PUBLISHED FOR OPPOSITION	
Sep. 21, 1982	NOTICE OF PUBLICATION	
Sep. 15, 1982	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 18, 1981	NON-FINAL ACTION MAILED	
Nov. 06, 1980	ASSIGNED TO EXAMINER	
Jul. 21, 1980	ASSIGNED TO EXAMINER	

▼ **TM Staff and Location Information**

**TM Staff Information - None**

**File Location**

Current Location: GENERIC WEB UPDATE

Date in Location: Dec. 04, 2012

▼ **Assignment Abstract Of Title Information - Click to Load**

▼ **Proceedings - Click to Load**

# Exhibit C



For assistance with TSDR, email [feas@uspto.gov](mailto:feas@uspto.gov) and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

STATUS	DOCUMENTS	MAINTENANCE	<a href="#">Back to Search</a>	Print
Generated on: This page was generated by TSDR on 2020-05-06 14:01:16 EDT				
Mark:	KOZY SHACK			
US Serial Number:	77040717	Application Filing Date:	Nov. 09, 2006	
US Registration Number:	3292883	Registration Date:	Sep. 18, 2007	
Register:	Principal			
Mark Type:	Trademark			
TM5 Common Status Descriptor:		LIVE/REGISTRATION/Issued and Active	The trademark application has been registered with the Office.	
Status:	The registration has been renewed.			
Status Date:	Jun. 01, 2017			
Publication Date:	Jun. 12, 2007			
<b>▼ Mark Information</b> <span style="float: right;"><a href="#">▲ Collapse All</a></span>				
Mark Literal Elements:	KOZY SHACK			
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 Red bow tie shaped banner with straight sides and curved top and bottom lines. Banner contains the words "KOZY SHACK" in white, block stylized capital letters with tan shading inside the letters and black shading outside of the letters. Styled letter "K" bookends anchor the words "KOZY SHACK". Tan curved "smile" shape along the top line of the bow-tie banner and tan curved "frown" shape along the bottom line of the bow tie banner to accentuate the bow tie shape.			
Color Drawing:	Yes			
Color(s) Claimed:	The color(s) red, tan, white and black is/are claimed as a feature of the mark.			
Design Search Code(s):	26.11.21 - Rectangles that are completely or partially shaded 26.11.25 - Rectangles with one or more curved sides 26.17.09 - Curved line(s), band(s) or bar(s); Bars, curved; Lines, curved; Bands, curved			
<b>▼ Related Properties Information</b>				
Claimed Ownership of US Registrations:	<a href="#">1225221</a> , <a href="#">2909982</a>			
<b>▼ Goods and Services</b>				
Note:	The following symbols indicate that the registrant/owner has amended the goods/services:			
	<ul style="list-style-type: none"> <li>Brackets [.] indicate deleted goods/services;</li> <li>Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and</li> <li>Asterisks "*" identify additional (new) wording in the goods/services.</li> </ul>			
For:	Refrigerated desserts, namely, puddings and flavored and sweetened gelatins			
International Class(es):	030 - Primary Class	U.S Class(es):	046	
Class Status:	ACTIVE			
Basis:	1(a)			
First Use:	Aug. 15, 2006	Use in Commerce:	Oct. 19, 2006	
<b>▼ Basis Information (Case Level)</b>				
Filed Use:	Yes	Currently Use:	Yes	
Filed ITU:	No	Currently ITU:	No	
Filed 44D:	No	Currently 44E:	No	
Filed 44E:	No	Currently 66A:	No	
Filed 66A:	No	Currently No Basis:	No	
Filed No Basis:	No			
<b>▼ Current Owner(s) Information</b>				
Owner Name:	KOZY SHACK, LLC			
Owner Address:	83 LUDY STREET HICKSVILLE, NEW YORK UNITED STATES 11801			
Legal Entity Type:	LIMITED LIABILITY COMPANY	State or Country Where Organized:	DELAWARE	
<b>▼ Attorney/Correspondence Information</b>				
Attorney of Record	Attorney Name: Amber S. Stevens			
Attorney Primary Email Address:	<a href="mailto:trademarks@landolakes.com">trademarks@landolakes.com</a>	Attorney Email Authorized:	Yes	
Correspondent	Correspondent Name/Address: Amber S. Stevens and Katherine M. Lichty Land O'Lakes, Inc. 4001 Lexington Avenue North Arden Hills, MINNESOTA UNITED STATES 55126			
Correspondent e-mail:	<a href="mailto:trademarks@landolakes.com">trademarks@landolakes.com</a>	Correspondent e-mail Authorized:	Yes	
Domestic Representative - Not Found				
<b>▼ Prosecution History</b>				

Date	Description	Proceeding Number
Jan. 13, 2020	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jan. 13, 2020	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 04, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 04, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jun. 01, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jun. 01, 2017	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	76985
Jun. 01, 2017	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76985
Jun. 01, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76985
Apr. 05, 2017	TEAS SECTION 8 & 9 RECEIVED	
Apr. 05, 2017	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 18, 2016	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Jun. 10, 2016	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 10, 2016	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jul. 24, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jul. 24, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	66607
Jul. 24, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	66607
Jul. 10, 2013	TEAS SECTION 8 & 15 RECEIVED	
Aug. 22, 2012	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Sep. 18, 2007	REGISTERED-PRINCIPAL REGISTER	
Aug. 10, 2007	WITHDRAWN FROM ISSUE - TQR/NON-ATTY REQUEST	71359
Jul. 31, 2007	WITHDRAWN FROM ISSUE - TQR/NON-ATTY REQUEST	67110
Jun. 12, 2007	PUBLISHED FOR OPPOSITION	
May 23, 2007	NOTICE OF PUBLICATION	
Apr. 12, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	74221
Apr. 12, 2007	ASSIGNED TO LIE	74221
Mar. 22, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 20, 2007	EXAMINER'S AMENDMENT ENTERED	88888
Mar. 20, 2007	EXAMINERS AMENDMENT E-MAILED	6328
Mar. 20, 2007	EXAMINERS AMENDMENT -WRITTEN	76738
Mar. 16, 2007	ASSIGNED TO EXAMINER	76738
Nov. 16, 2006	NOTICE OF DESIGN SEARCH CODE MAILED	
Nov. 15, 2006	NEW APPLICATION ENTERED IN TRAM	

▼ **TM Staff and Location Information**

**TM Staff Information - None**

**File Location**

Current Location: GENERIC WEB UPDATE

Date in Location: Jun. 01, 2017

▼ **Assignment Abstract Of Title Information - Click to Load**

▼ **Proceedings - Click to Load**

# Exhibit D

**From:** [etas-server@uspto.gov](mailto:etas-server@uspto.gov)  
**To:** [Kinsky, Laura](#)  
**Subject:** [EXTERNAL] Assignment confirmation receipt ID:TM574905  
**Date:** Tuesday, May 5, 2020 4:15:13 PM  
**Attachments:** [EASTM574905.html](#)

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## ELECTRONIC TRADEMARK ASSIGNMENT SYSTEM (ETAS) CONFIRMATION RECEIPT

The USPTO has received a Trademark Assignment submitted through the Electronic Trademark Assignment System (ETAS). This is the only acknowledgement of receipt that will be transmitted for this ETAS submission. The submission may not be recalled.

After review by Assignment Recordation Branch personnel, a Notice of Recordation/Non-Recordation will be returned via e-mail. USPTO will send the notice to the e-mail address provided in the submission; e-mail failures will be delivered via US Postal Service to the Correspondence Address provided in the submission.

If a communication from the Assignment Services Division has not been received within 60 days of your confirmation receipt contact the Assignment Services Division Customer Service Desk at 571-272-3350 or send an e-mail to [etas@uspto.gov](mailto:etas@uspto.gov).

If you have a technical question, comment or concern about your ETAS submission call 571-272-3350 during business hours or e-mail to [etas@uspto.gov](mailto:etas@uspto.gov). Please have your ETAS receipt ID which is 'EASTM574905' available when calling or writing for assistance.

A printable version of the Confirmation Receipt is attached to this e-mail.

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Electronic Assignment Server at <https://protect-us.mimecast.com/s/igJvCXDMvLcXkQjNI66Clh?domain=nam03.safelinks.protection.outlook.com>

Warning: This email originated from outside of Land O'Lakes. DO NOT click on links or open attachments unless you recognize the sender and know the content is safe.

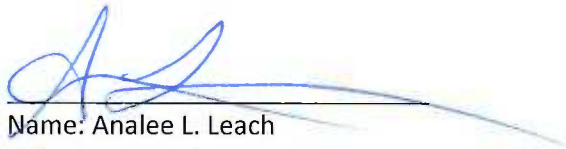
**TRADEMARK ASSIGNMENT**

WHEREAS, Kozy Shack, LLC (hereinafter "Assignor"), limited liability company under the laws of Delaware with a mailing address at 4001 Lexington Avenue North, Arden Hills, Minnesota 55126 is the owner of US Trademarks listed in Exhibit A;

WHEREAS, Kozy Shack Enterprises, LLC (hereafter "Assignee"), a limited liability company under the laws of Delaware with a mailing address at 4001 Lexington Avenue North, Arden Hills, Minnesota 55126 is desirous of confirming that it has acquired from Assignor all right, title and interest in and to said Trademarks and associated goodwill;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiently of which is hereby acknowledged, said Assignor has sold, assigned and transferred, and by these presents does hereby sell, assign and transfer unto said Assignee, its successors or assigns the entire right, title, interest and goodwill in and to the said Trademarks, together with the goodwill and other incidents of its business associated with or symbolized by the Trademarks.

Kozy Shack, LLC





Name: Analee L. Leach

Title: Assistant Secretary

Date: 5/5/2020

EXHIBIT A

TRADEMARK	REG NO	GOODS
KOZY SHACK	1225221	30 Food products, namely pudding
	3292883	30 Refrigerated desserts, namely puddings and flavored and sweetened gelatins
SIMPLY WELL	3716902	30 Refrigerated desserts, namely puddings
SMARTGELS	3765269	30 Flavored and sweetened gelatins
	3821584	30 Flavored and sweetened gelatins