

ESTTA Tracking number: **ESTTA1055958**

Filing date: **05/18/2020**

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	AgroFresh Inc.
Granted to Date of previous extension	05/17/2020
Address	ONE WASHINGTON SQUARE 510-530 WALNUT ST. 13TH FLR, SUITE 1350 PHILADELPHIA, PA 19106 UNITED STATES
Attorney information	CAITLIN R. BYCZKO BARNES & THORNBURG LLP 11 S.MERIDIAN ST. INDIANAPOLIS, IN 46204 UNITED STATES tmindocket@btlaw.com, cbyczko@btlaw.com, sharrell@btlaw.com 3172317550

Applicant Information

Application No	79262224	Publication date	11/19/2019
Opposition Filing Date	05/18/2020	Opposition Period Ends	05/17/2020
International Registration No.	1475230	International Registration Date	02/01/2019
Applicant	IRINOX S.P.A. Via Madonna di Loreto 6/B, Frazione Corbanese I-31020 TARZO (TREVI) ITALY		

Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Computer hardware modules for use in electronic devices using the Internet of Things (IoT); downloadable software applications (apps) for Internet of Things (IoT) enabled devices
Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Consulting services in the field of software as a service (SAAS)

Grounds for Opposition


Priority and likelihood of confusion	Trademark Act Section 2(d)
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Other	Likelihood of confusion based on Opposer's prior common law rights
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	5945123	Application Date	03/14/2018
Registration Date	12/24/2019	Foreign Priority Date	NONE
Word Mark	FRESHCLOUD		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 040. First use: First Use: 2018/08/14 First Use In Commerce: 2018/08/14 Consulting services in the field of agriculture and horticulture in connection with pre- and post-harvest treatment of fruits, vegetables and produce throughout the fresh produce supply chain</p> <p>Class 042. First use: First Use: 2018/08/14 First Use In Commerce: 2018/08/14 Providing temporary use of non-downloadable software designed to assess the quality of fruit, vegetables or flowers during various stages of the produce supplychain; Providing temporary use of non-downloadable software designed to assess the optimal environment for fruits and vegetables; Providing temporary use of non-downloadable software for providing visibility and traceability to the source of produce and flowers; Providing temporary use of non-downloadable software to determine the ripeness and quality of fruit and vegetables during various stagesof the produce supply chain; computer services, namely, providing non-downloadable computer software and computer software platforms for data analytics and predicative analytics</p>		

U.S. Application No.	87833172	Application Date	03/14/2018
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	FRESHCLOUD		


Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2019/09/05 First Use In Commerce: 2019/09/05</p> <p>Downloadable software designed to assess the ripeness and quality of fruit, vegetables or flowers during various stages of the produce supply chain; downloadable software for providing visibility and traceability to the source of produce and flowers; environmental monitoring system comprised of meters and sensors that measure characteristics of fruits, vegetables and flowers during various stages of the produce supply chain; scientific, weighing, measuring, signaling and checking apparatus and instruments, namely, sensors, computer hardware and software for measuring the degree of ripeness of fruits and vegetables and for identifying and determining the type and quality of fruits and vegetables</p>

Related Proceedings	N/A
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Attachments	<p>87980655#TMSN.png(bytes) 87833172#TMSN.png(bytes) TTAB Notice of Opposition FRESHCLOUD THE IRINOX COOL CONNECTION.pdf(190348 bytes) FRESHCLOUD THE IRINOX COOL CONNECTION Exhibits File Version.pdf(171546 bytes)</p>
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Signature	/cbyczko/
Name	CAITLIN R. BYCZKO
Date	05/18/2020

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

AGROFRESH INC.,)	
)	
Opposer,)	In the matter of trademark application
)	Serial No. 79262224;
)	
v.)	
)	Opposition No. _____
IRINOX S.P.A.,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

AgroFresh Inc. (“AgroFresh” or “Opposer”) believes that it will be damaged by the registration of the trademark FRESHCLOUD THE IRINOX COOL CONNECTION & Design (“Applicant’s Mark”) as shown in Serial No. 79262224 (“Pending Application”) and hereby opposes the same.

As grounds for its opposition, Opposer alleges as follows:

1. Opposer is a leading global innovator and provider of science-based solutions, data-driven technologies and experience-backed services to enhance the quality and extend the shelf life of fresh produce.
2. For more than 20 years, Opposer has been revolutionizing the apple industry and has launched new innovative solutions in a variety of fresh produce categories.
3. Opposer supports growers, packers, and retailers by providing near- and post-harvest solutions across the industry to enhance crop values while conserving our planet’s resources and reducing global food waste.

4. Opposer has used the trademark FRESHCLOUD in connection with consulting services, software, data analytics and predicative analytics in the field of agriculture and horticulture since at least as early as August 14, 2018.
5. In addition to its common law rights in the FRESHCLOUD mark, Opposer owns the following U.S. application and registration:

<u>Mark</u>	<u>Serial No./Reg. No.</u>	<u>Goods/Services</u>	<u>Filing Date</u>	<u>Reg. Date</u>
FRESHCLOUD	5945123	<p><i>Class 40: "Consulting services in the field of agriculture and horticulture in connection with pre- and post-harvest treatment of fruits, vegetables and produce throughout the fresh produce supply chain"</i></p> <p><i>Class 42: "Providing temporary use of non-downloadable software designed to assess the quality of fruit, vegetables or flowers during various stages of the produce supply chain; Providing temporary use of non-downloadable software designed to assess the optimal environment for fruits and vegetables; Providing temporary use of non-downloadable software for providing visibility and traceability to the source of produce and flowers; Providing temporary use of non-downloadable software to determine the ripeness and quality of fruit and vegetables during various stages of the produce supply chain; computer services, namely, providing non-downloadable computer software and computer software platforms for data analytics and predicative analytics"</i></p>	March 14, 2018	December 24, 2019
FRESHCLOUD	87833172	<p><i>Class 9: Downloadable software designed to assess the ripeness and quality of fruit, vegetables or flowers during various stages of the produce supply chain; downloadable software for providing visibility and traceability to the source of produce</i></p>	March 14, 2018	N/A

		<p><i>and flowers; environmental monitoring system comprised of meters and sensors that measure characteristics of fruits, vegetables and flowers during various stages of the produce supply chain; scientific, weighing, measuring, signaling and checking apparatus and instruments, namely, sensors, computer hardware and software for measuring the degree of ripeness of fruits and vegetables and for identifying and determining the type and quality of fruits and vegetables.</i></p>		
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6. Opposer’s common-law rights, registration, and pending application are hereinafter collectively referred to as the “FRESHCLOUD Mark.” See printouts from the USPTO’s TSDR database, attached hereto as **Exhibit A**, showing the current status and title of the foregoing registration and application.
7. Opposer’s FRESHCLOUD Mark is strong and distinctive. Opposer’s services offered in connection with the FRESHCLOUD Mark have been and continue to be marketed and sold in U.S. commerce.
8. Applicant seeks to register Applicant’s Mark in connection with “*Computer hardware modules for use in electronic devices using the Internet of Things (IoT); downloadable software applications (apps) for Internet of Things (IoT) enabled devices*” in Class 9 and “*Consulting services in the field of software as a service (SAAS)*” in Class 42 (“Applicant’s Goods and Services”), as evidenced by its application filed February 1, 2019, and published in the Official Gazette on November 19, 2019. See **Exhibit B**.
9. The opposed application does not claim current use of Applicant’s Mark in U.S. commerce.
10. Opposer’s use of, and applications for, the FRESHCLOUD Mark, pre-date Applicant’s attempted registration of Applicant’s Mark.

11. Opposer has priority.
12. Applicant's Mark wholly incorporates the FRESHCLOUD Mark.
13. Applicant's Mark is highly similar to Opposer's FRESHCLOUD Mark both phonetically and visually, as the dominant portion of the Applicant's Mark is "FRESHCLOUD."
14. Applicant's Goods and Services are similar to the goods and services provided by Opposer and identified in Opposer's application and registration.
15. Applicant's Goods and Services are similar to the goods and services provided by Opposer travel through the same channels of trade and are marketed to the same or overlapping consumers.
16. Applicant's Mark is likely to cause confusion, or to cause mistake or to deceive because relevant purchasers familiar with Opposer's FRESHCLOUD Mark are likely to believe that Opposer has endorsed or authorized Applicant's Goods and Services, or that Applicant or Applicant's Goods and Services are in some way affiliated with Opposer, so as to create a likelihood of confusion as to the source of Applicant's Goods and Services.
17. Upon information and belief, Applicant has no rights in Applicant's Mark prior to Opposer's rights in the FRESHCLOUD Mark.
18. Opposer would be injured by Applicant's registration of Applicant's Mark because Applicant's Mark so resembles the FRESHCLOUD Mark as to be likely to cause confusion, or to cause mistake, or to deceive consumers, to falsely suggest a connection with Opposer, and to damage Opposer's goodwill in the FRESHCLOUD Mark.

WHEREFORE, Opposer believes that it will be damaged by the registration of Applicant's Mark to Applicant, and prays that the registration be denied.

Respectfully submitted,

Date: May 18, 2020

/s/ Caitlin R. Byczko

Caitlin R. Byczko
Sarah P. Harrell
BARNES & THORNBURG LLP
11 S. Meridian St.
Indianapolis, IN 46202
cbyczko@btlaw.com;
Sarah.Harrell@btlaw.com
tmindocket@btlaw.com

Attorneys for Opposer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Notice of Opposition has been filed electronically via ESTTA on May 18, 2020.

/s/ Caitlin R. Byczko

EXHIBIT A

Generated on: This page was generated by TSDR on 2020-05-15 08:33:34 EDT

Mark: FRESHCLOUD

FRESHCLOUD

US Serial Number: 87980655

Application Filing Date: Mar. 14, 2018

US Registration Number: 5945123

Registration Date: Dec. 24, 2019

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

Status Date: Dec. 24, 2019

Publication Date: Aug. 28, 2018

Notice of Allowance Date: Oct. 23, 2018

Mark Information

Mark Literal Elements: FRESHCLOUD

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

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Child Of: 87833172

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: Consulting services in the field of agriculture and horticulture in connection with pre- and post-harvest treatment of fruits, vegetables and produce throughout the fresh produce supply chain

International Class(es): 040 - Primary Class

U.S Class(es): 100, 103, 106

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 14, 2018

Use in Commerce: Aug. 14, 2018

For: Providing temporary use of non-downloadable software designed to assess the quality of fruit, vegetables or flowers during various stages of the produce supply chain; Providing temporary use of non-downloadable software designed to assess the optimal environment for fruits and vegetables; Providing temporary use of non-downloadable software for providing visibility and traceability to the source of produce and flowers; Providing temporary use of non-downloadable software to determine the ripeness and quality of fruit and vegetables during various stages of the produce supply chain; computer services, namely, providing non-downloadable computer software and computer software platforms for data analytics and predicative analytics

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 14, 2018

Use in Commerce: Aug. 14, 2018

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: AgroFresh Inc.

Owner Address: One Washington Square
510-530 Walnut St., 13th Flr, Suite 1350
Philadelphia, PENNSYLVANIA UNITED STATES 19106

Legal Entity Type: CORPORATION

State or Country: ILLINOIS
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Caitlin R. Byczko

Docket Number: 67766-275905

Attorney Primary Email Address: Caitlin.Byczko@btlaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Caitlin R. Byczko
Barnes & Thornburg LLP
11 S.Meridian St.
Indianapolis, INDIANA UNITED STATES 46204

Phone: 3172317550

Fax: 317-231-7433

Correspondent e-mail: cbyczko@btlaw.com tmindocket@btlaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 24, 2019	REGISTERED-PRINCIPAL REGISTER	
Nov. 19, 2019	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Nov. 18, 2019	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 25, 2019	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 24, 2019	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 24, 2019	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 30, 2019	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Apr. 30, 2019	NON-FINAL ACTION E-MAILED	
Apr. 30, 2019	SU - NON-FINAL ACTION - WRITTEN	93048
Apr. 25, 2019	STATEMENT OF USE PROCESSING COMPLETE	74055
Apr. 16, 2019	USE AMENDMENT FILED	74055
Apr. 25, 2019	DIVISIONAL PROCESSING COMPLETE	
Apr. 16, 2019	DIVISIONAL REQUEST RECEIVED	
Apr. 16, 2019	TEAS REQUEST TO DIVIDE RECEIVED	
Apr. 23, 2019	CASE ASSIGNED TO INTENT TO USE PARALEGAL	74055
Apr. 16, 2019	TEAS STATEMENT OF USE RECEIVED	
Oct. 23, 2018	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	

Aug. 28, 2018	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 28, 2018	PUBLISHED FOR OPPOSITION	
Aug. 08, 2018	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 13, 2018	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 05, 2018	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 05, 2018	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 05, 2018	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 03, 2018	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 03, 2018	NON-FINAL ACTION E-MAILED	6325
Jul. 03, 2018	NON-FINAL ACTION WRITTEN	93048
Jun. 25, 2018	ASSIGNED TO EXAMINER	93048
Mar. 20, 2018	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 17, 2018	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Nov. 18, 2019

United States of America

United States Patent and Trademark Office

FRESHCLOUD

Reg. No. 5,945,123

Registered Dec. 24, 2019

Int. Cl.: 40, 42

Service Mark

Principal Register

AgroFresh Inc. (ILLINOIS CORPORATION)
One Washington Square
510-530 Walnut St., 13th Flr, Suite 1350
Philadelphia, PENNSYLVANIA 19106

CLASS 40: Consulting services in the field of agriculture and horticulture in connection with pre- and post-harvest treatment of fruits, vegetables and produce throughout the fresh produce supply chain

FIRST USE 8-14-2018; IN COMMERCE 8-14-2018

CLASS 42: Providing temporary use of non-downloadable software designed to assess the quality of fruit, vegetables or flowers during various stages of the produce supply chain; Providing temporary use of non-downloadable software designed to assess the optimal environment for fruits and vegetables; Providing temporary use of non-downloadable software for providing visibility and traceability to the source of produce and flowers; Providing temporary use of non-downloadable software to determine the ripeness and quality of fruit and vegetables during various stages of the produce supply chain; computer services, namely, providing non-downloadable computer software and computer software platforms for data analytics and predicative analytics

FIRST USE 8-14-2018; IN COMMERCE 8-14-2018

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

SER. NO. 87-980,655, FILED 03-14-2018



Andrei Iancu

Director of the United States
Patent and Trademark Office



REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

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

Requirements in the First Ten Years*

What and When to File:

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

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

Grace Period Filings*

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

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

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

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

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Mark: FRESHCLOUD

FRESHCLOUD

US Serial Number: 87833172

Application Filing Date: Mar. 14, 2018

Filed as TEAS RF: Yes

Currently TEAS RF: 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 Statement of Use has been forwarded to the examining attorney for examination.

Status Date: Apr. 24, 2020

Publication Date: Aug. 28, 2018

Notice of Allowance Date: Oct. 23, 2018

Mark Information

Mark Literal Elements: FRESHCLOUD

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

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Parent Of: 87980655

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: Downloadable software designed to assess the ripeness and quality of fruit, vegetables or flowers during various stages of the produce supply chain; downloadable software for providing visibility and traceability to the source of produce and flowers; environmental monitoring system comprised of meters and sensors that measure characteristics of fruits, vegetables and flowers during various stages of the produce supply chain; scientific, weighing, measuring, signaling and checking apparatus and instruments, namely, sensors, computer hardware and software for measuring the degree of ripeness of fruits and vegetables and for identifying and determining the type and quality of fruits and vegetables

International Class(es): 009 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)

First Use: Sep. 05, 2019

Use in Commerce: Sep. 05, 2019

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: AgroFresh Inc.

Owner Address: 510-530 Walnut St., 13th Flr, Suite 1350
One Washington Square
Philadelphia, PENNSYLVANIA UNITED STATES 19106

Legal Entity Type: CORPORATION

State or Country Where Organized: ILLINOIS

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Caitlin R. Byczko

Docket Number: 67766-275905

Attorney Primary Email Address: Caitlin.Byczko@btlaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Caitlin R. Byczko
BARNES & THORNBURG LLP
11 SOUTH MERIDIAN STREET
INDIANAPOLIS, INDIANA UNITED STATES 46204-3535

Phone: 317-236-1313

Fax: 317-231-7433

Correspondent e-mail: Caitlin.Byczko@btlaw.com
TMINDocket@btlaw.com eross@btlaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 24, 2020	STATEMENT OF USE PROCESSING COMPLETE	74055
Apr. 22, 2020	USE AMENDMENT FILED	74055
Apr. 22, 2020	TEAS STATEMENT OF USE RECEIVED	
Oct. 23, 2019	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Oct. 21, 2019	EXTENSION 2 GRANTED	98765
Oct. 21, 2019	EXTENSION 2 FILED	98765
Oct. 21, 2019	TEAS EXTENSION RECEIVED	
Apr. 26, 2019	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Apr. 26, 2019	CORRECTED NOA E-MAILED	
Apr. 25, 2019	EXTENSION 1 GRANTED	74055
Apr. 17, 2019	EXTENSION 1 FILED	74055
Apr. 25, 2019	DIVISIONAL PROCESSING COMPLETE	
Apr. 16, 2019	DIVISIONAL REQUEST RECEIVED	
Apr. 16, 2019	TEAS REQUEST TO DIVIDE RECEIVED	
Apr. 23, 2019	CASE ASSIGNED TO INTENT TO USE PARALEGAL	74055
Apr. 17, 2019	TEAS EXTENSION RECEIVED	
Oct. 23, 2018	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Aug. 28, 2018	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 28, 2018	PUBLISHED FOR OPPOSITION	
Aug. 08, 2018	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
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Jul. 05, 2018	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 05, 2018	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
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Jul. 03, 2018	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325

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Jul. 03, 2018	NON-FINAL ACTION WRITTEN	93048
Jun. 25, 2018	ASSIGNED TO EXAMINER	93048
Mar. 20, 2018	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 17, 2018	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: CALLOWAY, CHRISTINA DE

Law Office Assigned: LAW OFFICE 122

File Location

Current Location: TMO LAW OFFICE 122

Date in Location: Apr. 24, 2020

EXHIBIT B

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Mark: FRESHCLOUD THE IRINOX COOL CONNECTION



US Serial Number: 79262224

Application Filing Date: Feb. 01, 2019

Register: Principal

Mark Type: Trademark, Service Mark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Published for Opposition

A pending trademark application has been examined by the Office and has been published in a way that provides an opportunity for the public to oppose its registration.

Status: A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVUE on the Trademark Trial and Appeal Board web page.

Status Date: Dec. 08, 2019

Publication Date: Nov. 19, 2019

Mark Information

Mark Literal Elements: FRESHCLOUD THE IRINOX COOL CONNECTION

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 hexagon in grey with a grey curved band within the hexagon. To the right is the wording "FRESHCLOUD" in dark blue with the wording "THE IRINOX COOL CONNECTION" in grey. The color white is not claimed as a feature of the mark and is used to show background only.

Color Drawing: Yes

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

Disclaimer: "CONNECTION"

Design Search Code(s): 26.01.06 - Circles, semi; Semi-circles

26.15.28 - Miscellaneous designs with overall polygon shape; Polygonal shapes (miscellaneous overall shape)
26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

Related Properties Information

International Registration Number: 1475230

International Registration Date: Feb. 01, 2019

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: Computer hardware modules for use in electronic devices using the Internet of Things (IoT); downloadable software applications (apps) for Internet of Things (IoT) enabled devices

International Class(es): 009 - Primary Class

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

Class Status: ACTIVE

Basis: 66(a)

For: Consulting services in the field of software as a service (SAAS)

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: IRINOX S.P.A.

Owner Address: Via Madonna di Loreto 6/B,
Frazione Corbanese
I-31020 TARZO (TREVI ITALY)

Legal Entity Type: JOINT STOCK COMPANY

State or Country Where Organized: ITALY

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lisa Peller London

Docket Number: STU-TM60

Attorney Primary Email Address: trademarks@thebellesgroup.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Lisa Peller London
The Belles Group, P.C.
337 S. 18th Street
Philadelphia, PENNSYLVANIA UNITED STATES 19103

Phone: 2157359302

Fax: 2157359305

Correspondent e-mail: trademarks@thebellesgroup.com london@belleskatz.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 08, 2019	EXTENSION OF TIME TO OPPOSE RECEIVED	
Nov. 19, 2019	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 19, 2019	PUBLISHED FOR OPPOSITION	
Nov. 16, 2019	NOTIFICATION PROCESSED BY IB	
Oct. 30, 2019	NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB	
Oct. 30, 2019	NOTICE OF START OF OPPOSITION PERIOD CREATED, TO BE SENT TO IB	
Oct. 30, 2019	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 11, 2019	ASSIGNED TO LIE	73296
Oct. 09, 2019	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 04, 2019	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 03, 2019	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 03, 2019	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 30, 2019	REFUSAL PROCESSED BY IB	

Aug. 12, 2019	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Aug. 12, 2019	REFUSAL PROCESSED BY MPU	67445
Jul. 23, 2019	APPLICATION FILING RECEIPT MAILED	
Jul. 19, 2019	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Jul. 18, 2019	NON-FINAL ACTION WRITTEN	82423
Jul. 17, 2019	ASSIGNED TO EXAMINER	82423
Jul. 17, 2019	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 16, 2019	LIMITATION FROM ORIGINAL APPLICATION ENTERED	70029
Jul. 04, 2019	SN ASSIGNED FOR SECT 66A APPL FROM IB	

International Registration Information (Section 66a)

International Registration Number: 1475230	International Registration Date: Feb. 01, 2019
Priority Claimed Flag: Yes	Date of Section 67 Priority Claim: Jan. 22, 2019
Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION PROCESSED	Date of International Registration Status: Jul. 04, 2019
Notification of Designation Date: Jul. 04, 2019	Date of Automatic Protection: Jan. 04, 2021
International Registration Renewal Date: Feb. 01, 2029	
First Refusal Flag: Yes	

TM Staff and Location Information

TM Staff Information

TM Attorney: BHANOT, KAPIL KUMAR

Law Office Assigned: LAW OFFICE 108

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 17, 2019

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Extension of Time

Proceeding Number: [79262224](#)

Filing Date: Dec 08, 2019

Status: Extension of Time to Oppose Filed

Status Date: Dec 08, 2019

Interlocutory Attorney:

Defendant

Name: IRINOX S.P.A.

Correspondent Address: LISA PELLER LONDON
LISA PELLER LONDON
THE BELLES GROUP, P.C. 337 S. 18TH STREET
PHILADELPHIA PA , 19103

Correspondent e-mail: trademarks@thebellesgroup.com , london@belleskatz.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
FRESHCLOUD THE IRINOX COOL CONNECTION	Request For Extension of Time to File Opposition	79262224	

Potential Opposer(s)

Name: AgroFresh Inc.

Correspondent CAITLIN R. BYCZKO; JULIA SPOOR GARD
Address: BARNES & THORNBURG LLP
11 S.MERIDIAN ST.
INDIANAPOLIS IN UNITED STATES , 46204

Correspondent e-mail: tmindocket@btlaw.com , cbyczko@btlaw.com , jgard@btlaw.com

Prosecution History

Entry Number	History Text	Date	Due Date
1	FIRST 90-DAY REQUEST TO EXT TIME TO OPPOSE	Dec 08, 2019	
2	EXT GRANTED	Dec 08, 2019	
3	FINAL 60-DAY REQUEST TO EXT TIME TO OPPOSE	Mar 05, 2020	
4	EXT GRANTED	Mar 05, 2020	