

ESTTA Tracking number: **ESTTA1111515**

Filing date: **02/01/2021**

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	Nature's Bakery, LLC
Granted to Date of previous extension	02/06/2021
Address	425 MAESTRO DRIVE, SUITE 101 RENO, NV 89511 UNITED STATES

Attorney information	BRAM SCHUMER BRAUNHAGEY & BORDEN LLP 351 CALIFORNIA STREET, 10TH FLOOR SAN FRANCISCO, CA 94104 UNITED STATES Primary Email: tadmin@braunhagey.com Secondary Email(s): shadow@braunhagey.com, schumer@braunhagey.com 415-599-0210
Docket Number	

Applicant Information

Application No.	88812151	Publication date	12/08/2020
Opposition Filing Date	02/01/2021	Opposition Period Ends	02/06/2021
Applicant	THE FYNDER GROUP, INC. 815 W PERSHING ROAD, SUITE 4 CHICAGO, IL 60609 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. First Use: 0 First Use In Commerce: 0 Opposed goods and services in the class: protein supplements formed and packaged as bars; protein supplements; protein dietary supplements formed and packaged as bars
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3917078	Application Date	06/28/2010
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Registration Date	02/08/2011	Foreign Priority Date	NONE
Word Mark	NATURE'S BAKERY		
Design Mark			
Description of Mark	The mark consists of the stylized text "NATURE'S BAKERY" within an open-ended rectangle shape.		
Goods/Services	Class 030. First use: First Use: 2004/01/01 First Use In Commerce: 2004/01/01 Bakery goods; Cereal based snack food; Cookies; Fruit turnovers		

U.S. Registration No.	3917217	Application Date	07/15/2010
Registration Date	02/08/2011	Foreign Priority Date	NONE
Word Mark	NATURE'S BAKERY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2004/01/01 First Use In Commerce: 2004/01/01 Bakery goods		

U.S. Registration No.	5874205	Application Date	04/01/2019
Registration Date	10/01/2019	Foreign Priority Date	NONE
Word Mark	NATURE'S BAKERY		
Design Mark			
Description of Mark	The mark consists of the stylized word "NATURE'S" above the stylized word "BAKERY", where the "U" in "NATURE'S" is replaced by a happy face.		
Goods/Services	Class 030. First use: First Use: 2019/02/15 First Use In Commerce: 2019/02/15 Bakery goods		

Attachments	Notice of Opposition 88812151 NATURES FYND.pdf(156088 bytes) ExhA-RN3917078 NATURES BAKERY and Design.pdf(28750 bytes) ExhB-RN3917217 NATURES BAKERY.pdf(30099 bytes) ExhC-RN5874205 NATURES BAKERY and Design.pdf(50614 bytes)
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Signature	/Bram Schumer/
Name	Bram Schumer
Date	02/01/2021

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

In the Matter of Application Serial No. 88812151

Mark : NATURE’S FYND
Applicant : THE FYNDER GROUP, INC.
Application Date : February 26, 2020

NATURE’S BAKERY, LLC,
a Delaware limited liability company,

Opposer,

v.

THE FYNDER GROUP, INC.,

a Delaware corporation,

Applicant.

Opposition No. TBA

NOTICE OF OPPOSITION

Opposer Nature’s Bakery, LLC, (“Opposer” or “Nature’s Bakery”) a Delaware limited liability company with a business address of 425 Maestro Drive Suite 101, Reno, Nevada, believes it will be damaged by the registration of the mark shown in Application Serial No. 88812151 (the “Application”) and hereby opposes the Application.

As grounds for the opposition, Opposer alleges that:

1. Nature’s Bakery is a pioneering bakery with a business address of 425 Maestro Drive Suite 101, Reno, Nevada. Nature’s Bakery is a duly registered limited liability company organized under Delaware law and is the owner of the mark “NATURE’S BAKERY”, as represented by the incontestable trademark registrations for the NATURE’S BAKERY & Design (U.S. Reg. No. 3917078), NATURE’S BAKERY (U.S. Reg. No. 3917217) and NATURE’S

BAKERY & Design (U.S. Reg. No. 5874205) (the “NATURE’S BAKERY Marks”) (see Exhibits A-C attached hereto).

2. Since 2004, the NATURE’S BAKERY Marks have represented a promise to baked goods and snack food lovers that each NATURE’S BAKERY-marked product reflects the company’s devotion to delicious, healthy and convenient foods. Today, the NATURE’S BAKERY Marks are widely recognized as global standard bearers for healthy foods, with sales in all fifty U.S. States and around the world. The NATURE’S BAKERY Marks reflect Nature’s Bakery’s substantial investment in its pioneering brand. Nature’s Bakery brings this Opposition to prevent Applicant from unfairly capitalizing on the distinctiveness and fame of the NATURE’S BAKERY Marks and brand.

FACTUAL BACKGROUND

A. Foundations of NATURE’S BAKERY®

3. Nature’s Bakery has its origins in the natural foods movement of the 1960s. Richard Marson, the father of Nature’s Bakery’s owner, opened a bakery that championed the use of all-natural ingredients – a novel and new concept at that time. Dave Marson, Richard Marson’s son, and Nature’s Bakery’s owner, followed in his father’s footsteps by making his career within the family’s bakery. Representing three generations of family bakers, Dave’s son Sam became a partner in the Nature’s Bakery business and today the brand continues the natural foods movement legacy by embodying healthy eating and living in every NATURE’S BAKERY snack.

4. Nature’s Bakery’s mission is to make delicious and convenient on-the-go snacks and foods that complement health conscious living and everyday active lifestyles

5. NATURE'S BAKERY-marked products have been sold in the United States since 2004 and are now available all over the world.

6. On June 28, 2010, Opposer applied for registration of the NATURE'S BAKERY Marks with the USPTO. Both registrations were granted on February 8, 2011.

7. On or about April 15, 2016, the USPTO accepted Nature's Bakery's Combined Declarations of Use and Incontestability for the NATURE'S BAKERY Marks, rendering each registration incontestable as a matter of law.

8. The strength of the NATURE'S BAKERY brand kept pace with its commercial success, as evidenced by expansion of sales around the world. For example, Nature's Bakery also owns twenty-one foreign registrations and two international registrations with extensions into five foreign countries for the NATURE'S BAKERY Marks.

9. Today, each and every product and all advertising and marketing proudly bears the NATURE'S BAKERY Marks.

B. Applicant and its NATURE'S FYND Brand

10. Upon information and belief, The Fynder Group, Inc. is a Delaware corporation with an address of 815 West Pershing Road, Suite 4, Chicago, Illinois 60609.

11. Applicant filed an Application, No. 88812151, on February 26, 2020 for the mark NATURE'S FYND claiming an intent-to-use the mark in commerce for the following goods:

Vegan protein for use as a nutritional supplement in ready-to-drink beverages; vegan liquid protein supplements; protein supplement shakes; protein supplement shakes for weight gain purposes; protein dietary supplements; protein supplements formed and packaged as bars; protein supplements; protein dietary supplements formed and packaged as bars (in International Class 5);

Prepared meals consisting primarily of meat substitutes; artificial cream being dairy product substitutes; vegetable-based meat substitutes; poultry substitutes; cheese substitutes; sour cream substitutes; butter substitutes; nut butter substitutes made from fungi; seafood substitutes; margarine substitutes; meat substitutes; milk substitutes; egg substitute; egg product being egg substitute; formed textured vegetable protein for use as a meat substitute (in Class 29);

Ice cream substitute; frozen dessert consisting of fruit and cream or cream substitutes (in Class 30);

Raw mushrooms; fresh mushrooms; fresh shiitake mushrooms; unprocessed mushrooms; fresh edible fungi; oyster mushrooms, fresh (in Class 31); and

Concentrates, syrups or powders used in the preparation of sports and energy drinks; concentrates and powders used in the preparation of energy drinks and fruit-flavored beverages; sports drinks, namely, recovery drinks; sports drinks, namely, performance drinks; enhanced energy drinks; enhanced sports drinks; aromatized beverages based on fruit, protein, cordial, sugar and other fluid nutrients, namely, protein drinks for use as food fillers and not for use as meal replacements; smoothies; smoothies being fruit beverages, fruit predominating; protein-enriched sports beverages (in Class 32).

12. The application was published for opposition on December 8, 2020, and plaintiff requested and was granted an extension of the opposition deadline through February 6, 2021.

CLAIMS FOR RELIEF

First Basis for Opposition

LIKELIHOOD OF CONFUSION – Lanham Act § 2(d)

13. Opposer incorporates by reference the facts and allegations set forth in each of the preceding paragraphs as though fully set forth herein.

14. On information and belief, Opposer's application for a federally registered trademark on June 28, 2010 precedes Applicant's filing for NATURE'S FYND and constitutes constructive use of the NATURE'S BAKERY Marks, thereby conferring a right of nationwide

priority. See Section 7(c) of the U.S. Trademark (Lanham) Act, 15 U.S.C. § 1057(c). Applicant failed to provide Opposer any constructive notice of any claimed use of its mark.

15. Opposer, has senior use of the mark across the entire United States.

16. The NATURE'S FYND mark is likely to be confused with the Opposer's NATURE'S BAKERY Marks because it is confusingly similar in appearance, sound, and meaning to Opposer's NATURE'S BAKERY Marks, and conveys a confusingly similar commercial impression.

17. Certain goods identified in the Application, namely, "Protein supplements formed and packaged as bars; protein supplements; protein dietary supplements formed and packaged as bars (in International Class 5)", are closely related to, and travel through the same channels of trade as the goods sold under Opposer's NATURE'S BAKERY Marks and use of Applicant's NATURE'S FYND mark on these goods would so nearly resemble Opposer's use as to be likely to cause confusion, mistake, and/or deception.

18. If Applicant is permitted to register the mark in the Application, Opposer will be damaged because, among other reasons, confusion in the trade and in the public is likely to result, injuring Opposer's reputation. That confusion will also injure the public, in that consumers, upon seeing Applicant's mark used on Applicant's goods as identified above, are likely to believe that Applicant's goods are somehow associated with or approved by the Opposer.

Second Basis for Opposition

LIKELIHOOD OF DILUTION – Lanham Act § 43(c)

19. Opposer incorporates by reference the facts and allegations set forth in each of the preceding paragraphs as though fully set forth herein.

351 California Street, 10th Floor
San Francisco, California 94104
415-599-0210 Phone/Fax
tadmin@braunhagey.com
shadow@braunhagey.com

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Mark: NATURE'S BAKERY



US Serial Number: 85073368

Application Filing Date: Jun. 28, 2010

US Registration Number: 3917078

Registration Date: Feb. 08, 2011

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

Status Date: Apr. 05, 2016

Publication Date: Nov. 23, 2010

Mark Information

Mark Literal Elements: NATURE'S BAKERY

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 stylized text "NATURE'S BAKERY" within an open-ended rectangle shape.

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

Disclaimer: "BAKERY"

Design Search Code(s): 26.11.03 - Incomplete rectangles; Rectangles (incomplete)

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 goods; Cereal based snack food; Cookies; Fruit turnovers

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 01, 2004

Use in Commerce: Jan. 01, 2004

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: NATURE'S BAKERY, LLC

Owner Address: 9460 DOUBLE R BLVD. SUITE 200
RENO, NEVADA UNITED STATES 89521

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Allison Hagey

Attorney Primary Email Address: tmadmin@braunhagey.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Allison Hagey
BraunHagey & Borden LLP
351 California Street, 10th Floor
San Francisco, CALIFORNIA UNITED STATES 94104

Phone: 415-599-0210

Fax: 415-599-0210

Correspondent e-mail: tmadmin@braunhagey.com shadow@braunhagey.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 08, 2020	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Feb. 12, 2019	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 22, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Feb. 22, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
May 04, 2016	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 05, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Apr. 05, 2016	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	71378
Apr. 05, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	71378
Feb. 08, 2016	TEAS SECTION 8 & 15 RECEIVED	
Feb. 08, 2016	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Feb. 08, 2011	REGISTERED-PRINCIPAL REGISTER	
Nov. 23, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 23, 2010	PUBLISHED FOR OPPOSITION	
Oct. 21, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	70884
Oct. 21, 2010	ASSIGNED TO LIE	70884
Oct. 07, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 07, 2010	EXAMINER'S AMENDMENT ENTERED	88888
Oct. 07, 2010	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Oct. 07, 2010	EXAMINERS AMENDMENT E-MAILED	6328
Oct. 07, 2010	EXAMINERS AMENDMENT -WRITTEN	74781
Oct. 04, 2010	ASSIGNED TO EXAMINER	74781
Jul. 03, 2010	NOTICE OF DESIGN SEARCH CODE MAILED	
Jul. 02, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 01, 2010	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None**File Location**

Current Location: TMO LAW OFFICE 117

Date in Location: Apr. 05, 2016

Assignment Abstract Of Title Information**Summary**

Total Assignments: 4

Registrant: Bella Four Bakery, Inc.

Assignment 1 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: [5249/0389](#)

Pages: 15

Date Recorded: Apr. 01, 2014

Supporting Documents: [assignment-tm-5249-0389.pdf](#)**Assignor**Name: [BELLA FOUR BAKERY, INC.](#)

Execution Date: Feb. 28, 2014

Legal Entity Type: CORPORATION

State or Country Where Organized: NEVADA

AssigneeName: [GREAT SOUTHERN BANK](#)

Legal Entity Type: MISSOURI CHARTERED TRUST COMPANY

State or Country Where Organized: MISSOURI

Address: 1451 EAST BATTLEFIELD STREET
SPRINGFIELD, MISSOURI 65804**Correspondent**

Correspondent Name: BENJAMIN HALTENHOF

Correspondent Address: 600 WASHINGTON AVE
15TH FLOOR
ST. LOUIS, MO 63101**Domestic Representative - Not Found****Assignment 2 of 4**

Conveyance: ENTITY CONVERSION

Reel/Frame: [5775/0144](#)

Pages: 4

Date Recorded: Apr. 21, 2016

Supporting Documents: [assignment-tm-5775-0144.pdf](#)**Assignor**Name: [BELLA FOUR BAKERY, INC.](#)

Execution Date: Apr. 11, 2016

Legal Entity Type: CORPORATION

State or Country Where Organized: NEVADA

AssigneeName: [NATURE'S BAKERY, LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 9460 DOUBLE R BLVD. SUITE 200
RENO, NEVADA 89521**Correspondent**

Correspondent Name: SCOTT S. HAVLICK

Correspondent Address: P.O. BOX 8749
DENVER, CO 80201**Domestic Representative - Not Found****Assignment 3 of 4**

Conveyance: SECURITY INTEREST

Reel/Frame: [5859/0096](#)

Pages: 11

Date Recorded: Aug. 18, 2016

Supporting Documents: [assignment-tm-5859-0096.pdf](#)

Assignor

Name: [NATURE'S BAKERY, LLC](#)

Execution Date: Aug. 18, 2016

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: [COMERICA BANK](#)

Legal Entity Type: TEXAS BANKING ASSOCIATION

State or Country Where Organized: TEXAS

Address: 39200 SIX MILE ROAD
MC 7578
LIVONIA, MICHIGAN 48152

Correspondent

Correspondent Name: KIMBERLY A. BERGER

Correspondent Address: 150 WEST JEFFERSON
SUITE 2500
DETROIT, MI 48226

Domestic Representative - Not Found

Assignment 4 of 4

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [5861/0411](#)

Pages: 2

Date Recorded: Aug. 22, 2016

Supporting Documents: [assignment-tm-5861-0411.pdf](#)

Assignor

Name: [GREAT SOUTHERN BANK](#)

Execution Date: Aug. 22, 2016

Legal Entity Type: MISSOURI CHARTERED TRUST COMPANY

State or Country Where Organized: MISSOURI

Assignee

Name: [NATURE'S BAKERY, LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 9460 DOUBLE R BLVD.
SUITE 200
RENO, NEVADA 89521

Correspondent

Correspondent Name: KAZUYO MORITA

Correspondent Address: P.O. BOX 8749
DENVER, CO 80201

Domestic Representative - Not Found

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Mark: NATURE'S BAKERY

Nature's Bakery

US Serial Number: 85085946

Application Filing Date: Jul. 15, 2010

US Registration Number: 3917217

Registration Date: Feb. 08, 2011

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: The registration has been renewed.

Status Date: Jun. 05, 2020

Publication Date: Nov. 23, 2010

Mark Information

Mark Literal Elements: NATURE'S BAKERY

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: "BAKERY"

Related Properties Information

International Registration Number: 1179300

International Application(s) /Registration(s) Based on this Property: A0038149/1179300

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 goods

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 01, 2004

Use in Commerce: Jan. 01, 2004

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: NATURE'S BAKERY, LLC

Owner Address: 425 Maestro Drive Suite 101
Reno, NEVADA UNITED STATES 89511

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Allison Hagey

Attorney Primary Email Address: tmadmin@braunhagey.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Allison Hagey
BraunHagey & Borden LLP
351 California Street, 10th Floor
San Francisco, CALIFORNIA UNITED STATES 94104

Phone: 415-599-0210

Fax: 415-599-0210

Correspondent e-mail: tmadmin@braunhagey.com shadow@braunhagey.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Scott S. Havlick

Phone: 3034732710

Fax: 303 473-2720

Domestic Representative e-mail: docket@hollandhart.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Jun. 05, 2020	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jun. 05, 2020	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	77074
Jun. 05, 2020	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	77074
Jun. 05, 2020	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	77074
Mar. 23, 2020	TEAS SECTION 8 & 9 RECEIVED	
Feb. 08, 2020	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Feb. 12, 2019	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 22, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Feb. 22, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
May 04, 2016	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 05, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Apr. 05, 2016	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76293
Apr. 05, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76293
Feb. 08, 2016	TEAS SECTION 8 & 15 RECEIVED	
Feb. 08, 2016	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Feb. 08, 2011	REGISTERED-PRINCIPAL REGISTER	

Nov. 23, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 23, 2010	PUBLISHED FOR OPPOSITION	
Oct. 21, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Oct. 21, 2010	ASSIGNED TO LIE	77312
Oct. 07, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 07, 2010	EXAMINER'S AMENDMENT ENTERED	88888
Oct. 07, 2010	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Oct. 07, 2010	EXAMINERS AMENDMENT E-MAILED	6328
Oct. 07, 2010	EXAMINERS AMENDMENT -WRITTEN	74781
Oct. 04, 2010	ASSIGNED TO EXAMINER	74781
Jul. 21, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 19, 2010	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. 05, 2020

Assignment Abstract Of Title Information

Summary

Total Assignments: 4

Registrant: Bella Four Bakery, Inc.

Assignment 1 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: [5249/0389](#)

Pages: 15

Date Recorded: Apr. 01, 2014

Supporting Documents: [assignment-tm-5249-0389.pdf](#)

Assignor

Name: [BELLA FOUR BAKERY, INC.](#)

Execution Date: Feb. 28, 2014

Legal Entity Type: CORPORATION

State or Country Where Organized: NEVADA

Assignee

Name: [GREAT SOUTHERN BANK](#)

Legal Entity Type: MISSOURI CHARTERED TRUST COMPANY

State or Country Where Organized: MISSOURI

Address: 1451 EAST BATTLEFIELD STREET
SPRINGFIELD, MISSOURI 65804

Correspondent

Correspondent Name: BENJAMIN HALTENHOF

Correspondent Address: 600 WASHINGTON AVE
15TH FLOOR
ST. LOUIS, MO 63101

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance: ENTITY CONVERSION

Reel/Frame: [5775/0144](#)

Pages: 4

Date Recorded: Apr. 21, 2016

Supporting Documents: [assignment-tm-5775-0144.pdf](#)

Assignor

Name: [BELLA FOUR BAKERY, INC.](#)

Execution Date: Apr. 11, 2016

Legal Entity Type: CORPORATION

State or Country: NEVADA

Where Organized:

Assignee

Name: [NATURE'S BAKERY, LLC](#)
Legal Entity Type: LIMITED LIABILITY COMPANY State or Country DELAWARE
Where Organized:
Address: 9460 DOUBLE R BLVD. SUITE 200
RENO, NEVADA 89521

Correspondent

Correspondent Name: SCOTT S. HAVLICK
Correspondent Address: P.O. BOX 8749
DENVER, CO 80201

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance: SECURITY INTEREST
Reel/Frame: [5859/0096](#) Pages: 11
Date Recorded: Aug. 18, 2016
Supporting Documents: [assignment-tm-5859-0096.pdf](#)

Assignor

Name: [NATURE'S BAKERY, LLC](#) Execution Date: Aug. 18, 2016
Legal Entity Type: LIMITED LIABILITY COMPANY State or Country DELAWARE
Where Organized:

Assignee

Name: [COMERICA BANK](#)
Legal Entity Type: TEXAS BANKING ASSOCIATION State or Country TEXAS
Where Organized:
Address: 39200 SIX MILE ROAD
MC 7578
LIVONIA, MICHIGAN 48152

Correspondent

Correspondent Name: KIMBERLY A. BERGER
Correspondent Address: 150 WEST JEFFERSON
SUITE 2500
DETROIT, MI 48226

Domestic Representative - Not Found

Assignment 4 of 4

Conveyance: RELEASE BY SECURED PARTY
Reel/Frame: [5861/0411](#) Pages: 2
Date Recorded: Aug. 22, 2016
Supporting Documents: [assignment-tm-5861-0411.pdf](#)

Assignor

Name: [GREAT SOUTHERN BANK](#) Execution Date: Aug. 22, 2016
Legal Entity Type: MISSOURI CHARTERED TRUST COMPANY State or Country MISSOURI
Where Organized:

Assignee

Name: [NATURE'S BAKERY, LLC](#)
Legal Entity Type: LIMITED LIABILITY COMPANY State or Country DELAWARE
Where Organized:
Address: 9460 DOUBLE R BLVD.
SUITE 200
RENO, NEVADA 89521

Correspondent

Correspondent Name: KAZUYO MORITA

Correspondent Address: P.O. BOX 8749
DENVER, CO 80201

Domestic Representative - Not Found

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Mark: NATURE'S BAKERY

**NATURE'S
BAKERY**

US Serial Number: 88365984

Application Filing Date: Apr. 01, 2019

US Registration Number: 5874205

Registration Date: Oct. 01, 2019

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. 01, 2019

Publication Date: Jul. 16, 2019

Mark Information

Mark Literal Elements: NATURE'S BAKERY

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 stylized word "NATURE'S" above the stylized word "BAKERY", where the "U" in "NATURE'S" is replaced by a happy face.

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

Disclaimer: "BAKERY"

Design Search Code(s): 02.11.16 - Smiley faces; Faces, smiley

Code(s): 27.03.02 - Humans forming punctuation; Humans forming letters or numerals

Related Properties Information

International Registration Number: 1473161

International Application(s) /Registration(s) Based on this Property: A0085665/1473161

Claimed Ownership of US Registrations: 3917078, 3917217

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 goods

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 15, 2019

Use in Commerce: Feb. 15, 2019

Used Anywhere in Another Form: The mark was first used anywhere in a different form other than that sought to be registered at least as early as 01/01/2004

Used in Commerce in Another Form: The mark was first used in commerce in a different form other than that sought to be registered at least as early as 01/01/2004

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Nature's Bakery, LLC

Owner Address: 9460 Double R Boulevard, Suite 200
Reno, NEVADA UNITED STATES 89521

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Allison Hagey

Attorney Primary Email Address: tmadmin@braunhagey.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: ALLISON HAGEY
BRAUNHAGEY & BORDEN LLP
351 CALIFORNIA STREET, 10TH FLOOR
SAN FRANCISCO, CALIFORNIA UNITED STATES 94104

Phone: 415-599-0210

Fax: 415-599-0210

Correspondent e-mail: tmadmin@braunhagey.com shadow@braunhagey.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 01, 2019	REGISTERED-PRINCIPAL REGISTER	
Jul. 16, 2019	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 16, 2019	PUBLISHED FOR OPPOSITION	
Jun. 26, 2019	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 12, 2019	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 11, 2019	ASSIGNED TO EXAMINER	76720
Apr. 20, 2019	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Apr. 19, 2019	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 04, 2019	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location**Current Location:** PUBLICATION AND ISSUE SECTION**Date in Location:** Oct. 01, 2019**Proceedings****Summary****Number of Proceedings:** 4**Type of Proceeding: Opposition****Proceeding Number:** [91266113](#)**Filing Date:** Nov 11, 2020**Status:** Pending**Status Date:** Nov 24, 2020**Interlocutory Attorney:** LAWRENCE (LARRY) T STANLEY**Defendant****Name:** M&M Innovation Limited**Correspondent Address:** JOEL D. LEVITON
STINSON LLP
50 SOUTH 6TH STREET, STE 2600
MINNEAPOLIS MN UNITED STATES , 55402**Correspondent e-mail:** trademark.mpl@stinson.com , joel.leviton@stinson.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
NATURE'S HAPPY	Opposition Pending	79276171	

Plaintiff(s)**Name:** Nature's Bakery, LLC**Correspondent Address:** ALLISON HAGEY
BRAUNHAGEY & BORDEN LLP
351 CALIFORNIA STREET, 10TH FLOOR
SAN FRANCISCO CA UNITED STATES , 94104**Correspondent e-mail:** tmadmin@braunhagey.com , shadow@braunhagey.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
NATURE'S BAKERY	Section 8 and 15 - Accepted and Acknowledged	85073368	3917078
NATURE'S BAKERY	REGISTERED AND RENEWED	85085946	3917217
NATURE'S BAKERY	Registered	88365984	5874205

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 11, 2020	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 24, 2020	Jan 03, 2021
3	INSTITUTED	Nov 24, 2020	
4	D MOT FOR EXT W/ CONSENT	Dec 30, 2020	
5	EXTENSION OF TIME GRANTED	Dec 30, 2020	
6	PAPER RECEIVED AT TTAB	Jan 06, 2021	

Type of Proceeding: Opposition**Proceeding Number:** [91265203](#)**Filing Date:** Oct 07, 2020**Status:** Pending**Status Date:** Oct 07, 2020**Interlocutory Attorney:** ANDREW P BAXLEY**Defendant****Name:** The Good Fat Co. Ltd.

Correspondent JASON M. KERR
Address: PRICE PARKINSON & KERR PLLC
5742 WEST HAROLD GATTY DRIVE, SUITE 101
SALT LAKE CITY UT UNITED STATES , 84116

Correspondent e-mail: jasonkerr@ppktrial.com , jp@ppktrial.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NATURE'S GOOD FAT	Opposition Pending	88257132	

Plaintiff(s)

Name: Nature's Bakery, LLC

Correspondent ALLISON HAGEY
Address: BRAUNHAGEY & BORDEN LLP
351 CALIFORNIA STREET, 10TH FLOOR
SAN FRANCISCO CA UNITED STATES , 94104

Correspondent e-mail: tmadmin@braunhagey.com , shadow@braunhagey.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NATURE'S BAKERY	Section 8 and 15 - Accepted and Acknowledged	85073368	3917078
NATURE'S BAKERY	REGISTERED AND RENEWED	85085946	3917217
NATURE'S BAKERY	Registered	88365984	5874205

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 07, 2020	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 07, 2020	Nov 16, 2020
3	INSTITUTED	Oct 07, 2020	
4	ANSWER	Nov 16, 2020	
5	P MOT FOR EXT W/ CONSENT	Jan 13, 2021	
6	EXTENSION OF TIME GRANTED	Jan 13, 2021	

Type of Proceeding: Opposition

Proceeding Number: [91255625](#)

Filing Date: May 04, 2020

Status: Terminated

Status Date: Sep 14, 2020

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Good Source Foods, LLC

Correspondent HILLARY J WUCHERER
Address: QUARLES & BRADY LLP
411 EAST WISCONSIN AVENUE, SUITE 2400
MILWAUKEE WI UNITED STATES , 53202

Correspondent e-mail: tm-dept@quarles.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NATURE'S GLYCEMIC INDEX	Notice of Allowance - Issued	88503401	

Plaintiff(s)

Name: Nature's Bakery, LLC

Correspondent ALLISON HAGEY
Address: BRAUNHAGEY & BORDEN LLP
351 CALIFORNIA STREET, 10TH FLOOR
SAN FRANCISCO CA UNITED STATES , 94104

Correspondent e-mail: tmadmin@braunhagey.com , shadow@braunhagey.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
NATURE'S BAKERY	Section 8 and 15 - Accepted and Acknowledged	85073368	3917078
NATURE'S BAKERY	REGISTERED AND RENEWED	85085946	3917217
NATURE'S BAKERY	Registered	88365984	5874205

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 04, 2020	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 04, 2020	Jun 13, 2020
3	INSTITUTED	May 04, 2020	
4	MOT TO AMEND APPLICATION	Jun 08, 2020	
5	RESPONSE DUE 30 DAYS (DUE DATE)	Aug 24, 2020	Sep 23, 2020
6	W/DRAW OF OPPOSITION	Aug 25, 2020	
7	BD DECISION: OPP DISMISSED W/O PREJ	Sep 14, 2020	
8	TERMINATED	Sep 14, 2020	

Type of Proceeding: Opposition

Proceeding Number: [91252953](#)

Filing Date: Dec 16, 2019

Status: Terminated

Status Date: Mar 16, 2020

Interlocutory Attorney: WINSTON T FOLMAR

Defendant

Name: G&Y Products Inc.

Correspondent Address: G&Y PRODUCTS INC
37 BLEEKER STREET
PATERSON NJ UNITED STATES , 07424

Correspondent e-mail: info@gyproduct.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
NATURE'S BLESSING	Abandoned - After Inter-Partes Decision	88484201	

Plaintiff(s)

Name: Nature's Bakery, LLC

Correspondent Address: ALLISON HAGEY
BRAUNHAGEY & BORDEN LLP
351 CALIFORNIA STREET, 10TH FLOOR
SAN FRANCISCO CA UNITED STATES , 94104

Correspondent e-mail: tmadmin@braunhagey.com , shadow@braunhagey.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
NATURE'S BAKERY	Section 8 and 15 - Accepted and Acknowledged	85073368	3917078
NATURE'S BAKERY	REGISTERED AND RENEWED	85085946	3917217
NATURE'S BAKERY	Registered	88365984	5874205

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 16, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 16, 2019	Jan 25, 2020
3	INSTITUTED	Dec 16, 2019	
4	NOTICE OF DEFAULT	Feb 04, 2020	
5	BD DECISION: OPP SUSTAINED	Mar 16, 2020	
6	TERMINATED	Mar 16, 2020	