

ESTTA Tracking number: **ESTTA1135775**

Filing date: **05/24/2021**

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	Tootsie Roll Industries, LLC
Granted to Date of previous extension	06/05/2021
Address	7401 SOUTH CICERO AVENUE CHICAGO, IL 60629 UNITED STATES
Attorney information	JOHN L. WELCH WOLF, GREENFIELD & SACKS, P.C. 600 ATLANTIC AVENUE BOSTON, MA 02210 UNITED STATES Primary Email: jlwtrademarks@wolfgreenfield.com Secondary Email(s): drwtrademarks@wolfgreenfield.com 617-646-8000
Docket Number	T00335037100

Applicant Information

Application No.	90294127	Publication date	04/06/2021
Opposition Filing Date	05/24/2021	Opposition Period Ends	06/05/2021
Applicant	Home Brew Mart, Inc. 166 GATEWAY ROAD EAST NAPA, CA 92121 UNITED STATES		

Goods/Services Affected by Opposition

Class 032. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Beer; Beer-based cocktails; Fruit drinks and fruit juices; Mineral and aerated waters

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)
Other	Common law rights in DOTS

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1098933	Application Date	08/17/1977
Registration Date	08/08/1978	Foreign Priority Date	NONE
Word Mark	DOTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1945/06/02 First Use In Commerce: 1945/06/02 CANDY		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	DOTS		
Goods/Services	candy and various other products, including clothing, jewelry, cosmetics, picture frames, stationery, toy banks, and other ancillary products		

Attachments	T0033.50371US00 - Notice of Opposition.pdf(140467 bytes)
-------------	---

Signature	/johnlwelch/
Name	JOHN L. WELCH
Date	05/24/2021

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

_____)	
TOOTSIE ROLL INDUSTRIES, LLC,)	
)	
Opposer,)	
)	Opposition No.
v.)	
)	
HOME BREW MART, INC.,)	Application S.N.
)	90/294,127
Applicant.)	
_____)	

NOTICE OF OPPOSITION

TOOTSIE ROLL INDUSTRIES, LLC (Opposer), a Delaware limited liability company with an office at 7401 South Cicero Avenue, Chicago, Illinois 60629, believes that it will be damaged by registration of the mark DOT’S – which mark is the subject of Application Serial No. 90/294,127, filed by HOME BREW MART, INC. (Applicant) and published for opposition in the *Official Gazette* of April 6, 2021 – and hereby opposes said Application.

The grounds for the opposition are as follows:

1. Applicant seeks to register the mark DOT’S, in standard character form, as a trademark mark for “Beer; Beer-based cocktails; Fruit drinks and fruit juices; Mineral and aerated waters.”

2. The opposed Application was filed on November 12, 2020, based upon an alleged *bona fide* intention to use the mark in commerce under Section 1(b) of the Lanham Act.

3. From a date long prior to Applicant’s filing date, Opposer has continuously and extensively used the trademark DOTS in connection with candy and

various other products, including clothing, jewelry, cosmetics, picture frames, stationery, toy banks, and other ancillary products.

4. Opposer is the owner of United States Trademark Registration No. 1,098,933 for the mark DOTS for "candy." Said registration issued on August 8, 1978. Under 15 U.S.C. § 1115(b), said registration is conclusive evidence of the validity of the registered mark, of Opposer's ownership thereof, and of Opposer's exclusive right to use this mark in commerce in connection with the goods specified in the registration. Pursuant to Trademark Rule 2.122(d), attached is a printout of the electronic record of the USPTO for said registration.

5. The goods set forth in Application Serial No. 90/294,127 are closely related to the goods with which Opposer has used and is using its mark DOTS. On information and belief, Applicant's goods will be offered to the same general classes of consumers who purchase the goods with which Opposer has used and is using its DOTS mark.

6. The mark DOT'S sought to be registered by Applicant is legally identical to Opposer's registered mark DOTS.

7. In view of the legal identity of the involved marks and the close relatedness of the involved goods, if Applicant's proposed mark is used in connection with its identified goods, such use would be likely to cause confusion, mistake, or deception of relevant consumers as to the source of Applicant's products. Customers and potential customers are likely to believe that Applicant's goods offered under the mark DOT'S emanate from, or are licensed or approved by, Opposer, when that is not the case. Any dissatisfaction with Applicant's goods will reflect upon and irreparably damage the reputation and goodwill of Opposer as embodied in its DOTS mark.

Consequently, there exists a likelihood of confusion under Section 2(d) of the Lanham Act.

8. For purposes of the anti-dilution provisions of Section 43(c) of the Lanham Act, Opposer's mark DOTS has become famous from a time long prior to Applicant's filing date.

9. Applicant's use of the mark DOT'S is likely to dilute by blurring, and thereby impair, the distinctive quality of Opposer's DOTS trademark, in violation of Section 43(c).

10. If Applicant is granted the registration herein opposed, it would thereby obtain a *prima facie* exclusive right to use the mark DOT'S for its goods, which would be a further source of damage to Opposer.

WHEREFORE, Opposer believes that it will be damaged by registration of said mark, and prays that this Opposition be sustained, that Application Serial No. 90/294,127 be rejected, and that the mark applied for therein be refused registration.

TOOTSIE ROLL INDUSTRIES, LLC



John L. Welch, Esq.
Wolf, Greenfield & Sacks, PC
600 Atlantic Avenue
Boston, MA 02210
617-646-8000
jlwtrademarks@wolfgreenfield.com

Generated on: This page was generated by TSDR on 2021-05-24 09:57:29 EDT

Mark: DOTS

US Serial Number: 73137827

Application Filing Date: Aug. 17, 1977

US Registration Number: 1098933

Registration Date: Aug. 08, 1978

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: Oct. 12, 2017

Mark Information

Mark Literal Elements: DOTS

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Claimed Ownership of US Registrations: 0532417, 0826993, 0835363

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: CANDY

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 02, 1945

Use in Commerce: Jun. 02, 1945

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

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

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

Current Owner(s) Information

Owner Name: TOOTSIE ROLL INDUSTRIES, LLC
Owner Address: 7401 S. CICERO AVE.
CHICAGO, ILLINOIS UNITED STATES 60629
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: DOUGLAS R. WOLF
Attorney Primary Email Address: drwtrademarks@wolfgreenfield.com
Docket Number: T003320245US
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: DOUGLAS R. WOLF
WOLF GREENFIELD & SACKS PC
600 ATLANTIC AVE
BOSTON, MASSACHUSETTS UNITED STATES 02210-2211
Phone: 617-646-8000
Fax: 617-646-8646
Correspondent e-mail: drwtrademarks@wolfgreenfield.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 12, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Oct. 12, 2017	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	59136
Oct. 12, 2017	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	59136
Oct. 12, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	59136
Sep. 13, 2017	TEAS SECTION 8 & 9 RECEIVED	
Feb. 25, 2015	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 23, 2008	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	67603
May 23, 2008	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
May 16, 2008	TEAS SECTION 8 & 9 RECEIVED	
Jan. 14, 2008	POST REGISTRATION ACTION MAILED - SEC. 8 & 9	67603
Jan. 07, 2008	ASSIGNED TO PARALEGAL	67603
Jan. 03, 2008	TEAS SECTION 8 & 9 RECEIVED	
Dec. 31, 2007	CASE FILE IN TICRS	
Feb. 07, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 17, 1998	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Jul. 31, 1998	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Jul. 28, 1998	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Oct. 24, 1983	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Oct. 12, 2017

Assignment Abstract Of Title Information

Summary

Total Assignments: 8

Registrant: TOOTSIE ROLL INDUSTRIES, INC.

Assignment 1 of 8

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [3470/0568](#)

Pages: 10

Date Recorded: Jan. 30, 2007

Supporting Documents: [assignment-tm-3470-0568.pdf](#)**Assignor**Name: [TOOTSIE ROLL INDUSTRIES, INC.](#)

Execution Date: Jan. 19, 2007

Legal Entity Type: CORPORATION

State or Country Where Organized: VIRGINIA

AssigneeName: [CGC, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 7401 SOUTH CICERO AVENUE
CHICAGO, ILLINOIS 60629**Correspondent**

Correspondent Name: DOUGLAS R. WOLF

Correspondent Address: 600 ATLANTIC AVENUE
BOSTON, MA 02210-2206**Domestic Representative - Not Found****Assignment 2 of 8**

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [3470/0578](#)

Pages: 10

Date Recorded: Jan. 30, 2007

Supporting Documents: [assignment-tm-3470-0578.pdf](#)**Assignor**Name: [CGC, INC.](#)

Execution Date: Jan. 19, 2007

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

AssigneeName: [CHARMS MARKETING COMPANY](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: ILLINOIS

Address: 7401 SOUTH CICERO AVENUE
CHICAGO, ILLINOIS 60629**Correspondent**

Correspondent Name: DOUGLAS R. WOLF

Correspondent Address: 600 ATLANTIC AVENUE
BOSTON, MA 02210-2206**Domestic Representative - Not Found****Assignment 3 of 8**

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [3470/0600](#)

Pages: 14

Date Recorded: Jan. 30, 2007

Supporting Documents: [assignment-tm-3470-0600.pdf](#)

Assignor

Name: [CHARMS MARKETING COMPANY](#)
Legal Entity Type: CORPORATION
Execution Date: Jan. 19, 2007
State or Country Where Organized: ILLINOIS

Assignee

Name: [TOOTSIE ROLL BRANDS LLC](#)
Legal Entity Type: LIMITED LIABILITY COMPANY
Address: 7401 SOUTH CICERO AVENUE
CHICAGO, ILLINOIS 60629
State or Country Where Organized: DELAWARE

Correspondent

Correspondent Name: DOUGLAS R. WOLF
Correspondent Address: 600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

Domestic Representative - Not Found**Assignment 4 of 8**

Conveyance: ASSIGNS THE ENTIRE INTEREST
Reel/Frame: [3470/0771](#) **Pages:** 16
Date Recorded: Jan. 30, 2007
Supporting Documents: [assignment-tm-3470-0771.pdf](#)

Assignor

Name: [TOOTSIE ROLL BRANDS LLC](#)
Legal Entity Type: LIMITED LIABILITY COMPANY
Execution Date: Jan. 19, 2007
State or Country Where Organized: DELAWARE

Assignee

Name: [CHARMS MARKETING COMPANY](#)
Legal Entity Type: CORPORATION
Address: 7401 SOUTH CICERO AVENUE
CHICAGO, ILLINOIS 60629
State or Country Where Organized: ILLINOIS

Correspondent

Correspondent Name: DOUGLAS R. WOLF
Correspondent Address: 600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

Domestic Representative - Not Found**Assignment 5 of 8**

Conveyance: ASSIGNS THE ENTIRE INTEREST
Reel/Frame: [3470/0797](#) **Pages:** 16
Date Recorded: Jan. 30, 2007
Supporting Documents: [assignment-tm-3470-0797.pdf](#)

Assignor

Name: [CHARMS MARKETING COMPANY](#)
Legal Entity Type: CORPORATION
Execution Date: Jan. 19, 2007
State or Country Where Organized: ILLINOIS

Assignee

Name: [CGC, INC.](#)
Legal Entity Type: CORPORATION
Address: 7401 SOUTH CICERO AVENUE
CHICAGO, ILLINOIS 60629
State or Country Where Organized: DELAWARE

Correspondent

Correspondent Name: DOUGLAS R. WOLF
Correspondent Address: 600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

Domestic Representative - Not Found

Assignment 6 of 8

Conveyance: ASSIGNS THE ENTIRE INTEREST
Reel/Frame: [3470/0867](#) **Pages:** 16
Date Recorded: Jan. 30, 2007
Supporting Documents: [assignment-tm-3470-0867.pdf](#)

Assignor

Name: [CGC, INC.](#) **Execution Date:** Jan. 19, 2007
Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Assignee

Name: [TOOTSIE ROLL INDUSTRIES, INC.](#) **State or Country Where Organized:** VIRGINIA
Legal Entity Type: CORPORATION
Address: 7401 SOUTH CICERO AVENUE
CHICAGO, ILLINOIS 60629

Correspondent

Correspondent Name: DOUGLAS R. WOLF
Correspondent Address: 600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

Domestic Representative - Not Found

Assignment 7 of 8

Conveyance: ASSIGNS THE ENTIRE INTEREST
Reel/Frame: [3470/0883](#) **Pages:** 16
Date Recorded: Jan. 30, 2007
Supporting Documents: [assignment-tm-3470-0883.pdf](#)

Assignor

Name: [TOOTSIE ROLL INDUSTRIES, INC.](#) **Execution Date:** Jan. 19, 2007
Legal Entity Type: CORPORATION **State or Country Where Organized:** VIRGINIA

Assignee

Name: [TOOTSIE ROLL INDUSTRIES, LLC](#) **State or Country Where Organized:** ILLINOIS
Legal Entity Type: LIMITED LIABILITY COMPANY
Address: 7401 SOUTH CICERO AVENUE
CHICAGO, ILLINOIS 60629

Correspondent

Correspondent Name: DOUGLAS R. WOLF
Correspondent Address: 600
BOSTON, MA 02210-2206

Domestic Representative - Not Found

Assignment 8 of 8

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT THE STATE OF ORGANIZATION FROM ILLINOIS TO DELAWARE PREVIOUSLY RECORDED ON REEL 003470 FRAME 0883. ASSIGNOR(S) HEREBY CONFIRMS THE ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL.

Reel/Frame: [5461/0883](#)

Pages: 23

Date Recorded: Feb. 18, 2015

Supporting Documents: [assignment-tm-5461-0883.pdf](#)

Assignor

Name: [TOOTSIE ROLL INDUSTRIES, INC.](#)

Execution Date: Jan. 19, 2007

Legal Entity Type: CORPORATION

State or Country Where Organized: VIRGINIA

Assignee

Name: [TOOTSIE ROLL INDUSTRIES, LLC](#)

State or Country Where Organized: DELAWARE

Legal Entity Type: LIMITED LIABILITY COMPANY

Address: 7401 SOUTH CICERO AVENUE
CHICAGO, ILLINOIS 60629

Correspondent

Correspondent Name: DOUGLAS R. WOLF

Correspondent Address: 600 ATLANTIC AVENUE
WOLF GREENFIELD & SACKS, P.C.
BOSTON, MA 02210

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 11

Type of Proceeding: Opposition

Proceeding Number: [91239666](#)

Filing Date: Feb 23, 2018

Status: Terminated

Status Date: Jun 17, 2018

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Tiger Food Brands Intellectual Property Holding Company (PTY) Limited

Correspondent Address: JEFFREY SMITH
MILLEN-WHITE
2200 CLARENDON BLVD STE 1400
ARLINGTON VA UNITED STATES , 22201-3360

Correspondent e-mail: docketing@mwzb.com , smithj@mwzb.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
JELLY TOTS	Abandoned - After Inter-Partes Decision	86746170	

Plaintiff(s)

Name: Tootsie Roll Industries, LLC

Correspondent Address: RYAN M VAN OLST
WOLF GREENFIELD & SACKS PC
600 ATLANTIC AVENUE
BOSTON MA UNITED STATES , 02210

Correspondent e-mail: rmvtrademarks@wolfgreenfield.com , drwtrademarks@wolfgreenfield.com , jlwtrademarks@wolfgreenfield.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
DOTS	REGISTERED AND RENEWED	73137827	1098933

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 23, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 23, 2018	Apr 04, 2018
3	PENDING, INSTITUTED	Feb 23, 2018	
4	NOTICE OF DEFAULT	Apr 14, 2018	
5	BD DECISION: SUSTAINED	Jun 17, 2018	
6	TERMINATED	Jun 17, 2018	

Type of Proceeding: Cancellation

Proceeding Number: [92067991](#)

Filing Date: Feb 23, 2018

Status: Consolidated/Child Case

Status Date: Jan 26, 2020

Interlocutory Attorney: JENNIFER ELGIN

Defendant

Name: Europastry, S.A.

Correspondent Address: LAWRENCE E ABELMAN
ABELMAN FRAYNE & SCHWAB
666 3RD AVE, 10TH FLOOR
NEW YORK NY UNITED STATES , 10017-4011

Correspondent e-mail: fterranella@lawabel.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
DOTS ORIGINAL	Cancelled - Section 8	86012800	4497415

Plaintiff(s)

Name: Tootsie Roll Industries, LLC

Correspondent Address: DOUGLAS R WOLF
WOLF GREENFIELD & SACKS PC
600 ATLANTIC AVENUE
BOSTON MA UNITED STATES , 02210

Correspondent e-mail: drwtrademarks@wolfgreenfield.com , jlwtrademarks@wolfgreenfield.com , sgstrademarks@wolfgreenfield.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
DOTS	REGISTERED AND RENEWED	73137827	1098933

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 23, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 01, 2018	Apr 10, 2018
3	PENDING, INSTITUTED	Mar 01, 2018	
4	D MOT FOR EXT W/ CONSENT	Apr 05, 2018	
5	EXTENSION OF TIME GRANTED	Apr 05, 2018	
6	D MOT FOR EXT W/ CONSENT	Jun 07, 2018	
7	EXTENSION OF TIME GRANTED	Jun 07, 2018	
8	D MOT FOR EXT W/ CONSENT	Aug 01, 2018	
9	EXTENSION OF TIME GRANTED	Aug 01, 2018	
10	ANSWER	Nov 05, 2018	
11	P CHANGE OF CORRESP ADDRESS	Feb 08, 2019	
12	CONSOL GRANTED; CHILD OF 91237156	Feb 13, 2019	
13	RESPONSE DUE	May 11, 2021	

Type of Proceeding: Opposition

Proceeding Number: [91237346](#)

Filing Date: Oct 20, 2017

Status: Terminated

Status Date: Jan 31, 2018

Interlocutory Attorney: MIKE WEBSTER

Defendant

Name: Ozark Sugarmill Inc

Correspondent Address: OZARK SUGARMILL INC
1323 W SUNSHINE ST
SPRINGFIELD MO UNITED STATES , 65807

Correspondent e-mail: trina@dotpops.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
DOTPOPS POPCORN	Abandoned - After Inter-Partes Decision	87248886	

Plaintiff(s)

Name: Tootsie Roll Industries, LLC

Correspondent Address: RYAN M VAN OLST
WOLF GREENFIELD & SACKS PC
600 ATLANTIC AVENUE, FEDERAL RESERVE PLAZA
BOSTON MA UNITED STATES , 02210

Correspondent e-mail: drwtrademarks@wolfgreenfield.com , rmvtrademarks@wolfgreenfield.com , jlwtrademarks@wolfgreenfield.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
DOTS	REGISTERED AND RENEWED	73137827	1098933

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 20, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 20, 2017	Nov 29, 2017
3	PENDING, INSTITUTED	Oct 20, 2017	
4	NOTICE OF DEFAULT	Dec 09, 2017	
5	BD DECISION: SUSTAINED	Jan 31, 2018	
6	TERMINATED	Jan 31, 2018	
7	D UNDELIVERABLE MAIL	Feb 12, 2018	

Type of Proceeding: Opposition

Proceeding Number: [91237156](#)

Filing Date: Oct 11, 2017

Status: Suspended

Status Date: Apr 04, 2019

Interlocutory Attorney: JENNIFER ELGIN

Defendant

Name: Europastry, S.A.

Correspondent Address: ERICA R HALSTEAD
ABELMAN FRAYNE & SCHWAB
666 THIRD AVE, 10TH FLOOR
NEW YORK NY UNITED STATES , 10017

Correspondent e-mail: ehalstead@lawabel.com , erhalstead@lawabel.com , docket@lawabel.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
DOTS ORIGINAL	Opposition Pending	87297059	

Plaintiff(s)

Name: Tootsie Roll Industries, LLC

Correspondent Address: DOUGLAS R. WOLF
WOLF, GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA UNITED STATES , 02210

Correspondent e-mail: dwtrademarks@wolfgreenfield.com , jlwtrademarks@wolfgreenfield.com , azstrademarks@wolfgreenfield.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
DOTS	REGISTERED AND RENEWED	73137827	1098933

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 11, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 11, 2017	Nov 20, 2017
3	PENDING, INSTITUTED	Oct 11, 2017	
4	NOTICE OF DEFAULT	Nov 30, 2017	
5	D CHANGE OF CORRESP ADDRESS	Dec 18, 2017	
6	D MOT TO SET ASIDE NOTICE OF DEFAULT AND ACCEPT LATE ANSWER	Dec 18, 2017	
7	TRIAL DATES RESET	Jan 23, 2018	
8	D MOT FOR EXT W/ CONSENT	Mar 19, 2018	
9	EXTENSION OF TIME GRANTED	Mar 19, 2018	
10	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Apr 19, 2018	
11	SUSPENDED	Apr 19, 2018	
12	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Aug 01, 2018	
13	SUSPENDED	Aug 01, 2018	
14	P MOT FOR EXT W/ CONSENT	Jan 30, 2019	
15	EXTENSION OF TIME GRANTED	Jan 31, 2019	
16	P MOT TO CONSOLIDATE	Feb 08, 2019	
17	P CHANGE OF CORRESP ADDRESS	Feb 08, 2019	
18	CONSOL W/92067991; TRIAL DATES REMAIN AS SET	Feb 13, 2019	
19	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Apr 04, 2019	
20	SUSPENDED	Apr 04, 2019	
21	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jul 03, 2019	
22	SUSPENDED	Jul 08, 2019	
23	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Sep 09, 2019	
24	SUSPENDED	Sep 10, 2019	
25	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Nov 05, 2019	
26	SUSPENDED	Nov 06, 2019	
27	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Dec 23, 2019	
28	SUSPENDED	Jan 03, 2020	
29	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Mar 17, 2020	
30	SUSPENDED	Mar 23, 2020	
31	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Sep 14, 2020	
32	SUSPENDED	Sep 16, 2020	
33	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Oct 07, 2020	
34	SUSPENDED	Oct 13, 2020	
35	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Dec 14, 2020	
36	P CHANGE OF CORRESP ADDRESS	Dec 14, 2020	
37	SUSPENDED	Dec 15, 2020	
38	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Feb 12, 2021	
39	SUSPENDED	Apr 21, 2021	
40	RESPONSE DUE	May 11, 2021	
41	D RESP TO BD ORDER/INQUIRY	May 20, 2021	

Type of Proceeding: Opposition

Proceeding Number: [91233585](#)

Filing Date: Mar 22, 2017

Status: Terminated

Status Date: Feb 05, 2019

Interlocutory Attorney: JENNIFER KRISP

Defendant**Name:** Jaz Foods, Inc.**Correspondent Address:** DANIEL J SMOLA
HAHN LOESER & PARKS LLP
200 PUBLIC SQUARE SUITE 2800
CLEVELAND OH UNITED STATES , 44114**Correspondent e-mail:** trademarks@hahnlaw.com , dsmola@hahnlaw.com , awilcox@hahnlaw.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
DONUTS AND DOTS	Abandoned - After Inter-Partes Decision	87070923	

Plaintiff(s)**Name:** Tootsie Roll Industries, LLC**Correspondent Address:** STEPHANIE G STELLA
WOLF GREENFIELD & SACKS PC
600 ATLANTIC AVENUE, FEDERAL RESERVE PLAZA
BOSTON MA UNITED STATES , 02210**Correspondent e-mail:** drwtrademarks@wolfgreenfield.com , sgstrademarks@wolfgreenfield.com , jlwtrademarks@wolfgreenfield.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
DOTS	REGISTERED AND RENEWED	73137827	1098933

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 22, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 26, 2017	May 05, 2017
3	PENDING, INSTITUTED	Mar 26, 2017	
4	ANSWER	May 04, 2017	
5	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jun 30, 2017	
6	SUSPENDED	Jun 30, 2017	
7	P MOT FOR EXT W/ CONSENT	Nov 10, 2017	
8	EXTENSION OF TIME GRANTED	Nov 10, 2017	
9	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Apr 25, 2018	
10	SUSPENDED	Apr 25, 2018	
11	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	May 24, 2018	
12	SUSPENDED	May 24, 2018	
13	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jul 24, 2018	
14	SUSPENDED	Jul 24, 2018	
15	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Sep 27, 2018	
16	SUSPENDED	Sep 27, 2018	
17	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Oct 29, 2018	
18	SUSPENDED	Oct 29, 2018	
19	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jan 14, 2019	
20	SUSPENDED	Jan 14, 2019	
21	W/DRAW OF OPPOSITION	Jan 30, 2019	
22	BD DECISION: OPP DISMISSED W/O PREJ	Feb 05, 2019	
23	TERMINATED	Feb 05, 2019	

Type of Proceeding: Opposition**Proceeding Number:** [91228135](#)**Filing Date:** May 20, 2016**Status:** Terminated**Status Date:** Aug 29, 2016**Interlocutory Attorney:** ROBERT COGGINS**Defendant**

Name: kress foods international

Correspondent Address: KRESS FOODS INTERNATIONAL
PO BOX 127
CEDARHURST NY UNITED STATES , 11516

Mark	Application Status	Serial Number	Registration Number
FRUIT DOTZ	Abandoned - After Inter-Partes Decision	86739967	

Plaintiff(s)

Name: Tootsie Roll Industries, LLC

Correspondent Address: CHRISTINA M LICURSI
WOLF GREENFIELD & SACKS PC
600 ATLANTIC AVENUE, FEDERAL RESERVE PLZ
BOSTON MA UNITED STATES , 02210

Correspondent e-mail: cxltrademarks@wolfgreenfield.com , jwtrademarks@wolfgreenfield.com

Mark	Application Status	Serial Number	Registration Number
DOTS	REGISTERED AND RENEWED	73137827	1098933

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 20, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 27, 2016	Jul 06, 2016
3	PENDING, INSTITUTED	May 27, 2016	
4	NOTICE OF DEFAULT	Jul 16, 2016	
5	BD DECISION: SUSTAINED	Aug 29, 2016	
6	TERMINATED	Aug 29, 2016	

Type of Proceeding: Opposition

Proceeding Number: [91206142](#)

Filing Date: Jul 18, 2012

Status: Terminated

Status Date: Oct 26, 2012

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Dippin Dots, L.L.C.

Correspondent Address: TODD E STOCKWELL
STOCKWELL & SMEDLEY PSC
861 CORPORATE DRIVE , SUITE 200
LEXINGTON KY UNITED STATES , 40503-5434

Correspondent e-mail: ctsmedly@stockwell.us , testockwell@stockwell.us

Mark	Application Status	Serial Number	Registration Number
DOGGIE DOTS	Abandoned - No Statement Of Use Filed	85437829	

Plaintiff(s)

Name: Tootsie Roll Industries, LLC

Correspondent Address: DOUGLAS R WOLF
WOLF GREENFIELD & SACKS PC
600 ATLANTIC AVENUE
BOSTON MA UNITED STATES , 02210

Correspondent e-mail: drwtrademarks@wolfgreenfield.com , azdtrademarks@wolfgreenfield.com

Mark	Application Status	Serial Number	Registration Number
DOTS	REGISTERED AND RENEWED	73137827	1098933

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 18, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 18, 2012	Aug 27, 2012
3	PENDING, INSTITUTED	Jul 18, 2012	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 23, 2012	
5	EXTENSION OF TIME GRANTED	Aug 27, 2012	
6	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Sep 26, 2012	
7	EXTENSION OF TIME GRANTED	Sep 27, 2012	
8	WITHDRAWAL OF OPPOSITION	Oct 25, 2012	
9	BD'S DECISION: DISMISSED W/O PREJUDICE	Oct 26, 2012	
10	TERMINATED	Oct 26, 2012	

Type of Proceeding: Opposition

Proceeding Number: [91201650](#)

Filing Date: Sep 16, 2011

Status: Terminated

Status Date: Feb 06, 2012

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: April White

Correspondent Address: APRIL C WHITE
4771 BAYOU BLVD, SUITE 3
PENSACOLA FL UNITED STATES , 32503-1906

Correspondent e-mail: persiaapril@yahoo.com , bbcandystore@yahoo.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
DIZZY DOTS	Abandoned - After Inter-Partes Decision	85207892	

Plaintiff(s)

Name: Tootsie Roll Industries, LLC

Correspondent Address: DOUGLAS R WOLF
WOLF GREENFIELD & SACKS PC
600 ATLANTIC AVENUE, FEDERAL RESERVE PLAZA
BOSTON MA UNITED STATES , 02210

Correspondent e-mail: drwtrademarks@wolfgreenfield.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
DOTS	REGISTERED AND RENEWED	73137827	1098933

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 16, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 16, 2011	Oct 26, 2011
3	PENDING, INSTITUTED	Sep 16, 2011	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Oct 25, 2011	
5	EXTENSION OF TIME GRANTED	Nov 04, 2011	
6	NOTICE OF DEFAULT	Nov 21, 2011	
7	D'S UNDELIVERABLE MAIL	Nov 30, 2011	
8	NOTICE OF DEFAULT	Dec 12, 2011	
9	BOARD'S DECISION: SUSTAINED	Feb 06, 2012	
10	TERMINATED	Feb 06, 2012	

Type of Proceeding: Opposition

Proceeding Number: [91198234](#)

Filing Date: Jan 19, 2011

Status: Terminated

Status Date: Jan 31, 2011

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: iBrands USA LLC

Correspondent Address: IAN MARTINEZ
THE LAW OFFICES OF MARTINEZ PA
815 PONCE DE LEON BLVD, STE 202
CORAL GABLES FL UNITED STATES , 33134

Correspondent e-mail: imartinez@lomalegal.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CHOCO DOTS	Abandoned - After Inter-Partes Decision	85019813	

Plaintiff(s)

Name: Tootsie Roll Industries, LLC

Correspondent Address: DOUGLAS R WOLF
WOLF GREENFIELD & SACKS PC
600 ATLANTIC AVE
BOSTON MA UNITED STATES , 02210

Correspondent e-mail: cxltrademarks@wolfgreenfield.com , drwtrademarks@wolfgreenfield.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
DOTS	REGISTERED AND RENEWED	73137827	1098933

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 19, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 19, 2011	Feb 28, 2011
3	PENDING, INSTITUTED	Jan 19, 2011	
4	WITHDRAWAL OF APPLICATION WITH CONSENT	Jan 26, 2011	
5	BD'S DECISION: DISMISSED W/O PREJUDICE	Jan 31, 2011	
6	TERMINATED	Jan 31, 2011	

Type of Proceeding: Opposition

Proceeding Number: [91183814](#)

Filing Date: Apr 30, 2008

Status: Terminated

Status Date: Jun 01, 2009

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: JOE POTS

Correspondent Address: Joe Pots
P.O. Box 752
Harrisburg IL UNITED STATES , 62946

Associated marks

Mark	Application Status	Serial Number	Registration Number
DOT.COMS	Abandoned - After Inter-Partes Decision	77229941	

Plaintiff(s)

Name: Tootsie Roll Industries, LLC

Correspondent Address: Douglas R. Wolf/Lisa W. Martin
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston MA UNITED STATES , 02210

Correspondent e-mail: drwtrademarks@wolfgreenfield.com , lwtrademarks@wolfgreenfield.com

mail:

Mark	Application Status	Serial Number	Registration Number
DOTS	REGISTERED AND RENEWED	73137827	1098933

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 30, 2008	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 30, 2008	Jun 09, 2008
3	PENDING, INSTITUTED	Apr 30, 2008	
4	D'S REQUEST TO WITHDRAW AS ATTORNEY	May 05, 2008	
5	RESPONSE DUE 30 DAYS (DUE DATE)	Jun 05, 2008	Jul 05, 2008
6	ANSWER	Jun 06, 2008	
7	DUPLICATE ANSWER (ENTRY NO. 6)	Jun 10, 2008	
8	P'S MOTION FOR SUMMARY JUDGMENT	Mar 17, 2009	
9	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Mar 25, 2009	
10	BOARD'S DECISION: SUSTAINED	Jun 01, 2009	
11	TERMINATED	Jun 01, 2009	

Type of Proceeding: Opposition

Proceeding Number: [91107972](#)

Filing Date: Sep 26, 1997

Status: Terminated

Status Date: Jun 30, 1998

Interlocutory Attorney: LINDA M SKORO

Defendant

Name: THE TOPPS COMPANY, INC.

Correspondent Address: MARK T. BASSECHES
REID & PRIEST LLP
40 W 57TH STREET
NEW YORK NY UNITED STATES , 10019-4097

Mark	Application Status	Serial Number	Registration Number
DOT COM	Abandoned - After Inter-Partes Decision	75166132	

Plaintiff(s)

Name: TOOTSIE ROLL INDUSTRIES, INC.

Correspondent Address: DOUGLAS R. WOLF
WOLF, GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE FEDERAL RESERVE PLAZA
BOSTON MA UNITED STATES , 02210

Mark	Application Status	Serial Number	Registration Number
DOTS	REGISTERED AND RENEWED	73137827	1098933

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 26, 1997	
2	NOTICE SENT; ANSWER DUE (DUE DATE)	Oct 10, 1997	Nov 19, 1997
3	PENDING, INSTITUTED	Oct 10, 1997	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Nov 12, 1997	
5	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jan 06, 1998	
6	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Feb 10, 1998	
7	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 10, 1998	
8	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Apr 13, 1998	
9	WITHDRAWAL OF 75/166,132 W/CON	Apr 23, 1998	
10	BD'S DECISION: DISMISSED W/O PREJUDICE	Jun 30, 1998	

