

ESTTA Tracking number: **ESTTA1176614**

Filing date: **12/06/2021**

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	AOB PRODUCTS COMPANY
Granted to Date of previous extension	12/05/2021
Address	1800 NORTH ROUTE Z COLUMBIA, MO 65202 UNITED STATES
Correspondence information	HARA K. JACOBS BALLARD SPAHR LLP 1735 MARKET STREET, 51ST FLOOR PHILADELPHIA, PA 19103 UNITED STATES Primary Email: phx_tmddocketing@ballardspahr.com Secondary Email(s): jacobsh@ballardspahr.com, deschanej@ballardspahr.com, hargensm@ballardspahr.com, robbinsn@ballardspahr.com 215-864-8209

**Applicant Information**

Application No.	90075528	Publication date	06/08/2021
Opposition Filing Date	12/06/2021	Opposition Period Ends	12/05/2021
Applicant	Bubba Foods, LLC 4339 ROOSEVELT BLVD., STE. 400 JACKSONVILLE, FL 32210 UNITED STATES		

**Goods/Services Affected by Opposition**


Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Apparel, namely, t-shirts, hats
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**Grounds for Opposition**

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

U.S. Application No.	88135177	Application Date	09/27/2018
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	BUBBA
Design Mark	
Description of Mark	The mark consists of the word "BUBBA" in upper case block letters, the "A" being formed around the shape of a fish hook.
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0 Protective face guards for fishing</p> <p>Class 016. First use: First Use: 0 First Use In Commerce: 0 Decals</p> <p>Class 025. First use: First Use: 0 First Use In Commerce: 0 Clothing, namely, shirts, shorts, sweatshirts, T-shirts, pants, leggings, dresses, boxer shorts, tank tops, vests, fishing bandanas, headwear</p> <p>Class 028. First use: First Use: 0 First Use In Commerce: 0 Fishing equipment, namely, fishing lures, fishing leaders, fishing hooks, fishing spinners, fishing plugs, fishing flies, fishing buoys, fishing poles, fishinggaffs, fishing sinkers, fishing creels, fishing tackle, fishing reels, fishing rods, fishing lines, fishing floats, fishing weights, fishing lure boxes, fishing tackle containers, fishing safety harness, fishing rod holders, fishing rod handles, fishing rod blanks, fishing fly boxes, fly fishing stripper baskets, hand-held fishing nets, fishing bait holder, artificial fishing bait, gut for fishing, spears for use in fishing, fish hooks, fish hook removers, fishing clamps for use in holding fish to remove fish hooks, fish bite alarm and strike indicator, sportsman's fishing bags; fishing rod belts</p>

Attachments	88135177#TMSN.png( bytes ) NOTICE OF OPPOSITION BUBBA FOODS and EXHIBIT A.pdf(64317 bytes )
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Signature	/Hara Jacobs/
Name	HARA K. JACOBS
Date	12/06/2021

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

In the Matter of Application Serial No. 90/075,528

For the mark: BUBBA BURGER

Published: June 8, 2021


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AOB Products Company,	:	
	:	
Opposer,	:	
	:	
	:	
v.	:	
	:	Opposition No. _____
	:	
	:	
Bubba Foods, LLC,	:	
	:	
Applicant.	:	

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**NOTICE OF OPPOSITION**

AOB Products Company, a Missouri corporation having its principal place of business at 1800 North Route Z, Columbia, Missouri 65202 (“AOB” or “Opposer”), believes that it will be damaged by the registration of the mark BUBBA BURGER as shown in Bubba Foods, LLC’s (“Applicant”) Application Serial Number 90/075,528 (the “’528 Application”) and hereby opposes the same. The grounds for opposition are as follows:

1. Opposer owns Application Serial No. 88/135,177 (“Opposer’s Application”), filed as an intent-to-use application under Section 1(b) of the Trademark Act on September 27, 2018, for the mark  (“Opposer’s Mark”) in connection with:

“Protective face guards for fishing” in International Class 9;

“Decals” in International Class 16;

“Clothing, namely, shirts, shorts, sweatshirts, T-shirts, pants, leggings, dresses, boxer shorts, tank tops, vests, fishing bandanas, headwear” in International Class 25; and

“Fishing equipment, namely, fishing lures, fishing leaders, fishing hooks, fishing spinners, fishing plugs, fishing flies, fishing buoys, fishing poles, fishing gaffs, fishing sinkers, fishing creels, fishing tackle, fishing reels, fishing rods, fishing lines, fishing floats, fishing weights, fishing lure boxes, fishing tackle containers, fishing safety harness, fishing rod holders, fishing rod handles, fishing rod blanks, fishing fly boxes, fly fishing stripper baskets, hand-held fishing nets, fishing bait holder, artificial fishing bait, gut for fishing, spears for use in fishing, fish hooks, fish hook removers, fishing clamps for use in holding fish to remove fish hooks, fish bite alarm and strike indicator, sportsman's fishing bags; fishing rod belts” in International Class 28.

The Application was allowed on May 16, 2020, and Opposer’s third request for Extension of Time to file a Statement of Use was granted on November 2, 2021. A printout from the USPTO website showing the details of this application is attached as **Exhibit A**.

2. On July 27, 2020, Applicant filed the ‘528 Application under Section 1(b) of the Trademark Act to register the mark BUBBA BURGER (“Applicant’s Mark”) in connection with:

“Apparel, namely, t-shirts, hats” in International Class 25; and

“Skateboards” in International Class 28.

The ‘528 Application was approved for publication on May 19, 2021 and published in the Trademark Official Gazette on June 8, 2021. The Board granted a 90 day extension of time to oppose on June 17, 2021 and a final 60 day extension of time on October 4, 2021.

3. The mark in the ‘528 Application is likely to cause confusion with Opposer’s Mark and is thereby causing harm to Opposer. Opposer, therefore, has a real interest in opposing the ‘528 Application and standing to bring this action.

**APPLICANT’S MARK IS LIKELY TO CAUSE CONFUSION  
WITH OPPOSER’S MARK**

4. Opposer’s Application predates the ‘528 Application.

5. Opposer's Mark is inherently distinctive as applied to the goods in Opposer's Application.

6. Applicant's Mark is confusingly similar to the **BUBBA** Mark because the marks both consist of the word "BUBBA" with Applicant's Mark merely adding the generic term "burger" following the dominant "BUBBA" portion of the mark.

7. The Class 25 goods recited in the '528 Application overlap the Class 25 goods recited in Opposer's Application as both applications cover t-shirts and headwear/hats.

8. The '528 Application has no restrictions on trade channels, so it must be presumed that the Class 25 goods will travel through all trade channels appropriate for goods of that type.

9. Upon information and belief, the Class 25 goods recited in the '528 Application and Opposer's Class 25 goods are intended to be marketed through overlapping channels of trade and are intended to be sold to overlapping classes of purchasers.

10. If Applicant is permitted to register Applicant's Mark for the Class 25 goods recited in the '528 Application, confusion in the relevant trade and public is likely to result, which will damage and injure Opposer.

11. Any defect, objection to, or fault found with Applicant's goods under Applicant's Mark would necessarily reflect on and injure the reputation that Opposer has established for its goods and business.

12. If Applicant is granted a registration for the mark herein opposed, it would obtain thereby at least a *prima facie* exclusive right to use Applicant's Mark in connection with the Class 25 goods recited in the '528 Application. Such registration would be a source of damage and injury to Opposer.

13. Based on the foregoing, if Applicant's Mark is permitted to register on the Principal Register with all of the rights and privileges conferred on it by its status as the subject of a Principal Register registration, Opposer will be damaged.

WHEREFORE, AOB Products Company prays that registration of the mark of Application Serial No. 90/075,528 in Class 25 be refused and that this Opposition be sustained.

Dated: December 6, 2021

Respectfully submitted,

By: /s/ Hara K. Jacobs

Hara K. Jacobs  
Noah S. Robbins  
BALLARD SPAHR LLP  
1735 Market Street, 51st Floor  
Philadelphia, Pennsylvania 19103-7599  
(215) 665-8500

ATTORNEYS FOR OPPOSER

Generated on: This page was generated by TSDR on 2021-12-06 08:33:39 EST

Mark: BUBBA

US Serial Number: 88135177

Application Filing Date: Sep. 27, 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 fourth request for extension of time to file a Statement of Use has been granted.

Status Date: Oct. 29, 2021

Publication Date: Sep. 03, 2019 Notice of Allowance Date: Oct. 29, 2019

## Mark Information

Mark Literal Elements: BUBBA

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 word "BUBBA" in upper case block letters, the "A" being formed around the shape of a fish hook.

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

Design Search Code(s): 21.03.08 - Tackle, fishing; Reels, fishing; Nets, fish; Lures, fishing; Hooks, fishing; Fishing tackle; Fishing rods; Fishing lures; Fishing hooks; Fish nets  
27.03.05 - Objects forming letters or numerals

## Related Properties Information

Claimed Ownership of US Registrations: 4212993, 4571372, 5128183

Parent Of: 88977827

## 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: Protective face guards for fishing

International Class(es): 009 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)

For: Decals

International Class(es): 016 - Primary Class

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

**Class Status:** ACTIVE

**Basis:** 1(b)

**For:** Clothing, namely, shirts, shorts, sweatshirts, T-shirts, pants, leggings, dresses, boxer shorts, tank tops, vests, fishing bandanas, headwear

**International Class(es):** 025 - Primary Class

**U.S Class(es):** 022, 039

**Class Status:** ACTIVE

**Basis:** 1(b)

**For:** Fishing equipment, namely, fishing lures, fishing leaders, fishing hooks, fishing spinners, fishing plugs, fishing flies, fishing buoys, fishing poles, fishing gaffs, fishing sinkers, fishing creels, fishing tackle, fishing reels, fishing rods, fishing lines, fishing floats, fishing weights, fishing lure boxes, fishing tackle containers, fishing safety harness, fishing rod holders, fishing rod handles, fishing rod blanks, fishing fly boxes, fly fishing stripper baskets, hand-held fishing nets, fishing bait holder, artificial fishing bait, gut for fishing, spears for use in fishing, fish hooks, fish hook removers, fishing clamps for use in holding fish to remove fish hooks, fish bite alarm and strike indicator, sportsman's fishing bags; fishing rod belts

**International Class(es):** 028 - Primary Class

**U.S Class(es):** 022, 023, 038, 050

**Class Status:** ACTIVE

**Basis:** 1(b)

## Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** No

**Filed ITU:** Yes

**Currently ITU:** Yes

**Filed 44D:** No

**Currently 44E:** No

**Filed 44E:** No

**Currently 66A:** No

**Filed 66A:** No

**Currently No Basis:** No

**Filed No Basis:** No

## Current Owner(s) Information

**Owner Name:** AOB PRODUCTS COMPANY

**Owner Address:** 1800 NORTH ROUTE Z  
COLUMBIA, MISSOURI UNITED STATES 65202

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** MISSOURI

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Hara K. Jacobs

**Docket Number:** 00187862

**Attorney Primary Email Address:** [phx\\_tmdocketing@ballardspahr.com](mailto:phx_tmdocketing@ballardspahr.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Hara K. Jacobs  
BALLARD SPAHR LLP  
1735 Market Street, 51st Floor  
PHILADELPHIA, PENNSYLVANIA UNITED STATES 19103

**Phone:** 215-864-8209

**Fax:** 215-864-8999

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Nov. 02, 2021	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Oct. 29, 2021	EXTENSION 4 GRANTED	98765
Oct. 29, 2021	EXTENSION 4 FILED	98765
Oct. 29, 2021	TEAS EXTENSION RECEIVED	
Apr. 21, 2021	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	



Apr. 19, 2021	EXTENSION 3 GRANTED	98765
Apr. 19, 2021	EXTENSION 3 FILED	98765
Apr. 19, 2021	TEAS EXTENSION RECEIVED	
Oct. 07, 2020	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Oct. 05, 2020	EXTENSION 2 GRANTED	98765
Oct. 05, 2020	EXTENSION 2 FILED	98765
Oct. 05, 2020	TEAS EXTENSION RECEIVED	
Jun. 10, 2020	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
May 16, 2020	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
May 16, 2020	CORRECTED NOA E-MAILED	
May 15, 2020	EXTENSION 1 GRANTED	65362
Apr. 28, 2020	EXTENSION 1 FILED	65362
May 15, 2020	DIVISIONAL PROCESSING COMPLETE	
Apr. 28, 2020	DIVISIONAL REQUEST RECEIVED	
May 12, 2020	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Apr. 28, 2020	TEAS EXTENSION RECEIVED	
Apr. 28, 2020	TEAS REQUEST TO DIVIDE RECEIVED	
Oct. 29, 2019	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 03, 2019	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 03, 2019	PUBLISHED FOR OPPOSITION	
Aug. 14, 2019	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 30, 2019	ASSIGNED TO LIE	69712
Jul. 22, 2019	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 22, 2019	EXAMINER'S AMENDMENT ENTERED	88888
Jul. 22, 2019	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jul. 22, 2019	EXAMINERS AMENDMENT E-MAILED	6328
Jul. 22, 2019	EXAMINERS AMENDMENT -WRITTEN	80813
Jul. 22, 2019	PRELIMINARY/VOLUNTARY AMENDMENT - ENTERED	88888
Jul. 18, 2019	TEAS VOLUNTARY AMENDMENT RECEIVED	
Jul. 17, 2019	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 16, 2019	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 16, 2019	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 16, 2019	NOTIFICATION OF EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED	6326
Jan. 16, 2019	EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED	6326
Jan. 16, 2019	COMBINED EXAMINER'S AMENDMENT/PRIORITY ACTION AUTOMATIC ENTRY	80813
Jan. 16, 2019	EXAMINERS AMENDMENT AND/OR PRIORITY ACTION - COMPLETED	80813
Jan. 09, 2019	ASSIGNED TO EXAMINER	80813
Oct. 06, 2018	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Oct. 05, 2018	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 01, 2018	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** HELFMAN, JUDITH MICHEL

**Law Office** LAW OFFICE 111  
**Assigned:**

### File Location

**Current Location:** INTENT TO USE SECTION

**Date in Location:** May 15, 2020

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 2

**Applicant:** Battenfeld Technologies, Inc.

### Assignment 1 of 2

**Conveyance:** CHANGE OF NAME

Reel/Frame: [6950/0684](#)

Pages: 13

Date Recorded: Jun. 02, 2020

Supporting Documents: [assignment-tm-6950-0684.pdf](#)

**Assignor**

Name: [BATTENFELD TECHNOLOGIES, INC.](#)

Execution Date: Jun. 01, 2020

Legal Entity Type: CORPORATION

State or Country Where Organized: MISSOURI

**Assignee**

Name: [AOB PRODUCTS COMPANY](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: MISSOURI

Address: 1800 NORTH ROUTE Z  
COLUMBIA, MISSOURI 65202

**Correspondent**

Correspondent Name: HARA K. JACOBS

Correspondent Address: 1735 MARKET STREET, 51ST FLOOR  
PHILADELPHIA, PA 19103-7599

**Domestic Representative - Not Found**

**Assignment 2 of 2**

Conveyance: SECURITY INTEREST

Reel/Frame: [7047/0256](#)

Pages: 78

Date Recorded: Sep. 09, 2020

Supporting Documents: [assignment-tm-7047-0256.pdf](#)

**Assignor**

Name: [AOB PRODUCTS COMPANY](#)

Execution Date: Aug. 24, 2020

Legal Entity Type: CORPORATION

State or Country Where Organized: MISSOURI

**Assignee**

Name: [TD BANK, N.A.](#)

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: UNITED STATES

Address: 2 W MAIN STREET  
2ND FLOOR  
WATERBURY, CONNECTICUT 06702

**Correspondent**

Correspondent Name: TIMOTHY D. PECSENYE (155667-01001 ND)

Correspondent Address: ONE LOGAN SQUARE  
8TH FLOOR  
PHILADELPHIA, PA 19103

**Domestic Representative - Not Found**