

ESTTA Tracking number: **ESTTA1239994**

Filing date: **10/05/2022**

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	Continental Mills, Inc.
Granted to date of previous extension	10/05/2022
Address	18100 ANDOVER PARK WEST TUKWILA, WA 98188 UNITED STATES
Attorney information	GRACE HAN STANTON PERKINS COIE LLP P.O. BOX 2608 SEATTLE, WA 98111 UNITED STATES Primary email: PCTrademarks@perkinscoie.com Secondary email(s): GStanton@perkinscoie.com, EKurth@perkinscoie.com, ChristineBeck@perkinscoie.com, TBrandon@perkinscoie.com 206-359-8000
Docket no.	00481-7017

**Applicant information**

Application no.	90577290	Publication date	06/07/2022
Opposition filing date	10/05/2022	Opposition period ends	10/05/2022
Applicant	Buck Wild Bison LLC 18 DEVONSHIRE DR CHARLES TOWN, WV 25414 UNITED STATES		

**Goods/services affected by opposition**

Class 029. First Use: Aug 28, 2016 First Use In Commerce: Aug 28, 2016  
All goods and services in the class are opposed, namely: Bison meat; bison burger patties; bison-snack sticks and bison jerky

**Grounds for opposition**


Priority and likelihood of confusion	Trademark Act Section 2(d)
--------------------------------------	----------------------------

**Marks cited by opposer as basis for opposition**

U.S. registration no.	5183245	Application date	01/26/2015
Register	Principal		

Registration date	04/11/2017	Foreign priority date	NONE
Word mark	BUCK WILD		
Design mark			
Description of mark	NONE		
Goods/services	Class 030. First use: First Use: Feb 12, 2016 First Use In Commerce: Feb 12, 2016 Snack mix consisting primarily of toasted corn kernels and processed peanuts and also including pretzels, chips and corn sticks; snack mix consisting primarily of cookies, granola clusters and pretzels and also including dried fruit		

U.S. registration no.	5183246	Application date	01/26/2015
Register	Principal		
Registration date	04/11/2017	Foreign priority date	NONE
Word mark	BUCK WILD		
Design mark			
Description of mark	The mark consists of the words "BUCK WILD" in stylized font within a stylized drawing of antlers extending upward from the head of a deer wearing sunglasses.		
Goods/services	Class 030. First use: First Use: Feb 12, 2016 First Use In Commerce: Feb 12, 2016 Snack mix consisting primarily of toasted corn kernels and processed peanuts and also including pretzels, chips and corn sticks; snack mix consisting primarily of cookies, granola clusters and pretzels and also including dried fruit		

U.S. registration no.	6548896	Application date	08/20/2020
Register	Principal		
Registration date	11/02/2021	Foreign priority date	NONE
Word mark	BUCK WILD		
Design mark			
Description of mark	NONE		
Goods/services	Class 029. First use: First Use: Aug 6, 2021 First Use In Commerce: Aug 6, 2021 Trail mix consisting primarily of nuts and also including seeds and/or corn sticks		

Attachments	90127685#TMSN.png( bytes ) Exhibits - BUCK WILD BISON.pdf(637938 bytes ) 2022-10-05 Notice of Opposition-BUCK WILD BISON.pdf(185960 bytes )
-------------	---

Signature	/Emilie Kurth/
Name	Emilie Kurth
Date	10/05/2022

# **EXHIBIT A**

# United States of America

United States Patent and Trademark Office

## BUCK WILD

**Reg. No. 5,183,245**

**Registered Apr. 11, 2017**

**Int. Cl.: 30**

**Trademark**

**Principal Register**

Continental Mills, Inc. (WASHINGTON CORPORATION)  
18100 Andover Park West  
Tukwila, WA 98188

CLASS 30: Snack mix consisting primarily of toasted corn kernels and processed peanuts and also including pretzels, chips and corn sticks; snack mix consisting primarily of cookies, granola clusters and pretzels and also including dried fruit

FIRST USE 2-12-2016; IN COMMERCE 2-12-2016

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

SER. NO. 86-981,347, FILED 01-26-2015  
LAUREN ELAN BURKE, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

Generated on: This page was generated by TSDR on 2022-10-05 17:34:29 EDT

Mark: BUCK WILD

# BUCK WILD

US Serial Number: 86981347

Application Filing Date: Jan. 26, 2015

US Registration Number: 5183245

Registration Date: Apr. 11, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: 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: Apr. 11, 2017

Publication Date: Nov. 03, 2015 Notice of Allowance Date: Dec. 29, 2015

## Mark Information

Mark Literal Elements: BUCK WILD

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: 86514127

## 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:** Snack mix consisting primarily of toasted corn kernels and processed peanuts and also including pretzels, chips and corn sticks; snack mix consisting primarily of cookies, granola clusters and pretzels and also including dried fruit

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 12, 2016

Use in Commerce: Feb. 12, 2016

## 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:** Continental Mills, Inc.

**Owner Address:** 18100 Andover Park West  
Tukwila, WASHINGTON UNITED STATES 98188

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** WASHINGTON

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Grace Han Stanton

**Docket Number:** 00481.4000.0

**Attorney Primary Email Address:** [pctrademarks@perkinscoie.com](mailto:pctrademarks@perkinscoie.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** GRACE HAN STANTON  
Perkins Coie  
1201 3rd Ave Ste 4900  
Seattle, WASHINGTON UNITED STATES 98101-3099

**Phone:** 206-359-8000

**Fax:** 206-359-9000

**Correspondent e-mail:** [pctrademarks@perkinscoie.com](mailto:pctrademarks@perkinscoie.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Apr. 11, 2022	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Feb. 13, 2019	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Apr. 11, 2017	REGISTERED-PRINCIPAL REGISTER	
Mar. 08, 2017	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Mar. 07, 2017	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 26, 2017	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 25, 2017	STATEMENT OF USE PROCESSING COMPLETE	65362
Dec. 27, 2016	USE AMENDMENT FILED	65362
Jan. 25, 2017	DIVISIONAL PROCESSING COMPLETE	
Dec. 27, 2016	DIVISIONAL REQUEST RECEIVED	
Jan. 25, 2017	SOU EXTENSION 2 GRANTED	65362
Dec. 27, 2016	SOU EXTENSION 2 FILED	65362
Dec. 27, 2016	TEAS STATEMENT OF USE RECEIVED	
Dec. 27, 2016	TEAS REQUEST TO DIVIDE RECEIVED	
Dec. 27, 2016	TEAS EXTENSION RECEIVED	
Aug. 06, 2016	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Aug. 05, 2016	SOU EXTENSION 1 GRANTED	65362
Jun. 29, 2016	SOU EXTENSION 1 FILED	65362
Jul. 29, 2016	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Jun. 29, 2016	TEAS EXTENSION RECEIVED	
Dec. 29, 2015	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 03, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 03, 2015	PUBLISHED FOR OPPOSITION	
Oct. 14, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 28, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	73296
Sep. 23, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	

Sep. 09, 2015	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Sep. 08, 2015	WITHDRAWN FROM PUB - OG REVIEW QUERY	99910
Aug. 26, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	73296
Aug. 21, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 20, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	73296
Aug. 20, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	73296
Aug. 12, 2015	ASSIGNED TO LIE	73296
Jul. 29, 2015	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 18, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 18, 2015	NON-FINAL ACTION E-MAILED	6325
Mar. 18, 2015	NON-FINAL ACTION WRITTEN	91160
Mar. 18, 2015	ASSIGNED TO EXAMINER	91160
Feb. 05, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 29, 2015	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:** Mar. 07, 2017

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 1

**Registrant:** Continental Mills, Inc.

### Assignment 1 of 1

**Conveyance:** NOTICE OF GRANT OF SECURITY INTEREST IN TRADEMARKS

**Reel/Frame:** [6556/0500](#)

**Pages:** 8

**Date Recorded:** Dec. 18, 2018

**Supporting Documents:** [assignment-tm-6556-0500.pdf](#)

#### Assignor

**Name:** [CONTINENTAL MILLS, INC.](#)

**Execution Date:** Dec. 14, 2018

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** WASHINGTON

#### Assignee

**Name:** [BANK OF AMERICA, N.A., AS COLLATERAL AGENT](#)

**Legal Entity Type:** NATIONAL BANKING ASSOCIATION

**State or Country Where Organized:** UNITED STATES

**Address:** 1497 OLNEY AVE SE  
AGENCY MANAGEMENT, PORT ORCHARD BC  
PORT ORCHARD, WASHINGTON 98366-4035

#### Correspondent

**Correspondent Name:** MOORE & VAN ALLEN PLLC

**Correspondent Address:** P.O. BOX 13706  
RESEARCH TRIANGLE PK, NC 27709

**Domestic Representative - Not Found**



# United States of America

United States Patent and Trademark Office



**Reg. No. 5,183,246**

**Registered Apr. 11, 2017**

**Int. Cl.: 30**

**Trademark**

**Principal Register**

Continental Mills, Inc. (WASHINGTON CORPORATION)  
18100 Andover Park West  
Tukwila, WA 98188

CLASS 30: Snack mix consisting primarily of toasted corn kernels and processed peanuts and also including pretzels, chips and corn sticks; snack mix consisting primarily of cookies, granola clusters and pretzels and also including dried fruit

FIRST USE 2-12-2016; IN COMMERCE 2-12-2016

The mark consists of the words "BUCK WILD" in stylized font within a stylized drawing of antlers extending upward from the head of a deer wearing sunglasses.

SER. NO. 86-981,348, FILED 01-26-2015  
LAUREN ELAN BURKE, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

Generated on: This page was generated by TSDR on 2022-10-05 17:34:59 EDT

Mark: BUCK WILD



US Serial Number: 86981348

Application Filing Date: Jan. 26, 2015

US Registration Number: 5183246

Registration Date: Apr. 11, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: 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: Apr. 11, 2017

Publication Date: Nov. 03, 2015 Notice of Allowance Date: Dec. 29, 2015

## Mark Information

Mark Literal Elements: BUCK WILD

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 words "BUCK WILD" in stylized font within a stylized drawing of antlers extending upward from the head of a deer wearing sunglasses.

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

Design Search Code(s): 03.07.07 - Deer and other wild animals often featuring antlers; Caribou; Elk; Reindeer; Fawns; Antelope; Moose; Impala; Gazelles  
03.07.08 - Heads of deer, elk, reindeer, fawns, antelopes, moose, gazelles  
03.07.22 - Stylized deer, moose, and other similar animals with antlers  
03.07.26 - Costumed cows, buffalo, and other bovines, and those with human attributes  
03.07.27 - Costumed deer, moose, and other similar animals with antlers, and those with human attributes  
03.13.03 - Horns shown alone or as part of something other than associated animal; Antlers shown alone or as part of something other than associated animal  
05.13.01 - Ginger; Ginseng; Roots; Bulbs, plant  
16.03.07 - Glasses, safety; Glasses, eye; Frames, eyeglass; Goggles; Safety goggles; Eyeglasses; Sunglasses; Spectacles

## Related Properties Information

Child Of: 86514146

## 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: Snack mix consisting primarily of toasted corn kernels and processed peanuts and also including pretzels, chips and corn sticks; snack mix consisting primarily of cookies, granola clusters and pretzels and also including dried fruit

International 030 - Primary Class

U.S Class(es): 046

**Class(es):****Class Status:** ACTIVE**Basis:** 1(a)**First Use:** Feb. 12, 2016**Use in Commerce:** Feb. 12, 2016**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:** Continental Mills, Inc.**Owner Address:** 18100 Andover Park West  
Tukwila, WASHINGTON UNITED STATES 98188**Legal Entity Type:** CORPORATION**State or Country Where Organized:** WASHINGTON**Attorney/Correspondence Information****Attorney of Record****Attorney Name:** Grace Han Stanton**Docket Number:** 00481.4000.0**Attorney Primary Email Address:** [pctrademarks@perkinscoie.com](mailto:pctrademarks@perkinscoie.com)**Attorney Email Authorized:** Yes**Correspondent****Correspondent Name/Address:** GRACE HAN STANTON  
Perkins Coie  
1201 3rd Ave Ste 4900  
Seattle, WASHINGTON UNITED STATES 98101-3099**Phone:** 206-359-8000**Fax:** 206-359-9000**Correspondent e-mail:** [pctrademarks@perkinscoie.com](mailto:pctrademarks@perkinscoie.com)**Correspondent e-mail Authorized:** Yes**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Apr. 11, 2022	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Feb. 13, 2019	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Apr. 11, 2017	REGISTERED-PRINCIPAL REGISTER	
Mar. 08, 2017	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Mar. 07, 2017	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Feb. 02, 2017	DATA MODIFICATION COMPLETED	73296
Jan. 26, 2017	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Jan. 26, 2017	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 25, 2017	STATEMENT OF USE PROCESSING COMPLETE	65362
Dec. 27, 2016	USE AMENDMENT FILED	65362
Jan. 25, 2017	DIVISIONAL PROCESSING COMPLETE	
Dec. 27, 2016	DIVISIONAL REQUEST RECEIVED	
Jan. 25, 2017	SOU EXTENSION 2 GRANTED	65362
Dec. 27, 2016	SOU EXTENSION 2 FILED	65362
Dec. 27, 2016	TEAS STATEMENT OF USE RECEIVED	
Dec. 27, 2016	TEAS REQUEST TO DIVIDE RECEIVED	

Dec. 27, 2016	TEAS EXTENSION RECEIVED	
Aug. 06, 2016	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Aug. 05, 2016	SOU EXTENSION 1 GRANTED	65362
Jun. 29, 2016	SOU EXTENSION 1 FILED	65362
Jul. 29, 2016	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Jun. 29, 2016	TEAS EXTENSION RECEIVED	
Dec. 29, 2015	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 03, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 03, 2015	PUBLISHED FOR OPPOSITION	
Oct. 14, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 28, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	73296
Sep. 23, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 09, 2015	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Sep. 08, 2015	WITHDRAWN FROM PUB - OG REVIEW QUERY	99910
Aug. 26, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	73296
Aug. 21, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 20, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	73296
Aug. 20, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	73296
Aug. 12, 2015	ASSIGNED TO LIE	73296
Jul. 29, 2015	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 18, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 18, 2015	NON-FINAL ACTION E-MAILED	6325
Mar. 18, 2015	NON-FINAL ACTION WRITTEN	91160
Mar. 18, 2015	ASSIGNED TO EXAMINER	91160
Feb. 06, 2015	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Feb. 05, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 29, 2015	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:** Mar. 07, 2017

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 1

**Registrant:** Continental Mills, Inc.

### Assignment 1 of 1

**Conveyance:** NOTICE OF GRANT OF SECURITY INTEREST IN TRADEMARKS

**Reel/Frame:** [6556/0500](#)

**Pages:** 8

**Date Recorded:** Dec. 18, 2018

**Supporting Documents:** [assignment-tm-6556-0500.pdf](#)

#### Assignor

**Name:** [CONTINENTAL MILLS, INC.](#)

**Execution Date:** Dec. 14, 2018

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** WASHINGTON

#### Assignee

**Name:** [BANK OF AMERICA, N.A., AS COLLATERAL AGENT](#)

**Legal Entity Type:** NATIONAL BANKING ASSOCIATION

**State or Country Where Organized:** UNITED STATES

**Address:** 1497 OLNEY AVE SE  
AGENCY MANAGEMENT, PORT ORCHARD BC  
PORT ORCHARD, WASHINGTON 98366-4035

**Correspondent**

**Correspondent Name:** MOORE & VAN ALLEN PLLC

**Correspondent Address:** P.O. BOX 13706  
RESEARCH TRIANGLE PK, NC 27709

**Domestic Representative - Not Found**

**United States of America**  
United States Patent and Trademark Office

**BUCK WILD**

**Reg. No. 6,548,896**  
**Registered Nov. 02, 2021**  
**Int. Cl.: 29**  
**Trademark**  
**Principal Register**

Continental Mills, Inc. (WASHINGTON CORPORATION)  
18100 Andover Park West  
Tukwila, WASHINGTON 98188

CLASS 29: Trail mix consisting primarily of nuts and also including seeds and/or corn sticks

FIRST USE 8-6-2021; IN COMMERCE 8-6-2021

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

OWNER OF U.S. REG. NO. 5033287, 5183245, 5751491

SER. NO. 90-127,685, FILED 08-20-2020



*Dennis Hamilton*

Performing the Functions and Duties of the  
Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office



Generated on: This page was generated by TSDR on 2022-10-05 17:38:13 EDT

Mark: BUCK WILD

# BUCK WILD

US Serial Number: 90127685

Application Filing Date: Aug. 20, 2020

US Registration Number: 6548896

Registration Date: Nov. 02, 2021

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: Nov. 02, 2021

Publication Date: Dec. 08, 2020 Notice of Allowance Date: Feb. 02, 2021

## Mark Information

Mark Literal Elements: BUCK WILD

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

Claimed Ownership of US Registrations: 5033287, 5183245, 5751491 and others

## 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: Trail mix consisting primarily of nuts and also including seeds and/or corn sticks

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 06, 2021

Use in Commerce: Aug. 06, 2021

## 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:** Continental Mills, Inc.

**Owner Address:** 18100 Andover Park West  
Tukwila, WASHINGTON UNITED STATES 98188

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** WASHINGTON

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Grace Han Stanton

**Docket Number:** 00481-4019

**Attorney Primary Email Address:** [pctrademarks@perkinscoie.com](mailto:pctrademarks@perkinscoie.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Grace Han Stanton  
PERKINS COIE LLP  
1201 THIRD AVENUE, SUITE 4900  
SEATTLE, WASHINGTON UNITED STATES 98101

**Phone:** 206-359-8000

**Fax:** 206-359-9000

**Correspondent e-mail:** [pctrademarks@perkinscoie.com](mailto:pctrademarks@perkinscoie.com) [joshuasmith@perkinscoie.com](mailto:joshuasmith@perkinscoie.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Nov. 02, 2021	REGISTERED-PRINCIPAL REGISTER	
Sep. 25, 2021	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Sep. 24, 2021	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 21, 2021	STATEMENT OF USE PROCESSING COMPLETE	66530
Aug. 13, 2021	USE AMENDMENT FILED	66530
Aug. 20, 2021	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Aug. 13, 2021	TEAS STATEMENT OF USE RECEIVED	
Aug. 04, 2021	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Aug. 02, 2021	SOU EXTENSION 1 GRANTED	98765
Aug. 02, 2021	SOU EXTENSION 1 FILED	98765
Aug. 02, 2021	TEAS EXTENSION RECEIVED	
Feb. 02, 2021	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Dec. 08, 2020	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 08, 2020	PUBLISHED FOR OPPOSITION	
Nov. 18, 2020	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 30, 2020	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 29, 2020	ASSIGNED TO EXAMINER	76419
Sep. 23, 2020	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 24, 2020	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:** Sep. 24, 2021



# EXHIBIT B

Logout Please logout when you are done to release system resources allocated for you.

### Record 1 out of 1

TSDR ASSIGN Status TTAB Status ( Use the "Back" button of the Internet Browser to return to TESS)



**Word Mark** BUCK WILD BISON  
**Goods and Services** IC 029. US 046. G & S: Bison meat; bison burger patties; bison snack sticks and bison jerky. FIRST USE: 20160828. FIRST USE IN COMMERCE: 20160828  
**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS  
**Design Search Code** 03.07.05 - Bovines other than basic cows, bulls, and other cattle ; Bison ; Buffalo ; Water buffalo ; Yaks  
 03.07.21 - Stylized cows, buffalo, and other bovines  
 03.07.24 - Stylized goats and sheep  
**Serial Number** 90577290  
**Filing Date** March 13, 2021  
**Current Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** June 7, 2022  
**Owner** (APPLICANT) **Buck Wild Bison** LLC LIMITED LIABILITY COMPANY WEST VIRGINIA 18 Devonshire Dr Charles Town WEST VIRGINIA 25414  
**Attorney of Record** Erin C Bray  
**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BISON" APART FROM THE MARK AS SHOWN  
**Description of Mark** The mark consists of the wording "**Buck Wild Bison**" and a bison.  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

## Trademark/Service Mark Application, Principal Register

Serial Number: 90577290  
 Filing Date: 03/13/2021

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	90577290
<b>MARK INFORMATION</b>	
*MARK	<a href="#">\TICRS\EXPORT\8\IMAGEOUT 18\905\772\90577290.xml\ \ APP002.JPG</a>
SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	Buck Wild Bison
COLOR MARK	NO
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of the wording "Buck Wild Bison" and a bison.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	940 x 626
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Buck Wild Bison LLC
*MAILING ADDRESS	18 Devonshire Dr
*CITY	Charles Town
*STATE (Required for U.S. applicants)	West Virginia
*COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	25414
PHONE	609-742-2149
*EMAIL ADDRESS	XXXX
<b>LEGAL ENTITY INFORMATION</b>	
TYPE	limited liability company
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY WHERE LEGALLY ORGANIZED	West Virginia
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
INTERNATIONAL CLASS	029
*IDENTIFICATION	Bison meat, including bison burgers and bison snack sticks and bison jerky.

<b>FILING BASIS</b>	SECTION 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 08/28/2016
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 08/28/2016
<b>SPECIMEN FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">SPE0-1041439210-202103112 30906340943 - Buck Wild B ison s1.pdf</a>
<b>CONVERTED PDF FILE(S) (9 pages)</b>	<a href="#">\TICRS\EXPORT18\IMAGEOUT 18\905\772\90577290.xml\1\ APP0003.JPG</a>
	<a href="#">\TICRS\EXPORT18\IMAGEOUT 18\905\772\90577290.xml\1\ APP0004.JPG</a>
	<a href="#">\TICRS\EXPORT18\IMAGEOUT 18\905\772\90577290.xml\1\ APP0005.JPG</a>
	<a href="#">\TICRS\EXPORT18\IMAGEOUT 18\905\772\90577290.xml\1\ APP0006.JPG</a>
	<a href="#">\TICRS\EXPORT18\IMAGEOUT 18\905\772\90577290.xml\1\ APP0007.JPG</a>
	<a href="#">\TICRS\EXPORT18\IMAGEOUT 18\905\772\90577290.xml\1\ APP0008.JPG</a>
	<a href="#">\TICRS\EXPORT18\IMAGEOUT 18\905\772\90577290.xml\1\ APP0009.JPG</a>
	<a href="#">\TICRS\EXPORT18\IMAGEOUT 18\905\772\90577290.xml\1\ APP0010.JPG</a>
	<a href="#">\TICRS\EXPORT18\IMAGEOUT 18\905\772\90577290.xml\1\ APP0011.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	website page showing the mark being displayed at point of sale for goods
<b>WEBPAGE URL</b>	buckwildbison.com
<b>WEBPAGE DATE OF ACCESS</b>	03/10/2021
<b>CORRESPONDENCE INFORMATION</b>	
<b>NAME</b>	Buck Wild Bison LLC
<b>PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE</b>	ryan.robbins@buckwildbison.com
<b>SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)</b>	NOT PROVIDED
<b>FEE INFORMATION</b>	
<b>APPLICATION FILING OPTION</b>	TEAS Standard
<b>NUMBER OF CLASSES</b>	1
<b>APPLICATION FOR REGISTRATION PER CLASS</b>	350
<b>*TOTAL FEES DUE</b>	350
<b>*TOTAL FEES PAID</b>	350
<b>SIGNATURE INFORMATION</b>	
<b>SIGNATURE</b>	/Ryan Robbins/
<b>SIGNATORY'S NAME</b>	Ryan Robbins

<b>SIGNATORY'S POSITION</b>	Member
<b>SIGNATORY'S PHONE NUMBER</b>	609-742-2149
<b>DATE SIGNED</b>	03/12/2021
<b>SIGNATURE METHOD</b>	Sent to third party for signature

---

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

Continental Mills, Inc.

Opposer,

v.

Buck Wild Bison LLC

Applicant.

Opposition No.: \_\_\_\_\_

NOTICE OF OPPOSITION

Application Serial No.: 90/577,290


International Class: 29

Filing Date: March 13, 2021

Publication Date: July 7, 2022

**NOTICE OF OPPOSITION**

Continental Mills, Inc (“Opposer”), believes that it would be damaged by the registration

of Buck Wild Bison LLC’s mark  (“Applicant’s Mark”) in International Class 29, in connection with “Bison meat; bison burger patties; bison snack sticks and bison jerky” (the “Goods”) listed in Application Serial No. 90/577,290 (the “Application”) and hereby opposes the Application pursuant to 15 U.S.C. § 1063 and 37 C.F.R. § 2.104.

As grounds for opposition, Opposer alleges as follows:

**I. PARTIES**


1) Continental Mills, Inc. is a Washington corporation located at 18100 Andover Park West, Tukwila, WA 98188.

2) Founded in 1932, Opposer is a highly successful and widely recognized manufacturer of food and baking brands, including KRUSTEAZ, ALPINE, WILDROOTS, and BUCK WILD. Opposer provides snack products under its BUCK WILD mark through retailer locations in the U.S.

3) On information and belief, Buck Wild Bison LLC is a West Virginia limited liability company with a business address in West Virginia.

## II. OPPOSER’S MARKS

4) Opposer owns numerous U.S. trademark registrations, including those shown in the table below, for marks that are comprised of or incorporate the mark “BUCK WILD” (“Opposer’s Registrations”). True and correct copies of the Certificates of Registration are attached as **Exhibit A** for Opposer’s Registrations. The goods and services listed in Opposer’s Registrations and displayed in the table below are collectively referred to as “Opposer’s Goods.”

<u>Reg. / App. No.</u>	<u>App. Filing Date</u>	<u>Reg. Issue Date</u>	<u>Mark</u>	<u>Goods</u>
5,183,245	Jan 26, 2015	Apr. 11, 2017	BUCK WILD	Class 30: snack mix consisting primarily of toasted corn kernels and processed peanuts and also including pretzels, chips and corn sticks; snack mix consisting primarily of cookies, granola clusters and pretzels and also including dried fruit
5,183,246	Jan. 26, 2015	Apr. 11, 2017		Class 30: snack mix consisting primarily of toasted corn kernels and processed peanuts and also including pretzels, chips and corn sticks; snack mix consisting primarily of cookies, granola clusters and pretzels and also including dried fruit
6,548,896	Aug. 20, 2020	Nov. 2, 2021	BUCK WILD	Class 29: trail mix consisting primarily of nuts and also including seeds and/or corn sticks

5) Opposer's Registrations are prima facie proof of ownership of the BUCK WILD and BUCK WILD and Design Marks, pursuant to 15 U.S.C. § 1057(b), and of the exclusive right to use the registered marks in commerce.

6) Through its efforts and expenditures in connection with its sales, advertising, promotion, and marketing, Opposer has developed valuable goodwill and consumer recognition in Opposer's Marks in association with Opposer's Goods.

### **III. APPLICANT'S MARK**

7) On information and belief, the Application was filed on a use-basis alleging a date of first use in Commerce as August 28, 2016, with the United States Patent and Trademark Office on March 13, 2021 (the "Filing Date") and assigned Serial No. 90/577,290. After Applicant overcame an Office Action in which Applicant's Mark was refused registration based on a likelihood of confusion with Opposer's Registrations, it was published in the Official Gazette on July 7, 2022. True and correct copies of the Application and corresponding Trademark Electronic Search System (TESS) page are attached as Exhibit B. Opposer timely filed a First 30-Day Request to Extend Time to Oppose on July 7, 2022, which the Trademark Trial and Appeal Board ("T.T.A.B.") granted the same day. Subsequently, Opposer timely filed an Additional 60-Day Request to Extend Time to Oppose on August 4, 2022, which the T.T.A.B. granted the same day. Opposer timely files this Notice of Opposition.

8) Applicant's Goods listed in the Application are "Bison meat; bison burger patties; bison snack sticks and bison jerky" in Class 29. The word "BISON" is disclaimed in Applicant's Mark.

### **IV. CLAIMS**

#### **A. PRIOR USE AND REGISTRATION OF OPPOSER'S REGISTRATIONS**



9) Opposer has priority in Opposer's Registrations, as all of Opposer's have filing dates that predate Applicant's Filing Date.

10) One or more of Opposer's Registrations lists a use date prior to Applicant's alleged date of first use.

#### **B. LIKELIHOOD OF CONFUSION**

11) Applicant's Mark is confusingly similar in sound, appearance, and commercial impression to Opposer's Marks. Applicant's Mark and Opposer's Marks share the same, distinctive and dominant "BUCK WILD" term, and Applicant's Mark subsumes Opposer's BUCK WILD mark. As a result of these similarities, Applicant's Mark creates a similar overall commercial impression as Opposer's Marks.

12) Applicant's Goods are identical to, overlap with, or are highly related to Opposer's Goods. Therefore, Applicant's Goods are directly competitive with Opposer's Goods and may be sold and marketed to the same types of customers in the same retail aisles or sections.

13) Opposer's Registrations are not limited in terms of channels of trade for Opposer's Goods. Similarly, the Application does not restrict the channels of trade for Applicant's Goods. Therefore, Applicant's Goods will be presumed to travel within the same channels of trade as Opposer's Goods.

14) Due to the shared "BUCK WILD" term and overlapping or highly-related goods, Applicant's Mark so resembles Opposer's Marks as to be likely to cause confusion, mistake, or deception as to the origin, sponsorship, and approval of Applicant's Goods by or with Opposer, and/or likely to suggest an affiliation, connection, or association of Applicant and Applicant's Goods with Opposer and Opposer's Goods, with consequent injury to Opposer, to the trade and to the public.

15) The registration of Applicant's Mark would prevent Opposer from exercising exclusive control over the goodwill and reputation associated with Opposer's Marks and Registrations. Therefore, the registration of Applicant's Mark would damage and injure Opposer.

16) Opposer also will be damaged by the registration of Applicant's Mark because such registration will yield confusion as to source or affiliation and will support statutory rights for Applicant in violation and derogation of Opposer's prior, superior, and exclusive rights in Opposer's Marks and Registrations.

17) Accordingly, the Application for Applicant's Mark should be refused registration under Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d).

#### **V. REQUEST FOR RELIEF**

WHEREFORE, Opposer believes that it will be damaged by the registration of Applicant's Mark shown in Application Serial No. 90/577,290 and respectfully requests that the opposition be sustained and that registration to Applicant be refused. The filing fee in the amount of \$600 is being transmitted electronically with this submission.

DATED this 5th day of October 2022.

Respectfully submitted,

**PERKINS COIE LLP**

By /Grace Han Stanton/

Grace Han Stanton  
Emilie Kurth  
Attorneys for Opposer Continental Mills, Inc.  
1201 Third Avenue, Suite 4900  
Seattle, Washington 98101-3099  
(206) 359-8000