

ESTTA Tracking number: **ESTTA1387583**
Filing date: **10/04/2024**

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	Grande Cheese Company
Granted to date of previous extension	10/06/2024
Address	250 CAMELOT DRIVE FOND DU LAC, WI 54935 UNITED STATES
Attorney information	NICOLE MURRAY QUARLES & BRADY LLP 300 N. LASALLE STREET, SUITE 4000 CHICAGO, IL 60654 UNITED STATES Primary email: nicole.murray@quarles.com Secondary email(s): jennifer.schumm@quarles.com, corinne.fombelle@quarles.com, allison.bickford@quarles.com, meme.hilley@quarles.com, docketIL@quarles.com 312-715-5000
Docket no.	410195.92041

Applicant information

Application no.	98038570	Publication date	04/09/2024
Opposition filing date	10/04/2024	Opposition period ends	10/06/2024
Applicant	Alla Grande Fine Foods LLC 15 MCFADDEN ROAD EASTON, PA 18045 UNITED STATES		

Goods/services affected by opposition

Class 029. First Use: None First Use In Commerce: None
All goods and services in the class are opposed, namely: Prepared food kits composed of meat, poultry, fish, seafood, and/or vegetables and also including sauces or seasonings, ready for cooking and assembly as a meal

Applicant information

Application no.	98038535	Publication date	04/09/2024
Opposition filing date	10/04/2024	Opposition period ends	
Applicant	Alla Grande Fine Foods LLC 15 MCFADDEN ROAD		

	EASTON, PA 18045 UNITED STATES
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Goods/services affected by opposition


Class 029. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Prepared food kits composed of meat, poultry, fish, seafood, and/or vegetables and also including sauces or seasonings, ready for cooking and assembly as a meal

Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks cited by opposer as basis for opposition

U.S. registration no.	1051976	Application date	04/18/1975
Register	Principal		
Registration date	11/02/1976	Foreign priority date	NONE
Word mark	GRANDE		
Design mark			
Description of mark	NONE		
Goods/services	Class 029. First use: First Use: Jan 1967 First Use In Commerce: Jan 1967 CHEESE PRODUCTS-NAMELY, CHEESE, IMITATION CHEESE AND FILLED CHEESE, SOLD EXCLUSIVELY FOR USE IN RESTAURANTS		

U.S. registration no.	1318393	Application date	12/19/1983
Register	Principal		
Registration date	02/05/1985	Foreign priority date	NONE
Word mark	GRANDE		
Design mark			
Description of mark	NONE		
Goods/services	Class 029. First use: First Use: Mar 22, 1941 First Use In Commerce: Mar 22, 1941 Cheese		

U.S. registration no.	5736926	Application date	08/22/2017
Register	Principal		
Registration date	04/30/2019	Foreign priority date	NONE
Word mark	GRANDE		

Design mark	GRANDE
Description of mark	NONE
Goods/services	<p>Class 035. First use: First Use: Mar 18, 1993 First Use In Commerce: Mar 18, 1993 Business management consulting services for the restaurant and eating establishment industry in the nature of food cost/price planning and tracking, menu planning, food storage and preparation, product promotion; providing business information regarding the food industry; preparing and placing advertisements for others</p> <p>Class 041. First use: First Use: Sep 1993 First Use In Commerce: Sep 1993 Training services in the field of food preparation for the restaurant and eating establishment industry</p>

Attachments	<p>73049878#TMSN.png(bytes) 73457642#TMSN.png(bytes) 87578835#TMSN.png(bytes) 2024.10.04 Consolidated Notice of Opposition ALLA GRANDE and A LA GRANDE.pdf(128510 bytes) EXHIBIT A - FINAL.pdf(126611 bytes) EXHIBIT B - FINAL.pdf(123032 bytes) EXHIBIT C - FINAL.pdf(165916 bytes)</p>
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Signature	/Nicole M. Murray/
Name	NICOLE MURRAY
Date	10/04/2024

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

Grande Cheese Company,

Consolidated Opposition No. _____

Opposer,

U.S. App. Serial No. 98/038,570

v.

Mark: A LA GRANDE

Alla Grande Fine Foods LLC,

U.S. App. Serial No. 98/038,535

Mark: ALLA GRANDE

Applicant.

CONSOLIDATED NOTICE OF OPPOSITION

Grande Cheese Company (“Opposer”), a corporation duly organized and existing under the laws of Illinois, located and doing business at 250 Camelot Drive, Fond du Lac, WI 54935, believing it will be damaged by registration of the marks A LA GRANDE and ALLA GRANDE (“Applicant’s Marks”) filed in connection with “Prepared food kits composed of meat, poultry, fish, seafood, and/or vegetables and also including sauces or seasonings, ready for cooking and assembly as a meal” in Class 29, as shown in U.S. Trademark Application Serial Nos. 98/038,570 and 98/038,535 (the “Applications”) in the name of Alla Grande Fine Foods, (“Applicant”) and hereby opposes them. The Applications are owned by the same party and there are common questions of law or fact at issue. Pursuant to 37 C.F.R. § 2.104(b), consolidation of the Opposition is appropriate and Opposer requests consolidation. *See* TBMP § 305.01.

The grounds for this Opposition are as follows:

1. Opposer is a corporation duly organized and existing under the laws of Illinois, located and doing business at 250 Camelot Drive, Fond du Lac, WI 54935.

Opposer’s Registered Marks

2. Opposer is the owner of, and will rely herein, upon the following federal trademark registrations:

Mark	Registration No.	Registration Date	Goods and/or Services
GRANDE	1,051,976	November 2, 1976	Class 29: Cheese products— namely, cheese, imitation cheese, and filled cheese, sold exclusively for us in restaurants. (First Use: January 1967) (First Use in Commerce: January 1967)
GRANDE	1,318,393	February 5, 1985	Class 29: Cheese. (First Use: March 22, 1941) (First Use in Commerce: March 22, 1941)
GRANDE	5,736,926	April 30, 2019	Class 35: Business management consulting services for the restaurant and eating establishment industry in the nature of food cost/price planning and tracking, menu planning, food storage and preparation, product promotion; providing business information regarding the food industry; preparing and placing advertisements for others. (First Use: March 18, 1993) (First Use in Commerce: March 18, 1993) Class 41: Training services in the field of food preparation for the restaurant and eating establishment industry. (First Use: September 1993) (First Use in Commerce: September 1993)

a. Captured information from the TSDR electronic database of the U.S. Patent & Trademark Office (“USPTO”) showing the current status and title of Mark Registration No. 1,051,976 are collectively attached as **Exhibit A**. Said registration is valid and subsisting, and is *prima facie* evidence of Opposer’s exclusive right to use the GRANDE mark in commerce in connection with the goods specified in the registration. This registration has achieved incontestable status.

b. Captured information from the TSDR electronic database of the U.S. Patent & Trademark Office (“USPTO”) showing the current status and title of Mark Registration No. 1,318,393 are collectively attached as **Exhibit B**. Said registration is valid and subsisting, and is *prima facie* evidence of Opposer’s exclusive right to use the GRANDE mark in commerce in connection with the goods specified in the registration. This registration has achieved incontestable status.

c. Captured information from the TSDR electronic database of the U.S. Patent & Trademark Office (“USPTO”) showing the current status and title of Service Mark Registration No. 5,736,926 are collectively attached as **Exhibit C**. Said registration is valid and subsisting, and is *prima facie* evidence of Opposer’s exclusive right to use the GRANDE mark in commerce in connection with the services specified in the registration. This registration has achieved incontestable status.

3. Since its initial use of its GRANDE mark, Opposer has made investments in the advertising and promoting of its goods and services under its mark.

4. Opposer has advertised, promoted, offered and rendered Opposer’s goods and services in connection with its marks to the public through channels of trade in commerce, with the result that Opposer’s customers and the relevant purchasing public in general have

come to know and recognize Opposer's GRANDE mark and associate the GRANDE mark with Opposer and/or the goods and services offered, sold, and rendered by Opposer.

5. Opposer has established goodwill in connection with the sales of its goods and services in connection with its marks.

Applicant's Marks and Applications

6. Upon information and belief, Applicant, Alla Grande Fine Foods LLC, is a Pennsylvania limited liability company organized and existing under the laws of Pennsylvania and is located and doing business at 15 McFadden Road, Easton, Pennsylvania 18045.

7. The A LA GRANDE mark of Application Serial No. 98/038,570 was published for Opposition in the Trademarks *Official Gazette* on April 9, 2024.

8. As published for Opposition, the goods and services recited in Application Serial No. 98/038,570 are:

Class 29: Prepared food kits composed of meat, poultry, fish, seafood, and/or vegetables and also including sauces or seasonings, ready for cooking and assembly as a meal.

9. Application Serial No. 98/038,570, as of the publication date, is an intent-to-use trademark application.

10. The ALLA GRANDE mark of Application Serial No. 98/038,535 was published for Opposition in the Trademarks Official Gazette on April 9, 2024.

11. As published for Opposition, the goods and services recited in Application Serial No. 98/038,535 are:

Class 29: Prepared food kits composed of meat, poultry, fish, seafood, and/or vegetables and also including sauces or seasonings, ready for cooking and assembly as a meal.

12. Application Serial No. 98/038,535, as of the publication date, is an intent-to-use trademark application.

FIRST GROUND OF OPPOSITION

PRIORITY AND LIKELIHOOD OF CONFUSION

13. Opposer repeats, re-alleges, and incorporates by reference the preceding paragraphs.

14. Applicant's A LA GRANDE mark is a simulation and colorable imitation of, and so resembles Opposer's registered and common law GRANDE mark as to be likely, when applied to the proposed goods and/or services of Applicant, to cause confusion or mistake or to deceive the relevant purchasing public resulting in damage and detriment to Opposer and its reputation, in violation of Trademark Act Section 2(d), 15 U.S.C. § 1052(d).

15. Applicant's ALLA GRANDE mark is a simulation and colorable imitation of, and so resembles Opposer's registered and common law GRANDE mark as to be likely, when applied to the proposed goods and/or services of Applicant, to cause confusion or mistake or to deceive the relevant purchasing public resulting in damage and detriment to Opposer and its reputation, in violation of Trademark Act Section 2(d), 15 U.S.C. § 1052(d).

16. Upon information and belief, Opposer's and Applicant's goods and/or services will be sold in close proximity and purchased and used by the same general class of purchasers.

17. Opposer, upon information and belief, avers that members of the relevant purchasing public are likely to be confused, mistaken or deceived as to the origin and sponsorship of Applicant's proposed goods to be marketed under Applicant's A LA GRANDE and ALLA GRANDE marks and misled into believing that such goods are produced and/or

rendered by, emanate from, or are in some way associated with Opposer, to the damage and detriment of Opposer and its reputation.

18. Opposer, upon information and belief, avers that it will be damaged by the registration by Applicant of the A LA GRANDE and ALLA GRANDE marks, as set forth in Applicant's Application Serial Nos. 98/038,570 and 98/038,535, in that the marks are confusingly similar to Opposer's registered and common law GRANDE marks and will be used in connection with goods and/or services identical and/or related to the goods and/or services offered by Opposer.

WHEREFORE, Opposer, Grande Cheese Company, believes and avers that it is being and will continue to be damaged by registration of the alleged A LA GRANDE and ALL GRANDE marks and requests that said Application Serial Nos. 98/038,570 and 98/038,535 be refused, that no registration or registrations be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

Dated this 4th day of October, 2024.


Nicole M. Murray

Nicole M. Murray
nicole.murray@quarles.com
QUARLES & BRADY LLP
300 N. LaSalle Street, Suite 4000
Chicago, Illinois 60654
Telephone: (312) 715-5000
Facsimile: (312) 715-5155

Counsel for Opposer Grande Cheese Company

EXHIBIT A

For assistance with TSDR, email teas@uspto.gov and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

STATUS	DOCUMENTS	MAINTENANCE	Back to Search	Print
Generated on: This page was generated by TSDR on 2024-09-26 17:00:22 EDT				
Mark: GRANDE				
<h1>GRANDE</h1>				
US Serial Number:	73049878	Application Filing Date:	Apr. 18, 1975	
US Registration Number:	1051976	Registration Date:	Nov. 02, 1976	
Register:	Principal			
Mark Type:	Trademark			
TM5 Common Status Descriptor:		LIVE/REGISTRATION/Issued and Active		
Status:	The registration has been renewed.			
Status Date:	Oct. 27, 2016			
▲ Mark Information ▼ Expand All				
▼ Goods and Services				
Note: The following symbols indicate that the registrant/owner has amended the goods/services:				
<ul style="list-style-type: none"> • 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:	CHEESE PRODUCTS-NAMELY, CHEESE, IMITATION CHEESE AND FILLED CHEESE, SOLD EXCLUSIVELY FOR USE IN RESTAURANTS			
International Class(es):	029 - Primary Class	U.S Class(es):	046	
Class Status:	ACTIVE			
Basis:	1(a)			
First Use:	Jan. 1967	Use in Commerce:	Jan. 1967	
▲ Basis Information (Case Level)				
▼ Current Owner(s) Information				
Owner Name:	GRANDE CHEESE COMPANY			
Owner Address:	250 Camelot Drive Fond du Lac, WISCONSIN UNITED STATES 54935			
Legal Entity Type:	CORPORATION	State or Country Where Organized:	ILLINOIS	
▲ Attorney/Correspondence Information				
▲ Prosecution History				
▲ TM Staff and Location Information				
▲ Assignment Abstract Of Title Information - Click to Load				
▲ Proceedings - Click to Load				

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent Office

Reg. No. 1,051,976

Registered Nov. 2, 1976

TRADEMARK

Principal Register

GRANDE

Grande Cheese Company (Illinois corporation)
P.O. Box 67
Brownsville, Wis. 53006

For: CHEESE PRODUCTS—NAMELY, CHEESE,
IMITATION CHEESE AND FILLED CHEESE, SOLD
EXCLUSIVELY FOR USE IN RESTAURANTS—in
CLASS 29 (U.S. CL. 46).


First use January 1967; in commerce January 1967.

Ser. No. 49,878, filed Apr. 18, 1975.

A. B. DAVIDSON, Examiner

EXHIBIT B

For assistance with TSDR, email teas@uspto.gov and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

STATUS	DOCUMENTS	MAINTENANCE	Back to Search	Print
Generated on: This page was generated by TSDR on 2024-09-26 17:01:16 EDT				
Mark: GRANDE				
<h1>GRANDE</h1>				
US Serial Number:	73457642	Application Filing Date:	Dec. 19, 1983	
US Registration Number:	1318393	Registration Date:	Feb. 05, 1985	
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:	Jan. 28, 2015			
Publication Date:	Nov. 27, 1984			
▲ Mark Information ▼ Expand All				
▼ Goods and Services				
Note:				
The following symbols indicate that the registrant/owner has amended the goods/services:				
<ul style="list-style-type: none"> • 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:	Cheese			
International Class(es):	029 - Primary Class	U.S Class(es):	046	
Class Status:	ACTIVE			
Basis:	1(a)			
First Use:	Mar. 22, 1941	Use in Commerce:	Mar. 22, 1941	
▲ Basis Information (Case Level)				
▼ Current Owner(s) Information				
Owner Name:	Grande Cheese Company			
Owner Address:	250 Camelot Drive Fond du Lac, WISCONSIN UNITED STATES 54935			
Legal Entity Type:	CORPORATION	State or Country Where Organized:	ILLINOIS	
▲ Attorney/Correspondence Information				
▲ Prosecution History				
▲ TM Staff and Location Information				
▲ Assignment Abstract Of Title Information - Click to Load				
▲ Proceedings - Click to Load				

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 1,318,393

Registered Feb. 5, 1985

TRADEMARK
Principal Register

GRANDE

Grande Cheese Company (Illinois corporation)
P.O. Box 67
Brownsville, Wis. 53006

For: CHEESE, in CLASS 29 (U.S. Cl. 46).
First use Mar. 22, 1941; in commerce Mar. 22,
1941.


The word "Grande" in Italian means grand or
great.

Ser. No. 457,642, filed Dec. 19, 1983.

RICHARD A. STRASER, Examining Attorney

EXHIBIT C

For assistance with TSDR, email teas@uspto.gov and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

STATUS	DOCUMENTS	MAINTENANCE	Back to Search	Print
Generated on: This page was generated by TSDR on 2024-09-26 17:01:56 EDT				
Mark: GRANDE				
<h1>GRANDE</h1>				
US Serial Number:	87578835	Application Filing Date:	Aug. 22, 2017	
US Registration Number:	5736926	Registration Date:	Apr. 30, 2019	
Filed as TEAS RF:	Yes	Currently TEAS RF:	Yes	
Register:	Principal			
Mark Type:	Service Mark			
TM5 Common Status Descriptor:	LIVE/REGISTRATION/Issued and Active			
	 The trademark application has been registered with the Office.			
Status:	Registered. The registration date is used to determine when post-registration maintenance documents are due.			
Status Date:	Apr. 30, 2019			
Publication Date:	Feb. 12, 2019			
Mark Information Expand All				
Related Properties Information				
Goods and Services				
Note:				
The following symbols indicate that the registrant/owner has amended the goods/services:				
<ul style="list-style-type: none"> • 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:	Business management consulting services for the restaurant and eating establishment industry in the nature of food cost/price planning and tracking, menu planning, food storage and preparation, product promotion; providing business information regarding the food industry; preparing and placing advertisements for others			
International Class(es):	035 - Primary Class	U.S Class(es):	100, 101, 102	
Class Status:	ACTIVE			
Basis:	1(a)			
First Use:	Mar. 18, 1993	Use in Commerce:	Mar. 18, 1993	
For:	Training services in the field of food preparation for the restaurant and eating establishment industry			
International Class(es):	041 - Primary Class	U.S Class(es):	100, 101, 107	
Class Status:	ACTIVE			
Basis:	1(a)			
First Use:	Sep. 1993	Use in Commerce:	Sep. 1993	
Basis Information (Case Level)				
Current Owner(s) Information				
Owner Name:	Grande Cheese Company			
Owner Address:	250 Camelot Drive Fond du Lac, WISCONSIN UNITED STATES 54935			
Legal Entity Type:	CORPORATION	State or Country Where Organized:	ILLINOIS	
Attorney/Correspondence Information				
Prosecution History				
TM Staff and Location Information				
Assignment Abstract Of Title Information - Click to Load				
Proceedings - Click to Load				

United States of America

United States Patent and Trademark Office

GRANDE

Reg. No. 5,736,926

Registered Apr. 30, 2019

Int. Cl.: 35, 41

Service Mark

Principal Register

Grande Cheese Company (ILLINOIS CORPORATION)
250 Camelot Drive
Fond Du Lac, WISCONSIN 54935

CLASS 35: Business management consulting services for the restaurant and eating establishment industry in the nature of food cost/price planning and tracking, menu planning, food storage and preparation, product promotion; providing business information regarding the food industry; preparing and placing advertisements for others

FIRST USE 3-18-1993; IN COMMERCE 3-18-1993

CLASS 41: Training services in the field of food preparation for the restaurant and eating establishment industry

FIRST USE 9-00-1993; IN COMMERCE 9-00-1993

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

OWNER OF U.S. REG. NO. 1051976, 1800354, 2734848

The English translation of "GRANDE" in the mark is "GREAT".

SEC.2(F)

SER. NO. 87-578,835, FILED 08-22-2017



Andrei Iancu

Director of the United States
Patent and Trademark Office

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

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

Requirements in the First Ten Years*

What and When to File:

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

Requirements in Successive Ten-Year Periods*

What and When to File:

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

Grace Period Filings*

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

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

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

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