

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	McDonald's Corporation		
Entity	Corporation	Incorporated or registered in	DE
Address	110 N CARPENTER ST CHICAGO, IL 60607 UNITED STATES		
Attorney information	LAWRENCE JAMES JR. BARNES & THORNBURG LLP 1 N WACKER DRIVE SUITE 4400 CHICAGO, IL 60606 UNITED STATES Primary email: lee.james@btlaw.com Secondary email(s): ipdocket@btlaw.com, btmcdonalds@btlaw.com, jcullis@btlaw.com, valerie.matthews@btlaw.com, corrine.conway@btlaw.com, kiara.butler@btlaw.com, jeff.nicholas@btlaw.com 3122144576		
Docket no.			

Applicant information

Application no.	98778952	Publication date	05/13/2025
Opposition filing date	06/12/2025	Opposition period ends	06/12/2025
Applicant	Henan Youyuan Cultural Media Co., Ltd ROOM 1001, UNIT 1, BUILDING 4 DAOQING ROAD, XINYI STREET XINXIANG, HENAN, 453700 China		

Goods/services affected by opposition

Class 003. First Use: Jul 23, 2024 First Use In Commerce: Jul 23, 2024
All goods and services in the class are opposed, namely: Dentifrice; Shampoos; Cosmetic olive oil for the face and body; Cosmetic suntan preparations; Cosmetics and make-up; Eyebrow cosmetics; Hair shampoos and conditioners; Lotions for cosmetic purposes; Make-up sets; Non-medicated preparations all for the care of skin, hair and scalp; Sun-tanning oils and lotions; Teeth whitening kit; Teeth whitening strips impregnated with teeth whitening preparations

Grounds for opposition

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

Dilution by tarnishment	Trademark Act Sections 2 and 43(c)
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Marks cited by opposer as basis for opposition

U.S. registration no.	3074164	Application date	06/13/2002
Register	Principal		
Registration date	03/28/2006	Foreign priority date	NONE
Word mark	MCDONALD'S ALL AMERICAN		
Design mark			
Description of mark			
Goods/services	Class 041. First use: First Use: Apr 30, 1978 First Use In Commerce: Apr 30, 1978 ENTERTAINMENT SERVICES NAMELY CONDUCTING ATHLETIC EVENTS IN THE NATURE OF BASKETBALL AND SOCCER CLINICS AND COMPETITIONS		

U.S. registration no.	1426681	Application date	09/30/1982
Register	Principal		
Registration date	01/27/1987	Foreign priority date	NONE
Word mark	MCDONALDS		
Design mark			
Description of mark			
Goods/services	Class 029. First use: First Use: 1948 First Use In Commerce: May 1953 CHICKEN, HASHBROWN POTATOES, PREPARED EGGS, MILK, FRESH GARDEN SALADS AND PROCESSED INGREDIENTS THEREOF, FOR CONSUMPTION ON OR OFF THE PREMISES Class 030. First use: First Use: 1948 First Use In Commerce: May 1953 HAMBURGER AND CHEESEBURGER SANDWICHES AND SPECIAL COMBINATION SANDWICHES FEATURING HAMBURGERS AND CHEESEBURGERS, [ROAST BEEF SANDWICHES, HOT CHOCOLATE, PREPARED CATSUP, COOKIES,] HOTCAKES, TABLE SYRUP, FRUIT PIES, SPECIAL COMBINATION EGG SANDWICHES, TEA, [COFFEE, SOFT SERVE ICE CREAM OR ICE CREAM SUBSTITUTE, ICE CREAM OR ICE CREAM SUBSTITUTE SUNDAES, SOFT SERVE ICE MILK, SOFT SERVE ICE MILK SUNDAES, DONUTS,] PASTRIES, CHICKEN SANDWICHES, PORK SANDWICHES, [BISCUIT AND HAM SANDWICHES] AND BISCUIT AND SAUSAGE SANDWICHES FOR CONSUMPTION ON OR OFF THE PREMISES Class 032. First use: First Use: 1948 First Use In Commerce: 1953 CARBONATED AND NON-CARBONATED SOFT DRINKS [AND FRUIT JUICES] FOR CONSUMPTION ON OR OFF THE PREMISES		

U.S. registration no.	0743572	Application date	05/04/1961
Register	Principal		
Registration date	01/08/1963	Foreign priority date	NONE

Word mark	MCDONALD'S
Design mark	
Description of mark	
Goods/services	Class 100. First use: First Use: Dec 1948 First Use In Commerce: May 6, 1953 Drive-In Restaurant Services

U.S. registration no.	3201441	Application date	03/02/2006
Register	Principal		
Registration date	01/23/2007	Foreign priority date	NONE
Word mark	MCCAFE		
Design mark			
Description of mark			
Goods/services	Class 030. First use: First Use: May 2, 2001 First Use In Commerce: May 2, 2001 BEVERAGES MADE OF COFFEE BEANS, HOT CHOCOLATE, PASTRIES, MUFFINS, CAKES, COOKIES, BISCUITS AND SANDWICHES		

U.S. registration no.	3212858	Application date	03/02/2006
Register	Principal		
Registration date	02/27/2007	Foreign priority date	NONE
Word mark	MCCAFE		
Design mark			
Description of mark			
Goods/services	Class 029. First use: First Use: May 2, 2001 First Use In Commerce: May 2, 2001 MILK-BASED BEVERAGES CONTAINING COFFEE, FRUIT AND FRUIT JUICE		

U.S. registration no.	1440655	Application date	09/30/1982
Register	Principal		
Registration date	05/26/1987	Foreign priority date	NONE
Word mark	MCDONALDS		
Design mark			
Description of mark			
Goods/services	Class 025. First use: First Use: Sep 1973 First Use In Commerce: Sep 1973 MEN'S CLOTHING, WOMEN'S CLOTHING AND CHILDREN'S CLOTHING, NAMELY, T-SHIRTS, [NIGHT SHIRTS,] HATS, [SWEATERS][, SHORTS,] ATHLETIC SHIRTS, [VESTS,] SWEAT SHIRTS AND JERSEYS		

U.S. registration	2805109	Application date	12/19/1997
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no.			
Register	Principal		
Registration date	01/13/2004	Foreign priority date	NONE
Word mark	MCFLURRY		
Design mark			
Description of mark			
Goods/services	Class 030. First use: First Use: Oct 31, 1997 First Use In Commerce: Oct 31, 1997 dairy based dessert products namely ice cream and frozen confections		

U.S. registration no.	1266500	Application date	06/21/1982
Register	Principal		
Registration date	02/07/1984	Foreign priority date	NONE
Word mark	MC DOUBLE		
Design mark			
Description of mark			
Goods/services	Class 030. First use: First Use: Jun 30, 1977 First Use In Commerce: Sep 30, 1977 a Sandwich for Consumption On or Off Premises		

U.S. registration no.	5241953	Application date	04/15/2015
Register	Principal		
Registration date	07/11/2017	Foreign priority date	NONE
Word mark	MCDELIVERY		
Design mark			
Description of mark			
Goods/services	Class 043. First use: First Use: May 17, 2017 First Use In Commerce: May 17, 2017 SERVICES FOR PROVIDING FOOD AND DRINK; RESTAURANT SERVICES; OPERATING RESTAURANTS AND OTHER ESTABLISHMENTS OR FACILITIES ENGAGED IN PROVIDING FOOD AND DRINK PREPARED FOR CONSUMPTION AND SALE OF CARRY-OUT OR TAKE AWAY FOODS AND DRINKS		

U.S. registration no.	1065885	Application date	02/05/1976
Register	Principal		
Registration date	05/17/1977	Foreign priority date	NONE
Word mark	MC CHICKEN		
Design mark			
Description of			

mark	
Goods/services	Class 029. First use: First Use: Jun 16, 1975 First Use In Commerce: Jun 16, 1975 COOKED CHICKEN FOR CONSUMPTION ON OR OFF THE PREMISES

U.S. registration no.	4071074	Application date	09/09/2009
Register	Principal		
Registration date	12/13/2011	Foreign priority date	NONE
Word mark	MCNUGGET		
Design mark			
Description of mark			
Goods/services	Class 029. First use: First Use: May 31, 2011 First Use In Commerce: May 31, 2011 PRODUCTS MADE OF POULTRY		

U.S. registration no.	2160744	Application date	02/21/1995
Register	Principal		
Registration date	05/26/1998	Foreign priority date	NONE
Word mark	MCDONALDS.COM		
Design mark			
Description of mark			
Goods/services	Class 042. First use: First Use: Jun 1, 1996 First Use In Commerce: Jun 1, 1996 computer services, namely providing access to computer databases in the nature of a computer bulletin board in the field of restaurant operations and management		

U.S. registration no.	1369360	Application date	02/13/1984
Register	Principal		
Registration date	11/05/1985	Foreign priority date	NONE
Word mark	MCMUFFIN		
Design mark			
Description of mark			
Goods/services	Class 030. First use: First Use: May 1983 First Use In Commerce: May 1983 BREAKFAST FOOD COMBINATION SANDWICH FOR CONSUMPTION ON OR OFF THE PREMISES		

Attachments	78135408#TMSN.png(bytes) 73397249#TMSN.png(bytes) 72119302#TMSN.png(bytes)
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Signature	/Lawrence James/
Name	Lawrence James
Date	06/12/2025

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

In the Matter of:
Application Serial No. 98778952

Published in the *Official Gazette*
on May 13, 2025

Mark: McBryzint

Opposition No.: _____

McDonald's Corporation,

Opposer,

v.

Henan Youyuan Cultural Media Co., Ltd,

Applicant.

NOTICE OF OPPOSITION

Opposer, McDonald's Corporation, a corporation organized and existing under the laws of the State of Delaware, with offices at 110 N. Carpenter Street, Chicago, Illinois 60607, believes that it will be damaged by registration of McBryzint in International Class 3 as shown in Application Serial No. 98778952 filed by Applicant, Henan Youyuan Cultural Media Co., Ltd, having an address at Room 1001, Unit 1, Building 4, Daoqing Road, Xinyi Street, Xinxiang, Henan CHINA 45370, and hereby opposes the same and requests that registration to Applicant be refused.

The grounds for this Notice of Opposition are as follows:

1. Applicant is seeking to register the McBryzint mark for "Dentifrice; Shampoos; Cosmetic olive oil for the face and body; Cosmetic suntan preparations; Cosmetics and make-up; Eyebrow cosmetics; Hair shampoos and conditioners; Lotions for cosmetic purposes; Make-up sets; Non-medicated preparations all for the care of skin, hair and scalp; Sun-tanning oils and lotions; Teeth whitening kit; Teeth whitening strips impregnated with teeth whitening preparations" in International Class 3. The application is based on Applicant's alleged use of the mark filed under 15 U.S.C. § 1051(a).

2. This Notice of Opposition is being timely submitted.

3. Since 1955, Opposer has been in the business of developing, operating, franchising, and servicing an extensive system of restaurants that prepare, package, and sell a wide variety of high quality, quickly-prepared, modestly-priced foods. Opposer has carried on this business in the United States and throughout the world. Opposer and its subsidiaries now operate or license thousands of restaurants throughout the world, including over 14,000 restaurants in the United States.

4. In connection with this business, Opposer has, for decades, extensively used its “Mc” family of marks, which includes “Mc” used with various generic or descriptive terms, to advertise, promote, and sell a variety of food products and restaurant services. Opposer has also used its family of “Mc” marks on a variety of goods and services that are not related to food products or restaurant services, such as men’s, women’s, and children’s clothing, namely, t-shirts, hats, athletic shirts, sweatshirts, and jerseys; toys; charitable services; educational services; and entertainment services. In sum, Opposer uses its family of “Mc” marks in connection with products and services similar or related to those for which Applicant seeks registration of the McBryzint mark.

5. Opposer’s extensive advertising and promotion of its various goods and services under its family of “Mc” marks includes without limitation the use of television and print advertising, radio, newspaper and magazine advertising, outdoor billboard and signage, Internet advertising, mobile advertising and direct mail, which are directed to and reach the public in both local and nationwide markets. In addition, Opposer uses its “Mc” family of marks on food product packaging and point-of-purchase advertising.

6. Opposer owns numerous federal registrations for its family of “Mc” marks. These registrations include, but are not limited to, the following:

<u>MARK NAME</u>		<u>REG. NO.</u>	<u>REG. DATE</u>	<u>GOODS/SERVICES</u>
1.	McDONALD’S	1,440,655	05/26/1997	Men’s clothing, women’s clothing and children’s clothing, namely, t-shirts, hats, athletic shirts, sweat shirts and jerseys.
2.	McDONALD’S	1,426,681	01/27/1987	Chicken, hashbrown potatoes, prepared eggs, milk, fresh garden salads and processed ingredients thereof, for consumption on or off the premises; Hamburger and cheeseburger sandwiches and special combination sandwiches

<u>MARK NAME</u>		<u>REG. NO.</u>	<u>REG. DATE</u>	<u>GOODS/SERVICES</u>
				featuring hamburgers and cheeseburgers; hotcakes, table syrup, fruit pies, special combination egg sandwiches, tea, pastries, chicken sandwiches, pork sandwiches, and biscuit and sausage sandwiches for consumption on or off the premises; carbonated and non-carbonated soft drinks for consumption on or off the premises; Carbonated and non-carbonated soft drinks for consumption on or off the premises
3.	McDONALD'S	743,572	01/08/1963	Drive-in restaurant services
4.	McDONALD'S ALL AMERICAN	3,074,164	03/28/2006	Entertainment services, namely, conducting athletic events in the nature of basketball and soccer clinics and competitions
5.	McCAFE	3,201,441	01/23/2007	Beverages made of coffee beans, hot chocolate, pastries, muffins, cakes, cookies, biscuits, and sandwiches
6.	McCAFE	3,212,858	02/27/2007	Milk-based beverages containing coffee, fruit and fruit juice
7.	McCHICKEN	1,065,885	05/17/1977	Cooked chicken for consumption on or off the premises
8.	McDOUBLE	1,266,500	02/07/1984	A sandwich for consumption on or off premises
9.	McMUFFIN	1,369,360	11/05/1985	Breakfast food combination sandwich for consumption on or off premises
10.	McNUGGET	4,071,074	12/13/2011	Products made of poultry
11.	McFLURRY	2,805,109	01/13/2004	Dairy based dessert products namely ice cream and frozen confections
12.	McDELIVERY	5,241,953	07/11/2017	Services for providing food and drink; restaurant services Operating restaurants and other establishments
13.	MCDONALDS.COM	2,160,744	05/26/1998	Computer services, namely providing access to computer databases in the nature of a computer bulletin board in the field of restaurant operations and management

Each of the aforesaid registrations is valid, subsisting, and in full force and effect. Further, each of the above-identified registrations is at least *prima facie* evidence of the validity of each registration, of Opposer's ownership thereof, and of Opposer's exclusive right to use such

registered marks on the goods or services set forth in the registrations. Furthermore, Opposer applied to register and commenced use of the above-listed marks in association with its respective designated goods and services prior to Applicant's filing date and first use dates.

7. Through Opposer's extensive and continuous use of the trademark McDONALD'S, and its "Mc" marks, the public has come to recognize marks combining "Mc" with a common word for a wide variety of goods and services as being uniquely associated with Opposer. Opposer has developed, at great effort and expense, exceedingly valuable goodwill with respect to the specific marks listed above, as well as for its entire "Mc" family of marks. Opposer's "Mc" family of marks is famous and was famous long prior to the filing and first use dates of the subject application.

8. Both the Trademark Trial and Appeal Board and the Federal Circuit have long recognized the validity of Opposer's rights to its famous "Mc" family of marks. *McDonald's Corp. v. McClain*, 37 U.S.P.Q. 2d 1274, 1276 (TTAB 1995) ("The family of [McDonald's] marks has been recognized by this Board and by the courts"); *McDonald's Corp. v. McKinley*, 13 U.S.P.Q. 2d 1895, 1899 (TTAB 1989) ("In view of opposer's extensive evidence of use and promotion of marks having a 'Mc' or 'Mac' portion, there can be no doubt that opposer has established that its marks comprise a family"); *McDonald's Corp. v. McSweet, LLC*, 112 U.S.P.Q. 2d 1268 at *7 (TTAB 2014) ("Based on the record before us, . . . Opposer has established that, based on its use and promotion of its family of marks, Opposer continues to own a family of marks consisting of the prefix 'Mc' combined either with a generic term or a descriptive term."); *McDonald's Corp. v. McBagel's, Inc.*, 649 F. Supp. 1268, 1272 (S.D.N.Y. 1986) (finding that McDonald's "owns a 'family of marks' both registered and unregistered, whose common characteristic is the use of 'Mc' or 'Mac' as a formative"); *J&J Snack Foods Corp. v. McDonald's Corp.*, 932 F.2d 1460,

1463 (Fed. Cir. 1991) (recognizing “McDonald’s specific family of marks wherein the prefix ‘Mc’ is used with generic food names to create fanciful words.”).

9. Despite Opposer’s long-standing prior rights in its “Mc” family of marks for restaurant services, food products, clothing, and a wide variety of other goods and services, on September 30, 2024, Applicant filed its application to register the McBryzint mark for “Dentifrice; Shampoos; Cosmetic olive oil for the face and body; Cosmetic suntan preparations; Cosmetics and make-up; Eyebrow cosmetics; Hair shampoos and conditioners; Lotions for cosmetic purposes; Make-up sets; Non-medicated preparations all for the care of skin, hair and scalp; Sun-tanning oils and lotions; Teeth whitening kit; Teeth whitening strips impregnated with teeth whitening preparations” in International Class 3. Given Opposer’s widespread advertising and promotion of its “Mc” family of marks, Applicant’s selection and use of the McBryzint mark, which incorporates the “Mc” prefix, suggests an intent by Applicant to trade off the goodwill and recognition associated with Opposer’s trademarks.

10. Potential purchasers, upon seeing the dominant “Mc” formative in the McBryzint mark, are likely to mistakenly believe that the goods offered thereunder originated or are connected with, or are sponsored, licensed or approved by, Opposer. Thus, registration and use by Applicant of the McBryzint mark in connection with its goods, for all channels of trade and all types of prospective purchasers, is likely to cause confusion, mistake, or deception in violation of 15 U.S.C. § 1052(d).

11. Registration of the McBryzint mark is also “likely to cause dilution by blurring or dilution by tarnishment” of Opposer’s rights in its famous “Mc” family of marks because the McBryzint mark is likely to diminish and dilute the distinctive quality of Opposer’s marks and is likely to blur and otherwise impair the distinctiveness of this family of marks in violation of 15

U.S.C. § 1125(c).

12. If a registration is issued to Applicant for the McBryzint mark, the confusion with Opposer's mark would result in damage and injury to Opposer and the public. Registration of the McBryzint mark would also give Applicant an unqualified right (i) to wrongfully appropriate Opposer's valuable goodwill and reputation associated with Opposer's marks; (ii) to benefit from the likely confusion among purchasers led to believe that goods of Applicant are related in some fashion to Opposer; (iii) is likely to dilute the distinctiveness of Opposer's marks and harm its goodwill and reputation associated with its marks; (iv) to tarnish Opposer's good name by offering goods not subject to Opposer's quality controls; and (v) to restrict the natural growth of Opposer's "Mc" family of marks.

WHEREFORE, Opposer requests that this Opposition be sustained and Application Serial No. 98778952 be refused registration.

The requisite filing fee of \$600.00 and any additional fees related to this matter are being charged to a credit card concurrently with this filing.

Respectfully submitted,

McDonald's Corporation

Date: June 12, 2025

By: Lawrence E. James, Jr./
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CERTIFICATE OF TRANSMISSION

I hereby certify that the foregoing NOTICE OF OPPOSITION is being electronically transmitted via the Electronic System for Trademark Trials and Appeals (“ESTTA”) at <http://estta.uspto.gov/> on the date noted below:

Date: June 12, 2025

By: /Lawrence E. James, Jr./
One of the Attorneys for
Opposer, McDonald's
Corporation