ESTTA Tracking number:	**ESTTA1455622**
Filing date:	**08/11/2025**

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	Mini Melts, Inc.		
Entity	Corporation	Incorporated or registered in	FL
Address	20991 PINAR TRAIL BOCA RATON, FL 33433 UNITED STATES		

Attorney information	ROBERT GLENN OAKE JR. 1218 PHILIP DRIVE ALLEN, TX 75013 UNITED STATES Primary email: rgo@oake.com Secondary email(s): rgoake@gmail.com 2142079066
Docket no.	MMBOT001

Applicant information

Application no.	98756369	Publication date	07/15/2025
Opposition filing date	08/11/2025	Opposition period ends	08/14/2025
Applicant	Mini Melts USA, LLC 2540 METROPOLITAN DRIVE TREVOSE, PA 19053 United States		

Goods/services affected by opposition

Class 007. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Vending machines and automated kiosks comprised of vending machines for dispensing ice cream, sorbet, frozen yogurt, frozen confections, novelty frozen ice cream beads, preparations for making ice cream confections, freeze-dried candy and confections.
Class 030. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Ice cream; sorbet; frozen yogurt; frozen confections; novelty frozen ice cream beads; preparations for making ice cream confections; freeze-dried candy and frozen confections
Class 035. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: On-line retail store services featuring ice cream, sorbet, frozen yogurt, frozen confections, novelty frozen ice cream beads, preparations for making ice cream confections, freeze-dried candy and confections; retail store services featuring ice cream, sorbet, frozen yogurt, frozen confections, novelty frozen ice cream beads, preparations for making ice cream confections, freeze-dried candy and confections; retail vending stand services featuring ice cream, sorbet, frozen yogurt, frozen confections, novelty frozen ice cream beads, prepara-

tions for making ice cream confections, freeze-dried candy and confections.

Grounds for opposition

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

Mark cited by opposer as basis for opposition

U.S. application no.	97194937	Application date	12/29/2021
Registration date	NONE	Foreign priority date	NONE
Word mark	MINI MELTS BIG		
Design mark			
Description of mark			
Goods/services	Class 030. First use: First Use: None First Use In Commerce: None Gelato; Sherbet; Sorbets; Frozen confectionery; Frozen confections; Frozen confections, namely, ices; Frozen dessert consisting of fruit and cream or cream substitutes; Frozen yogurt; Frozen soy-based desserts; Frozen yoghurt; Frozen yogurt confections; Ice cream substitute; Sherbets; Edible ices; Edible fruit ices; Flavored ices; Fruit ices; Non-dairy frozen confections; Vegan frozen confections		

Attachments	97194937#TMSN.png(bytes) Trademark Opposition - Public Version Redacted.pdf(278840 bytes)

Signature	/Robert G. Oake, Jr./
Name	Robert G. Oake, Jr.
Date	08/11/2025

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

MINI MELTS, INC.,

Opposer,

v.

MINI MELTS USA, INC.,

Applicant.

Opposition No. _____

Mark: MINI BEADS OF ICE CREAM. BIG BITES OF YUM.

Application Serial No. 98756369

Filed on June 25, 2024

Published on July 15, 2025

NOTICE OF OPPOSITION
PUBLIC VERSION - REDACTED

Mini Melts, Inc. ("Opposer Mini Melts"), a corporation organized and existing under the laws of Florida, with a principal place of business at 20991 Pinar Trail, Boca Raton, Florida, 33433, believes that it will be damaged by registration of the mark MINI BEADS OF ICE CREAM. BIG BITES OF YUM., Application Serial No. 98756369, and hereby opposes the same under Section 13 of the Trademark Act, 15 U.S.C. § 1063.

As grounds for opposition, Opposer alleges:

1. Opposer Mini Melts is the applicant of U.S. Trademark Application Serial No. 97194937 for the mark MINI MELTS BIG, filed on December 29, 2021, on an intent-to-use basis under Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b), for use in connection with the following goods in International Class 030: Gelato; Sherbet; Sorbets; Frozen confectionery; Frozen confections; Frozen confections, namely, ices; Frozen dessert consisting of fruit and cream or cream substitutes; Frozen yogurt; Frozen soy-based desserts; Frozen yoghurt; Frozen yogurt confections; Ice cream substitute; Sherbets; Edible ices; Edible fruit ices; Flavored ices; Fruit ices; Non-dairy frozen confections; Vegan frozen confections.

2. A Notice of Allowance was issued for the mark MINI MELTS BIG on February 14, 2023. Four Intent to Use extensions have been filed and approved for MINI MELTS BIG and a fifth and final intent to use extension was filed on August 6, 2025.

3. Opposer owns all rights, title, and interest in and to the trademark MINI MELTS BIG,

4.

5.

6.

[redacted]

[redacted]			
[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]	[redacted]	

7. [redacted]

8. [redacted]

[redacted]

[redacted]

10. Opposer Mini Melts' trademark application for MINI MELTS BIG was first filed on February 14, 2014, under Section 1(b) on an Intent to Use basis in International Class 030 for "Ice cream." A Notice of Allowance was filed October 21, 2014, and Opposer Mini Melts thereafter filed five extensions of time to file a statement of use. A Notice of Abandonment was filed on November 27, 2017.

11. On October 10, 2017, Opposer Mini Melts filed a second trademark application for MINI MELTS BIG, under Section 1(b) on an Intent to Use basis in International Class 030 for "Ice cream." A Notice of Allowance was filed April 24, 2018, and Opposer Mini Melts thereafter filed five extensions of time to file a statement of use. A Notice of Abandonment was filed on June 1, 2021.

12. On April 23, 2021, Opposer Mini Melts filed a third trademark application for MINI MELTS BIG, under Section 1(b) on an Intent to Use basis in International Class 030 for "Ice cream." On December 22, 2021, a Nonfinal Office Action was filed that refused registration due to likelihood of confusion under Trademark Act Section 2(d) with the mark MINI MELTS, now owned by Applicant Mini Melts USA as a result of the Agreement. Opposer Mini Melts did not contest the Office Action and did not respond to it, and the trademark application went abandoned on July 6, 2022, as a result of failing to respond to the Office Action.

13. On December 29, 2021, Opposer Mini Melts filed a fourth trademark application for MINI MELTS BIG, under Section 1(b) on an Intent to Use basis in International Class 030 for "Gelato;

Sherbet; Sorbets; Frozen confectionery; Frozen confections; Frozen confections, namely, ices; Frozen dessert consisting of fruit and cream or cream substitutes; Frozen yogurt; Frozen soy-based desserts; Frozen yoghurt; Frozen yogurt confections; Ice cream substitute; Sherbets; Edible ices; Edible fruit ices; Flavored ices; Fruit ices; Non-dairy frozen confections; Vegan frozen confections" On October 8, 2022, a Nonfinal Office Action was filed that stated "[t]he examining attorney has searched the USPTO database of registered and pending marks and has found no conflicting marks that would bar registration under trademark Act Section 2(d)." On February 14, 2023, a Notice of Allowance was filed and Opposer Mini Melts has filed five requests for extension to file a statement of use, the last being filed on August 6, 2025.

14. On September 18, 2024, Applicant Mini Melts USA filed a trademark application on a Section 1(b) Intent to Use basis for the mark MINI MELTS in the following three international classes:

> 007 Vending machines and automated kiosks for dispensing ice cream, sorbet, frozen yogurt, frozen confections, novelty frozen ice cream beads, preparations for making ice cream confections, freeze-dried candy and confections.
>
> 030 Sorbet, frozen yogurt, frozen confections, novelty frozen ice cream beads, preparations for making ice cream confections, freeze-dried candy and confections.
>
> 035 On-line retail store services featuring ice cream, sorbet, frozen yogurt, frozen confections, novelty frozen ice cream beads, preparations for making ice cream confections, freeze-dried candy and confections; retail store services featuring ice cream, sorbet, frozen yogurt, frozen confections, novelty frozen ice cream beads, preparations for making ice cream confections, freeze-dried candy and confections; retail vending stand services featuring ice cream, sorbet, frozen yogurt, frozen confections, novelty frozen ice cream beads, preparations for making ice cream confections, freeze-dried candy and confections.

15. On March 17, 2025, a Nonfinal Office Action issued that included a potential refusal under Trademark Act Section 2(d) due to likelihood of confusion between the applied for MINI MELTS

mark and pending U.S. Application Serial No. 97194937 for Opposer Mini Melt's MINI MELTS BIG mark.

16. On June 10, 2025, Applicant Mini Melts USA filed a response that did not address the potential refusal under Trademark Act Section 2(d) due to likelihood of confusion between the applied for MINI MELTS mark and pending U.S. Application Serial No. 97194937 for Opposer Mini Melt's MINI MELTS BIG mark.

17. On July 2, 2025, a Non-Final Office Action issued that repeated the refusal under Trademark Act Section 2(d) due to likelihood of confusion between the applied for MINI MELTS mark and pending U.S. Application Serial No. 97194937 for Opposer Mini Melt's MINI MELTS BIG mark. The application remains pending.

18. On September 18, 2024, Applicant Mini Melts USA, Inc., filed Application Serial No. 98756479 for the mark MINI BEADS OF ICE CREAM. BIG BITES OF YUM. in connection with the exact same goods and international classes stated in the MINI MELTS trademark application

19. On September 18, 2024, Applicant Mini Melts USA, Inc., filed Application Serial No. 98756369 for the stylized mark MINI MELTS ICE CREAM. The application had the exact same goods and international classes stated in the MINI MELTS trademark application that received a potential refusal under Trademark Act Section 2(d) due to likelihood of confusion between the applied for MINI MELTS mark and pending U.S. Application Serial No. 97194937 for Opposer Mini Melt's MINI MELTS BIG mark. The examiner, who is different from the examiner involved in the MINI MELTS application, found no conflicting marks that would bar registration under Trademark Act Section 2(d).

20. Applicant Mini Melts USA's proposed mark MINI BEADS OF ICE CREAM. BIG BITES OF YUM. contains dominant elements that are the same in appearance, sound, and commercial

impression to Opposer Mini Melts' mark MINI MELTS BIG, namely the use of "MINI" and "BIG," and targets the same consumers in the frozen novelty food space.

21. The goods described in the opposed application are identical to or closely related to those offered by Opposer Mini Melts under the MINI MELTS BIG mark.

22. The similarity of the marks and the overlap in goods and services is likely to cause confusion, mistake, or deception as to the source of Applicant Mini Melts USA's goods and services, or as to the affiliation, sponsorship, or endorsement of those goods by Opposer Mini Melts, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

23. Registration of Applicant Mini Melts USA's mark would damage Opposer Mini Melts by [redacted] (b) creating consumer confusion as to the source or sponsorship of the products, and (c) [redacted]

24. On information and belief, Applicant Mini Melts USA has acted in bad faith by using and seeking registration of a mark that (a) covers the exact same goods and international classes stated in the MINI MELTS trademark application that received a potential refusal under Trademark Act Section 2(d) due to likelihood of confusion with pending U.S. Application Serial No. 97194937 for Opposer Mini Melt's MINI MELTS BIG mark, and (b) includes two dominant elements, "MINI" and "BIG," that are the exact same in appearance, sound, and commercial impression as two of the three elements in Opposer Mini Melts' MINI MELTS BIG mark, [redacted]

[1] [redacted]

25. Further evidencing bad faith, Applicant Mini Melts USA's decision to include the word "BIG" in its proposed mark and advertising, despite having no apparent reason to do so based on the nature or size of its product, [redacted] If Applicant Mini Melts USA merely intended to convey generosity of portion or flavor, there were many other non-infringing ways to do so without using the exact word that lies at the center of Opposer Mini Melts' trademark rights.

26. Opposer Mini Melts hereby appoints Robert G. Oake, Jr., Oake Law Office, PLLC to act as its attorney with full power to prosecute this opposition, to transact all relevant business in the Patent and Trademark Office, and to receive all communications with respect to this opposition.

WHEREFORE, Opposer Mini Melts respectfully requests that this Opposition be sustained and that registration of the mark MINI BEADS OF ICE CREAM. BIG BITES OF YUM., Application Serial No. 98756369, be refused.

DATED this 11th day of August 2025.

Respectfully submitted,

/s/ Robert G. Oake, Jr.
Robert G. Oake, Jr.
Texas State Bar No. 15154300
Registration No. 40,748
Oake Law Office, PLLC
700 S. Central Expy., Suite 400
Allen, Texas 75013
(214) 207-9066, rgo@oake.com

Attorney for Opposer Mini Melts, Inc.

EXHIBIT A

Filed Under Seal
(Redacted in Public Version)