

ESTTA Tracking number: **ESTTA1033488**

Filing date: **02/04/2020**

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

Petition for Cancellation

Notice is hereby given that the following party has filed a petition to cancel the registration indicated below.

Petitioner Information

Name	7-Eleven, Inc.		
Entity	Corporation	Citizenship	Texas
Address	3200 Hackberry Road Irving, TX 75063 UNITED STATES		

Attorney information	Danae T. Robinson Pirkey Barber PLLC 1801 East 6th Street, Suite 300 Austin, TX 78702 UNITED STATES sespenshade@pirkeybarber.com, drobinson@pirkeybarber.com, drausa@pirkeybarber.com, tmcentral@pirkeybarber.com 5123225200
----------------------	---

Registration Subject to Cancellation

Registration No.	5746375	Registration date	05/07/2019
Registrant	Bereber, Brian 5511 - 184A St NW Edmonton, Alberta, T6M1Y5 CANADA		

Goods/Services Subject to Cancellation

Class 034. First Use: 2016/07/04 First Use In Commerce: 2016/07/04 All goods and services in the class are subject to cancellation, namely: Electronic cigarette liquid (e-liquid) comprised of flavorings in liquid form, other than essential oils, used to refill electronic cigarette cartridges; electronic cigarette liquid (e-liquid) comprised of propylene glycol; electronic cigarette liquid (e-liquid) comprised of vegetable glycerin; containers filled with chemical flavorings in liquid form for electronic cigarettes; chemical flavorings in liquid form used to refill electronic cigarette cartridges

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
No use of mark in commerce before application, amendment to allege use, or statement of use was filed	Trademark Act Sections 14(1) and 1(a), (c), and (d)
Abandonment	Trademark Act Section 14(3)
Dilution by blurring	Trademark Act Sections 14(1) and 43(c)

Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	829177	Application Date	07/08/1966
Registration Date	05/23/1967	Foreign Priority Date	NONE
Word Mark	SLURPEE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1966/07/02 First Use In Commerce: 1966/07/06 FRUIT FLAVORED, SEMI-FROZEN SOFT DRINKS		

U.S. Registration No.	2240848	Application Date	06/03/1998
Registration Date	04/20/1999	Foreign Priority Date	NONE
Word Mark	SLURPEE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1998/05/00 First Use In Commerce: 1998/05/00 clothing, namely T-shirts		

U.S. Registration No.	3151476	Application Date	10/23/2002
Registration Date	10/03/2006	Foreign Priority Date	NONE
Word Mark	SLURPEE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2001/10/31 First Use In Commerce: 2001/10/31 Confectionery products, namely candy		

U.S. Registration No.	3494101	Application Date	07/24/2006
Registration Date	08/26/2008	Foreign Priority Date	NONE
Word Mark	SLURPEE		

Design Mark	<h1>SLURPEE</h1>		
Description of Mark	NONE		
Goods/Services	Class 020. First use: First Use: 2003/01/01 First Use In Commerce: 2003/01/01 Drinking straws		

U.S. Registration No.	3079803	Application Date	08/26/2005
Registration Date	04/11/2006	Foreign Priority Date	NONE
Word Mark	SLURPEE		
Design Mark	<h1>SLURPEE</h1>		
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2005/07/04 First Use In Commerce: 2005/07/04 Toy battery operated beverage maker		

U.S. Registration No.	3596696	Application Date	07/24/2006
Registration Date	03/24/2009	Foreign Priority Date	NONE
Word Mark	SLURPEE		
Design Mark	<h1>SLURPEE</h1>		

Description of Mark	NONE
Goods/Services	Class 021. First use: First Use: 2000/01/01 First Use In Commerce: 2000/01/01 Beverage containers, namely, reusable plastic cups and mugs

U.S. Registration No.	4932605	Application Date	11/12/2015
Registration Date	04/05/2016	Foreign Priority Date	NONE

Word Mark	SLURPEE
-----------	---------


Design Mark	
-------------	--

Description of Mark	The mark consists of the word "SLURPEE" in bubble letters enclosed within a bubble with lines emanating from same in a swirl pattern.
---------------------	---

Goods/Services	Class 032. First use: First Use: 2009/04/00 First Use In Commerce: 2009/04/00 Semi-frozen carbonated beverages
----------------	--

U.S. Registration No.	5671612	Application Date	06/14/2018
Registration Date	02/05/2019	Foreign Priority Date	NONE

Word Mark	SLURPEE
-----------	---------

Design Mark	 <p>The logo features the word "SLURPEE" in a stylized, bubbly font. The letters are white with black outlines and are set against a background of grey, teardrop-shaped bubbles of various sizes. The bubbles are arranged in a swirling pattern around the text, creating a sense of motion and refreshment.</p>
Description of Mark	The mark consists of the word "SLURPEE" in bubble letters with various size bubbles emanating from same in a swirl pattern.
Goods/Services	Class 032. First use: First Use: 2018/11/14 First Use In Commerce: 2018/11/14 Semi-frozen carbonated beverages

Attachments	<p>78936144#TMSN.png(bytes) 78701702#TMSN.png(bytes) 78936011#TMSN.png(bytes) 86818583#TMSN.png(bytes) 88000797#TMSN.png(bytes) Petition for Cancellation.pdf(167467 bytes) Exhibit A.pdf(1008562 bytes)</p>
-------------	--

Signature	/Danae T. Robinson/
Name	Danae T. Robinson
Date	02/04/2020

limitation confectionery products, beverage containers, straws, toy beverage makers, clothing, and other goods and services.

3. Petitioner’s SLURPEE Marks are inherently distinctive, serving to identify and indicate the source of Petitioner’s goods and services to the consuming public, and to distinguish Petitioner’s goods and services from those of others.

4. Additionally, as a result of Petitioner’s extensive use and promotion of its SLURPEE Mark, the marks have become distinctive and are widely recognized by relevant consumers. Petitioner has invested significant effort and resources in advertising and promoting its SLURPEE Marks, and the goods and services sold under those marks, with the result that the purchasing public has come to know, rely on, and recognize the goods and services of Petitioner by those marks. Petitioner has established significant goodwill in its SLURPEE Marks.

5. The SLURPEE Mark is famous for all purposes relevant to this proceeding, including pursuant to 15 U.S.C. § 1125.

6. In addition to its extensive common law rights, Petitioner owns numerous federal trademark registrations for its SLURPEE Marks, including the following:

Trademark	Registration No.	Goods/Services
SLURPEE	829,177	Fruit flavored, semi-frozen soft drinks
SLURPEE	2,240,848	Clothing, namely T-shirts
SLURPEE	3,151,476	Confectionery products, namely candy
SLURPEE	3,494,101	Drinking straws
SLURPEE	3,079,803	Toy battery operated beverage maker
SLURPEE	3,596,696	Beverage containers, namely, reusable plastic cups and mugs

Trademark	Registration No.	Goods/Services
SLURPEE & Design	4,932,605	Semi-frozen carbonated beverages
SLURPEE & Design	5,671,612	Semi-frozen carbonated beverages

7. Each registration listed in the chart above is valid and subsisting, and Registration Nos. 829,177, 1,507,444, 2,240,848, 3,079,803, 3,151,476, 3,494,101, and 3,596,696 are incontestable. The Certificate of Registration and TSDR record for each of the above-cited registrations are attached as Exhibit A.

8. Registrant Brian Bereber (“Registrant”) is an individual with an address of 5511 - 184A Street NW, Edmonton, Alberta, Canada T6M1Y5.

9. On August 26, 2017, Registrant filed an application to register the mark SLURPY KING (the “SLURPY KING Mark”) on an intent-to-use basis under Section 1(b) of the Lanham Act, 15 U.S.C. § 1051. On August 13, 2018, Registrant filed a Statement of Use claiming that the mark was in use in commerce in connection with the goods identified in the application. This application matured into the Registration on May 7, 2019. The registration covers the following goods in Class 34: *“Electronic cigarette liquid (e-liquid) comprised of flavorings in liquid form, other than essential oils, used to refill electronic cigarette cartridges; electronic cigarette liquid (e-liquid) comprised of propylene glycol; electronic cigarette liquid (e-liquid) comprised of vegetable glycerin; containers filled with chemical flavorings in liquid form for electronic cigarettes; chemical flavorings in liquid form used to refill electronic cigarette cartridges”* (the “Registered Goods”).

10. Petitioner commenced use of the SLURPEE Marks in the United States prior to the filing date of the application that became the Registration, and Petitioner's use of the SLURPEE Marks has been continuous since it commenced use of the marks.

11. Petitioner has priority based on its prior use and registration of its SLURPEE Marks in the United States before any priority date in the SLURPY KING Mark that can be claimed by the Registrant.

12. The Registered Goods are similar or related to the goods and services for which Petitioner has used and has registered its SLURPEE Marks.

13. The SLURPY KING Mark so resembles Petitioner's SLURPEE Marks as to be likely, when used in connection with the Registered Goods, to cause confusion, or to cause mistake, or to deceive. The first term of Registrant's mark, SLURPY, is not only visually similar to Petitioner's SLURPEE Marks, but also phonetically identical. Purchasers and prospective purchasers are likely to believe that the Registered Goods offered under the SLURPY KING Mark are sponsored, endorsed, or approved by Petitioner, or are in some way affiliated, connected, or associated with Petitioner or its goods and services.

14. The Registered Goods do not feature any restrictions or limitations as to the channels of trade, and therefore the Registered Goods travel in the same or similar channels of trade as Petitioner's goods and services, and are or will be purchased and used by the same or similar types of consumers who purchase and use Petitioner's goods and services.

15. Petitioner has not given Registrant permission or approval to use or register the SLURPY KING Mark in connection with the Registered Goods.

16. The SLURPY KING Mark so resembles Petitioner's SLURPEE Marks as to be likely, when used on or in connection with the Registered Goods, to cause confusion, or to cause mistake, or

to deceive. Therefore, the Registration should be cancelled pursuant to 15 U.S.C. §§ 1052(d) and 1064(1).

17. Petitioner's SLURPEE Mark became famous within the United States prior to the filing date of the application that became the the Registration or any priority date in the SLURPY KING Mark that can be claimed by the Registrant.

18. Registrant's SLURPY KING Mark is likely to cause dilution by blurring of Petitioner's famous SLURPEE Mark in violation of 15 U.S.C. § 1125(c). Thus, the registration should also be cancelled pursuant to 15 U.S.C. §§ 1052 (last paragraph) and 1064(1).

19. On information and belief, Registrant does not currently and has never provided the Registered Goods in commerce in the United States under the SLURPY KING Mark.

20. On information and belief, the Registration is void ab initio because Registrant did not make bona fide use of the mark in United States commerce in connection with the Registered Goods prior to the filing of its Statement of Use or the latest possible date for filing its Statement of Use. *See* Trademark Act Section 1(a), (b), 15 U.S.C. § 1051(a), (b). Therefore, the Registration should be cancelled under 15 U.S.C. § 1064(1).

21. On information and belief, even if Registrant was using the SLURPY KING Mark in commerce in connection with the Registered Goods as of the date it filed its Statement of Use or the latest possible date for filing the Statement of Use, Registrant discontinued that use with intent not to resume use of the SLURPY KING Mark with the Registered Goods. Therefore, the SLURPY KING Mark has been abandoned pursuant to 15 U.S.C. § 1127, and the Registration should be cancelled pursuant to 15 U.S.C. § 1127 and 15 U.S.C. § 1064(1).

22. If Registrant is permitted to use and maintain its Registration for the SLURPY KING Mark for the Registered Goods, confusion would be likely, resulting in damage and injury to Petitioner.

23. Registration of the SLURPY KING Mark for the Registered Goods on the Principal Register is inconsistent with Petitioner's rights under the aforementioned registrations and common law and is damaging to Petitioner.

WHEREFORE, Petitioner is or will be damaged by Registration No. 5,746,375 and petitions for cancellation thereof.

This Petition for Cancellation is being filed electronically, along with the filing fee required by 37 C.F.R. § 2.6(a)(16). The Commissioner is authorized to draw on the Deposit Account of Pirkey Barber PLLC, Account No. 50-3924/7ELV339/ESP, if there is any problem with the processing of the electronically submitted fee.

Respectfully submitted,

Date: February 4, 2020

/Danae T. Robinson/
Steven M. Espenshade
Danae T. Robinson
PIRKEY BARBER PLLC
1801 East 6th Street, Suite 300
Austin, TX 78702
(512) 322-5200
sespenshade@pirkeybarber.com
drobinson@pirkeybarber.com

ATTORNEYS FOR PETITIONER

EXHIBIT A

United States Patent Office

829,177
Registered May 23, 1967

PRINCIPAL REGISTER Trademark

Ser. No. 249,881, filed July 8, 1966

SLURPEE

The Southland Corporation (Texas corporation)
2828 N. Haskell Ave.
Dallas, Tex. 75221

For: FRUIT FLAVORED, SEMI-FROZEN SOFT
DRINKS, in CLASS 45.

First use at least as early as July 2, 1966; in commerce
at least as early as July 6, 1966.
Owner of Reg. No. 646,180.

L. STRICKMAN, *Examiner.*

Generated on: This page was generated by TSDR on 2020-02-04 12:01:31 EST

Mark: SLURPEE

US Serial Number: 72249881

Application Filing Date: Jul. 08, 1966

US Registration Number: 829177

Registration Date: May 23, 1967

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: Sep. 19, 2016

Mark Information

Mark Literal Elements: SLURPEE

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Claimed Ownership of US Registrations: 0646180

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: FRUIT FLAVORED, SEMI-FROZEN SOFT DRINKS

International Class(es): 032

U.S Class(es): 045 - Primary Class

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 02, 1966

Use in Commerce: Jul. 06, 1966

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

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: 7-Eleven, Inc.

Owner Address: 3200 Hackberry Road
Irving, TEXAS UNITED STATES 75063

Legal Entity Type: CORPORATION

State or Country Where Organized: TEXAS

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Allison McDade

Docket Number: TM549

Attorney Primary Email Address: trademarks@7-11.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Allison McDade
7-Eleven, Inc.
3200 Hackberry Road
Irving, TEXAS UNITED STATES 75063

Correspondent e-mail: trademarks@7-11.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 24, 2019	NOTICE OF SUIT	
Oct. 04, 2018	NOTICE OF SUIT	
Mar. 22, 2017	NOTICE OF SUIT	
Mar. 22, 2017	NOTICE OF SUIT	
Sep. 19, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Sep. 19, 2016	REGISTERED AND RENEWED (THIRD RENEWAL - 10 YRS)	66607
Sep. 19, 2016	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	66607
Sep. 19, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	66607
Jun. 28, 2016	TEAS SECTION 8 & 9 RECEIVED	
May 23, 2016	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Apr. 08, 2016	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 08, 2016	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 08, 2016	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 08, 2016	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Nov. 17, 2014	NOTICE OF SUIT	
May 13, 2014	NOTICE OF SUIT	
Mar. 06, 2014	NOTICE OF SUIT	
Jan. 07, 2014	NOTICE OF SUIT	
Jan. 10, 2013	NOTICE OF SUIT	
Feb. 06, 2009	CASE FILE IN TICRS	
Apr. 23, 2007	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	69934
Apr. 23, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 12, 2007	ASSIGNED TO PARALEGAL	69934
Mar. 19, 2007	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Mar. 19, 2007	TEAS SECTION 8 & 9 RECEIVED	
Feb. 24, 2006	TEAS CHANGE OF CORRESPONDENCE RECEIVED	

May 23, 1987 REGISTERED AND RENEWED (FIRST RENEWAL - 20 YRS)
Feb. 09, 1987 REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Sep. 19, 2016

Assignment Abstract Of Title Information

Summary

Total Assignments: 4

Registrant: SOUTHLAND CORPORATION, THE

Assignment 1 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: [0587/0920](#)

Pages: 23

Date Recorded: Dec. 18, 1987

Supporting Documents: No Supporting Documents Available

Assignor

Name: [SOUTHLAND CORPORATION, THE](#)

Execution Date: Dec. 15, 1987

Legal Entity Type: CORPORATION

State or Country Where Organized: TEXAS

Assignee

Name: [CITICORP NORTH AMERICA, INC.](#)

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

Address: 641 LEXINGTON, AVENUE
NEW YORK, NEW YORK 10043

Correspondent

Correspondent Name: SIDLEY & AUSTIN

Correspondent Address: 1722 EYE STREET, N.W.
WASHINGTON, DC 20006

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance: SECURITY AGREEMENT

Reel/Frame: [1589/0551](#)

Pages: 3

Date Recorded: Mar. 27, 1997

Supporting Documents: No Supporting Documents Available

Assignor

Name: [CITICORP NORTH AMERICA, INC.](#)

Execution Date: Feb. 28, 1997

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [SOUTHLAND CORP., THE](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: TEXAS

Address: 2711 N. HASKELL
DALLAS, TEXAS 75221

Correspondent

Correspondent Name: WILDMAN, HARROLD, ALLEN & DIXON

Correspondent: JEFFREY E. MICHEL, ESQ.

Address: 225 WEST WACKER DRIVE
CHICAGO, IL 60606

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance: SECURITY AGREEMENT

Reel/Frame: [1597/0224](#)

Pages: 4

Date Recorded: Mar. 27, 1997

Supporting Documents: No Supporting Documents Available

Assignor

Name: [CITICORP NORTH AMERICA, INC.](#)

Execution Date: Feb. 28, 1997

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [SOUTHLAND CORP., THE](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: TEXAS

Address: 2711 N. HASKELL
DALLAS, TEXAS 75221

Correspondent

Correspondent Name: WILDMAN, HARROLD, ALLEN & DIXON

Correspondent Address: JEFFREY E. MICHEL, ESQ.
225 WEST WACKER DRIVE
CHICAGO, ILLINOIS 60606

Domestic Representative - Not Found

Assignment 4 of 4

Conveyance: CHANGE OF NAME

Reel/Frame: [1909/0792](#)

Pages: 7

Date Recorded: May 07, 1999

Supporting Documents: [assignment-tm-1909-0792.pdf](#)

Assignor

Name: [SOUTHLAND CORPORATION, THE](#)

Execution Date: Apr. 28, 1999

Legal Entity Type: CORPORATION

State or Country Where Organized: TEXAS

Assignee

Name: [7-ELEVEN, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: TEXAS

Address: 2711 NORTH HASKELL AVENUE
DALLAS, TEXAS 75204

Correspondent

Correspondent Name: WILDMAN, HARROLD, ALLEN & DIXON

Correspondent Address: LAWRENCE S. WICK
225 W. WACKER DRIVE
CHICAGO, IL 60606

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: [91250427](#)

Filing Date: Aug 19, 2019

Status: Terminated

Status Date: Dec 04, 2019

Interlocutory Attorney: SHANNA K SANDERS

Defendant

Name: Oy Slurp AB

Correspondent Address: JASON S NARDIELLO
BELL NUNNALLY & MARTIN LLP
2323 ROSS AVE , STE 1900
DALLAS TX UNITED STATES , 75201

Correspondent e-mail: jp@bellnunnally.com , slee@bellnunnally.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SLURP	Abandoned - After Inter-Partes Decision	79237782	

Plaintiff(s)

Name: 7-Eleven, Inc.

Correspondent Address: DANA E T ROBINSON
PIRKEY BARBER PLLC
1801 EAST 6TH STREET, SUITE 300
AUSTIN TX UNITED STATES , 78702

Correspondent e-mail: smeleen@pirkeybarber.com , sespenshade@pirkeybarber.com , drobinson@pirkeybarber.com , drausa@pirkeybarber.com , tmcentral@pirkeybarber.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SLURPEE	REGISTERED AND RENEWED	72249881	829177
SLURP	REGISTERED AND RENEWED	73710168	1507444
SLURPEE	REGISTERED AND RENEWED	75495607	2240848
SLURPEE	REGISTERED AND RENEWED	78177603	3151476
SLURPEE	REGISTERED AND RENEWED	78936144	3494101
SLURPEE	REGISTERED AND RENEWED	78701702	3079803
SLURPEE	REGISTERED AND RENEWED	78936011	3596696
SLURPEE	Registered	86818583	4932605
SLURPEE	Registered	88000797	5671612

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 19, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 26, 2019	Oct 05, 2019
3	INSTITUTED	Aug 26, 2019	
4	NOTICE OF DEFAULT	Oct 15, 2019	
5	BD DECISION: OPP SUSTAINED	Dec 04, 2019	
6	TERMINATED	Dec 04, 2019	

Type of Proceeding: Opposition

Proceeding Number: [91209791](#)

Filing Date: Mar 18, 2013

Status: Terminated

Status Date: Jul 07, 2013

Interlocutory Attorney: CHRISTEN M ENGLISH

Defendant

Name: James R. Wheeler

Correspondent Address: ALBERT L SCHMEISER
SCHMEISER OLSEN & WATTS LLP
18 E UNIVERSITY DR STE 101

MESA AZ UNITED STATES , 85201-5946

Correspondent e-mail: trademarks@iplawusa.com

Mark	Application Status	Serial Number	Registration Number
SLURP-UP	Abandoned - After Inter-Partes Decision	85445477	

Plaintiff(s)

Name: 7-Eleven, Inc.

Correspondent Address: DAVID A COPLAND
FOLEY & LARDNER LLP
321 NORTH CLARK STREET, SUITE 2800
CHICAGO IL UNITED STATES , 60654

Correspondent e-mail: PTOMailChicago@foley.com, dcopland@foley.com, cmandly@foley.com, jolsen@foley.com

Mark	Application Status	Serial Number	Registration Number
SLURPEE	REGISTERED AND RENEWED	72249881	829177
SLURP	REGISTERED AND RENEWED	73710168	1507444
SLURPEE	REGISTERED AND RENEWED	75495607	2240848
SLURPEE	REGISTERED AND RENEWED	78177603	3151476
SLURPEE	REGISTERED AND RENEWED	78936144	3494101
SLURPEE	REGISTERED AND RENEWED	78936011	3596696
SLURPEE LITE	Section 8 and 15 - Accepted and Acknowledged	85544991	4243637

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 18, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 18, 2013	Apr 27, 2013
3	PENDING, INSTITUTED	Mar 18, 2013	
4	NOTICE OF DEFAULT	May 22, 2013	
5	BD DECISION: SUSTAINED	Jul 07, 2013	
6	TERMINATED	Jul 07, 2013	

Type of Proceeding: Opposition

Proceeding Number: [91205358](#)

Filing Date: May 30, 2012

Status: Terminated

Status Date: Sep 14, 2012

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: Clark Kenowitz

Correspondent Address: CLARK KENOWITZ
460 FAIRFIELD RD
EAST WINDSOR NJ UNITED STATES , 08520-5607

Correspondent e-mail: clarkkenowitz@gmail.com

Mark	Application Status	Serial Number	Registration Number
SLURPHEADS	Abandoned - After Inter-Partes Decision	85377800	

Plaintiff(s)

Name: 7-Eleven, Inc.

Correspondent Address: DAVID A COPLAND
FOLEY & LARDNER LLP
321 NORTH CLARK STREET
CHICAGO IL UNITED STATES , 60654

Correspondent e-mail: PTOMailChicago@foley.com, dcopland@foley.com, cmandly@foley.com, jolsen@foley.com

mail:

Associated marks

Mark	Application Status	Serial Number	Registration Number
SLURPEE	REGISTERED AND RENEWED	72249881	829177
SLURPEE	REGISTERED AND RENEWED	78936144	3494101
SLURPEE	REGISTERED AND RENEWED	78936011	3596696

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 30, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 30, 2012	Jul 09, 2012
3	PENDING, INSTITUTED	May 30, 2012	
4	NOTICE OF DEFAULT	Jul 30, 2012	
5	BOARD'S DECISION: SUSTAINED	Sep 14, 2012	
6	TERMINATED	Sep 14, 2012	

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 2,240,848

United States Patent and Trademark Office

Registered Apr. 20, 1999

**TRADEMARK
PRINCIPAL REGISTER**

SLURPEE

**SOUTHLAND CORPORATION, THE (TEXAS
CORPORATION)
2711 NORTH HASKELL AVENUE
DALLAS, TX 75204**

**FIRST USE 5-0-1998; IN COMMERCE
5-0-1998.**

OWNER OF U.S. REG. NO. 829,177.

SER. NO. 75-495,607, FILED 6-3-1998.

**FOR: CLOTHING, NAMELY T-SHIRTS, IN
CLASS 25 (U.S. CLS. 22 AND 39).**

SUSAN LESLIE, EXAMINING ATTORNEY

Generated on: This page was generated by TSDR on 2020-02-04 12:39:15 EST

Mark: SLURPEE

US Serial Number: 75495607

Application Filing Date: Jun. 03, 1998

US Registration Number: 2240848

Registration Date: Apr. 20, 1999

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: Sep. 21, 2018

Publication Date: Jan. 26, 1999

Mark Information

Mark Literal Elements: SLURPEE

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Claimed Ownership of US Registrations: 0829177

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: clothing, namely T-shirts

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: May 1998

Use in Commerce: May 1998

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

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: 7-ELEVEN, INC.

Owner Address: 3200 Hackberry Road
Irving, TEXAS UNITED STATES 75063

Legal Entity Type: CORPORATION

State or Country TEXAS
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Allison McDade

Docket Number: TM0740

Attorney Primary trademarks@7-11.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Allison McDade
Name/Address: 7-Eleven, Inc.
3200 Hackberry Road
Irving, TEXAS UNITED STATES 75063

Correspondent e- trademarks@7-11.com
mail:

Correspondent e- Yes
mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 04, 2018	NOTICE OF SUIT	
Sep. 21, 2018	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Sep. 21, 2018	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	74704
Sep. 21, 2018	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	74704
Sep. 21, 2018	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	74704
Sep. 13, 2018	TEAS SECTION 8 & 9 RECEIVED	
Apr. 20, 2018	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Apr. 08, 2016	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 08, 2016	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 08, 2016	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 08, 2016	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Nov. 17, 2014	NOTICE OF SUIT	
Jan. 12, 2009	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	64591
Jan. 12, 2009	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jan. 12, 2009	ASSIGNED TO PARALEGAL	64591
Jan. 02, 2009	TEAS SECTION 8 & 9 RECEIVED	
Aug. 03, 2006	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70853
Aug. 03, 2006	ASSIGNED TO PARALEGAL	70853
Feb. 24, 2006	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 11, 2005	ASSIGNED TO PARALEGAL	75461
Mar. 16, 2005	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Mar. 16, 2005	TEAS SECTION 8 & 15 RECEIVED	
Apr. 20, 1999	REGISTERED-PRINCIPAL REGISTER	
Jan. 26, 1999	PUBLISHED FOR OPPOSITION	
Dec. 26, 1998	NOTICE OF PUBLICATION	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Sep. 21, 2018

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Southland Corporation, The

Assignment 1 of 1

Conveyance: CHANGE OF NAME

Reel/Frame: [1909/0792](#)

Pages: 7

Date Recorded: May 07, 1999

Supporting Documents: [assignment-tm-1909-0792.pdf](#)

Assignor

Name: [SOUTHLAND CORPORATION, THE](#)

Execution Date: Apr. 28, 1999

Legal Entity Type: CORPORATION

State or Country Where Organized: TEXAS

Assignee

Name: [7-ELEVEN, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: TEXAS

Address: 2711 NORTH HASKELL AVENUE
DALLAS, TEXAS 75204

Correspondent

Correspondent Name: WILDMAN, HARROLD, ALLEN & DIXON

Correspondent Address: LAWRENCE S. WICK
225 W. WACKER DRIVE
CHICAGO, IL 60606

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91250427](#)

Filing Date: Aug 19, 2019

Status: Terminated

Status Date: Dec 04, 2019

Interlocutory Attorney: SHANNA K SANDERS

Defendant

Name: Oy Slurp AB

Correspondent Address: JASON S NARDIELLO
BELL NUNNALLY & MARTIN LLP
2323 ROSS AVE , STE 1900
DALLAS TX UNITED STATES , 75201

Correspondent e-mail: ip@bellnunnally.com , slee@bellnunnally.com

Associated marks

Serial

Registration

Mark	Application Status	Number	Number
SLURP	Abandoned - After Inter-Partes Decision	79237782	

Plaintiff(s)

Name: 7-Eleven, Inc.

Correspondent Address: DANA E T ROBINSON
PIRKEY BARBER PLLC
1801 EAST 6TH STREET, SUITE 300
AUSTIN TX UNITED STATES , 78702

Correspondent e-mail: smeleen@pirkeybarber.com , sespeshade@pirkeybarber.com , drobenson@pirkeybarber.com , drausa@pirkeybarber.com , tmcentral@pirkeybarber.com

Mark	Application Status	Serial Number	Registration Number
SLURPEE	REGISTERED AND RENEWED	72249881	829177
SLURP	REGISTERED AND RENEWED	73710168	1507444
SLURPEE	REGISTERED AND RENEWED	75495607	2240848
SLURPEE	REGISTERED AND RENEWED	78177603	3151476
SLURPEE	REGISTERED AND RENEWED	78936144	3494101
SLURPEE	REGISTERED AND RENEWED	78701702	3079803
SLURPEE	REGISTERED AND RENEWED	78936011	3596696
SLURPEE	Registered	86818583	4932605
SLURPEE	Registered	88000797	5671612

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 19, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 26, 2019	Oct 05, 2019
3	INSTITUTED	Aug 26, 2019	
4	NOTICE OF DEFAULT	Oct 15, 2019	
5	BD DECISION: OPP SUSTAINED	Dec 04, 2019	
6	TERMINATED	Dec 04, 2019	

Type of Proceeding: Opposition

Proceeding Number: [91209791](#)

Filing Date: Mar 18, 2013

Status: Terminated

Status Date: Jul 07, 2013

Interlocutory Attorney: CHRISTEN M ENGLISH

Defendant

Name: James R. Wheeler

Correspondent Address: ALBERT L SCHMEISER
SCHMEISER OLSEN & WATTS LLP
18 E UNIVERSITY DR STE 101
MESA AZ UNITED STATES , 85201-5946

Correspondent e-mail: trademarks@iplawusa.com

Mark	Application Status	Serial Number	Registration Number
SLURP-UP	Abandoned - After Inter-Partes Decision	85445477	

Plaintiff(s)

Name: 7-Eleven, Inc.

Correspondent Address: DAVID A COPLAND
FOLEY & LARDNER LLP
321 NORTH CLARK STREET, SUITE 2800
CHICAGO IL UNITED STATES , 60654

Correspondent e-mail: PTOMailChicago@foley.com, dcoplанд@foley.com, cmandly@foley.com, jolsen@foley.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SLURPEE	REGISTERED AND RENEWED	72249881	829177
SLURP	REGISTERED AND RENEWED	73710168	1507444
SLURPEE	REGISTERED AND RENEWED	75495607	2240848
SLURPEE	REGISTERED AND RENEWED	78177603	3151476
SLURPEE	REGISTERED AND RENEWED	78936144	3494101
SLURPEE	REGISTERED AND RENEWED	78936011	3596696
SLURPEE LITE	Section 8 and 15 - Accepted and Acknowledged	85544991	4243637

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 18, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 18, 2013	Apr 27, 2013
3	PENDING, INSTITUTED	Mar 18, 2013	
4	NOTICE OF DEFAULT	May 22, 2013	
5	BD DECISION: SUSTAINED	Jul 07, 2013	
6	TERMINATED	Jul 07, 2013	

Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,151,476

Registered Oct. 3, 2006

**TRADEMARK
PRINCIPAL REGISTER**

SLURPEE

7-ELEVEN, INC. (TEXAS CORPORATION)
2711 NORTH HASKELL AVENUE
DALLAS, TX 75204

FIRST USE 10-31-2001; IN COMMERCE 10-31-2001.

SN 78-177,603, FILED 10-23-2002.

FOR: CONFECTIONERY PRODUCTS, NAMELY
CANDY, IN CLASS 30 (U.S. CL. 46).

KEVON CHISOLM, EXAMINING ATTORNEY

Generated on: This page was generated by TSDR on 2020-02-04 12:40:26 EST

Mark: SLURPEE

US Serial Number: 78177603

Application Filing Date: Oct. 23, 2002

US Registration Number: 3151476

Registration Date: Oct. 03, 2006

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: Jun. 25, 2016

Publication Date: Jun. 17, 2003

Notice of Allowance Date: Sep. 09, 2003

Mark Information

Mark Literal Elements: SLURPEE

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

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: Confectionery products, namely candy

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 31, 2001

Use in Commerce: Oct. 31, 2001

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: 7-Eleven, Inc.

Owner Address: 3200 Hackberry Road
Irving, TEXAS UNITED STATES 75063

Legal Entity Type: CORPORATION

State or Country TEXAS
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Allison McDade

Docket Number: TM1983

Attorney Primary trademarks@7-11.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Allison McDade
Name/Address: 7-Eleven, Inc.
3200 Hackberry Road
Irving, TEXAS UNITED STATES 75063

Phone: 972/828-5784

Correspondent e- trademarks@7-11.com
mail:

Correspondent e- Yes
mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 25, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jun. 25, 2016	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	75184
Jun. 25, 2016	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	75184
Jun. 25, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75184
Apr. 07, 2016	TEAS SECTION 8 & 9 RECEIVED	
Oct. 03, 2015	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Oct. 12, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Oct. 12, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68973
Oct. 12, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68973
Oct. 02, 2012	TEAS SECTION 8 & 15 RECEIVED	
Oct. 03, 2006	REGISTERED-PRINCIPAL REGISTER	
Aug. 22, 2006	LAW OFFICE REGISTRATION REVIEW COMPLETED	68658
Aug. 18, 2006	ASSIGNED TO LIE	68658
Aug. 17, 2006	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jul. 07, 2006	STATEMENT OF USE PROCESSING COMPLETE	76873
Jun. 19, 2006	USE AMENDMENT FILED	76873
Jun. 19, 2006	TEAS STATEMENT OF USE RECEIVED	
Mar. 06, 2006	EXTENSION 5 GRANTED	98765
Mar. 06, 2006	EXTENSION 5 FILED	98765
Mar. 06, 2006	TEAS EXTENSION RECEIVED	
Feb. 10, 2006	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 05, 2005	EXTENSION 4 GRANTED	98765
Aug. 05, 2005	EXTENSION 4 FILED	98765
Aug. 05, 2005	TEAS EXTENSION RECEIVED	
Mar. 25, 2005	EXTENSION 3 GRANTED	66121
Feb. 18, 2005	EXTENSION 3 FILED	66121
Feb. 18, 2005	TEAS EXTENSION RECEIVED	
Aug. 11, 2004	EXTENSION 2 GRANTED	

Jul. 23, 2004 EXTENSION 2 FILED
 Jul. 23, 2004 TEAS EXTENSION RECEIVED
 Feb. 17, 2004 EXTENSION 1 GRANTED
 Feb. 17, 2004 EXTENSION 1 FILED
 Feb. 17, 2004 TEAS EXTENSION RECEIVED
 Sep. 09, 2003 NOA MAILED - SOU REQUIRED FROM APPLICANT
 Jun. 17, 2003 PUBLISHED FOR OPPOSITION
 May 28, 2003 NOTICE OF PUBLICATION
 Apr. 25, 2003 APPROVED FOR PUB - PRINCIPAL REGISTER
 Apr. 24, 2003 ASSIGNED TO EXAMINER

76502

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jun. 25, 2016

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91250427](#)

Filing Date: Aug 19, 2019

Status: Terminated

Status Date: Dec 04, 2019

Interlocutory Attorney: SHANNA K SANDERS

Defendant

Name: Oy Slurp AB

Correspondent Address: JASON S NARDIELLO
 BELL NUNNALLY & MARTIN LLP
 2323 ROSS AVE , STE 1900
 DALLAS TX UNITED STATES , 75201

Correspondent e-mail: jp@bellnunnally.com , slee@bellnunnally.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SLURP	Abandoned - After Inter-Partes Decision	79237782	

Plaintiff(s)

Name: 7-Eleven, Inc.

Correspondent Address: DANAE T ROBINSON
 PIRKEY BARBER PLLC
 1801 EAST 6TH STREET, SUITE 300
 AUSTIN TX UNITED STATES , 78702

Correspondent e-mail: smeleen@pirkeybarber.com , sespenshade@pirkeybarber.com , drobinson@pirkeybarber.com , drausa@pirkeybarber.com , tmcentral@pirkeybarber.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SLURPEE	REGISTERED AND RENEWED	72249881	829177
SLURP	REGISTERED AND RENEWED	73710168	1507444
SLURPEE	REGISTERED AND RENEWED	75495607	2240848
SLURPEE	REGISTERED AND RENEWED	78177603	3151476
SLURPEE	REGISTERED AND RENEWED	78936144	3494101
SLURPEE	REGISTERED AND RENEWED	78701702	3079803

SLURPEE	REGISTERED AND RENEWED	78936011	3596696
SLURPEE	Registered	86818583	4932605
SLURPEE	Registered	88000797	5671612

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 19, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 26, 2019	Oct 05, 2019
3	INSTITUTED	Aug 26, 2019	
4	NOTICE OF DEFAULT	Oct 15, 2019	
5	BD DECISION: OPP SUSTAINED	Dec 04, 2019	
6	TERMINATED	Dec 04, 2019	

Type of Proceeding: Opposition

Proceeding Number: [91209791](#) **Filing Date:** Mar 18, 2013
Status: Terminated **Status Date:** Jul 07, 2013
Interlocutory Attorney: CHRISTEN M ENGLISH

Defendant

Name: James R. Wheeler
Correspondent Address: ALBERT L SCHMEISER
 SCHMEISER OLSEN & WATTS LLP
 18 E UNIVERSITY DR STE 101
 MESA AZ UNITED STATES , 85201-5946
Correspondent e-mail: trademarks@iplawusa.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SLURP-UP	Abandoned - After Inter-Partes Decision	85445477	

Plaintiff(s)

Name: 7-Eleven, Inc.
Correspondent Address: DAVID A COPLAND
 FOLEY & LARDNER LLP
 321 NORTH CLARK STREET, SUITE 2800
 CHICAGO IL UNITED STATES , 60654
Correspondent e-mail: PTOMailChicago@foley.com, dcopland@foley.com, cmandly@foley.com, jolsen@foley.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SLURPEE	REGISTERED AND RENEWED	72249881	829177
SLURP	REGISTERED AND RENEWED	73710168	1507444
SLURPEE	REGISTERED AND RENEWED	75495607	2240848
SLURPEE	REGISTERED AND RENEWED	78177603	3151476
SLURPEE	REGISTERED AND RENEWED	78936144	3494101
SLURPEE	REGISTERED AND RENEWED	78936011	3596696
SLURPEE LITE	Section 8 and 15 - Accepted and Acknowledged	85544991	4243637

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 18, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 18, 2013	Apr 27, 2013
3	PENDING, INSTITUTED	Mar 18, 2013	
4	NOTICE OF DEFAULT	May 22, 2013	
5	BD DECISION: SUSTAINED	Jul 07, 2013	
6	TERMINATED	Jul 07, 2013	

Int. Cl.: 20

Prior U.S. Cls.: 2, 13, 22, 25, 32, and 50

Reg. No. 3,494,101

United States Patent and Trademark Office

Registered Aug. 26, 2008

**TRADEMARK
PRINCIPAL REGISTER**

SLURPEE

7-ELEVEN, INC. (TEXAS CORPORATION)
ONE ARTS PLAZA
1722 ROUTH STREET, SUITE 1000
DALLAS, TX 75201

FOR: DRINKING STRAWS, IN CLASS 20 (U.S.
CLS. 2, 13, 22, 25, 32 AND 50).

FIRST USE 1-1-2003; IN COMMERCE 1-1-2003.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 829,177, 2,240,848,
AND OTHERS.

SN 78-936,144, FILED 7-24-2006.

MICHAEL KAZAZIAN, EXAMINING ATTORNEY

Generated on: This page was generated by TSDR on 2020-02-04 12:41:23 EST

Mark: SLURPEE

SLURPEE

US Serial Number: 78936144

Application Filing Date: Jul. 24, 2006

US Registration Number: 3494101

Registration Date: Aug. 26, 2008

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: Oct. 02, 2017

Publication Date: Oct. 17, 2006

Notice of Allowance Date: Jan. 09, 2007

Mark Information

Mark Literal Elements: SLURPEE

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: 0829177, 1647002, 2240848 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: Drinking straws

International Class(es): 020 - Primary Class

U.S Class(es): 002, 013, 022, 025, 032, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 01, 2003

Use in Commerce: Jan. 01, 2003

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: 7-Eleven, Inc.

Owner Address: 3200 Hackberry Road
Irving, TEXAS UNITED STATES 75063

Legal Entity Type: CORPORATION

State or Country: TEXAS
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Allison McDade
Attorney Primary Email Address: trademarks@7-11.com
Docket Number: TM1802
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Allison McDade
7-Eleven, Inc.
3200 Hackberry Road
Irving, TEXAS UNITED STATES 75063
Correspondent e-mail: trademarks@7-11.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 02, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Oct. 02, 2017	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	67110
Oct. 02, 2017	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	67110
Oct. 02, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67110
Aug. 28, 2017	TEAS SECTION 8 & 9 RECEIVED	
Aug. 26, 2017	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Apr. 08, 2016	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 08, 2016	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 08, 2016	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 08, 2016	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Nov. 17, 2014	NOTICE OF SUIT	
Jun. 03, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jun. 03, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	64591
May 14, 2014	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	64591
Jun. 02, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	64591
May 14, 2014	TEAS SECTION 8 & 15 RECEIVED	
Aug. 26, 2008	REGISTERED-PRINCIPAL REGISTER	
Jul. 23, 2008	LAW OFFICE REGISTRATION REVIEW COMPLETED	78413
Jul. 23, 2008	ASSIGNED TO LIE	78413
Jul. 23, 2008	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jul. 21, 2008	STATEMENT OF USE PROCESSING COMPLETE	66154
Jul. 09, 2008	USE AMENDMENT FILED	66154
Jul. 21, 2008	EXTENSION 3 GRANTED	66154
Jul. 08, 2008	EXTENSION 3 FILED	66154
Jul. 19, 2008	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66154
Jul. 09, 2008	TEAS STATEMENT OF USE RECEIVED	
Jul. 08, 2008	TEAS EXTENSION RECEIVED	
Feb. 05, 2008	EXTENSION 2 GRANTED	76873
Jan. 09, 2008	EXTENSION 2 FILED	76873

Jan. 09, 2008	TEAS EXTENSION RECEIVED	
Sep. 12, 2007	EXTENSION 1 GRANTED	71427
Jul. 06, 2007	EXTENSION 1 FILED	71427
Jul. 06, 2007	TEAS EXTENSION RECEIVED	
Jan. 09, 2007	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 17, 2006	PUBLISHED FOR OPPOSITION	
Sep. 27, 2006	NOTICE OF PUBLICATION	
Aug. 30, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	77975
Aug. 28, 2006	ASSIGNED TO LIE	77975
Aug. 08, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 08, 2006	EXAMINER'S AMENDMENT ENTERED	88888
Aug. 08, 2006	EXAMINERS AMENDMENT E-MAILED	6328
Aug. 08, 2006	EXAMINERS AMENDMENT -WRITTEN	76072
Aug. 08, 2006	ASSIGNED TO EXAMINER	76072
Jul. 28, 2006	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Oct. 02, 2017

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: [91250427](#)

Filing Date: Aug 19, 2019

Status: Terminated

Status Date: Dec 04, 2019

Interlocutory Attorney: SHANNA K SANDERS

Defendant

Name: Oy Slurp AB

Correspondent Address: JASON S NARDIELLO
BELL NUNNALLY & MARTIN LLP
2323 ROSS AVE , STE 1900
DALLAS TX UNITED STATES , 75201

Correspondent e-mail: jp@bellnunnally.com , slee@bellnunnally.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SLURP	Abandoned - After Inter-Partes Decision	79237782	

Plaintiff(s)

Name: 7-Eleven, Inc.

Correspondent Address: DANAE T ROBINSON
PIRKEY BARBER PLLC
1801 EAST 6TH STREET, SUITE 300
AUSTIN TX UNITED STATES , 78702

Correspondent e-mail: smeleen@pirkeybarber.com , sespenshade@pirkeybarber.com , drobinson@pirkeybarber.com , drausa@pirkeybarber.com , tmcentral@pirkeybarber.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SLURPEE	REGISTERED AND RENEWED	72249881	829177
SLURP	REGISTERED AND RENEWED	73710168	1507444

SLURPEE	REGISTERED AND RENEWED	75495607	2240848
SLURPEE	REGISTERED AND RENEWED	78177603	3151476
SLURPEE	REGISTERED AND RENEWED	78936144	3494101
SLURPEE	REGISTERED AND RENEWED	78701702	3079803
SLURPEE	REGISTERED AND RENEWED	78936011	3596696
SLURPEE	Registered	86818583	4932605
SLURPEE	Registered	88000797	5671612

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 19, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 26, 2019	Oct 05, 2019
3	INSTITUTED	Aug 26, 2019	
4	NOTICE OF DEFAULT	Oct 15, 2019	
5	BD DECISION: OPP SUSTAINED	Dec 04, 2019	
6	TERMINATED	Dec 04, 2019	

Type of Proceeding: Opposition

Proceeding Number: [91209791](#) **Filing Date:** Mar 18, 2013
Status: Terminated **Status Date:** Jul 07, 2013
Interlocutory Attorney: CHRISTEN M ENGLISH

Defendant

Name: James R. Wheeler
Correspondent Address: ALBERT L SCHMEISER
SCHMEISER OLSEN & WATTS LLP
18 E UNIVERSITY DR STE 101
MESA AZ UNITED STATES , 85201-5946
Correspondent e-mail: trademarks@iplawusa.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SLURP-UP	Abandoned - After Inter-Partes Decision	85445477	

Plaintiff(s)

Name: 7-Eleven, Inc.
Correspondent Address: DAVID A COPLAND
FOLEY & LARDNER LLP
321 NORTH CLARK STREET, SUITE 2800
CHICAGO IL UNITED STATES , 60654
Correspondent e-mail: PTOMailChicago@foley.com, dcopland@foley.com, cmandly@foley.com, jolsen@foley.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SLURPEE	REGISTERED AND RENEWED	72249881	829177
SLURP	REGISTERED AND RENEWED	73710168	1507444
SLURPEE	REGISTERED AND RENEWED	75495607	2240848
SLURPEE	REGISTERED AND RENEWED	78177603	3151476
SLURPEE	REGISTERED AND RENEWED	78936144	3494101
SLURPEE	REGISTERED AND RENEWED	78936011	3596696
SLURPEE LITE	Section 8 and 15 - Accepted and Acknowledged	85544991	4243637

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 18, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 18, 2013	Apr 27, 2013

3	PENDING, INSTITUTED	Mar 18, 2013
4	NOTICE OF DEFAULT	May 22, 2013
5	BD DECISION: SUSTAINED	Jul 07, 2013
6	TERMINATED	Jul 07, 2013

Type of Proceeding: Opposition

Proceeding Number: [91205358](#) **Filing Date:** May 30, 2012
Status: Terminated **Status Date:** Sep 14, 2012
Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: Clark Kenowitz
Correspondent Address: CLARK KENOWITZ
460 FAIRFIELD RD
EAST WINDSOR NJ UNITED STATES , 08520-5607
Correspondent e-mail: clarkkenowitz@gmail.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SLURPHEADS	Abandoned - After Inter-Partes Decision	85377800	

Plaintiff(s)

Name: 7-Eleven, Inc.
Correspondent Address: DAVID A COPLAND
FOLEY & LARDNER LLP
321 NORTH CLARK STREET
CHICAGO IL UNITED STATES , 60654
Correspondent e-mail: PTOMailChicago@foley.com,
dcopland@foley.com,
cmandly@foley.com,
jolsen@foley.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SLURPEE	REGISTERED AND RENEWED	72249881	829177
SLURPEE	REGISTERED AND RENEWED	78936144	3494101
SLURPEE	REGISTERED AND RENEWED	78936011	3596696

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 30, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 30, 2012	Jul 09, 2012
3	PENDING, INSTITUTED	May 30, 2012	
4	NOTICE OF DEFAULT	Jul 30, 2012	
5	BOARD'S DECISION: SUSTAINED	Sep 14, 2012	
6	TERMINATED	Sep 14, 2012	

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38 and 50

United States Patent and Trademark Office

Reg. No. 3,079,803

Registered Apr. 11, 2006

**TRADEMARK
PRINCIPAL REGISTER**

SLURPEE

7-ELEVEN, INC. (TEXAS CORPORATION)
2711 NORTH HASKELL AVENUE
DALLAS, TX 75204

FOR: TOY BATTERY OPERATED BEVERAGE
MAKER, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 7-4-2005; IN COMMERCE 7-4-2005.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 829,177, 2,938,850 AND
OTHERS.

SER. NO. 78-701,702, FILED 8-26-2005.

SEAN CROWLEY, EXAMINING ATTORNEY

Generated on: This page was generated by TSDR on 2020-02-04 12:43:50 EST

Mark: SLURPEE

SLURPEE

US Serial Number: 78701702

Application Filing Date: Aug. 26, 2005

US Registration Number: 3079803

Registration Date: Apr. 11, 2006

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: Jun. 11, 2016

Publication Date: Jan. 17, 2006

Mark Information

Mark Literal Elements: SLURPEE

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: 0829177, 2938850 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: Toy battery operated beverage maker

International Class(es): 028 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 04, 2005

Use in Commerce: Jul. 04, 2005

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: 7-Eleven, Inc.

Owner Address: 3200 Hackberry Road
Irving, TEXAS UNITED STATES 75063

Legal Entity Type: CORPORATION

State or Country TEXAS
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Allison McDade

Docket Number: TM1784

Attorney Primary trademarks@7-11.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Allison McDade
Name/Address: 7-Eleven, Inc.
3200 Hackberry Road
Irving, TEXAS UNITED STATES 75063

Phone: 972/828-5784

Correspondent e- trademarks@7-11.com
mail:

Correspondent e- Yes
mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 12, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jun. 11, 2016	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	67603
Jun. 11, 2016	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	67603
Jun. 09, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67603
Mar. 22, 2016	TEAS SECTION 8 & 9 RECEIVED	
Apr. 11, 2015	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Nov. 17, 2014	NOTICE OF SUIT	
Sep. 20, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 - E-MAILED	
Sep. 20, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED	73376
Sep. 20, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	73376
Aug. 30, 2012	TEAS SECTION 8 RECEIVED	
Apr. 11, 2006	REGISTERED-PRINCIPAL REGISTER	
Feb. 10, 2006	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 17, 2006	PUBLISHED FOR OPPOSITION	
Dec. 28, 2005	NOTICE OF PUBLICATION	
Nov. 28, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Nov. 25, 2005	ASSIGNED TO LIE	68171
Nov. 18, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 18, 2005	USE AMENDMENT ACCEPTED	
Nov. 18, 2005	EXAMINERS AMENDMENT E-MAILED	6328
Nov. 18, 2005	EXAMINERS AMENDMENT -WRITTEN	81853
Oct. 13, 2005	AMENDMENT TO USE PROCESSING COMPLETE	68171
Sep. 26, 2005	USE AMENDMENT FILED	68171
Oct. 06, 2005	TEAS/EMAIL CORRESPONDENCE ENTERED	78145
Sep. 26, 2005	CORRESPONDENCE RECEIVED IN LAW OFFICE	78145
Sep. 26, 2005	TEAS VOLUNTARY AMENDMENT RECEIVED	
Sep. 26, 2005	TEAS AMENDMENT OF USE RECEIVED	
Sep. 20, 2005	ASSIGNED TO EXAMINER	81853

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jun. 11, 2016

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91250427](#)

Filing Date: Aug 19, 2019

Status: Terminated

Status Date: Dec 04, 2019

Interlocutory Attorney: SHANNA K SANDERS

Defendant

Name: Oy Slurp AB

Correspondent Address: JASON S NARDIELLO
 BELL NUNNALLY & MARTIN LLP
 2323 ROSS AVE , STE 1900
 DALLAS TX UNITED STATES , 75201

Correspondent e-mail: jp@bellnunnally.com , slee@bellnunnally.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SLURP	Abandoned - After Inter-Partes Decision	79237782	

Plaintiff(s)

Name: 7-Eleven, Inc.

Correspondent Address: DANA T ROBINSON
 PIRKEY BARBER PLLC
 1801 EAST 6TH STREET, SUITE 300
 AUSTIN TX UNITED STATES , 78702

Correspondent e-mail: smeleen@pirkeybarber.com , sespenshade@pirkeybarber.com , drobinson@pirkeybarber.com , drausa@pirkeybarber.com , tmcentral@pirkeybarber.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SLURPEE	REGISTERED AND RENEWED	72249881	829177
SLURP	REGISTERED AND RENEWED	73710168	1507444
SLURPEE	REGISTERED AND RENEWED	75495607	2240848
SLURPEE	REGISTERED AND RENEWED	78177603	3151476
SLURPEE	REGISTERED AND RENEWED	78936144	3494101
SLURPEE	REGISTERED AND RENEWED	78701702	3079803
SLURPEE	REGISTERED AND RENEWED	78936011	3596696
SLURPEE	Registered	86818583	4932605
SLURPEE	Registered	88000797	5671612

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 19, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 26, 2019	Oct 05, 2019
3	INSTITUTED	Aug 26, 2019	

4	NOTICE OF DEFAULT	Oct 15, 2019
5	BD DECISION: OPP SUSTAINED	Dec 04, 2019
6	TERMINATED	Dec 04, 2019

Int. Cl.: 21

Prior U.S. Cls.: 2, 13, 23, 29, 30, 33, 40, and 50

Reg. No. 3,596,696

United States Patent and Trademark Office

Registered Mar. 24, 2009

**TRADEMARK
PRINCIPAL REGISTER**

SLURPEE

7-ELEVEN, INC. (TEXAS CORPORATION)
ONE ARTS PLAZA, 1722 ROUTH STREET
DALLAS, TX 75201

FOR: BEVERAGE CONTAINERS, NAMELY,
REUSABLE PLASTIC CUPS AND MUGS, IN CLASS
21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 1-1-2000; IN COMMERCE 1-1-2000.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 829,177, 2,236,874,
AND OTHERS.

SN 78-936,011, FILED 7-24-2006.

MELISSA VALLILLO, EXAMINING ATTORNEY

Generated on: This page was generated by TSDR on 2020-02-04 12:44:46 EST

Mark: SLURPEE

SLURPEE

US Serial Number: 78936011

Application Filing Date: Jul. 24, 2006

US Registration Number: 3596696

Registration Date: Mar. 24, 2009

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: Sep. 21, 2018

Publication Date: Apr. 24, 2007

Notice of Allowance Date: Jul. 17, 2007

Mark Information

Mark Literal Elements: SLURPEE

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: 0829177, 1647002, 2236874 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: Beverage containers, namely, reusable plastic cups and mugs

International Class(es): 021 - Primary Class

U.S Class(es): 002, 013, 023, 029, 030, 033, 040, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 01, 2000

Use in Commerce: Jan. 01, 2000

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: 7-Eleven, Inc.

Owner Address: 3200 Hackberry Road
Irving, TEXAS UNITED STATES 75063

Legal Entity Type: CORPORATION

State or Country TEXAS
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Allison McDade
Attorney Primary Email Address: trademarks@7-11.com
Docket Number: TM1803
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Allison McDade
7-Eleven, Inc.
3200 Hackberry Road
Irving, TEXAS UNITED STATES 75063
Correspondent e-mail: trademarks@7-11.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 21, 2018	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Sep. 21, 2018	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68502
Sep. 21, 2018	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68502
Sep. 21, 2018	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68502
Sep. 13, 2018	TEAS SECTION 8 & 9 RECEIVED	
Mar. 24, 2018	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Apr. 08, 2016	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 08, 2016	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 08, 2016	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 08, 2016	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Mar. 13, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Mar. 13, 2015	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	77315
Mar. 13, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	77315
Feb. 27, 2015	TEAS SECTION 8 & 15 RECEIVED	
Nov. 17, 2014	NOTICE OF SUIT	
Mar. 24, 2009	REGISTERED-PRINCIPAL REGISTER	
Feb. 18, 2009	LAW OFFICE REGISTRATION REVIEW COMPLETED	77976
Feb. 18, 2009	ASSIGNED TO LIE	77976
Feb. 09, 2009	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Feb. 04, 2009	STATEMENT OF USE PROCESSING COMPLETE	76569
Jan. 16, 2009	USE AMENDMENT FILED	76569
Feb. 04, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76569
Jan. 16, 2009	TEAS STATEMENT OF USE RECEIVED	
Jan. 12, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 02, 2009	ASSIGNED TO EXAMINER	80805
Jul. 16, 2008	EXTENSION 2 GRANTED	71034
Jul. 08, 2008	EXTENSION 2 FILED	71034
Jul. 08, 2008	TEAS EXTENSION RECEIVED	
Feb. 01, 2008	EXTENSION 1 GRANTED	76874

Jan. 09, 2008	EXTENSION 1 FILED	76874
Jan. 09, 2008	TEAS EXTENSION RECEIVED	
Jul. 17, 2007	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 24, 2007	PUBLISHED FOR OPPOSITION	
Apr. 04, 2007	NOTICE OF PUBLICATION	
Mar. 02, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	68602
Mar. 01, 2007	ASSIGNED TO LIE	68602
Jan. 29, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 26, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 25, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 25, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 08, 2006	EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED	6326
Aug. 08, 2006	EXAMINERS AMENDMENT AND/OR PRIORITY ACTION - COMPLETED	76072
Aug. 08, 2006	ASSIGNED TO EXAMINER	76072
Jul. 28, 2006	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Sep. 21, 2018

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: [91250427](#)

Filing Date: Aug 19, 2019

Status: Terminated

Status Date: Dec 04, 2019

Interlocutory Attorney: SHANNA K SANDERS

Defendant

Name: Oy Slurp AB

Correspondent Address: JASON S NARDIELLO
BELL NUNNALLY & MARTIN LLP
2323 ROSS AVE , STE 1900
DALLAS TX UNITED STATES , 75201

Correspondent e-mail: jp@bellnunnally.com , slee@bellnunnally.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SLURP	Abandoned - After Inter-Partes Decision	79237782	

Plaintiff(s)

Name: 7-Eleven, Inc.

Correspondent Address: DANAE T ROBINSON
PIRKEY BARBER PLLC
1801 EAST 6TH STREET, SUITE 300
AUSTIN TX UNITED STATES , 78702

Correspondent e-mail: smeleen@pirkeybarber.com , sespenshade@pirkeybarber.com , drobinson@pirkeybarber.com , drausa@pirkeybarber.com , tmcentral@pirkeybarber.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SLURPEE	REGISTERED AND RENEWED	72249881	829177
SLURP	REGISTERED AND RENEWED	73710168	1507444

SLURPEE	REGISTERED AND RENEWED	75495607	2240848
SLURPEE	REGISTERED AND RENEWED	78177603	3151476
SLURPEE	REGISTERED AND RENEWED	78936144	3494101
SLURPEE	REGISTERED AND RENEWED	78701702	3079803
SLURPEE	REGISTERED AND RENEWED	78936011	3596696
SLURPEE	Registered	86818583	4932605
SLURPEE	Registered	88000797	5671612

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 19, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 26, 2019	Oct 05, 2019
3	INSTITUTED	Aug 26, 2019	
4	NOTICE OF DEFAULT	Oct 15, 2019	
5	BD DECISION: OPP SUSTAINED	Dec 04, 2019	
6	TERMINATED	Dec 04, 2019	

Type of Proceeding: Opposition

Proceeding Number: [91209791](#) **Filing Date:** Mar 18, 2013
Status: Terminated **Status Date:** Jul 07, 2013
Interlocutory Attorney: CHRISTEN M ENGLISH

Defendant

Name: James R. Wheeler
Correspondent Address: ALBERT L SCHMEISER
SCHMEISER OLSEN & WATTS LLP
18 E UNIVERSITY DR STE 101
MESA AZ UNITED STATES , 85201-5946
Correspondent e-mail: trademarks@iplawusa.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SLURP-UP	Abandoned - After Inter-Partes Decision	85445477	

Plaintiff(s)

Name: 7-Eleven, Inc.
Correspondent Address: DAVID A COPLAND
FOLEY & LARDNER LLP
321 NORTH CLARK STREET, SUITE 2800
CHICAGO IL UNITED STATES , 60654
Correspondent e-mail: PTOMailChicago@foley.com, dcopland@foley.com, cmandly@foley.com, jolsen@foley.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SLURPEE	REGISTERED AND RENEWED	72249881	829177
SLURP	REGISTERED AND RENEWED	73710168	1507444
SLURPEE	REGISTERED AND RENEWED	75495607	2240848
SLURPEE	REGISTERED AND RENEWED	78177603	3151476
SLURPEE	REGISTERED AND RENEWED	78936144	3494101
SLURPEE	REGISTERED AND RENEWED	78936011	3596696
SLURPEE LITE	Section 8 and 15 - Accepted and Acknowledged	85544991	4243637

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 18, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 18, 2013	Apr 27, 2013

3	PENDING, INSTITUTED	Mar 18, 2013
4	NOTICE OF DEFAULT	May 22, 2013
5	BD DECISION: SUSTAINED	Jul 07, 2013
6	TERMINATED	Jul 07, 2013

Type of Proceeding: Opposition

Proceeding Number: [91205358](#) **Filing Date:** May 30, 2012
Status: Terminated **Status Date:** Sep 14, 2012
Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: Clark Kenowitz
Correspondent Address: CLARK KENOWITZ
460 FAIRFIELD RD
EAST WINDSOR NJ UNITED STATES , 08520-5607
Correspondent e-mail: clarkkenowitz@gmail.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SLURPHEADS	Abandoned - After Inter-Partes Decision	85377800	

Plaintiff(s)

Name: 7-Eleven, Inc.
Correspondent Address: DAVID A COPLAND
FOLEY & LARDNER LLP
321 NORTH CLARK STREET
CHICAGO IL UNITED STATES , 60654
Correspondent e-mail: PTOMailChicago@foley.com,
dcopland@foley.com,
cmandly@foley.com,
jolsen@foley.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SLURPEE	REGISTERED AND RENEWED	72249881	829177
SLURPEE	REGISTERED AND RENEWED	78936144	3494101
SLURPEE	REGISTERED AND RENEWED	78936011	3596696

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 30, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 30, 2012	Jul 09, 2012
3	PENDING, INSTITUTED	May 30, 2012	
4	NOTICE OF DEFAULT	Jul 30, 2012	
5	BOARD'S DECISION: SUSTAINED	Sep 14, 2012	
6	TERMINATED	Sep 14, 2012	

United States of America

United States Patent and Trademark Office



Reg. No. 4,932,605

Registered Apr. 5, 2016

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

7-ELEVEN, INC. (TEXAS CORPORATION)
1722 ROUTH STREET, SUITE 1000
DALLAS, TX 75201

FOR: SEMI-FROZEN CARBONATED BEVERAGES, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 4-0-2009; IN COMMERCE 4-0-2009.

OWNER OF U.S. REG. NOS. 829,177, 3,494,101, AND 4,243,637.

THE MARK CONSISTS OF THE WORD "SLURPEE" IN BUBBLE LETTERS ENCLOSED WITHIN A BUBBLE WITH LINES EMANATING FROM SAME IN A SWIRL PATTERN.

SER. NO. 86-818,583, FILED 11-12-2015.

KAREN DINDAYAL, EXAMINING ATTORNEY



Michelle K. Lee

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>.

Generated on: This page was generated by TSDR on 2020-02-04 12:45:39 EST

Mark: SLURPEE



US Serial Number: 86818583

Application Filing Date: Nov. 12, 2015

US Registration Number: 4932605

Registration Date: Apr. 05, 2016

Filed as TEAS Plus: Yes

Currently TEAS Plus: 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. 05, 2016

Publication Date: Jan. 19, 2016

Mark Information

Mark Literal Elements: SLURPEE

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the word "SLURPEE" in bubble letters enclosed within a bubble with lines emanating from same in a swirl pattern.

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

Design Search Code(s): 26.01.26 - Coils; Spirals; Swirls
26.13.25 - Quadrilaterals with one or more curved sides

Related Properties Information

Claimed Ownership of US Registrations: 0829177, 3494101, 4243637

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: Semi-frozen carbonated beverages

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 2009

Use in Commerce: Apr. 2009

Basis Information (Case Level)

Filed Use: Yes
Filed ITU: No
Filed 44D: No
Filed 44E: No
Filed 66A: No
Filed No Basis: No

Currently Use: Yes
Currently ITU: No
Currently 44E: No
Currently 66A: No
Currently No Basis: No

Current Owner(s) Information

Owner Name: 7-Eleven, Inc.
Owner Address: 3200 Hackberry Road
Irving, TEXAS UNITED STATES 75063
Legal Entity Type: CORPORATION
State or Country Where Organized: TEXAS

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Allison McDade
Attorney Primary Email Address: trademarks@7-11.com
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: ALLISON MCDADE
7-Eleven, Inc.
3200 Hackberry Road
Irving, TEXAS UNITED STATES 75063
Phone: 972/828-5784
Correspondent e-mail: trademarks@7-11.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 08, 2016	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 08, 2016	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 08, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 05, 2016	REGISTERED-PRINCIPAL REGISTER	
Jan. 19, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 19, 2016	PUBLISHED FOR OPPOSITION	
Dec. 30, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 09, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 01, 2015	ASSIGNED TO EXAMINER	91239
Nov. 18, 2015	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Nov. 17, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 16, 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: Apr. 05, 2016

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91250427](#)

Filing Date: Aug 19, 2019

Status: Terminated

Status Date: Dec 04, 2019

Interlocutory Attorney: SHANNA K SANDERS

Defendant

Name: Oy Slurp AB

Correspondent Address: JASON S NARDIELLO
BELL NUNNALLY & MARTIN LLP
2323 ROSS AVE , STE 1900
DALLAS TX UNITED STATES , 75201

Correspondent e-mail: jp@bellnunnally.com , slee@bellnunnally.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SLURP	Abandoned - After Inter-Partes Decision	79237782	

Plaintiff(s)

Name: 7-Eleven, Inc.

Correspondent Address: DANA T ROBINSON
PIRKEY BARBER PLLC
1801 EAST 6TH STREET, SUITE 300
AUSTIN TX UNITED STATES , 78702

Correspondent e-mail: smeleen@pirkeybarber.com , sespenshade@pirkeybarber.com , drobinson@pirkeybarber.com , drausa@pirkeybarber.com , tmcentral@pirkeybarber.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SLURPEE	REGISTERED AND RENEWED	72249881	829177
SLURP	REGISTERED AND RENEWED	73710168	1507444
SLURPEE	REGISTERED AND RENEWED	75495607	2240848
SLURPEE	REGISTERED AND RENEWED	78177603	3151476
SLURPEE	REGISTERED AND RENEWED	78936144	3494101
SLURPEE	REGISTERED AND RENEWED	78701702	3079803
SLURPEE	REGISTERED AND RENEWED	78936011	3596696
SLURPEE	Registered	86818583	4932605
SLURPEE	Registered	88000797	5671612

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 19, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 26, 2019	Oct 05, 2019
3	INSTITUTED	Aug 26, 2019	
4	NOTICE OF DEFAULT	Oct 15, 2019	
5	BD DECISION: OPP SUSTAINED	Dec 04, 2019	
6	TERMINATED	Dec 04, 2019	

United States of America

United States Patent and Trademark Office



Reg. No. 5,671,612

Registered Feb. 05, 2019

Int. Cl.: 32

Trademark

Principal Register

7-Eleven, Inc. (TEXAS CORPORATION)
3200 Hackberry Road
Irving, TEXAS 75063

CLASS 32: Semi-frozen carbonated beverages

FIRST USE 11-14-2018, The mark was first used anywhere in a different form other than that sought to be registered at least as early as 04/00/2009; IN COMMERCE 11-14-2018, The mark was first used in commerce in a different form other than that sought to be registered at least as early as 04/00/2009

The mark consists of the word "SLURPEE" in bubble letters with various size bubbles emanating from same in a swirl pattern.

OWNER OF U.S. REG. NO. 4932605, 0829177, 4243637

SER. NO. 88-000,797, FILED 06-14-2018



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>.

Generated on: This page was generated by TSDR on 2020-02-04 12:46:37 EST

Mark: SLURPEE



US Serial Number: 88000797

Application Filing Date: Jun. 14, 2018

US Registration Number: 5671612

Registration Date: Feb. 05, 2019

Filed as TEAS Plus: Yes

Currently TEAS Plus: 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: Feb. 05, 2019

Publication Date: Sep. 25, 2018

Notice of Allowance Date: Nov. 20, 2018

Mark Information

Mark Literal Elements: SLURPEE

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the word "SLURPEE" in bubble letters with various size bubbles emanating from same in a swirl pattern.

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

Design Search Code(s): 01.15.11 - Bubbles; Foam (bubbles); Foamy mass; Soap suds; Suds, soap
26.01.26 - Coils; Spirals; Swirls

Related Properties Information

Claimed Ownership of US Registrations: 0829177, 4243637, 4932605 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: Semi-frozen carbonated beverages

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 14, 2018

Use in Commerce: Nov. 14, 2018

Used Anywhere in: The mark was first used anywhere in a different

Used in Commerce: The mark was first used in commerce in a

Another Form: form other than that sought to be registered at least as early as 04/00/2009

in Another Form: different form other than that sought to be registered at least as early as 04/00/2009

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes
Filed ITU: No	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: 7-Eleven, Inc.
Owner Address: 3200 Hackberry Road
Irving, TEXAS UNITED STATES 75063
Legal Entity Type: CORPORATION
State or Country Where Organized: TEXAS

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Allison McDade
Attorney Primary Email Address: trademarks@7-11.com
Docket Number: TM4773
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: ALLISON MCDADE
7-ELEVEN, INC.
3200 HACKBERRY ROAD
IRVING, TEXAS UNITED STATES 75063
Correspondent e-mail: trademarks@7-11.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 05, 2019	REGISTERED-PRINCIPAL REGISTER	
Jan. 01, 2019	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Dec. 31, 2018	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Dec. 08, 2018	STATEMENT OF USE PROCESSING COMPLETE	66154
Nov. 27, 2018	USE AMENDMENT FILED	66154
Dec. 08, 2018	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66154
Nov. 27, 2018	TEAS STATEMENT OF USE RECEIVED	
Nov. 20, 2018	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 25, 2018	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 25, 2018	PUBLISHED FOR OPPOSITION	
Sep. 05, 2018	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Aug. 22, 2018	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 08, 2018	TEAS/EMAIL CORRESPONDENCE ENTERED	68171
Aug. 08, 2018	CORRESPONDENCE RECEIVED IN LAW OFFICE	68171
Aug. 06, 2018	ASSIGNED TO LIE	68171
Jul. 19, 2018	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 12, 2018	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 12, 2018	NON-FINAL ACTION E-MAILED	6325
Jul. 12, 2018	NON-FINAL ACTION WRITTEN	93665
Jul. 09, 2018	ASSIGNED TO EXAMINER	93665

Jun. 21, 2018 NOTICE OF DESIGN SEARCH CODE E-MAILED
 Jun. 20, 2018 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM
 Jun. 18, 2018 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:** Dec. 31, 2018

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91250427](#) **Filing Date:** Aug 19, 2019
Status: Terminated **Status Date:** Dec 04, 2019
Interlocutory Attorney: SHANNA K SANDERS

Defendant

Name: Oy Slurp AB
Correspondent Address: JASON S NARDIELLO
 BELL NUNNALLY & MARTIN LLP
 2323 ROSS AVE , STE 1900
 DALLAS TX UNITED STATES , 75201
Correspondent e-mail: jp@bellnunnally.com , slee@bellnunnally.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SLURP	Abandoned - After Inter-Partes Decision	79237782	

Plaintiff(s)

Name: 7-Eleven, Inc.
Correspondent Address: DANA E T ROBINSON
 PIRKEY BARBER PLLC
 1801 EAST 6TH STREET, SUITE 300
 AUSTIN TX UNITED STATES , 78702
Correspondent e-mail: smeleen@pirkeybarber.com , sespenshade@pirkeybarber.com , drobinson@pirkeybarber.com , drausa@pirkeybarber.com , tmcentral@pirkeybarber.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SLURPEE	REGISTERED AND RENEWED	72249881	829177
SLURP	REGISTERED AND RENEWED	73710168	1507444
SLURPEE	REGISTERED AND RENEWED	75495607	2240848
SLURPEE	REGISTERED AND RENEWED	78177603	3151476
SLURPEE	REGISTERED AND RENEWED	78936144	3494101
SLURPEE	REGISTERED AND RENEWED	78701702	3079803
SLURPEE	REGISTERED AND RENEWED	78936011	3596696
SLURPEE	Registered	86818583	4932605
SLURPEE	Registered	88000797	5671612

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 19, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 26, 2019	Oct 05, 2019

3	INSTITUTED	Aug 26, 2019
4	NOTICE OF DEFAULT	Oct 15, 2019
5	BD DECISION: OPP SUSTAINED	Dec 04, 2019
6	TERMINATED	Dec 04, 2019