

ESTTA Tracking number: **ESTTA1050099**

Filing date: **04/20/2020**

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	GROWMARK		
Entity	Corporation	Citizenship	Delaware
Address	1701 Towanda Avenue Bloomington, IL 61701 UNITED STATES		

Attorney information	Jamie Nafziger Dorsey & Whitney LLP 50 South Sixth Street Suite 1500 Minneapolis, MN 55402 UNITED STATES IP.DOCKET@DORSEY.COM, NAFZIGER.JAMIE@DORSEY.COM, JARZYNA.ALISON@DORSEY.COM 612-340-2600
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Registration Subject to Cancellation

Registration No.	4723056	Registration date	04/21/2015
Registrant	Franklin Square Holdings, L.P. 201 Rouse Boulevard Philadelphia, PA 19112 UNITED STATES		


Goods/Services Subject to Cancellation

Class 036. First Use: 2009/05/30 First Use In Commerce: 2009/05/30 All goods and services in the class are subject to cancellation, namely: Investment of funds for others; management of investment of funds for others; investment management services; Business Development Company funding services to small and mid-sized businesses; BusinessDevelopment Company services, namely, providing financing to small and mid-sized businesses; Business Development Company fund management; Business DevelopmentCompany financing; mutual fund brokerage, distribution, investment; investment administration, distribution, and management of mutual funds; financial portfolio and investment management; investment advisory services; investment consultation; financial asset management; stock brokerage services; fund investment consultation; funds investment; asset allocation services


Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
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Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	5121266	Application Date	03/12/2014
Registration Date	01/10/2017	Foreign Priority Date	NONE
Word Mark	FS		
Design Mark			
Description of Mark	The mark consists of the capital letter "F" to the left and slightly below the capital letter "S", both surrounded by a slanted rectangular border.		
Goods/Services	<p>Class 002. First use: First Use: 1955/10/31 First Use In Commerce: 1956/01/31 Paints, varnishes, lacquers, and preservatives against rust and against deterioration of wood in the nature of a coating</p> <p>Class 003. First use: First Use: 1955/10/31 First Use In Commerce: 1956/01/31 rinsing preparations, namely, fluids for cleaning agricultural chemical storage tanks</p> <p>Class 004. First use: First Use: 1955/10/31 First Use In Commerce: 1956/01/31 Gasoline; tractor fuel; diesel fuel; liquefied petroleum gas; industrial grease; industrial lubricants; furnace and stove fuel oils; lubricating oils and greases for vehicles; propane; biodiesel fuels; ethanol blended fuels; soy-based fuels; alcohol blended fuels; metalworking fluids, namely, lubricants; hydraulic oils; engine oils; compressor oils; concrete form oil; vacuum pump oil; white oil, namely, mineral oils for use in the manufacture of other products; special purpose industrial lubricants; gear lubricants</p> <p>Class 031. First use: First Use: 1962/10/31 First Use In Commerce: 1962/10/31 Seeds for agricultural purposes, namely, corn seed, field seed, grain seeds; soybean seed; agricultural seed</p> <p>Class 035. First use: First Use: 1955/10/31 First Use In Commerce: 1956/01/31 Wholesale and retail distributorships featuring agricultural products, materials and supplies to farmers; retail convenience store services; business consulting services in the agricultural field; agricultural cooperative services, namely, cooperative advertising and marketing services and distributorship services in the field of agricultural products, materials and supplies; Fuel manage-</p>		


	<p>ment consulting services, namely, providing recommendations for fuel selection and usage</p> <p>Class 036. First use: First Use: 1966/05/31 First Use In Commerce: 1966/05/31 Financial services, namely, banking services</p> <p>Class 039. First use: First Use: 1958/08/31 First Use In Commerce: 1958/08/31 Grain storage; bulk transportation, storage and delivery of goods</p> <p>Class 042. First use: First Use: 1955/10/31 First Use In Commerce: 1956/01/31 Agricultural research; agricultural testing and analysis for determining soil nutrients and composition, soil sampling, crop mapping and crop observation</p> <p>Class 044. First use: First Use: 1955/10/31 First Use In Commerce: 1956/01/31 Agricultural consulting services; turf consulting services, namely, providing recommendations for plant and soil nutrition supplements, providing advice on theselection and application of agricultural chemicals and seed, and providing advice about application of agricultural chemicals and the use and application of crop protection products, agricultural chemicals and agricultural seed</p>
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U.S. Registration No.	5360625	Application Date	03/12/2014
Registration Date	12/19/2017	Foreign Priority Date	NONE
Word Mark	FS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 001. First use: First Use: 1955/12/31 First Use In Commerce: 1955/12/31 Fertilizers; adjuvants and surfactants used in agronomic applications, namely, for use in connection with agricultural chemicals; brake fluid; transmission fluids; power steering fluids; diesel exhaust fluids; quenching fluids for use in metalworking; propylene glycol; antifreeze; coolants; power fluids, power steering fluid for vehicles; metalworking fluids, namely, coolants; Chemical additive fluids for fuel treatment to improve vehicle performance and fuel efficiency</p> <p>Class 002. First use: First Use: 1955/10/31 First Use In Commerce: 1956/01/31 Paints, varnishes, lacquers, and preservatives against rust and against deterioration of wood in the nature of a coating; stoddard solvent, namely, mineral spirits for use as a paint thinner</p> <p>Class 003. First use: First Use: 1955/10/31 First Use In Commerce: 1956/01/31 Cleaning, polishing, scouring, abrasivepreparations; rinsing preparations, namely, fluids for cleaning agricultural chemical storage tanks</p> <p>Class 031. First use: First Use: 1962/10/31 First Use In Commerce: 1962/10/31 Seeds for agricultural purposes, namely, corn seed, field seed, grain seeds; soybean seed; agricultural seed</p> <p>Class 035. First use: First Use: 1955/10/31 First Use In Commerce: 1956/01/31</p>		


	<p>Wholesale and retail distributorships featuring agricultural products, materials and supplies to farmers; retail convenience store services; business consulting services in the agricultural field; agricultural cooperative services, namely, cooperative advertising and marketing services and distributorship services in the field of agricultural products, materials and supplies; Fuel management consulting services, namely, providing recommendations for fuel selection and usage</p> <p>Class 036. First use: First Use: 1966/05/31 First Use In Commerce: 1966/05/31 Financial services, namely, banking services</p> <p>Class 039. First use: First Use: 1958/08/31 First Use In Commerce: 1958/08/31 Grain storage; bulk transportation, storage and delivery of goods</p> <p>Class 042. First use: First Use: 1995/10/31 First Use In Commerce: 1956/01/31 Agricultural research; agricultural testing and analysis for determining soil nutrients and composition, soil sampling, crop mapping and crop observation</p> <p>Class 044. First use: First Use: 1955/10/31 First Use In Commerce: 1956/01/31 Agricultural consulting services; turf consulting services, namely, providing recommendations for plant and soil nutrition supplements, providing advice on theselection and application of agricultural chemicals and seed, and providing advice about application of agricultural chemicals and the use and application of crop protection products, agricultural chemicals and agricultural seed</p>
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U.S. Registration No.	2371319	Application Date	10/12/1999
Registration Date	07/25/2000	Foreign Priority Date	NONE
Word Mark	FS AGRI-FINANCE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1966/05/00 First Use In Commerce: 1966/05/00 Financial services, namely, providing loans to farmers		

U.S. Application No.	88241512	Application Date	12/26/2018
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	FS		


Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0</p> <p>Downloadable computer e-commerce software to allow users to perform electronic business transactions via mobile devices and local and global computer networks; downloadable computer software applications to assist agricultural professionals with the inspection, research, data collection and analysis, spectral sampling, and information on crop health and precision agriculture methods and technology; downloadable computer software applications for agricultural, automotive, energy, and industrial uses, namely, for use in data collection, aggregation, analysis, georeferencing, management, reporting, warehousing, employment recruiting, financial analysis, event logistics, order entry, payments, product selection and use, and publication distribution; downloadable computer software applications to assist with product selection in the automotive, energy, fuel, grease, lubricant, and oil sectors; downloadable computer software for budgeting, forecasting, consolidation of financial data and financial reporting, for use in financial reporting or analysis; downloadable computer software for creating searchable databases of information and data; downloadable computer software for monitoring the operation of mechanized agricultural equipment during agricultural operations; downloadable computer software for the collection, editing, organizing, modifying, transmission, storage and sharing of data and information; downloadable computer software, namely, electronic financial software that accommodates multiple types of payment and debt transactions in an integrated mobile device and web based environment; downloadable computer software that provides business management intelligence by combining information from various databases and presenting it in an easy-to-understand user interface; downloadable mobile applications for accessing, planning, and managing information for use in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; downloadable mobile applications for recording field and crop observations related to pest pressure, tracking field conditions with GPS-enabled maps, and generating crop scouting reports; downloadable computer software for use by customers to manage data relating to farm inputs, costs, and crop yield results; decision support systems in the nature of computer hardware and software for use in data collection, aggregation, analysis, georeferencing, management, reporting, warehousing, employment recruiting, financial analysis, event logistics, order entry, payments, product selection and use, and publication distribution in the field of precision agriculture and variable rate technology; decision support systems in the nature of computer hardware and software for use in data collection, aggregation, analysis, georeferencing, management, reporting, warehousing, employment recruiting, financial analysis, event logistics, order entry, payments, product selection and use, and publication distribution in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; simulators for driving and control of vehicles and farm equipment; software applications for use with mobile phones, tablet computers, mobile telecommunication devices, and personal computers, namely, software for assisting agricultural professionals with the inspection, research, data collection and analysis, spectral sampling, and information on crop</p>

	health and precision agriculture methods and technology; software for accessing, planning, and managing information for use in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment
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U.S. Application No.	88241514	Application Date	12/26/2018
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	FS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 042. First use: First Use: 0 First Use In Commerce: 0</p> <p>Agricultural mapping services; agricultural services, namely, providing temporary use of non-downloadable computer software applications for use with mobile phones, tablet computers, mobile telecommunication devices, and personal computers, namely, software for assisting agricultural professionals with the inspection, research, data collection and analysis, spectral sampling, and information on crop health and precision agriculture methods and technology; agricultural testing for seeds, crop protection products, and fertilizer; analyzing and evaluating agricultural fertilizer and nutrients; analyzing and evaluating nitrogen in soil; application service provider (ASP) featuring e-commerce software for use as a payment gateway that authorizes processing of credit cards or direct payments for merchants; application service provider, namely, hosting, managing, developing, and maintaining applications, software, and web sites, in the fields of wireless communication, mobile information access, and remote data management for wireless delivery of content to handheld computers, laptops and mobile electronic devices; applied scientific research in the fields of agriculture, agronomy, farming and crop yields; cloud computing featuring software for use in farm information management; cloud computing featuring software for use in farm information management to provide statistics and graphical analysis of crop production, costs, and health; cloud computing featuring software used to provide financial analysis of a farm; cloud computing featuring software used to provide feedback from precision agriculture machinery, equipment, and devices; computer services, namely, acting as an application service provider in the field of information management to host computer application software for the purpose of e-commerce transaction processing, and information and data collection, editing, organizing, modifying, transmission, storage, and sharing; computer services, namely, providing a website featuring temporary use of non-downloadable computer software for collecting, analyzing, and providing data and information regarding electronic payment transactions; computer software design, computer programming, and maintenance of computer software; computer software development, computer programming, and maintenance of computer software for precision agriculture programs; providing temporary use of non-downloadable computer software for use in issuing and providing receipts for others for electronic payments and payment transactions; computer graphics design services, namely, creating of 3-D computer models; database design and development;</p>		

electronic data storage; farm product input services, namely, agricultural testing for determining soil nutrients and composition; field scouting services, namely, observing and inspecting agriculture fields to identify problems associated with weeds, insects, and diseases; mapping and surveying services for precision farming by means of the application and utilization of technologies and agronomic principles to manage spatial and temporal variability associated with all aspects of agricultural production using satellite imagery, GPS mapping, soil mapping, variable rate technologies, geospatial tools, and yield monitoring for improving the control and management of crops and increasing yields; providing temporary use of non-downloadable electronic financial software that accommodates multiple types of payment and debt transactions in an integrated mobile device and web based environment; providing temporary use of non-downloadable software for accessing, planning, and managing information for use in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; providing temporary use of non-downloadable software for budgeting, forecasting, and consolidation of financial data and financial reporting, and for use in financial reporting and analysis; providing temporary use of non-downloadable software for recording field and crop observations related to pest pressure, for tracking field conditions with GPS-enabled maps, and for generating crop scouting reports; providing temporary use of non-downloadable software that provides business management intelligence by combining information from various databases and presenting it in an easy-to-understand user interface; providing temporary use of non-downloadable software for agricultural, automotive, energy, and industrial uses, namely, for use in data collection, aggregation, analysis, georeferencing, management, reporting, warehousing, employment recruiting, financial analysis, event logistics, order entry, payments, product selection and use, and publication distribution; providing temporary use of non-downloadable software applications to assist with product selection in the automotive, energy, fuel, grease, lubricant, and oil sectors; platform as a service (PAAS) featuring computer software platforms for agricultural fertilizer and nutrient monitoring and management in soil; platform as a service (PAAS) featuring computer software platforms for inventorying, tracking, and verifying plant-available nitrogen in soil; platform as a service (PAAS) featuring computer software platforms for nitrogen monitoring and management in soil; professional consulting services about agricultural chemistry and fertility plans; providing a website featuring agricultural research information in the fields of agronomy, farming, and crop yields; providing a website featuring agricultural research information in the fields of biology, ecology, organisms, biosystematics, environment, biological control, entomology, mycology, and bacteriology; providing a website featuring technology that allows users to access, plan, and manage information in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; providing an interactive web site featuring technology that enables users to enter, access, track, manage, monitor, and generate information and reports regarding sales of products and services; providing an online non-downloadable internet based system in the nature of software applications featuring technology enabling users to access, plan, and manage information for use in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; providing information for farmers in the fields of agricultural and crop research; providing scientific information in the fields of agricultural research, agronomy, farming, crop yields, environmentalism, conservationism, biological diversity, global climate change, environmental sustainability, sustainable consumption, natural resource preservation, endangered species, sustainable business practices, environmental issues, soil sampling, crop observing, genetics, plant varieties, seeds, farming practices, harvesting, chemistry, crop production, crop costs, and crop health; providing non-downloadable software applications featuring technology enabling users to access, plan, and manage information for use in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; providing technological and scientific information about agricultural fertilizer and nutrient monitoring and management; providing technological and scientific information about in-

ventorying, tracking, and verifying plant-available nitrogen in soil; providing technological and scientific information about nitrogen monitoring and management in soil; providing temporary use of non-downloadable computer software for use in issuing and providing receipts for others for electronic payments and payment transactions; providing temporary use of non-downloadable computer software that enables consumers and businesses to perform electronic payment transactions through the use of their electronic signature, personal identification number (PIN), name, or photo; providing temporary use of on-line non-downloadable cloud computing software for accessing, selecting, processing, downloading, and managing map-based data for use in agriculture; providing temporary use of on-line non-downloadable computer software for payment processing, user authentication, and or management and tracking of payment transactions; providing temporary use of online non-downloadable software for use in collecting, analyzing, and providing data and information regarding electronic payment transactions; providing temporary use of on-line non-downloadable suite of software tools for agricultural field optimization and precision agriculture; reporting of soil testing results directly to growers; research and development in the field of agronomy, farming, and crop yields; scientific data analysis services and custom development of computer software in the field of precision agriculture, namely, the use of sensors, maps, imagery, soil conditions, crop yield and other data to monitor and devise a plan for increasing crop yield, together with the use of equipment to carry out the devised plan; scientific research services in the fields of genetics, plant varieties, seeds, agronomy, and plant harvesting and transformation methods; providing temporary use of non-downloadable simulation software in the field of controlling agriculture and farm equipment and vehicles; technical research in the fields of soil and agronomy; providing temporary use of non-downloadable virtual reality training simulation software in the field of controlling agriculture and farm equipment and vehicles

U.S. Application No.	88688731	Application Date	11/12/2019
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	FS		
Design Mark			
Description of	The mark consists of the capital letter "F" to the left and slightly lower than the		

Mark	capital letter "S", both surrounded by a slanted rectangular border.		
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0</p> <p>Downloadable computer e-commerce software to allow users to perform electronic business transactions via mobile devices and local and global computer networks; Downloadable computer software applications to assist agricultural professionals with the inspection, research, data collection and analysis, spectral sampling, and information on crop health and precision agriculture methods and technology; Downloadable computer software applications for agricultural, automotive, energy, and industrial uses, namely, for use in data collection, aggregation, analysis, georeferencing, management, reporting, warehousing, employment recruiting, financial analysis, event logistics, order entry, payments, product selection and use, and publication distribution; Downloadable computer software applications to assist with product selection in the automotive, energy, fuel, grease, lubricant, and oil sectors; Downloadable computer software for budgeting, forecasting, consolidation of financial data and financial reporting, for use in financial reporting or analysis; Downloadable computer software for creating searchable databases of information and data; Downloadable computer software for monitoring the operation of mechanized agricultural equipment during agricultural operations; Downloadable computer software for the collection, editing, organizing, modifying, transmission, storage and sharing of data and information; Downloadable computer software, namely, electronic financial software that accommodates multiple types of payment and debt transactions in an integrated mobile device and web based environment; Downloadable computer software that provides business management intelligence by combining information from various databases and presenting it in an easy-to-understand user interface; Downloadable mobile applications for accessing, planning, and managing information for use in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; Downloadable mobile applications for recording field and crop observations related to pest pressure, tracking field conditions with GPS-enabled maps, and generating crop scouting reports; Downloadable computer software for use by customers to manage data relating to farm inputs, costs, and crop yield results; Decision support systems in the nature of computer hardware and downloadable software for use in data collection, aggregation, analysis, georeferencing, management, reporting, warehousing, employment recruiting, financial analysis, event logistics, order entry, payments, product selection and use, and publication distribution in the field of precision agriculture and variable rate technology; Decision support systems in the nature of computer hardware and software for use in data collection, aggregation, analysis, georeferencing, management, reporting, warehousing, employment recruiting, financial analysis, event logistics, order entry, payments, product selection and use, and publication distribution in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; Simulators for driving and control of vehicles and farm equipment; Downloadable software applications for use with mobile phones, tablet computers, mobile telecommunication devices, and personal computers, namely, software for assisting agricultural professionals with the inspection, research, data collection and analysis, spectral sampling, and information on crop health and precision agriculture methods and technology; Downloadable software for accessing, planning, and managing information for use in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; Downloadable mobile software for obtaining information, posting resumes, and submitting applications in the fields of employment, careers, employment opportunities, career placement, recruitment, job listings, personal issues related to careers and work life, job resources, salary information, and compensation and benefits; Downloadable electronic publications in the nature of journals, newsletters, and catalogs in the fields of agriculture, agronomy, automotive, business, energy, finance, horticulture, and industrial equipment</p>		
U.S. Application	88691069	Application Date	11/13/2019

No.			
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	FS		
Design Mark			
Description of Mark	The mark consists of the capital letter "F" to the left and slightly below the capital letter "S", both surrounded by a slanted rectangular border.		
Goods/Services	<p>Class 042. First use: First Use: 0 First Use In Commerce: 0</p> <p>Agricultural mapping services; Agricultural services, namely, providing temporary use of non-downloadable computer software applications for use with mobile phones, tablet computers, mobile telecommunication devices, and personal computers, namely, software for assisting agricultural professionals with the inspection, research, data collection and analysis, spectral sampling, and information on crop health and precision agriculture methods and technology; Agricultural testing for seeds, crop protection products, and fertilizer; Analyzing and evaluating agricultural fertilizer and nutrients; Analyzing and evaluating nitrogen in soil; Application service provider (ASP) featuring e-commerce software for use as a payment gateway that authorizes processing of credit cards or direct payments for merchants; Application service provider, namely, hosting, managing, developing, and maintaining applications, software, and web sites, in the fields of wireless communication, mobile information access, and remote data management for wireless delivery of content to handheld computers, laptops and mobile electronic devices; Applied scientific research in the fields of agriculture, agronomy, farming and crop yields; Cloud computing featuring software for use in farm information management; Cloud computing featuring software for use in farm information management to provide statistics and graphical analysis of crop production, costs, and health; Cloud computing featuring software used to provide financial analysis of a farm; Cloud computing featuring software used to provide feedback from precision agriculture machinery, equipment, and devices; Computer services, namely, acting as an application service provider in the field of information management to host computer application software for the purpose of e-commerce transaction processing, and information and data collection, editing, organizing, modifying, transmission, storage, and sharing; Computer services, namely, providing a website featuring temporary use of non-downloadable computer software for collecting, analyzing, and providing data and information regarding electronic payment transactions; Computer software</p>		

design, computer programming, and maintenance of computer software; Computer software development, computer programming, and maintenance of computer software for precision agriculture programs; Providing temporary use of non-downloadable computer software for use in issuing and providing receipts for others for electronic payments and payment transactions; Computer graphics design services, namely, creating of 3-D computer models; Database design and development; Electronic data storage; Farm product input services, namely, agricultural testing for determining soil nutrients and composition; Field scouting services, namely, observing and inspecting agriculture fields to identify problems associated with weeds, insects, and diseases; Mapping and surveying services for precision farming by means of the application and utilization of technologies and agronomic principles to manage spatial and temporal variability associated with all aspects of agricultural production using satellite imagery, GPS mapping, soil mapping, variable rate technologies, geospatial tools, and yield monitoring for improving the control and management of crops and increasing yields; Providing temporary use of non-downloadable electronic financial software that accommodates multiple types of payment and debt transactions in an integrated mobile device and web based environment; Providing temporary use of non-downloadable software for accessing, planning, and managing information for use in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; Providing temporary use of non-downloadable software for budgeting, forecasting, and consolidation of financial data and financial reporting, and for use in financial reporting and analysis; Providing temporary use of non-downloadable software for recording field and crop observations related to pest pressure, for tracking field conditions with GPS-enabled maps, and for generating crop scouting reports; Providing temporary use of non-downloadable software that provides business management intelligence by combining information from various databases and presenting it in an easy-to-understand user interface; Providing temporary use of non-downloadable software for agricultural, automotive, energy, and industrial uses, namely, for use in data collection, aggregation, analysis, georeferencing, management, reporting, warehousing, employment recruiting, financial analysis, event logistics, order entry, payments, product selection and use, and publication distribution; Providing temporary use of non-downloadable software applications to assist with product selection in the automotive, energy, fuel, grease, lubricant, and oil sectors; Platform as a service (PAAS) featuring computer software platforms for agricultural fertilizer and nutrient monitoring and management in soil; Platform as a service (PAAS) featuring computer software platforms for inventorying, tracking, and verifying plant-available nitrogen in soil; Platform as a service (PAAS) featuring computer software platforms for nitrogen monitoring and management in soil; Professional consulting services about agricultural chemistry and fertility plans; Providing a website featuring agricultural research information in the fields of agronomy, farming, and crop yields; Providing a website featuring agricultural research information in the fields of biology, ecology, organisms, biosystematics, environment, biological control, entomology, mycology, and bacteriology; Providing a website featuring technology that allows users to access, plan, and manage information in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; Providing an interactive web site featuring technology that enables users to enter, access, track, manage, monitor, and generate information and reports regarding sales of products and services; Providing an online non-downloadable internet based system in the nature of software applications featuring technology enabling users to access, plan, and manage information for use in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; Providing information for farmers in the fields of agricultural and crop research; Providing scientific information in the fields of agricultural research, agronomy, farming, crop yields, environmentalism, conservationism, biological diversity, global climate change, environmental sustainability, sustainable consumption, natural resource preservation, endangered species, sustainable business practices, environmental issues, soil sampling, crop ob- serving, genetics, plant varieties, seeds, farming practices, harvesting, chem-

	<p>istry, crop production, crop costs, and crop health; Providing non-downloadable software applications featuring technology enabling users to access, plan, and manage information for use in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; Providing technological and scientific information about agricultural fertilizer and nutrient monitoring and management; Providing technological and scientific information about inventorying, tracking, and verifying plant-available nitrogen in soil; Providing technological and scientific information about nitrogen monitoring and management in soil; Providing temporary use of non-downloadable computer software for use in issuing and providing receipts for others for electronic payments and payment transactions; Providing temporary use of non-downloadable computer software that enables consumers and businesses to perform electronic payment transactions through the use of their electronic signature, personal identification number (PIN), name, or photo; Providing temporary use of on-line non-downloadable cloud computing software for accessing, selecting, processing, downloading, and managing map-based data for use in agriculture; Providing temporary use of on-line non-downloadable computer software for payment processing, user authentication, and or management and tracking of payment transactions; Providing temporary use of online non-downloadable software for use in collecting, analyzing, and providing data and information regarding electronic payment transactions; Providing temporary use of on-line non-downloadable suite of software tools for agricultural field optimization and precision agriculture; Reporting of soil testing results directly to growers; Research and development in the field of agronomy, farming, and crop yields; Scientific data analysis services and custom development of computer software in the field of precision agriculture, namely, the use of sensors, maps, imagery, soil conditions, crop yield and other data to monitor and devise a plan for increasing crop yield, together with the use of equipment to carry out the devised plan; Scientific research services in the fields of genetics, plant varieties, seeds, agronomy, and plant harvesting and transformation methods; Providing temporary use of non-downloadable simulation software in the field of controlling agriculture and farm equipment and vehicles; Technical research in the fields of soil and agronomy; Providing temporary use of non-downloadable virtual reality training simulation software in the field of controlling agriculture and farm equipment and vehicles; Platform as a service (PAAS) featuring software in the fields of agriculture, agronomy, automotive, business, energy, finance, horticulture, and industrial equipment; Platform as a service (PAAS) featuring software for use in web applications, data storage and backup, database management, networking, collaboration, access, administration and management of computer applications and computer hardware; Non-downloadable computer software for browsing and accessing digital content, computer software programs, audio works, visual works, audiovisual works, and electronic publications</p>
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Attachments	<p>86981132#TMSN.png(bytes) 86977628#TMSN.png(bytes) 75819321#TMSN.png(bytes) 88241512#TMSN.png(bytes) 88241514#TMSN.png(bytes) 88688731#TMSN.png(bytes) 88691069#TMSN.png(bytes) Petition to Cancel FS INVESTMENTS 4852-6573-1258 v.2.pdf(107534 bytes) FS INVESTMENTS Cancellation Exhibit.pdf(253559 bytes)</p>
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Signature	/Alison W. Jarzyna/
Name	Alison W. Jarzyna
Date	04/20/2020

company organized under the laws of Pennsylvania, and has a principal place of business at 201 Rouse Boulevard, Philadelphia, Pennsylvania 19112.

As grounds for the petition, Petitioner alleges:

1. Registrant is the owner of U.S. federal Registration No. 4,723,056 for the mark **FS INVESTMENTS**, registered on the Principal Register on April 21, 2015, for “Investment of funds for others; management of investment of funds for others; investment management services; Business Development Company funding services to small and mid-sized businesses; Business Development Company services, namely, providing financing to small and mid-sized businesses; Business Development Company fund management; Business Development Company financing; mutual fund brokerage, distribution, investment; investment administration, distribution, and management of mutual funds; financial portfolio and investment management; investment advisory services; investment consultation; financial asset management; stock brokerage services; fund investment consultation; funds investment; asset allocation services” in International Class 36.

2. Petitioner is the owner of the following U.S. trademark registrations and applications as well as common law rights in the **FS**, **FS & Design**, and **FS AGRI-FINANCE** marks that pre-date the dates of first use and filing of the Registration (“Petitioner’s Marks”):

Mark	Ser. / Reg. No.	Filing Date / Reg. Date	Class: Goods/Services First Use Dates on Registration
	5,121,266	March 12, 2014 January 10, 2017	36: Financial services, namely, banking services First Use: May 31, 1966 First Use in Commerce: May 31, 1966 [other goods and services in this registration omitted]

Mark	Ser. / Reg. No.	Filing Date / Reg. Date	Class: Goods/Services First Use Dates on Registration
FS	5,360,625	March 12, 2014 December 19, 2017	36: Financial services, namely, banking services First Use: May 31, 1966 First Use in Commerce: May 31, 1966 [other goods and services in this registration omitted]
FS AGRI-FINANCE	2,371,319	October 12, 1999 July 25, 2000	36: Financial services, namely, providing loans to farmers. First Use: May 31, 1966 First Use in Commerce: May 31, 1966
FS	88/241,512	December 26, 2018	9: Downloadable computer e-commerce software to allow users to perform electronic business transactions via mobile devices and local and global computer networks; downloadable computer software applications to assist agricultural professionals with the inspection, research, data collection and analysis, spectral sampling, and information on crop health and precision agriculture methods and technology; downloadable computer software applications for agricultural, automotive, energy, and industrial uses, namely, for use in data collection, aggregation, analysis, georeferencing, management, reporting, warehousing, employment recruiting, financial analysis, event logistics, order entry, payments, product selection and use, and publication distribution; downloadable computer software applications to assist with product selection in the automotive, energy, fuel, grease, lubricant, and oil sectors; downloadable computer software for budgeting, forecasting, consolidation of financial data and financial reporting, for use in financial reporting or analysis; downloadable computer software for creating searchable databases of information and data; downloadable computer software for monitoring the operation of mechanized


Mark	Ser. / Reg. No.	Filing Date / Reg. Date	Class: Goods/Services First Use Dates on Registration
			<p>agricultural equipment during agricultural operations; downloadable computer software for the collection, editing, organizing, modifying, transmission, storage and sharing of data and information; downloadable computer software, namely, electronic financial software that accommodates multiple types of payment and debt transactions in an integrated mobile device and web based environment; downloadable computer software that provides business management intelligence by combining information from various databases and presenting it in an easy-to-understand user interface; downloadable mobile applications for accessing, planning, and managing information for use in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; downloadable mobile applications for recording field and crop observations related to pest pressure, tracking field conditions with GPS-enabled maps, and generating crop scouting reports; downloadable computer software for use by customers to manage data relating to farm inputs, costs, and crop yield results; decision support systems in the nature of computer hardware and software for use in data collection, aggregation, analysis, georeferencing, management, reporting, warehousing, employment recruiting, financial analysis, event logistics, order entry, payments, product selection and use, and publication distribution in the field of precision agriculture and variable rate technology; decision support systems in the nature of computer hardware and software for use in data collection, aggregation, analysis, georeferencing, management, reporting, warehousing, employment recruiting, financial analysis, event logistics, order entry, payments, product selection and use, and publication distribution in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; simulators for driving and control of vehicles and farm equipment; software applications for use with mobile phones, tablet computers, mobile telecommunication devices, and personal computers, namely, software for assisting</p>

Mark	Ser. / Reg. No.	Filing Date / Reg. Date	Class: Goods/Services First Use Dates on Registration
			agricultural professionals with the inspection, research, data collection and analysis, spectral sampling, and information on crop health and precision agriculture methods and technology; software for accessing, planning, and managing information for use in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment.
FS	88/241,514	December 26, 2018	42: Agricultural mapping services; agricultural services, namely, providing temporary use of non-downloadable computer software applications for use with mobile phones, tablet computers, mobile telecommunication devices, and personal computers, namely, software for assisting agricultural professionals with the inspection, research, data collection and analysis, spectral sampling, and information on crop health and precision agriculture methods and technology; agricultural testing for seeds, crop protection products, and fertilizer; analyzing and evaluating agricultural fertilizer and nutrients; analyzing and evaluating nitrogen in soil; application service provider (ASP) featuring e-commerce software for use as a payment gateway that authorizes processing of credit cards or direct payments for merchants; application service provider, namely, hosting, managing, developing, and maintaining applications, software, and web sites, in the fields of wireless communication, mobile information access, and remote data management for wireless delivery of content to handheld computers, laptops and mobile electronic devices; applied scientific research in the fields of agriculture, agronomy, farming and crop yields; cloud computing featuring software for use in farm information management; cloud computing featuring software for use in farm information management to provide statistics and graphical analysis of crop production, costs, and health; cloud computing featuring software used to provide financial analysis of a farm; cloud computing featuring software used to provide feedback from precision agriculture machinery, equipment, and devices; computer services, namely, acting as an application


Mark	Ser. / Reg. No.	Filing Date / Reg. Date	Class: Goods/Services First Use Dates on Registration
			<p>service provider in the field of information management to host computer application software for the purpose of ecommerce transaction processing, and information and data collection, editing, organizing, modifying, transmission, storage, and sharing; computer services, namely, providing a website featuring temporary use of non-downloadable computer software for collecting, analyzing, and providing data and information regarding electronic payment transactions; computer software design, computer programming, and maintenance of computer software; computer software development, computer programming, and maintenance of computer software for precision agriculture programs; providing temporary use of non-downloadable computer software for use in issuing and providing receipts for others for electronic payments and payment transactions; computer graphics design services, namely, creating of 3-D computer models; database design and development; electronic data storage; farm product input services, namely, agricultural testing for determining soil nutrients and composition; field scouting services, namely, observing and inspecting agriculture fields to identify problems associated with weeds, insects, and diseases; mapping and surveying services for precision farming by means of the application and utilization of technologies and agronomic principles to manage spatial and temporal variability associated with all aspects of agricultural production using satellite imagery, GPS mapping, soil mapping, variable rate technologies, geospatial tools, and yield monitoring for improving the control and management of crops and increasing yields; providing temporary use of non-downloadable electronic financial software that accommodates multiple types of payment and debt transactions in an integrated mobile device and web based environment; providing temporary use of non-downloadable software for accessing, planning, and managing information for use in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; providing</p>

Mark	Ser. / Reg. No.	Filing Date / Reg. Date	Class: Goods/Services First Use Dates on Registration
			<p>temporary use of non-downloadable software for budgeting, forecasting, and consolidation of financial data and financial reporting, and for use in financial reporting and analysis; providing temporary use of non-downloadable software for recording field and crop observations related to pest pressure, for tracking field conditions with GPS-enabled maps, and for generating crop scouting reports; providing temporary use of non-downloadable software that provides business management intelligence by combining information from various databases and presenting it in an easy-to-understand user interface; providing temporary use of non-downloadable software for agricultural, automotive, energy, and industrial uses, namely, for use in data collection, aggregation, analysis, georeferencing, management, reporting, warehousing, employment recruiting, financial analysis, event logistics, order entry, payments, product selection and use, and publication distribution; providing temporary use of non-downloadable software applications to assist with product selection in the automotive, energy, fuel, grease, lubricant, and oil sectors; platform as a service (PAAS) featuring computer software platforms for agricultural fertilizer and nutrient monitoring and management in soil; platform as a service (PAAS) featuring computer software platforms for inventorying, tracking, and verifying plant-available nitrogen in soil; platform as a service (PAAS) featuring computer software platforms for nitrogen monitoring and management in soil; professional consulting services about agricultural chemistry and fertility plans; providing a website featuring agricultural research information in the fields of agronomy, farming, and crop yields; providing a website featuring agricultural research information in the fields of biology, ecology, organisms, biosystematics, environment, biological control, entomology, mycology, and bacteriology; providing a website featuring technology that allows users to access, plan, and manage information in the fields of agriculture, agronomy, automotive, energy, horticulture, and</p>

Mark	Ser. / Reg. No.	Filing Date / Reg. Date	Class: Goods/Services First Use Dates on Registration
			<p>industrial equipment; providing an interactive web site featuring technology that enables users to enter, access, track, manage, monitor, and generate information and reports regarding sales of products and services; providing an online non-downloadable internet based system in the nature of software applications featuring technology enabling users to access, plan, and manage information for use in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; providing information for farmers in the fields of agricultural and crop research; providing scientific information in the fields of agricultural research, agronomy, farming, crop yields, environmentalism, conservationism, biological diversity, global climate change, environmental sustainability, sustainable consumption, natural resource preservation, endangered species, sustainable business practices, environmental issues, soil sampling, crop observing, genetics, plant varieties, seeds, farming practices, harvesting, chemistry, crop production, crop costs, and crop health; providing non-downloadable software applications featuring technology enabling users to access, plan, and manage information for use in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; providing technological and scientific information about agricultural fertilizer and nutrient monitoring and management; providing technological and scientific information about inventorying, tracking, and verifying plant-available nitrogen in soil; providing technological and scientific information about nitrogen monitoring and management in soil; providing temporary use of non-downloadable computer software for use in issuing and providing receipts for others for electronic payments and payment transactions; providing temporary use of non-downloadable computer software that enables consumers and businesses to perform electronic payment transactions through the use of their electronic signature, personal identification number (PIN), name, or photo; providing temporary use of on-line non-downloadable cloud computing</p>

Mark	Ser. / Reg. No.	Filing Date / Reg. Date	Class: Goods/Services First Use Dates on Registration
			<p>software for accessing, selecting, processing, downloading, and managing map-based data for use in agriculture; providing temporary use of on-line non-downloadable computer software for payment processing, user authentication, and or management and tracking of payment transactions; providing temporary use of online non-downloadable software for use in collecting, analyzing, and providing data and information regarding electronic payment transactions; providing temporary use of on-line non-downloadable suite of software tools for agricultural field optimization and precision agriculture; reporting of soil testing results directly to growers; research and development in the field of agronomy, farming, and crop yields; scientific data analysis services and custom development of computer software in the field of precision agriculture, namely, the use of sensors, maps, imagery, soil conditions, crop yield and other data to monitor and devise a plan for increasing crop yield, together with the use of equipment to carry out the devised plan; scientific research services in the fields of genetics, plant varieties, seeds, agronomy, and plant harvesting and transformation methods; providing temporary use of non-downloadable simulation software in the field of controlling agriculture and farm equipment and vehicles; technical research in the fields of soil and agronomy; providing temporary use of non-downloadable virtual reality training simulation software in the field of controlling agriculture and farm equipment and vehicles.</p>
	88/688,731	November 12, 2019	<p>9: Downloadable computer e-commerce software to allow users to perform electronic business transactions via mobile devices and local and global computer networks; Downloadable computer software applications to assist agricultural professionals with the inspection, research, data collection and analysis, spectral sampling, and information on crop health and precision agriculture methods and technology; Downloadable computer software applications for agricultural, automotive, energy, and industrial uses,</p>

Mark	Ser. / Reg. No.	Filing Date / Reg. Date	Class: Goods/Services First Use Dates on Registration
			<p>namely, for use in data collection, aggregation, analysis, georeferencing, management, reporting, warehousing, employment recruiting, financial analysis, event logistics, order entry, payments, product selection and use, and publication distribution; Downloadable computer software applications to assist with product selection in the automotive, energy, fuel, grease, lubricant, and oil sectors; Downloadable computer software for budgeting, forecasting, consolidation of financial data and financial reporting, for use in financial reporting or analysis; Downloadable computer software for creating searchable databases of information and data; Downloadable computer software for monitoring the operation of mechanized agricultural equipment during agricultural operations; Downloadable computer software for the collection, editing, organizing, modifying, transmission, storage and sharing of data and information; Downloadable computer software, namely, electronic financial software that accommodates multiple types of payment and debt transactions in an integrated mobile device and web based environment; Downloadable computer software that provides business management intelligence by combining information from various databases and presenting it in an easy-to-understand user interface; Downloadable mobile applications for accessing, planning, and managing information for use in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; Downloadable mobile applications for recording field and crop observations related to pest pressure, tracking field conditions with GPS-enabled maps, and generating crop scouting reports; Downloadable computer software for use by customers to manage data relating to farm inputs, costs, and crop yield results; Decision support systems in the nature of computer hardware and downloadable software for use in data collection, aggregation, analysis, georeferencing, management, reporting, warehousing, employment recruiting, financial analysis, event logistics, order entry, payments, product selection and use, and</p>

Mark	Ser. / Reg. No.	Filing Date / Reg. Date	Class: Goods/Services First Use Dates on Registration
			<p>publication distribution in the field of precision agriculture and variable rate technology; Decision support systems in the nature of computer hardware and software for use in data collection, aggregation, analysis, georeferencing, management, reporting, warehousing, employment recruiting, financial analysis, event logistics, order entry, payments, product selection and use, and publication distribution in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; Simulators for driving and control of vehicles and farm equipment; Downloadable software applications for use with mobile phones, tablet computers, mobile telecommunication devices, and personal computers, namely, software for assisting agricultural professionals with the inspection, research, data collection and analysis, spectral sampling, and information on crop health and precision agriculture methods and technology; Downloadable software for accessing, planning, and managing information for use in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; Downloadable mobile software for obtaining information, posting resumes, and submitting applications in the fields of employment, careers, employment opportunities, career placement, recruitment, job listings, personal issues related to careers and work life, job resources, salary information, and compensation and benefits; Downloadable electronic publications in the nature of journals, newsletters, and catalogs in the fields of agriculture, agronomy, automotive, business, energy, finance, horticulture, and industrial equipment.</p>
	88/691,069	November 13, 2019	<p>42: Agricultural mapping services; Agricultural services, namely, providing temporary use of non-downloadable computer software applications for use with mobile phones, tablet computers, mobile telecommunication devices, and personal computers, namely, software for assisting agricultural professionals with the inspection, research, data collection and</p>

Mark	Ser. / Reg. No.	Filing Date / Reg. Date	Class: Goods/Services First Use Dates on Registration
			<p>analysis, spectral sampling, and information on crop health and precision agriculture methods and technology; Agricultural testing for seeds, crop protection products, and fertilizer; Analyzing and evaluating agricultural fertilizer and nutrients; Analyzing and evaluating nitrogen in soil; Application service provider (ASP) featuring e-commerce software for use as a payment gateway that authorizes processing of credit cards or direct payments for merchants; Application service provider, namely, hosting, managing, developing, and maintaining applications, software, and web sites, in the fields of wireless communication, mobile information access, and remote data management for wireless delivery of content to handheld computers, laptops and mobile electronic devices; Applied scientific research in the fields of agriculture, agronomy, farming and crop yields; Cloud computing featuring software for use in farm information management; Cloud computing featuring software for use in farm information management to provide statistics and graphical analysis of crop production, costs, and health; Cloud computing featuring software used to provide financial analysis of a farm; Cloud computing featuring software used to provide feedback from precision agriculture machinery, equipment, and devices; Computer services, namely, acting as an application service provider in the field of information management to host computer application software for the purpose of ecommerce transaction processing, and information and data collection, editing, organizing, modifying, transmission, storage, and sharing; Computer services, namely, providing a website featuring temporary use of non-downloadable computer software for collecting, analyzing, and providing data and information regarding electronic payment transactions; Computer software design, computer programming, and maintenance of computer software; Computer software development, computer programming, and maintenance of computer software for precision agriculture programs; Providing temporary use of non-downloadable computer</p>

Mark	Ser. / Reg. No.	Filing Date / Reg. Date	Class: Goods/Services First Use Dates on Registration
			<p>software for use in issuing and providing receipts for others for electronic payments and payment transactions; Computer graphics design services, namely, creating of 3-D computer models; Database design and development; Electronic data storage; Farm product input services, namely, agricultural testing for determining soil nutrients and composition; Field scouting services, namely, observing and inspecting agriculture fields to identify problems associated with weeds, insects, and diseases; Mapping and surveying services for precision farming by means of the application and utilization of technologies and agronomic principles to manage spatial and temporal variability associated with all aspects of agricultural production using satellite imagery, GPS mapping, soil mapping, variable rate technologies, geospatial tools, and yield monitoring for improving the control and management of crops and increasing yields; Providing temporary use of non-downloadable electronic financial software that accommodates multiple types of payment and debt transactions in an integrated mobile device and web based environment; Providing temporary use of non-downloadable software for accessing, planning, and managing information for use in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; Providing temporary use of non-downloadable software for budgeting, forecasting, and consolidation of financial data and financial reporting, and for use in financial reporting and analysis; Providing temporary use of non-downloadable software for recording field and crop observations related to pest pressure, for tracking field conditions with GPS-enabled maps, and for generating crop scouting reports; Providing temporary use of non-downloadable software that provides business management intelligence by combining information from various databases and presenting it in an easy-to-understand user interface; Providing temporary use of non-downloadable software for agricultural, automotive, energy, and industrial uses, namely, for use in data collection, aggregation,</p>

Mark	Ser. / Reg. No.	Filing Date / Reg. Date	Class: Goods/Services First Use Dates on Registration
			<p>analysis, georeferencing, management, reporting, warehousing, employment recruiting, financial analysis, event logistics, order entry, payments, product selection and use, and publication distribution; Providing temporary use of non-downloadable software applications to assist with product selection in the automotive, energy, fuel, grease, lubricant, and oil sectors; Platform as a service (PAAS) featuring computer software platforms for agricultural fertilizer and nutrient monitoring and management in soil; Platform as a service (PAAS) featuring computer software platforms for inventorying, tracking, and verifying plant-available nitrogen in soil; Platform as a service (PAAS) featuring computer software platforms for nitrogen monitoring and management in soil; Professional consulting services about agricultural chemistry and fertility plans; Providing a website featuring agricultural research information in the fields of agronomy, farming, and crop yields; Providing a website featuring agricultural research information in the fields of biology, ecology, organisms, biosystematics, environment, biological control, entomology, mycology, and bacteriology; Providing a website featuring technology that allows users to access, plan, and manage information in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; Providing an interactive web site featuring technology that enables users to enter, access, track, manage, monitor, and generate information and reports regarding sales of products and services; Providing an online non-downloadable internet based system in the nature of software applications featuring technology enabling users to access, plan, and manage information for use in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; Providing information for farmers in the fields of agricultural and crop research; Providing scientific information in the fields of agricultural research, agronomy, farming, crop yields, environmentalism, conservationism, biological diversity, global climate change, environmental</p>

Mark	Ser. / Reg. No.	Filing Date / Reg. Date	Class: Goods/Services First Use Dates on Registration
			<p>sustainability, sustainable consumption, natural resource preservation, endangered species, sustainable business practices, environmental issues, soil sampling, crop observing, genetics, plant varieties, seeds, farming practices, harvesting, chemistry, crop production, crop costs, and crop health; Providing non-downloadable software applications featuring technology enabling users to access, plan, and manage information for use in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; Providing technological and scientific information about agricultural fertilizer and nutrient monitoring and management; Providing technological and scientific information about inventorying, tracking, and verifying plant-available nitrogen in soil; Providing technological and scientific information about nitrogen monitoring and management in soil; Providing temporary use of non-downloadable computer software for use in issuing and providing receipts for others for electronic payments and payment transactions; Providing temporary use of non-downloadable computer software that enables consumers and businesses to perform electronic payment transactions through the use of their electronic signature, personal identification number (PIN), name, or photo; Providing temporary use of on-line non-downloadable cloud computing software for accessing, selecting, processing, downloading, and managing map-based data for use in agriculture; Providing temporary use of on-line non-downloadable computer software for payment processing, user authentication, and or management and tracking of payment transactions; Providing temporary use of online non-downloadable software for use in collecting, analyzing, and providing data and information regarding electronic payment transactions; Providing temporary use of on-line non-downloadable suite of software tools for agricultural field optimization and precision agriculture; Reporting of soil testing results directly to growers; Research and development in the field of agronomy, farming, and crop yields; Scientific data analysis services and</p>

Mark	Ser. / Reg. No.	Filing Date / Reg. Date	Class: Goods/Services First Use Dates on Registration
			custom development of computer software in the field of precision agriculture, namely, the use of sensors, maps, imagery, soil conditions, crop yield and other data to monitor and devise a plan for increasing crop yield, together with the use of equipment to carry out the devised plan; Scientific research services in the fields of genetics, plant varieties, seeds, agronomy, and plant harvesting and transformation methods; Providing temporary use of non-downloadable simulation software in the field of controlling agriculture and farm equipment and vehicles; Technical research in the fields of soil and agronomy; Providing temporary use of non-downloadable virtual reality training simulation software in the field of controlling agriculture and farm equipment and vehicles; Platform as a service (PAAS) featuring software in the fields of agriculture, agronomy, automotive, business, energy, finance, horticulture, and industrial equipment; Platform as a service (PAAS) featuring software for use in web applications, data storage and backup, database management, networking, collaboration, access, administration and management of computer applications and computer hardware; Non-downloadable computer software for browsing and accessing digital content, computer software programs, audio works, visual works, audiovisual works, and electronic publications

Printouts of these applications and registrations from the TSDR are attached as Exhibit A.

Likelihood of Confusion (Lanham Act § 2(d))

3. Petitioner has been using Petitioner’s Marks and variants of the **FS** marks since the mid-1950’s. Petitioner has continuously used the **FS** and **FS & Design** Marks with financial services, including lending since at least as early as 1966 and has used the **FS AGRI-FINANCE** mark since at least as early as 1966. Petitioner’s Marks have not been abandoned.

4. Registrant’s application for the **FS INVESTMENTS** mark was filed on August 21, 2014, and the registration certificate for that registration states that Registrant first used the

mark on May 30, 2009.

5. Petitioner's rights in the **FS** marks were established well prior to May 30, 2009, the claimed date of first use for the Registration, and well prior to August 21, 2014, the date of filing for the Registration.

6. Registrant has not been licensed or in any way authorized by Petitioner to use the mark **FS**, or any mark containing the term **FS** for any goods or services.

7. Registrant's **FS INVESTMENTS** mark is likely to cause confusion, to cause mistake, or to deceive, if used on the services identified in the Registration. The Registration contains the whole of Petitioner's **FS** mark. Additionally, the term FS is the most distinctive portion of the Registration given that the term INVESTMENTS is merely descriptive of the services provided by the Registrant and has been disclaimed in the Registration.

8. The services of Petitioner and Registrant are closely related and are likely to be offered to overlapping customers and in overlapping channels of trade.

9. As a result, it is likely that consumers would mistakenly believe that those services are offered by Petitioner or are in some way sponsored by or connected with Petitioner. Because Petitioner has prior trademark rights and because the marks are confusingly similar, the Registration should not have been issued and should now be cancelled under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

10. Petitioner will also be harmed by the continued registration of Registration No. 4,723,056 because the U.S. Patent and Trademark Office has cited this registration against Petitioner's applications for the **FS** mark (Ser. Nos. 88/241,512 and 88/241,514), and as such, the continued registration of Registration No. 4,723,056 is preventing Petitioner from registering its valuable **FS** mark.

THEREFORE, Petitioner prays that this petition be sustained in its favor and that Registration No. 4,723,056 be canceled.

Respectfully submitted,

DORSEY & WHITNEY LLP

Date: April 20, 2020

By: /Jamie Nafziger/

Alison W. Jarzyna

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Fax: (612) 340-8827

ATTORNEYS FOR PETITIONER

GROWMARK, INC.

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this notice of opposition is being transmitted electronically through ESTTA pursuant to 37 C.F.R. § 2.195(a) on this 20th day of April 2020.

/Alison W. Jarzyna/
Alison W. Jarzyna, Esq.

Exhibit A

Generated on: This page was generated by TSDR on 2020-04-20 13:47:45 EDT

Mark: FS AGRI-FINANCE

FS AGRI-FINANCE

US Serial Number: 75819321

Application Filing Date: Oct. 12, 1999

US Registration Number: 2371319

Registration Date: Jul. 25, 2000

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Nov. 22, 2019

Publication Date: May 02, 2000

Mark Information

Mark Literal Elements: FS AGRI-FINANCE

Standard Character Claim: No

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

Related Properties Information

Claimed Ownership of US Registrations: 1213469

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: Financial services, namely, providing loans to farmers

International Class(es): 036 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: May 1966

Use in Commerce: May 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: GROWMARK, INC.

Owner Address: 1701 Towanda Ave.
Bloomington, ILLINOIS UNITED STATES 61701

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jamie N. Nafziger

Docket Number: T255765.US.1

Attorney Primary Email Address: ip.docket@dorsey.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Jamie N. Nafziger
Dorsey & Whitney LLP
50 South Sixth Street
Suite 1500
Minneapolis, MINNESOTA UNITED STATES 55402-1498

Phone: 612-343-7922

Fax: 612-340-8827

Correspondent e-mail: ip.docket@dorsey.com
nafziger.jamie@dorsey.com jarzyna.alison@dorsey.com
sherman.louise@dorsey.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 22, 2019	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Nov. 22, 2019	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	76874
Nov. 22, 2019	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76874
Nov. 22, 2019	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76874
Oct. 15, 2019	TEAS SECTION 8 & 9 RECEIVED	
Jul. 25, 2019	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Feb. 05, 2016	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Feb. 05, 2016	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jul. 14, 2010	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	70131
Jul. 14, 2010	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jun. 30, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70131
Jun. 29, 2010	TEAS SECTION 8 & 9 RECEIVED	
Dec. 10, 2006	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 01, 2006	CASE FILE IN TICRS	
Dec. 30, 2005	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	59807
Sep. 12, 2005	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Sep. 12, 2005	TEAS SECTION 8 & 15 RECEIVED	
Jul. 25, 2000	REGISTERED-PRINCIPAL REGISTER	
May 02, 2000	PUBLISHED FOR OPPOSITION	
Mar. 31, 2000	NOTICE OF PUBLICATION	
Feb. 16, 2000	APPROVED FOR PUB - PRINCIPAL REGISTER	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Nov. 22, 2019

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: GROWMARK, INC.

Assignment 1 of 1

Conveyance: SECURITY INTEREST

Reel/Frame: [5551/0408](#)

Pages: 13

Date Recorded: Jun. 12, 2015

Supporting Documents: [assignment-tm-5551-0408.pdf](#)

Assignor

Name: [GROWMARK, INC..](#)

Execution Date: Jun. 12, 2015

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Name: [GROWMARK FS, LLC](#)

Execution Date: Jun. 12, 2015

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Name: [SEEDWAY, LLC](#)

Execution Date: Jun. 12, 2015

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Name: [GROWMARK ENERGY, LLC](#)

Execution Date: Jun. 12, 2015

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: [COBANK, ACB](#)

Legal Entity Type: NATIONAL COOPERATIVE BANK

State or Country Where Organized: UNITED STATES

Address: 5500 SOUTH QUEBEC STREET
GREENWOOD VILLAGE, COLORADO 80111

Correspondent

Correspondent Name: MARTIN P. MICHAEL

Correspondent Address: C/O DENTONS US LLP, WACKER DRIVE STATION
WILLIS TOWER, P.O. BOX #061080
CHICAGO, IL 60606-1080

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 7

Type of Proceeding: Opposition

Proceeding Number: [91250244](#)

Filing Date: Aug 14, 2019

Status: Pending

Status Date: Aug 16, 2019

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Hanse Orga GmbH

Correspondent Address: JULIE A KATZ
KATZ GROUP LLC
1711 N HERMITAGE AVE
CHICAGO IL UNITED STATES , 60622

Correspondent e-mail: julie@katzgroupplc.com

Mark	Application Status	Serial Number	Registration Number
FS ²	Opposition Pending	79238032	

Plaintiff(s)

Name: Growmark, Inc.

Correspondent Address: JAMIE N NAFZIGER
DORSEY & WHITNEY LLP
50 SOUTH 6TH ST STE 1500
MINNEAPOLIS MN UNITED STATES , 55402-1498

Correspondent e-mail: ip.docket@dorsey.com , nafziger.jamie@dorsey.com , jarzyna.alison@dorsey.com

Mark	Application Status	Serial Number	Registration Number
FS	Report Completed Suspension Check - Case Still Suspended	88241512	
FS	Report Completed Suspension Check - Case Still Suspended	88241514	
FS	Registered	86977628	5360625
FS	Registered	86219097	5955732
FS	Registered	86219121	5311621
FS	REGISTERED AND RENEWED	77118055	3441746
FS	REGISTERED AND RENEWED	72006726	638282
FS	Registered	86981132	5121266
FS	REGISTERED AND RENEWED	73340909	1222268
FS	REGISTERED AND RENEWED	72006725	636120
FS	REGISTERED AND RENEWED	72258370	843081
FS	REGISTERED AND RENEWED	76166889	2661646
FS	REGISTERED AND RENEWED	72258372	851668
FS	REGISTERED AND RENEWED	72258371	854856
FS AGRI-FINANCE	REGISTERED AND RENEWED	75819321	2371319
FS DAIRYSELECT	Registered	86054563	4846552
FS HISOY SOYBEANS	Section 8 and 15 - Accepted and Acknowledged	85514339	4277078
FS INVISION	Section 8 and 15 - Accepted and Acknowledged	85383267	4265311
FS INVISION SEED CORN	Section 8 and 15 - Accepted and Acknowledged	85529942	4329178
MIFIELD BY FS	Registered	86779176	6033947
MIFIELD BY FS	Registered	86779132	5581154
MIFIELD BY FS	Registered	86779165	5237675
MIFIELD FS	Registered	86779148	5381084
MIFIELD FS	Registered	86779180	5453943
MIFIELD FS	Registered	86779171	5237676

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 14, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 16, 2019	Sep 25, 2019
3	INSTITUTED	Aug 16, 2019	
4	D MOT FOR EXT W/ CONSENT	Sep 24, 2019	
5	EXTENSION OF TIME GRANTED	Sep 27, 2019	
6	ANSWER	Oct 25, 2019	
7	P MOT FOR EXT W/ CONSENT	Dec 19, 2019	
8	EXTENSION OF TIME GRANTED	Dec 19, 2019	
9	P MOT FOR EXT W/ CONSENT	Feb 05, 2020	
10	EXTENSION OF TIME GRANTED	Feb 05, 2020	

Type of Proceeding: Opposition

Proceeding [91246792](#)
Number:

Filing Date: Mar 06, 2019

Status: Pending

Status Date: Sep 03, 2019

Interlocutory Attorney: WINSTON T FOLMAR

Defendant

Name: Fiberstore Co., Limited

Correspondent Address: CHIKE EZE
DAVIS WRIGHT TREMAINE LLP
920 FIFTH AVENUE , SUITE 3300
SEATTLE WA UNITED STATES , 98104

Correspondent e-mail: SeattleTrademarkDocket@dwt.com , ChikeEze@dwt.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
FS	Opposition Pending	88040265	

Plaintiff(s)

Name: Growmark, Inc.

Correspondent Address: ALISON W JARZYNA
DORSEY & WHITNEY LLP
50 SOUTH SIXTH STREET, SUITE 1500
MINNEAPOLIS MN UNITED STATES , 55402

Correspondent e-mail: IP.DOCKET@DORSEY.COM , NAFZIGER.JAMIE@DORSEY.COM , JARZYNA.ALISON@DORSEY.COM

Associated marks

Mark	Application Status	Serial Number	Registration Number
FS	Report Completed Suspension Check - Case Still Suspended	88241512	
FS	Report Completed Suspension Check - Case Still Suspended	88241514	
FS	Registered	86977628	5360625
FS	Registered	86219097	5955732
FS	Registered	86219121	5311621
FS	REGISTERED AND RENEWED	72006726	638282
FS	REGISTERED AND RENEWED	77118055	3441746
FS	Registered	86981132	5121266
FS	REGISTERED AND RENEWED	73340909	1222268
FS	REGISTERED AND RENEWED	72006725	636120
FS	REGISTERED AND RENEWED	72258370	843081
FS	REGISTERED AND RENEWED	76166889	2661646
FS	REGISTERED AND RENEWED	72258372	851668
FS	REGISTERED AND RENEWED	72258371	854856
FS AGRI-FINANCE	REGISTERED AND RENEWED	75819321	2371319
FS DAIRYSELECT	Registered	86054563	4846552
FS HISOY SOYBEANS	Section 8 and 15 - Accepted and Acknowledged	85514339	4277078
FS INVISION	Section 8 and 15 - Accepted and Acknowledged	85383267	4265311
FS INVISION SEED CORN	Section 8 and 15 - Accepted and Acknowledged	85529942	4329178
MIFIELD BY FS	Registered	86779176	6033947
MIFIELD BY FS	Registered	86779132	5581154
MIFIELD BY FS	Registered	86779165	5237675
MIFIELD FS	Registered	86779148	5381084
MIFIELD FS	Registered	86779180	5453943

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 06, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 06, 2019	Apr 15, 2019

3	PENDING, INSTITUTED	Mar 06, 2019
4	D MOT FOR EXT W/ CONSENT	Apr 12, 2019
5	EXTENSION OF TIME GRANTED	Apr 13, 2019
6	P MOT TO SUSP W/ CONSENT PEND SETTLE NEGOTIATIONS	Jun 10, 2019
7	SUSPENDED	Jun 10, 2019
8	D APPEARANCE / POWER OF ATTORNEY	Jul 16, 2019
9	D MOT FOR EXT W/ CONSENT	Aug 27, 2019
10	EXTENSION OF TIME GRANTED	Sep 03, 2019
11	ANSWER	Oct 03, 2019
12	BD ORDER-CHILD OF 91242432	Dec 18, 2019

Type of Proceeding: Opposition

Proceeding Number: [91245313](#)

Filing Date: Dec 14, 2018

Status: Terminated

Status Date: Jul 02, 2019

Interlocutory Attorney: WINSTON T FOLMAR

Defendant

Name: Jab Solutions Inc.

Correspondent Address: PETER A MATOS
MALLOY & MALLOY PL
2800 SW 3RD AVENUE
MIAMI FL UNITED STATES , 33129

Correspondent e-mail: PMatos@malloylaw.com , Trademarks@malloylaw.com , filing@malloylaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
FS	Abandoned - After Inter-Partes Decision	87774341	

Plaintiff(s)

Name: Growmark, Inc.

Correspondent Address: JAMIE N NAFZIGER
DORSEY & WHITNEY LLP
50 SOUTH SIXTH STREET, SUITE 1500
MINNEAPOLIS MN UNITED STATES , 55402

Correspondent e-mail: IP.DOCKET@DORSEY.COM , JARZYNA.ALISON@DORSEY.COM , NAFZIGER.JAMIE@DORSEY.COM

Associated marks

Mark	Application Status	Serial Number	Registration Number
FS	Registered	86977628	5360625
FS	Registered	86219097	5955732
FS	Registered	86219121	5311621
FS	REGISTERED AND RENEWED	72006726	638282
FS	REGISTERED AND RENEWED	77118055	3441746
FS	Registered	86981132	5121266
FS	REGISTERED AND RENEWED	73340909	1222268
FS	REGISTERED AND RENEWED	72006725	636120
FS	REGISTERED AND RENEWED	72258370	843081
FS	REGISTERED AND RENEWED	76166889	2661646
FS	Cancelled - Section 8	73340910	1217591
FS	REGISTERED AND RENEWED	72258372	851668
FS	REGISTERED AND RENEWED	72258371	854856
FS AGRI-FINANCE	REGISTERED AND RENEWED	75819321	2371319
FS DAIRYSELECT	Registered	86054563	4846552
FS HISOY SOYBEANS	Section 8 and 15 - Accepted and Acknowledged	85514339	4277078
FS INVISION	Section 8 and 15 - Accepted and Acknowledged	85383267	4265311

FS INVISON SEED CORN	Section 8 and 15 - Accepted and Acknowledged	85529942	4329178
MIFIELD BY FS	Registered	86779176	6033947
MIFIELD BY FS	Registered	86779132	5581154
MIFIELD BY FS	Registered	86779165	5237675
MIFIELD FS	Registered	86779171	5237676
MIFIELD FS	Registered	86779148	5381084
MIFIELD FS	Registered	86779180	5453943

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 14, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 14, 2018	Jan 23, 2019
3	PENDING, INSTITUTED	Dec 14, 2018	
4	EXHIBITS TO NOTICE OF OPPOSITION	Dec 17, 2018	
5	TRIAL DATES REMAIN AS SET	Dec 18, 2018	
6	D MOT FOR EXT W/ CONSENT	Jan 23, 2019	
7	EXTENSION OF TIME GRANTED	Jan 23, 2019	
8	D MOT FOR EXT W/ CONSENT	Feb 20, 2019	
9	EXTENSION OF TIME GRANTED	Feb 20, 2019	
10	SUSPENDED	May 14, 2019	
11	BD DECISION: OPP SUSTAINED	Jul 02, 2019	
12	TERMINATED	Jul 02, 2019	

Type of Proceeding: Opposition

Proceeding Number: [91243257](#)

Filing Date: Aug 27, 2018

Status: Terminated

Status Date: Aug 15, 2019

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Food System 6 Accelerator, Inc.

Correspondent Address: J TOBIAS ROWE
BRAUNHAGEY & BORDEN LLP
351 CALIFORNIA ST 10TH FL
SAN FRANCISCO CA UNITED STATES , 94104

Correspondent e-mail: tmadmin@braunhagey.com , shadow@braunhagey.com , rowe@braunhagey.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
FS6	Registered	87636187	5865126

Plaintiff(s)

Name: Growmark, Inc.

Correspondent Address: JAMIE NAFZIGER
DORSEY & WHITNEY LLP
50 SOUTH SIXTH ST STE 1500
MINNEAPOLIS MN UNITED STATES , 55402

Correspondent e-mail: IP.DOCKET@DORSEY.COM , NAFZIGER.JAMIE@DORSEY.COM , JARZYNA.ALISON@DORSEY.COM , everist.evan@dorsey.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
FS	Registered	86977628	5360625
FS	Registered	86981132	5121266
FS AGRI-FINANCE	REGISTERED AND RENEWED	75819321	2371319

Prosecution History

Entry Number	History Text	Date	Due Date
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1	FILED AND FEE	Aug 27, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 27, 2018	Oct 06, 2018
3	PENDING, INSTITUTED	Aug 27, 2018	
4	D APPEARANCE / POWER OF ATTORNEY	Oct 08, 2018	
5	STIP FOR EXT	Oct 08, 2018	
6	EXTENSION OF TIME GRANTED	Oct 18, 2018	
7	D MOT FOR EXT W/ CONSENT	Dec 05, 2018	
8	EXTENSION OF TIME GRANTED	Dec 05, 2018	
9	D MOT FOR EXT W/ CONSENT	Jan 04, 2019	
10	EXTENSION OF TIME GRANTED	Jan 04, 2019	
11	D MOT FOR EXT W/ CONSENT	Mar 05, 2019	
12	EXTENSION OF TIME GRANTED	Mar 05, 2019	
13	D MOT FOR EXT W/ CONSENT	Apr 03, 2019	
14	EXTENSION OF TIME GRANTED	Apr 03, 2019	
15	D MOT FOR EXT W/ CONSENT	May 06, 2019	
16	EXTENSION OF TIME GRANTED	May 07, 2019	
17	D MOT FOR EXT W/ CONSENT	Jul 03, 2019	
18	EXTENSION OF TIME GRANTED	Jul 03, 2019	
19	MOT TO AMEND APPLICATION	Jul 30, 2019	
20	RESPONSE DUE 30 DAYS (DUE DATE)	Aug 14, 2019	Sep 13, 2019
21	W/DRAW OF OPPOSITION	Aug 14, 2019	
22	BD DECISION: OPP DISMISSED W/O PREJ	Aug 15, 2019	
23	TERMINATED	Aug 15, 2019	

Type of Proceeding: Opposition

Proceeding Number: [91242432](#)

Filing Date: Jul 11, 2018

Status: Pending

Status Date: Aug 27, 2019

Interlocutory Attorney: WINSTON T FOLMAR

Defendant

Name: Fiberstore Co., Ltd.

Correspondent Address: CHIKE EZE
DAVIS WRIGHT TREMAINE LLP
920 FIFTH AVE STE 3300
SEATTLE WA UNITED STATES , 98104

Correspondent e-mail: SeattleTrademarkDocket@dwt.com , ChikeEze@dwt.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
FS.COM	Opposition Pending	87463513	

Plaintiff(s)

Name: Growmark, Inc.

Correspondent Address: JAMIE N NAFZIGER
DORSEY & WHITNEY LLP
50 SOUTH SIXTH ST STE 1500
MINNEAPOLIS MN UNITED STATES , 55402

Correspondent e-mail: IP.DOCKET@DORSEY.COM , NAFZIGER.JAMIE@DORSEY.COM , JARZYNA.ALISON@DORSEY.COM

Associated marks

Mark	Application Status	Serial Number	Registration Number
FS	Registered	86977628	5360625
FS	Registered	86219097	5955732
FS	Registered	86219121	5311621
FS	REGISTERED AND RENEWED	72006726	638282

FS	REGISTERED AND RENEWED	77118055	3441746
FS	Registered	86981132	5121266
FS	REGISTERED AND RENEWED	73340909	1222268
FS	REGISTERED AND RENEWED	72006725	636120
FS	REGISTERED AND RENEWED	72258370	843081
FS	REGISTERED AND RENEWED	76166889	2661646
FS	Cancelled - Section 8	73340910	1217591
FS	REGISTERED AND RENEWED	72258372	851668
FS	REGISTERED AND RENEWED	72258371	854856
FS AGRI-FINANCE	REGISTERED AND RENEWED	75819321	2371319
FS AGRI-FINANCE	Cancelled - Section 8	73341638	1213469
FS DAIRYSELECT	Registered	86054563	4846552
FS HISOY SOYBEANS	Section 8 and 15 - Accepted and Acknowledged	85514339	4277078
FS INVISION	Section 8 and 15 - Accepted and Acknowledged	85383267	4265311
FS INVISION SEED CORN	Section 8 and 15 - Accepted and Acknowledged	85529942	4329178
MIFIELD BY FS	Registered	86779176	6033947
MIFIELD BY FS	Registered	86779132	5581154
MIFIELD BY FS	Registered	86779165	5237675
MIFIELD FS	Registered	86779171	5237676
MIFIELD FS	Registered	86779148	5381084
MIFIELD FS	Registered	86779180	5453943

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 11, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 17, 2018	Aug 26, 2018
3	PENDING, INSTITUTED	Jul 17, 2018	
4	D APPEARANCE / POWER OF ATTORNEY	Aug 14, 2018	
5	D MOT FOR EXT W/ CONSENT	Aug 25, 2018	
6	EXTENSION OF TIME GRANTED	Aug 25, 2018	
7	D MOT FOR EXT W/ CONSENT	Oct 24, 2018	
8	EXTENSION OF TIME GRANTED	Oct 25, 2018	
9	D APPEARANCE / POWER OF ATTORNEY	Dec 21, 2018	
10	D MOT FOR EXT W/ CONSENT	Dec 21, 2018	
11	EXTENSION OF TIME GRANTED	Dec 21, 2018	
12	D MOT FOR EXT W/ CONSENT	Feb 21, 2019	
13	EXTENSION OF TIME GRANTED	Feb 21, 2019	
14	D MOT FOR EXT W/ CONSENT	Apr 12, 2019	
15	EXTENSION OF TIME GRANTED	Apr 12, 2019	
16	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jun 10, 2019	
17	SUSPENDED	Jun 10, 2019	
18	D APPEARANCE / POWER OF ATTORNEY	Jul 16, 2019	
19	D MOT FOR EXT W/ CONSENT	Aug 27, 2019	
20	EXTENSION OF TIME GRANTED	Aug 27, 2019	
21	D MOTION	Aug 28, 2019	
22	ANSWER	Oct 03, 2019	
23	TRIAL DATES REMAIN AS SET	Oct 04, 2019	
24	BD ORDER-CONSOLIDATED-PARENT OF 246792 & 249698	Dec 18, 2019	

Type of Proceeding: Opposition

Proceeding Number: [91240594](#)

Filing Date: Apr 11, 2018

Status: Terminated

Status Date: Aug 27, 2019

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: First State Bank of Middlebury

Correspondent Address: CHARLES J MEYER
WOODARD EMHARDT MORIARTY MCNETT & HENRY LLP
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS IN UNITED STATES , 46204

Correspondent e-mail: cjmeyer@uspatent.com , docketdept@uspatent.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
FS B	Registered	87428224	5870759

Plaintiff(s)

Name: Growmark, Inc.

Correspondent Address: JAMIE NAFZIGER
DORSEY & WHITNEY LLP
50 SOUTH SIXTH STREET, SUITE 1500
MINNEAPOLIS MN UNITED STATES , 55402

Correspondent e-mail: ip.docket@dorsey.com , nafziger.jamie@dorsey.com , jarzyna.alison@dorsey.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
FS	Registered	86977628	5360625
FS AGRI-FINANCE	REGISTERED AND RENEWED	75819321	2371319
FS	Registered	86981132	5121266

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 11, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 11, 2018	May 21, 2018
3	PENDING, INSTITUTED	Apr 11, 2018	
4	ANSWER AND COUNTERCLAIM (FEE)	May 18, 2018	
5	ANSWER TO COUNTERCLAIM DUE (DUE DATE)	Jun 04, 2018	Jul 04, 2018
6	ANSWER TO COUNTERCLAIM	Jul 05, 2018	
7	D MOT FOR EXT W/ CONSENT	Dec 21, 2018	
8	EXTENSION OF TIME GRANTED	Dec 21, 2018	
9	D MOT TO COMPEL DISCOVERY	Jan 17, 2019	
10	P MOT FOR EXT W/ CONSENT	Feb 04, 2019	
11	SUSP PEND DISP OF OUTSTNDNG MOT	Feb 28, 2019	
12	P OPP/RESP TO MOTION	Mar 11, 2019	
13	D REPLY IN SUPPORT OF MOTION	Mar 19, 2019	
14	PROCEEDINGS RESUMED	Jun 24, 2019	
15	STIP FOR EXT	Jul 23, 2019	
16	EXTENSION OF TIME GRANTED	Jul 31, 2019	
17	W/DRAW OF OPPOSITION	Aug 23, 2019	
18	BD DECISION: OPP DISMISSED W/O PREJ	Aug 27, 2019	
19	TERMINATED	Aug 27, 2019	

Type of Proceeding: Opposition

Proceeding Number: [91236808](#)

Filing Date: Sep 22, 2017

Status: Terminated

Status Date: Feb 01, 2019

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: FS Card Inc.

Correspondent Address: MARK J LISS
LEYDIG VOIT & MAYER LTD

TWO PRUDENTIAL PLAZA STE 4900, 180 N STETSON AVE
CHICAGO IL UNITED STATES , 60601

Correspondent e-mail: trademark@leydig.com , mliiss@leydig.com , lschaefer@leydig.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
FS CARD INC.	Abandoned - After Inter-Partes Decision	87189229	

Plaintiff(s)

Name: GROWMARK, Inc.

Correspondent Address: ALISON W JARZYNA
DORSEY & WHITNEY LLP
50 SOUTH SIXTH ST STE 1500
MINNEAPOLIS MN UNITED STATES , 55402

Correspondent e-mail: IP.DOCKET@DORSEY.COM , JARZYNA.ALISON@DORSEY.COM , NAFZIGER.JAMIE@DORSEY.COM

Associated marks			
Mark	Application Status	Serial Number	Registration Number
FS	Registered	86977628	5360625
FS AGRI-FINANCE	REGISTERED AND RENEWED	75819321	2371319
FS	REGISTERED AND RENEWED	72258371	854856

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 22, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 22, 2017	Nov 01, 2017
3	PENDING, INSTITUTED	Sep 22, 2017	
4	ANSWER	Oct 27, 2017	
5	P MOT FOR EXT W/ CONSENT	Dec 15, 2017	
6	EXTENSION OF TIME GRANTED	Dec 15, 2017	
7	P MOT FOR EXT W/ CONSENT	Feb 23, 2018	
8	EXTENSION OF TIME GRANTED	Feb 23, 2018	
9	P MOT FOR EXT W/ CONSENT	Apr 26, 2018	
10	EXTENSION OF TIME GRANTED	Apr 26, 2018	
11	D MOT FOR EXT W/ CONSENT	Jun 27, 2018	
12	EXTENSION OF TIME GRANTED	Jun 27, 2018	
13	P MOT FOR EXT W/ CONSENT	Aug 22, 2018	
14	EXTENSION OF TIME GRANTED	Aug 22, 2018	
15	P MOT FOR EXT W/ CONSENT	Oct 29, 2018	
16	EXTENSION OF TIME GRANTED	Oct 29, 2018	
17	P MOT FOR EXT W/ CONSENT	Dec 20, 2018	
18	EXTENSION OF TIME GRANTED	Dec 20, 2018	
19	W/DRAW OF APPLICATION	Jan 28, 2019	
20	BD DECISION: OPP SUSTAINED	Feb 01, 2019	
21	TERMINATED	Feb 01, 2019	

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Mark: FS

FS

US Serial Number: 86977628

Application Filing Date: Mar. 12, 2014

US Registration Number: 5360625

Registration Date: Dec. 19, 2017

Register: Principal

Mark Type: Trademark, Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Dec. 19, 2017

Publication Date: Feb. 23, 2016

Notice of Allowance Date: Apr. 19, 2016

Mark Information

Mark Literal Elements: FS

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: 0636120, 0638282, 0843081 and others

Registrations:

Child Of: 86219097

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: Fertilizers; adjuvants and surfactants used in agronomic applications, namely, for use in connection with agricultural chemicals; brake fluid; transmission fluids; power steering fluids; diesel exhaust fluids; quenching fluids for use in metalworking; propylene glycol; antifreeze; coolants; power fluids, power steering fluid for vehicles; metalworking fluids, namely, coolants; Chemical additive fluids for fuel treatment to improve vehicle performance and fuel efficiency

International Class(es): 001 - Primary Class

U.S Class(es): 001, 005, 006, 010, 026, 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 31, 1955

Use in Commerce: Dec. 31, 1955

For: Paints, varnishes, lacquers, and preservatives against rust and against deterioration of wood in the nature of a coating; stoddard solvent, namely, mineral spirits for use as a paint thinner

International Class(es): 002 - Primary Class

U.S Class(es): 006, 011, 016

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 31, 1955

Use in Commerce: Jan. 31, 1956

For: Cleaning, polishing, scouring, abrasive preparations; rinsing preparations, namely, fluids for cleaning agricultural chemical storage tanks

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 31, 1955

Use in Commerce: Jan. 31, 1956

For: Seeds for agricultural purposes, namely, corn seed, field seed, grain seeds; soybean seed; agricultural seed

International Class(es): 031 - Primary Class

U.S Class(es): 001, 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 31, 1962

Use in Commerce: Oct. 31, 1962

For: Wholesale and retail distributorships featuring agricultural products, materials and supplies to farmers; retail convenience store services; business consulting services in the agricultural field; agricultural cooperative services, namely, cooperative advertising and marketing services and distributorship services in the field of agricultural products, materials and supplies; Fuel management consulting services, namely, providing recommendations for fuel selection and usage

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 31, 1955

Use in Commerce: Jan. 31, 1956

For: Financial services, namely, banking services

International Class(es): 036 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: May 31, 1966

Use in Commerce: May 31, 1966

For: Grain storage; bulk transportation, storage and delivery of goods

International Class(es): 039 - Primary Class

U.S Class(es): 100, 105

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 31, 1958

Use in Commerce: Aug. 31, 1958

For: Agricultural research; agricultural testing and analysis for determining soil nutrients and composition, soil sampling, crop mapping and crop observation

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 31, 1995

Use in Commerce: Jan. 31, 1956

For: Agricultural consulting services; turf consulting services, namely, providing recommendations for plant and soil nutrition supplements, providing advice on the selection and application of agricultural chemicals and seed, and providing advice about application of agricultural chemicals and the use and application of crop protection products, agricultural chemicals and agricultural seed

International Class(es): 044 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 31, 1955

Use in Commerce: Jan. 31, 1956

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: GROWMARK, Inc.
Owner Address: 1701 Towanda Avenue
 Bloomington, ILLINOIS UNITED STATES 61761
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jamie N. Nafziger
Attorney Primary Email Address: ip.docket@dorsey.com
Docket Number: T254672.US01
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Jamie N. Nafziger
 Dorsey & Whitney LLP
 50 South Sixth Street
 Suite 1500
 Minneapolis, MINNESOTA UNITED STATES 55402-1498
Phone: 612-343-7922
Fax: 612-340-8827
Correspondent e-mail: ip.docket@dorsey.com
nafziger.jamie@dorsey.com jarzyna.alison@dorsey.com
sherman.louise@dorsey.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 10, 2019	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Dec. 19, 2017	REGISTERED-PRINCIPAL REGISTER	
Nov. 16, 2017	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Nov. 15, 2017	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 26, 2017	STATEMENT OF USE PROCESSING COMPLETE	71906
Oct. 13, 2017	USE AMENDMENT FILED	71906
Oct. 25, 2017	CASE ASSIGNED TO INTENT TO USE PARALEGAL	71906
Oct. 13, 2017	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 13, 2017	TEAS STATEMENT OF USE RECEIVED	
Apr. 19, 2017	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Apr. 17, 2017	EXTENSION 2 GRANTED	98765
Apr. 17, 2017	EXTENSION 2 FILED	98765
Apr. 17, 2017	TEAS EXTENSION RECEIVED	
Oct. 20, 2016	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Oct. 18, 2016	EXTENSION 1 GRANTED	98765
Oct. 18, 2016	EXTENSION 1 FILED	98765
Oct. 18, 2016	TEAS EXTENSION RECEIVED	
Apr. 19, 2016	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Feb. 23, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 23, 2016	PUBLISHED FOR OPPOSITION	

Feb. 05, 2016	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Feb. 05, 2016	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Feb. 03, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 16, 2016	LAW OFFICE PUBLICATION REVIEW COMPLETED	59554
Jan. 14, 2016	ASSIGNED TO LIE	59554
Jan. 05, 2016	ASSIGNED TO LIE	76568
Oct. 29, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 28, 2015	EXAMINER'S AMENDMENT ENTERED	88888
Oct. 28, 2015	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Oct. 28, 2015	EXAMINERS AMENDMENT E-MAILED	6328
Oct. 28, 2015	EXAMINERS AMENDMENT -WRITTEN	81854
Oct. 21, 2015	DIVISIONAL PROCESSING COMPLETE	
Oct. 19, 2015	DIVISIONAL REQUEST RECEIVED	
Oct. 21, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	61813
Oct. 20, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 19, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 19, 2015	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 19, 2015	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Oct. 19, 2015	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Oct. 19, 2015	TEAS REQUEST TO DIVIDE RECEIVED	
Apr. 18, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Apr. 18, 2015	NON-FINAL ACTION E-MAILED	6325
Apr. 18, 2015	NON-FINAL ACTION WRITTEN	81854
Mar. 27, 2015	NOTICE OF REVIVAL - E-MAILED	
Mar. 27, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 26, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 26, 2015	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 26, 2015	PETITION TO REVIVE-GRANTED	88889
Mar. 26, 2015	TEAS PETITION TO REVIVE RECEIVED	
Jan. 26, 2015	ABANDONMENT NOTICE MAILED - FAILURE TO RESPOND	
Jan. 24, 2015	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Jun. 23, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 23, 2014	NON-FINAL ACTION E-MAILED	6325
Jun. 23, 2014	NON-FINAL ACTION WRITTEN	81854
Jun. 16, 2014	ASSIGNED TO EXAMINER	81854
Mar. 26, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 15, 2014	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: Nov. 15, 2017

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: GROWMARK, Inc.

Assignment 1 of 1

Conveyance: TRADEMARK SECURITY AGREEMENT

Reel/Frame: [6605/0973](#)

Pages: 7

Date Recorded: Apr. 01, 2019

Supporting Documents: [assignment-tm-6605-0973.pdf](#)

Assignor

Name: [GROWMARK, INC.](#) **Execution Date:** Mar. 29, 2019
Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Name: [GROWMARK FS, LLC](#) **Execution Date:** Mar. 29, 2019
Legal Entity Type: LIMITED LIABILITY COMPANY **State or Country Where Organized:** DELAWARE

Name: [SEEDWAY, LLC](#) **Execution Date:** Mar. 29, 2019
Legal Entity Type: LIMITED LIABILITY COMPANY **State or Country Where Organized:** DELAWARE

Name: [GROWMARK ENERGY, LLC](#) **Execution Date:** Mar. 29, 2019
Legal Entity Type: LIMITED LIABILITY COMPANY **State or Country Where Organized:** DELAWARE

Name: [GROWMARK FS II, LLC](#) **Execution Date:** Mar. 29, 2019
Legal Entity Type: LIMITED LIABILITY COMPANY **State or Country Where Organized:** DELAWARE

Assignee

Name: [COBANK, ACB, AS COLLATERAL AGENT](#)
Legal Entity Type: FEDERALLY CHARTERED BANK **State or Country Where Organized:** UNITED STATES

Address: 6340 SOUTH FIDDLERS GREEN CIRCLE
GREENWOOD VILLAGE, COLORADO 80111

Correspondent

Correspondent Name: MOORE & VAN ALLEN PLLC

Correspondent Address: 100 NORTH TRYON STREET
SUITE 4700, ATTN: IP DEPARTMENT
CHARLOTTE, NC 28202

Domestic Representative - Not Found

Generated on: This page was generated by TSDR on 2020-04-20 13:45:45 EDT

Mark: FS



US Serial Number: 86981132

Application Filing Date: Mar. 12, 2014

US Registration Number: 5121266

Registration Date: Jan. 10, 2017

Register: Principal

Mark Type: Trademark, Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Jan. 10, 2017

Publication Date: Dec. 29, 2015

Notice of Allowance Date: Feb. 23, 2016

Mark Information

Mark Literal Elements: FS

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 capital letter "F" to the left and slightly below the capital letter "S", both surrounded by a slanted rectangular border.

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

Design Search Code(s): 26.11.28 - Miscellaneous designs with overall rectangular shape; Rectangular shapes (miscellaneous overall shape)
26.13.01 - Quadrilaterals as carriers or as single or multiple line borders

Related Properties Information

Claimed Ownership of US Registrations: 0636120, 0638282, 0843081 and others

Child Of: 86219121

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: Paints, varnishes, lacquers, and preservatives against rust and against deterioration of wood in the nature of a coating

International Class(es): 002 - Primary Class

U.S Class(es): 006, 011, 016

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 31, 1955

Use in Commerce: Jan. 31, 1956

For: rinsing preparations, namely, fluids for cleaning agricultural chemical storage tanks

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 31, 1955

Use in Commerce: Jan. 31, 1956

For: Gasoline; tractor fuel; diesel fuel; liquefied petroleum gas; industrial grease; industrial lubricants; furnace and stove fuel oils; lubricating oils and greases for vehicles; propane; biodiesel fuels; ethanol blended fuels; soy-based fuels; alcohol blended fuels; metalworking fluids, namely, lubricants; hydraulic oils; engine oils; compressor oils; concrete form oil; vacuum pump oil; white oil, namely, mineral oils for use in the manufacture of other products; special purpose industrial lubricants; gear lubricants

International Class(es): 004 - Primary Class

U.S Class(es): 001, 006, 015

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 31, 1955

Use in Commerce: Jan. 31, 1956

For: Seeds for agricultural purposes, namely, corn seed, field seed, grain seeds; soybean seed; agricultural seed

International Class(es): 031 - Primary Class

U.S Class(es): 001, 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 31, 1962

Use in Commerce: Oct. 31, 1962

For: Wholesale and retail distributorships featuring agricultural products, materials and supplies to farmers; retail convenience store services; business consulting services in the agricultural field; agricultural cooperative services, namely, cooperative advertising and marketing services and distributorship services in the field of agricultural products, materials and supplies; Fuel management consulting services, namely, providing recommendations for fuel selection and usage

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 31, 1955

Use in Commerce: Jan. 31, 1956

For: Financial services, namely, banking services

International Class(es): 036 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: May 31, 1966

Use in Commerce: May 31, 1966

For: Grain storage; bulk transportation, storage and delivery of goods

International Class(es): 039 - Primary Class

U.S Class(es): 100, 105

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 31, 1958

Use in Commerce: Aug. 31, 1958

For: Agricultural research; agricultural testing and analysis for determining soil nutrients and composition, soil sampling, crop mapping and crop observation

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 31, 1955

Use in Commerce: Jan. 31, 1956

For: Agricultural consulting services; turf consulting services, namely, providing recommendations for plant and soil nutrition supplements, providing advice on the selection and application of agricultural chemicals and seed, and providing advice about application of agricultural chemicals and the use and application of crop protection products, agricultural chemicals and agricultural seed

International Class(es): 044 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 31, 1955

Use in Commerce: Jan. 31, 1956

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: GROWMARK, Inc.

Owner Address: 1701 Towanda Avenue
Bloomington, ILLINOIS UNITED STATES 61761

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jamie N. Nafziger

Docket Number: T254670.US.0

Attorney Primary Email Address: ip.docket@dorsey.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Jamie N. Nafziger
Dorsey & Whitney LLP
50 South Sixth Street
Suite 1500
Minneapolis, MINNESOTA UNITED STATES 55402-1498

Phone: 612.343.7922

Fax: 612.340.8827

Correspondent e-mail: ip.docket@dorsey.com
nafziger.jamie@dorsey.com towns.tiana@dorsey.com
cotton.amber@dorsey.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 10, 2019	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jan. 10, 2017	REGISTERED-PRINCIPAL REGISTER	
Dec. 08, 2016	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Dec. 08, 2016	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Dec. 07, 2016	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Dec. 07, 2016	STATEMENT OF USE PROCESSING COMPLETE	71034
Nov. 17, 2016	USE AMENDMENT FILED	71034
Dec. 07, 2016	DIVISIONAL PROCESSING COMPLETE	
Nov. 17, 2016	DIVISIONAL REQUEST RECEIVED	
Dec. 01, 2016	CASE ASSIGNED TO INTENT TO USE PARALEGAL	71034
Nov. 17, 2016	TEAS REQUEST TO DIVIDE RECEIVED	
Nov. 17, 2016	TEAS STATEMENT OF USE RECEIVED	
Sep. 15, 2016	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Sep. 14, 2016	EXTENSION 1 GRANTED	81929
Aug. 23, 2016	EXTENSION 1 FILED	81929

Sep. 13, 2016	CASE ASSIGNED TO INTENT TO USE PARALEGAL	81929
Aug. 23, 2016	TEAS EXTENSION RECEIVED	
Feb. 23, 2016	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Dec. 29, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 29, 2015	PUBLISHED FOR OPPOSITION	
Dec. 09, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 29, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 28, 2015	EXAMINER'S AMENDMENT ENTERED	88888
Oct. 28, 2015	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Oct. 28, 2015	EXAMINERS AMENDMENT E-MAILED	6328
Oct. 28, 2015	EXAMINERS AMENDMENT -WRITTEN	81854
Oct. 20, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 19, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 19, 2015	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 19, 2015	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Oct. 19, 2015	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 18, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Apr. 18, 2015	NON-FINAL ACTION E-MAILED	6325
Apr. 18, 2015	NON-FINAL ACTION WRITTEN	81854
Mar. 26, 2015	NOTICE OF REVIVAL - E-MAILED	
Mar. 26, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 26, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 26, 2015	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 26, 2015	PETITION TO REVIVE-GRANTED	88889
Mar. 26, 2015	TEAS PETITION TO REVIVE RECEIVED	
Jan. 26, 2015	ABANDONMENT NOTICE MAILED - FAILURE TO RESPOND	
Jan. 24, 2015	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Jun. 23, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 23, 2014	NON-FINAL ACTION E-MAILED	6325
Jun. 23, 2014	NON-FINAL ACTION WRITTEN	81854
Jun. 16, 2014	ASSIGNED TO EXAMINER	81854
Mar. 27, 2014	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Mar. 26, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 15, 2014	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. 07, 2016

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: GROWMARK, Inc.

Assignment 1 of 1

Conveyance: TRADEMARK SECURITY AGREEMENT

Reel/Frame: [6605/0973](#)

Pages: 7

Date Recorded: Apr. 01, 2019

Supporting Documents: [assignment-tm-6605-0973.pdf](#)

Assignor

Name: [GROWMARK, INC.](#)

Execution Date: Mar. 29, 2019

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Name: [GROWMARK FS, LLC](#)
Legal Entity Type: LIMITED LIABILITY COMPANY

Execution Date: Mar. 29, 2019
State or Country Where Organized: DELAWARE

Name: [SEEDWAY, LLC](#)
Legal Entity Type: LIMITED LIABILITY COMPANY

Execution Date: Mar. 29, 2019
State or Country Where Organized: DELAWARE

Name: [GROWMARK ENERGY, LLC](#)
Legal Entity Type: LIMITED LIABILITY COMPANY

Execution Date: Mar. 29, 2019
State or Country Where Organized: DELAWARE

Name: [GROWMARK FS II, LLC](#)
Legal Entity Type: LIMITED LIABILITY COMPANY

Execution Date: Mar. 29, 2019
State or Country Where Organized: DELAWARE

Assignee

Name: [COBANK, ACB, AS COLLATERAL AGENT](#)
Legal Entity Type: FEDERALLY CHARTERED BANK

State or Country Where Organized: UNITED STATES

Address: 6340 SOUTH FIDDLERS GREEN CIRCLE
GREENWOOD VILLAGE, COLORADO 80111

Correspondent

Correspondent Name: MOORE & VAN ALLEN PLLC

Correspondent Address: 100 NORTH TRYON STREET
SUITE 4700, ATTN: IP DEPARTMENT
CHARLOTTE, NC 28202

Domestic Representative - Not Found

Generated on: This page was generated by TSDR on 2020-04-20 13:48:23 EDT

Mark: FS

FS

US Serial Number: 88241512

Application Filing Date: Dec. 26, 2018

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: Suspension check completed. Application remains suspended.

Status Date: Apr. 10, 2020

Mark Information

Mark Literal Elements: FS

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

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: Downloadable computer e-commerce software to allow users to perform electronic business transactions via mobile devices and local and global computer networks; downloadable computer software applications to assist agricultural professionals with the inspection, research, data collection and analysis, spectral sampling, and information on crop health and precision agriculture methods and technology; downloadable computer software applications for agricultural, automotive, energy, and industrial uses, namely, for use in data collection, aggregation, analysis, georeferencing, management, reporting, warehousing, employment recruiting, financial analysis, event logistics, order entry, payments, product selection and use, and publication distribution; downloadable computer software applications to assist with product selection in the automotive, energy, fuel, grease, lubricant, and oil sectors; downloadable computer software for budgeting, forecasting, consolidation of financial data and financial reporting, for use in financial reporting or analysis; downloadable computer software for creating searchable databases of information and data; downloadable computer software for monitoring the operation of mechanized agricultural equipment during agricultural operations; downloadable computer software for the collection, editing, organizing, modifying, transmission, storage and sharing of data and information; downloadable computer software, namely, electronic financial software that accommodates multiple types of payment and debt transactions in an integrated mobile device and web based environment; downloadable computer software that provides business management intelligence by combining information from various databases and presenting it in an easy-to-understand user interface; downloadable mobile applications for accessing, planning, and managing information for use in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; downloadable mobile applications for recording field and crop observations related to pest pressure, tracking field conditions with GPS-enabled maps, and generating crop scouting reports; downloadable computer software for use by customers to manage data relating to farm inputs, costs, and crop yield results; decision support systems in the nature of computer hardware and software for use in data collection, aggregation, analysis, georeferencing, management, reporting, warehousing, employment recruiting, financial analysis, event logistics, order entry, payments, product selection and use, and publication distribution in the field of precision agriculture and variable rate technology; decision support systems in the nature of computer hardware and software for use in data collection, aggregation, analysis, georeferencing, management, reporting, warehousing, employment recruiting, financial analysis, event logistics, order entry, payments, product selection and use, and publication distribution in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; simulators for driving and control of vehicles and farm equipment; software applications for use with mobile phones, tablet computers, mobile telecommunication devices, and personal computers, namely, software for assisting agricultural professionals with the inspection, research, data collection and analysis, spectral sampling, and information on crop health and precision agriculture methods and technology; software for accessing, planning, and managing information for use in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment

International 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class(es):

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: Yes

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: GROWMARK, Inc.

Owner Address: 1701 Towanda Avenue
Bloomington, ILLINOIS UNITED STATES 61701

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jamie N. Nafziger

Docket Number: T279453.US.1

Attorney Primary Email Address: ip.docket@dorsey.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Jamie N. Nafziger
DORSEY & WHITNEY LLP
50 SOUTH SIXTH STREET
SUITE 1500
MINNEAPOLIS, MINNESOTA UNITED STATES 55402-1498

Phone: 612-343-7922

Fax: 612-340-8827

Correspondent e-mail: ip.docket@dorsey.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 10, 2020	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Oct. 10, 2019	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Oct. 10, 2019	LETTER OF SUSPENSION E-MAILED	6332
Oct. 10, 2019	SUSPENSION LETTER WRITTEN	93651
Sep. 30, 2019	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 27, 2019	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 27, 2019	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 10, 2019	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 28, 2019	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 28, 2019	NON-FINAL ACTION E-MAILED	6325
Mar. 28, 2019	NON-FINAL ACTION WRITTEN	93651
Mar. 19, 2019	ASSIGNED TO EXAMINER	93651
Jan. 16, 2019	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 29, 2018	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: DIBLE, JONATHON I

Law Office LAW OFFICE 111
Assigned:**File Location**Current Location: TMO LAW OFFICE 111 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Oct. 10, 2019

Assignment Abstract Of Title Information**Summary**

Total Assignments: 1

Applicant: GROWMARK, Inc.

Assignment 1 of 1

Conveyance: TRADEMARK SECURITY AGREEMENT

Reel/Frame: [6605/0973](#)

Pages: 7

Date Recorded: Apr. 01, 2019

Supporting Documents: [assignment-tm-6605-0973.pdf](#)**Assignor**Name: [GROWMARK, INC.](#)

Execution Date: Mar. 29, 2019

Legal Entity Type: CORPORATION

State or Country DELAWARE
Where Organized:Name: [GROWMARK FS, LLC](#)

Execution Date: Mar. 29, 2019

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country DELAWARE
Where Organized:Name: [SEEDWAY, LLC](#)

Execution Date: Mar. 29, 2019

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country DELAWARE
Where Organized:Name: [GROWMARK ENERGY, LLC](#)

Execution Date: Mar. 29, 2019

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country DELAWARE
Where Organized:Name: [GROWMARK FS II, LLC](#)

Execution Date: Mar. 29, 2019

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country DELAWARE
Where Organized:**Assignee**Name: [COBANK, ACB, AS COLLATERAL AGENT](#)

Legal Entity Type: FEDERALLY CHARTERED BANK

State or Country UNITED STATES
Where Organized:Address: 6340 SOUTH FIDDLERS GREEN CIRCLE
GREENWOOD VILLAGE, COLORADO 80111**Correspondent**

Correspondent Name: MOORE & VAN ALLEN PLLC

Correspondent Address: 100 NORTH TRYON STREET
SUITE 4700, ATTN: IP DEPARTMENT
CHARLOTTE, NC 28202**Domestic Representative - Not Found****Proceedings****Summary**Number of 5
Proceedings:**Type of Proceeding: Opposition**Proceeding Number: [91254528](#)

Filing Date: Mar 09, 2020

Status: Pending

Status Date: Mar 09, 2020

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Methodfuel, Inc.

Correspondent Address: DEVON E. WHITE
WYRICK ROBBINS YATES & PONTON LLP
4101 LAKE BOONE TRAIL, SUITE 300
RALEIGH NC , 27607

Correspondent e-mail: ip@wyrick.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
FS FRESHSCREEN	Opposition Pending	88105322	

Plaintiff(s)

Name: GROWMARK, Inc.

Correspondent Address: ALISON W. JARZYNA
DORSEY & WHITNEY LLP
50 SOUTH SIXTH STREET SUITE 1500
MINNEAPOLIS MN UNITED STATES , 55402

Correspondent e-mail: ip.docket@dorsey.com , nafziger.jamie@dorsey.com , jarzyna.alison@dorsey.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
FS			
FS	Report Completed Suspension Check - Case Still Suspended	88241512	
FS	Report Completed Suspension Check - Case Still Suspended	88241514	
MIFIELD FS	Registered	86779148	5381084
MIFIELD BY FS	Registered	86779165	5237675
FS	Registered	86977628	5360625

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 09, 2020	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 09, 2020	Apr 18, 2020
3	INSTITUTED	Mar 09, 2020	
4	D MOT FOR EXT W/ CONSENT	Apr 06, 2020	
5	EXTENSION OF TIME GRANTED	Apr 06, 2020	

Type of Proceeding: Opposition

Proceeding Number: [91253841](#)

Filing Date: Feb 03, 2020

Status: Pending

Status Date: Feb 03, 2020

Interlocutory Attorney: GEOFFREY MCNUTT

Defendant

Name: Delaware Capital Formation, Inc.

Correspondent Address: CYNTHIA JOHNSON WALDEN
FISH & RICHARDSON PC
PO BOX 1022
MINNEAPOLIS MN UNITED STATES , 55440-1022

Correspondent e-mail: tmdocto@fr.com , ecote@fr.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
DFS	Opposition Pending	87850328	

Plaintiff(s)**Name:** GROWMARK, Inc.**Correspondent Address:** JAMIE N NAFZIGER
DORSEY & WHITNEY LLP
50 SOUTH SIXTH STREET SUITE 1500
MINNEAPOLIS MN UNITED STATES , 55401**Correspondent e-mail:** ip.docket@dorsey.com , nafziger.jamie@dorsey.com , jarzyna.alison@dorsey.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FS	REGISTERED AND RENEWED	72006725	636120
FS	REGISTERED AND RENEWED	72258370	843081
FS	REGISTERED AND RENEWED	76166889	2661646
FS	Registered	86219121	5311621
FS	Registered	86981132	5121266
FS	Registered	86977628	5360625
FS	Registered	86219097	5955732
MIFIELD BY FS	Registered	86779165	5237675
MIFIELD FS	Registered	86779148	5381084
FS ENERGY	Final Refusal - Mailed	88258860	
FS ENERGY	Final Refusal - Mailed	88258827	
FS ENERGY	Final Refusal - Mailed	88258953	
FS ENERGY	Publication/Issue Review Complete	88258929	
FS ENERGY	PREVIOUS ACTION/ALLOWANCE COUNT WITHDRAWN	88258897	
FS ENERGY	Publication/Issue Review Complete	88258881	
FS	Report Completed Suspension Check - Case Still Suspended	88241512	
FS	Report Completed Suspension Check - Case Still Suspended	88241514	
FS	Suspension Letter - Mailed	88688731	
FS	Non-Final Action - Mailed	88691069	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 03, 2020	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 03, 2020	Mar 14, 2020
3	INSTITUTED	Feb 03, 2020	
4	ANSWER	Mar 13, 2020	
5	P MOT FOR EXT W/ CONSENT	Apr 07, 2020	
6	EXTENSION OF TIME GRANTED	Apr 07, 2020	

Type of Proceeding: Opposition**Proceeding Number:** [91253598](#)**Filing Date:** Jan 22, 2020**Status:** Suspended**Status Date:** Mar 12, 2020**Interlocutory Attorney:** ANN LINNEHAN VOGLER**Defendant****Name:** Yusupov, Dmitry**Correspondent Address:** YUSUPOV, DMITRY
10472 LOCKWOOD DR #A
CUPERTINO CA , 95014**Correspondent e-mail:** dmitry.yusupov@gmail.com , notifications@trademarkengine.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
EDGEFS	Opposition Pending	88452521	

Plaintiff(s)**Name:** GROWMARK, Inc.**Correspondent Address:** JAMIE N. NAFZIGER
DORSEY & WHITNEY LLP
50 SOUTH SIXTH STREET SUITE 1500
MINNEAPOLIS MN UNITED STATES , 55402**Correspondent e-mail:** IP.DOCKET@DORSEY.COM , NAFZIGER.JAMIE@DORSEY.COM , JARZYNA.ALISON@DORSEY.COM**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FS	Report Completed Suspension Check - Case Still Suspended	88241512	
FS	Report Completed Suspension Check - Case Still Suspended	88241514	
MIFIELD FS	Registered	86779148	5381084
MIFIELD BY FS	Registered	86779165	5237675
FS	Registered	86977628	5360625
FS	Registered	86981132	5121266
FS	REGISTERED AND RENEWED	72258371	854856

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 22, 2020	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 22, 2020	Mar 02, 2020
3	INSTITUTED	Jan 22, 2020	
4	NOTICE OF DEFAULT	Mar 12, 2020	

Type of Proceeding: Opposition**Proceeding Number:** [91250244](#)**Filing Date:** Aug 14, 2019**Status:** Pending**Status Date:** Aug 16, 2019**Interlocutory Attorney:** MARY CATHERINE FAINT**Defendant****Name:** Hanse Orga GmbH**Correspondent Address:** JULIE A KATZ
KATZ GROUP LLC
1711 N HERMITAGE AVE
CHICAGO IL UNITED STATES , 60622**Correspondent e-mail:** julie@katzgroupllc.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FS ²	Opposition Pending	79238032	

Plaintiff(s)**Name:** Growmark, Inc.**Correspondent Address:** JAMIE N NAFZIGER
DORSEY & WHITNEY LLP
50 SOUTH 6TH ST STE 1500
MINNEAPOLIS MN UNITED STATES , 55402-1498**Correspondent e-mail:** ip.docket@dorsey.com , nafziger.jamie@dorsey.com , jarzyrna.alison@dorsey.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
FS	Report Completed Suspension Check - Case Still Suspended	88241512	
FS	Report Completed Suspension Check - Case Still Suspended	88241514	
FS	Registered	86977628	5360625
FS	Registered	86219097	5955732

FS	Registered	86219121	5311621
FS	REGISTERED AND RENEWED	77118055	3441746
FS	REGISTERED AND RENEWED	72006726	638282
FS	Registered	86981132	5121266
FS	REGISTERED AND RENEWED	73340909	1222268
FS	REGISTERED AND RENEWED	72006725	636120
FS	REGISTERED AND RENEWED	72258370	843081
FS	REGISTERED AND RENEWED	76166889	2661646
FS	REGISTERED AND RENEWED	72258372	851668
FS	REGISTERED AND RENEWED	72258371	854856
FS AGRI-FINANCE	REGISTERED AND RENEWED	75819321	2371319
FS DAIRYSELECT	Registered	86054563	4846552
FS HISOY SOYBEANS	Section 8 and 15 - Accepted and Acknowledged	85514339	4277078
FS INVISION	Section 8 and 15 - Accepted and Acknowledged	85383267	4265311
FS INVISION SEED CORN	Section 8 and 15 - Accepted and Acknowledged	85529942	4329178
MIFIELD BY FS	Registered	86779176	6033947
MIFIELD BY FS	Registered	86779132	5581154
MIFIELD BY FS	Registered	86779165	5237675
MIFIELD FS	Registered	86779148	5381084
MIFIELD FS	Registered	86779180	5453943
MIFIELD FS	Registered	86779171	5237676

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 14, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 16, 2019	Sep 25, 2019
3	INSTITUTED	Aug 16, 2019	
4	D MOT FOR EXT W/ CONSENT	Sep 24, 2019	
5	EXTENSION OF TIME GRANTED	Sep 27, 2019	
6	ANSWER	Oct 25, 2019	
7	P MOT FOR EXT W/ CONSENT	Dec 19, 2019	
8	EXTENSION OF TIME GRANTED	Dec 19, 2019	
9	P MOT FOR EXT W/ CONSENT	Feb 05, 2020	
10	EXTENSION OF TIME GRANTED	Feb 05, 2020	

Type of Proceeding: Opposition

Proceeding Number: [91246792](#)

Filing Date: Mar 06, 2019

Status: Pending

Status Date: Sep 03, 2019

Interlocutory Attorney: WINSTON T FOLMAR

Defendant

Name: Fiberstore Co., Limited

Correspondent Address: CHIKE EZE
DAVIS WRIGHT TREMAINE LLP
920 FIFTH AVENUE , SUITE 3300
SEATTLE WA UNITED STATES , 98104

Correspondent e-mail: SeattleTrademarkDocket@dwt.com , ChikeEze@dwt.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
FS	Opposition Pending	88040265	

Plaintiff(s)

Name: Growmark, Inc.

Correspondent Address: ALISON W JARZYNA
DORSEY & WHITNEY LLP

50 SOUTH SIXTH STREET, SUITE 1500
MINNEAPOLIS MN UNITED STATES , 55402

Correspondent e-mail: IP.DOCKET@DORSEY.COM , NAFZIGER.JAMIE@DORSEY.COM , JARZYNA.ALISON@DORSEY.COM

Associated marks			
Mark	Application Status	Serial Number	Registration Number
FS	Report Completed Suspension Check - Case Still Suspended	88241512	
FS	Report Completed Suspension Check - Case Still Suspended	88241514	
FS	Registered	86977628	5360625
FS	Registered	86219097	5955732
FS	Registered	86219121	5311621
FS	REGISTERED AND RENEWED	72006726	638282
FS	REGISTERED AND RENEWED	77118055	3441746
FS	Registered	86981132	5121266
FS	REGISTERED AND RENEWED	73340909	1222268
FS	REGISTERED AND RENEWED	72006725	636120
FS	REGISTERED AND RENEWED	72258370	843081
FS	REGISTERED AND RENEWED	76166889	2661646
FS	REGISTERED AND RENEWED	72258372	851668
FS	REGISTERED AND RENEWED	72258371	854856
FS AGRI-FINANCE	REGISTERED AND RENEWED	75819321	2371319
FS DAIRYSELECT	Registered	86054563	4846552
FS HISOY SOYBEANS	Section 8 and 15 - Accepted and Acknowledged	85514339	4277078
FS INVISION	Section 8 and 15 - Accepted and Acknowledged	85383267	4265311
FS INVISION SEED CORN	Section 8 and 15 - Accepted and Acknowledged	85529942	4329178
MIFIELD BY FS	Registered	86779176	6033947
MIFIELD BY FS	Registered	86779132	5581154
MIFIELD BY FS	Registered	86779165	5237675
MIFIELD FS	Registered	86779148	5381084
MIFIELD FS	Registered	86779180	5453943

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 06, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 06, 2019	Apr 15, 2019
3	PENDING, INSTITUTED	Mar 06, 2019	
4	D MOT FOR EXT W/ CONSENT	Apr 12, 2019	
5	EXTENSION OF TIME GRANTED	Apr 13, 2019	
6	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jun 10, 2019	
7	SUSPENDED	Jun 10, 2019	
8	D APPEARANCE / POWER OF ATTORNEY	Jul 16, 2019	
9	D MOT FOR EXT W/ CONSENT	Aug 27, 2019	
10	EXTENSION OF TIME GRANTED	Sep 03, 2019	
11	ANSWER	Oct 03, 2019	
12	BD ORDER-CHILD OF 91242432	Dec 18, 2019	

Generated on: This page was generated by TSDR on 2020-04-20 13:49:30 EDT

Mark: FS

FS

US Serial Number: 88241514

Application Filing Date: Dec. 26, 2018

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: Suspension check completed. Application remains suspended.

Status Date: Apr. 10, 2020

Mark Information

Mark Literal Elements: FS

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

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: Agricultural mapping services; agricultural services, namely, providing temporary use of non-downloadable computer software applications for use with mobile phones, tablet computers, mobile telecommunication devices, and personal computers, namely, software for assisting agricultural professionals with the inspection, research, data collection and analysis, spectral sampling, and information on crop health and precision agriculture methods and technology; agricultural testing for seeds, crop protection products, and fertilizer; analyzing and evaluating agricultural fertilizer and nutrients; analyzing and evaluating nitrogen in soil; application service provider (ASP) featuring e-commerce software for use as a payment gateway that authorizes processing of credit cards or direct payments for merchants; application service provider, namely, hosting, managing, developing, and maintaining applications, software, and web sites, in the fields of wireless communication, mobile information access, and remote data management for wireless delivery of content to handheld computers, laptops and mobile electronic devices; applied scientific research in the fields of agriculture, agronomy, farming and crop yields; cloud computing featuring software for use in farm information management; cloud computing featuring software for use in farm information management to provide statistics and graphical analysis of crop production, costs, and health; cloud computing featuring software used to provide financial analysis of a farm; cloud computing featuring software used to provide feedback from precision agriculture machinery, equipment, and devices; computer services, namely, acting as an application service provider in the field of information management to host computer application software for the purpose of ecommerce transaction processing, and information and data collection, editing, organizing, modifying, transmission, storage, and sharing; computer services, namely, providing a website featuring temporary use of non-downloadable computer software for collecting, analyzing, and providing data and information regarding electronic payment transactions; computer software design, computer programming, and maintenance of computer software; computer software development, computer programming, and maintenance of computer software for precision agriculture programs; providing temporary use of non-downloadable computer software for use in issuing and providing receipts for others for electronic payments and payment transactions; computer graphics design services, namely, creating of 3-D computer models; database design and development; electronic data storage; farm product input services, namely, agricultural testing for determining soil nutrients and composition; field scouting services, namely, observing and inspecting agriculture fields to identify problems associated with weeds, insects, and diseases; mapping and surveying services for precision farming by means of the application and utilization of technologies and agronomic principles to manage spatial and temporal variability associated with all aspects of agricultural production using satellite imagery, GPS mapping, soil mapping, variable rate technologies, geospatial tools, and yield monitoring for improving the control and management of crops and increasing yields; providing temporary use of non-downloadable electronic financial software that accommodates multiple types of payment and debt transactions in an integrated mobile device and web based environment; providing temporary use of non-downloadable software for accessing, planning, and managing information for use in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; providing temporary use of non-downloadable software for budgeting, forecasting, and consolidation of financial data and financial

reporting, and for use in financial reporting and analysis; providing temporary use of non-downloadable software for recording field and crop observations related to pest pressure, for tracking field conditions with GPS-enabled maps, and for generating crop scouting reports; providing temporary use of non-downloadable software that provides business management intelligence by combining information from various databases and presenting it in an easy-to-understand user interface; providing temporary use of non-downloadable software for agricultural, automotive, energy, and industrial uses, namely, for use in data collection, aggregation, analysis, georeferencing, management, reporting, warehousing, employment recruiting, financial analysis, event logistics, order entry, payments, product selection and use, and publication distribution; providing temporary use of non-downloadable software applications to assist with product selection in the automotive, energy, fuel, grease, lubricant, and oil sectors; platform as a service (PAAS) featuring computer software platforms for agricultural fertilizer and nutrient monitoring and management in soil; platform as a service (PAAS) featuring computer software platforms for inventorying, tracking, and verifying plant-available nitrogen in soil; platform as a service (PAAS) featuring computer software platforms for nitrogen monitoring and management in soil; professional consulting services about agricultural chemistry and fertility plans; providing a website featuring agricultural research information in the fields of agronomy, farming, and crop yields; providing a website featuring agricultural research information in the fields of biology, ecology, organisms, biosystematics, environment, biological control, entomology, mycology, and bacteriology; providing a website featuring technology that allows users to access, plan, and manage information in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; providing an interactive web site featuring technology that enables users to enter, access, track, manage, monitor, and generate information and reports regarding sales of products and services; providing an online non-downloadable internet based system in the nature of software applications featuring technology enabling users to access, plan, and manage information for use in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; providing information for farmers in the fields of agricultural and crop research; providing scientific information in the fields of agricultural research, agronomy, farming, crop yields, environmentalism, conservationism, biological diversity, global climate change, environmental sustainability, sustainable consumption, natural resource preservation, endangered species, sustainable business practices, environmental issues, soil sampling, crop observing, genetics, plant varieties, seeds, farming practices, harvesting, chemistry, crop production, crop costs, and crop health; providing non-downloadable software applications featuring technology enabling users to access, plan, and manage information for use in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; providing technological and scientific information about agricultural fertilizer and nutrient monitoring and management; providing technological and scientific information about inventorying, tracking, and verifying plant-available nitrogen in soil; providing technological and scientific information about nitrogen monitoring and management in soil; providing temporary use of non-downloadable computer software for use in issuing and providing receipts for others for electronic payments and payment transactions; providing temporary use of non-downloadable computer software that enables consumers and businesses to perform electronic payment transactions through the use of their electronic signature, personal identification number (PIN), name, or photo; providing temporary use of on-line non-downloadable cloud computing software for accessing, selecting, processing, downloading, and managing map-based data for use in agriculture; providing temporary use of on-line non-downloadable computer software for payment processing, user authentication, and or management and tracking of payment transactions; providing temporary use of online non-downloadable software for use in collecting, analyzing, and providing data and information regarding electronic payment transactions; providing temporary use of on-line non-downloadable suite of software tools for agricultural field optimization and precision agriculture; reporting of soil testing results directly to growers; research and development in the field of agronomy, farming, and crop yields; scientific data analysis services and custom development of computer software in the field of precision agriculture, namely, the use of sensors, maps, imagery, soil conditions, crop yield and other data to monitor and devise a plan for increasing crop yield, together with the use of equipment to carry out the devised plan; scientific research services in the fields of genetics, plant varieties, seeds, agronomy, and plant harvesting and transformation methods; providing temporary use of non-downloadable simulation software in the field of controlling agriculture and farm equipment and vehicles; technical research in the fields of soil and agronomy; providing temporary use of non-downloadable virtual reality training simulation software in the field of controlling agriculture and farm equipment and vehicles

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: Yes

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: GROWMARK, Inc.

Owner Address: 1701 Towanda Avenue
Bloomington, ILLINOIS UNITED STATES 61701

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jamie N. Nafziger

Docket Number: T279454.US.1

Attorney Primary Email Address: ip.docket@dorsey.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Jamie N. Nafziger
DORSEY & WHITNEY LLP
50 SOUTH SIXTH STREET
SUITE 1500
MINNEAPOLIS, MINNESOTA UNITED STATES 55402-1498

Phone: 612-343-7922

Fax: 612-340-8827

Correspondent e-mail: ip.docket@dorsey.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 10, 2020	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Oct. 10, 2019	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Oct. 10, 2019	LETTER OF SUSPENSION E-MAILED	6332
Oct. 10, 2019	SUSPENSION LETTER WRITTEN	93651
Sep. 30, 2019	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 27, 2019	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 27, 2019	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 10, 2019	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 28, 2019	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 28, 2019	NON-FINAL ACTION E-MAILED	6325
Mar. 28, 2019	NON-FINAL ACTION WRITTEN	93651
Mar. 19, 2019	ASSIGNED TO EXAMINER	93651
Jan. 16, 2019	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 29, 2018	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: DIBLE, JONATHON I

Law Office Assigned: LAW OFFICE 111

File Location

Current Location: TMO LAW OFFICE 111 - EXAMINING ATTORNEY ASSIGNED

Date in Location: Oct. 10, 2019

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Applicant: GROWMARK, Inc.

Assignment 1 of 1

Conveyance: TRADEMARK SECURITY AGREEMENT

Reel/Frame: [6605/0973](#)

Pages: 7

Date Recorded: Apr. 01, 2019

Supporting Documents: [assignment-tm-6605-0973.pdf](#)

Assignor

Name: [GROWMARK, INC.](#)

Execution Date: Mar. 29, 2019

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Name: [GROWMARK FS, LLC](#)

Execution Date: Mar. 29, 2019

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Name: [SEEDWAY, LLC](#) **Execution Date:** Mar. 29, 2019
Legal Entity Type: LIMITED LIABILITY COMPANY **State or Country Where Organized:** DELAWARE

Name: [GROWMARK ENERGY, LLC](#) **Execution Date:** Mar. 29, 2019
Legal Entity Type: LIMITED LIABILITY COMPANY **State or Country Where Organized:** DELAWARE

Name: [GROWMARK FS II, LLC](#) **Execution Date:** Mar. 29, 2019
Legal Entity Type: LIMITED LIABILITY COMPANY **State or Country Where Organized:** DELAWARE

Assignee
Name: [COBANK, ACB, AS COLLATERAL AGENT](#)
Legal Entity Type: FEDERALLY CHARTERED BANK **State or Country Where Organized:** UNITED STATES
Address: 6340 SOUTH FIDDLERS GREEN CIRCLE
GREENWOOD VILLAGE, COLORADO 80111

Correspondent
Correspondent Name: MOORE & VAN ALLEN PLLC
Correspondent Address: 100 NORTH TRYON STREET
SUITE 4700, ATTN: IP DEPARTMENT
CHARLOTTE, NC 28202

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 5

Type of Proceeding: Opposition

Proceeding Number: [91254528](#) **Filing Date:** Mar 09, 2020
Status: Pending **Status Date:** Mar 09, 2020
Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant
Name: Methodfuel, Inc.
Correspondent Address: DEVON E. WHITE
WYRICK ROBBINS YATES & PONTON LLP
4101 LAKE BOONE TRAIL, SUITE 300
RALEIGH NC , 27607
Correspondent e-mail: ip@wyrick.com

Mark	Application Status	Serial Number	Registration Number
FS FRESHSCREEN	Opposition Pending	88105322	

Plaintiff(s)
Name: GROWMARK, Inc.
Correspondent Address: ALISON W. JARZYNA
DORSEY & WHITNEY LLP
50 SOUTH SIXTH STREET SUITE 1500
MINNEAPOLIS MN UNITED STATES , 55402
Correspondent e-mail: ip.docket@dorsey.com , nafziger.jamie@dorsey.com , jarzyrna.alison@dorsey.com

Mark	Application Status	Serial Number	Registration Number
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FS
 FS Report Completed Suspension Check - Case Still Suspended [88241512](#)
 FS Report Completed Suspension Check - Case Still Suspended [88241514](#)
 MIFIELD FS Registered [86779148](#) [5381084](#)
 MIFIELD BY FS Registered [86779165](#) [5237675](#)
 FS Registered [86977628](#) [5360625](#)

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 09, 2020	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 09, 2020	Apr 18, 2020
3	INSTITUTED	Mar 09, 2020	
4	D MOT FOR EXT W/ CONSENT	Apr 06, 2020	
5	EXTENSION OF TIME GRANTED	Apr 06, 2020	

Type of Proceeding: Opposition

Proceeding Number: [91253841](#) **Filing Date:** Feb 03, 2020
Status: Pending **Status Date:** Feb 03, 2020
Interlocutory Attorney: GEOFFREY MCNUTT

Defendant

Name: Delaware Capital Formation, Inc.
Correspondent Address: CYNTHIA JOHNSON WALDEN
 FISH & RICHARDSON PC
 PO BOX 1022
 MINNEAPOLIS MN UNITED STATES , 55440-1022
Correspondent e-mail: tmdocto@fr.com , ecote@fr.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
DFS	Opposition Pending	87850328	

Plaintiff(s)

Name: GROWMARK, Inc.
Correspondent Address: JAMIE N NAFZIGER
 DORSEY & WHITNEY LLP
 50 SOUTH SIXTH STREET SUITE 1500
 MINNEAPOLIS MN UNITED STATES , 55401
Correspondent e-mail: ip.docket@dorsey.com , nafziger.jamie@dorsey.com , jarzyna.alison@dorsey.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
FS	REGISTERED AND RENEWED	72006725	636120
FS	REGISTERED AND RENEWED	72258370	843081
FS	REGISTERED AND RENEWED	76166889	2661646
FS	Registered	86219121	5311621
FS	Registered	86981132	5121266
FS	Registered	86977628	5360625
FS	Registered	86219097	5955732
MIFIELD BY FS	Registered	86779165	5237675
MIFIELD FS	Registered	86779148	5381084
FS ENERGY	Final Refusal - Mailed	88258860	
FS ENERGY	Final Refusal - Mailed	88258827	
FS ENERGY	Final Refusal - Mailed	88258953	
FS ENERGY	Publication/Issue Review Complete	88258929	
FS ENERGY	PREVIOUS ACTION/ALLOWANCE COUNT WITHDRAWN	88258897	

FS ENERGY	Publication/Issue Review Complete	88258881
FS	Report Completed Suspension Check - Case Still Suspended	88241512
FS	Report Completed Suspension Check - Case Still Suspended	88241514
FS	Suspension Letter - Mailed	88688731
FS	Non-Final Action - Mailed	88691069

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 03, 2020	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 03, 2020	Mar 14, 2020
3	INSTITUTED	Feb 03, 2020	
4	ANSWER	Mar 13, 2020	
5	P MOT FOR EXT W/ CONSENT	Apr 07, 2020	
6	EXTENSION OF TIME GRANTED	Apr 07, 2020	

Type of Proceeding: Opposition

Proceeding Number: [91253598](#)

Filing Date: Jan 22, 2020

Status: Suspended

Status Date: Mar 12, 2020

Interlocutory Attorney: ANN LINNEHAN VOGLER

Defendant

Name: Yusupov, Dmitry

Correspondent Address: YUSUPOV, DMITRY
10472 LOCKWOOD DR #A
CUPERTINO CA , 95014

Correspondent e-mail: dmitry.yusupov@gmail.com , notifications@trademarkengine.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
EDGEFS	Opposition Pending	88452521	

Plaintiff(s)

Name: GROWMARK, Inc.

Correspondent Address: JAMIE N. NAFZIGER
DORSEY & WHITNEY LLP
50 SOUTH SIXTH STREET SUITE 1500
MINNEAPOLIS MN UNITED STATES , 55402

Correspondent e-mail: IP.DOCKET@DORSEY.COM , NAFZIGER.JAMIE@DORSEY.COM , JARZYNA.ALISON@DORSEY.COM

Associated marks

Mark	Application Status	Serial Number	Registration Number
FS	Report Completed Suspension Check - Case Still Suspended	88241512	
FS	Report Completed Suspension Check - Case Still Suspended	88241514	
MIFIELD FS	Registered	86779148	5381084
MIFIELD BY FS	Registered	86779165	5237675
FS	Registered	86977628	5360625
FS	Registered	86981132	5121266
FS	REGISTERED AND RENEWED	72258371	854856

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 22, 2020	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 22, 2020	Mar 02, 2020
3	INSTITUTED	Jan 22, 2020	
4	NOTICE OF DEFAULT	Mar 12, 2020	

Type of Proceeding: Opposition

Proceeding [91250244](#)
Number:

Filing Date: Aug 14, 2019

Status: Pending

Status Date: Aug 16, 2019

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Hanse Orga GmbH

Correspondent Address: JULIE A KATZ
KATZ GROUP LLC
1711 N HERMITAGE AVE
CHICAGO IL UNITED STATES , 60622

Correspondent e-mail: julie@katzgroupplc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
FS ²	Opposition Pending	79238032	

Plaintiff(s)

Name: Growmark, Inc.

Correspondent Address: JAMIE N NAFZIGER
DORSEY & WHITNEY LLP
50 SOUTH 6TH ST STE 1500
MINNEAPOLIS MN UNITED STATES , 55402-1498

Correspondent e-mail: ip.docket@dorsey.com , nafziger.jamie@dorsey.com , jarzyna.alison@dorsey.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
FS	Report Completed Suspension Check - Case Still Suspended	88241512	
FS	Report Completed Suspension Check - Case Still Suspended	88241514	
FS	Registered	86977628	5360625
FS	Registered	86219097	5955732
FS	Registered	86219121	5311621
FS	REGISTERED AND RENEWED	77118055	3441746
FS	REGISTERED AND RENEWED	72006726	638282
FS	Registered	86981132	5121266
FS	REGISTERED AND RENEWED	73340909	1222268
FS	REGISTERED AND RENEWED	72006725	636120
FS	REGISTERED AND RENEWED	72258370	843081
FS	REGISTERED AND RENEWED	76166889	2661646
FS	REGISTERED AND RENEWED	72258372	851668
FS	REGISTERED AND RENEWED	72258371	854856
FS AGRI-FINANCE	REGISTERED AND RENEWED	75819321	2371319
FS DAIRYSELECT	Registered	86054563	4846552
FS HISOY SOYBEANS	Section 8 and 15 - Accepted and Acknowledged	85514339	4277078
FS INVISION	Section 8 and 15 - Accepted and Acknowledged	85383267	4265311
FS INVISION SEED CORN	Section 8 and 15 - Accepted and Acknowledged	85529942	4329178
MIFIELD BY FS	Registered	86779176	6033947
MIFIELD BY FS	Registered	86779132	5581154
MIFIELD BY FS	Registered	86779165	5237675
MIFIELD FS	Registered	86779148	5381084
MIFIELD FS	Registered	86779180	5453943
MIFIELD FS	Registered	86779171	5237676

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 14, 2019	

2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 16, 2019	Sep 25, 2019
3	INSTITUTED	Aug 16, 2019	
4	D MOT FOR EXT W/ CONSENT	Sep 24, 2019	
5	EXTENSION OF TIME GRANTED	Sep 27, 2019	
6	ANSWER	Oct 25, 2019	
7	P MOT FOR EXT W/ CONSENT	Dec 19, 2019	
8	EXTENSION OF TIME GRANTED	Dec 19, 2019	
9	P MOT FOR EXT W/ CONSENT	Feb 05, 2020	
10	EXTENSION OF TIME GRANTED	Feb 05, 2020	

Type of Proceeding: Opposition

Proceeding Number: [91246792](#)

Filing Date: Mar 06, 2019

Status: Pending

Status Date: Sep 03, 2019

Interlocutory Attorney: WINSTON T FOLMAR

Defendant

Name: Fiberstore Co., Limited

Correspondent Address: CHIKE EZE
DAVIS WRIGHT TREMAINE LLP
920 FIFTH AVENUE , SUITE 3300
SEATTLE WA UNITED STATES , 98104

Correspondent e-mail: SeattleTrademarkDocket@dwt.com , ChikeEze@dwt.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
FS	Opposition Pending	88040265	

Plaintiff(s)

Name: Growmark, Inc.

Correspondent Address: ALISON W JARZYNA
DORSEY & WHITNEY LLP
50 SOUTH SIXTH STREET, SUITE 1500
MINNEAPOLIS MN UNITED STATES , 55402

Correspondent e-mail: IP.DOCKET@DORSEY.COM , NAFZIGER.JAMIE@DORSEY.COM , JARZYNA.ALISON@DORSEY.COM

Associated marks

Mark	Application Status	Serial Number	Registration Number
FS	Report Completed Suspension Check - Case Still Suspended	88241512	
FS	Report Completed Suspension Check - Case Still Suspended	88241514	
FS	Registered	86977628	5360625
FS	Registered	86219097	5955732
FS	Registered	86219121	5311621
FS	REGISTERED AND RENEWED	72006726	638282
FS	REGISTERED AND RENEWED	77118055	3441746
FS	Registered	86981132	5121266
FS	REGISTERED AND RENEWED	73340909	1222268
FS	REGISTERED AND RENEWED	72006725	636120
FS	REGISTERED AND RENEWED	72258370	843081
FS	REGISTERED AND RENEWED	76166889	2661646
FS	REGISTERED AND RENEWED	72258372	851668
FS	REGISTERED AND RENEWED	72258371	854856
FS AGRI-FINANCE	REGISTERED AND RENEWED	75819321	2371319
FS DAIRYSELECT	Registered	86054563	4846552
FS HISOY SOYBEANS	Section 8 and 15 - Accepted and Acknowledged	85514339	4277078

FS INVISION	Section 8 and 15 - Accepted and Acknowledged	85383267	4265311
FS INVISION SEED CORN	Section 8 and 15 - Accepted and Acknowledged	85529942	4329178
MIFIELD BY FS	Registered	86779176	6033947
MIFIELD BY FS	Registered	86779132	5581154
MIFIELD BY FS	Registered	86779165	5237675
MIFIELD FS	Registered	86779148	5381084
MIFIELD FS	Registered	86779180	5453943

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 06, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 06, 2019	Apr 15, 2019
3	PENDING, INSTITUTED	Mar 06, 2019	
4	D MOT FOR EXT W/ CONSENT	Apr 12, 2019	
5	EXTENSION OF TIME GRANTED	Apr 13, 2019	
6	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jun 10, 2019	
7	SUSPENDED	Jun 10, 2019	
8	D APPEARANCE / POWER OF ATTORNEY	Jul 16, 2019	
9	D MOT FOR EXT W/ CONSENT	Aug 27, 2019	
10	EXTENSION OF TIME GRANTED	Sep 03, 2019	
11	ANSWER	Oct 03, 2019	
12	BD ORDER-CHILD OF 91242432	Dec 18, 2019	

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Mark: FS



US Serial Number: 88688731

Application Filing Date: Nov. 12, 2019

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: An Office action suspending further action on the application has been sent (issued) to the applicant. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Feb. 24, 2020

Mark Information

Mark Literal Elements: FS

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 capital letter "F" to the left and slightly lower than the capital letter "S", both surrounded by a slanted rectangular border.

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

Design Search Code(s): 26.11.02 - Plain single line rectangles; Rectangles (single line)

26.11.25 - Rectangles with one or more curved sides

Related Properties Information

Claimed Ownership of US: 0638282, 0854856, 5121266

Registrations:

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: Downloadable computer e-commerce software to allow users to perform electronic business transactions via mobile devices and local and global computer networks; Downloadable computer software applications to assist agricultural professionals with the inspection, research, data collection and analysis, spectral sampling, and information on crop health and precision agriculture methods and technology; Downloadable computer software applications for agricultural, automotive, energy, and industrial uses, namely, for use in data collection, aggregation, analysis, georeferencing, management, reporting, warehousing, employment recruiting, financial analysis, event logistics, order entry, payments, product selection and use, and publication distribution; Downloadable computer software applications to assist with product selection in the automotive, energy, fuel, grease, lubricant, and oil sectors; Downloadable computer software for budgeting, forecasting, consolidation of financial data and financial reporting, for use in financial reporting or analysis; Downloadable computer software for creating searchable databases of information and data; Downloadable computer software for monitoring the operation of mechanized agricultural equipment during agricultural operations; Downloadable computer software for the collection, editing, organizing, modifying, transmission, storage and sharing of data and information; Downloadable computer software, namely, electronic financial software that accommodates multiple types of payment and debt transactions in an integrated mobile device and web based environment; Downloadable computer software that provides business management intelligence by combining information from various databases and presenting it in an easy-to-understand user interface; Downloadable mobile applications for accessing, planning, and managing information for use in the fields of agriculture, agronomy, automotive, energy, horticulture, and

industrial equipment; Downloadable mobile applications for recording field and crop observations related to pest pressure, tracking field conditions with GPS-enabled maps, and generating crop scouting reports; Downloadable computer software for use by customers to manage data relating to farm inputs, costs, and crop yield results; Decision support systems in the nature of computer hardware and downloadable software for use in data collection, aggregation, analysis, georeferencing, management, reporting, warehousing, employment recruiting, financial analysis, event logistics, order entry, payments, product selection and use, and publication distribution in the field of precision agriculture and variable rate technology; Decision support systems in the nature of computer hardware and software for use in data collection, aggregation, analysis, georeferencing, management, reporting, warehousing, employment recruiting, financial analysis, event logistics, order entry, payments, product selection and use, and publication distribution in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; Simulators for driving and control of vehicles and farm equipment; Downloadable software applications for use with mobile phones, tablet computers, mobile telecommunication devices, and personal computers, namely, software for assisting agricultural professionals with the inspection, research, data collection and analysis, spectral sampling, and information on crop health and precision agriculture methods and technology; Downloadable software for accessing, planning, and managing information for use in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; Downloadable mobile software for obtaining information, posting resumes, and submitting applications in the fields of employment, careers, employment opportunities, career placement, recruitment, job listings, personal issues related to careers and work life, job resources, salary information, and compensation and benefits; Downloadable electronic publications in the nature of journals, newsletters, and catalogs in the fields of agriculture, agronomy, automotive, business, energy, finance, horticulture, and industrial equipment

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: Yes

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: GROWMARK, Inc.

Owner Address: 1701 Towanda Avenue
Bloomington, ILLINOIS UNITED STATES 61701

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jamie N. Nafziger

Docket Number: T282228.US.1

Attorney Primary Email Address: ip.docket@dorsey.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JAMIE N. NAFZIGER
DORSEY & WHITNEY LLP
50 SOUTH SIXTH STREET
SUITE 1500
MINNEAPOLIS, MINNESOTA UNITED STATES 55402-1498

Phone: 612-343-7922

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Correspondent e-mail: ip.docket@dorsey.com
nafziger.jamie@dorsey.com jarzyna.alison@dorsey.com
y.com.sherman.louise@dorsey.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 24, 2020	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Feb. 24, 2020	LETTER OF SUSPENSION E-MAILED	6332

Feb. 24, 2020	SUSPENSION LETTER WRITTEN	76081
Feb. 17, 2020	ASSIGNED TO EXAMINER	76081
Nov. 20, 2019	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Nov. 19, 2019	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 15, 2019	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: DWYER, JOHN D

Law Office Assigned: LAW OFFICE 116

File Location

Current Location: TMO LAW OFFICE 116 - EXAMINING ATTORNEY ASSIGNED

Date in Location: Feb. 24, 2020

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91253841](#)

Filing Date: Feb 03, 2020

Status: Pending

Status Date: Feb 03, 2020

Interlocutory Attorney: GEOFFREY MCNUTT

Defendant

Name: Delaware Capital Formation, Inc.

Correspondent Address: CYNTHIA JOHNSON WALDEN
FISH & RICHARDSON PC
PO BOX 1022
MINNEAPOLIS MN UNITED STATES , 55440-1022

Correspondent e-mail: tmdocto@fr.com , ecote@fr.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
DFS	Opposition Pending	87850328	

Plaintiff(s)

Name: GROWMARK, Inc.

Correspondent Address: JAMIE N NAFZIGER
DORSEY & WHITNEY LLP
50 SOUTH SIXTH STREET SUITE 1500
MINNEAPOLIS MN UNITED STATES , 55401

Correspondent e-mail: jp.docket@dorsey.com , nafziger.jamie@dorsey.com , jarzyna.alison@dorsey.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
FS	REGISTERED AND RENEWED	72006725	636120
FS	REGISTERED AND RENEWED	72258370	843081
FS	REGISTERED AND RENEWED	76166889	2661646
FS	Registered	86219121	5311621
FS	Registered	86981132	5121266
FS	Registered	86977628	5360625
FS	Registered	86219097	5955732
MIFIELD BY FS	Registered	86779165	5237675
MIFIELD FS	Registered	86779148	5381084

FS ENERGY	Final Refusal - Mailed	88258860
FS ENERGY	Final Refusal - Mailed	88258827
FS ENERGY	Final Refusal - Mailed	88258953
FS ENERGY	Publication/Issue Review Complete	88258929
FS ENERGY	PREVIOUS ACTION/ALLOWANCE COUNT WITHDRAWN	88258897
FS ENERGY	Publication/Issue Review Complete	88258881
FS	Report Completed Suspension Check - Case Still Suspended	88241512
FS	Report Completed Suspension Check - Case Still Suspended	88241514
FS	Suspension Letter - Mailed	88688731
FS	Non-Final Action - Mailed	88691069

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 03, 2020	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 03, 2020	Mar 14, 2020
3	INSTITUTED	Feb 03, 2020	
4	ANSWER	Mar 13, 2020	
5	P MOT FOR EXT W/ CONSENT	Apr 07, 2020	
6	EXTENSION OF TIME GRANTED	Apr 07, 2020	

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Mark: FS



US Serial Number: 88691069

Application Filing Date: Nov. 13, 2019

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Feb. 24, 2020

Mark Information

Mark Literal Elements: FS

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 capital letter "F" to the left and slightly below the capital letter "S", both surrounded by a slanted rectangular border.

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

Design Search Code(s): 26.11.02 - Rectangles (single line); Plain single line rectangles

Related Properties Information

Claimed Ownership of US Registrations: 0638282, 0854856, 5121266

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: Agricultural mapping services; Agricultural services, namely, providing temporary use of non-downloadable computer software applications for use with mobile phones, tablet computers, mobile telecommunication devices, and personal computers, namely, software for assisting agricultural professionals with the inspection, research, data collection and analysis, spectral sampling, and information on crop health and precision agriculture methods and technology; Agricultural testing for seeds, crop protection products, and fertilizer; Analyzing and evaluating agricultural fertilizer and nutrients; Analyzing and evaluating nitrogen in soil; Application service provider (ASP) featuring e-commerce software for use as a payment gateway that authorizes processing of credit cards or direct payments for merchants; Application service provider, namely, hosting, managing, developing, and maintaining applications, software, and web sites, in the fields of wireless communication, mobile information access, and remote data management for wireless delivery of content to handheld computers, laptops and mobile electronic devices; Applied scientific research in the fields of agriculture, agronomy, farming and crop yields; Cloud computing featuring software for use in farm information management; Cloud computing featuring software for use in farm information management to provide statistics and graphical analysis of crop production, costs, and health; Cloud computing featuring software used to provide financial analysis of a farm; Cloud computing featuring software used to provide feedback from precision agriculture machinery, equipment, and devices; Computer services, namely, acting as an application service provider in the field of information management to host computer application software for the purpose of ecommerce

transaction processing, and information and data collection, editing, organizing, modifying, transmission, storage, and sharing; Computer services, namely, providing a website featuring temporary use of non-downloadable computer software for collecting, analyzing, and providing data and information regarding electronic payment transactions; Computer software design, computer programming, and maintenance of computer software; Computer software development, computer programming, and maintenance of computer software for precision agriculture programs; Providing temporary use of non-downloadable computer software for use in issuing and providing receipts for others for electronic payments and payment transactions; Computer graphics design services, namely, creating of 3-D computer models; Database design and development; Electronic data storage; Farm product input services, namely, agricultural testing for determining soil nutrients and composition; Field scouting services, namely, observing and inspecting agriculture fields to identify problems associated with weeds, insects, and diseases; Mapping and surveying services for precision farming by means of the application and utilization of technologies and agronomic principles to manage spatial and temporal variability associated with all aspects of agricultural production using satellite imagery, GPS mapping, soil mapping, variable rate technologies, geospatial tools, and yield monitoring for improving the control and management of crops and increasing yields; Providing temporary use of non-downloadable electronic financial software that accommodates multiple types of payment and debt transactions in an integrated mobile device and web based environment; Providing temporary use of non-downloadable software for accessing, planning, and managing information for use in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; Providing temporary use of non-downloadable software for budgeting, forecasting, and consolidation of financial data and financial reporting, and for use in financial reporting and analysis; Providing temporary use of non-downloadable software for recording field and crop observations related to pest pressure, for tracking field conditions with GPS-enabled maps, and for generating crop scouting reports; Providing temporary use of non-downloadable software that provides business management intelligence by combining information from various databases and presenting it in an easy-to-understand user interface; Providing temporary use of non-downloadable software for agricultural, automotive, energy, and industrial uses, namely, for use in data collection, aggregation, analysis, georeferencing, management, reporting, warehousing, employment recruiting, financial analysis, event logistics, order entry, payments, product selection and use, and publication distribution; Providing temporary use of non-downloadable software applications to assist with product selection in the automotive, energy, fuel, grease, lubricant, and oil sectors; Platform as a service (PAAS) featuring computer software platforms for agricultural fertilizer and nutrient monitoring and management in soil; Platform as a service (PAAS) featuring computer software platforms for inventorying, tracking, and verifying plant-available nitrogen in soil; Platform as a service (PAAS) featuring computer software platforms for nitrogen monitoring and management in soil; Professional consulting services about agricultural chemistry and fertility plans; Providing a website featuring agricultural research information in the fields of agronomy, farming, and crop yields; Providing a website featuring agricultural research information in the fields of biology, ecology, organisms, biosystematics, environment, biological control, entomology, mycology, and bacteriology; Providing a website featuring technology that allows users to access, plan, and manage information in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; Providing an interactive web site featuring technology that enables users to enter, access, track, manage, monitor, and generate information and reports regarding sales of products and services; Providing an online non-downloadable internet based system in the nature of software applications featuring technology enabling users to access, plan, and manage information for use in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; Providing information for farmers in the fields of agricultural and crop research; Providing scientific information in the fields of agricultural research, agronomy, farming, crop yields, environmentalism, conservationism, biological diversity, global climate change, environmental sustainability, sustainable consumption, natural resource preservation, endangered species, sustainable business practices, environmental issues, soil sampling, crop observing, genetics, plant varieties, seeds, farming practices, harvesting, chemistry, crop production, crop costs, and crop health; Providing non-downloadable software applications featuring technology enabling users to access, plan, and manage information for use in the fields of agriculture, agronomy, automotive, energy, horticulture, and industrial equipment; Providing technological and scientific information about agricultural fertilizer and nutrient monitoring and management; Providing technological and scientific information about inventorying, tracking, and verifying plant-available nitrogen in soil; Providing technological and scientific information about nitrogen monitoring and management in soil; Providing temporary use of non-downloadable computer software for use in issuing and providing receipts for others for electronic payments and payment transactions; Providing temporary use of non-downloadable computer software that enables consumers and businesses to perform electronic payment transactions through the use of their electronic signature, personal identification number (PIN), name, or photo; Providing temporary use of on-line non-downloadable cloud computing software for accessing, selecting, processing, downloading, and managing map-based data for use in agriculture; Providing temporary use of on-line non-downloadable computer software for payment processing, user authentication, and or management and tracking of payment transactions; Providing temporary use of online non-downloadable software for use in collecting, analyzing, and providing data and information regarding electronic payment transactions; Providing temporary use of on-line non-downloadable suite of software tools for agricultural field optimization and precision agriculture; Reporting of soil testing results directly to growers; Research and development in the field of agronomy, farming, and crop yields; Scientific data analysis services and custom development of computer software in the field of precision agriculture, namely, the use of sensors, maps, imagery, soil conditions, crop yield and other data to monitor and devise a plan for increasing crop yield, together with the use of equipment to carry out the devised plan; Scientific research services in the fields of genetics, plant varieties, seeds, agronomy, and plant harvesting and transformation methods; Providing temporary use of non-downloadable simulation software in the field of controlling agriculture and farm equipment and vehicles; Technical research in the fields of soil and agronomy; Providing temporary use of non-downloadable virtual reality training simulation software in the field of controlling agriculture and farm equipment and vehicles; Platform as a service (PAAS) featuring software in the fields of agriculture, agronomy, automotive, business, energy, finance, horticulture, and industrial equipment; Platform as a service (PAAS) featuring software for use in web applications, data storage and backup, database management, networking, collaboration, access, administration and management of computer applications and computer hardware; Non-downloadable computer software for browsing and accessing digital content, computer software programs, audio works, visual works, audiovisual works, and electronic publications

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: Yes

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: GROWMARK, Inc.

Owner Address: 1701 Towanda Avenue
Bloomington, ILLINOIS UNITED STATES 61701

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jamie N. Nafziger

Docket Number: T282230.US.1

Attorney Primary Email Address: ip.docket@dorsey.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JAMIE N. NAFZIGER
DORSEY & WHITNEY LLP
50 SOUTH SIXTH STREET
SUITE 1500
MINNEAPOLIS, MINNESOTA UNITED STATES 55402-1498

Phone: 612-343-7922

Fax: 612-340-8827

Correspondent e-mail: ip.docket@dorsey.com
nafziger.jamie@dorsey.com jarzyna.alison@dorsey.com
y.com.sherman.louise@dorsey.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 24, 2020	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Feb. 24, 2020	NON-FINAL ACTION E-MAILED	6325
Feb. 24, 2020	NON-FINAL ACTION WRITTEN	76081
Feb. 17, 2020	ASSIGNED TO EXAMINER	76081
Nov. 21, 2019	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Nov. 20, 2019	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 16, 2019	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: DWYER, JOHN D

Law Office Assigned: LAW OFFICE 116

File Location

Current Location: TMO LAW OFFICE 116 - EXAMINING ATTORNEY ASSIGNED

Date in Location: Feb. 24, 2020

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91253841](#)

Filing Date: Feb 03, 2020

Status: Pending

Status Date: Feb 03, 2020

Interlocutory GEOFFREY MCNUTT
Attorney:

Defendant

Name: Delaware Capital Formation, Inc.

Correspondent Address: CYNTHIA JOHNSON WALDEN
FISH & RICHARDSON PC
PO BOX 1022
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Associated marks

Mark	Application Status	Serial Number	Registration Number
DFS	Opposition Pending	87850328	

Plaintiff(s)

Name: GROWMARK, Inc.

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Associated marks

Mark	Application Status	Serial Number	Registration Number
FS	REGISTERED AND RENEWED	72006725	636120
FS	REGISTERED AND RENEWED	72258370	843081
FS	REGISTERED AND RENEWED	76166889	2661646
FS	Registered	86219121	5311621
FS	Registered	86981132	5121266
FS	Registered	86977628	5360625
FS	Registered	86219097	5955732
MIFIELD BY FS	Registered	86779165	5237675
MIFIELD FS	Registered	86779148	5381084
FS ENERGY	Final Refusal - Mailed	88258860	
FS ENERGY	Final Refusal - Mailed	88258827	
FS ENERGY	Final Refusal - Mailed	88258953	
FS ENERGY	Publication/Issue Review Complete	88258929	
FS ENERGY	PREVIOUS ACTION/ALLOWANCE COUNT WITHDRAWN	88258897	
FS ENERGY	Publication/Issue Review Complete	88258881	
FS	Report Completed Suspension Check - Case Still Suspended	88241512	
FS	Report Completed Suspension Check - Case Still Suspended	88241514	
FS	Suspension Letter - Mailed	88688731	
FS	Non-Final Action - Mailed	88691069	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 03, 2020	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 03, 2020	Mar 14, 2020
3	INSTITUTED	Feb 03, 2020	
4	ANSWER	Mar 13, 2020	
5	P MOT FOR EXT W/ CONSENT	Apr 07, 2020	
6	EXTENSION OF TIME GRANTED	Apr 07, 2020	