

Attachment 1

Complete Copy of Petition to Cancel the Cited Registration,
filed June 14, 2013

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

In re Registration No. 3,885,444 for the mark
ISLAND GRAB 'N' GO [& Design] in Intl. Cl.
029, 030, 032, 033, and 043



PRODUCERS DAIRY FOODS, INC.,

Petitioner,

vs.

GODDARD CATERING GROUP
(BARBADOS) LTD.

Registrant.

Cancellation No. _____

PETITION FOR CANCELLATION

ATTN: Trademark Trial and Appeal Board
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Commissioner:

Petitioner Producers Dairy Foods, Inc., a California corporation, having a place of business at 250 E. Belmont Ave., Fresno, California 93701 ("Petitioner"), believes that it will be damaged by U.S. Reg. No. 3,885,444 (the "Registration"), and hereby petitions to cancel such registration on the following grounds:

BACKGROUND AND PETITIONER’S ALLEGATIONS

1. Petitioner is engaged in the manufacturing and sale of beverage items which are distributed in the United States primarily through grocery stores, convenience stores, and other similar retail outlets. Petitioner is using, and on information and belief first used at least as early as July 31, 2000, the mark GRAB ‘N GO anywhere and in commerce on or in connection with a variety of milk beverages. Petitioner is using, and on information and belief first used at least as early as December 31, 2006, the mark GRAB ‘N GO anywhere and in commerce on or in connection with a variety of fruit juice and fruit drink beverages. Petitioner used the mark GRAB ‘N GO anywhere and in commerce on or in connection with a variety of coffee milk beverages, on information and belief, between about the year 2000 and about the year 2008.

2. Petitioner has filed applications for registration of the mark GRAB ‘N GO for the following goods (“Petitioner’s Applications”), printouts from the U.S. Patent and Trademark Office’s TSDR database for Petitioner’s Applications of which are collectively attached hereto as

Exhibit A:

Mark	Serial No.	Goods/Services
GRAB ‘N GO	85601651	Milk; Chocolate milk; Strawberry milk; Milk based beverages containing fruit juice; Milk-based beverages with chocolate, each in Intl. Cl. 029
GRAB ‘N GO	85601674	Fruit juices and fruit drinks; Orange juice, each in Intl. Cl. 032
GRAB ‘N GO	85601683	Beverages with a coffee base; Coffee-based beverage containing milk; Espresso drinks, each in Intl. Cl. 030

3. Petitioner’s Applications have been refused registration by the Office on the grounds of a likelihood of confusion with the Registration.

4. Goddard Catering Group (Barbados) Ltd. (“Registrant”) obtained the Registration under Section 44(e) of the Lanham Act for the mark ISLAND GRAB ‘N’ GO [& Design] for: “Meat, meat extracts; fish; shellfish, namely, crustacea and mollusca; fish fillets; food products made from fish, namely, fish croquettes, fish cakes, fish sausages; preserved fish, tinned fish, salted preserved fish; foods prepared from fish, namely, fish cutters; fried fish; shell fish, not live, for human consumption, namely, lobster, spiny lobster; tuna fish; caviar; oysters; salmon; fish not live; poultry and game; tinned meat, ham, bacon; herrings; dried and cooked fruits; preserved mushrooms; processed nuts; liver pate; processed vegetables; vegetable salads; jellies, jams; eggs; cheese; milk; cream; dairy products, namely, dairy-based beverages and yogurt; edible oils and fats; fruit preserves and pickles; black pudding; frosted fruits, frozen fruits, fruit chips, fruit peel, preserved fruit; fruit preserved in alcohol; fruit pulp, fruit salads, stewed fruit, crystallized fruits, frosted fruits, tinned fruits; potato chips, potato crisps, potato fritters, potato croquettes, potato flakes; dairy based chocolate food beverages; dairy based cocoa food beverages”, in Intl. Cl. 029; “Milkshakes; fruit jellies; biscuits, rolls, bread, ginger bread, bread rolls, buns, cakes; edible decorations for cakes; cereal-based chips; chocolate; chocolate food beverages not being dairy based or vegetable based; prepared cocoa-based beverages; coffee, grain or chicory based coffee substitutes; coffee beverages with milk, coffee flavored syrup used in making food beverages; unroasted coffee; coffee-based beverages, condiments, namely, ginger, pimento, pepper powder, processed herbs and spices; confectionery for decorating Christmas trees; cookies; popcorn, roasted corn; crackers; farinaceous food pastes for human consumption; tarts; pancakes; puddings; quiches; rice cakes; pies, pastries; meat pies; pizzas; cocktail snacks consisting primarily of crackers, pretzels, candied nuts and popped popcorn; sandwiches; sorbets; flavored ices; spring rolls; tea, iced tea, tea-based beverages with fruit

flavoring; waffles; frozen yogurt, frozen soft-serve yogurt; confectionery ices; foods prepared from fish, namely, fish sandwiches; ice-cream, soft-serve ice cream”, in Intl. Cl. 030; “Smoothies, aerated water; almond milk beverage; non-alcoholic aperitifs; non-alcoholic beverages, namely, carbonated beverages; whey beverages; non-alcoholic cider, non-alcoholic cocktail mixes, non-alcoholic fruit juice beverages; fruit juices; ginger ale, lemonade, mineral water; essences for the preparation of mineral waters not in the nature of essential oils; non-alcoholic fruit extracts; soft drinks flavored with peanut milk; sarsaparilla; seltzer water; sherbet beverages; soda water; sorbet beverages; tomato juice beverages, vegetable juice beverages; drinking water, table water”, in Intl. Cl. 032; “Aperitifs, alcoholic beverages containing fruit, alcoholic bitters, brandy, hard cider, prepared alcoholic cocktails, liqueurs and distilled spirits; alcoholic fruit extracts; gin, peppermint liqueurs, rum, vodka, whisky, wine”, in Intl. Cl. 033; and “Bar services, cafes, cafeterias, canteens, catering of food and drink; restaurant services, self-service restaurants, snack-bars”, in Intl. Cl. 043 (the “Mark”). The Registration issued on December 7, 2010; a copy of the Registration is attached hereto as **Exhibit B**.

5. The application which matured into the Registration was filed on July 26, 2005 under Section 44(e) of the Lanham Act, 15 U.S.C. §§ 1051 *et seq.* (Ser. No. 78673665; the “‘665 Application”). A printout from the U.S. Patent and Trademark Office’s TSDR database for the ‘665 Application is attached hereto as **Exhibit C**. The ‘665 Application was filed without a signed declaration. On August 9, 2006, the Registrant filed a “Supplemental Declaration” signed by M. Pritchard, Managing Director of Registrant, which declared “that the mark is *in use in commerce* and was in use in commerce on or in connection with the goods/services listed in the application as of the application filing date; that any substitute specimen submitted herewith was in use in commerce since at least as early as the applicant had a bona fide intention to use the

mark in commerce on or in connection with the goods or services listed in the application as of the application filing date” (emphasis added). A copy of the Supplemental Declaration is attached hereto as **Exhibit D**. Neither the “Supplemental Declaration” nor other papers filed during prosecution of the ‘665 Application contained a verified statement that Registrant has “a bona fide intention to use the mark in commerce”, but rather only contained a verified statement that the mark is “in use in commerce”. Section 44(e) was the only filing basis claimed at any time during the prosecution of the ‘665 Application.

6. A printout of pages from Registrant’s website available at goddardenterprisesltd.com is attached hereto as **Exhibit E**. As noted therein, “Goddard Catering Group operates concessions at Airports in *Jamaica, Barbados, St. Maarten, St. Lucia, El Salvador and Colombia* under either the Island Grab N Go or Island Deli brand... Island Grab N Go focuses on providing a wide variety of creatively packaged and prepared food items including a wide variety of sandwiches featuring specialty breads and healthy choice salads all under our under our Island Deli brand.” (emphasis added.) This printout fails to show that Registrant is using the Mark on any goods or services in the United States.

7. On information and belief, Registrant has also obtained a registration under Section 44(e) of the Lanham Act for the mark ISLAND DELI [& Design] (Reg. No. 3,188,985, the “ISLAND DELI Registration”) on substantially the same goods and services as recited in the instant Registration. A printout from the U.S. Patent and Trademark Office’s TSDR database for the application which matured into the ISLAND DELI Registration is attached hereto as **Exhibit F**. The ISLAND DELI Registration issued on December 26, 2006. The Registrant has not, as of even date, filed a declaration of use under Section 8, and thus the ISLAND DELI Registration will be cancelled in due course by the U.S. Patent and Trademark Office.

FIRST BASIS FOR CANCELLATION
Prior Use By Petitioner

8. Petitioner is using, and has been continuously using since at least as early as July 31, 2000, the mark GRAB 'N GO on or in connection with: milk; chocolate milk; strawberry milk; milk based beverages containing fruit juice; and milk-based beverages with chocolate. Petitioner is using, and has been continuously using since at least as early as December 31, 2006, the mark GRAB 'N GO on or in connection with: fruit juices and fruit drinks; and orange juice. Petitioner used between about the year 2000 and about the year 2008, and in any event at the relevant time for the purpose of determining whether Registrant was entitled to receive registration of its Mark, the mark GRAB 'N GO on or in connection with coffee milk. Thus, Petitioner is entitled to priority of use of the mark GRAB 'N GO for use on or in connection milk, juice, and coffee milk beverages dating back to at least July 31, 2000.

9. The Registration recites, inter-alia, the following beverage goods: milk; cream; dairy products, namely, dairy-based beverages and yogurt; dairy based chocolate food beverages; and dairy based cocoa food beverages, in Intl. Cl. 029; milkshakes, chocolate food beverages not being dairy based or vegetable based; prepared cocoa-based beverages; coffee, grain or chicory based coffee substitutes; coffee beverages with milk; coffee-based beverages; tea; iced tea; and tea-based beverages with fruit flavoring, in Intl. Cl. 030; smoothies; aerated water; almond milk beverage; non-alcoholic aperitifs; non-alcoholic beverages, namely, carbonated beverages; whey beverages; non-alcoholic cider; non-alcoholic cocktail mixes, non-alcoholic fruit juice beverages; fruit juices; ginger ale; lemonade; mineral water; soft drinks flavored with peanut milk; sarsaparilla; seltzer water; sherbet beverages; soda water; sorbet beverages; tomato juice beverages, vegetable juice beverages; drinking water; and table water, in Intl. Cl. 032; and

aperitifs; alcoholic beverages containing fruit; alcoholic bitters; brandy; hard cider; prepared alcoholic cocktails; liqueurs and distilled spirits; alcoholic fruit extracts; gin, peppermint liqueurs; rum; vodka; whisky; and wine, in Intl. Cl. 033. Thus, Registrant is entitled to priority of use of the mark ISLAND GRAB ‘N’ GO [& Design] dating back, *at earliest*, to July 26, 2005 – the filing date of the ‘665 Application.

10. As to the similarity of Petitioner’s mark GRAB ‘N GO and Registrant’s Mark, the Office has stated, in connection with Petitioner’s Applications, that “[t]he phonetic portions of the mark are highly similar, with GRAB ‘N GO being the dominant portion of the marks. The presentation of GRAB ‘N GO in the registered marks emphasizes the wording GRAB ‘N GO.”

11. As to the relatedness of the goods, the Office has stated, in connection with Petitioner’s Applications, that: (i) “Chocolate milk; Milk; Milk based beverages with chocolate; Strawberry milk beverages with chocolate; Strawberry milk” as recited in Petitioner’s Applications are *identical* to “in part, milk; cream” as recited in the Registration; (ii) “beverages with a coffee base; Coffee-based beverage containing milk; Espresso drinks” as recited in Petitioner’s Applications are *identical or virtually identical* to “coffee, grain or chicory based coffee substitutes; coffee beverages with milk, coffee flavored syrup used in making food beverages; unroasted coffee; coffee-based beverages” as recited in the Registration; and (iii) “fruit juices and fruit drink and orange juice” as recited in Petitioner’s Applications are *identical* to “non-alcoholic fruit juice beverages; fruit juices” as recited in the Registration.

12. Petitioner’s priority of use of the mark GRAB ‘N GO in connection with milk, juice, and coffee milk beverages proceeds Registrant’s priority of use of the mark ISLAND GRAB ‘N’ GO [& Design] by nearly five years. Petitioner previously used - before the July 26,

2005 filing date of the '665 Application - the mark GRAB 'N GO in the United States and such use is continuing to this date.

13. Thus, Registrant was not entitled to a registration of the Mark under Section 2(d), and the Registration is subject to cancellation, at least as to Intl. Cl. 029, 030, 032, and 033 if not in its entirety.

SECOND BASIS FOR CANCELLATION

Abandonment

14. On information and belief, Registrant has never used the Mark, anywhere or in the United States, on any of the goods and services in Intl. Cl. 029, 030, 032, or 033 recited in the Registration. On information and belief, Registrant is not currently using the Mark, anywhere or in the United States, on any of the goods and services in Intl. Cl. 029, 030, 032, or 033 recited in the Registration. On information and belief, Registrant has never intended to use the Mark, anywhere or in the United States, on any of the goods and services in Intl. Cl. 029, 030, 032, or 033 recited in the Registration.

15. On information and belief, Registrant has never used the Mark, in the United States, on any of the goods and services in Intl. Cl. 043 recited in the Registration. On information and belief, Registrant is not currently using the Mark, in the United States, on any of the goods and services in Intl. Cl. 043 recited in the Registration. On information and belief, Registrant has never intended to use the Mark, in the United States, on any of the goods and services in Intl. Cl. 043 recited in the Registration. On information and belief, Registrant has previously only used, and is only currently using, the Mark on restaurant services and snack bar services, however such use occurs only outside of the United States.

16. Even if Registrant at one time used the Mark, in the United States, on any of the goods and services recited in the Registration, on information and belief, Registrant is no longer using the Mark on such items at this time and intends to not resume such use.

17. On information and belief, Registrant has not used the Mark, in the United States, for any goods and services recited in the Registration, for a consecutive period of three years, thereby demonstrating a *prima facie* case of abandonment under 15 U.S.C. §1127. In any event, Registrant's abandonment of the Mark can be inferred from the following circumstances: (i) the Registrant filed the application which matured into the Registration nearly eight years ago and in such time, on information and belief, has not commenced use of the Mark in the United States; (ii) although the Registrant's ISLAND DELI Registration issued from an application filed about the same time as the '665 Application, recited substantially the same goods and services as the Registration, and appears to be co-branded in Registrant's marketing materials along with the Mark, the Registrant failed to file a declaration of use under Section 8 and has thus permitted the ISLAND DELI Registration to be subject to cancellation.

18. Thus, Registrant has abandoned its rights in the Mark and the Registration is subject to cancellation.

THIRD BASIS FOR CANCELLATION
Void ab initio; Incomplete Application

19. Applications under Section 44(e) shall "state the applicant's bona fide intention to use the mark in commerce", which must be verified. 15 U.S.C. §1126(e); 37 C.F.R. § 2.33(b)(2).

20. At no point during the prosecution of the '665 Application did Registrant provide a verified statement that it had a "bona fide intention to use the mark in commerce". Though

Registrant did provide a verified statement “that the mark is in use in commerce and was in use in commerce on or in connection with the goods/services listed in the application as of the application filing date”, such statement does not satisfy the requirement under Section 44(e) to state the Registrant has a bona fide intention to use the Mark.

21. However, even if a verified statement from Registrant that the Mark was “in use” is sufficient to satisfy the “intention to use” requirement under Section 44(e), on information and belief, Registrant was not using the Mark, in the United States, on any of the goods and services recited in the Registration as of the date the Supplemental Declaration was filed.

22. On information and belief, Registrant was not using the Mark, or lacked a bona fide intention to use the Mark, in the United States, on any of the goods and services in Intl. Cl. Cl. 029, 030, 032, 033, or 043 recited in the Registration.

23. Thus, the ‘665 Application was void ab initio or incomplete, and the resulting Registration is therefore invalid.

DAMAGE CAUSED TO PETITIONER

24. Petitioner is damaged by the continued registration of the Mark shown in the Registration, in that such Registration gives Registrant a prima facie exclusive right to use of the mark ISLAND GRAB ‘N’ GO [& Design] for the goods and services recited in the Registration throughout the United States, despite the Petitioner’s prior rights in its mark GRAB ‘N GO on the same or similar items, despite the Registrant’s abandonment of the Mark, and despite that the Registration is invalid as based on a void or incomplete application.

25. Petitioner is damaged by the Registration because each of Petitioner’s Applications have been refused registration solely on the basis of the Registration. The

Registration has been cited as a bar to registration under Section 2(d) of the marks on the goods and services in Petitioner's Applications.

26. Petitioner will continue to be damaged for so long as the Registration continues to remain on the Principal Register.

27. Petitioner therefore petitions under Section 14 to cancel the Registration because (i) the Mark is not entitled to registration under Section 2(d), (ii) because the Mark has been abandoned, and (iii) because the '665 Application was void ab initio or did not comply with the requirements of Section 44(e).

28. The Office is authorized to charge the required fee for this Petition to Cancel, in the total amount of \$1500 (or \$300 for each of the five classes in the Registration) to Deposit Account No. 505463.

WHEREFORE, Petitioner prays that this petition be granted and that United States Trademark Registration No. 3,885,444 be cancelled in its entirety.

Dated: June 14, 2013.

Respectfully Submitted,

By: /Marcus N. DiBuduo/
Marcus N. DiBuduo, Esq.

SIERRA IP LAW, PC
A Professional Corporation
P.O. Box 5637
Fresno, CA 93755-5637
Phone: 559-436-4800
Facsimile: 559-436-4800
Email: ipmail@sierraiplaw.com

Attorneys for Petitioner

CERTIFICATE OF TRANSMISSION

I hereby certify that on June 14, 2013, the foregoing PETITION FOR CANCELLATION is being electronically filed with the Trademark Trial and Appeal Board using the ESTTA filing system of the U.S. Patent and Trademark Office.

Dated: June 14, 2013.

Respectfully Submitted,

By: 
Marcus N. DiBuduo, Esq.

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

<p>In re Registration No. 3,885,444 for the mark ISLAND GRAB 'N' GO [& Design] in Intl. Cl. 029, 030, 032, 033, and 043</p>	<p>Cancellation No. _____ CERTIFICATE OF SERVICE</p>
<p> PRODUCERS DAIRY FOODS, INC., Petitioner, vs. GODDARD CATERING GROUP (BARBADOS) LTD. Registrant.</p>	

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing PETITION FOR CANCELLATION has been served on the Registrant by mailing said copy on June 14, 2013, via United Parcel Service [UPS] and First Class Mail, postage prepaid to:

GODDARD CATERING GROUP (BARBADOS) LTD.
Grantley Adams Industrial Park
Christ Church
BARBADOS

I further hereby certify that a true and complete copy of the foregoing PETITION FOR CANCELLATION has been served on the Registrant's attorney-of-record and domestic representative by mailing said copy on June 14, 2013, via First Class Mail, postage prepaid to:

LADAS & PARRY LLP
ATTN: Daniel F. Zendel, Esq.
1040 Avenue of the Americas
New York, NY 10018

Date: June 14, 2013

By: Alice Turner

EXHIBIT A

Printouts from the U.S. Patent and Trademark Office's TSDR
database for Petitioner's Applications

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Mark: GRAB 'N GO

GRAB 'N GO

US Serial Number: 85601651

Application Filing Date: Apr. 18, 2012

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

Status: A final Office action refusing registration has been sent (issued) because the applicant neither satisfied nor overcame all requirements and/or refusals previously raised. The applicant may respond by filing (1) a request for reconsideration; and/or (2) an appeal to the Trademark Trial and Appeal Board. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Dec. 17, 2012

Mark Information

Mark Literal Elements: GRAB 'N GO

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
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Chocolate milk; Milk; Milk based beverages containing fruit juice; Milk-based beverages with chocolate; Strawberry milk

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 31, 2000

Use in Commerce: Jul. 31, 2000

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Producers Dairy Foods, Inc.

Owner Address: 250 E. Belmont Ave.
Fresno, CALIFORNIA 93701
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Marcus N. DiBuduo

Docket Number: 11771.02.T01

Attorney Primary Email Address: ipmail@sierraiplaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: MARCUS N. DIBUDUO
SIERRA IP LAW, PC

PO BOX 5637
FRESNO, CALIFORNIA 93755-5637
UNITED STATES

Phone: 5594363800

Fax: 5594364800

Correspondent e-mail: ipmail@sierrapl.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 17, 2012	NOTIFICATION OF FINAL REFUSAL EMAILED	
Dec. 17, 2012	FINAL REFUSAL E-MAILED	
Dec. 17, 2012	FINAL REFUSAL WRITTEN	76521
Nov. 21, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Nov. 20, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 20, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 09, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 09, 2012	NON-FINAL ACTION E-MAILED	6325
Aug. 09, 2012	NON-FINAL ACTION WRITTEN	76521
Aug. 02, 2012	ASSIGNED TO EXAMINER	76521
Apr. 26, 2012	NOTICE OF PSEUDO MARK MAILED	
Apr. 25, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 21, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: MIZELLE HOWARD, DEZMON

Law Office Assigned: LAW OFFICE 110

File Location

Current Location: TMO LAW OFFICE 110 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Dec. 17, 2012

Generated on: This page was generated by TSDR on 2013-06-14 16:46:30 EDT

Mark: GRAB 'N GO

GRAB 'N GO

US Serial Number: 85601674
Application Filing Date: Apr. 18, 2012
Filed as TEAS Plus: Yes
Currently TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: A final Office action refusing registration has been sent (issued) because the applicant neither satisfied nor overcame all requirements and/or refusals previously raised. The applicant may respond by filing (1) a request for reconsideration; and/or (2) an appeal to the Trademark Trial and Appeal Board. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.
Status Date: Dec. 17, 2012

Mark Information

Mark Literal Elements: GRAB 'N GO
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

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- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Fruit juices and fruit drinks; Orange juice
International Class(es): 032 - Primary Class
U.S Class(es): 045, 046, 048
Class Status: ACTIVE
Basis: 1(a)
First Use: Dec. 31, 2006
Use in Commerce: Dec. 31, 2006

Basis Information (Case Level)

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

Current Owner(s) Information

Owner Name: Producers Dairy Foods, Inc.
Owner Address: 250 E. Belmont Ave.
Fresno, CALIFORNIA 93701
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Marcus N. DiBuduo
Docket Number: 11771.02.T02
Attorney Primary Email Address: ipmail@sierraiplaw.com
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: MARCUS N. DIBUDUO
SIERRA IP LAW, PC

PO BOX 5637
FRESNO, CALIFORNIA 93755-5637
UNITED STATES

Phone: 5594363800

Fax: 5594364800

Correspondent e-mail: ipmail@sierraplz.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

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TM Staff and Location Information

TM Staff Information

TM Attorney: MIZELLE HOWARD, DEZMON

Law Office Assigned: LAW OFFICE 110

File Location

Current Location: TMO LAW OFFICE 110 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Dec. 17, 2012

Generated on: This page was generated by TSDR on 2013-06-14 16:46:47 EDT

Mark: GRAB 'N GO

GRAB 'N GO

US Serial Number: 85601683

Application Filing Date: Apr. 18, 2012

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

Status: A final Office action refusing registration has been sent (issued) because the applicant neither satisfied nor overcame all requirements and/or refusals previously raised. The applicant may respond by filing (1) a request for reconsideration; and/or (2) an appeal to the Trademark Trial and Appeal Board. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

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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

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- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Beverages with a coffee base; Coffee-based beverage containing milk; Espresso drinks

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Producers Dairy Foods, Inc.

Owner Address: 250 E. Belmont Ave.
Fresno, CALIFORNIA 93701
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Marcus N. DiBuduo

Docket Number: 11771.02.T03

Attorney Primary Email Address: ipmail@sierraiplaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: MARCUS N. DIBUDUO
SIERRA IP LAW, PC
PO BOX 5637
FRESNO, CALIFORNIA 93755-5637

UNITED STATES

Phone: 5594363800

Fax: 5594364800

Correspondent e-mail: ipmail@sierraiplaw.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 17, 2012	NOTIFICATION OF FINAL REFUSAL EMAILED	
Dec. 17, 2012	FINAL REFUSAL E-MAILED	
Dec. 17, 2012	FINAL REFUSAL WRITTEN	76521
Nov. 21, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Nov. 20, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 20, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 09, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 09, 2012	NON-FINAL ACTION E-MAILED	6325
Aug. 09, 2012	NON-FINAL ACTION WRITTEN	76521
Aug. 02, 2012	ASSIGNED TO EXAMINER	76521
Apr. 26, 2012	NOTICE OF PSEUDO MARK MAILED	
Apr. 25, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 21, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: MIZELLE HOWARD, DEZMON

Law Office Assigned: LAW OFFICE 110

File Location

Current Location: TMO LAW OFFICE 110 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Dec. 17, 2012

EXHIBIT B

Copy of the Registration

United States of America

United States Patent and Trademark Office



Reg. No. 3,885,444

Registered Dec. 7, 2010

**Int. Cls.: 29, 30, 32, 33
and 43**

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

GODDARD CATERING GROUP (BARBADOS) LTD. (BARBADOS COMPANY)
GRANTLEY ADAMS INDUSTRIAL PARK
CHRIST CHURCH, BARBADOS

FOR: MEAT, MEAT EXTRACTS; FISH; SHELLFISH, NAMELY, CRUSTACEA AND MOL-
LUSCA; FISH FILLETS; FOOD PRODUCTS MADE FROM FISH, NAMELY, FISH CRO-
QUETTES, FISH CAKES, FISH SAUSAGES; PRESERVED FISH, TINNED FISH, SALTED
PRESERVED FISH; FOODS PREPARED FROM FISH, NAMELY, FISH CUTTERS; FRIED
FISH; SHELL FISH, NOT LIVE, FOR HUMAN CONSUMPTION, NAMELY, LOBSTER, SPINY
LOBSTER; TUNA FISH; CAVIAR; OYSTERS; SALMON; FISH NOT LIVE; POULTRY AND
GAME; TINNED MEAT, HAM, BACON; HERRINGS; DRIED AND COOKED FRUITS; PRE-
SERVED MUSHROOMS; PROCESSED NUTS; LIVER PATE; PROCESSED VEGETABLES;
VEGETABLE SALADS; JELLIES, JAMS; EGGS; CHEESE; MILK; CREAM; DAIRY
PRODUCTS, NAMELY, DAIRY-BASED BEVERAGES AND YOGURT; EDIBLE OILS AND
FATS; FRUIT PRESERVES AND PICKLES; BLACK PUDDING; FROSTED FRUITS, FROZEN
FRUITS, FRUIT CHIPS, FRUIT PEEL, PRESERVED FRUIT; FRUIT PRESERVED IN ALCO-
HOL; FRUIT PULP, FRUIT SALADS, STEWED FRUIT, CRYSTALLIZED FRUITS, FROSTED
FRUITS, TINNED FRUITS; POTATO CHIPS, POTATO CRISPS, POTATO FRITTERS, POTATO
CROQUETTES, POTATO FLAKES; DAIRY BASED CHOCOLATE FOOD BEVERAGES;
DAIRY BASED COCOA FOOD BEVERAGES, IN CLASS 29 (U.S. CL. 46).



David J. Kyros

Director of the United States Patent and Trademark Office

FOR: MILKSHAKES; FRUIT JELLIES; BISCUITS, ROLLS, BREAD, GINGER BREAD, BREAD
ROLLS, BUNS, CAKES; EDIBLE DECORATIONS FOR CAKES; CEREAL-BASED CHIPS;
CHOCOLATE; CHOCOLATE FOOD BEVERAGES NOT BEING DAIRY BASED OR VEGET-
ABLE BASED; PREPARED COCOA-BASED BEVERAGES; COFFEE, GRAIN OR CHICORY
BASED COFFEE SUBSTITUTES; COFFEE BEVERAGES WITH MILK, COFFEE FLAVORED
SYRUP USED IN MAKING FOOD BEVERAGES; UNROASTED COFFEE; COFFEE-BASED
BEVERAGES, CONDIMENTS, NAMELY, GINGER, PIMENTO, PEPPER POWDER, PRO-
CESSED HERBS AND SPICES; CONFECTIONERY FOR DECORATING CHRISTMAS TREES;
COOKIES; POPCORN, ROASTED CORN; CRACKERS; FARINACEOUS FOOD PASTES FOR
HUMAN CONSUMPTION; TARTS; PANCAKES; PUDDINGS; QUICHES; RICE CAKES; PIES,
PASTRIES; MEAT PIES; PIZZAS; COCKTAIL SNACKS CONSISTING PRIMARILY OF
CRACKERS, PRETZELS, CANDIED NUTS AND POPPED POPCORN; SANDWICHES;
SORBETS; FLAVORED ICES; SPRING ROLLS; TEA, ICED TEA, TEA-BASED BEVERAGES
WITH FRUIT FLAVORING; WAFFLES; FROZEN YOGURT, FROZEN SOFT-SERVE YOGURT;
CONFECTIONERY ICES; FOODS PREPARED FROM FISH, NAMELY, FISH SANDWICHES;
ICE-CREAM, SOFT-SERVE ICE CREAM, IN CLASS 30 (U.S. CL. 46).

Reg. No. 3,885,444 FOR: SMOOTHIES, AERATED WATER; ALMOND MILK BEVERAGE; NON-ALCOHOLIC APERITIFS; NON-ALCOHOLIC BEVERAGES, NAMELY, CARBONATED BEVERAGES; WHEY BEVERAGES; NON-ALCOHOLIC CIDER, NON-ALCOHOLIC COCKTAIL MIXES, NON-ALCOHOLIC FRUIT JUICE BEVERAGES; FRUIT JUICES; GINGERALE, LEMONADE, MINERAL WATER; ESSENCES FOR THE PREPARATION OF MINERAL WATERS NOT IN THE NATURE OF ESSENTIAL OILS; NON-ALCOHOLIC FRUIT EXTRACTS; SOFT DRINKS FLAVORED WITH PEANUT MILK; SARSAPARILLA; SELTZER WATER; SHERBET BEVERAGES; SODA WATER; SORBET BEVERAGES; TOMATO JUICE BEVERAGES, VEGETABLE JUICE BEVERAGES; DRINKING WATER, TABLE WATER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FOR: APERITIFS, ALCOHOLIC BEVERAGES CONTAINING FRUIT, ALCOHOLIC BITTERS, BRANDY, HARD CIDER, PREPARED ALCOHOLIC COCKTAILS, LIQUEURS AND DISTILLED SPIRITS; ALCOHOLIC FRUIT EXTRACTS; GIN, PEPPERMINT LIQUEURS, RUM, VODKA, WHISKY, WINE, IN CLASS 33 (U.S. CLS. 47 AND 49).

FOR: BAR SERVICES, CAFES, CAFETERIAS, CANTEENS, CATERING OF FOOD AND DRINK; RESTAURANT SERVICES, SELF-SERVICE RESTAURANTS, SNACK-BARS, IN CLASS 43 (U.S. CLS. 100 AND 101).

OWNER OF BARBADOS REG. NO. 81/19586, DATED 5-9-2005, EXPIRES 5-9-2015.

THE COLOR(S) RED, YELLOW, GREEN AND BLACK IS/ARE CLAIMED AS A FEATURE OF THE MARK.

OWNER OF BARBADOS REG. NO. 81/19583, DATED 5-9-2005, EXPIRES 5-9-2015.

OWNER OF BARBADOS REG. NO. 81/19582, DATED 5-9-2005, EXPIRES 5-9-2015.

OWNER OF BARBADOS REG. NO. 81/19584, DATED 5-9-2005, EXPIRES 5-9-2015.

OWNER OF BARBADOS REG. NO. 81/19585, DATED 5-9-2005, EXPIRES 5-9-2015.

THE MARK CONSISTS OF THE WORDS "GRAB 'N' GO" IN YELLOW WITH A GREEN BORDER, SURROUNDED BY AN OVAL IN THE COLOR RED WITH A YELLOW OUTLINE, WITH THE WORD "ISLAND" APPEARING ABOVE IN BLACK AS WELL A PALM TREE DESIGN IN GREEN ENCLOSED IN A YELLOW SUN WITH A RED CIRCULAR DESIGN.

SER. NO. 78-673,665, FILED 7-19-2005.

RUSS HERMAN, EXAMINING ATTORNEY

EXHIBIT C

Printout from the U.S. Patent and Trademark Office's TSDR
database for the '665 Application

Generated on: This page was generated by TSDR on 2013-06-14 16:47:02 EDT

Mark: ISLAND GRAB 'N' GO



US Serial Number: 78673665
Application Filing Date: Jul. 19, 2005
US Registration Number: 3885444
Registration Date: Dec. 07, 2010
Register: Principal
Mark Type: Trademark, Service Mark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Dec. 07, 2010
Publication Date: Mar. 23, 2010

Mark Information

Mark Literal Elements: ISLAND GRAB 'N' GO
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 words "GRAB 'N' GO" in yellow with a green border, surrounded by an oval in the color red with a yellow outline, with the word "ISLAND" appearing above in black as well a palm tree design in green enclosed in a yellow sun with a red circular design.
Color Drawing: Yes
Color(s) Claimed: The color(s) red, yellow, green and black is/are claimed as a feature of the mark.
Design Search Code(s): 01.05.01 - Sun, rising or setting (partially exposed or partially obstructed); Sunrise
05.01.03 - Palm trees
26.01.21 - Circles that are totally or partially shaded.
26.11.27 - Oblongs not used as carriers for words, letters or designs

Foreign Information

Foreign Registration Number:	81/19585	Foreign Registration Date:	May 09, 2005
Application/Registration Country:	Foreign BARBADOS	Foreign Expiration Date:	May 09, 2015
Foreign Registration Number:	81/19584	Foreign Registration Date:	May 09, 2005
Application/Registration Country:	Foreign BARBADOS	Foreign Expiration Date:	May 09, 2015
Foreign Registration Number:	81/19582	Foreign Registration Date:	May 09, 2005
Application/Registration Country:	Foreign BARBADOS	Foreign Expiration Date:	May 09, 2015
Foreign Registration Number:	81/19583	Foreign Registration Date:	May 09, 2005
Application/Registration Country:	Foreign BARBADOS	Foreign Expiration Date:	May 09, 2015
Foreign Registration Number:	81/19586	Foreign Registration Date:	May 09, 2005
Application/Registration Country:	Foreign BARBADOS	Foreign Expiration Date:	May 09, 2015

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
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Meat, meat extracts; fish; shellfish, namely, crustacea and mollusca; fish fillets; food products made from fish, namely, fish croquettes, fish cakes, fish sausages; preserved fish, tinned fish, salted preserved fish; foods prepared from fish, namely, fish cutters; fried fish; shell fish, not live, for human consumption, namely, lobster, spiny lobster; tuna fish; caviar; oysters; salmon; fish not live; poultry and game; tinned meat, ham, bacon; herrings; dried and cooked fruits; preserved mushrooms; processed nuts; liver pate; processed vegetables; vegetable salads; jellies, jams; eggs; cheese; milk; cream; dairy products, namely, dairy-based beverages and yogurt; edible oils and fats; fruit preserves and pickles; black pudding; frosted fruits, frozen fruits, fruit chips, fruit peel, preserved fruit; fruit preserved in alcohol; fruit pulp, fruit salads, stewed fruit, crystallized fruits, frosted fruits, tinned fruits; potato chips, potato crisps, potato fritters, potato croquettes, potato flakes; dairy based chocolate food beverages; dairy based cocoa food beverages

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 44(e)

For: Milkshakes; fruit jellies; biscuits, rolls, bread, ginger bread, bread rolls, buns, cakes; edible decorations for cakes; cereal-based chips; chocolate; chocolate food beverages not being dairy based or vegetable based; prepared cocoa-based beverages; coffee, grain or chicory based coffee substitutes; coffee beverages with milk, coffee flavored syrup used in making food beverages; unroasted coffee; coffee-based beverages, condiments, namely, ginger, pimento, pepper powder, processed herbs and spices; confectionery for decorating Christmas trees; cookies; popcorn, roasted corn; crackers; farinaceous food pastes for human consumption; tarts; pancakes; puddings; quiches; rice cakes; pies, pastries; meat pies; pizzas; cocktail snacks consisting primarily of crackers, pretzels, candied nuts and popped popcorn; sandwiches; sorbets; flavored ices; spring rolls; tea, iced tea, tea-based beverages with fruit flavoring; waffles; frozen yogurt, frozen soft-serve yogurt; confectionery ices; foods prepared from fish, namely, fish sandwiches; ice-cream, soft-serve ice cream

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 44(e)

For: Smoothies, aerated water; almond milk beverage; non-alcoholic aperitifs; non-alcoholic beverages, namely, carbonated beverages; whey beverages; non-alcoholic cider, non-alcoholic cocktail mixes, non-alcoholic fruit juice beverages; fruit juices; ginger ale, lemonade, mineral water; essences for the preparation of mineral waters not in the nature of essential oils; non-alcoholic fruit extracts; soft drinks flavored with peanut milk; sarsaparilla; seltzer water; sherbet beverages; soda water; sorbet beverages; tomato juice beverages, vegetable juice beverages; drinking water, table water

International Class(es): 032 - Primary Class

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

Class Status: ACTIVE

Basis: 44(e)

For: Aperitifs, alcoholic beverages containing fruit, alcoholic bitters, brandy, hard cider, prepared alcoholic cocktails, liqueurs and distilled spirits; alcoholic fruit extracts; gin, peppermint liqueurs, rum, vodka, whisky, wine

International Class(es): 033 - Primary Class

U.S Class(es): 047, 049

Class Status: ACTIVE

Basis: 44(e)

For: Bar services, cafes, cafeterias, canteens, catering of food and drink; restaurant services, self- service restaurants, snack-bars

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: Yes

Currently 44E: Yes

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: GODDARD CATERING GROUP (BARBADOS) LTD.

Owner Address: Grantley Adams Industrial Park
Christ Church
BARBADOS

Legal Entity Type: COMPANY

State or Country Where Organized: BARBADOS

Attorney/Correspondence Information

Attorney of Record

Attorney Name: DANIEL F. ZENDEL

Docket Number: NY-1T0549857

Correspondent

Correspondent Name/Address: LADAS & PARRY LLP
26 W 61ST ST
NEW YORK, NEW YORK 10023-7604
UNITED STATES

Phone: 212-708-1970

Fax: 212-246-8959

Domestic Representative

Domestic Representative Name: LADAS & PARRY LLP

Phone: 212-708-1970

Fax: 212-246-8959

Prosecution History

Date	Description	Proceeding Number
Dec. 07, 2010	REGISTERED-PRINCIPAL REGISTER	
Nov. 02, 2010	TTAB RELEASE CASE TO TRADEMARKS	196548
Nov. 02, 2010	OPPOSITION TERMINATED NO. 999999	196548
Nov. 02, 2010	OPPOSITION DISMISSED NO. 999999	196548
Sep. 22, 2010	OPPOSITION INSTITUTED NO. 999999	196548
Apr. 16, 2010	EXTENSION OF TIME TO OPPOSE RECEIVED	
Mar. 23, 2010	PUBLISHED FOR OPPOSITION	
Mar. 03, 2010	NOTICE OF PUBLICATION	
Feb. 16, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	68552
Feb. 12, 2010	EXAMINERS AMENDMENT MAILED	
Feb. 10, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 10, 2010	EXAMINER'S AMENDMENT ENTERED	88888
Feb. 10, 2010	EXAMINERS AMENDMENT -WRITTEN	60219
Feb. 10, 2010	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Feb. 10, 2010	WITHDRAWN FROM PUB - EXAMINING ATTORNEY REQUEST	62871
Jan. 29, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	68552
Jan. 28, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 25, 2010	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Dec. 18, 2009	WITHDRAWN FROM PUB - OG REVIEW QUERY	61844
Dec. 09, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	68552
Dec. 08, 2009	ASSIGNED TO LIE	68552
Dec. 07, 2009	EXAMINERS AMENDMENT MAILED	
Dec. 05, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 05, 2009	EXAMINER'S AMENDMENT ENTERED	88888
Dec. 05, 2009	EXAMINERS AMENDMENT -WRITTEN	60219
Dec. 04, 2009	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Nov. 16, 2009	WITHDRAWN FROM PUB - OG REVIEW QUERY	61844
Oct. 30, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	70997
Oct. 28, 2009	ASSIGNED TO LIE	70997
Oct. 15, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 25, 2009	LIE CHECKED SUSP - TO ATTY FOR ACTION	78288
Sep. 24, 2009	ASSIGNED TO LIE	78288
Mar. 23, 2009	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	78145
Sep. 22, 2008	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	78145
Mar. 21, 2008	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	78145
Sep. 06, 2007	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	78145

Sep. 06, 2007	ASSIGNED TO LIE	78145
Mar. 02, 2007	LETTER OF SUSPENSION MAILED	
Mar. 01, 2007	SUSPENSION LETTER WRITTEN	60219
Feb. 14, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Feb. 13, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Feb. 13, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 16, 2006	NON-FINAL ACTION MAILED	
Aug. 15, 2006	NON-FINAL ACTION WRITTEN	60219
Aug. 11, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 09, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 09, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 09, 2006	NON-FINAL ACTION MAILED	
Feb. 08, 2006	NON-FINAL ACTION WRITTEN	60219
Feb. 07, 2006	ASSIGNED TO EXAMINER	60219
Jul. 26, 2005	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, 2010

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91196548](#)

Filing Date: Sep 20, 2010

Status: Terminated

Status Date: Nov 02, 2010

Interlocutory Attorney: CHERYL A BUTLER

Defendant

Name: GODDARD CATERING GROUP (BARBADOS) LTD.

Correspondent Address: LADAS & PARRY LLP
26 W 61ST ST
NEW YORK NY , 10023-7604
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
ISLAND GRAB 'N' GO	Registered	78673665	3885444

Plaintiff(s)

Name: Alewright, LLC

Correspondent Address: KURT KOENIG
KOENIG & ASSOCIATES
920 GARDEN STREET, SUITE A
SANTA BARBARA CA , 93101
UNITED STATES

Correspondent e-mail: Kurt@incip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ISLAND BREWING COMPANY	Section 8 and 15 - Accepted and Acknowledged	78051894	2805704
ISLAND	Registered	77916204	3910089

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 20, 2010	

2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 22, 2010	Nov 01, 2010
3	PENDING, INSTITUTED	Sep 22, 2010	
4	WITHDRAWAL OF OPPOSITION	Oct 27, 2010	
5	BD'S DECISION: DISMISSED W/ PREJUDICE	Nov 02, 2010	
6	TERMINATED	Nov 02, 2010	

Type of Proceeding: Extension of Time

Proceeding Number: [78673665](#) **Filing Date:** Apr 16, 2010
Status: Terminated **Status Date:** Sep 22, 2010

Interlocutory Attorney:

Defendant

Name: GODDARD CATERING GROUP (BARBADOS) LTD.

Correspondent Address: LADAS & PARRY LLP
26 W 61ST ST
NEW YORK NY , 10023-7604

Associated marks

Mark	Application Status	Serial Number	Registration Number
ISLAND GRAB 'N' GO	Registered	78673665	3885444

Potential Opposer(s)

Name: Alewright, LLC

Correspondent Address: Kurt Koenig
Koenig & Associates
920 Garden Street, Suite A
Santa Barbara CA , 93101
UNITED STATES

Correspondent e-mail: Kurt@incip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
------	--------------------	---------------	---------------------

Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Apr 16, 2010	
2	EXTENSION OF TIME GRANTED	Apr 16, 2010	
3	INCOMING - EXT TIME TO OPPOSE FILED	Jul 20, 2010	
4	EXTENSION OF TIME GRANTED	Jul 20, 2010	

EXHIBIT D

The Supplemental Declaration

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Goddard Catering Group (Barbados) Ltd.
Serial No.: 78/673665
Mark: ISLAND GRAB 'N' GO
Filing Date: July 19, 2005

SUPPLEMENTAL DECLARATION

The undersigned, being hereby warned that all willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom, declares that he/she is properly authorized to execute this application on behalf of the applicant; that he/she believes the applicant to be the owner of the mark sought to be registered, or, if the application is being filed under 15 U.S.C. 1051(b), 1126(d) or 1126(e), he/she believes applicant to be entitled to use such mark in commerce; that the mark is in use in commerce and was in use in commerce on or in connection with the goods/services listed in the application as of the application filing date; that any substitute specimen submitted herewith was in use in commerce since at least as early as the applicant had a *bona fide* intention to use the mark in commerce on or in connection with the goods or services listed in the application as of the application filing date; to the best of his/her knowledge and belief no other person, firm, corporation or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as may be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Goddard Catering Group (Barbados) Ltd..

By: _____

Name: _____

Title: _____

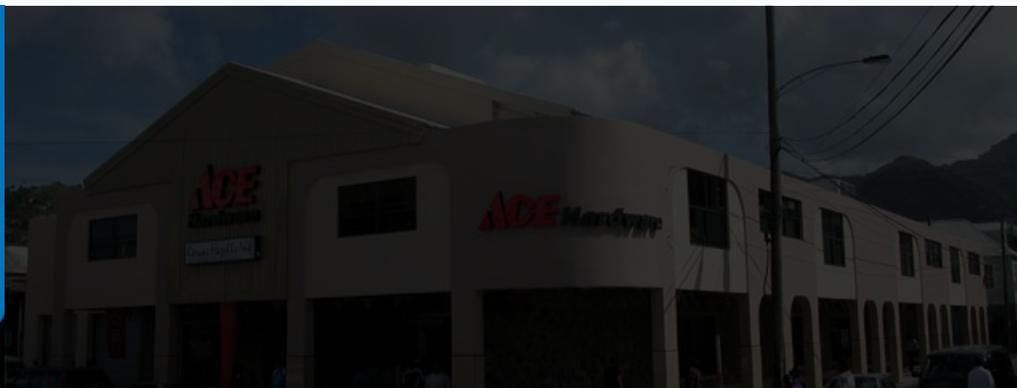
Date: _____, 2006

EXHIBIT E

Printout from Registrant's Website at <goddardenterprises.com>



- >> ABOUT US
- >> BOARD OF DIRECTORS
- >> INVESTOR OVERVIEW
- >> OUR COMPANIES
- >> OUR BRANDS
- >> REPORTS
- >> CORPORATE GOVERNANCE
- >> NEWS & HIGHLIGHTS
- >> EMPLOYMENT



Our Brands

Our Brands



JOIN OUR TEAM



Tel: (246) 430-5700
 Fax: (246) 436-8934
[Click Here to Email Us](#)



Cockspur Fine Rum

Cockspur Fine Rum with its proud Rooster icon came into existence in Barbados in 1884, where Valdemar Hanschell, a local businessman of Danish descent, came to Barbados via the Virgin Islands where he had worked for several years in the ship brokerage business.



125 Years later; produced at the West Indies Rum Distillery, Cockspur is distilled from the best quality cane molasses and purest spring water that filters out through the islands coral rock.

The fine golden rum is matured slowly in bourbon oak barrels before being expertly blended to create the final product. This rum is drawn from the thousands of barrels of golden liquid, to ensure theres always enough expertly matured rum available to maintain Cockspurs renowned quality and taste.



BOP

BOP Insecticide is a specially-developed formulation that kills both flying and crawling insects. It is available in three (3) fragrances: Bop Regular, Citronella and the newest fragrance Evergreen. Bop Regular is available in 250 ml, 400 ml and 600 ml sizes, whilst Bop Citronella and Evergreen are available in 400ml and 600ml.



Farmer's Choice is THE premium range of frozen and chilled meats produced in the Caribbean by HIPAC LTD.



Only the finest ingredients are used to produce Farmer's Choice products. The range consists of wieners, sausages, bacon, breaded chicken products, burgers, sliced meats and of course

hams. Farmers Choice products are sold in Barbados, St. Lucia, Grenada and St. Vincent. In a region where the inhabitants are most discerning when it comes to taste and flavour, its good to know that Farmers Choice scores tops time and time again.

Farmers Choice: Take a fresh look



If you want fish, Fishermans Choice has got it! Crunchy fish sticks, juicy shrimp nuggets or savory shrimp fingers, Fishermans Choice is the brand for you.

Perfect for breakfast, school lunch, dinner or even serve at your next party as hors d'oeuvres, Fishermans Choice products are tasty, high in protein and low in fat. A great meal solution.



First Family of Fine Foods

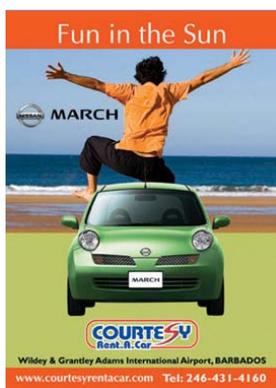
Since 1979, when the Eve brand introduced hamburgers and wieners, Eve has matured into a household name!

Eve; the "First Family of Fine Foods"; is arguably the most complete food brand on the Barbados market and can be found on tables not only in Barbados but throughout the islands.!

The Eve brand is sourced from all over the world Sri Lanka, Canada, Jamaica, Brazil, Europe and locally. So complete is the line that it is possible to have A Meal with Eve for breakfast, lunch and dinner.

Eve brand has become synonymous with excellent quality at economical prices. Eve has established itself within its niche and has gained additional market share with an ever expanding quality product line.

It Just Has To Be Eve!



Courtesy Rent A Car has been a leader in car rental in Barbados for over 30 years.

We have two convenient locations, one at the Grantley Adams International Airport and Wildey, ST. Michael, offering a wide range of quality Nissan Vehicles, including the Nissan March, Nissan Almera and the Luxury Nissan X-Trail.

Whether you wish to collect your car from our office or want it delivered to your door we stand committed to offering you quality transportation at a competitive price.

Courtesy Rent A Car. First Class Transportation .Why settle for Less!!!



Purity is Good Bread

Purity's bread is baked, packaged and delivered under the highest Health & Safety standards. We aim to ensure that our consumers enjoy a great product that meets their expectations every time they buy Purity bread.



Wonder is Bread for Life

Wonder builds on everything that we've learnt in over 75 years in baking good bread. This has allowed us to create a wide range of specially formulated Health loaves, many of which address specific medical conditions and others simply contribute to the health, wellness & balance that we as individuals seek every day.



Goddard Catering Group operates concessions at Airports in Jamaica, Barbados, St. Maarten, St. Lucia, El Salvador and Colombia under either the Island Grab N Go or Island Deli brand.



The design and layout Island Grab N Go outlets allow our customers to be able to walk into the space and collect what they need from the refrigerated and ambient display units thereby giving control to the customer. Island Grab N Go focuses on providing a wide variety of creatively packaged and prepared food items including a wide variety of sandwiches featuring specialty breads and healthy choice salads all under our under our Island Deli brand.

In addition various breakfast items such as Danishes, muffins, etc. and a wide assortment of packaged crisps, nachos, etc and both hot and cold beverages are offered for sale.



BEEP

BEEP Disinfectant Spray

Introducing the newest addition to the BEEP family; BEEP Disinfectant spray. This product is composed mainly of ethanol, an active used for killing various germs, bacteria and fungi. It kills 99.9% of germs in less than 60 seconds and can be used on a variety of surfaces; glass, stainless steel, perspex, glazed & unglazed tiles and laminates and a range of places; in the home or office; garbage cans, door knobs, telephones, kitchen and bathroom surfaces as well as work stations. Look out for a BEEP Disinfectant spray near you, available in three fragrances; Original, Fresh Air and Island Breeze.



BEEP Air Freshener

BEEP Air Fresheners come in a variety of exotic aromas: Country Garden, Sea Breeze, Berry Burst, Sunshine Fresh and Citrus Twist. These affordable products can be used in a variety of places to suit your specific need. With an excellent range of Caribbean scents, you will surely find the perfect fragrance to suit your home. With its new seamless can, the product is leak and rust resistant.

Dishwashing Liquid

Thanks to its special formulation, BEEP Dishwashing liquid is extra tough on grease yet gentle on your hands. This concentrated liquid allows a little to go a long way. BEEP Dishwashing Liquid cuts grease quickly, leaving pots and pans sparkling clean. It is completely biodegradable and is available in a 1L size.

BEEP

Want Value? Smart choice!

SURETOX



Super Suretox Insecticide is specially developed in three (3) separate formulations to eliminate two different kinds of pests: The Flying Insect Killer (FIK) blended with a pleasant fragrance, is a fast acting insecticide which is specially formulated to kill flies, mosquitoes and other flying insects. The Crawling Insect Killer (CIK) is a product which has a long-lasting residual control. CIK flushes roaches, ants, centipedes and other crawling insects from their nests and other hiding places where they lurk. The All Insect Killer (AIK) is a combination of the two [CIK & FIK] and fights crawling and flying insects in one formulation. All of the Super Suretox products are available in 250 ml, 450ml and 600ml.



GO!

GO! Insect Repellent is a non greasy formula which repels mosquitoes, sand flies, fleas, ticks and other bothersome biting insects and it can be used on the face. Being compatible with sunscreen enables it to hold its own amongst other brands, especially since it is 100% Bajan. In its new seamless can, this product is leak and rust resistant.



Goddards Magic Moments

Goddards Magic Moments is the Events Coordination arm of Goddards Shipping & Tours Ltd, specializing in making the special event of their clients life a magical experience.

Our coordinators work closely with our clients to plan their perfect weddings, birthday parties, retirement parties, surprise parties, annual staff functions and graduation parties, just to name a few.

We can arrange the desired venue with décor and floral arrangements, source exciting menus and musicians (steel pan and traditional), offer beautiful and delicious options for celebration cakes (wedding and otherwise), provide professional meet and greet services with courteous and efficient transfers in all types of vehicles including our own comfortable air-conditioned luxury coaches.



Island Cuisine Great cake (known also as rum cake, fruit cake and Xmas Cake) is produced using a most unique method, steaming.

This method ensures that the cake does not dry out as many conventional oven baked cakes tend to do but stays moist, fragrant and sinfully rich.

A combination of premium dried fruits, eggs, stout and of course 100% Barbados Rum ensures that this cake is on everyones Xmas shortlist.



TROPIC FRESH

Tropic Fresh is an exciting new range of household cleaners manufactured to the quality of the leading brands within the market.

The Tropic Fresh brand offers products in the following categories: Powder Detergents; Liquid Detergents; Fabric Softeners; Dish Washing Liquids; All Purpose Cleaners.

Tropic Fresh products are manufactured exclusively for Hanschell Inniss Ltd and the brand has been on the market for the past two

years. The Tropic Fresh brand is uniquely formulated with Caribbean people in mind and carries the brand slogan A Breath of Fresh Air.

The brand was conceived to respond to the need in the market for household cleaners made to a high quality, yet competitively priced. The Tropic Fresh brand meets this need.

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EXHIBIT F

Printout from the U.S. Patent and Trademark Office's TSDR
database for the application which matured into the ISLAND
DELI Registration

Generated on: This page was generated by TSDR on 2013-06-14 16:45:46 EDT

Mark: ISLAND DELI



US Serial Number: 78673647
Application Filing Date: Jul. 19, 2005
US Registration Number: 3188985
Registration Date: Dec. 26, 2006
Register: Principal
Mark Type: Trademark, Service Mark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Dec. 26, 2006
Publication Date: Oct. 10, 2006

Mark Information

Mark Literal Elements: ISLAND DELI
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Color Drawing: Yes
Color(s) Claimed: The color(s) red, yellow, green and black is/are claimed as a feature of the mark.
Color Location: The color YELLOW is used for the background oval design. The color GREEN is used to represent the tree and the color RED is used for the sun design. The color BLACK is used on the wording ISLAND DELI.
Disclaimer: "ISLAND DELI"
Design Search Code(s): 05.01.03 - Palm trees
26.01.21 - Circles that are totally or partially shaded.
26.03.21 - Ovals that are completely or partially shaded

Foreign Information

Foreign Registration Number: 81/19581	Foreign Registration Date: May 09, 2005
Foreign Application/Registration Country: BARBADOS	Foreign Expiration Date: May 09, 2015
Foreign Registration Number: 81/19580	Foreign Registration Date: May 09, 2005
Foreign Application/Registration Country: BARBADOS	Foreign Expiration Date: May 09, 2015
Foreign Registration Number: 81/19579	Foreign Registration Date: May 09, 2005
Foreign Application/Registration Country: BARBADOS	Foreign Expiration Date: May 09, 2015
Foreign Registration Number: 81/19578	Foreign Registration Date: May 09, 2005
Foreign Application/Registration Country: BARBADOS	Foreign Expiration Date: May 09, 2015
Foreign Registration Number: 81/19577	Foreign Registration Date: May 09, 2005
Foreign Application/Registration Country: BARBADOS	Foreign Expiration Date: May 09, 2015

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
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Meat, meat extracts, fish; fish, namely, crustacea and mollusca; fish fillets; food products made from fish, namely, fish cakes, fish croquettes; preserved fish, tinned fish; salted foods, namely, salted preserved fish; fish and shell fish, not live, for human consumption, namely, lobster, spiny lobster, tuna fish, caviar, oysters, salmon; poultry and game, tinned meat, ham, bacon, herrings; dried and cooked fruits, preserved mushrooms, processed nuts, liver pate, vegetables, vegetable salads, jellies, jams, eggs, cheese, milk; milk products excluding ice cream, ice milk and frozen yogurt; cream and other dairy products excluding ice cream, ice milk and frozen yogurt; edible oils and fats; fruit preserves; pickles, black pudding, frosted fruits, frozen fruits, fruit chips, fruit jellies, fruit rinds, fruit preserved in alcohol, fruit pulp, fruit salads, stewed fruit, crystallized fruit, tinned fruits, potato chips, potato crisps, potato fritters, croquettes, namely, chicken croquettes, meat croquettes, potato flakes, dairy-based chocolate food beverages

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 44(e)

For: Chocolate food beverages not being dairy-based or vegetable based, cocoa beverages with milk, coffee beverages containing milk, food flavorings prepared from essential oils for tea-based beverages, biscuits, rolls, bread, ginger bread, bread rolls, buns, cakes, edible decorations for cakes, grain-based chips, crackers, cookies, chocolate, prepared cocoa and cocoa-based beverages, coffee, coffee substitutes, coffee beverages containing milk, coffee flavored syrup used in making food beverages, unroasted coffee, pimiento used as a condiment, frozen confectionery, ice cream, ice milk, frozen yogurt, farinaceous food pastes for human consumption, tarts, pan cakes, puddings, quiches, rice cakes, pies, pastries, meat pies, pizzas, puffed corn snacks for cocktail parties, popcorn, corn chips, sandwiches, fish sandwiches, sorbets, spring rolls, tea, iced tea, tea-based beverages, tea-based beverages with fruit flavoring, waffles, confectionery ices

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 44(e)

For: Aerated water, milk of almonds beverage; non-alcoholic aperitifs, beer, non-alcoholic beverages with tea flavor, non-alcoholic malt beverages, sweet cider, non-alcoholic cocktail mixes, non-alcoholic fruit juice beverages, fruit juices, ginger ale, ginger beer, lemonades, malt beer, soft drinks flavored with almonds, mineral water, essences for the preparations for making mineral waters, non-alcoholic fruit extracts used in the preparation of beverages, soft drink flavored with peanuts, sarsaparilla, seltzer water, sherbets, soda water, tomato juice, vegetable juices, drinking waters, whey beverages

International Class(es): 032 - Primary Class

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

Class Status: ACTIVE

Basis: 44(e)

For: Alcoholic coffee-based beverages, aperitifs, alcoholic beverages of fruit, alcoholic bitters, brandy, hard cider, prepares alcoholic cocktails, liqueurs, brandy spirits, distilled spirits, alcoholic fruit extracts, gin, peppermint liqueurs, rum, vodka, whisky, wine

International Class(es): 033 - Primary Class

U.S Class(es): 047, 049

Class Status: ACTIVE

Basis: 44(e)

For: Bar services, cafes, cafeterias, canteen services, catering of food and drinks, restaurants, self-service restaurants, snack-bars

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

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

Current Owner(s) Information

Owner Name: GODDARD CATERING GROUP (BARBADOS) LTD.

Owner Address: Grantley Adams Industrial Park
Christ Church
BARBADOS

Legal Entity Type: COMPANY

State or Country Where Organized: BARBADOS

Attorney/Correspondence Information

Attorney of Record

Attorney Name: DANIEL F. ZENDEL

Docket Number: NY-1T0549857

Correspondent

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Prosecution History

Date	Description	Proceeding Number
Dec. 26, 2006	REGISTERED-PRINCIPAL REGISTER	
Oct. 10, 2006	PUBLISHED FOR OPPOSITION	
Sep. 20, 2006	NOTICE OF PUBLICATION	
Aug. 18, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	71466
Aug. 17, 2006	EXAMINERS AMENDMENT MAILED	
Aug. 16, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 16, 2006	EXAMINER'S AMENDMENT ENTERED	88888
Aug. 16, 2006	EXAMINERS AMENDMENT -WRITTEN	76419
Aug. 11, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 09, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 09, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 09, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 10, 2006	ASSIGNED TO LIE	71466
Feb. 10, 2006	EXAMINER'S AMENDMENT/PRIORITY ACTION MAILED	
Feb. 10, 2006	EXAMINERS AMENDMENT AND/OR PRIORITY ACTION - COMPLETED	76419
Feb. 07, 2006	ASSIGNED TO EXAMINER	76419
Jul. 26, 2005	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. 26, 2006