

ESTTA Tracking number: **ESTTA583977**

Filing date: **01/27/2014**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	The Quaker Oats Company
Granted to Date of previous extension	01/26/2014
Address	555 West Monroe Street Chicago, IL 60661 UNITED STATES

Correspondence information	Jeanette S. Zimmer Attorney for Opposer Frito-Lay North America, Inc. 7701 Legacy Drive, Mail Stop 3A-421 Plano, TX 75024 UNITED STATES trademarks@pepsico.com, jeanette.zimmer@pepsico.com, donna.j.sanders@pepsico.com Phone:972.334.2587
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Applicant Information

Application No	85858767	Publication date	07/30/2013
Opposition Filing Date	01/27/2014	Opposition Period Ends	01/26/2014
Applicant	Ebars, LLC 469 Wiregrass Lane Franklin, TN 37064 TUNISIA		

Goods/Services Affected by Opposition


Class 029. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Organic nut and seed-based snack bars
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Grounds for Opposition


Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	372072	Application Date	03/25/1938
Registration Date	10/24/1939	Foreign Priority	NONE

		Date	
Word Mark	LIFE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1937/12/10 First Use In Commerce: 1937/12/10 BREAKFAST CEREALS		

U.S. Registration No.	973532	Application Date	03/16/1973
Registration Date	11/20/1973	Foreign Priority Date	NONE
Word Mark	LIFE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1937/12/10 First Use In Commerce: 1937/12/10 BREAKFAST CEREALS		

U.S. Registration No.	3843129	Application Date	04/30/2009
Registration Date	08/31/2010	Foreign Priority Date	NONE
Word Mark	LIFE		
Design Mark			
Description of Mark	The mark consists of the word "life" instylized letters.		
Goods/Services	Class 030. First use: First Use: 2010/05/31 First Use In Commerce: 2010/05/31 Cereal-based food bars, namely, ready to eat, cereal derived food bars; grain-based food bars also containing chocolate, nuts and/or fruits		

U.S. Registration No.	3871587	Application Date	01/28/2010
Registration Date	11/02/2010	Foreign Priority Date	NONE
Word Mark	LIFE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 030. First use: First Use: 2010/05/31 First Use In Commerce: 2010/05/31 Cereal-based food bars, namely, ready to eat, cereal derived food bars; grain-based food bars also containing chocolate, nuts and/or fruits; granola-based snack food

U.S. Registration No.	4225775	Application Date	03/20/2012
Registration Date	10/16/2012	Foreign Priority Date	NONE

Word Mark	LIFE
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Design Mark	
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Description of Mark	The mark consists of a stylized form of the word "LIFE"; containing a stylized "L" in the color blue, a stylized "I" in the color red, a stylized "F" in the color yellow and a stylized "E" in the color green.
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Goods/Services	Class 030. First use: First Use: 2011/12/31 First Use In Commerce: 2011/12/31 Ready to eat cereal
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U.S. Registration No.	4230066	Application Date	03/20/2012
Registration Date	10/23/2012	Foreign Priority Date	NONE

Word Mark	LIFE
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Design Mark	
Description of Mark	The mark consists of a stylized form of the word "LIFE".
Goods/Services	Class 030. First use: First Use: 2011/12/31 First Use In Commerce: 2011/12/31 Breakfast cereals

Attachments	71404488#TMSN.gif(bytes) 77979814#TMSN.jpeg(bytes) 77980297#TMSN.jpeg(bytes) 85574063#TMSN.jpeg(bytes) 85574822#TMSN.jpeg(bytes) LIFE BAR Notice of Opposition.pdf(798070 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Jeanette S. Zimmer/
Name	Jeanette S. Zimmer
Date	01/27/2014

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

In the Matter of Application

Mark : LIFE BAR
Applicant : Ebars, LLC
Serial No : 85/858,767
Filed : February 25, 2013
Published in the
Official Gazette : July 30, 2013

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THE QUAKER OATS COMPANY, :
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 Opposer, :
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 vs. : Opposition No. _____
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 EBARS, LLC :
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 Applicant. :
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NOTICE OF OPPOSITION

Opposer, The Quaker Oats Company (“Opposer”), a New Jersey corporation, located and doing business at 555 West Monroe Street, Chicago, Illinois 60661, believes that it will be damaged by the registration of United States Trademark Application Serial No. 85/858,767, filed on February 25, 2013, in the name of Ebars, LLC (“Applicant”) for the mark LIFE BAR based on intent to use the mark in connection with “[o]rganic nut and seed-based snack bars” in International Class 029 and, having been previously granted extensions of time to oppose, hereby opposes the foregoing application.

The specific grounds for this Opposition are as follows:

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