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

Proceeding no.	91270235
Party	Defendant Nice saffron, LLC
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Walgreen Co.)	
)	
Opposer,)	
v.)	
)	
Nice Saffron LLC,)	Opposition No. 91270235
)	
Applicant.)	
)	
Mark: Nice saffron)	
)	
Serial No.: 90/295,152)	
)	
Filed: November 3, 2020)	
)	
Published: June 1, 2021)	
)	

APPLICANT’S RESPONSE IN OPPOSITION TO
OPPOSER’S MOTION FOR SUMMARY JUDGMENT

Applicant Nice Saffron LLC, by and through counsel, submits the following response to Opposer’s Motion for Summary Judgment. Numerous issues of fact exist which preclude entry of summary judgment in favor of Opposer. Among the issues of fact in dispute are the following:

1. Whether Applicant’s mark “Nice saffron” (“Applicant’s Mark”) is dissimilar in sound, sight or meaning with the respect to Opposer’s

“NICE!” marks (“Opposer’s Marks”) as used in connection with the goods relevant to Opposer’s Motion for Summary Judgment (“Opposer’s Motion”).

2. Whether there is similarity between the goods recited in the registrations for Opposer’s Marks and Applicant’s goods associated with Applicant’s Mark.

3. Whether Opposer claims use of any of Opposer’s Marks for use with spice blend products.

4. Whether Opposer has shown any commonality between the trade channels for the goods recited in Opposer’s registrations for Opposer’s Marks, on the one hand, and the goods claimed in Applicant’s application.

5. Whether Opposer has shown any commonality or significant overlap between potential customers for the goods recited in Opposer’s registrations for Opposer’s Marks, on the one hand, and potential customers for the goods described in the application for Applicant’s Mark.

6. Whether the respective goods of Applicant and Opposer are sold at a similar or a different price point.

7. Whether purchasers of Applicant’s goods exhibit a high degree of care in selecting and purchasing those goods.

Evidence relating to each of these disputes is detailed below.

Viewing this evidence in the light most favorable to Applicant, it is clear

that significant factual disputes exist and that Opposer is not entitled to summary judgment. Applicant therefore respectfully requests that the Board deny in its entirety the Opposer's Motion.

I. Opposer's Motion for Summary Judgment on Its Likelihood of Confusion Claim Is Based on Unsupported and Disputed Facts and Therefore Must Fail.

In Opposer's Motion, Opposer has alleged that there is a likelihood of confusion between its use of the word "NICE!" (with an exclamation point) in Opposer's Marks and Applicant's use of the word "nice" in Applicant's Mark. The Board determines the issue of likelihood of confusion by focusing on the question of whether the purchasing public mistakenly would assume that the applicant's goods originate from the same sources as, or are associated with, the goods in the cited registrations. *Paula Payne Prods. Co. v Johnson Publ'g Co.*, 473 F.2d 901, 902, 177 USPQ 76, 77 (CCPA 1973). The Board makes that determination on a case-by-case basis. *On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1084, 56 USPQ 2d 1471, 1474 (Fed. Cir. 2000). As stated in Opposer's Motion, in making that determination, the Board is aided by application of the factors set out in *In re E.I. du Pont de Nemours & Co.*, 476 F.2d 1357; 177 USPQ 563 (CCPA 1973).

No evidence is yet of record regarding Opposer's use of its marks in connection with the sale of any of the goods described in Applicant's application, and without such information, it is not possible to evaluate the possibility of a likelihood of confusion. Opposer describes its primary business as that of a large, nationwide chain of pharmacies, and the goods and services described in the registrations for Opposer's Marks are consistent with this fact. As such, the very nature of Opposer's business calls into question the nature and extent of Opposer's rights, and at a minimum, presents a genuine issue of material fact.

Because opposer's primary business is to sell pharmacy and healthcare related merchandise, and to sell such goods solely through its own retail locations, Opposer cannot demonstrate a likelihood of confusion between the marks. Likelihood of confusion must be evaluated by balancing a number of factors, specifically including: the similarity of the marks, the relatedness of the goods and services, the channels of trade, the classes of purchasers of the goods and services, the degree of care exercised by purchasers of the goods, and the nature and extent of any actual confusion. *E.I. du Pont de Nemours & Co.*, 476 F.2d 1357 (CCPA 1973). No one factor is decisive, and even identical marks can be found not to be confusingly similar. See, e.g., *Allstate Ins. Co. v. Allstate Inv. Corp.*, 210 F. Supp. 25 (W.D. La. 1962), *affd*, 328

F.2d 608 (5th Cir. 1964) (ALLSTATE for insurance and ALLSTATE for mortgage brokerage not likely to be confused); *Vitarroz Corp. v. Borden, Inc.*, 644 F.2d 960 (2d Cir. 1981) (BRAVO'S for crackers and BRAVOS for tortilla chips not likely to be confused); *Columbia University v. Columbia/HCA Healthcare Corp.*, 964 F. Supp. 733, 43 U.S.P.Q.2d 1083 (S.D.N.Y. 1997) (COLUMBIA for a university and COLUMBIA for health care services not likely to be confused). Here, the overwhelming majority of factors favor Applicant.

1. The Goods Are Unrelated.

Opposer's business is that of operating the second largest pharmacy chain in the United States. Exhibit 1. Applicant's business consists solely of selling high quality saffron and other spices. Exhibit 2. As such, there is no relationship between the goods sold by Opposer and those sold by Applicant. Any similarity or dissimilarity would have to be evaluated as the parties present evidence regarding actual and intended use of their respective marks.

Applicant's goods for which Opposer seeks summary judgment consist of spices and spice blends. Exhibit 3. In sharp contrast, Opposer's goods do not include any spice blends, and no evidence is of record to indicate that Opposer sells any saffron products or any of the same spice products as Applicant. *See Zahra Tajook Decl.*, attached hereto as Exhibit 4.

Applicant's investigation of Opposer's use of Opposer's Marks indicates that Opposer uses such marks for numerous household products, but that the only products which might even be considered "spices" are salt, pepper and garlic powder, as shown on attached Exhibit 5.

Opposer has failed to cite any registered trademarks for use with spice blends, and no evidence of record to indicate that Opposer sells any saffron products or any of the same spice products as Applicant. Despite this deficiency, Opposer has presented anecdotal evidence purporting to show that sellers of spice products sometimes sell spice blends and vice versa. *See* Motion, Exhibits 4-6. Such evidence *itself* presents disputed issues of material fact. Furthermore, such information, even if true, is not relevant to this proceeding or to Opposer's Motion because Opposer has presented no evidence that Opposer's Marks have ever been, or reasonably ever would be, associated with spice blends. Opposer's use of Opposer's Marks derives from the activities associated with a large, nationwide pharmacy chain. The suggestion that consumers would associate luxury "Nice saffron" spice products with the products of a pharmacy chain is untenable, but at the very least, presents a material issue of fact which remains disputed.

2. The Channels of Trade Are Entirely Different.

Applicant's goods are sold primarily through its proprietary website and in boutique markets to customers seeking high end spice products. *See* Motion, Exhibit 3, Applicant's Responses to Opposer's First Set of Interrogatories, Response No. 15. Opposer has submitted no evidence, either in discovery or in its Motion, that it provides any goods in such channels of trade. Opposer's evidence indicates that to the extent any similar goods are sold, they are sold exclusively in Opposer's chain of pharmacies. Exhibit 6. As such, the Opposer and Applicant's channels of trade are entirely distinct.

As Opposer notes, as a matter of law, since Applicant's application does not specify channels of commerce, the Board must assume that the goods identified in the application for which registration is opposed move in all channels of trade that would be normal for such goods, and that the goods would be purchased by all potential customers for such goods. *In re Elbaum*, 211 USPQ 639, 640 (TTAB 1981). At this stage in the proceeding, however, Opposer has provided absolutely no proof of any use of Opposer's Marks in any trade channels. Additionally, as noted above, none of the registrations asserted by Opposer claims use of a mark for any spice blends. As such, an unresolved question of fact arises as to whether the goods specified in the asserted registrations move in the same channels of trade

that would be normal for the parties' respective goods. Through the conduct of discovery, the evidence will show that Applicant's high end spices and spice blends move in channels of trade which are entirely distinct from the channels of trade of Opposer, namely a chain of pharmacies owned and operated by Opposer. As such, summary judgment in favor of Opposer would be inappropriate.

3. The Purchasers of the Goods Are Different.

Opposer's goods are offered exclusively in a chain of pharmacy stores operated by Opposer. Exhibit 6. Opposer does not claim to offer any spices which are not specifically associated with those retail stores. As such, customers of Opposer's pharmacies are the *only* purchasers of Opposer's goods. In contrast, Applicant's goods are provided to consumers seeking high end spices and spice blends and are not sold (and never would be sold) at Opposer's pharmacies. *See* Motion Exhibit 3, Applicant's Responses to Opposer's First Set of Interrogatories, No. 15. As such, an unresolved question of fact arises as to whether the customers for Applicant's goods would be the same or have any overlap with potential customers for the goods recited in Opposer's asserted registrations for Opposer's Marks.

4. There Is No Evidence of Actual Confusion.

Opposer does not assert that there exists any evidence of actual confusion. Furthermore, Applicant's own investigation of the claims asserted by Opposer produced to date confirm that Opposer has no instances of actual confusion. *See* Motion, Exhibit 3, Applicant's Responses to Opposer's First Set of Interrogatories, No. 18.

Applicant's communications with its customers demonstrate not only that Applicant's customers are able to distinguish the two sources, but that none has assumed any connection between the two. *See* Motion, Exhibit 3, Applicant's Responses to Opposer's First Set of Interrogatories, No. 18. *See Marshall Field & Co. v. Mrs. Fields Cookies*, 25 USPQ 2d (BNA) 1321, 1992 TTAB LEXIS 52, at *48 (TTAB 1992) (where individuals called and asked whether MRS. FIELDS was a part of or a franchise of MARSHALL FIELD'S, this indicated that rather than being confused, those individuals recognized that these were two separate entities). The presence or absence of any evidence of actual confusion remains an unresolved material question of fact.

5. There Is No Evidence of Likelihood of Confusion.

To date, Opposer has not provided any probative documentary evidence of potential confusion. Until such evidence can be produced and examined, summary judgment in favor of Opposer would be inappropriate

and would be prejudicial to the rights of Applicant. On May 9, 2022, Applicant served on Opposer Applicant's First Set of Interrogatories, Applicant's First Set of Requests for Admissions, and Applicant's First Set of Requests for Documents. Exhibits 7, 8 and 9. Applicant expects that the information and documents to be provided by Opposer in response to those requests will provide evidence of substantial differences in the goods themselves, the channels of trade, and the purchasers of the goods, and the degree of care exercised by the purchasers of the parties' respective goods. It should be noted that Opposer filed the instant motion *one day* after Applicant served such discovery requests. Until Opposer provides responses to such discovery requests, the facts relevant to this proceeding remain in dispute, and summary judgment in favor of Opposer would be inappropriate. *See F.R.C.P. 56(d).*

6. Degree Of Care: Opposer's Goods are Inexpensive, and Purchased with a Low Degree of Care, Whereas Applicant's Goods are Much More Expensive and Purchased with a High Degree of Care.

In its Motion, Opposer contends that the goods of both Applicant and Opposer are inexpensive and purchased with a low degree of care. As evidenced by Applicant's price list, Applicant's gourmet spice products are *significantly* more expensive than the goods sold by Opposer under

Opposer's mark. Evidence of the typical price of Opposer's goods is shown on Exhibit 1 to the Motion. Evidence of the typical price of Applicant's goods is shown on Exhibit 10. The extreme disparity in the respective price points and the degree of care of the purchasers will be proven at trial, but for purposes of the Motion, it need only be said that that this issue is yet another disputed fact.

7. Applicant Has Not Had an Opportunity to Investigate.

In its Initial Disclosures, Opposer identifies a number of individuals who have information regarding Opposer's use of Opposer's marks, including Courtney Shields, Senior Manager, Owned Brands at Walgreen Co. *See* Opposer's Initial Disclosures, page 2, attached hereto as Exhibit 11. On May 9, 2022, Applicant served on Opposer Applicant's First Set of Interrogatories, Applicant's First Set of Requests for Admissions, and Applicant's First Set of Requests for Documents. Exhibits 7, 8 and 9. To date, Opposer has not provided any responses to such requests. Until Applicant has an opportunity to complete such discovery to gather information from these and other parties, the facts relevant to this proceeding remain in dispute, and summary judgment in favor of Opposer would be inappropriate. *See F.R.C.P.* 56(d).

If the Board is not persuaded that the Motion should be denied at this time for the reasons set forth herein, then Applicant respectfully requests that the Board defer resolution of the present motion until Opposer responds to Applicant's outstanding discovery requests so that Applicant will have access to facts necessary to evaluate the issues discussed herein. *See F.R.C.P. 56(d).*

II. CONCLUSION

Opposer's Motion for Summary Judgment is based entirely on disputed facts, including the goods themselves, the channels of trade, and the purchasers of the goods, and the degree of care exercised by the purchasers of the parties' respective goods. Viewing the evidence in the light most favorable to Applicant, it is clear that significant factual disputes exist and that Opposer is not entitled to such judgment as a matter of law. Applicant therefore respectfully requests that the Board deny in its entirety the Opposer's Motion.

Dated: June 8, 2022

Respectfully submitted,
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/s/ Don Thornburgh
Don Thornburgh
for Don Thornburgh Law Corporation

Attorney for Applicant,
Nice Saffron LLC

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)	

Certificate of Service

I hereby certify that a true and complete copy of the foregoing APPLICANT'S RESPONSE IN OPPOSITION TO OPPOSER'S MOTION FOR SUMMARY JUDGMENT has been served on the Opposer, at the correspondence address of record in the records of the USPTO, by e-mailing said copy (with consent) on June 8, 2022 to: Tiffany D. Gehrke (tgehrke@marshallip.com), with copies to mbolos@marshallip.com, and mgblitdocket@marshallip.com

/s/ Don Thornburgh
Don Thornburgh

EXHIBIT 1

WIKIPEDIA

Walgreens

Walgreen Company, d/b/a **Walgreens**, is an American company that operates the second-largest pharmacy store chain in the United States behind CVS Health.^[3] It specializes in filling prescriptions, health and wellness products, health information, and photo services.^[4] It was founded in Chicago, Illinois, in 1901, and is headquartered in the Chicago suburb of Deerfield, Illinois. On December 31, 2014, Walgreens and Switzerland-based Alliance Boots merged to form a new holding company, Walgreens Boots Alliance Inc. Walgreens became a subsidiary of the new company, which retained its Deerfield headquarters and trades on the Nasdaq under the symbol WBA (<http://www.nasdaq.com/symbol/wba>)^[5] The company was found by a federal jury to have "substantially contributed to" the opioid crisis.

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Walgreen Company

Walgreens



A Walgreens store in Steamboat Springs, Colorado

Trade name	Walgreens
Formerly	Walgreen Drug CO (1901–31) <p>Walgreen Drug Stores (1931–48) Walgreen's (1948–55)</p>
Type	Subsidiary
Industry	Retail
Founded	1901 in <u>Chicago, Illinois, U.S.</u>
Founder	Charles Rudolph Walgreen
Headquarters	200 Wilmot Road, Deerfield, Illinois, United States
Area served	<u>United States</u>
Key people	Stefano Pessina (Executive Chairman) <p>Rosalind Brewer (CEO)</p> John T. Standley (President) ^[1]
Products	<u>Drug store</u> <p><u>Pharmacy</u></p>
Net income	2,091,000,000 (2010)
Parent	Walgreens Boots Alliance
Website	walgreens.com (http://walgreens.com)
Footnotes / references <div>[2]</div>	

History

Company history

Walgreens began in 1901, with a small food front store on the corner of Bowen and Cottage Grove Avenues in Chicago, owned by Dixon, Illinois native Charles R. Walgreen.^[6] By 1913, Walgreens had grown to four stores on Chicago's South Side. It opened its fifth in 1915 and four more in 1916. By 1919, there were 20 stores in the chain. As a result of alcohol prohibition, the 1920s were a successful time for Walgreens. Although alcohol was illegal, prescription whiskey was available and sold by Walgreens.^[7] In 1922, the company introduced a malted milkshake, which led to its establishing ice cream manufacturing plants. The next year, Walgreen began opening stores away from residential areas. In the mid-1920s, there were 44 stores with annual sales of \$1,200,000 combined. Walgreens had also expanded by then into Minnesota, Missouri, and Wisconsin. By 1930, it had 397 stores with annual sales of US\$4,000,000.

This expansion partly was attributed to selling prescribed alcohol, mainly whiskey, which Walgreen often stocked under the counter, as accounted in Daniel Okrent's *Last Call: The Rise and Fall of Prohibition*.^[8] The stock market crash in October 1929 and the subsequent Great Depression did not greatly affect the company. By 1934, Walgreens was operating in 30 states with 601 stores. After Charles Walgreen Sr. died in 1939, his son Charles R. Walgreen Jr. took over the chain until his retirement. The Charles R. Walgreen (Jr.) years were relatively prosperous but lacked the massive expansion seen in the early part of the century. In 1946, Walgreens purchased Sanborns, one of the largest pharmacy and department store chains in Mexico, from Frank Sanborn (Walgreens sold Sanborns to Grupo Carso in 1982).^[9] Charles "Cork" R. Walgreen III took over after Walgreen Jr.'s retirement in the early 1950s and modernized the company by switching to barcode scanning. The company also created larger-sized Walgreens Superstores and purchased the Globe Discount City chain of big-box stores from United Mercantile, Inc. in the 1960s The Walgreen family was not involved in senior management of the company for a short time following Walgreen III's retirement. In the 1980s Walgreens owned and operated a chain of casual family restaurants/pancake houses called Wag's. Walgreens sold most of these to Marriott Corp. in 1988,^[10] and by 1991 the chain was out of business. In 1986, Walgreens acquired the MediMart chain from Stop & Shop.^[11] In 1995, Kevin P. Walgreen was made a vice-president and promoted to senior vice president of store operations in 2006.^[12]



Early "Walgreen Drugs" sign still in use in San Antonio, Texas

21st-century

2000s

On July 12, 2006, David Bernauer stepped down as CEO of Walgreens and was replaced by company president Jeff Rein, who was later named chief executive officer and chairman of the board. That year, Walgreens acquired the Happy Harry's chain in Delaware, Pennsylvania, Maryland, and New Jersey.^[13] On October 10, 2008, Rein abruptly quit as CEO and was replaced by Alan G. McNally as chairman and acting CEO.^[14] On January 26, 2009, Gregory Wasson was named CEO effective February 1, 2009.^[15]

2010s

In 2010, Walgreens acquired New York City-area chain Duane Reade for \$1.075 billion, including debt, and continued to use the Duane Reade name on some stores in the New York City metropolitan area.^[16] In March 2011, Walgreens acquired Drugstore.com for \$409 million.^[17] On June 19, 2012: Walgreens paid \$6.7 billion for a 45% interest in Alliance Boots.^[18] That year, Walgreens acquired Mid-South drug store chain operating under the USA Drug, Super D Drug, May's Drug, Med-X, and Drug Warehouse banners.^[19]

In 2011 Walgreens announced it would end its relationship with Express Scripts,^[20] a prescription benefits manager. A coalition of minority groups, led by Al Sharpton's National Action Network,^[21] sent letters urging CEO Gregory Wasson to reconsider. Groups sending letters were National Hispanic Christian Leadership Conference,^[22] the Congress of Racial Equality,^[23] Hispanic Leadership Fund^[24] and others. In 2012, Walgreens announced that it would continue to participate in Express Scripts.

On September 10, 2013, Walgreens announced it had acquired Kerr Drug.^[25] In August 2014, Walgreens purchased the remaining 55% of Alliance Boots. The combined company became known as the Walgreens Boots Alliance and was headquartered in Chicago.^{[26][27]} In December of that year, Walgreens purchased the Almus Pharmaceutical generic brand.^[28] Also that year, Walgreens acquired Farmacias Benavides.^[29] On July 28, 2016, Walgreens announced it would shut down Drugstore.com, as well as Beauty.com, in order to focus on its own Walgreens.com website.^[30] On September 19, 2017, the Federal Trade Commission (FTC) approved Walgreen's fourth attempt to purchase Rite Aid, with 1,932 stores for \$4.38 billion total.^[31]

2020s

In February 2020, Walgreens announced the appointment of Richard Ashworth as president of the company, but he left within the year. Prior to the appointment, he served as president of operations for Walgreens.^{[32][33]}

Corporate operations

Walgreens has its corporate headquarters in Deerfield, Illinois.^{[34][35]} Walgreens has had a technology office located in Chicago since 2010. The location serves as their digital hub.^[36]



Logo from 2005 until 2020

In November 2010 Walgreens filed a trademark infringement lawsuit against the Wegmans supermarket chain, claiming the "W" in the Wegman's logo is too similar to Walgreens'.^[37] The lawsuit was settled in April 2011, with Wegmans agreeing to discontinue use of its "W" logo by June 2012, although the supermarket retained the right to use the "Wegmans" name in script.^[38] According to Jo Natale, Wegmans director of media relations, "The cost of making relatively minor changes to a limited number of products was much less than the cost of litigating this case to the end."^[39]

In the summer of 2014, a corporate relocation to Switzerland was considered as part of a merger with Alliance Boots, a European drugstore chain.^[40] This drew controversy as many consumers felt that it was an attempt at tax inversion. On August 5, 2014, Walgreens announced that it would not be relocating its headquarters.

As of August 31, 2019, the company operated 9,277 stores in the United States.

Store model



A Walgreens "corner drugstore", located in a Marriott street-level retail space, on the corner of a heavily trafficked intersection in Washington, D.C.

Walgreens stores were once connected to local groceries. In Chicago, their flagship market, they teamed up with either Eagle Food Centers or Dominick's Finer Foods, usually with a "walkthru" to the adjoining store and often sharing personnel. This concept was instated to compete with the popular dual-store format used by the chief competitor Jewel-Osco/Albertsons-Sav-On. They eventually ended the relationship with Eagle and focused primarily on a connection to Dominick's stores. PharmX-Rexall filled the vacated Walgreen locations joined to Eagle stores.



A Walgreens on Rt.1 South, Saugus, Massachusetts

In its 2009 business model, Walgreens are freestanding corner stores, with the entrance on the street with the most traffic flow, figuratively making it a "corner drugstore" similar to how many independent pharmacies evolved. Many stores have a drive-through

pharmacy.^[41]

Most freestanding stores have a similar look and layout, including a bigger and more spacious layout than certain stores within major cities. Newer buildings have a more modern design to them compared to older stores. Stores within major cities, such as New York and Chicago, could have multiple floors, most notably their flagship stores. Behind the front registers are tobacco products and alcoholic beverages. However, some stores do not sell these products, e.g., New Jersey stores that do not sell alcohol and Massachusetts stores that do not sell tobacco.^[42] Stores usually have a beauty counter located near the cosmetics, with busier stores having a beauty consultant. All stores have a photo department, which is either behind the front register or in a separate part of the store. There are self-serve photo kiosks near the photo department, where customers can print photos and photo products. All stores have a pharmacy, usually located in the back, where people can drop off and pick up prescriptions as well as purchase certain drugs containing pseudoephedrine.

Lawsuits and criticism against Walgreens

Allegations of discrimination

In March 2008, Walgreens settled a lawsuit with the Equal Employment Opportunity Commission (EEOC) that alleged the company discriminated against African Americans for \$24 million.^[43] The settlement was split between the 10,000 African-

American employees of the company.^[43] In the agreement, Walgreens avoided any admission of guilt.

The decree, one of the largest monetary settlements in a race case by the EEOC, provides for the payment of over \$24 million to a class of thousands of African American workers and orders comprehensive injunctive relief designed to improve the company's promotion and store assignment practices.

In September 2011, Walgreens settled a lawsuit with the EEOC that claimed that a store improperly terminated a worker with diabetes for eating a package of the store's food while working to stop a hypoglycemia attack.^[44]

Drug-fraud

In June 2008, after Walgreens was sued for drug fraud—"switching dosage forms on three medications without doctor approvals in order to boost profits"—Walgreens agreed to stop these actions and pay \$35 million to the federal government, 42 states, and the Commonwealth of Puerto Rico," as reported by the *Knoxville News Sentinel*.^{[45][46][47]}



A Walgreens in Little Egg Harbor, New Jersey, which opened in 2006

Medicaid

Also in June 2008, Walgreens "agreed to pay \$35 million to the U.S. and 42 states and Puerto Rico for overcharging state Medicaid programs by filling prescriptions with more expensive dosage forms of ranitidine, a generic form of Zantac, and fluoxetine, which is a generic form of Prozac."^{[48][49]}

In 2009 Walgreens threatened to leave the Medicaid program, the state and federal partnership to provide health insurance coverage to the poor, in Delaware over reimbursement rates. Walgreens was the largest pharmacy chain in the state and the only chain to make such a threat.^[50] The state of Delaware and Walgreens reached an agreement on payment rates and the crisis was averted.^[51]

In 2010 Walgreens stopped accepting Medicaid in Washington state, leaving its one million Medicaid recipients unable to get their prescriptions filled at these 121 stores.^[52]

On April 20, 2012, the U.S. Department of Justice announced that Walgreens agreed to pay \$7.9 million in a settlement. The fine related to allegations of violations of the federal Anti-Kickback Statute and the False Claims Act regarding beneficiaries of federal health care programs.^[53]

In January 2019, Walgreens Boots Alliance Inc. agreed to pay more than \$269 million to settle federal and state lawsuits that accused the corporation of overbilling federal healthcare programs.^[54]

Use of proprietary drugs

Walgreens was named in a lawsuit by the United Food and Commercial Workers Unions and Employers Midwest Health Benefits Fund in the Northern District Court of Illinois in January 2012. The suit alleged that Walgreens and Par Pharmaceutical violated the Racketeer Influenced and Corrupt Organizations Act^[55] in "at least two widespread schemes to overcharge" for generic drugs.^[48]

The lawsuit alleges drugstore chain Walgreen and generic pharmaceutical maker Par established a partnership in which Par manufactured and/or marketed generic versions of antacid Zantac and antidepressant Prozac in dosage forms that weren't subject to private and governmental reimbursement limitations. It further said Walgreen purchased those dosage forms from Par at a cost substantially higher than the widely prescribed dosage forms and then "systematically and unlawfully filled its customers' prescriptions with Par's more expensive products rather than the inexpensive dosage forms that were prescribed by physicians."

Distribution of oxycodone

In September 2012, the U.S. Drug Enforcement Administration (DEA) accused Walgreens of endangering public safety and barred the company from shipping oxycodone and other controlled drugs from its Jupiter, Florida, distribution center. The

DEA said that Walgreens failed to maintain proper controls to ensure it didn't dispense drugs to addicts and drug dealers. The DEA also said that six of Walgreens' Florida pharmacies ordered in excess of a million oxycodone pills a year. In contrast, in 2011 the average pharmacy in the U.S. ordered 73,000 oxycodone tablets a year according to the DEA. One Walgreens pharmacy located in Fort Myers, Florida, ordered 95,800 pills in 2009, but by 2011, this number had jumped to 2.2 million pills in one year. Another example was a Walgreens pharmacy located in Hudson, Florida, a town of 34,000 people near Clearwater, that purchased 2.2 million pills in 2011, the DEA said. Immediate suspension orders are an action taken when the DEA believes a registrant, such as a pharmacy or a doctor, is "an imminent danger to the public safety." All DEA licensees "have an obligation to ensure that medications are getting into the hands of legitimate patients," said Mark Trouville, former DEA special agent in charge of the Miami Field Division. "When they choose to look the other way, patients suffer and drug dealers prosper."

The Jupiter, Florida, distribution center, which opened in 2001, is one of 12 such distribution centers owned by Walgreens. Since 2009, Walgreens' Jupiter facility has been the largest distributor of oxycodone in the state of Florida, the DEA said. Over the past three years, its market share has increased, and 52 Walgreens are among the top 100 oxycodone purchasers in the state, the DEA said.^[56]

In 2013 United States Attorney Wifredo Ferrer said Walgreens committed "an unprecedented number" of recordkeeping and dispensing violations. Walgreens was fined \$80 million, the largest fine in the history of the Controlled Substances Act at that time.^[57]

In November 2021, a federal jury found that Walgreens, along with CVS and Walmart, "had substantially contributed to" the opioid crisis.^[58] The trial lasted six weeks with the jury returning a verdict finding the pharmacies liable. It was the first trial where pharmacy companies defended themselves amidst the opioid epidemic.^[59]

In May of 2022, Walgreen's agreed to pay a settlement of \$683,000,000 to the state of Florida concerning opioid sales. Walgreens did not admit to wrongdoing as part of the settlement.^[60]

Pricing and advertising

Wisconsin's Department of Agriculture, Trade and Consumer Protection fined Walgreens over differences between shelf price and scanned price and for signage in 2012. In 2013, Walgreens paid a \$29,241 fine.^[61]

The New York State Attorney General announced in April 2016 that a settlement was reached in the complaint that Walgreens used misleading advertising and overcharged consumers. Walgreens would pay \$500,000 in penalties, fees and costs, and change advertising and other practices.^[62]

A judge in Kansas City, Missouri, ordered Walgreens to pay a \$309,000 fine for pricing discrepancies in 2015.^[63]

Illegal disposal

In December 2012, a judge ordered Walgreens to pay \$16.57 million to settle a lawsuit claiming that over 600 stores were illegally dumping hazardous waste and unlawfully disposing of customer records containing confidential medical information.^[64]

Selling expired products and over-charging

A Santa Clara County Superior Court judge allowed Walgreens to pay \$2.25 million in January 2018 to resolve a consumer protection lawsuit brought by Bay Area prosecutors alleging that the company sold expired baby food, infant formula, and over-the-counter drugs. The suit also alleged that Walgreens violated state law by charging more than the lowest posted or advertised price for items.^[65]

Medication denied because of religious beliefs

In June 2018, a staff pharmacist at a Walgreens in Peoria, Arizona, refused to give a woman medication to end her pregnancy. The medication was prescribed by a doctor after tests revealed that the pregnancy would end in a miscarriage. The woman said she was left "in tears and humiliated". Walgreens responded that its policy "allows pharmacists to step away from filling a prescription for which they have a moral objection".^{[66][67]}

Investor relations

In September 2018, Walgreens agreed to pay \$34.5 million to settle a U.S. Securities and Exchange Commission (SEC) investigation on charges of misleading investors on financial targets. The SEC alleged that former CEO Greg Wasson and then-CFO Wade Miquelon acted "negligently" in giving financial estimates.^[68]

Over-billing Governments

In January 2019, Walgreens paid 269.2 million for two separate counts of defrauding the federal and 39 state governments in over-billing schemes.^[69]

Unlicensed pharmacist

In February 2020, Walgreens agreed to pay \$7.5 million to settle a consumer protection lawsuit accusing the company of placing people's health at risk by permitting an unlicensed person to work as a pharmacist without an adequate background check. This person had handled over 745,000 prescriptions, which included the over filling of 100,000 prescriptions for controlled substances. The State of California, Alameda County, and Santa Clara County all took part in the investigation.^[70] When it was asked by the California Board of Pharmacy during the investigation, Walgreens was unable to furnish a copy of her employment application. Although there are records that the person had attended classes in a university pharmacy program, there are no records that she had completed her degree requirements that would allow her to take the pharmacist licensing exams.^[71]

Wage theft violations

In March 2021, a class action against Walgreens resulted in a settlement of \$4.5 million. Walgreens was accused of wage theft and labor law violations of its employees in California between 2010 and 2017, including that Walgreens "rounded down employees' hours on their timecards, required employees to pass through security checks before and after their shift without compensating them for time worked, and failed to pay premium wages to employees who were denied legally required meal breaks."^{[72][73][74][75][76]}

Dispensing incorrect vaccines to pre-schoolers

In September 2021, a Walgreens pharmacist in Baltimore, Maryland, accidentally gave a 4-year old girl a full adult dosage of the Pfizer–BioNTech COVID-19 vaccine instead of the intended Influenza vaccine. So far, the little girl has not suffered any major side effects. A Walgreens spokesperson said such mistakes are "extremely rare" and that the company's top priority is patient safety.^[77]

A few weeks later, a Walgreens pharmacist in Evansville, Indiana, accidentally gave a 4-year old boy, a 5-year old girl, and their parents a full adult dosage each of the Pfzier vaccine instead of intended flu vaccine. Unlike the Maryland girl, both of the Indiana children immediately got sick enough that the parents took them to a pediatric cardiologist for treatment. At the time of the injections, the FDA had not approve the use of the Pfizer vaccine to children below the age of 12. Although Pfizer was in the process of seeking approval for use in children ages five to 11 with the dosage that would be one third that for an adult, Pfizer had not asked permission to vaccinate children age four or younger. Walgreens refused to comment on the case when requested by news media.^{[78][79]}

Brands

List of Walgreens Boots Alliance brands^[80]

Brand	Product
Almus Pharmaceuticals	Medication
Be Jolly	Holiday
Big Roll	Toilet Paper
Botanics	Skincare
Complete Home	Household
CYO	Cosmetics
Certainty	Incontinence
Dashing	Holiday
Finest Nutrition	Vitamins
Infinitive	Electronics
Liz Earle	Skincare (UK)
Modern Expressions	Holiday
Nice!	Groceries
No. 7	Skincare
Patriot Candles	Candles
PetShoppe	Pets
Playright	Toys
Sleek MakeUP	Cosmetics
Smile & Save	Paper Towels
Soap & Glory	Cosmetics
Soltan	Sunscreen (UK)
Well at Walgreens	Healthcare
Well Beginnings	Baby
West Loop	Clothing
Wexford	Office Supplies
YourGoodSkin	Skincare

Contributions to popular culture

Although milkshakes and malted milk had been around for some time before, Walgreens has claimed credit for the popularization of the malted milkshake (or at least its version of the malted milkshake, invented by Ivar "Pop" Coulson in 1922).^[81]

See also

- Alliance Boots
- CVS Pharmacy
- Rite Aid
- Walgreen Coast

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A neon-lit store on Canal Street in New Orleans

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General sources

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External links

- Walgreens Official website (<http://www.walgreens.com>)
-

Retrieved from "<https://en.wikipedia.org/w/index.php?title=Walgreens&oldid=1091027274>"

This page was last edited on 1 June 2022, at 19:15 (UTC).

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EXHIBIT 2



Persian Saffron



Premium Organic Saffron Thread
\$15.99 - \$449.99



Premium Organic Saffron Powder
\$15.99 - \$449.99



Premium Organic Saffron Bunch
\$34.99 - \$449.99



SIZE: Small 1.5 oz

SMALL 1.5 OZ

ADD TO CART

BUY IT NOW

Shipping Info

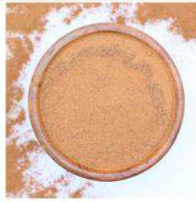
Share on: Facebook, Twitter, Google+, Email, Print



Bulk Ground Cumin 5lb to 50lb
\$45.47 - \$259.99



Bulk Ground Cloves 5lb to 50lb
\$134.67 - \$769.99



Bulk Ground Cinnamon 5lb to 50lb
\$80.45 - \$459.99



Bulk Ground Allspice 5lb to 50lb
\$64.71 - \$369.99



Bulk Green Cardamom Whole 5lb to 50lb
\$437.08 - \$2,499.00



Bulk Ginger Powder 5lb to 50lb
\$67.53 - \$444.00



Bulk Garlic powder 5lb to 50lb
\$57.89 - \$331.00



Bulk Fennel seed 5lb to 50lb
\$31.48 - \$179.99

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Bulk Seasoning



Bulk BBQ Spice 5lb to 50lb
\$34.98 - \$199.99



Bulk Lemon pepper 5lb to 50lb
\$56.49 - \$323.00



Bulk Turmeric Powder 5lb to 50lb
\$29.73 - \$169.99



Bulk Tarragon Leaves 5lb to 50lb
\$244.86 - \$1,400.00



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Chat with us!



Green Cardamom Whole

\$12.99

SIZE: Small 1.5 oz

SMALL 1.5 OZ

ADD TO CART

— or —

BUY IT NOW

Shipping Info

Share on: [f](#) [t](#) [G+](#) [e](#) [p](#)





Ground Cloves

\$8.99

SIZE: Small 2.7 oz

SMALL 2.7 OZ

ADD TO CART

— or —

BUY IT NOW

Shipping Info

Share on: f t G+ e p



Garlic powder

\$8.99

SIZE: Small 2.6 oz

SMALL 2.6 OZ

ADD TO CART

— or —

BUY IT NOW

Shipping Info

Share on: f t G+ e p





6 Pack Spices & Saffron Cooking Gift Set
\$65.00 \$49.99

Saffron Threads Gift Box with 23 individually wrapped spices
\$159.00 - \$199.00

12 Pack Spices Cooking Gift Set
\$110.99 \$79.99



6 Pack Spices & Saffron Cooking Gift Set
\$65.00 \$49.99

Saffron Threads Gift Box with 23 individually wrapped spices
\$159.00 - \$199.00

12 Pack Spices Cooking Gift Set
\$110.99 \$79.99



Celery salt

\$7.99

SIZE: Small 5.4 oz

SMALL 5.4 OZ

ADD TO CART

— OF —

BUY IT NOW

Shipping Info

Share on: Facebook, Twitter, Google+, Email, Print



EXHIBIT 3

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 90295152

Filing Date: 11/03/2020

*NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	Nice saffron
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	Nice saffron
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Nicesaffron
*MAILING ADDRESS	10338 Eastborne Ave
*CITY	Los Angeles
*STATE (Required for U.S. applicants)	California
*COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	90024
PHONE	818-818-8387
*EMAIL ADDRESS	XXXX
LEGAL ENTITY INFORMATION	
*TYPE	LIMITED LIABILITY COMPANY
* STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY WHERE LEGALLY ORGANIZED	California
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	030
*IDENTIFICATION	Spices; Spice blends
*FILING BASIS	SECTION 1(a)

FIRST USE ANYWHERE DATE	At least as early as 10/10/2016
FIRST USE IN COMMERCE DATE	At least as early as 10/10/2016
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPE0-216522495-2020103009 1518651059 . 537736959_S1.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT18\IMAGEOUT 18\902\951\90295152\xml1\ FTK0003.JPG
ORIGINAL PDF FILE	SPE0-216522495-2020103009 1518651059 . 537736959_S2.pdf
CONVERTED PDF FILE(S) (3 pages)	\\TICRS\EXPORT18\IMAGEOUT 18\902\951\90295152\xml1\ FTK0004.JPG
	\\TICRS\EXPORT18\IMAGEOUT 18\902\951\90295152\xml1\ FTK0005.JPG
	\\TICRS\EXPORT18\IMAGEOUT 18\902\951\90295152\xml1\ FTK0006.JPG
SPECIMEN DESCRIPTION	digital images of a website currently used in commerce
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
CORRESPONDENCE INFORMATION	
NAME	Nicesaffron
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	Zahra_tajook@yahoo.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	tmapp@legalzoom.com
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Plus
NUMBER OF CLASSES	1
APPLICATION FOR REGISTRATION PER CLASS	225
*TOTAL FEES DUE	225
*TOTAL FEES PAID	225
SIGNATURE INFORMATION	
* SIGNATURE	/Zahra Tajook/
* SIGNATORY'S NAME	Zahra Tajook
* SIGNATORY'S POSITION	CEO
SIGNATORY'S PHONE NUMBER	818-818-8387

* DATE SIGNED

11/02/2020

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 90295152

Filing Date: 11/03/2020

To the Commissioner for Trademarks:

MARK: Nice saffron (Standard Characters, see [mark](#))

The literal element of the mark consists of Nice saffron. The mark consists of standard characters, without claim to any particular font style, size, or color.

The applicant, Nicesaffron, a limited liability company legally organized under the laws of California, having an address of
10338 Eastborne Ave
Los Angeles, California 90024
United States
818-818-8387(phone)
XXXX

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 030: Spices; Spice blends

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 030, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 10/10/2016, and first used in commerce at least as early as 10/10/2016, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) digital images of a website currently used in commerce.

Original PDF file:

[SPE0-216522495-2020103009 1518651059 . 537736959_S1.pdf](#)

Converted PDF file(s) (1 page)

[Specimen File1](#)

Original PDF file:

[SPE0-216522495-2020103009 1518651059 . 537736959_S2.pdf](#)

Converted PDF file(s) (3 pages)

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

The applicant's current Correspondence Information:

Nicesaffron

PRIMARY EMAIL FOR CORRESPONDENCE: Zahra_tajook@yahoo.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): tmapp@legalzoom.com

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the applicant owner/holder and the applicant owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark

Electronic Application System (TEAS).

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

Declaration

Basis:

If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce and was in use in commerce as of the filing date of the application on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application and was used on or in connection with the goods/services in the application as of the application filing date; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

And/Or

If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):

- The signatory believes that the applicant is entitled to use the mark in commerce;
 - The applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date on or in connection with the goods/services in the application; and
 - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
- To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
- To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /Zahra Tajook/ Date: 11/02/2020

Signatory's Name: Zahra Tajook

Signatory's Position: CEO

Signatory's Phone Number: 818-818-8387

Payment Sale Number: 90295152

Payment Accounting Date: 11/03/2020

Serial Number: 90295152

Internet Transmission Date: Tue Nov 03 06:32:32 ET 2020

TEAS Stamp: USPTO/FTK-XXX.XX.XXX.X-20201103063232248

646-90295152-7507eecbebb8168f5942a5affef

7f4f111f20ce4dc622858edbcec0c99f92eedc2-

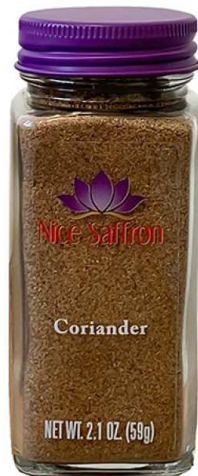
DA-32311755-20201102122510029514

Nice saffron

The screenshot shows the top portion of a website. At the top left is the 'Nice Saffron' logo, which consists of a stylized purple flower icon above the text 'Nice Saffron'. To the right of the logo is a horizontal navigation menu with the following items: 'HOME' (underlined), 'ABOUT US', 'CONTACT US', 'ACCOUNT', 'ORDERS', and 'SHOP'. Further right is a shopping cart icon followed by the text 'CART - \$0.00' and a downward-pointing arrow. On the far right of the header is a red rectangular badge with three white stars and the text 'FREE SHIPPING'. Below the navigation is a large banner image featuring a purple saffron flower and a pile of saffron stigmas. The text on the banner reads: 'High Quality Saffron', '100% Guarantee', and 'The Best And Lowest Price of Persian Saffron'. Below this, in smaller text, it says: 'SAFFRON IS A SPICE DERIVED FROM THE FLOWER OF CROCUS SATIVUS, COMMONLY KNOWN AS THE "SAFFRON CROCUS"'. At the bottom of the banner area, there is a red horizontal line and the text 'Featured Products'.



HOME / SHOP / CORIANDER / CORIANDER POWDER 59 GRAMS (2.1 OZ)



Coriander Powder 59 Grams (2.1 oz)

SKU:CO-P-1000-59



Coriander powder is a versatile spice that is used in both savory and sweet dishes. Coriander is available in different forms, such as fresh, seeds, ground, and powder. There are very few dishes that can be made without using this flavor-packed spice. This is why it is a staple ingredient in curries and stews.

\$4.90

Base price for variant \$4.90
Sales price without tax \$4.90

1  

 **ADD TO CART**

Current Stock Level:



Description





This flavor-packed spice is an integral ingredient in Indian and Pakistani curries and is used in various dishes worldwide.

What Is Coriander Powder?

Coriander powder is made by grinding the coriander seeds into a fine powder. Coriander seeds are made from coriander, which is the oldest spice in the world. Its leaves are considered as herbs, whereas its seeds are considered as spices. These aromatic seeds are dry toasted and then ground, which helps in retaining their scent and taste.

Coriander Powder Uses

- Coriander powder is used as a dry rub for various meat dishes.
- No curry or stew is complete without its fair share of coriander powder.
- Give your waffles and pancakes a twist by adding a pinch of this flavorsome spice.
- Coriander powder imparts the perfect flavor to different vegetables and meat dishes.
- This spice powder gives rice dishes the most exclusive and distinct flavor.

Pointers When Selecting Coriander Powder

- Check the packet for lumps as this is a sign of moisture.
- Make sure you buy your pack of coriander powder from a well-known shop to avoid any contamination.
- Always check the expiry date before buying it.

How To Properly Store Coriander Powder?

Many people wonder how they can store coriander powder without the fear of it going bad. If stored correctly, your batch of coriander powder should stay fresh for about 4-6 months.

All you have to do is place it in an airtight and opaque container in a dry, dark, and cool place. You can also add a piece of asafoetida to the container so that the spice powder stays fresh.





Health Benefits Of Coriander Powder

- When taken with rock salt and a pinch of asafoetida, it aids with digestion and helps in secreting gastric juices.
- Coriander powder is used to make tea, which helps in relieving nausea and diarrhea.
- It has pain-relieving qualities and is used for muscle pain and arthritis.

Stock Up On Coriander Powder

Coriander powder is an essential spice powder that elevates any dish it is incorporated into. Look no further and get the highest-quality coriander powder from us.

Reviews

[BACK TO: CORIANDER](#)

There are yet no reviews for this product.

The footer section is divided into four columns:

- Information:** ABOUT US, CONTACT US, CUSTOMER SERVICES, PRIVACY POLICY, TERMS & CONDITIONS, BENEFITS OF SAFFRON, ARTICLES
- Other Link:** INGREDIENTS, RETURN POLICY, SHIPPING INFORMATION, FAQ, SAFFRON RECIPES, Our Site is Secure (with a Starfield Technologies Verified & Secured logo)
- Keep in Touch:** PHONE: +1 (818) 818-8387, E-MAIL: INFO@NICESAFFRON.COM, HOURS/WORKING DAYS: FROM 8:30 AM TO 9:30 PM PACIFIC TIME / ALL DAYS
- Join Us:** Follow Us on (social media icons for Twitter, Facebook, G+, WhatsApp, Instagram), Search (input field)

Copyright © 2020 NiceSaffron. All Rights Reserved.
Nice Saffron is Your Online Shop

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

Walgreen Co.)	
)	
Opposer,)	
v.)	
)	
Nice Saffron LLC,)	Opposition No. 91270235
)	
Applicant.)	
)	
Mark: Nice saffron)	
)	
Serial No.: 90/295,152)	
)	
Filed: November 3, 2020)	
)	
Published: June 1, 2021)	
)	

Declaration of Zahra Tajook

in Support of Applicant’s Response

To Opposer’s Motion for Summary Judgment

I, Zahra Tajook, declare as follows:

1. I am the president and founder of Nice Saffron LLC, in the above-captioned matter. I declare that the following statements are true to the best of my knowledge, information, and belief and that if called upon to testify, I could and

would competently testify thereto. I make this declaration in support of Applicant's response to Walgreen Co.'s Motion for Summary Judgment.

2. Attached as Exhibit 1 is a screen capture from Wikipedia.com describing the nature of Opposer's business.

3. Attached as Exhibit 2 is a screen capture from Applicant's website showing the nature of Applicant's business.

4. Attached as Exhibit 3 is a true and correct copy of U.S. trademark applicant serial number 90/295,152 for Applicant's mark "Nice saffron".

5. Attached as Exhibit 5 are photographs of Opposer's goods associated with Opposer's mark, as taken by me personally in a retail pharmacy operated by Opposer.

6. Attached as Exhibit 6 is a screen capture from Opposer's website in evidence of Opposer's exclusive right to use Opposer's Mark.

7. Attached as Exhibit 7 is a true and correct copy of Applicant's First Set of Interrogatories.

8. Attached as Exhibit 8 is a true and correct copy of Applicant's First Set of Requests for Admissions.

9. Attached as Exhibit 9 is a true and correct copy of Applicant's First Set of Requests for Documents.

10. Attached as Exhibit 10 is a true and correct copy of Applicant's current price list for the goods associated with Applicant's Mark.

11. Attached as Exhibit 11 is a true and correct copy of Opposer's Initial Disclosures.

12. In Applicant's initial disclosures, Applicant specifically identified me as a person with knowledge of Applicant's use of its trademarks. *See Applicant's Initial Disclosures, page 2.* Based on that knowledge, I attest that Applicant's use of its marks relates to the sale of high end spices and spices blends, of a price and quality much higher than any spice products sold by Opposer under Opposer's Marks. The marks which Opposer relies upon as the basis for this Opposition are used in connection with common items, such as a table salt, sold at a very low price, appropriate to such goods. Based on my own personal knowledge of such use, it is my belief that (1) the goods themselves are entirely different from the goods which I sell under Applicant's Mark; (2) the channels of trade for Opposer's goods are entirely different from those in which I sell goods under Applicant's Mark, because Opposer's goods are sold exclusively at Opposer's chain of pharmacies, whereas my goods are sold on Applicant's website and through boutique grocery stores and markets; and (3) the purchasers of the respective goods are entirely different, because Opposer's goods are sold exclusively to consumers seeking low price, common items, such as table salt, and my goods are sold to

customers seeking high quality spices and spice blends, at a significantly higher price point, and using a very high degree of care in selecting the goods.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 7th day of June, 2022 at Los Angeles, California.

/s/ Zahra Tajook
Zahra Tajook

EXHIBIT 5





9

3.99

2.29

3.99

2.99

3.99

1.99

4.99

9

1.99

1.99

1.99

2.99

1.99

1.99

1.99

1.99

1.99

1.99

5.99

4.99

3.99

3.99

1.99

2.99

2.99

1.99

1.99



EXHIBIT 6

Nice! Rebrand



The Nice!® Brand: Nice! is a Walgreens-owned, balanced food and beverage brand that offers delicious products at affordable prices. In an effort to simplify healthy living for its customers, Nice! rebranded its product line in spring 2017 with new products and ingredient standards. The rebranding will also include a broader selection of organic items, as well as new packaging.

What's New: After conducting extensive research, including more than 7,000 customer interviews, the Nice! brand now includes new products and design elements that make it easier for our customers to take an honest approach to living well and eating better.

- **Products:** The Nice! product line now includes more than 100 new items to make it easier for our customers to make healthier choices. Prioritizing great taste and ingredient guidelines, such as by minimizing

hydrogenated oils, trans fats and artificial ingredients wherever possible, the new items include:

- *Organic items* such as certain flavored popcorns, tortilla chips and honey
- *Trail mix and nut varieties*, for example, a **gluten-free** trail mix and coconut-dusted cashews
- *Cookies*, for example, chocolate dunkers and organic animal crackers
- *Baking goods*, including pure cane sugar, powdered sugar and vanilla extract, among others
- *General grocery items*, such as select fruit preserves and peanut butter

The brand will continue to offer the same products that customers have known and enjoyed at a great value.

- **Health Corner:** To take the guesswork out of making healthier choices, select new Nice! packaging now includes a “health corner” which speaks to the nutritional aspects of the products. The nutritional indicators may include calorie count, **non-GMO**, **gluten free** and/or **USDA-organic**.

Product Line: The brand has nearly 500 products spanning three core tiers: everyday, premium and organic.

Timing: As the new packing is rolled out this year, the old and new looks will co-exist in stores until the rollout is complete. Snacks were the first to hit shelves, and by December 2017, Walgreens expects to have the entire line of new Nice! packaging in stores.

Learn More: To learn more about Nice!, please visit walgreens.com/nice.

MEDIA CONTACT:

Emily Hartwig-Mekstan

(847) 315-3316

emily.hartwig@walgreens.com (mailto:emily.hartwig@walgreens.com)

Latest videos

(/video_display.cfm?video_id=15163)

**Nice! Rebrand b-roll (/video_display.cfm?
video_id=15163)**

Read more (/video_display.cfm?video_id=15163)

EXHIBIT 7

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

APPLICANT’S FIRST SET OF INTERROGATORIES TO OPPOSER

PROPOUNDING PARTY: Applicant, Nice Saffron LLC

RESPONDING PARTY: Opposer, Walgreen Co.

SET NO.: One

Applicant, Nice Saffron LLC (“Applicant”) requests, pursuant to Federal Rule of Civil Procedure 36 and 37 C.F.R. § 2.120, that opposer, Walgreen Co. (“Opposer”), answer the following First Set of Interrogatories under oath within thirty (30) days of the date of service hereof.

I.

DEFINITIONS AND INSTRUCTIONS

1. In answering these interrogatories, the responding party is required to provide not only such information as is known to it, its agents, and its affiliates, but also information that is in the possession of its attorneys, legal assistants, investigators, and anyone else acting on its behalf, under its control, or working cooperatively with it.

2. A request that You identify or include the identity of a person calls for You to provide the identifying information, including the person's full name, last known address, and last known telephone number; and the name, address, and telephone number of the person's employer, and the person's last known position or title.

3. As used herein, the term “document(s)” refers to documents, writings, and recordings, as defined in Federal Rule of Evidence 1001, and includes the originals and all copies of handwriting, typewriting, printing, photographing, and every other means of recording upon any tangible thing, any form of communication or representation,

including letters, words, pictures, sounds, symbols, magnetic impulses, electronic recordings, or combinations thereof. This definition shall apply to all documents on the particular subject of which You have any knowledge or information, irrespective of who has possession, custody, or control of the documents, and irrespective of who prepared, generated, or signed the documents.

4. A request that You include an identification of a document calls for You to describe the document with sufficient particularity such that You could locate it if requested to do so. You are requested to provide the following information in your identification:

- A. The date of the document or a best estimate of the date;
- B. The name of the author(s) and the name of the addressee(s);
- C. The substance of the document; and
- D. The location of the original document or, if unknown, the

location of any copies.

5. A request that You state all facts calls for You to state each and every fact known or available to You, including, but not limited to all evidence, contentions, and opinions that You, your attorneys, legal assistants, investigators, and all persons acting on your behalf, under your control, or working cooperatively with You, have or hold.

6. You have a duty to supplement your responses to these interrogatories at such times and to the extent required by Rule 26(e) of the Federal Rules of Civil Procedure.

7. As used herein, "Applicant's Mark" means the mark in U.S. trademark application serial number 90/295,152 for "Nice saffron".

8. As used herein, "You" includes your subsidiary, affiliate and related companies.

9. As used herein, "Your Marks" means the marks upon which You base this opposition proceeding, as identified in the Notice of Opposition.

II.

INTERROGATORIES

INTERROGATORY NO. 1:

Describe in detail the circumstances of the adoption and use and/or plans for use by You of each and every mark or trade name incorporating "NICE" as an element, including a detailed specification of each good and service offered with respect to each such mark or name and the time periods during which each such mark or name was used with respect to each such good and service.

INTERROGATORY NO. 2:

Describe in detail the circumstances of the adoption and use and/or plans for use by You of each and every mark or trade name incorporating "SAFFRON" as an element, including a detailed specification of each good and service offered with respect to each such mark or name and the time periods during which each such mark or name was used with respect to each such good and service.

INTERROGATORY NO. 3:

Describe with particularity all herb and spice products that have been sold in connection with Your Marks and, separately for each of Your Marks and each product, state the quantity by year (since the inception of your use) of each good or service that has been sold and the annual gross revenues earned by You from such sales.

INTERROGATORY NO. 4:

Describe with particularity all other goods and services that have been offered in connection with Your Marks and, separately for each of Your Marks and each good or service, state the quantity by year (since the inception of your use) of each good or service that has been sold and the annual gross revenues earned by You from such sales.

INTERROGATORY NO. 5:

For each mark and each good or service, separately state the annual amounts expended for product development, marketing, advertising, and promoting the goods and/or services sold in connection with Your Marks.

INTERROGATORY NO. 6:

Describe in detail your product development, marketing and promotional efforts in conjunction with Your Marks, including a description of the marketing and promotion channels utilized in advertising and promoting the goods sold in connection with Your Marks and a description of each and every brochure, advertisement (including but not limited to video and audio advertisement), and all other printed promotional materials used or distributed.

INTERROGATORY NO. 7:

Identify all persons, whether or not employed by You, who prepare or who have prepared advertisements, press releases, or other promotional materials for You, who perform or have performed public relations services for You, or who have consulted with or offered advice to You with respect to marketing, merchandising, trademarks, branding, corporate identity, trade identity, product identity, advertising, or promotional activities.

INTERROGATORY NO. 8:

Identify all persons, whether or not employed by You, who have been involved in selling your goods or services sold using Your Marks.

INTERROGATORY NO. 9:

Identify the location of each place where You have offered goods and/or services for sale in connection with Your Marks and state the inclusive dates during which such goods and/or services were offered at each such location.

INTERROGATORY NO. 10:

Identify the location of each place where You have offered goods and/or services for sale using trademarks other than Your Marks and state the inclusive dates during which such goods and/or services were offered at each such location.

INTERROGATORY NO. 11:

State the date on which and describe with particularity the circumstances pursuant to which You first became aware of any use by Applicant of any mark including the word "nice".

INTERROGATORY NO. 12:

If You contend that You would be damaged by the continued use and/or registration of Applicant's Mark, please state all facts, including an identification of all relevant documents and all persons with knowledge of such facts, which support your contention, including a calculation of your alleged damages.

INTERROGATORY NO. 13:

If You contend that Applicant adopted any name or mark in bad faith, for an improper purpose, or otherwise acted with an improper motive, please state all facts, including an identification of all relevant documents and all persons with knowledge of such facts, which support your contention.

INTERROGATORY NO. 14:

Describe in detail each inquiry You have ever received or know about as to whether the services and/or goods offered by You in connection with Your Marks are associated with, affiliated with, sponsored by, approved by, and/or connected with Applicant.

INTERROGATORY NO. 15:

If You contend that there has been any actual confusion as the result of any activities by Applicant or by the use of any name or mark by Applicant, please state all facts, including an identification of all relevant documents and all persons with knowledge of such facts, which support your contention.

INTERROGATORY NO. 16:

If You contend that any likelihood of confusion exists because of any activities by Applicant or because of any use by Applicant of any name or mark, please state all facts, and include an identification of all relevant documents and all persons with knowledge of such facts, which support your contention.

INTERROGATORY NO. 17:

Identify all persons whom You believe to have knowledge concerning the subject matter of this proceeding, including any information relevant to each of these interrogatories, and describe the basis of each person's knowledge.

INTERROGATORY NO. 18:

If You have conducted or caused to be conducted any investigation, survey, shopping test, or consumer reaction test involving Your Marks or Applicant's Mark, describe in detail each such investigation, survey, shopping test, or consumer reaction test, including the identity the persons who conducted or participated in conducting it.

INTERROGATORY NO. 19:

Identify each person whom You expect to call as an expert witness, the substance of the facts and opinions to which the expert is expected to testify and grounds for each opinion, and identify all documents reviewed or prepared by such expert with respect to the subject matter of this case.

INTERROGATORY NO. 20:

For each person or entity that you have become aware of that has used the word "nice" as part of a trade name, trademark, or service mark, please identify the person or entity and describe any actions you have taken with respect to such person or entity after becoming aware of such person's or entity's use of the word "nice".

INTERROGATORY NO. 21:

Describe any actions you have taken with respect to Ching Shan Food Products Factory Limited's use of the mark "NICE" (and design) for food products.

INTERROGATORY NO. 22:

Describe any actions you have taken with respect to VFLV, LLC's use of the mark "SPIRITS & SPICE AND EVERYTHING NICE!" for spice mixes, spices, vinegar, apple cider vinegar, baking spices, balsamic vinegar, edible spices, natural spices, and wine vinegar.

INTERROGATORY NO. 23:

Describe any actions you have taken with respect to Crave, Inc.'s use of the mark "EVERYTHING NICE" for candies, chocolate covered nuts, chocolate covered roasted coffee beans, and gummy candies.

INTERROGATORY NO. 24:

Describe any actions you have taken with respect to Equinox International Holdings Limited's use of the mark "MR NICE" for confectionery, namely, candy, peppermint candy, hard candies, gummy candies, chocolate, cakes, flavourings, other than essential oils, for foods, cereal bars, infusions, namely, herbal infusions, tea for infusions, infused oils, not being essential oils, teas, flavourings, other than essential oils, for beverages, and Herbal flavourings,.

INTERROGATORY NO. 25:

Describe any actions you have taken with respect to Made Nice, LLC's use of the mark "MADE NYC NICE" (and design) for bakery goods, granola, rice-based snack foods, noodle-based and rice-based prepared meals, sandwiches, and ice cream.

INTERROGATORY NO. 26:

Describe any actions you have taken with respect to Fifty-Six Hope Road Music Limited's use of the mark "NICE TIME" (and design) for sauces.

INTERROGATORY NO. 27:

Describe any actions you have taken with respect to Made Nice, LLC's use of the mark "MADE NICE" for rice-based snack foods, and bakery goods.

INTERROGATORY NO. 28:

Describe any actions you have taken with respect to Formey Corporation's use of the mark "NICE FOOD" for bakery desserts and bakery goods.

INTERROGATORY NO. 29:

Describe any actions you have taken with respect to Make It Nice OK, LLC's use of the mark "MAKE IT NICE, OK" for seasonings, seasoning mixes, spice blends, spice mixes, spice rubs, and spices.

INTERROGATORY NO. 30:

Describe any actions you have taken with respect to Pasta Dreams, LLC's use of the mark "EAT NICE" for ravioli products.

INTERROGATORY NO. 31:

Describe any actions you have taken with respect to Griffin's Food Limited's use of the mark "NICE & NATURAL" for a wide variety of food products.

INTERROGATORY NO. 32:

Describe any actions you have taken with respect to DJT Sugar 'N Spice, Inc.'s use of the mark "NICE SPICE" for marinades, spices, preserved garden herbs as seasonings, seasoned coating mixtures for foods, spice blends, and spice rubs.

INTERROGATORY NO. 33:

Describe in detail, including date, jurisdiction, case number, conclusion and status, any litigation, interference, conflicts, opposition, cancellation proceedings, and other proceedings, involving Your Marks.

INTERROGATORY NO. 34:

Describe in detail, including date, jurisdiction, case number, conclusion and status, any litigation, interference, conflicts, opposition, cancellation proceedings, and other proceedings, involving other trademarks belonging to You.

INTERROGATORY NO. 35:

Describe with particularity all of the specific herbs and spices which You were actively selling under any of Your Marks as of October 10, 2016.

INTERROGATORY NO. 36:

Describe with particularity all of the specific items of clothing which You were actively selling under any of Your Marks as of November 3, 2020.

INTERROGATORY NO. 37:

State the target market for the goods identified in response to Interrogatory No. 35 and 36 above.

INTERROGATORY NO. 38:

State the price or price range (or intended price range) for the goods identified in response to Interrogatory No. 35 and 36 above.

INTERROGATORY NO. 39:

State the price or price range for goods which You sell using trademarks other than Your Marks.

INTERROGATORY NO. 40:

Describe with particularity the involvement of Courtney Shields, Senior Manager, Owned Brands at Walgreen Co., with Opposer's use of Your Marks.

INTERROGATORY NO. 41:

Describe with particularity all goods that You have offered using marks other than Your Marks, and separately for each such trademark and each good, state the quantity by year (since the inception of your use, if any) of each good that has been sold and the annual gross revenues earned by You from such sales.

INTERROGATORY NO. 42:

State whether the owner of attached U.S. trademark registration number 2356558 for the mark NICE (Attachment 1) has the right to use such mark for the goods described in the registration.

INTERROGATORY NO. 43:

State whether the owner of attached U.S. trademark registration number 5629476 for the mark SPIRITS & SPICE AND EVERYTHING NICE! (Attachment 2) has the right to use such mark for the goods described in the registration.

INTERROGATORY NO. 44:

State whether the owner of attached U.S. trademark registration number 6179930 for the mark EVERYTHING NICE (Attachment 3) has the right to use such mark for the goods described in the registration.

INTERROGATORY NO. 45:

State whether the owner of attached U.S. trademark registration number 6121742 for the mark MR. NICE (Attachment 4) has the right to use such mark for the goods described in the registration.

INTERROGATORY NO. 46:

State whether the owner of attached U.S. trademark registration number 5779652 for the mark MADE NYC NICE (Attachment 5) has the right to use such mark for the goods described in the registration.

INTERROGATORY NO. 47:

State whether the owner of attached U.S. trademark registration number 5669883 for the mark NICE TIME (Attachment 6) has the right to use such mark for the goods described in the registration.

INTERROGATORY NO. 48:

State whether the owner of attached U.S. trademark registration number 5683061 for the mark MADE NICE (Attachment 7) has the right to use such mark for the goods described in the registration.

INTERROGATORY NO. 49:

State whether the owner of attached U.S. trademark registration number 5693366 for the mark NICE FOOD (Attachment 8) has the right to use such mark for the goods described in the registration.

INTERROGATORY NO. 50:

State whether the owner of attached U.S. trademark registration number 6490604 for the mark MAKE IT NICE, OK (Attachment 9) has the right to use such mark for the goods described in the registration.

INTERROGATORY NO. 51:

State whether the owner of attached U.S. trademark registration number 5601915 for the mark EAT NICE (Attachment 10) has the right to use such mark for the goods described in the registration.

INTERROGATORY NO. 52:

State whether the owner of attached U.S. trademark registration number 5062024 for the mark NICE & NATURAL (Attachment 11) has the right to use such mark for the goods described in the registration.

Dated: May 9, 2022

Respectfully submitted,

Don Thornburgh Law Corporation
466 Foothill Boulevard #220
La Cañada Flintridge, CA 91011
Tel. 818.790.6547

/Don Thornburgh/
Don Thornburgh
Attorney for Nice Saffron LLC

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing APPLICANT'S FIRST SET OF INTERROGATORIES has been served on the Opposer, at the correspondence address of record in the records of the USPTO, by e-mailing said copy (with consent) on May 9, 2022 to: Tiffany D. Gehrke (tgehrke@marshallip.com), with copies to mbolos@marshallip.com, and mgblitdocket@marshallip.com.

Executed this 9th day of May, 2022, at La Cañada Flintridge, California.

/Don Thornburgh/

Don Thornburgh
Attorney for Applicant

Attachment 1

Int. Cl.: 30

Prior U.S. Cl.: 46

Reg. No. 2,356,558

United States Patent and Trademark Office

Registered June 13, 2000

**TRADEMARK
PRINCIPAL REGISTER**



CHING SHAN FOOD PRODUCTS FACTORY LIMITED (HONG KONG LIMITED PARTNERSHIP)
ROOM 402
WINGFUL COMMERCIAL BUILDING
172-176, WING LOK STREET, HONG KONG

FOR: BEAN THREAD, NAMELY, MUNG BEAN, POTATO STARCH AND WATER, ALSO KNOWN AS LONG RICE OR SAI FUN, IN CLASS 30 (U.S. CL. 46).

FIRST USE 3-0-1951; IN COMMERCE 5-0-1951.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "NI SEE SAI FUN", APART FROM THE MARK AS SHOWN.

THE FOREIGN CHARACTERS IN THE MARK MAY BE TRANSLITERATED TO "NI SEE SAI FUN", AND THIS MEANS STRONG OR SUPERIOR BEAN THREAD IN ENGLISH.

SER. NO. 75-451,190, FILED 3-16-1998.

GEOFFREY FOSDICK, EXAMINING ATTORNEY

Attachment 2

United States of America
United States Patent and Trademark Office



Reg. No. 5,629,476

Registered Dec. 11, 2018

Int. Cl.: 30, 33

Trademark

Principal Register

VFLV, LLC (WYOMING LIMITED LIABILITY COMPANY)
4270 Greens Pl
Wilson, WYOMING 83014

CLASS 30: Spice mixes; Spices; Vinegar; Apple cider vinegar; Baking spices; Balsamic vinegar; Edible spices; Natural spices; Wine vinegar

FIRST USE 1-17-2018; IN COMMERCE 1-17-2018

CLASS 33: Brandy; Distilled blue agave liquor; Gin; Rum; Vermouth; Vodka; Whiskey; Wine

FIRST USE 1-17-2018; IN COMMERCE 1-17-2018

The mark consists of "SPIRITS & SPICE AND EVERYTHING NICE!" with a glass and bottle next to it.

No claim is made to the exclusive right to use the following apart from the mark as shown: "SPIRITS & SPICE" FOR INTERNATIONAL CLASS 33 AND "SPICE" FOR INTERNATIONAL CLASS 30

SER. NO. 87-804,633, FILED 02-21-2018



Andrei Iancu

Director of the United States
Patent and Trademark Office

Attachment 3

United States of America
United States Patent and Trademark Office

everything nice

Reg. No. 6,179,930

CRAVE INC. (CALIFORNIA CORPORATION)
708 Gravenstein Hwy N #205
Sebastopol, CALIFORNIA 95472

Registered Oct. 20, 2020

Int. Cl.: 30

CLASS 30: Candies; Chocolate covered nuts; Chocolate covered roasted coffee beans;
Gummy candies

Trademark

FIRST USE 9-30-2014; IN COMMERCE 9-30-2014

Principal Register

The mark consists of the stylized wording "everything nice".

SER. NO. 88-869,526, FILED 04-13-2020



Andrei Iancu

Director of the United States
Patent and Trademark Office



Attachment 4

United States of America

United States Patent and Trademark Office



Reg. No. 6,121,742

Registered Aug. 11, 2020

Int. Cl.: 3, 25, 30, 32, 35

Service Mark

Trademark

Principal Register

Equinox International Holdings Limited (UNITED KINGDOM private limited company)
Maddox House, 1 Maddox Street
London, UNITED KINGDOM W1S2PZ

CLASS 3: Essential oils; aromatic essential oils; cosmetics; non-medicated toiletry preparations; non-medicated herbal body care preparations; non-medicated soaps; flavourings for beverages being essential oils

CLASS 25: Clothing, namely, t-shirts, hooded tops, socks, sweat shirts, sweat pants, trousers, shorts, jackets, swimming trunks; gloves, sweaters, boxer shorts, underpants, polo shirts, shirts; footwear; headwear; caps being headwear; hats; beanies

CLASS 30: Confectionery, namely, candy, peppermint candy, hard candies, gummy candies; chocolate; cakes; flavourings, other than essential oils, for foods; cereal bars; infusions, namely, herbal infusions, tea for infusions, infused oils, not being essential oils; teas; flavourings, other than essential oils, for beverages; Herbal flavourings, other than essential oils, for making beverages

CLASS 32: Mineral and aerated waters; non-alcoholic beverages, namely, carbonated beverages, non-alcoholic fruit juice beverages, non-alcoholic water-based beverages, non-alcoholic beverages flavoured with tea; preparations for making beverages, namely, syrups for making soft drinks or tea-flavoured beverages; essences for making non-alcoholic beverages

CLASS 35: On-line retail store services and retail store services featuring essential oils, aromatics (essential oils), cosmetics, non-medicated toiletry preparations, non-medicated herbal body care products, soaps, food and beverage flavourings, clothing, footwear, headwear, confectionery, chocolate, cakes, cereal bars, herbal infusions and teas; business advice relating to franchising, namely, consultation and assistance in business management, marketing, branding, organization and promotion; business advisory services, consultation and information

PRIORITY CLAIMED UNDER SEC. 44(D) ON EUROPEAN UNION APPLICATION NO. 017962121, FILED 09-26-2018, REG. NO. 017962121, DATED 08-29-2019, EXPIRES 09-26-2028

The mark consists of the wording "MR NICE" in stylized text with the letters "MR" appearing within the letter "N".

SER. NO. 88-230,699, FILED 12-14-2018



Andrew I. Lerner
Director of the United States
Patent and Trademark Office

Attachment 5

United States of America
United States Patent and Trademark Office



Reg. No. 5,779,652
Registered Jun. 18, 2019
Int. Cl.: 29, 30, 32, 43
Service Mark
Trademark
Principal Register

Made Nice, LLC (DELAWARE LIMITED LIABILITY COMPANY)
22 West 27th Street, 2nd Floor
New York, NEW YORK 10001

CLASS 29: Soups; vegetable salads; baked potatoes; potato chips; prepared meals consisting primarily of vegetables

FIRST USE 4-24-2017; IN COMMERCE 4-24-2017

CLASS 30: Bakery goods; granola; rice-based snack foods; noodle-based and rice-based prepared meals; sandwiches; ice cream

FIRST USE 4-24-2017; IN COMMERCE 4-24-2017

CLASS 32: Soft drinks; fruit drinks; fruit juices; ice cream sodas

FIRST USE 4-24-2017; IN COMMERCE 4-24-2017

CLASS 43: Restaurant and restaurant carryout services

FIRST USE 4-24-2017; IN COMMERCE 4-24-2017

The mark consists of the stylized wording "MADE NYC NICE" set within a circle. The wording "NYC" is in the center of the circle, below the wording "MADE" and above the wording "NICE". There are two line segments on opposite sides of the wording "NYC".

No claim is made to the exclusive right to use the following apart from the mark as shown: "NYC"

SER. NO. 88-163,859, FILED 10-22-2018



Andrei Iancu
Director of the United States
Patent and Trademark Office

Attachment 6

United States of America
United States Patent and Trademark Office



Reg. No. 5,669,883
Registered Feb. 05, 2019
Int. Cl.: 30
Trademark
Principal Register

Fifty-Six Hope Road Music Limited (BAHAMAS International Business Company)
Aquamarine House, Cable Beach
Nassau, BAHAMAS

CLASS 30: Sauces

FIRST USE 2-19-2016; IN COMMERCE 2-19-2016

The mark consists of the words "NICE TIME" within an image of a sun with rays, over the image of a mountain having two palm trees on top and an image of a smile leading into an arrow on the left side.

SER. NO. 88-004,610, FILED 06-18-2018



Andrew Kanner
Director of the United States
Patent and Trademark Office

Attachment 7

United States of America
United States Patent and Trademark Office

MADE NICE

Reg. No. 5,683,061

Registered Feb. 26, 2019

Int. Cl.: 30

Trademark

Principal Register

MADE NICE, LLC (DELAWARE LIMITED LIABILITY COMPANY)

22 West 27th Street
2nd Floor
New York, NEW YORK 10001

CLASS 30: Rice-based snack foods; bakery goods

FIRST USE 4-24-2017; IN COMMERCE 4-24-2017

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 4296581

SER. NO. 87-469,611, FILED 05-31-2017



Andrew Laven

Director of the United States
Patent and Trademark Office

Attachment 8

United States of America
United States Patent and Trademark Office



Reg. No. 5,693,366

Registered Mar. 05, 2019

Int. Cl.: 30

Trademark

Principal Register

Formey Corporation (NEW YORK CORPORATION)
4315 New Brunswick Ave
South Plainfield, NEW JERSEY 07080

CLASS 30: Bakery desserts; Bakery goods

FIRST USE 6-1-2018; IN COMMERCE 8-1-2018

The color(s) red, dark green, and white is/are claimed as a feature of the mark.

The mark consists of the stylized wording "NICEFOOD" with the word "NICE" and the letters "F" and "D" all in dark green. The dark green design dotting the letter "I" contains two, white Chinese characters. The letters "OO" are red and form the eyes of a stylized chef with a red hat and red mustache. The mark is surrounded by a red oval. The remaining white in the mark constitutes background and is not a claimed feature of the mark.

The non-Latin characters in the mark transliterate to "fu mei" and this means "wealth and beauty" in English.

SER. NO. 87-814,587, FILED 02-28-2018



Anderi Iancu
Director of the United States
Patent and Trademark Office

Attachment 9

United States of America
United States Patent and Trademark Office

Make It Nice, OK

Reg. No. 6,490,604
Registered Sep. 21, 2021
Int. Cl.: 30
Trademark
Principal Register

Make It Nice OK, LLC (OKLAHOMA LIMITED LIABILITY COMPANY)
C/o Crowe & Dunlevy, 324 N. Robinson
Oklahoma City, OKLAHOMA 73102

CLASS 30: Seasonings; Spices; Seasoning mixes; Spice blends; Spice mixes; Spice rubs

FIRST USE 5-7-2020; IN COMMERCE 5-7-2020

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown: "OK"

SER. NO. 90-357,321, FILED 12-03-2020



Dana H. H. H.

Performing the Functions and Duties of the
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office



Attachment 10

United States of America
United States Patent and Trademark Office



Reg. No. 5,601,915
Registered Nov. 06, 2018
Int. Cl.: 30
Trademark
Principal Register

Pasta Dreams, LLC (PENNSYLVANIA LIMITED LIABILITY COMPANY)
20 West Durham Street
Philadelphia, PENNSYLVANIA 19119

CLASS 30: Vegan pastas, namely, ravioli

FIRST USE 10-30-2016; IN COMMERCE 10-30-2016

The color(s) red, white and black is/are claimed as a feature of the mark.

The mark consists of the word "EAT" in white stylized script appearing above the word "NICE" in white upper case print within a round red dinner plate with a black vertical fork at the bottom of the plate and white curved lines extending from the right and left of the fork to the top of the "E" in "EAT" on one side and to the bottom of the "T" in "EAT" on the other side. The horizontal line of the "T" in "EAT" extends to form a white outline of a heart over the "A".

SER. NO. 87-194,641, FILED 10-06-2016



Andrew L. Rosen
Director of the United States
Patent and Trademark Office

Attachment 11

United States of America
United States Patent and Trademark Office

NICE & NATURAL

Reg. No. 5,062,024

Registered Oct. 18, 2016

Int. Cl.: 29, 30

Trademark

Principal Register

GRIFFIN'S FOOD LIMITED (NEW ZEALAND limited company (Ltd.))
100 Carlton Gore Road
Newmarket, Auckland NEW ZEALAND 1023

CLASS 29: preserved, dried and cooked fruits, nuts, and vegetables; jellies; jams; fruit preserves; preserves, namely, fruit preserves and vegetable preserves; fruit-based food snacks; health food bars, namely, fruit-based organic food bars, processed fruit-and-nut based food bars, soy-based food bars and other foods in this class made from naturally prepared products, namely, processed, bottled, canned, dried, and preserved fruits, processed, bottled, canned, dried, and preserved vegetables, fruit toppings, fruit-based filling for cakes and pies, fruit-based spreads, fruit chips, fruit-salads, vegetables salads, snack mix consisting primarily of processed fruits, seeds and nuts, vegetable-based snack foods; dairy products excluding ice cream, ice milk and frozen yogurt; milk and milk products excluding ice cream, ice milk and frozen yogurt; all the foregoing made in whole or substantial part of natural ingredients

CLASS 30: flour and flour preparations made from cereal, namely, breakfast cereals and processed cereals; bread, pastry or pastry products, namely, bakery desserts, bakery goods, Danish pastries, macarons, eclairs, cookies, cakes, pies, cream puffs, tarts and tartlets; confectionery, namely, pastilles, bon bons, frozen confectionery, chocolate candies, chocolate truffles, fudge, fruit flavored hard and soft candies, herb flavoured hard and soft candies, fruit and herb flavored hard and soft candies, candy, liquorices, natural sweeteners, edible cake decorations; sauces; spices; condiments, namely, condiment sauces; biscuits; cereal based snack foods; health food bars, namely, granola based snack bars, ready to eat cereal-derived food bars, flax-based snack bars, grain-based food bars also containing grains, fruits, nuts and seeds; cereal based snack food bars and cereal-derived food products used as snack foods, muffin bars, cereal-based food bars containing yogurt, chocolate-based ready-to-eat food bars and other foods in this class made from naturally prepared products, namely, granola snacks, flax-based snack foods; fruit sauces excluding cranberry sauce and applesauce; nut flours; all the foregoing made in whole or substantial part of natural ingredients

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF NEW ZEALAND REG. NO. 281812, DATED 09-01-1997, RENEWED AS REG. NO. 281812, EXPIRES 09-01-2025

OWNER OF NEW ZEALAND REG. NO. 281811, DATED 09-01-1997, RENEWED AS REG. NO. 281811, EXPIRES 09-01-2025

SER. NO. 86-713,243, FILED 08-03-2015
BARNEY LAWREN CHARLON, EXAMINING ATTORNEY



Michelle K. Lee
Director of the United States
Patent and Trademark Office

EXHIBIT 8

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

Walgreen Co.)	
)	
Opposer,)	
v.)	
)	
Nice Saffron LLC,)	Opposition No. 91270235
)	
Applicant.)	
)	
Mark: Nice saffron)	
)	
Serial No.: 90/295,152)	
)	
Filed: November 3, 2020)	
)	
Published: June 1, 2021)	
)	

APPLICANT’S FIRST REQUEST FOR ADMISSIONS

PROPOUNDING PARTY: Applicant, Nice Saffron LLC

RESPONDING PARTY: Opposer, Walgreen Co.

SET NO.: One

Applicant, Nice Saffron LLC (“Applicant”) requests, pursuant to Federal Rule of Civil Procedure 36 and 37 C.F.R. § 2.120, that opposer, Walgreen Co. (“Opposer”), answer the following Request for Admissions under oath within thirty (30) days of the date of service hereof. A matter is admitted unless, within thirty (30) days after being served, the party to whom the request is directed serves on the requesting party a written answer or objection addressed to the matter and signed by the party or its attorney. Fed. R. Civ. Pro. 36(a)(3); TBMP 407.03(a).

REQUEST FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1:

Admit that Opposer's U.S. trademark registration number 4,565,372 for the mark "NICE!" is not in use by Opposer for spices or seasonings.

REQUEST FOR ADMISSION NO. 2:

Admit that Opposer's U.S. trademark registration number 4,272,592 for the mark "NICE!" is not in use by Opposer for bakery products, namely, candy, cookies, cake, and crackers.

REQUEST FOR ADMISSION NO. 3:

Admit that Opposer's U.S. trademark registration number 4,243,719 for the mark "NICE!" is not in use by Opposer for baking soda, chocolate covered peanuts, coffee, sandwiches, honey, rice, popcorn, yogurt covered pretzels, pretzels, snack mix consisting primarily of crackers, pretzels and/or popped popcorn.

REQUEST FOR ADMISSION NO. 4:

Admit that Opposer's U.S. trademark registration number 4,418,942 for the mark "NICE!" is not in use by Opposer for pizza products.

REQUEST FOR ADMISSION NO. 5:

Admit that Opposer is not presently developing herb or spice products to be provided under the mark "NICE!".

REQUEST FOR ADMISSION NO. 6:

Admit that Opposer does not own any registered trademarks with respect to the mark "NICE!" for saffron products.

REQUEST FOR ADMISSION NO. 7:

Admit that Opposer does not own any registered trademarks with respect to the mark "NICE!" for herb products.

REQUEST FOR ADMISSION NO. 8:

Admit that Opposer does not own any registered trademarks with respect to the mark "NICE!" for spice products.

REQUEST FOR ADMISSION NO. 9:

Admit that Opposer does not own any registered trademarks with respect to the mark "NICE!" for spice blend products.

REQUEST FOR ADMISSION NO. 10:

Admit that Opposer always includes an exclamation point when using of the mark "NICE!" for Opposer's products and never omits the exclamation point.

REQUEST FOR ADMISSION NO. 11:

Admit that Opposer does not own any registered trademarks with respect to the mark "Nice Saffron" for any goods or services.

REQUEST FOR ADMISSION NO. 12:

Admit that the use of the mark "Nice Saffron" by Applicant for spice and spice blend products is not likely to cause confusion, or to cause mistake, or to deceive as to any affiliation, connection, or association of Applicant or Applicant's goods with Opposer or Opposer's goods.

REQUEST FOR ADMISSION NO. 13:

Admit that the use of "Nice Saffron" by Applicant for spice and spice blend products is not likely to cause confusion, or to cause mistake, or to deceive as to the origin, sponsorship, or approval of Applicant's goods by Opposer.

REQUEST FOR ADMISSION NO. 14:

Admit that Applicant is entitled to register "Nice Saffron" for spice and spice blend products.

REQUEST FOR ADMISSION NO. 15:

Admit that Opposer would suffer no harm by Applicant's registration of "Nice Saffron" for spice and spice blend products.

REQUEST FOR ADMISSION NO. 16:

Admit that Opposer is aware of no instance of a consumer being deceived, confused, or mistaken as the result of Applicant's use of "Nice Saffron" in connection with its goods.

REQUEST FOR ADMISSION NO. 17:

Admit that Opposer is aware that consumers can distinguish Applicant's use of "Nice Saffron" in connection with its goods from Opposer's use the "NICE!" trademark with its goods.

REQUEST FOR ADMISSION NO. 18:

Admit that Opposer had not used the mark "NICE!" in commerce in connection with spice and spice blend products as of October 10, 2016.

REQUEST FOR ADMISSION NO. 19:

Admit that Opposer had not used the mark "NICE!" in commerce in connection with spice and spice blend products as of November 3, 2020.

REQUEST FOR ADMISSION NO. 20:

Admit that Opposer never has used the mark "NICE!" in commerce in connection with spice and spice blend products.

REQUEST FOR ADMISSION NO. 21:

Admit that Opposer does not presently use the mark "NICE!" in commerce in connection with spice and spice blend products.

REQUEST FOR ADMISSION NO. 22:

Admit that Opposer does not presently use the mark "NICE!" in commerce for products sold in markets and grocery stores owned by third parties unaffiliated with Opposer.

REQUEST FOR ADMISSION NO. 23:

Admit that Opposer's primary online promotional website for its goods and services is located at www.walgreens.com.

REQUEST FOR ADMISSION NO. 24:

Admit that Opposer's primary website does not include any information about any goods or services sold under the name "NICE!".

REQUEST FOR ADMISSION NO. 25:

Admit that Opposer's primary website does not include any information about any spice or spice blend products available for purchase from Opposer.

REQUEST FOR ADMISSION NO. 26:

Admit that Applicant's goods are not targeted to the same consumers as those targeted by Opposer in connection with its "NICE!" marks

REQUEST FOR ADMISSION NO. 27:

Admit that attached hereto as Attachment #1 is a true and correct copy of U.S. trademark registration number 2,356,558 for the mark NICE.

REQUEST FOR ADMISSION NO. 28:

Admit that the mark identified in the attached U.S. trademark registration number 2,356,558 for the mark NICE is valid.

REQUEST FOR ADMISSION NO. 29:

Admit that the mark identified in the attached U.S. trademark registration number 2,356,558 for the mark NICE is in use for the goods and/or services described on the registration certificate.

REQUEST FOR ADMISSION NO. 30:

Admit that the owner of U.S. trademark registration number 2,356,558 for the mark NICE has the right to use such mark for the goods and/or services described in the registration.

REQUEST FOR ADMISSION NO. 31:

Admit that Opposer has no right to prevent the owner of U.S. trademark registration number 2,356,558 for the mark NICE from using the mark in conjunction with the goods and/or services described in the registration.

REQUEST FOR ADMISSION NO. 32:

Admit that the mark identified in the attached U.S. trademark registration number 2,356,558 for the mark NICE for the goods and/or services described in the registration is not likely to cause confusion with any marks owned by You.

REQUEST FOR ADMISSION NO. 33:

Admit that attached hereto as Attachment #2 is a true and correct copy of U.S. trademark registration number 5,629,476 for the mark SPIRITS & SPICE AND EVERYTHING NICE!.

REQUEST FOR ADMISSION NO. 34:

Admit that the mark identified in the attached U.S. trademark registration number 5,629,476 for the mark SPIRITS & SPICE AND EVERYTHING NICE! is valid.

REQUEST FOR ADMISSION NO. 35:

Admit that the mark identified in the attached U.S. trademark registration number 5,629,476 for the mark SPIRITS & SPICE AND EVERYTHING NICE! is in use for the goods and/or services described on the registration certificate.

REQUEST FOR ADMISSION NO. 36:

Admit that the owner of U.S. trademark registration number 5,629,476 for the mark SPIRITS & SPICE AND EVERYTHING NICE! has the right to use such mark for the goods and/or services described in the registration.

REQUEST FOR ADMISSION NO. 37:

Admit that Opposer has no right to prevent the owner of U.S. trademark registration number 5,629,476 for the mark SPIRITS & SPICE AND EVERYTHING

NICE! from using the mark in conjunction with the goods and/or services described in the registration.

REQUEST FOR ADMISSION NO. 38:

Admit that the mark identified in the attached U.S. trademark registration number 5,629,476 for the mark SPIRITS & SPICE AND EVERYTHING NICE! for the goods and/or services described in the registration is not likely to cause confusion with any marks owned by You.

REQUEST FOR ADMISSION NO. 39:

Admit that attached hereto as Admit that attached hereto as Attachment #3 is a true and correct copy of U.S. trademark registration number 6,179,930 for the mark EVERYTHING NICE.

REQUEST FOR ADMISSION NO. 40:

Admit that the mark identified in the attached U.S. trademark registration number 6,179,930 for the mark EVERYTHING NICE is valid.

REQUEST FOR ADMISSION NO. 41:

Admit that the mark identified in the attached U.S. trademark registration number 6,179,930 for the mark EVERYTHING NICE is in use for the goods and/or services described on the registration certificate.

REQUEST FOR ADMISSION NO. 42:

Admit that the owner of U.S. trademark registration number 6,179,930 for the mark EVERYTHING NICE has the right to use such mark for the goods and/or services described in the registration.

REQUEST FOR ADMISSION NO. 43:

Admit that Opposer has no right to prevent the owner of U.S. trademark registration number 6,179,930 for the mark EVERYTHING NICE from using the mark in conjunction with the goods and/or services described in the registration.

REQUEST FOR ADMISSION NO. 44:

Admit that the mark identified in the attached U.S. trademark registration number 6,179,930 for the mark EVERYTHING NICE for the goods and/or services described in the registration is not likely to cause confusion with any marks owned by You.

REQUEST FOR ADMISSION NO. 45:

Admit that attached hereto as Attachment #4 is a true and correct copy of U.S. trademark registration number 6,121,742 for the mark MR. NICE.

REQUEST FOR ADMISSION NO. 46:

Admit that the mark identified in the attached U.S. trademark registration number 6,121,742 for the mark MR. NICE is valid.

REQUEST FOR ADMISSION NO. 47:

Admit that the mark identified in the attached U.S. trademark registration number 6,121,742 for the mark MR. NICE is in use for the goods and/or services described on the registration certificate.

REQUEST FOR ADMISSION NO. 48:

Admit that the owner of U.S. trademark registration number 6,121,742 for the mark MR. NICE has the right to use such mark for the goods and/or services described in the registration.

REQUEST FOR ADMISSION NO. 49:

Admit that Opposer has no right to prevent the owner of U.S. trademark registration number 6,121,742 for the mark MR. NICE from using the mark in conjunction with the goods and/or services described in the registration.

REQUEST FOR ADMISSION NO. 50:

Admit that the mark identified in the attached U.S. trademark registration number 6,121,742 for the mark MR. NICE for the goods and/or services described in the registration is not likely to cause confusion with any marks owned by You.

REQUEST FOR ADMISSION NO. 51:

Admit that attached hereto as Attachment #5 is a true and correct copy of U.S. trademark registration number 5,779,652 for the mark MADE NYC NICE.

REQUEST FOR ADMISSION NO. 52:

Admit that the mark identified in the attached U.S. trademark registration number 5,779,652 for the mark MADE NYC NICE is valid.

REQUEST FOR ADMISSION NO. 53:

Admit that the mark identified in the attached U.S. trademark registration number 5,779,652 for the mark MADE NYC NICE is in use for the goods and/or services described on the registration certificate.

REQUEST FOR ADMISSION NO. 54:

Admit that the owner of U.S. trademark registration number 5,779,652 for the mark MADE NYC NICE has the right to use such mark for the goods and/or services described in the registration.

REQUEST FOR ADMISSION NO. 55:

Admit that Opposer has no right to prevent the owner of U.S. trademark registration number 5,779,652 for the mark MADE NYC NICE from using the mark in conjunction with the goods and/or services described in the registration.

REQUEST FOR ADMISSION NO. 56:

Admit that the mark identified in the attached U.S. trademark registration number 5,779,652 for the mark MADE NYC NICE for the goods and/or services described in the registration is not likely to cause confusion with any marks owned by You.

REQUEST FOR ADMISSION NO. 57:

Admit that attached hereto as Attachment #6 is a true and correct copy of U.S. trademark registration number 5,669,883 for the mark NICE TIME.

REQUEST FOR ADMISSION NO. 58:

Admit that the mark identified in the attached U.S. trademark registration number 5,669,883 for the mark NICE TIME is valid.

REQUEST FOR ADMISSION NO. 59:

Admit that the mark identified in the attached U.S. trademark registration number 5,669,883 for the mark NICE TIME is in use for the goods and/or services described on the registration certificate.

REQUEST FOR ADMISSION NO. 60:

Admit that the owner of U.S. trademark registration number 5,669,883 for the mark NICE TIME has the right to use such mark for the goods and/or services described in the registration.

REQUEST FOR ADMISSION NO. 61:

Admit that Opposer has no right to prevent the owner of U.S. trademark registration number 5,669,883 for the mark NICE TIME from using the mark in conjunction with the goods and/or services described in the registration.

REQUEST FOR ADMISSION NO. 62:

Admit that the mark identified in the attached U.S. trademark registration number 5,669,883 for the mark NICE TIME for the goods and/or services described in the registration is not likely to cause confusion with any marks owned by You.

REQUEST FOR ADMISSION NO. 63:

Admit that attached hereto as Attachment #7 is a true and correct copy of U.S. trademark registration number 5,683,061 for the mark MADE NICE.

REQUEST FOR ADMISSION NO. 64:

Admit that the mark identified in the attached U.S. trademark registration number 5,683,061 for the mark MADE NICE is valid.

REQUEST FOR ADMISSION NO. 65:

Admit that the mark identified in the attached U.S. trademark registration number 5,683,061 for the mark MADE NICE is in use for the goods and/or services described on the registration certificate.

REQUEST FOR ADMISSION NO. 66:

Admit that the owner of U.S. trademark registration number 5,683,061 for the mark MADE NICE has the right to use such mark for the goods and/or services described in the registration.

REQUEST FOR ADMISSION NO. 67:

Admit that Opposer has no right to prevent the owner of U.S. trademark registration number 5,683,061 for the mark MADE NICE from using the mark in conjunction with the goods and/or services described in the registration.

REQUEST FOR ADMISSION NO. 68:

Admit that the mark identified in the attached U.S. trademark registration number 5,683,061 for the mark MADE NICE for the goods and/or services described in the registration is not likely to cause confusion with any marks owned by You.

REQUEST FOR ADMISSION NO. 69:

Admit that attached hereto as Attachment #8 is a true and correct copy of U.S. trademark registration number 5,693,366 for the mark NICE FOOD.

REQUEST FOR ADMISSION NO. 70:

Admit that the mark identified in the attached U.S. trademark registration number 5,693,366 for the mark NICE FOOD is valid.

REQUEST FOR ADMISSION NO. 71:

Admit that the mark identified in the attached U.S. trademark registration number 5,693,366 for the mark NICE FOOD is in use for the goods and/or services described on the registration certificate.

REQUEST FOR ADMISSION NO. 72:

Admit that the owner of U.S. trademark registration number 5,693,366 for the mark NICE FOOD has the right to use such mark for the goods and/or services described in the registration.

REQUEST FOR ADMISSION NO. 73:

Admit that Opposer has no right to prevent the owner of U.S. trademark registration number 5,693,366 for the mark NICE FOOD from using the mark in conjunction with the goods and/or services described in the registration.

REQUEST FOR ADMISSION NO. 74:

Admit that the mark identified in the attached U.S. trademark registration number 5,693,366 for the mark NICE FOOD for the goods and/or services described in the registration is not likely to cause confusion with any marks owned by You.

REQUEST FOR ADMISSION NO. 75:

Admit that attached hereto as Attachment #9 is a true and correct copy of U.S. trademark registration number 6,490,604 for the mark MAKE IT NICE, OK.

REQUEST FOR ADMISSION NO. 76:

Admit that the mark identified in the attached U.S. trademark registration number 6,490,604 for the mark MAKE IT NICE, OK is valid.

REQUEST FOR ADMISSION NO. 77:

Admit that the mark identified in the attached U.S. trademark registration number 6,490,604 for the mark MAKE IT NICE, OK is in use for the goods and/or services described on the registration certificate.

REQUEST FOR ADMISSION NO. 78:

Admit that the owner of U.S. trademark registration number 6,490,604 for the mark MAKE IT NICE, OK has the right to use such mark for the goods and/or services described in the registration.

REQUEST FOR ADMISSION NO. 79:

Admit that Opposer has no right to prevent the owner of U.S. trademark registration number 6,490,604 for the mark MAKE IT NICE, OK from using the mark in conjunction with the goods and/or services described in the registration.

REQUEST FOR ADMISSION NO. 80:

Admit that the mark identified in the attached U.S. trademark registration number 6,490,604 for the mark MAKE IT NICE, OK for the goods and/or services described in the registration is not likely to cause confusion with any marks owned by You.

REQUEST FOR ADMISSION NO. 81:

Admit that attached hereto as Attachment #10 is a true and correct copy of U.S. trademark registration number 5,601,915 for the mark EAT NICE.

REQUEST FOR ADMISSION NO. 82:

Admit that the mark identified in the attached U.S. trademark registration number 5,601,915 for the mark EAT NICE is valid.

REQUEST FOR ADMISSION NO. 83:

Admit that the mark identified in the attached U.S. trademark registration number 5,601,915 for the mark EAT NICE is in use for the goods and/or services described on the registration certificate.

REQUEST FOR ADMISSION NO. 84:

Admit that the owner of U.S. trademark registration number 5,601,915 for the mark EAT NICE has the right to use such mark for the goods and/or services described in the registration.

REQUEST FOR ADMISSION NO. 85:

Admit that Opposer has no right to prevent the owner of U.S. trademark registration number 5,601,915 for the mark EAT NICE from using the mark in conjunction with the goods and/or services described in the registration.

REQUEST FOR ADMISSION NO. 86:

Admit that the mark identified in the attached U.S. trademark registration number 5,601,915 for the mark EAT NICE for the goods and/or services described in the registration is not likely to cause confusion with any marks owned by You.

REQUEST FOR ADMISSION NO. 87:

Admit that attached hereto as Attachment #11 is a true and correct copy of U.S. trademark registration number 5,062,024 for the mark NICE & NATURAL.

REQUEST FOR ADMISSION NO. 88:

Admit that the mark identified in the attached U.S. trademark registration number 5,062,024 for the mark NICE & NATURAL is valid.

REQUEST FOR ADMISSION NO. 89:

Admit that the mark identified in the attached U.S. trademark registration number 5,062,024 for the mark NICE & NATURAL is in use for the goods and/or services described on the registration certificate.

REQUEST FOR ADMISSION NO. 90:

Admit that the owner of U.S. trademark registration number 5,062,024 for the mark NICE & NATURAL has the right to use such mark for the goods and/or services described in the registration.

REQUEST FOR ADMISSION NO. 91:

Admit that Opposer has no right to prevent the owner of U.S. trademark registration number 5,062,024 for the mark NICE & NATURAL from using the mark in conjunction with the goods and/or services described in the registration.

REQUEST FOR ADMISSION NO. 92:

Admit that the mark identified in the attached U.S. trademark registration number 5,062,024 for the mark NICE & NATURAL for the goods and/or services described in the registration is not likely to cause confusion with any marks owned by You.

Dated: May 9, 2022

Respectfully submitted,

Don Thornburgh Law Corporation
466 Foothill Boulevard #220
La Cañada Flintridge, CA 91011
Tel. 818.790.6547

/Don Thornburgh/
Don Thornburgh
Attorney for Nice Saffron LLC

Opposition No. 91270235
Applicant's 1st Set of Requests for Admission
May 9, 2022

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing APPLICANT'S FIRST SET OF REQUESTS FOR ADMISSIONS has been served on the Opposer, at the correspondence address of record in the records of the USPTO, by e-mailing said copy (with consent) on May 9, 2022 to: Tiffany D. Gehrke (tgehrke@marshallip.com), with copies to mbolos@marshallip.com, and mgblitdocket@marshallip.com.

Executed this 9th day of May, 2022, at La Cañada Flintridge, California.

/Don Thornburgh/

Don Thornburgh
Attorney for Applicant

EXHIBIT 9

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

Walgreen Co.)	
)	
v. Opposer,)	
)	
Nice Saffron LLC,)	Opposition No. 91270235
)	
Applicant.)	
)	
Mark: Nice saffron)	
)	
Serial No.: 90/295,152)	
)	
Filed: November 3, 2020)	
)	
Published: June 1, 2021)	
)	

APPLICANT’S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

PROPOUNDING PARTY: Applicant, Nice Saffron LLC

RESPONDING PARTY: Opposer, Walgreen Co.

SET NO.: One

Pursuant to provisions of the Federal Rules of Civil Procedure Rule 34 and 37 C.F.R. §2.120, Applicant Nice Saffron LLC (“Applicant”) hereby requests that Opposer Walgreen Co. (“Opposer” or “You”) respond to each of the requests set forth below within thirty (30) days of service of such requests and deliver the requested documents to the offices of Don Thornburgh Law Corporation, 466 Foothill Boulevard, #220, La Cañada Flintridge, California 91011.

DEFINITIONS AND INSTRUCTIONS

A. "Document" means any written, printed, typed, recorded, magnetic, punched, copied, graphic, or other tangible thing in, upon, or from which information may be conveyed, embodied, translated, or stored (including, but not limited to, papers, records, books, telegrams, telexes, dictation or other audio tapes, video tapes, computer tapes, computer disks, computer printouts, diaries, calendars, photographs, charts, viewgraphs, drawings, sketches and all other writings or drafts thereof), as well as all other tangible things subject to production under Fed. R. Civ. P. 34.

This definition expressly includes, without limitation, all originals, drafts, non-conforming copies, reproductions, facsimiles of written, typed, or printed material of any kind (for example: books, letters, contracts, minutes of a meeting, memoranda, notes on desk calendars and appointment books, canceled checks, invoices, correspondence, telegrams, e-mail, intra-office communications, etc.), photographs and films, art work, and information stored on tape, computer disk, or any other type of data storage device. If copies of a document are not identical by reason of hand notations, initials, identification marks, or any other modification, each such non-identical copy is a separate document within the meaning of this definition.

B. Pursuant to Rule 34(b) of the Federal Rules of Civil Procedure, You are instructed to produce documents as they are kept in the usual course of business or the documents shall be organized and labeled to correspond with the categories in this request. In addition, documents are to be produced in full and unexpurgated form; redacted documents will not constitute compliance with this request.

C. Selection of documents from the files and other sources and the numbering of such documents shall be performed in such a manner as to ensure that the source of each document may be determined, if necessary.

D. All documents and things are to be produced in the form, manner, and order in which they are maintained in Your files. Documents and things are to be produced in the folders, cartons, or containers in which they have been maintained, stored, clipped, stapled, or otherwise arranged in the same form and manner in which they are found.

E. Documents attached to each other should not be separated.

F. You are to produce an original of each document or thing, where available. Where the original of a document is not available, You are to produce a true and correct copy of that document.

G. Electronic records and computerized information should be produced in an intelligible format or together with a description of the system from which it derived sufficient to permit rendering the material intelligible.

H. If any requested documents or things cannot be produced in full, produce them to the extent possible, specifying each reason for Your inability to produce the remainder and stating whatever information, knowledge, or belief You do have concerning the unproduced portion.

I. If any documents or things requested were at one time in existence, but are no longer in existence, then so state, specifying for each document or thing:

- (a) the type of document or thing;
- (b) the type(s) of information contained thereon;
- (c) the date upon which it ceased to exist;
- (d) the circumstances under which it ceased to exist;

(e) the identity of all persons having knowledge of the circumstances under which it ceased to exist, and

(f) the identity of all persons having knowledge or who had knowledge of the contents thereof.

J. In the event that You seek to withhold any document or information on the basis that it is properly entitled to some limitation of discovery, You are instructed to supply the requesting party with a numerical list of the documents and things for which limitation of discovery is claimed, indicating:

(a) the identity of each author, writer, sender, or initiator of such document or thing, if any;

(b) the identity of each recipient, addressee, or party for whom such document or thing was intended, if any, including the identity of all "cc"'s and "bcc"'s;

(c) the date of such document, if any, or an estimate thereof and so indicated as an estimate if no date appears on said document;

(d) the general subject matter as described on such document, or, if no such description appears, then such other description sufficient to identify said document;

(e) the paragraph and subparagraph of this request to which the document or thing is responsive; and

(f) the claimed grounds for limitation of discovery (e.g., "attorney-client privilege").

K. Each of the categories in this Request should be construed independently and not by reference to any other category for purposes of limitation.

L. To the extent permitted by Fed. R. Civ. P. 26, these requests are continuing in nature and, if after the date of production, You become aware of further documents responsive to these requests, or if such documents come into existence, You are directed to produce such additional documents promptly for inspection and copying.

DOCUMENTS REQUESTED

1. All documents identified or requested to be identified by You in answers to Interrogatories.
2. Documents sufficient to show your previous and on-going use of the “NICE!” marks for use with saffron products.
3. Documents sufficient to show your previous and on-going use of the “NICE!” marks for use with any herb and spice products.
4. All documents evidencing or referring to Your creation, selection, or adoption, or decision to use or to establish ownership of the mark “NICE!” or any other mark or name incorporating the word “nice” in whole or in part, including but not limited to documents evidencing the conception and creation of the marks, all drafts of the marks, drafts of rejected designs or marks, source materials, trademark searches, internal memoranda, and analyses.
5. The invoices or any other documents that evidence Your date of first use and Your date of first use in interstate or foreign commerce for “NICE!” for each of the product and/or service categories for which You claim trademark or service mark rights.
6. All documents relating or referring to any application to register or any registration by You of any mark including the word “nice”, including but not limited to correspondence

with the U.S. Patent and Trademark Office, the Secretary of State of any state, or any foreign governmental entity.

7. All fictitious business name statements filed by You with respect to any fictitious name that includes the word "nice".

8. All documents relating to or referring to any change or alteration in any "NICE!" mark used or proposed or considered for use by You.

9. All documents relating or referring to any trademark search which refers to any mark consisting in whole or in part of the word "nice".

10. All documents relating or referring to meetings, conversations, or correspondence respecting the right to use or any objection to the use of "nice".

11. Any correspondence received addressing the issue of any right to use "NICE!", or "Nice Saffron" or any other mark incorporating the word "nice".

12. All documents which refer to Applicant, any of its affiliated companies, its services, its commercial activities, or its trade name, service marks, or trademarks.

13. All documents constituting, evidencing, or referring to the minutes of all of Your Board of Directors meetings where Applicant, Applicant's goods or services, or Applicant's trade name, service marks, or trademarks were addressed.

14. All documents relating or referring to any survey, poll, or reaction test or any other market research involving or regarding "NICE!", or "Nice Saffron" or any other mark, name, or other term that includes the word "nice".

15. All documents evidencing, referring to, or relating to any mistake, deception, confusion, or uncertainty as to any affiliation, association, or relationship between Opposer and

Applicant or their respective trade names, service marks, trademarks, or their products, services, or commercial activities.

16. All documents constituting, evidencing, or referring to Your proposed or actual long or short term business plans, including, but not limited to, documents constituting or referring to marketing plans, product or service line plans, expansion of product or service line plans, business operating plans, business forecasts, and financing plans, all of the foregoing relating solely to your use of the mark "NICE!" or any other trademark incorporating the word "nice".

17. Documents sufficient to show the qualifications and experience of any expert witness retained by You for this proceeding.

18. All publications authorized by any such expert witness, and all treatises, learned texts, and any such documents upon which the expert witness would testify.

19. All documents reviewed or created by such expert relating to the subject matter of this action.

20. All written communications which relate or refer to the instant action.

21. All agreements pursuant to which persons, companies, or other entities are allowed by You to use "NICE!" or any similar mark.

22. All documents evidencing, or referring or relating to, any transfer of ownership from or to You or any licensing by or to You of "NICE!" or any similar mark.

23. All Documents which identify any products which You offer for sale, or plan to offer for sale, that bear or will be sold under the mark "NICE!" marks or any other service mark or trademark incorporating the word "nice".

24. All Documents which identify any retail outlet or other store where You offer for sale, or plan to offer for sale, any products that bear the "NICE!" marks.

25. All Documents that evidence, relate to, refer to or constitute the geographic location of consumers of products bearing, sold, or to be sold under the "NICE!" marks.

26. Representative specimens of all labels, containers, packages, hang-tags or other items used in the sale of Your products, or directly affixed to Your products, that are sold or will be sold under the "NICE!" marks.

27. Representative samples of Your advertising, promotional, and marketing materials sufficient to show every manner in which You use, or plan to use, "NICE!", or any mark, name, or other term incorporating the word "nice", including, without limitation, catalogs, circulars, leaflets, direct mail pieces, brochures, videotapes, point of sale pieces, newspaper and magazine advertisements and articles, and any other materials to be used by You or on Your behalf bearing or identified by the marks.

28. All Documents consisting of advertising, promotional, press releases or marketing materials in which You refer to the launch of additional product lines or new products to be sold under the "NICE!" marks, and any other materials used by You or on Your behalf consisting of such announcements.

29. Samples of each and every business form, letterhead, and business card used by You in connection with "NICE!", or any other name or mark that includes the word "nice".

30. Representative samples of all telephone book advertisements and listings placed with respect to "NICE!", or any other names or marks including the word "nice".

31. All documents relating to any and all radio or television advertising spots placed, or planned for placement, with respect to "NICE!", or any other names or marks including the word "nice".

32. All documents evidencing or referring to Your participation in or attendance at trade shows to promote goods or services associated with the "NICE!" marks.

33. Documents sufficient to show the monthly, quarterly, and annual gross revenues earned by You in connection with the use of "NICE!" and any other names or marks including "nice".

34. Documents sufficient to show separately the monthly, quarterly, and annual amounts that have been spent on advertising with respect to products sold under the "NICE!" marks, and any other names or marks including "nice".

35. Documents sufficient to show the channels of trade in which You sell, offer for sale, or plan to offer for sale goods or services under or in connection with "NICE!", or any other names or marks including the word "nice".

36. Documents sufficient to show the manner in which You sell Your products, including whether You sell products at wholesale or retail, and the type of customers that purchase Your products.

37. Documents sufficient to show the identity of Your wholesale customers of each year for the last five years for goods sold under the "NICE!" marks.

38. All documents evidencing, referring to, or relating to the adoption, use and/or plans for use of "NICE!" by anyone for any purpose, including without limitation all lists of third persons who use the "NICE!" marks as part of any trade name, service mark, or trademark.

39. All documents evidencing, referring to, or relating to any demand by or against You that any person or entity cease using "NICE!" or any mark or name incorporating the word "nice".

40. All documents evidencing, referring to, or relating to any judicial or administrative proceeding that involved any right You may have or claim with respect to "NICE!", including without limitation proceedings before any federal, state, or foreign court or administrative body in which You claimed legal rights in the "NICE!" marks.

41. All documents evidencing, referring to, or relating to any settlement or other resolution of any claim made by or against You with respect to the right to adopt or use of "NICE!" or any mark or name similar to, or incorporating, the word "nice".

42. All documents which support any claim asserted by You in this action.

43. All documents upon which You intend to rely upon in connection with this action.

Dated: May 9, 2022

Respectfully submitted,

Don Thornburgh Law Corporation
466 Foothill Boulevard #220
La Cañada Flintridge, CA 91011
Tel. 818.790.6547

/Don Thornburgh/

Don Thornburgh
Attorney for Nice Saffon LLC

Opposition No. 91270235
Applicant's First Set of Requests for Documents
May 9, 2022

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing APPLICANT'S FIRST SET OF REQUESTS FOR DOCUMENTS has been served on the Opposer, at the correspondence address of record in the records of the USPTO, by e-mailing said copy (with consent) on May 9, 2022 to: Tiffany D. Gehrke (tgehrke@marshallip.com), with copies to mbolos@marshallip.com, and mgblitdocket@marshallip.com.

Executed this 9th day of May, 2022, at La Cañada Flintridge, California.

/Don Thornburgh/
Don Thornburgh

EXHIBIT 10



June 2022 price list – www.nicesaffron.com

#	Name of the spice	Price per lb	Price for 50lb
1	Ground Allspice	7.40	370.00
2	Anise Star Whole	28.38	1419.00
3	Anise Star Ground	26.38	1326.00
4	Apple Pie Spice	12.40	620.00
5	Badia Complete Seasoning	out of stock	
6	Basil Leaves	6.00	299.99
7	Bay leaves	7.40	369.99
8	BBQ Spice	4.00	199.99
9	Cajun Seasoning	6.00	299.99
10	Caraway Seed	3.40	169.99
11	Cardamom Green whole	49.99	2499.00
12	Cardamom Ground	52.00	3799.99
13	Cayenne pepper	5.00	249.99
14	Celery salt	2.60	130.00
15	Celery seed	3.80	190.00
16	Chia Seed	4.20	210.00
17	Chipotle Pepper	10.44	522.00
18	Chinese Five Spice	13.50	675.00
19	Chicken Spice	3.20	160.00
20	Cilantro Leaves	17.80	890.00
21	Cinnamon Ground	9.20	460.00

22	Cinnamon Stick 3-4 inches	17.40	870.00
23	Cinnamon Stick 6 inches	17.60	880.00
24	Ground Cloves	15.40	770.00
25	Coriander Seed Ground	3.60	180.00
26	Coriander Seed	3.40	170.00
27	Ground Cumin seed	5.20	260.00
28	Cumin Seed	5.00	250.00
29	Crushed Red pepper	5.40	270.00
30	Curry powder	5.40	270.00
31	Dill weed leaves	15.20	760.00
32	Everything bagel Seasoning	out of stock	
33	Fennel Ground	3.60	180.00
34	Fennel seed	3.60	180.00
35	Fenu greek Whol	3.00	150.00
36	Fenu greek ground	3.20	160.00
37	Garlice Granulated	6.40	320.00
38	Garlic powder	6.62	331.00
39	Garlic Salt	2.80	140.00
40	Garlic Parsley Salt	3.40	170.00
41	Garlic Pepper seasoning	out of stock	
42	Ginger Ground	8.88	444.00
43	Himalayan Pink Salt	5.00	250.00
44	Juniper Berries	out of stock	
45	Lemon Pepper	6.46	323.00

46	Lemon peel Granules	8.00	400.00
47	Italian Seasoning	9.40	470.00
48	Mint leaves	4.98	249.00
49	Musterd Yellow Seed	3.20	160.00
50	Ground Mustard	4.00	200.00
51	Ground Nutmeg	16.60	830.00
52	Nutmeg whole	16.84	842.00
53	Oregano leaves	7.60	380.00
54	Onion Granulated	5.04	252.00
55	Onion Powder	5.00	250.00
56	Paprika	5.20	260.00
57	Parsley Leaves	9.80	490.00
58	Black pepper Ground	7.60	380.00
59	White Pepper Ground	9.70	485.00
60	Peppercorn Mixed	12.00	600.00
61	Poppy Seed	4.80	240.00
62	Peppercornes Szechuan	91.40	4570.00
63	Pickiling Spice	5.60	280.00
64	Rosemary whole	3.99	199.50
65	(kosher) Salt	1.10	55.00
66	Sage Leaves rubbed	7.40	370.00
67	Sage Leaves Ground	7.40	370.00
68	Seafood Seasoning	3.40	170.00
69	Steak Seasoning	4.60	230.00
70	Sumac	7.40	370.00

71	Taco Seasoning	6.00	300.00
72	Tarragon Leaves	28.00	1400.00
73	Thyme Moroccan Ground	6.40	320.00
74	Thyme Moroccan whole	6.20	310.00
75	Turmeric	3.87	193.50
76	Vanilla	55.35	2767.50

EXHIBIT 11

disclosures are made without Opposer in any way waiving its right to object to any discovery request or proceeding involving or related to the subject matter of these disclosures on any grounds.

DISCLOSURES

A. Persons Likely To Have Discoverable Information That Opposer May Use To Support Its Claims

Based upon currently available information, the following individuals and/or entities may have discoverable information in their possession, custody, or control that Opposer may use to support its claims in this action, except solely for impeachment. Opposer provides this list without any concession, agreement, admission, or waiver relating to the relevance or admissibility, for any purpose, of the particular information, evidence, or testimony, and without waiver of any privilege or immunity:

1. Courtney Shields, Senior Manager, Owned Brands at Walgreen Co. is likely to have information relating to: Opposer's use and ownership of the NICE! Marks set forth in Opposer's Notice of Opposition (collectively, the "NICE! Marks"); the design, inspiration, and creation for Opposer's NICE! Marks; Opposer's goods and services associated with the NICE! Marks; the fame of the NICE! Marks; and facts alleged in the Notice of Opposition.

2. Individuals presently unknown to Opposer that are or have been employees of Applicant Nice Saffron, LLC ("Applicant"), their predecessors in interest or affiliated entities that are in possession of information related to the NICE SAFFRON mark, assigned U.S. Serial No. 90/295,152 (the "NICE SAFFRON Mark"), including, but not limited to: the application at issue; Applicant's ownership, adoption, and use of the NICE SAFFRON Mark; Applicant's business, goods, and services; Applicant's advertising, marketing, and promotional activities under the NICE SAFFRON Mark; Opposer; and Opposer's use of the NICE! Marks.

In addition to those individuals identified above, Opposer reserves the right to depose, examine, and/or request testimony from any persons listed by Applicant in its initial disclosures or otherwise identified during this proceeding. Opposer also reserves the right to present testimony during the trial period or at any other time from any persons deposed during this proceeding or otherwise identified during this proceeding.

Although Opposer believes the above-identified individuals are likely to have information relating to the identified subject matter respectively set forth above, inclusion of an individual in this disclosure shall not be construed as an admission that the listed individual will have information that is admissible as evidence.

B. Documents

Opposer may rely on the following documents, categories of documents, electronically-stored information, and tangible things (collectively referred to as “Documents”) to provide support for its claims, to the extent that such documents can be or have been identified at this early stage in the proceeding. To the extent such documents are in the possession, custody, or control of Opposer, such documents are located at either Opposer’s headquarters at 200 Wilmot Road, Deerfield, IL 60015 or with Opposer’s counsel, Marshall, Gerstein & Borun LLP, 233 South Wacker Drive, Suite 6300, Chicago, Illinois 60606. Other documents may be in the possession of Applicant, publicly available, or in the possession of third parties.

Opposer provides the following identification without any concession, agreement, admission, or waiver relating to the relevance or admissibility, for any purpose, of the particular information, evidence, or testimony, and without waiver of any privilege or immunity:

1. Documents related to the adoption, use, and registration of the NICE! Marks in the United States by Opposer.
2. Documents related to the goods and services offered by Opposer.

3. Documents related to the scope, use, and history of the marks asserted in Opposer's claims, including documents relating to Opposer's priority in the NICE! Marks.
4. Documents related to the trade channels and customers for goods and services offered by Opposer.
5. Documents related to Opposer's sale or distribution of goods and services under the NICE! Marks.
6. Documents related to promotion of Opposer's NICE! Marks in advertising, marketing, and promotional materials.
7. Documents related to the strength, reputation, and fame of the NICE! Marks and Opposer.
8. Documents related to any of the other likelihood of confusion factors that the Board may apply in adjudicating this dispute.
9. Documents related to the application and prosecution of the NICE SAFFRON Mark in the United States by Applicant.
10. Documents related to the adoption and use of the NICE SAFFRON Mark in the United States by Applicant.
11. Documents related to the goods and services offered by Applicant under the NICE SAFFRON Mark.
12. Documents related to the trade channels and customers for goods and services sold, distributed, and/or offered by Applicant under the NICE SAFFRON Mark.
13. Documents related to Applicant's sale, distribution, and/or offering of goods and services under the NICE SAFFRON Mark.

14. Documents related to advertising, marketing, and promotional materials of Applicant under the NICE SAFFRON Mark.

15. Documents related to the strength and reputation of the NICE SAFFRON Mark and Applicant.

Opposer reserves the right to supplement these disclosures.

Respectfully Submitted,

Walgreen Co.

Dated: December 22, 2021

/Tiffany D. Gehrke/

Tiffany D. Gehrke

Michelle Bolos

MARSHALL, GERSTEIN & BORUN LLP

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233 South Wacker Drive

Chicago, Illinois 60606

(312) 474-6300

Attorneys for Opposer

CERTIFICATE OF SERVICE

The undersigned affirms that the foregoing document was served via e-mail upon the following:

DON THORNBURGH
DON THORNBURGH LAW CORPORATION
466 FOOTHILL BLVD. #220
LA CAÑADA FLINTRIDGE, CA 91011
Phone: 818-790-6547

Emails: uspto@donthornburgh.com

Dated: December 22, 2021

/Michelle Bolos/
Michelle Bolos