

ESTTA Tracking number: **ESTTA1084378**

Filing date: **09/25/2020**

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

**Notice of Opposition**

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

**Opposer Information**

Name	Simply Orange Juice Company
Granted to Date of previous extension	09/27/2020
Address	ONE COCA-COLA PLAZA ATLANTA, GA 30313 UNITED STATES
Correspondence information	CHARLOTTE K. MURPHY TRADEMARK COUNSEL THE COCA-COLA COMPANY ONE COCA-COLA PLAZA ATLANTA, GA 30313 UNITED STATES Primary Email: charlmurphy@coca-cola.com 404-676-2819

**Applicant Information**

Application No.	88665229	Publication date	03/31/2020
Opposition Filing Date	09/25/2020	Opposition Period Ends	09/27/2020
Applicant	Simply Free Foods Inc. 5 PHEASANT RUN GREAT NECK, NY 11024 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 029. First Use: 2019/03/10 First Use In Commerce: 2019/03/10 All goods and services in the class are opposed, namely: yogurt
---

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)
Deceptiveness	Trademark Act Section 2(a)

**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	2692046	Application Date	10/12/2000
-----------------------	---------	------------------	------------

Registration Date	03/04/2003	Foreign Priority Date	NONE
Word Mark	SIMPLY ORANGE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2001/04/30 First Use In Commerce: 2001/04/30 NOT FROM CONCENTRATE, 100% PURE, CHILLED ORANGE JUICE		

U.S. Registration No.	3121935	Application Date	11/11/2004
Registration Date	07/25/2006	Foreign Priority Date	NONE
Word Mark	SIMPLY LEMONADE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2006/03/01 First Use In Commerce: 2006/03/01 Beverages, namely, Fruit drinks, Fruit juices		

U.S. Registration No.	3163864	Application Date	02/15/2005
Registration Date	10/24/2006	Foreign Priority Date	NONE
Word Mark	SIMPLY LIMEADE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2006/03/01 First Use In Commerce: 2006/03/01 LIME JUICE BEVERAGES CONSISTING OF WATER AND SWEETENERS, NOT FROM CONCENTRATE		

U.S. Registration No.	3399381	Application Date	06/30/2004
Registration Date	03/18/2008	Foreign Priority Date	NONE
Word Mark	SIMPLY GRAPEFRUIT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2007/09/01 First Use In Commerce: 2007/09/01 Grapefruit juice beverages consisting of water and non-caloric sweetners, not from concentrate		

U.S. Registration No.	3410211	Application Date	02/17/2003
Registration Date	04/08/2008	Foreign Priority Date	NONE
Word Mark	SIMPLY APPLE		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 2007/09/01 First Use In Commerce: 2007/09/01 non-alcoholic beverages, namely, fruit drinks and fruit juices

U.S. Registration No.	4100614	Application Date	03/24/2005
Registration Date	02/21/2012	Foreign Priority Date	NONE
Word Mark	SIMPLY JUICES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2000/07/00 First Use In Commerce: 2000/07/00 fruit juice		

U.S. Registration No.	4136164	Application Date	07/20/2010
Registration Date	05/01/2012	Foreign Priority Date	NONE
Word Mark	SIMPLY CRANBERRY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2012/01/23 First Use In Commerce: 2012/01/23 Fruit drinks and fruit juices		

U.S. Registration No.	4318837	Application Date	05/23/2012
Registration Date	04/09/2013	Foreign Priority Date	NONE
Word Mark	SIMPLY DRINKS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2012/12/31 First Use In Commerce: 2012/12/31 non-alcoholic beverages, namely, fruit drinks and fruit juices		

U.S. Registration No.	4847063	Application Date	06/19/2014
Registration Date	11/03/2015	Foreign Priority Date	NONE
Word Mark	SIMPLY JUICE DRINKS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2014/12/15 First Use In Commerce: 2014/12/15 Fruit drinks and fruit juices		

U.S. Registration	4847109	Application Date	07/10/2014
-------------------	---------	------------------	------------

No.			
Registration Date	11/03/2015	Foreign Priority Date	NONE
Word Mark	SIMPLY TROPICAL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2014/12/15 First Use In Commerce: 2014/12/15 Fruit drinks and fruit juices		

U.S. Registration No.	4847110	Application Date	07/10/2014
Registration Date	11/03/2015	Foreign Priority Date	NONE
Word Mark	SIMPLY MIXED BERRY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2014/12/15 First Use In Commerce: 2014/12/15 Fruit drinks and fruit juices		

U.S. Registration No.	5303055	Application Date	08/30/2016
Registration Date	10/03/2017	Foreign Priority Date	NONE
Word Mark	SIMPLY PEACH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2017/02/01 First Use In Commerce: 2017/02/01 Fruit drinks and fruit juices		

U.S. Registration No.	5372374	Application Date	08/26/2013
Registration Date	01/09/2018	Foreign Priority Date	NONE
Word Mark	SIMPLY		
Design Mark			
Description of Mark	The mark consists of the word "SIMPLY" in a stylized font.		
Goods/Services	Class 032. First use: First Use: 2001/04/30 First Use In Commerce: 2001/04/30 Fruit juices and fruit drinks		

U.S. Registration No.	6087029	Application Date	07/17/2019
Registration Date	06/23/2020	Foreign Priority Date	NONE
Word Mark	SIMPLY ALMOND		
Design Mark			

Description of Mark	The mark consists of the word "SIMPLY" above the word "ALMOND" in a stylized font.
Goods/Services	Class 029. First use: First Use: 2019/12/00 First Use In Commerce: 2020/03/09 Almond milk; almond milk-based beverages; milk substitutes; nut milk; nut-basedmilk for use as a milk substitute Class 032. First use: First Use: 2019/12/00 First Use In Commerce: 2020/03/09 Nut-based beverages not being milk substitutes; almond-based beverages not being milk substitutes

U.S. Registration No.	4847108	Application Date	07/10/2014
Registration Date	11/03/2015	Foreign Priority Date	NONE
Word Mark	SIMPLY FRUIT PUNCH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2014/12/15 First Use In Commerce: 2014/12/15 Fruit drinks and fruit juices		

U.S. Registration No.	5372375	Application Date	08/26/2013
Registration Date	01/09/2018	Foreign Priority Date	NONE
Word Mark	SIMPLY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2001/04/30 First Use In Commerce: 2001/04/30 Fruit juices and fruit drinks		

Attachments	Notice of Opposition SIMPLY FREE.pdf(171406 bytes )
-------------	---

Signature	/Charlotte K. Murphy/
Name	CHARLOTTE K. MURPHY
Date	09/25/2020

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.