

ESTTA Tracking number: **ESTTA1099574**

Filing date: **12/04/2020**

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	Beyond Meat, Inc.
Granted to Date of previous extension	12/06/2020
Address	119 STANDARD ST. EL SEGUNDO, CA 90245 UNITED STATES
Attorney information	KRISTIN S. CORNUELLE ORRICK, HERRINGTON & SUTCLIFFE LLP 2050 MAIN ST., SUITE 1100 IRVINE, CA 92614 UNITED STATES Primary Email: ipprosecution@orrick.com Secondary Email(s): kcornuelle@orrick.com, mweddington@orrick.com, bela.karmel@orrick.com 5039434828
Docket Number	26074.2004

Applicant Information

Application No.	88576629	Publication date	06/09/2020
Opposition Filing Date	12/04/2020	Opposition Period Ends	12/06/2020
Applicant	NISSIN FOODS HOLDINGS CO., LTD. 1-1, 4-CHOME, NISHINAKAJIMA, YODOGAWA-KU OSAKA, 532-8524 JAPAN		

Goods/Services Affected by Opposition

Class 029. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Snack foods, namely, vegetable-based snack foods, nut-based snack foods, meat-based snack foods
Class 030. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Tea; green tea; coffee; cocoa; ice; confectionery, namely, candy and chocolate; pastries; snack foods, namely, rice-based snack foods and grain-based snack foods; bread; sandwiches; steamed buns stuffed with minced meat (niku-manjuh); hamburger sandwiches; pizza; hot dog sandwiches; meat pies; seasonings; condiments, namely, ready-made sauces and chutneys; ice cream mixes; sherbet mixes; unroasted coffee; processed grains; noodles; uncooked noodles; dried noodles; instant noodles; chilled noodle-based prepared meals; frozen noodle-based prepared meals; fresh noodles; noodle-based prepared meals; fresh pasta; dried pasta; instant pasta; chilled pasta; frozen pasta; prepared meals consisting primarily of

pasta; prepared meals consisting primarily of chilled pasta; frozen prepared meals consisting primarily of pasta; ready prepared meal of dim sum consisting primarily of pasta; deep frozen noodles; pasta; rice; steamed rice; instant rice; corn flakes; granola; chocolate-based spreads; ramen (Japanese noodle-based dish); prepared pasta; cooked rice; chinese stuffed dumplings (gyoza, cooked); Chinese steamed dumplings (shumai, cooked); sushi; pre-packaged lunches consisting primarily of rice, and also including meat, fish or vegetables

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4314689	Application Date	04/24/2012
Registration Date	04/02/2013	Foreign Priority Date	NONE
Word Mark	BEYOND MEAT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2012/05/29 First Use In Commerce: 2012/05/29 Meat substitutes; vegetarian meat products; plant-based meat substitutes		

U.S. Registration No.	4654351	Application Date	02/24/2014
Registration Date	12/09/2014	Foreign Priority Date	NONE
Word Mark	BEYOND CHICKEN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2014/08/19 First Use In Commerce: 2014/08/19 Meat substitutes; vegetarian meat products; plant-based meat substitutes		

U.S. Registration No.	4654352	Application Date	02/24/2014
Registration Date	12/09/2014	Foreign Priority Date	NONE
Word Mark	BEYOND BEEF		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2014/08/19 First Use In Commerce: 2014/08/19 Meat substitutes; vegetarian meat products; plant-based meat substitutes		

U.S. Registration No.	5101972	Application Date	02/24/2016
Registration Date	12/13/2016	Foreign Priority Date	NONE
Word Mark	THE BEYOND BURGER		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 029. First use: First Use: 2016/05/23 First Use In Commerce: 2016/05/23 Meat substitutes; vegan and vegetarian meat products; plant-based meat substitutes

U.S. Registration No.	5499242	Application Date	05/24/2017
Registration Date	06/19/2018	Foreign Priority Date	NONE
Word Mark	THE FUTURE OF PROTEIN BEYOND MEAT		
Design Mark			
Description of Mark	The mark consists of the words "THE FUTURE OF PROTEIN" directly above of a lineof dots which is directly above the word "BEYOND" with an image of a fork tinespointing upwards inside the "O" of "BEYOND" with the word "MEAT" and 10 dots oneach side of "MEAT" below and centered of "BEYOND", all of which is contained within a geometric shape representing a sales tag.		
Goods/Services	Class 029. First use: First Use: 2016/05/23 First Use In Commerce: 2016/05/25 Meat substitutes; vegan and vegetarian meat products; plant-based meat substitutes		

U.S. Registration No.	5504568	Application Date	06/07/2017
Registration Date	06/26/2018	Foreign Priority Date	NONE
Word Mark	BEYOND SAUSAGE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2017/12/18 First Use In Commerce: 2017/12/18 Meat substitutes; vegan and vegetarian meat products; plant-based meat substitutes		

U.S. Registration No.	5910554	Application Date	03/19/2019
Registration Date	11/12/2019	Foreign Priority Date	NONE
Word Mark	BEYOND BURGER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2019/02/00 First Use In Commerce: 2019/02/00 Meat substitutes; vegan and vegetarian meat products; plant-based meat substitutes		

U.S. Registration No.	6071089	Application Date	08/26/2019
Registration Date	06/02/2020	Foreign Priority Date	NONE
Word Mark	BEYOND FRIED CHICKEN		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 029. First use: First Use: 2019/08/26 First Use In Commerce: 2019/08/26 Meat substitutes; vegan and vegetarian meat products; plant-based meat substitutes

U.S. Registration No.	6059295	Application Date	04/30/2018
Registration Date	05/19/2020	Foreign Priority Date	NONE
Word Mark	BEYOND BREAKFAST SAUSAGE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2019/07/00 First Use In Commerce: 2020/03/11 Meat substitutes; vegan and vegetarian meat products; plant-based meat substitutes		

U.S. Registration No.	5928278	Application Date	10/22/2018
Registration Date	12/03/2019	Foreign Priority Date	NONE
Word Mark	GO BEYOND		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2016/00/00 First Use In Commerce: 2019/02/00 Meat substitutes; vegan and vegetarian meat products; plant-based meat substitutes		

U.S. Application No.	88571277	Application Date	08/08/2019
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BEYOND BONELESS WINGS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 0 First Use In Commerce: 0 Meat substitutes; vegan and vegetarian meat products; plant-based meat substitutes		

U.S. Application No.	87960109	Application Date	06/13/2018
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BEYOND NUGGETS		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 029. First use: First Use: 0 First Use In Commerce: 0 Meat substitutes; vegan and vegetarian meat substitutes; plant-based meat substitutes		
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U.S. Application No.	88337055	Application Date	03/12/2019
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BEYOND BURRITO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 0 First Use In Commerce: 0 Meat substitutes; vegan and vegetarian meat products; plant-based meat substitutes		

U.S. Application No.	88468221	Application Date	06/11/2019
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BEYOND BRUNCH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 0 First Use In Commerce: 0 Meat substitutes; vegan and vegetarian meat products; plant-based meat substitutes		

U.S. Application No.	88441693	Application Date	05/22/2019
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BEYOND CHILI		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2020/10/01 First Use In Commerce: 2020/10/01 Meat substitutes; vegan and vegetarian meat products; plant-based meat substitutes		

U.S. Application No.	88302178	Application Date	02/14/2019
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BEYOND JERKY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 0 First Use In Commerce: 0 Meat substitutes; vegan and vegetarian meat substitutes; plant-based meat sub-		

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