

ESTTA Tracking number: **ESTTA1123849**

Filing date: **03/30/2021**

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	Nando's Limited
Granted to Date of previous extension	03/31/2021
Address	ST. MARYS HOUSE, 42 VICARAGE CRESCENT LONDON, SW113LD UNITED KINGDOM
Attorney information	CAROLYN TOTO PILLSBURY WINTHROP SHAW PITTMAN LLP 725 S. FIGUEROA STREET SUITE 2800 LOS ANGELES, CA 90017 UNITED STATES Primary Email: carolyn.toto@pillsburylaw.com Secondary Email(s): jeffrey.wexler@pillsburylaw.com, michelle.herrera@pillsburylaw.com 2134887100
Docket Number	66421-000047

Applicant Information

Application No.	90135489	Publication date	12/01/2020
Opposition Filing Date	03/30/2021	Opposition Period Ends	03/31/2021
Applicant	Tyson Foods, Inc. 2200 DON TYSON PARKWAY SPRINGDALE, AR 72762 UNITED STATES		

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: Poultry

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.	5401782	Application Date	10/03/2017
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Registration Date	02/13/2018	Foreign Priority Date	NONE
Word Mark	NANDO'S		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 1987/00/00 First Use In Commerce: 2008/07/00 Restaurant services; carry-out restaurant services; catering		

U.S. Registration No.	5487015	Application Date	03/03/2016
Registration Date	06/05/2018	Foreign Priority Date	NONE
Word Mark	NANDO'S		
Design Mark			
Description of Mark	The mark consists of a cockerel design incorporating a heart shape on the chest and multiple dots around the tail feather and which is set above the word "NANDO'S" in stylized font.		
Goods/Services	Class 039. First use: First Use: 2017/01/00 First Use In Commerce: 2017/01/00 Food delivery services Class 043. First use: First Use: 2014/04/01 First Use In Commerce: 2014/04/01 Restaurants; carry-out restaurant services; fast-food restaurant outlets; catering; serving of food and beverages; food preparation services		

U.S. Registration No.	5487016	Application Date	03/03/2016
Registration Date	06/05/2018	Foreign Priority Date	NONE
Word Mark	NANDO'S		
Design Mark			
Description of Mark	The mark consists of a cockerel design incorporating a heart shape on the chest and multiple dots around the tail feather and which is set to the left of the word "NANDO'S" in stylized font.		
Goods/Services	Class 043. First use: First Use: 2014/04/01 First Use In Commerce: 2014/04/01 Restaurants; carry-out restaurant services; fast-food restaurant outlets; catering; serving of food and beverages; food preparation services		

U.S. Registration No.	5497863	Application Date	12/13/2017
Registration Date	06/19/2018	Foreign Priority Date	NONE
Word Mark	NANDO'S		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 2016/01/00 First Use In Commerce: 2016/04/00 Food delivery services		

U.S. Registration No.	5512019	Application Date	11/15/2017
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Registration Date	07/10/2018	Foreign Priority Date	NONE
Word Mark	NANDO'S		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1996/02/00 First Use In Commerce: 2008/06/00 (Based on Use in Commerce) Sauces; foodcondiments consisting primarily of mayonnaise and spices; marinades; spices; spice rubs; (Based on 44(e)) mayonnaise; salad dressings; edible salt		

U.S. Registration No.	6043131	Application Date	04/13/2018
Registration Date	04/28/2020	Foreign Priority Date	NONE
Word Mark	NANDO'S		
Design Mark			
Description of Mark	The mark consists of the stylized term "Nando's".		
Goods/Services	Class 030. First use: First Use: 2016/01/00 First Use In Commerce: 2018/04/00 Sauces, namely, grilling sauces, cooking sauces, chili sauces, pasta sauces, barbeque sauces, chicken wing sauces; marinades; salad dressings; spices Class 039. First use: First Use: 2016/01/00 First Use In Commerce: 2018/04/00 Food delivery services Class 043. First use: First Use: 2016/01/00 First Use In Commerce: 2018/04/00 Restaurant services; carry-out restaurant services; catering		

U.S. Registration No.	6059663	Application Date	12/13/2018
Registration Date	05/19/2020	Foreign Priority Date	NONE
Word Mark	NANDO'S		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1996/02/00 First Use In Commerce: 2008/06/00 Sauces, namely, grilling sauces, cooking sauces, chili sauces, pasta sauce, barbeque sauces, chicken wing sauces; marinades; salad dressings; salad sauces; spices; popcorn; savoury biscuits; toasted corn kernels; processed grains		

U.S. Application No.	88008430	Application Date	06/20/2018
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NANDO'S		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 0 First Use In Commerce: 0		

	Snack dips; potato crisps; cassava crisps; processed, seasoned and prepared nuts; snack mix consisting of processed seeds; processed pulses and pulse based snack foods; air dried sausages and beef jerky
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U.S. Registration No.	2296233	Application Date	03/07/1994
Registration Date	11/30/1999	Foreign Priority Date	NONE
Word Mark	NANDO'S CHICKENLAND		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 1999/08/01 First Use In Commerce: 1999/08/01 [prepared chicken, processed olives, olive oil, and pickles] Class 030. First use: First Use: 1999/07/26 First Use In Commerce: 1999/07/26 sauces (excluding apple and cranberry),mustard, salad dressings, spices, processed herbs, and ice cream		

U.S. Registration No.	3981833	Application Date	03/21/2008
Registration Date	06/21/2011	Foreign Priority Date	NONE
Word Mark	NANDO'S PERI-PERI		
Design Mark			
Description of Mark	The mark consists of the word "NANDO'S"over the words "PERI-PERI" all in stylized writing with a leaf design on the left and right sides.		
Goods/Services	Class 030. First use: First Use: 2008/06/01 First Use In Commerce: 2008/06/01 Sauces; condiments, namely, mayonnaise,ketchup, and mustard; marinades; salad dressings; spices; corn crisps; toffees;chocolates; sweets		

U.S. Registration No.	3745147	Application Date	03/20/2008
Registration Date	02/02/2010	Foreign Priority Date	NONE
Word Mark	NANDO'S PERI-PERI		
Design Mark			
Description of Mark	The mark consists of the word "NANDO'S" in stylized lettering above the word "PERI-PERI" in upper-case letters.		
Goods/Services	Class 043. First use: First Use: 2008/06/00 First Use In Commerce: 2008/06/00 Restaurant services; take-out restaurant services; catering services; restaurants featuring home delivery		

U.S. Registration No.	4610784	Application Date	06/10/2013
Registration Date	09/23/2014	Foreign Priority Date	NONE
Word Mark	NANDO'S RESTAURANTS		
Design Mark			
Description of Mark	The mark consists of the word "NANDO'S" in stylized lettering above the word "RESTAURANTS" in lower-case letters.		

Goods/Services	Class 043. First use: First Use: 2014/06/27 First Use In Commerce: 2014/06/27 Restaurant services, take-out restaurant services, catering services; restaurants featuring home delivery		
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U.S. Registration No.	4921192	Application Date	02/26/2015
Registration Date	03/22/2016	Foreign Priority Date	NONE
Word Mark	NANDO'S RESTAURANTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 2014/06/27 First Use In Commerce: 2014/06/27 Restaurant services; take-out restaurant services; catering services; restaurants featuring home delivery		

U.S. Registration No.	5443845	Application Date	03/03/2016
Registration Date	04/10/2018	Foreign Priority Date	NONE
Word Mark	NANDO'S PERI-PERI		
Design Mark			
Description of Mark	The mark consists of a cockerel design incorporating a heart shape on the chest and multiple dots around the tail feather and which is set above the word "NANDO'S" in stylized font, all set above the words "PERI-PERI" in stylized font.		
Goods/Services	Class 043. First use: First Use: 2014/04/01 First Use In Commerce: 2014/04/01 Restaurants; carry-out restaurant services; fast-food restaurant outlets; catering; serving of food and beverages; food preparation services		

U.S. Registration No.	5438775	Application Date	03/03/2016
Registration Date	04/03/2018	Foreign Priority Date	NONE
Word Mark	NANDO'S PERI-PERI		
Design Mark			
Description of Mark	The mark consists of the word "NANDO'S" set above the words "PERI-PERI" all in stylized font.		
Goods/Services	Class 043. First use: First Use: 2014/04/01 First Use In Commerce: 2014/04/01 Restaurants; carry-out restaurant services; fast-food restaurant outlets; catering; serving of food and beverages; food preparation services		

U.S. Registration No.	5517882	Application Date	11/15/2017
Registration Date	07/17/2018	Foreign Priority Date	NONE
Word Mark	NANDO'S PERI-PERI		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2006/01/00 First Use In Commerce: 2008/06/00		

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