

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
BALTIMORE DIVISION**

MCCORMICK & COMPANY, INCORPORATED,
24 Schilling Road, Suite 1
Hunt Valley, MD 21031

Plaintiff,

v.

PRIMAL PALATE, LLC,
1300 Freeport Road
Pittsburgh, PA 15238

Defendant.

Civil Action No. _____

DEMAND FOR JURY TRIAL

COMPLAINT

Plaintiff, McCormick & Company, Incorporated (“McCormick”), for its Complaint against Primal Palate, LLC (“Defendant”), alleges as follows:

PARTIES

1. McCormick is a corporation duly organized and existing under the laws of the State of Maryland, with a principal place of business within this judicial district at 24 Schilling Road, Hunt Valley, Maryland.

2. On information and belief, Defendant is a corporation organized under the laws of the State of Pennsylvania, having its principal place of business in Pittsburg, Pennsylvania.

JURISDICTION AND VENUE

3. This Court has original subject matter jurisdiction over all counts alleged in this complaint pursuant to: 15 U.S.C. § 1121 as they all arise under the Federal Trademark (Lanham) Act

(15 U.S.C. § 1051 *et seq.*); 28 U.S.C. § 1338(a), in that all claims arise under an Act of Congress relating to trademarks; and 28 U.S.C. § 1331, in that all claims arise under the laws of the United States.

4. This Court has personal jurisdiction over Defendant as, on information and belief, Defendant does business in this judicial district; Defendant's infringing products complained of herein are sold within this judicial district; and Defendant has caused harm within this judicial district.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2) because Defendant's transactions in this District constitute a substantial part of the events giving rise to McCormick's complaint. Furthermore, McCormick has suffered harm in this District and the Lanham Act provides that venue lies in the place of harm to the plaintiff.

GENERAL ALLEGATIONS

The OLD BAY Trademark

6. In 1889, Willoughby M. McCormick and three young workers started a company, operating out of a cellar, to sell food flavorings and extracts door to door. Since that time, McCormick and its predecessors in interest have been in the business of producing and selling food-related products, including food seasonings, spice blends, marinades and sauces.

7. McCormick is one of the most respected names in the food seasonings industry today, manufacturing, marketing, and distributing spices, seasoning mixes, condiments, extracts, and other seasoning products to retail outlets, food manufacturers, and food service businesses around the world. McCormick's offerings include certified organic spices, herbs, and seasonings, and McCormick's website features a variety of recipes using its organic products.

8. One of McCormick's most beloved and most time-honored products is its OLD BAY® seasoning blend. Developed in Maryland in 1939 by McCormick's predecessor in interest, the OLD BAY seasoning blend is a distinctive blend of herbs and spices that was originally marketed as a crab

seasoning in the Chesapeake Bay area, a region known for its blue crabs and crab houses. The OLD BAY product rose to popularity with the prevalence of crab houses in Maryland in the 1930s, and has since become a popular seasoning and condiment for a wide range of uses, including for seafood, poultry, meats, salads, soups, and snack foods.

9. McCormick acquired the OLD BAY product line in 1990. Recognizing the enormous value and goodwill built up in the OLD BAY brand through decades of consumer use, McCormick has invested significantly in expanding brand recognition of the distinctive OLD BAY mark for a variety of related goods and services (collectively, “OLD BAY Mark”). In addition to the original OLD BAY seasoning blend, McCormick currently offers different flavor variations and compositions of the OLD BAY blend, all of which are marketed under the OLD BAY Mark.

10. McCormick’s OLD BAY seasoning blend is also incorporated into a number of licensed products and services from authorized licensees, such as OLD BAY-flavored sausages, crab cakes, beef jerky, sunflower seeds, Bloody Mary mix, roasted peanuts, popcorn, French fries, beer, as well as restaurant food services. In addition, McCormick licenses third parties to use the OLD BAY trademark on a variety of apparel, accessories, and merchandise. McCormick controls all authorized uses of the OLD BAY Mark and the quality of the products and services offered under the brand.

11. McCormick, together with its predecessor in interest and licensees, have used the OLD BAY Mark continuously, extensively and exclusively for more than 75 years in connection with the OLD BAY product line.

12. McCormick’s OLD BAY seasoning blend currently ranks as the best-selling seafood seasoning in the United States, and has a majority share of the seafood blends market segment. OLD BAY products are sold in interstate commerce in retail stores, mass merchandise stores, and through online marketplaces and retail websites.

13. McCormick's OLD BAY products and services are used by a wide variety of consumers ranging from casual purchasers to food service providers.

14. OLD BAY's popularity has extended far beyond Maryland, with sales in all regions of the United States.

15. The popularity of McCormick's OLD BAY products has also extended to markets outside the United States. OLD BAY products are sold to and used by consumers around the world, including in Canada, France, and the United Kingdom.

McCormick's Trademark Rights in OLD BAY

16. McCormick owns U.S. Registration No. 1,679,574 for OLD BAY for "spices, seasonings, spice blends and seasoning blends" in International Class 30. The application to register the OLD BAY mark as shown in Registration No. 1,679,574 was filed on May 17, 1991, with a claimed first use and first use-in-commerce date of August 3, 1945. This registration is incontestable. Attached hereto as **Exhibit A** is a true and correct copy of the registration certificate and a print-out of the Trademark Status & Document Retrieval ("TSDR") page for U.S. Registration No. 1,679,574.

17. McCormick owns U.S. Registration No. 2,940,177 for OLD BAY for "sauces, seasonings, seasoned breadcrumbs, seasoned batter mix for seafood, poultry and vegetables, shrimp and crab boil, marinades" in International Class 30. The application to register the OLD BAY mark as shown in Registration No. 2,940,177 was filed on April 13, 2004, with a claimed first use and first use-in-commerce date of August 3, 1945. This registration is incontestable. Attached hereto as **Exhibit B** is a true and correct copy of the registration certificate, a print-out of the TSDR page, and the acknowledgment under Section 15 for U.S. Registration No. 2,940,177.

18. Opposer owns U.S. Registration No. 429,137 for OLD BAY (Stylized) for "seasonings for meat, sea food, and other food products-namely, catsup seasoning, meat seasoning, poultry

seasoning, braunschweiger seasoning, sausage seasoning, frankfurter seasoning, bologna seasoning, fish seasoning, relish seasoning, gravy seasoning, hamburger seasoning” in International Classes 1, 5, 29, 30, 31, and 32. The application to register the OLD BAY (Stylized) mark as shown in Registration No. 429,137 was filed on October 1, 1945, with a claimed first use and first use-in-commerce date of August 3, 1945. This registration is incontestable. Attached hereto as **Exhibit C** is a true and correct copy of the registration certificate and a print-out of the TSDR page for U.S. Registration No. 429,137.

19. Opposer owns U.S. Registration No. 1,679,454 for OLD BAY for “clothing; namely, T-shirts, and hats” in International Class 25. The application to register the OLD BAY mark as shown in Registration No. 1,679,454 was filed on June 11, 1991, with a claimed first use and first use-in-commerce date of September 1985. This registration is incontestable. Attached hereto as **Exhibit D** is a true and correct copy of the registration certificate and a print-out of the TSDR page for U.S. Registration No. 1,679,454.

20. Opposer owns U.S. Registration No. 4,148,818 for OLD BAY for “sausages” in International Class 29. The application to register the OLD BAY mark as shown in Registration No. 4,148,818 was filed on April 7, 2011, with a claimed first use and first use-in-commerce date of March 1, 2011. This registration is incontestable. Attached hereto as **Exhibit E** is a true and correct copy of the registration certificate, a print-out of the TSDR page, and the acknowledgment under Section 15 for U.S. Registration No. 4,148,818.

21. Opposer owns U.S. Registration No. 4,303,865 for OLD BAY for “crab cakes” in International Class 29. The application to register the OLD BAY mark as shown in Registration No. 4,303,865 was filed on January 23, 2012, with a claimed first use and first use-in-commerce date of September 15, 2012. Attached hereto as **Exhibit F** is a true and correct copy of the registration certificate and a print-out of the TSDR page for U.S. Registration No. 4,303,865.

22. Opposer owns U.S. Registration No. 4,275,833 for OLD BAY for “restaurant services” in International Class 43. The application to register the OLD BAY mark as shown in Registration No. 4,275,833 was filed on July 11, 2012, with a claimed first use and first use-in-commerce date of 2009. This registration is incontestable. Attached hereto as **Exhibit G** is a true and correct copy of the registration certificate and a print-out of the TSDR page for U.S. Registration No. 4,275,833.

23. Through its, its predecessor’s, and its licensees’ longstanding, widespread, and substantially exclusive use of the OLD BAY Mark, McCormick also owns significant common law rights in the OLD BAY Mark, which are not limited to the goods or services for which the OLD BAY Mark is registered.

24. All uses of the OLD BAY Mark by McCormick’s licensees inure to the benefit of McCormick, the exclusive owner of the OLD BAY Mark.

McCormick’s OLD BAY Mark Is Famous

25. McCormick’s OLD BAY seasoning blend is an iconic culinary staple, routinely featured in newspapers, publications, Internet articles, and the media.

26. In a 1989 article published in *The Inquirer* in Philadelphia, the OLD BAY seasoning product is described as an “institution” in Maryland that had grown beyond Maryland and seafood. (See http://articles.philly.com/1989-07-12/food/26132122_1_crab-cakes-baltimore-spice-chesapeake-bay.)

27. McCormick’s OLD BAY products were the subject of a 2008 post on Serious Eats, a popular food website and recipient of a James Beard Foundation award for Best Food Blog. The “iconic” spice blend was described as standing out due to McCormick’s distinctive promotion of the OLD BAY seasoning product. (See <http://www.serious eats.com/recipes/2008/10/old-bay-classic-shrimp-scampi-recipe.html>.)

28. In 2014, the *Washington Post* newspaper published an article titled “They put Old Bay on everything in Maryland. Soon you will, too.” Analyzing Google search data by geographic region, it observed that “Old Bay is everywhere these days, and not just in Maryland.” (See https://www.washingtonpost.com/news/wonk/wp/2014/05/07/why-old-bay-seasoning-might-be-on-the-cusp-of-making-it-big/?utm_term=.03aa29bb335c.)

29. In 2015, after McCormick’s launch of a “hot” variation of the OLD BAY seasoning blend, *Baltimore* magazine published an article on the first of new “Old Bay spice spin-off[s]” in the OLD BAY product line. (See <http://www.baltimoremagazine.net/2015/7/23/our-favorite-old-bay-inspired-products>.)

30. Also in 2015, *GQ* magazine published an article titled “What IS Old Bay, and Why Do People Love It So Much?” It commented that “Old Bay may be the best-known American spice blend,” and “[w]hile other spice blends like curry powders and Chinese five spice vary from cupboard to cupboard, Old Bay is Old Bay across the country.” (See <https://www.gq.com/story/what-is-old-bay-and-why-do-people-love-it-so-much>.)

31. In 2017, *Taste* magazine published an article titled “Are You Eating Old Bay?” It described the “cult of Old Bay” and commented that “[w]hile any Old Bay fanatic can tell you that its uses are endless, the spice blend’s claim to fame is that it’s the perfect accompaniment to crabs.” (See <https://www.tastecooking.com/eating-old-bay/>.)

32. McCormick’s advertising efforts have contributed to national recognition of the OLD BAY Mark. To commemorate the 75th anniversary of the OLD BAY seasoning blend, McCormick designed a limited edition container featuring the OLD BAY Mark. McCormick also worked with MGH, an ad agency, to publicize OLD BAY seasoning in television ads and billboards in venues around the country. MGH created a two-page print ad prominently showcasing the OLD BAY Mark. For this

ad, MGH received the Gold National ADDY award, the highest recognition given by the American Advertising Federation.

33. McCormick also collaborated with a Maryland-based brewery to produce a special “75th anniversary” OLD BAY beer, with a red, blue, and yellow label scheme designed to highlight McCormick’s promotion of the OLD BAY seasoning product.

34. McCormick has designed and released other limited edition OLD BAY products to commemorate sporting achievements.

35. As a result of McCormick’s substantial advertising and promotion of a variety of OLD BAY products and services, as well as the immense popularity of the OLD BAY seasoning blend, the OLD BAY Mark has become famous. It is associated exclusively with McCormick in the minds of consumers.

Harm to McCormick from Defendant’s Conduct

36. On information and belief, Defendant has intentionally traded on the fame and goodwill of McCormick’s OLD BAY Mark by marketing and selling a competing seasoning blend under the NEW BAE mark.

37. On information and belief, Defendant launched its NEW BAE seasoning blend in October 2017. In its product release at <https://www.primalpalate.com/paleo-blog/introducing-the-food-lovers-pack-amore-new-bae-and-jerk-seasoning/>, Defendant alluded to the “pun” behind the NEW BAE mark, and touted the mark in connection with spices, spice blends, and crab seasoning in particular (it’s “the absolute best on crab legs”).

38. On information and belief, Defendant has used marketing taglines such as “out with the Old, and in with the NEW” in connection with its NEW BAE mark, as shown below, to capitalize on the

fame and goodwill of McCormick's OLD BAY Mark, particularly in connection with crab seasoning. Defendant's use of NEW BAE in this manner is intended to diminish the reputation of McCormick's famous OLD BAY Mark and to create a wrongful association with McCormick's OLD BAY seasoning blend.



39. On information and belief, Defendant began marketing and distributing its competing NEW BAE seasoning products only recently, long after McCormick, its predecessor in interest, and its licensees began using the OLD BAY Mark, and long after the OLD BAY Mark became famous and associated exclusively with McCormick.

40. On information and belief, Defendant's NEW BAE products, like McCormick's OLD BAY products, are marketed to a wide variety of consumers, including casual purchasers, and are sold through the same trade channels as McCormick's OLD BAY products, such as online retail websites like Amazon.com.

41. McCormick has not authorized, licensed or otherwise endorsed Defendant's use of a mark that dilutes or is confusingly similar to McCormick's OLD BAY Mark.

42. Defendant's use and promotion of the NEW BAE mark has diluted McCormick's famous OLD BAY Mark. Consumers have already associated Defendant's NEW BAE mark with McCormick's famous OLD BAY Mark, as evidenced by comments regarding the parties' respective seasoning products such as: "I've used old bay for forever. Cannot wait to try new bae"; "grown up on Old Bay...seriously might have to taste test"; "I'm also from Baltimore so really curious about the new bae," "Old Bay over New Bae anyway;" and "I'm sorry, but nothing can replace Old Bay. Try again."

43. Defendant's use and promotion of the NEW BAE mark on a seasoning blend that competes with McCormick's OLD BAY seasoning blend is likely to cause confusion as to the source, affiliation, or sponsorship of Defendant's products. Defendant's NEW BAE mark falsely suggests to consumers that Defendant's seasoning blend is a "NEW" version of the seasoning blend offered under McCormick's famous OLD BAY Mark, and that Defendant is affiliated with or sponsored by McCormick, or that Defendant's NEW BAE products come from the same source as McCormick's OLD BAY products.

44. On November 13, 2017, Defendant filed U.S. Application Serial No. 87/682,012 to register the NEW BAE mark for "organic spices" in International Class 30, with a claimed first use date of August 4, 2017 and a claimed first use-in-commerce date of October 29, 2017.

45. On April 9, 2018, McCormick sent Defendant a cease-and-desist letter regarding its use of and application for the NEW BAE mark. On May 10, 2018, Defendant's counsel responded on behalf of Defendant, admitting that Defendant's NEW BAE mark was intentionally chosen to create an association with McCormick's famous OLD BAY Mark in the minds of consumers: "As a small company that is relatively new to the market, Primal Palate sees McCormick as a foundation of the spice industry . . . In choosing the name 'New Bae,' Primal Palate was giving a 'nod' to the impact that the Old Bay seasoning has made on the spice market."

46. Subsequently, on August 1, 2018, McCormick filed an opposition to Defendant's application for the NEW BAE mark (TTAB Proceeding No. 91242790) on grounds of dilution and likelihood of confusion with McCormick's famous OLD BAY Mark.

COUNT I
FEDERAL TRADEMARK DILUTION
(15 U.S. § 1125(c))

47. McCormick repeats the allegations in paragraphs 1 through 46 of this Complaint as though fully set forth herein.

48. The acts of Defendant described above constitutes dilution in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

49. McCormick has valid and protectable registered rights in the OLD BAY Mark dating from the 1945 filing date for its first application to register OLD BAY. Through its predecessor in interest, it has used the OLD BAY Mark in the United States since at least as early as 1945. McCormick's OLD BAY Mark is widely recognized by the general consuming public of the United States as a designation of source for McCormick's products and services. As such, it is famous. Moreover, it became famous prior to Defendant's first use of the NEW BAE mark for spices and seasoning blends in 2017.

50. On information and belief, Defendant had actual knowledge of McCormick's ownership and use of the famous OLD BAY Mark prior to 2017.

51. Defendant's unauthorized use of the NEW BAE mark as alleged above is likely to impair the distinctiveness and harm the reputation of the famous OLD BAY Mark. Such impairment and harm constitutes dilution in violation of 15 U.S.C. § 1125(c).

52. As a direct and proximate result of Defendant's wrongful conduct, McCormick has been, is now, and will be irreparably injured and damaged by Defendant's aforementioned acts, and unless

Defendant is enjoined by the Court, McCormick will suffer further harm to its name, reputation, and goodwill. This harm constitutes an injury for which McCormick has no adequate remedy at law.

53. On information and belief, Defendant has acted willfully to usurp McCormick's rights, with full knowledge of and intent to cause harm to McCormick, and Defendant should be held liable to McCormick for treble damages and attorneys' fees pursuant to 15 U.S.C. § 1117(a).

COUNT II
FEDERAL TRADEMARK INFRINGEMENT
(15 U.S.C. § 1114)

54. McCormick repeats the allegations in paragraphs 1 through 53 of this Complaint as though fully set forth herein.

55. The acts of Defendant described above constitutes trademark infringement in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114.

56. McCormick has valid and protectable registered rights in the OLD BAY Mark dating from the 1945 filing date for its first application to register OLD BAY. Through its predecessor in interest, it has used the OLD BAY Mark in the United States since at least as early as 1945. These rights pre-date Defendant's first use of the NEW BAE mark for spices and seasoning blends, which began no earlier than 2017.

57. On information and belief, Defendant had actual knowledge of McCormick's ownership and use of the OLD BAY Mark prior to 2017.

58. Defendant's unauthorized use of the NEW BAE Mark as alleged above is likely to cause confusion, mistake, or deception on the part of consumers as to the source, affiliation, or sponsorship of the goods Defendant is offering under the NEW BAE mark, constituting trademark infringement in violation of 15 U.S.C. § 1114.

59. As a direct and proximate result of Defendant's wrongful conduct, McCormick has been, is now, and will be irreparably injured and damaged by Defendant's aforementioned acts, and unless Defendant is enjoined by the Court, McCormick will suffer further harm to its name, reputation, and goodwill. This harm constitutes an injury for which McCormick has no adequate remedy at law.

60. On information and belief, Defendant has acted willfully to usurp McCormick's rights, and should be held liable to McCormick for treble damages and attorneys' fees pursuant to 15 U.S.C. § 1117(a).

COUNT III
FALSE DESIGNATION OF ORIGIN
(15 U.S.C. § 1125(a))

61. McCormick repeats the allegations in paragraphs 1 through 60 of this Complaint as though fully set forth herein.

62. The acts of Defendant described above constitutes false designation of origin in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

63. McCormick has valid and protectable registered rights in the OLD BAY Mark dating from the 1945 filing date for its first application to register OLD BAY. Through its predecessor in interest, it has used the OLD BAY Mark in the United States since at least as early as 1945. These rights pre-date Defendant's first use of the NEW BAE mark for spices and seasoning blends, which began no earlier than 2017.

64. On information and belief, Defendant had actual knowledge of McCormick's ownership and use of the OLD BAY Mark prior to 2017.

65. Defendant's unauthorized use of the NEW BAE mark as alleged above is likely to cause consumers to believe that Defendant is affiliated with or sponsored by McCormick, or that Defendant's

NEW BAE products come from the same source as McCormick's OLD BAY products. Such association constitutes false designation of origin in violation of 15 U.S.C. § 1125(a).

66. As a direct and proximate result of Defendant's wrongful conduct, McCormick has been, is now, and will be irreparably injured and damaged by Defendant's aforementioned acts, and unless Defendant is enjoined by the Court, McCormick will suffer further harm to its name, reputation, and goodwill. This harm constitutes an injury for which McCormick has no adequate remedy at law.

67. On information and belief, Defendant has acted willfully to usurp McCormick's rights, with full knowledge of and intent to cause harm to McCormick, and Defendant should be held liable to McCormick for treble damages and attorneys' fees pursuant to 15 U.S.C. § 1117(a).

COUNT IV
REFUSAL OF U.S. APPLICATION SERIAL NO. 87/682,012
(15 U.S.C. § 1119)

68. McCormick repeats the allegations in paragraphs 1 through 67 of this Complaint as though fully set forth herein.

69. McCormick has valid and protectable rights in the OLD BAY Mark since substantially prior to Defendant's filing date for Application Serial No. 87/682,012 for the NEW BAE mark for "organic spices" in International Class 30.

70. McCormick has not authorized Defendant to use, apply to register, or register any mark that dilutes or is confusing similar to OLD BAY for spices or seasoning blends.

71. Defendant's unauthorized use, application, and registration of the NEW BAE mark for spices or seasoning blends is likely to dilute McCormick's famous OLD BAY Mark by impairing its distinctiveness and causing harm to its reputation. In addition, it is likely to cause consumers to believe that Defendant is affiliated with or sponsored by McCormick, or that Defendant's NEW BAE products come from the same source as McCormick's OLD BAY products.

72. As a direct and proximate result of Defendant's unauthorized application for the NEW BAE mark, McCormick is now, and will be, irreparably injured and damaged by Defendant's aforementioned application, and unless the application is refused registration by order of the Court, McCormick will suffer further harm to its name, reputation, and goodwill. This harm constitutes an injury for which McCormick has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, McCormick prays that the Court enter an Order;

A. Adjudging that Defendant is committing trademark dilution, trademark infringement, and false designation of origin under 15 U.S.C. §§ 1125(c), 1114, and 1125(a);

B. Enjoining Defendant and its officers, agents, servants, employees, attorneys, and assigns, and all persons in active concert or participation with any of them, from (a) using the mark NEW BAE, or any other designation confusingly similar to or likely to dilute McCormick's famous OLD BAY Mark in connection with any goods; (b) doing any act or thing calculated or likely to cause confusion, mistake, or deception of actual or prospective consumers as to the source, affiliation, or sponsorship of the goods offered or distributed by Defendant; (c) otherwise competing unfairly with McCormick in any manner; or (d) assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in parts (a) through (c) of this paragraph;

C. Requiring Defendant to file with this Court and to serve on McCormick, within thirty (30) days after entry of the injunction, a report in writing and under oath setting forth in detail the manner and form in which Defendant has complied with the injunction;

D. Requiring Defendant to provide a complete accounting to McCormick for any and all profits realized from the sale of Defendant's products bearing the NEW BAE mark, from inception up

through the date of the injunction;

E. Requiring Defendant, pursuant to 15 U.S.C. § 1118, to deliver up for destruction, or to show proof of said destruction or sufficient modification to eliminate the infringing matter, all catalogs, articles, products, displays, labels, circulars, letterhead, business cards, promotional items, clothing, literature, or other matter in the possession, custody, or under the control of Defendant or its agents bearing or displaying the NEW BAE mark in any manner;

F. Refusing registration of Defendant's NEW BAE mark in Application Serial No. 87/682,012;

G. Awarding McCormick its actual compensatory damages, including but not limited to Defendant's profits and McCormick's damages, in an amount to be determined at trial;

H. Awarding McCormick treble damages pursuant to 15 U.S.C. § 1117 for Defendant's knowing, intentional and willful violations of federal law;

I. As this is an exceptional case, pursuant to 15 U.S.C. § 1117(a), awarding McCormick its costs and attorneys' fees; and

K. Awarding to McCormick such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, McCormick hereby demands a jury trial on all issues triable by jury.

Dated: December 10, 2018

Respectfully submitted,

MORRISON & FOERSTER LLP

/s/ G. Brian Busey

G. Brian Busey (D. Md. Bar No. 03918)

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EXHIBIT A

Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office **Reg. No. 1,679,574**
Registered Mar. 17, 1992

**TRADEMARK
PRINCIPAL REGISTER**

OLD BAY

OLD BAY COMPANY, INC. (DELAWARE COR-
PORATION)
211 SHILLING ROAD
HUNT VALLEY, MD 210311066

FOR: SPICES, SEASONINGS, SPICE BLENDS
AND SEASONING BLENDS, IN CLASS 30 (U.S.
CL. 46).

FIRST USE 8-3-1945; IN COMMERCE
8-3-1945.

OWNER OF U.S. REG. NO. 429,137.

SER. NO. 74-167,611, FILED 5-17-1991.

TODD BRAVERMAN, EXAMINING ATTOR-
NEY

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Mark: OLD BAY

US Serial Number: 74167611

Application Filing Date: May 17, 1991

US Registration Number: 1679574

Registration Date: Mar. 17, 1992

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Apr. 09, 2012

Publication Date: Dec. 24, 1991

Mark Information

Mark Literal Elements: OLD BAY

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Claimed Ownership of US Registrations: 0429137

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: spices, seasonings, spice blends and seasoning blends

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 03, 1945

Use in Commerce: Aug. 03, 1945

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: MCCORMICK & COMPANY, INCORPORATED

Owner Address: 18 LOVETON CIRCLE
SPARKS, MARYLAND 22152
UNITED STATES

Legal Entity Type: CORPORATION

State or Country MARYLAND
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jennifer Lee Taylor

Docket Number: 274146707000

Attorney Primary Email Address: TMDocket@mofo.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Jennifer Lee Taylor
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425 Market Street
San Francisco, CALIFORNIA 94105
UNITED STATES

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Fax: 415-268-7522

Correspondent e-mail: TMDocket@mofo.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 17, 2016	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Feb. 17, 2016	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 09, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Apr. 09, 2012	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	73376
Apr. 09, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	73376
Mar. 19, 2012	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	73376
Apr. 09, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	73376
Mar. 28, 2012	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Mar. 19, 2012	PAPER RECEIVED	
Aug. 17, 2010	REVIEW OF CORRESPONDENCE COMPLETE	75184
May 21, 2010	PAPER RECEIVED	
Nov. 19, 2008	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jan. 03, 2008	CASE FILE IN TICRS	
Feb. 18, 2005	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 31, 2001	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Dec. 31, 2001	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Sep. 26, 2001	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jun. 23, 1997	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
May 19, 1997	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Mar. 17, 1992	REGISTERED-PRINCIPAL REGISTER	
Dec. 24, 1991	PUBLISHED FOR OPPOSITION	
Nov. 22, 1991	NOTICE OF PUBLICATION	
Aug. 30, 1991	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 16, 1991	EXAMINER'S AMENDMENT MAILED	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted
Affidavit of Incontestability: Section 15 - Accepted
Renewal Date: Mar. 17, 2012

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Apr. 09, 2012

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: Old Bay Company, Inc.

Assignment 1 of 2

Conveyance: CHANGE OF NAME

Reel/Frame: [3888/0677](#)

Pages: 6

Date Recorded: Nov. 15, 2008

Supporting Documents: [assignment-tm-3888-0677.pdf](#)

Assignor

Name: [OLD BAY COMPANY, INC.](#)

Execution Date: Nov. 29, 2007

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [OLD BAY COMPANY, LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 211 SCHILLING CIRCLE
HUNT VALLEY, MARYLAND 21031-1066

Correspondent

Correspondent Name: JUDITH SAPP

Correspondent Address: 111 WEST STREET
PORTLAND, ME 04102

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: MERGER EFFECTIVE 11/30/2011

Reel/Frame: [4738/0968](#)

Pages: 14

Date Recorded: Mar. 19, 2012

Supporting Documents: [assignment-tm-4738-0968.pdf](#)

Assignor

Name: [OLD BAY COMPANY, LLC](#)

Execution Date: Nov. 30, 2011

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: [MCCORMICK & COMPANY, INCORPORATED](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: MARYLAND

Address: 18 LOVETON CIRCLE
SPARKS, MARYLAND 22152

Correspondent

Correspondent Name: OBLON, SPIVAK, MCCLELLAND, MAIER & NEUST

Correspondent: 1940 DUKE STREET
Address: ALEXANDRIA, VA 22314

Domestic Representative - Not Found

EXHIBIT B

Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 2,940,177

Registered Apr. 12, 2005

**TRADEMARK
PRINCIPAL REGISTER**

OLD BAY

OLD BAY COMPANY, INC. (DELAWARE CORPORATION)
211 SCHILLING CIRCLE
HUNT VALLEY, MD 210311066

FOR: SAUCES, SEASONINGS, SEASONED BREADCRUMBS, SEASONED BATTER MIX FOR SEAFOOD, POULTRY AND VEGETABLES, SHRIMP AND CRAB BOIL, MARINADES, IN CLASS 30 (U.S. CL. 46).

FIRST USE 8-3-1945; IN COMMERCE 8-3-1945.

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

OWNER OF U.S. REG. NOS. 429,137, 1,679,574 AND OTHERS.

SER. NO. 78-401,174, FILED 4-13-2004.

H. M. FISHER, EXAMINING ATTORNEY

Generated on: This page was generated by TSDR on 2018-08-01 18:38:50 EDT

Mark: OLD BAY

OLD BAY

US Serial Number: 78401174

Application Filing Date: Apr. 13, 2004

US Registration Number: 2940177

Registration Date: Apr. 12, 2005

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Apr. 18, 2015

Publication Date: Jan. 18, 2005

Mark Information

Mark Literal Elements: OLD BAY

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 0429137, 1679454, 1679574 and others

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Sauces, seasonings, seasoned breadcrumbs, seasoned batter mix for seafood, poultry and vegetables, shrimp and crab boil, marinades

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 03, 1945

Use in Commerce: Aug. 03, 1945

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: MCCORMICK & COMPANY, INCORPORATED

Owner Address: 18 LOVETON CIRCLE
SPARKS, MARYLAND 22152
UNITED STATES

Legal Entity Type: CORPORATION

State or Country MARYLAND
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jennifer Lee Taylor

Docket Number: 274146707002

Attorney Primary Email Address: TMDocket@mofo.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Jennifer Lee Taylor
Morrison & Foerster LLP
425 Market Street
San Francisco, CALIFORNIA 94105
UNITED STATES

Phone: 415-268-7000

Fax: 415-268-7522

Correspondent e-mail: TMDocket@mofo.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 17, 2016	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Feb. 17, 2016	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 18, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Apr. 18, 2015	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	77315
Apr. 18, 2015	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	77315
Apr. 18, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	77315
Apr. 06, 2015	TEAS SECTION 8 & 9 RECEIVED	
Mar. 28, 2012	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 28, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67723
Apr. 28, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67723
Apr. 12, 2011	TEAS SECTION 8 & 15 RECEIVED	
Jul. 08, 2010	REVIEW OF CORRESPONDENCE COMPLETE	76293
Jul. 08, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76293
May 21, 2010	PAPER RECEIVED	
Nov. 19, 2008	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 12, 2005	REGISTERED-PRINCIPAL REGISTER	
Jan. 18, 2005	PUBLISHED FOR OPPOSITION	
Dec. 29, 2004	NOTICE OF PUBLICATION	
Nov. 18, 2004	LAW OFFICE PUBLICATION REVIEW COMPLETED	70629
Nov. 15, 2004	ASSIGNED TO LIE	70629
Nov. 05, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 04, 2004	EXAMINERS AMENDMENT E-MAILED	6328
Nov. 04, 2004	EXAMINERS AMENDMENT -WRITTEN	59851
Nov. 03, 2004	ASSIGNED TO EXAMINER	59851
Apr. 21, 2004	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Apr. 12, 2015

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Apr. 18, 2015

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: Old Bay Company, Inc.

Assignment 1 of 2

Conveyance: CHANGE OF NAME

Reel/Frame: [3888/0677](#)

Pages: 6

Date Recorded: Nov. 15, 2008

Supporting Documents: [assignment-tm-3888-0677.pdf](#)

Assignor

Name: [OLD BAY COMPANY, INC.](#)

Execution Date: Nov. 29, 2007

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [OLD BAY COMPANY, LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 211 SCHILLING CIRCLE
HUNT VALLEY, MARYLAND 21031-1066

Correspondent

Correspondent Name: JUDITH SAPP

Correspondent Address: 111 WEST STREET
PORTLAND, ME 04102

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: MERGER EFFECTIVE 11/30/2011

Reel/Frame: [4738/0968](#)

Pages: 14

Date Recorded: Mar. 19, 2012

Supporting Documents: [assignment-tm-4738-0968.pdf](#)

Assignor

Name: [OLD BAY COMPANY, LLC](#)

Execution Date: Nov. 30, 2011

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: [MCCORMICK & COMPANY, INCORPORATED](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: MARYLAND

Address: 18 LOVETON CIRCLE
SPARKS, MARYLAND 22152

Correspondent

Correspondent Name: OBLON, SPIVAK, MCCLELLAND, MAIER & NEUST

Correspondent Address: 1940 DUKE STREET
ALEXANDRIA, VA 22314

Domestic Representative - Not Found

Side - 1



**NOTICE OF ACCEPTANCE AND
ACKNOWLEDGEMENT OF §§8 & 15
DECLARATION
MAILING DATE: Apr 28, 2011**

The combined declaration of use and incontestability filed in connection with the registration identified below meets the requirements of Sections 8 and 15 of the Trademark Act, 15 U.S.C. §1058 and 1065. The combined declaration is accepted and acknowledged. The registration remains in force.

For further information about this notice, visit our website at: <http://www.uspto.gov>. To review information regarding the referenced registration, go to <http://tarr.uspto.gov>.

REG NUMBER: 2940177
MARK: OLD BAY
OWNER: OLD BAY COMPANY, LLC

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS MAIL
U.S POSTAGE
PAID

Jordan S. Weinstein
OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, LLP
1940 Duke Street
Alexandria, VA 22314

EXHIBIT C

Registered Apr. 22, 1947

Trade-Mark 429,137

PROPERTY OF THE U S PATENT OFFICE
NOT TO BE TAKEN FROM THE FILES

UNITED STATES PATENT OFFICE

Gustave C. Brunn, doing business as Baltimore
Spice Company, Baltimore, Md.

Act of February 20, 1905

Application October 1, 1945, Serial No. 489,201

OLD BAY

STATEMENT

To the Commissioner of Patents:

Gustave C. Brunn, formerly a citizen of Germany, whose final papers applying for United States citizenship were filed in December, 1943, located at and doing business as Baltimore Spice Company, 26 Market Place, Baltimore 2, Maryland, has heretofore adopted and used the trade-mark as shown in the accompanying drawing, and presents herewith a drawing and five specimens (or facsimiles) of his trade-mark as actually used by applicant upon the goods, and requests that the same be registered in the United States Patent Office in accordance with the act of February 20, 1905.

The trade-mark has been continuously used in his business since August 3, 1945.

The class of merchandise to which the trade-mark is appropriated is Class 46, Foods and ingredients of foods, and the particular description of goods comprised in said class upon which said trade-mark is used is SEASONINGS FOR MEAT, SEA FOOD, AND OTHER FOOD PRODUCTS—NAMESLY, PUMPKIN PIE SEASONING, APPLE BUTTER SEASONING, CATSUP SEASONING, CAKE SEASONING, MEAT SEASONING, POULTRY SEASONING, BRAUNSCHWEIGER SEASONING, SAUSAGE SEASONING, FRANK-

FURTER SEASONING, BOLOGNA SEASONING, FISH SEASONING, RELISH SEASONING, GRAVY SEASONING, HAMBURGER SEASONING, GROUND ALLSPICE, WHOLE ALLSPICE, BAY LEAVES, MIXED PICKLE SPICE, CELERY SALT, ONION POWDER, GROUND SAGE, CELERY SEED, GROUND MACE, PAPRIKA, GROUND THYME, GROUND BLACK PEPPER, CAYENNE PEPPER, GARLIC SALT, GROUND RED PEPPER, GROUND MUSTARD, ONION SALT, MUSTARD SEED, CURRY POWDER, GROUND TURMERIC, GROUND WHITE PEPPER, GROUND MARJORAM, GARLIC POWDER, CARDAMOM, CHILI POWDER, WHOLE BLACK PEPPER, POPPY SEED, DRY PARSLEY, ONION FLAKES, GARLIC FLAKES, CUMIN SEED, CARAWAY SEED, GROUND CLOVES, WHOLE CLOVES, WHOLE CINNAMON, GROUND CINNAMON, WHOLE NUTMEG, GRUND NUTMEG, GROUND GINGER IN DRY FORMATION.

The trade-mark is applied or affixed to the goods, or to the packages containing the same, by placing thereon a printed label on which the trade-mark is shown or by imprinting or impressing the same thereon.

GUSTAVE C. BRUNN.

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Mark: OLD BAY

OLD BAY

US Serial Number: 71489201

Application Filing Date: Oct. 01, 1945

US Registration Number: 429137

Registration Date: Apr. 22, 1947

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Dec. 02, 2016

Mark Information

Mark Literal Elements: OLD BAY

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Related Properties Information

Publish Previously Registered Mark: Yes

Previously Registered Mark Publication Date: May 02, 1967

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: SEASONINGS FOR MEAT, SEA FOOD, AND OTHER FOOD PRODUCTS-NAMELY, [PUMPKIN PIE SEASONING, APPLE BUTTER SEASONING,] CATSUP SEASONING, [CAKE SEASONING,] MEAT SEASONING, POULTRY SEASONING, BRAUNSCHWEIGER SEASONING, SAUSAGE SEASONING, FRANKFURTER SEASONING, BOLOGNA SEASONING, FISH SEASONING, RELISH SEASONING, GRAVY SEASONING, HAMBURGER SEASONING,[GROUND ALLSPICE, WHOLE ALLSPICE, BAY LEAVES, MIXED PICKLE SPICE, CELERY SALT, ONION POWDER, GROUND SAGE, CELERY SEED, GROUND MACE, PAPRIKA, GROUND THYME, GROUND BLACK PEPPER, CAYENNE PEPPER, GARLIC SALT, GROUND RED PEPPER, GROUND MUSTARD, ONION SALT, MUSTARD SEED, CURRY POWDER, GROUND TURMERIC, GROUND WHITE PEPPER, GROUND MARJORAM, GARLIC POWDER, CARDAMON, CHILI POWDER, WHOLE BLACK PEPPER, POPPY SEED, DRY PARSLEY, ONION FLAKES, GARLIC FLAKES, CUMIN SEED, CARAWAY SEED, GROUND CLOVES, WHOLE CLOVES, WHOLE CINNAMON, GROUND CINNAMON, WHOLE NUTMEG, GRUND NUTMEG, GROUND GINGER IN DRY FORMATION]

International Class(es): 001, 005, 029, 030, 031, 032

U.S Class(es): 046 - Primary Class

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 03, 1945

Use in Commerce: Aug. 03, 1945

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: MCCORMICK & COMPANY, INCORPORATED

Owner Address: 18 LOVETON CIRCLE
SPARKS, MARYLAND 22152
UNITED STATES

Legal Entity Type: CORPORATION

State or Country MARYLAND
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jennifer Lee Taylor

Docket Number: 274146709000

Attorney Primary TMDocket@mofo.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Jennifer Lee Taylor
Name/Address: Morrison & Foerster LLP
425 Market Street
San Francisco, CALIFORNIA 94105
UNITED STATES

Phone: 415-268-7000

Fax: 415-268-7522

Correspondent e-mail: TMDocket@mofo.com JTaylor@mofo.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 02, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Dec. 02, 2016	REGISTERED AND RENEWED (FOURTH RENEWAL - 10 YRS)	67110
Dec. 02, 2016	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	67110
Dec. 02, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67110
Sep. 21, 2016	TEAS SECTION 8 & 9 RECEIVED	
Sep. 21, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 22, 2016	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Feb. 17, 2016	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Feb. 17, 2016	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Mar. 28, 2012	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jul. 08, 2010	REVIEW OF CORRESPONDENCE COMPLETE	76293
Jul. 08, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76293
May 21, 2010	PAPER RECEIVED	
Feb. 05, 2009	CASE FILE IN TICRS	
Nov. 19, 2008	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jul. 28, 2006	REGISTERED AND RENEWED (THIRD RENEWAL - 10 YRS)	60234
Jul. 28, 2006	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 22, 2006	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jul. 28, 2006	ASSIGNED TO PARALEGAL	60234
Apr. 21, 2006	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Apr. 22, 2006	TEAS SECTION 8 & 9 RECEIVED	
Apr. 11, 1987	REGISTERED AND RENEWED (SECOND RENEWAL - 20 YRS)	
Apr. 06, 1987	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Apr. 22, 1967	REGISTERED AND RENEWED (FIRST RENEWAL - 20 YRS)	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted
Affidavit of Incontestability: Section 15 - Accepted
Renewal Date: Apr. 22, 2017

TM Staff and Location Information

TM Staff Information - None
File Location

Current Location: GENERIC WEB UPDATE **Date in Location:** Dec. 02, 2016

Assignment Abstract Of Title Information

Summary

Total Assignments: 6 **Registrant:** BRUNN, GUSTAVE C.

Assignment 1 of 6

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL
Reel/Frame: [0146/0672](#) **Pages:** 1
Date Recorded: Jan. 31, 1967
Supporting Documents: No Supporting Documents Available

Assignor

Name: [BRUNN, GUSTAVE C.](#) **Execution Date:** Jan. 28, 1967
Legal Entity Type: UNKNOWN **State or Country Where Organized:** No Place Where Organized Found

Assignee

Name: [BALTIMORE SPICE COMPANY, THE](#)
Legal Entity Type: CORPORATION **State or Country Where Organized:** MARYLAND
Address: REISTERSTOWN ROAD
GARRISON, MARYLAND

Correspondent

Correspondent Name: LAWRENCE I. FIELD
Correspondent Address: MUNSEY BLDG.
WASHINGTON, DC 20004

Domestic Representative - Not Found

Assignment 2 of 6

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL
Reel/Frame: [0520/0550](#) **Pages:** 2
Date Recorded: Mar. 18, 1986
Supporting Documents: No Supporting Documents Available

Assignor

Name: [BALTIMORE SPICE COMPANY, THE](#) **Execution Date:** Mar. 10, 1986
Legal Entity Type: CORPORATION **State or Country Where Organized:** MARYLAND

Assignee

Name: [SCM CORPORATION](#)
Legal Entity Type: CORPORATION **State or Country Where Organized:** NEW YORK
Address: 925 EUCLID AVE.
CLEVELAND, OHIO 44115

Correspondent

Correspondent Name: SCM DURKE FOODS CORP.

Correspondent Address: 925 EUCLID AVE.
CLEVELAND, OH 44115

Domestic Representative - Not Found**Assignment 3 of 6**

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOOD WILL AS OF SEPTEMBER 27, 1986

Reel/Frame: [0569/0428](#)

Pages: 1

Date Recorded: Jul. 23, 1987

Supporting Documents: No Supporting Documents Available

Assignor

Name: [SCM CORPORATION](#)

Execution Date: Jul. 20, 1987

Legal Entity Type: CORPORATION

State or Country Where Organized: NEW YORK

Assignee

Name: [BALTIMORE SPICE, INC.](#)

State or Country Where Organized: DELAWARE

Legal Entity Type: CORPORATION

Address: P.O. BOX 5858
9740 REISTERSTOWN ROAD
GARRISON, MARYLAND 21055

Correspondent

Correspondent Name: DURKEE

Correspondent Address: 925 EUCLID AVENUE
CLEVELAND, OH 44115

Domestic Representative - Not Found**Assignment 4 of 6**

Conveyance: CHANGE OF NAME 19900703

Reel/Frame: [0735/0676](#)

Pages: 0

Date Recorded: Aug. 31, 1990

Supporting Documents: No Supporting Documents Available

Assignor

Name: [BALTIMORE SPICE INC.](#)

Execution Date: Jul. 02, 1990

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [OLD BAY COMPANY, INC.](#)

State or Country Where Organized: DELAWARE

Legal Entity Type: CORPORATION

Address: No Assignee Address Found

Correspondent

Correspondent Name: CUSHMAN, DARBY & CUSHMAN

Correspondent Address: SUSAN T. BROWN
ELEVENTH FLOOR, 1615 L STREET, N.W.
WASHINGTON, DC 20036-5601

Domestic Representative - Not Found**Assignment 5 of 6**

Conveyance: CHANGE OF NAME

Reel/Frame: [3888/0677](#)

Pages: 6

Date Recorded: Nov. 15, 2008

Supporting Documents: [assignment-tm-3888-0677.pdf](#)

Documents: _____

Assignor

Name: [OLD BAY COMPANY, INC.](#) **Execution Date:** Nov. 29, 2007
Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Assignee

Name: [OLD BAY COMPANY, LLC](#) **State or Country Where Organized:** DELAWARE
Legal Entity Type: LIMITED LIABILITY COMPANY
Address: 211 SCHILLING CIRCLE
 HUNT VALLEY, MARYLAND 21031-1066

Correspondent

Correspondent Name: JUDITH SAPP
Correspondent Address: 111 WEST STREET
 PORTLAND, ME 04102

Domestic Representative - Not Found

Assignment 6 of 6

Conveyance: MERGER EFFECTIVE 11/30/2011
Reel/Frame: [4738/0968](#) **Pages:** 14
Date Recorded: Mar. 19, 2012
Supporting Documents: [assignment-tm-4738-0968.pdf](#)

Assignor

Name: [OLD BAY COMPANY, LLC](#) **Execution Date:** Nov. 30, 2011
Legal Entity Type: LIMITED LIABILITY COMPANY **State or Country Where Organized:** DELAWARE

Assignee

Name: [MCCORMICK & COMPANY, INCORPORATED](#) **State or Country Where Organized:** MARYLAND
Legal Entity Type: CORPORATION
Address: 18 LOVETON CIRCLE
 SPARKS, MARYLAND 22152

Correspondent

Correspondent Name: OBLON, SPIVAK, MCCLELLAND, MAIER & NEUST
Correspondent Address: 1940 DUKE STREET
 ALEXANDRIA, VA 22314

Domestic Representative - Not Found

EXHIBIT D

Int. Cls.: 21 and 25

Prior U.S. Cls.: 2 and 39

United States Patent and Trademark Office **Reg. No. 1,679,454**
Registered Mar. 17, 1992

**TRADEMARK
PRINCIPAL REGISTER**

OLD BAY

OLD BAY COMPANY, INC. (DELAWARE COR-
PORATION)
211 SHILLING CIRCLE
HUNT VALLEY, MD 210311066

FOR: MUGS, BEVERAGE GLASSES, AND
CRAB MALLETS, IN CLASS 21 (U.S. CL. 2).

FIRST USE 4-0-1990; IN COMMERCE
4-0-1990.

FOR: CLOTHING; NAMELY, T-SHIRTS,
SWEATSHIRTS, APRONS AND HATS, IN
CLASS 25 (U.S. CL. 39).

FIRST USE 9-0-1985; IN COMMERCE
9-0-1985.

OWNER OF U.S. REG. NO. 429,137.

SER. NO. 74-175,066, FILED 6-11-1991.

TODD BRAVERMAN, EXAMINING ATTOR-
NEY

Generated on: This page was generated by TSDR on 2018-08-01 17:58:14 EDT

Mark: OLD BAY

US Serial Number: 74175066 **Application Filing Date:** Jun. 11, 1991
US Registration Number: 1679454 **Registration Date:** Mar. 17, 1992
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Sep. 29, 2012
Publication Date: Dec. 24, 1991

Mark Information

Mark Literal Elements: OLD BAY
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Claimed Ownership of US Registrations: 0429137

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: [mugs, beverage glasses, and crab mallets]

International Class(es): 021 - Primary Class **U.S Class(es):** 002, 013, 023, 029, 030, 033, 040, 050

Class Status: SECTION 8 - CANCELLED

Basis: 1(a)

First Use: Apr. 1990 **Use in Commerce:** Apr. 1990

For: clothing; namely, T-shirts, [sweatshirts, aprons] and hats

International Class(es): 025 - Primary Class **U.S Class(es):** 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 1985 **Use in Commerce:** Sep. 1985

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: MCCORMICK & COMPANY, INCORPORATED

Owner Address: 18 LOVETON CIRCLE
SPARKS, MARYLAND 22152
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: MARYLAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jennifer Lee Taylor

Attorney Primary Email Address: TMDocket@mofo.com

Docket Number: 274146707001

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Jennifer Lee Taylor
Morrison & Foerster LLP
425 Market Street
San Francisco, CALIFORNIA 94105
UNITED STATES

Phone: 415-268-7000

Fax: 415-268-7522

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 17, 2016	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Feb. 17, 2016	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Sep. 29, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 - E-MAILED	
Sep. 29, 2012	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	64591
Sep. 29, 2012	REGISTERED - SEC. 9 GRANTED/CHECK RECORD FOR SEC. 8	64591
Sep. 29, 2012	REGISTERED - PARTIAL SEC. 8 (10-YR) ACCEPTED	64591
Sep. 17, 2012	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	64591
Sep. 29, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	64591
Sep. 17, 2012	TEAS SECTION 8 & 9 RECEIVED	
Mar. 28, 2012	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jul. 08, 2010	REVIEW OF CORRESPONDENCE COMPLETE	76293
Jul. 08, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76293
May 21, 2010	PAPER RECEIVED	
Nov. 19, 2008	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jan. 03, 2008	CASE FILE IN TICRS	
Feb. 18, 2005	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 12, 2001	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Dec. 12, 2001	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Sep. 24, 2001	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jun. 23, 1997	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	

May 19, 1997 REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED
 Mar. 17, 1992 REGISTERED-PRINCIPAL REGISTER
 Dec. 24, 1991 PUBLISHED FOR OPPOSITION
 Nov. 22, 1991 NOTICE OF PUBLICATION
 Aug. 30, 1991 APPROVED FOR PUB - PRINCIPAL REGISTER
 Aug. 16, 1991 EXAMINER'S AMENDMENT MAILED
 Aug. 06, 1991 ASSIGNED TO EXAMINER

69790

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted
Affidavit of Incontestability: Section 15 - Accepted
Renewal Date: Mar. 17, 2012
Change in Registration: Yes

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: TMEO LAW OFFICE 6

Date in Location: Sep. 29, 2012

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: Old Bay Company, Inc.

Assignment 1 of 2

Conveyance: CHANGE OF NAME

Reel/Frame: [3888/0677](#)

Pages: 6

Date Recorded: Nov. 15, 2008

Supporting Documents: [assignment-tm-3888-0677.pdf](#)

Assignor

Name: [OLD BAY COMPANY, INC.](#)

Execution Date: Nov. 29, 2007

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [OLD BAY COMPANY, LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 211 SCHILLING CIRCLE
HUNT VALLEY, MARYLAND 21031-1066

Correspondent

Correspondent Name: JUDITH SAPP

Correspondent Address: 111 WEST STREET
PORTLAND, ME 04102

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: MERGER EFFECTIVE 11/30/2011

Reel/Frame: [4738/0968](#)

Pages: 14

Date Recorded: Mar. 19, 2012

Supporting Documents: [assignment-tm-4738-0968.pdf](#)

Assignor

Name: [OLD BAY COMPANY, LLC](#)

Execution Date: Nov. 30, 2011

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: [MCCORMICK & COMPANY, INCORPORATED](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: MARYLAND

Address: 18 LOVETON CIRCLE
SPARKS, MARYLAND 22152

Correspondent

Correspondent Name: OBLON, SPIVAK, MCCLELLAND, MAIER & NEUST

Correspondent Address: 1940 DUKE STREET
ALEXANDRIA, VA 22314

Domestic Representative - Not Found

EXHIBIT E

United States of America
United States Patent and Trademark Office

OLD BAY

Reg. No. 4,148,818

OLD BAY COMPANY, LLC (DELAWARE LIMITED LIABILITY COMPANY)
18 LOVETON CIRCLE
SPARKS, MD 21151

Registered May 29, 2012

Int. Cl.: 29

FOR: SAUSAGES, IN CLASS 29 (U.S. CL. 46).

TRADEMARK

FIRST USE 3-1-2011; IN COMMERCE 3-1-2011.

PRINCIPAL REGISTER

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

OWNER OF U.S. REG. NOS. 429,137, 1,679,574, AND 2,940,177.

SER. NO. 85-288,956, FILED 4-7-2011.

B. PARADEWELAI, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

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Mark: OLD BAY

OLD BAY

US Serial Number: 85288956

Application Filing Date: Apr. 07, 2011

US Registration Number: 4148818

Registration Date: May 29, 2012

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Jul. 22, 2017

Publication Date: Mar. 13, 2012

Mark Information

Mark Literal Elements: OLD BAY

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 0429137, 1679574, 2940177

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Sausages

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 01, 2011

Use in Commerce: Mar. 01, 2011

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: Yes

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: Yes

Currently No Basis: No

Current Owner(s) Information

Owner Name: MCCORMICK & COMPANY, INCORPORATED

Owner Address: 18 Loveton Circle
Sparks, MARYLAND UNITED STATES 21152

Legal Entity Type: CORPORATION

State or Country Where Organized: MARYLAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jennifer Lee Taylor

Docket Number: 274146707003

Attorney Primary Email Address: TMDocket@mofo.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Jennifer Lee Taylor
Morrison & Foerster LLP
425 Market Street
San Francisco, CALIFORNIA UNITED STATES 94105

Phone: 415-268-7000

Fax: 415-268-7522

Correspondent e-mail: TMDocket@mofo.com JTaylor@mofo.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 22, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jul. 22, 2017	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	77315
Jul. 22, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	77315
May 31, 2017	TEAS SECTION 8 & 15 RECEIVED	
May 29, 2017	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Feb. 17, 2016	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Feb. 17, 2016	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
May 29, 2012	REGISTERED-PRINCIPAL REGISTER	
Mar. 28, 2012	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 13, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 13, 2012	PUBLISHED FOR OPPOSITION	
Feb. 22, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 06, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	73296
Jan. 31, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 31, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	73296
Jan. 31, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	73296
Jan. 23, 2012	ASSIGNED TO LIE	73296
Jan. 12, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 12, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 12, 2011	NON-FINAL ACTION E-MAILED	6325
Jul. 12, 2011	NON-FINAL ACTION WRITTEN	83180
Jul. 08, 2011	ASSIGNED TO EXAMINER	83180
Apr. 12, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 11, 2011	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Section 15 - Accepted
Incontestability:

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 101

Date in Location: Jul. 22, 2017

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: OLD BAY COMPANY, LLC

Assignment 1 of 1

Conveyance: MERGER EFFECTIVE 11/30/2011

Reel/Frame: [4738/0968](#)

Pages: 14

Date Recorded: Mar. 19, 2012

Supporting Documents: [assignment-tm-4738-0968.pdf](#)

Assignor

Name: [OLD BAY COMPANY, LLC](#)

Execution Date: Nov. 30, 2011

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: [MCCORMICK & COMPANY, INCORPORATED](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: MARYLAND

Address: 18 LOVETON CIRCLE
SPARKS, MARYLAND 22152

Correspondent

Correspondent Name: OBLON, SPIVAK, MCCLELLAND, MAIER & NEUST

Correspondent Address: 1940 DUKE STREET
ALEXANDRIA, VA 22314

Domestic Representative - Not Found

From: TMOfficialNotices@USPTO.GOV
Sent: Saturday, July 22, 2017 11:02 PM
To: TMDocket@mofo.com
Cc: JTaylor@mofo.com
Subject: Official USPTO Notice of Acceptance/Acknowledgement Sections 8 and 15: U.S. Trademark RN 4148818: OLD BAY: Docket/Reference No. 274146707003

U.S. Serial Number: 85288956
U.S. Registration Number: 4148818
U.S. Registration Date: May 29, 2012
Mark: OLD BAY
Owner: MCCORMICK & COMPANY, INCORPORATED

Jul 22, 2017

NOTICE OF ACCEPTANCE UNDER SECTION 8

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. **The Section 8 declaration is accepted.**

NOTICE OF ACKNOWLEDGEMENT UNDER SECTION 15

The declaration of incontestability filed for the above-identified registration meets the requirements of Section 15 of the Trademark Act, 15 U.S.C. §1065. **The Section 15 declaration is acknowledged.**

The registration will remain in force for the class(es) listed below, unless canceled by an order of the Commissioner for Trademarks or a Federal Court, as long as the requirements for maintaining the registration are fulfilled as they become due.

Class(es):
029

TRADEMARK SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

REQUIREMENTS FOR MAINTAINING REGISTRATION

WARNING: Your registration will be canceled if you do not file the documents below during the specified statutory time periods.

Requirements in the First Ten Years

What and When to File: You must file a declaration of use (or excusable nonuse) **and** an application for renewal between the 9th and 10th years after the registration date. See 15 U.S.C. §§1058, 1059.

Requirements in Successive Ten-Year Periods

What and When to File: You must file a declaration of use (or excusable nonuse) **and** an application for renewal between every 9th and 10th-year period, calculated from the registration date. See 15 U.S.C. §§1058, 1059.

Grace Period Filings

The above documents will be considered as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

*****THE USPTO IS NOT REQUIRED TO SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE OWNER SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.*****

To check the status of this registration, go to https://tsdr.uspto.gov/#caseNumber=85288956&caseSearchType=US_APPLICATION&caseType=DEFAULT&searchType=statusSearch or contact the Trademark Assistance Center at 1-800-786-9199.

To view this notice and other documents for this registration on-line, go to https://tsdr.uspto.gov/#caseNumber=85288956&caseSearchType=US_APPLICATION&caseType=DEFAULT&searchType=documentSearch NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

* **For further information, including information on filing and maintenance requirements for U.S. trademark applications and registrations and required fees, please consult the USPTO website at <https://www.uspto.gov/trademark/> or contact the Trademark Assistance Center at 1-800-786-9199.**

EXHIBIT F

United States of America
United States Patent and Trademark Office

OLD BAY

Reg. No. 4,303,865

MCCORMICK & COMPANY, INCORPORATED (MARYLAND CORPORATION)
18 LOVETON CIRCLE
SPARKS, MD 21152

Registered Mar. 19, 2013

Int. Cl.: 29

FOR: CRAB CAKES, IN CLASS 29 (U.S. CL. 46).

TRADEMARK

FIRST USE 9-15-2012; IN COMMERCE 9-15-2012.

PRINCIPAL REGISTER

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

OWNER OF U.S. REG. NOS. 429,137, 2,940,177 AND OTHERS.

SER. NO. 85-523,091, FILED 1-23-2012.

BARBARA GAYNOR, EXAMINING ATTORNEY



Sean Street Lee

Acting Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

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Mark: OLD BAY

OLD BAY

US Serial Number: 85523091

Application Filing Date: Jan. 23, 2012

US Registration Number: 4303865

Registration Date: Mar. 19, 2013

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Mar. 19, 2013

Publication Date: Jan. 01, 2013

Mark Information

Mark Literal Elements: OLD BAY

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 0429137, 1679454, 1679574, 2940177

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Crab cakes

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 15, 2012

Use in Commerce: Sep. 15, 2012

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: McCORMICK & COMPANY, INCORPORATED

Owner Address: 18 Loveton Circle
Sparks, MARYLAND UNITED STATES 21152

Legal Entity Type: CORPORATION

State or Country MARYLAND
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jennifer Lee Taylor

Docket Number: 274146707005

Attorney Primary TMDocket@mofo.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Jennifer Lee Taylor
Name/Address: Morrison & Foerster LLP
425 Market Street
San Francisco, CALIFORNIA UNITED STATES 94105

Phone: 415-268-7000

Fax: 415-268-7522

Correspondent e- TMDocket@mofo.com
mail:

Correspondent e- Yes
mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 19, 2018	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Feb. 17, 2016	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Feb. 17, 2016	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Mar. 19, 2013	REGISTERED-PRINCIPAL REGISTER	
Jan. 01, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 01, 2013	PUBLISHED FOR OPPOSITION	
Dec. 12, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Nov. 24, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	70468
Nov. 20, 2012	NOTICE OF ACCEPTANCE OF AMENDMENT TO ALLEGE USE E-MAILED	
Nov. 19, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 19, 2012	USE AMENDMENT ACCEPTED	72508
Nov. 15, 2012	AMENDMENT FROM APPLICANT ENTERED	70468
Nov. 15, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	70468
Nov. 07, 2012	ASSIGNED TO LIE	70468
Oct. 31, 2012	PAPER RECEIVED	
Nov. 01, 2012	AMENDMENT TO USE PROCESSING COMPLETE	88889
Nov. 01, 2012	USE AMENDMENT FILED	88889
Oct. 31, 2012	TEAS AMENDMENT OF USE RECEIVED	
Apr. 30, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Apr. 30, 2012	NON-FINAL ACTION E-MAILED	6325
Apr. 30, 2012	NON-FINAL ACTION WRITTEN	72508
Apr. 30, 2012	ASSIGNED TO EXAMINER	72508
Jan. 26, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 26, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Mar. 19, 2013

EXHIBIT G

United States of America
United States Patent and Trademark Office

OLD BAY

Reg. No. 4,275,833

MCCORMICK & COMPANY, INCORPORATED (MARYLAND CORPORATION)
18 LOVETON CIRCLE
SPARKS, MD 21152

Registered Jan. 15, 2013

Int. Cl.: 43

FOR: RESTAURANT SERVICES, IN CLASS 43 (U.S. CLS. 100 AND 101).

SERVICE MARK

FIRST USE 0-0-2009; IN COMMERCE 0-0-2009.

PRINCIPAL REGISTER

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

SER. NO. 85-674,260, FILED 7-11-2012.

HEATHER SAPP, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

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Mark: OLD BAY

OLD BAY

US Serial Number: 85674260

Application Filing Date: Jul. 11, 2012

US Registration Number: 4275833

Registration Date: Jan. 15, 2013

Register: Principal

Mark Type: Service Mark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: May 23, 2018

Publication Date: Oct. 30, 2012

Mark Information

Mark Literal Elements: OLD BAY

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Restaurant services

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: 2009

Use in Commerce: 2009

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: MCCORMICK & COMPANY, INCORPORATED

Owner Address: 18 Loveton Circle
Sparks, MARYLAND 21152
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: MARYLAND

From: TMOfficialNotices@USPTO.GOV
Sent: Wednesday, May 23, 2018 11:01 PM
To: TMDocket@mofo.com
Cc: JTaylor@mofo.com
Subject: Official USPTO Notice of Acceptance/Acknowledgement Sections 8 and 15: U.S. Trademark RN 4275833: OLD BAY: Docket/Reference No. 274146707006

U.S. Serial Number: 85674260
U.S. Registration Number: 4275833
U.S. Registration Date: Jan 15, 2013
Mark: OLD BAY
Owner: MCCORMICK & COMPANY, INCORPORATED

May 23, 2018

NOTICE OF ACCEPTANCE UNDER SECTION 8

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. **The Section 8 declaration is accepted.**

NOTICE OF ACKNOWLEDGEMENT UNDER SECTION 15

The declaration of incontestability filed for the above-identified registration meets the requirements of Section 15 of the Trademark Act, 15 U.S.C. §1065. **The Section 15 declaration is acknowledged.**

The registration will remain in force for the class(es) listed below, unless canceled by an order of the Commissioner for Trademarks or a Federal Court, as long as the requirements for maintaining the registration are fulfilled as they become due.

Class(es):
043

TRADEMARK SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

REQUIREMENTS FOR MAINTAINING REGISTRATION

WARNING: Your registration will be canceled if you do not file the documents below during the specified statutory time periods.

Requirements in the First Ten Years

What and When to File: You must file a declaration of use (or excusable nonuse) **and** an application for renewal between the 9th and 10th years after the registration date. See 15 U.S.C. §§1058, 1059.

Requirements in Successive Ten-Year Periods

What and When to File: You must file a declaration of use (or excusable nonuse) **and** an application for renewal between every 9th and 10th-year period, calculated from the registration date. See 15 U.S.C. §§1058, 1059.

Grace Period Filings

The above documents will be considered as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

*****THE USPTO IS NOT REQUIRED TO SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE OWNER SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.*****

To check the status of this registration, go to https://tsdr.uspto.gov/#caseNumber=85674260&caseSearchType=US_APPLICATION&caseType=DEFAULT&searchType=statusSearch or contact the Trademark Assistance Center at 1-800-786-9199.

To view this notice and other documents for this registration on-line, go to https://tsdr.uspto.gov/#caseNumber=85674260&caseSearchType=US_APPLICATION&caseType=DEFAULT&searchType=documentSearch NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

* **For further information, including information on filing and maintenance requirements for U.S. trademark applications and registrations and required fees, please consult the USPTO website at <https://www.uspto.gov/trademark/> or contact the Trademark Assistance Center at 1-800-786-9199.**

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jennifer Lee Taylor **Docket Number:** 274146707006
Attorney Primary Email Address: TMDOcket@mofo.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: Jennifer Lee Taylor
Morrison & Foerster LLP
425 Market Street
San Francisco, CALIFORNIA 94105
UNITED STATES
Phone: 4152687000 **Fax:** 415-268-7522
Correspondent e-mail: TMDOcket@mofo.com JTaylor@mofo.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 23, 2018	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
May 23, 2018	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67110
May 23, 2018	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67110
May 09, 2018	TEAS SECTION 8 & 15 RECEIVED	
Jan. 15, 2018	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Feb. 17, 2016	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Feb. 17, 2016	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jan. 15, 2013	REGISTERED-PRINCIPAL REGISTER	
Oct. 30, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 30, 2012	PUBLISHED FOR OPPOSITION	
Oct. 10, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 18, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 13, 2012	ASSIGNED TO EXAMINER	81859
Jul. 18, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 14, 2012	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 117

Date in Location: May 23, 2018

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Contains various legal categories and codes.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

Case 1:18-cv-03799-RDB Document 1-2 Filed 12/10/18 Page 2 of 2
INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Defendant(s)

)
)
)
)
)
)
)
)
)
)
)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: