

Salvatore Guerriero
CAESAR RIVISE, PC
1635 Market Street
12th Floor - Seven Penn Center
Philadelphia, PA 19103
Tel: (215) 567-2010
Email: <sguerriero@crbcp.com>

Attorneys for Plaintiffs
Wawa, Inc. and Wild Goose Holding Co., Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

WAWA, INC. and	:	
WILD GOOSE HOLDING CO., INC.	:	
	:	
Plaintiffs,	:	Civil Action No.
	:	
v.	:	
	:	
DAWA FOOD, INC.,	:	<u>COMPLAINT</u>
	:	
Defendant.	:	
	:	

Plaintiffs Wawa, Inc. (“Wawa”) and Wild Goose Holding Co., Inc. (“Wild Goose”) (collectively “Plaintiffs”), by and through their attorneys, and as and for their Complaint against Defendant Dawa Food, Inc. (“Defendant”), aver as follows:

1. This civil action asserts claims for trademark infringement, false designation of origin, trademark dilution and unfair competition arising under the Lanham Act, as amended, 15 U.S.C. §§ 1051 et seq., and the statutory and common laws of the State of New Jersey. The amount in controversy exclusive of interests and costs exceeds the sum or value of \$75,000.

2. This Court has jurisdiction over the claims Plaintiffs are asserting under 15 U.S.C. § 1121, 28 U.S.C. §§ 1331, 1332(a) and (b), 1338(a) and (b), and 1367(a).

3. Wawa is a New Jersey corporation having its principal place of business at 260 West Baltimore Pike, Wawa, PA 19063.

4. Wild Goose is a Delaware corporation having its principal place of business at 260 West Baltimore Pike, Wawa, PA 19063.

5. On information and belief, Defendant is a New Jersey corporation, having a place of business at 15 Lafayette Avenue, Paterson, NJ 07501.

COUNT I – TRADEMARK INFRINGEMENT

6. As a cause of action and ground for relief, Plaintiffs allege trademark infringement by Defendant under Section 32(1) of the Lanham Act, 15 U.S.C. 1114(1), and at common law, and incorporate ¶¶ (1) through (5) of the Complaint as a part of this count.

7. Since at least as early as 1905, long prior to the acts complained of herein, Wawa has used the name and mark WAWA in connection with dairy products and non-alcoholic beverages and in the advertising, marketing and sale of the same in interstate commerce.

8. Since at least as early as 1964, long prior to the acts complained of herein, Wawa has used the name and mark WAWA in connection with retail food store services and in the advertising, marketing and sale of the same in interstate commerce.

9. Since at least as early as 1969, long prior to the acts complained of herein, Wawa has used the name and mark WAWA in connection with fast food restaurant services and in the advertising, marketing and sale of the same in interstate commerce.

10. Since at least as early as 2000, long prior to the acts complained of herein, Wawa has used the name and mark WAWA in connection with a variety of food products and in the advertising, marketing and sale of the same in interstate commerce.

11. Wawa has been one of the leading food and convenience store retailers in this United States. Among other things, Wawa has been recognized as one of the “Top 100” retailers in the United States and is ranked as the 36th largest private company by Forbes magazine. Wawa is well known among the general public and in the convenience and food store industry.

12. Wawa’s goods and services sold under the name and mark WAWA, which are recognized in this State and the United States to be of the highest quality, are offered for sale and sold in interstate commerce.

13. From 1905 to the present, Wawa has engaged in substantially exclusive use of the name and mark WAWA.

1. From 1905 to the present, Wawa’s advertising and sales of goods and services under the name and mark WAWA have been and are significant. Wawa has invested a substantial amount of time, effort and money in promoting the WAWA mark and trade name and in ensuring the high quality of goods and services provided under the WAWA name.

14. Plaintiffs’ mark WAWA is displayed prominently on all product packaging as well as on signage and displays within, on and around Wawa’s stores and service station areas, Wawa employees’ uniforms, and on Wawa’s food and fuel transportation trucks.

15. Plaintiffs’ mark WAWA is featured and promoted extensively in all forms of media. Wawa has used the mark WAWA in advertisements that appear in periodicals with wide circulation, on direct mail advertising, on television, radio, on the Internet and on billboards. Wawa also promotes the mark WAWA through its sponsorship of numerous events, charities and sports teams, and through its employees’ attendance at and participation in various national trade shows and conferences.

16. In addition to Wawa's own advertising efforts, the WAWA mark receives significant unsolicited media coverage and has been seen and heard in movies and television shows, such as the popular sitcom "The Goldbergs," as well as periodicals such as "Harvard Business Review," where case study featured Wawa as a strong brand with a noted and devoted following. The mark WAWA also is heralded by celebrities. Such unsolicited media coverage reaches tens, if not hundreds of millions of consumers annually.

17. As a result of such substantial advertising and sales under the mark WAWA and the maintenance of premium quality standards relating thereto, and the substantially exclusive use of said mark, the mark WAWA has become widely and favorably recognized by the general consuming public of this State and the United States, as a distinctive indication of the origin of the goods and services of Wawa. The mark WAWA has become unique and is identified by the general public solely with Wawa and its goods and services. The mark WAWA has become and is an extremely valuable symbol of Wawa, its reputation and goodwill.

18. As a result of the foregoing efforts and investment, the mark WAWA has become famous and distinctive in this State and in the United States.

19. Indeed, the Court in Wawa, Inc. v. Haaf, 40 USPQ2d 1629, 1631 (E.D. Pa. 1996), aff'd, 116 F.3d 471 (3d Cir. 1997) held that, under the Federal Trademark Dilution Act, 15 U.S.C. § 1125(c) (1995), "without question [the mark WAWA] is famous and is entitled to the protection of the federal statute." Since this decision in 1996, Wawa has continued to expend substantial sums of money in promoting and advertising its products and services, has had substantial sales under its mark WAWA, and has continued to develop in a program of continuous growth and expansion – all of which reinforce WAWA's fame and distinctiveness.

20. Wawa, under its prior name, duly registered the mark WAWA for “dairy products – namely, fluid milk, buttermilk, skim milk, fortified skim milk, heavy cream, light cream, chocolate milk, non-alcoholic egg nog, ice cream, fresh eggs and butter; bakery products – namely, bread and rolls” in the United States Patent and Trademark Office (“USPTO”) under Registration No. 890,189, which issued April 28, 1970.

21. Wawa duly registered the mark WAWA for “iced tea and ice cream,” “carbonated and non-carbonated non-alcoholic beverages – namely, soft drinks, tonic and club soda, orange juice, and fruit juice drinks containing water,” “non-alcoholic apple cider” and “retail food store services” in the USPTO under Registration No. 1,299,708, which issued October 9, 1984.

22. Wawa duly registered the mark WAWA (plus design) for “retail convenience store services” in the USPTO under Registration No. 1,761,847, which issued on March 30, 1993.

23. Wawa has assigned all of its rights, title and interest in the mark WAWA, the goodwill symbolized by the mark, and Registration Nos. 890,189, 1,299,708 and 1,761,847 to Wild Goose, and the deeds of assignment have been duly recorded in the USPTO. Wild Goose accordingly is the record owner of Registration Nos. 890,189, 1,299,708 and 1,761,847 of the mark WAWA.

24. Wild Goose duly registered the mark WAWA (plus design) for “retail convenience store services” in the USPTO under Registration No. 2,651,851, which issued on November 19, 2002.

25. Wild Goose duly registered the mark WAWA for “fast food restaurant services” in the USPTO under Registration No. 2,819,429, which issued on November March 2, 2004.

26. Wild Goose duly registered the mark WAWA for “bottled water” in the USPTO under Registration No. 3,722,383, which issued on December 8, 2009.

27. Wild Goose duly registered the mark WAWA for “coffee; coffee based beverages; coffee pods; ground coffee beans” in the USPTO under Registration No. 4,442,772, which issued on December 3, 2013.

28. Wild Goose duly registered the mark WAWA for “online retail store services featuring gift cards, coffee, clothing, hats, bags and novelty items” in the USPTO under Registration No. 4,475,327, which issued on January 28, 2014.

29. Wild Goose duly registered the mark WAWA for “Prepared and prepackaged entrees and snacks, namely, vegetable-based snack foods, fruit-based snack foods, food package combinations consisting primarily of cheese, meat, poultry, processed vegetables and processed fruit, vegetable-based spreads, and salads except macaroni, rice and pasta salad” in the USPTO under Registration No. 4,918,112, which issued on December 29, 2015.

30. Wild Goose and Wawa have entered into license agreements under which Wild Goose has granted Wawa an exclusive license to use various marks owned by Wild Goose including, but not limited to, the mark WAWA. By virtue of such licenses, Wild Goose and Wawa are related companies within the meaning of Section 5 of the Lanham Act, 15 U.S.C. § 1065. Consequently, all use of the mark WAWA by Wawa inures to the benefit of Wild Goose as a matter of law.

31. Registration Nos. 890,189, 1,299,708, 1,761,847, 2,651,851, 2,819,429, 3,722,383, 4,442,772, 4,475,327 and 4,918,112 are each prima facie evidence of the validity the marks shown therein and Wild Goose’s ownership thereof, and are constructive notice of ownership of the mark WAWA by Wild Goose, all as provided by Sections 7(b) and 22 of the Lanham Act, 15

U.S.C. §§ 1057(b) and 1072. As Registration Nos. 890,189, 1,299,708, 1,761,847, 2,651,851, 2,819,429 and 3,722,383 have each achieved incontestable status under Section 15 of the Lanham Act, 15 U.S.C. § 1065, said registrations are conclusive evidence of Plaintiffs' exclusive right to use the mark WAWA in commerce. True and correct copies of Registration Nos. 890,189, 1,299,708, 1,761,847, 2,651,851, 2,819,429, 3,722,383, 4,442,772, 4,475,327 and 4,918,112 are annexed hereto as Exhibits A, B, C, D, E, F, G, H and I respectively, and made a part hereof.

32. Registration 890,189, 1,299,708, 1,761,847, 2,651,851, 2,819,429, 3,722,383, 4,442,772, 4,475,327 and 4,918,112 and the marks covered thereby are valid, in full force and effect, and are owned by Wild Goose.

33. Notwithstanding Plaintiffs' well-known and prior exclusive rights in the mark WAWA, and long after the mark WAWA had become distinctive and famous, Defendant, with at least constructive notice, and on information and belief actual notice, of the mark WAWA, has adopted and used the name and mark DAWA in this judicial district and in interstate commerce, in connection with convenience store and restaurant services.

34. Defendant is not associated, affiliated or connected with or authorized, endorsed or sanctioned by Plaintiffs. Further, Defendant's use of DAWA in the manner hereinabove alleged was and is without the consent or authority of Plaintiffs.

35. Defendant's name and mark DAWA is virtually identical to Plaintiffs' name and mark WAWA.

36. Plaintiffs' mark WAWA and Defendant's mark DAWA engender substantially similar, if not identical, appearances, sounds, meanings and overall commercial impressions,

such that confusion as to the source of the goods and services offered under the respective marks is likely to result.

37. The parties' respective goods and services are identical in kind and they move in similar channels of trade.

38. Defendant's use of DAWA, in manner hereinabove alleged, is likely to cause the public to believe, contrary to fact, that Defendant's services offered under the name and mark DAWA are sponsored, licensed and/or otherwise approved by, or is in some way connected or affiliated with Plaintiffs.

39. Defendant's convenience store and restaurant services, which are offered and rendered within Plaintiffs' trade area, are likely to be rendered to, marketed to, purchased, used or otherwise received by Wawa's consumers and potential consumers of WAWA retail food, convenience store and restaurant services. Wawa's consumers, upon encountering, purchasing, using or otherwise receiving Defendant's services, are likely to be confused and deceived and are likely to falsely believe in the existence of some association between Defendant or its services and Plaintiffs, all to the injury of Plaintiffs.

40. Defendant's use of the name and mark DAWA, as set forth above, is likely to damage and materially diminish the value of the name and mark WAWA and result in Defendant unfairly benefiting and profiting from the reputation and goodwill that is represented by the name and mark WAWA.

41. Defendant's use of DAWA in the manner hereinabove alleged constitutes trademark infringement under § 32(1) of the Lanham Act, 15 U.S.C. § 1114(1), and at common law.

42. On information and belief, Defendant had actual knowledge of Plaintiffs' prior use of the name and mark WAWA when Defendant began using the name and mark DAWA in connection with its services. On information and belief, Defendant has long known of the fact that the public associates the mark WAWA with the goods and services of Plaintiffs, and Defendant has sought to capitalize on the goodwill engendered by the mark WAWA by adopting the virtually identical name DAWA in connection with services identical to Plaintiffs.

43. Plaintiffs have repeatedly requested Defendant to cease and desist from its acts of trademark infringement, trademark dilution and unfair competition and have given Defendant actual notice of Plaintiffs' mark WAWA and the registrations therefor, but Defendant has ignored said requests and refused to cease such acts. Defendant has engaged in the aforementioned, complained-of acts willfully, deliberately and with an entire want of care as would raise the presumption of conscious indifference to its consequences.

44. By reason of Defendant's acts alleged herein, Plaintiffs have and will suffer damage to their business, reputation and goodwill, and Defendant has and will enjoy profits to which it is otherwise not entitled, for which Plaintiffs are entitled to relief at law.

45. Unless enjoined by this Court, Defendant will continue to infringe the name and mark WAWA, thereby deceiving the public and causing Plaintiffs immediate and irreparable injury. It would be difficult to ascertain the amount of compensation that could afford Plaintiffs adequate relief for such continuing acts, and a multiplicity of judicial proceedings would be required. Plaintiffs' remedy at law is not adequate to compensate it for injuries threatened.

COUNT II – FALSE DESIGNATION OF ORIGIN

46. As a cause of action and ground for relief, Plaintiffs allege that Defendant has engaged in acts in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), and incorporate by reference ¶¶ (1) through (45) of the Complaint as a part of this count.

47. Defendant's use of the name and mark DAWA in the manner hereinabove alleged constitutes a false designation of origin within the meaning of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), which is likely to cause confusion, mistake or deception as to the source, origin, authorization, sponsorship and/or approval of Defendant's commercial activities with respect to the name and mark WAWA.

48. The nature and probable tendency and effect of Defendant's use of the name and mark DAWA in the manner hereinabove alleged is to enable Defendant to confuse or deceive the public by misrepresenting the service offered for sale and rendered under said name and mark, as sponsored, licensed and/or otherwise approved by, or are in some way connected or affiliated with Plaintiffs. Such conduct constitutes a false designation of origin in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

49. Defendant's actions have been conducted intentionally and willfully, with the express intent to cause confusion and mistake, to deceive and mislead the purchasing public, to trade upon the high quality reputation of Plaintiffs and to improperly appropriate to itself the valuable trademark rights of Plaintiffs.

COUNT III – TRADEMARK DILUTION

50. As a cause of action and ground for relief, Plaintiffs allege trademark dilution by Defendant under § 43(c) of the Lanham Act, 15 U.S.C. 1125(c), the anti-dilution statute of New

Jersey, N.J.S.A. 56:3-13.20, and at common law, and incorporate ¶¶ (1) through (49) of the Complaint as a part of this count.

51. The name and mark WAWA is a distinctive and famous mark. The name and mark WAWA is inherently strong and distinctive, has long been used in connection with the goods and services on which it appears, has long been the subject of substantial advertising and promotion, has been used and advertised throughout this State and a substantial portion of the United States, is widely recognized by the consuming public and those in the trade, is in substantially exclusive use, and is federally registered, as alleged above. The unlawful acts of Defendant alleged herein were commenced and committed from a time after the name and mark WAWA became famous.

52. Defendant's use of the mark DAWA in the manner hereinabove alleged is likely to cause and has caused dilution of the distinctive quality of the mark WAWA as a unique source identifier for Plaintiffs in the minds of consumers, all to the irreparable injury to and damage of Plaintiffs.

53. Defendant's use of the mark DAWA in the manner hereinabove alleged is likely to lessen and has lessened the capacity of the mark WAWA to uniquely identify and distinguish the goods and services of Plaintiffs and has blurred and tarnished the unique association which has heretofore existed between the mark WAWA and the goods and services provided by Plaintiffs.

54. Defendant's use of the mark DAWA in the manner hereinabove alleged constitutes trademark dilution under Section 43(c) of the Lanham Act, 15 U.S.C. 1125(c), N.J.S.A. 56:3-13.20 and at common law.

55. On information and belief, Defendant has committed the above-described acts willfully and with the intent to trade on the recognition, reputation and goodwill represented by the mark WAWA and to cause dilution of the mark WAWA, with full knowledge of Plaintiffs' rights.

56. By reason of Defendant's acts alleged herein, Plaintiffs have and will suffer damage to their business, reputation and goodwill, and Defendant has and will enjoy profits to which it is otherwise not entitled, for which Plaintiffs are entitled to relief at law.

57. Unless enjoined by this Court, Defendant will continue to impair the distinctive quality and capacity of the mark WAWA as a unique source identifier for Plaintiffs, thereby causing Plaintiffs immediate and irreparable injury. It would be difficult to ascertain the amount of compensation that could afford Plaintiffs adequate relief for such continuing acts, and a multiplicity of judicial proceedings would be required. Plaintiffs' remedy at law is not adequate to compensate it for injuries threatened.

COUNT IV – UNFAIR COMPETITION

58. As a cause of action and ground for relief, Plaintiffs allege that Defendant has engaged in acts of unfair competition at common law, and incorporate by reference ¶¶ (1) through (57) of the Complaint as a part of this count.

59. By virtue of Defendant's acts, hereinabove pleaded, Defendant has engaged in conduct which is contrary to honest, industrial and commercial practice, and thus, has engaged in unfair competition, in violation of the common law of the State of New Jersey.

60. Defendant's acts, hereinabove pleaded, are calculated to procuring an unfair competitive advantage by misappropriating the valuable goodwill developed by Plaintiffs at

substantial effort and expense and represented by the distinctiveness of the name and mark WAWA.

61. Defendant has engaged in the aforementioned acts willfully and deliberately and with full knowledge of the name and mark WAWA and Plaintiffs' rights therein.

62. Defendant will continue to compete unfairly unless restrained by this Court. As a result of Defendant's unfair competition, Plaintiffs will be unable to control the loss of the distinctive quality and reputation represented by the mark WAWA and will sustain still further damages in an amount difficult to ascertain.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray that:

1. The Court enter judgment declaring that:
 - a. Defendant has infringed the mark WAWA under Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1), and at common law;
 - b. Defendant has violated Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a);
 - c. Defendant has caused dilution and likelihood of dilution of the distinctiveness of the mark WAWA under Section 43(c) of the Lanham Act, 15 U.S.C. 1125(c), N.J.S.A. 56:3-13.20 and at common law;
 - d. Defendant has engaged in unfair competition at common law;
 - e. Defendant's acts of trademark infringement, trademark dilution and unfair competition were undertaken willfully and knowingly; and
 - f. This case is "exceptional" pursuant to 15 U.S.C. § 1117.

2. Defendant and each of its agents, employees, servants, attorneys, successors and assigns, and all others in privity or acting in concert therewith, be preliminarily and permanently enjoined from:

- a. Using the trademarks WAWA, DAWA and/or any other confusingly similar designation, alone or in combination with other words, phrases, symbols or designs, as a trademark, service mark, trade name, domain name component, or otherwise to market, advertise or identify Defendant's commercial activities or services;
- b. Otherwise infringing the mark WAWA;
- c. Using the mark WAWA, DAWA and/or any other mark that is likely to cause and/or causes dilution of the distinctive quality of the mark WAWA;
- d. Unfairly competing with Plaintiffs in any manner whatsoever, or otherwise injuring its business reputation in the manner complained of herein; and
- e. Engaging in assignments or transfers, formation of new entities or associations or utilization of any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in subparagraphs (a) through (d) above.

3. Pursuant to 15 U.S.C. § 1118, Defendant be ordered that all labels, signs, prints, packages, wrappers, receptacles, advertisements, electronic or computer files in the possession, custody or control of Defendant, bearing the mark DAWA, or any reproduction, counterfeit, copy, or colorable imitation thereof and all plates, molds, matrices, and other means of making or reproducing the same, be delivered up to Plaintiffs and destroyed.

4. Defendant be required, within thirty (30) days after service of judgment, to file with this Court and serve upon Plaintiffs' counsel, a written report, under oath, setting forth in detail the manner in which they have complied with the Judgment.

5. Defendant be directed to pay to Plaintiffs compensatory damages in an amount to be determined at trial for the injuries sustained by Plaintiffs in consequence of the acts complained of herein and that such damages be trebled because of the willful acts described herein.

6. Defendant be required to account for and pay to Plaintiffs all profits realized by it as the result of the acts complained of herein.

7. Defendant be required to pay to Plaintiffs both the costs of this action and the reasonable attorneys' fees incurred by Plaintiffs.

8. Defendant be required to pay pre- and post-judgment interest according to law.

9. The Court award any available punitive and exemplary damages against Defendant and in favor of Plaintiffs.

10. Plaintiffs be granted such other, different and additional relief as this Court deems equitable and proper.

Respectfully submitted,

CAESAR RIVISE, PC

Dated: January 27, 2017

/s/ Salvatore Guerriero/
Salvatore Guerriero
1635 Market Street
12th Floor - Seven Penn Center
Philadelphia, PA 19103-2212
Tel: (215) 567-2010
Fax: (215) 751-1142
Email: (<sguerriero@crbcp.com>)

Attorneys for Plaintiffs

EXHIBIT A

Int. Cls.: 29 and 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office
10 Year Renewal

Reg. No. 890,189
Registered Apr. 28, 1970
Renewal Approved May 21, 1990

**TRADEMARK
PRINCIPAL REGISTER**

WAWA

WAWA, INC. (NEW JERSEY CORPORATION)
RED ROOF
BALTIMORE PIKE
WAWA, PA 19063, ASSIGNEE OF MILLVILLE MANUFACTURING COMPANY, THE (NEW JERSEY CORPORATION) WAWA, PA

"WAWA" IS AN AMERICAN INDIAN WORD MEANING "WILD GOOSE."

FOR: DAIRY PRODUCTS—NAMELY, FLUID MILK, BUTTERMILK, SKIM MILK, FORTIFIED SKIM MILK, HEAVY CREAM, LIGHT CREAM, CHOCOLATE MILK, NON-ALCOHOLIC EGG NOG, ICE CREAM, FRESH EGGS AND BUTTER; BAKERY PRODUCTS—NAMELY, BREAD AND ROLLS, IN CLASS 46 (INT. CLS. 29 AND 30).

FIRST USE 0-0-1905; IN COMMERCE 0-0-1905.

SER. NO. 72-320,166, FILED 2-26-1969.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on July 3, 1990.*

COMMISSIONER OF PATENTS AND TRADEMARKS

United States Patent Office 890,189
Registered Apr. 28, 1970

PRINCIPAL REGISTER
Trademark

Ser. No. 320,166, filed Feb. 26, 1969

WAWA

The Millville Manufacturing Company (New Jersey corporation)
Baltimore Pike
Wawa, Pa. 19063

For: DAIRY PRODUCTS—NAMELY, FLUID MILK, BUTTERMILK, SKIM MILK, FORTIFIED SKIM MILK, HEAVY CREAM, LIGHT CREAM, CHOCOLATE MILK, NON-ALCOHOLIC EGG NOG, ICE CREAM, FRESH EGGS AND BUTTER; BAKERY PRODUCTS—NAMELY, BREAD AND ROLLS—in CLASS 46 (INT. CLS. 29 and 30).

First use 1905; in commerce 1905.

"Wawa" is an American Indian word meaning "wild goose."

D. E. FREED, Examiner

EXHIBIT B

Int. Cls.: 29, 30, 32, 33 and 42

Prior U.S. Cls.: 45, 46 and 101

United States Patent and Trademark Office

Reg. No. 1,299,708

Registered Oct. 9, 1984

**TRADEMARK
SERVICE MARK**

Principal Register

WAWA

Wawa, Inc. (New Jersey corporation), d.b.a. Wawa
Dairy Farms and Wawa Food Markets
Red Roof
Baltimore Pike
Wawa, Pa. 19063

For: DAIRY PRODUCTS—NAMELY, BUTTER, LIGHT CREAM, HEAVY CREAM, EGG NOG, WHIPPED CREAM, HALF & HALF, SOUR CREAM, COTTAGE CHEESE, MILK, CHOCOLATE MILK, AND EGGS, in CLASS 29 (U.S. Cl. 46).

First use 1905; in commerce 1905.

For: ICED TEA AND ICE CREAM, in CLASS 30 (U.S. Cl. 46).

First use 1905; in commerce 1905.

For: CARBONATED AND NON-CARBONATED NON-ALCOHOLIC BEVERAGES—NAMELY, SOFT DRINKS, TONIC AND CLUB SODA,

ORANGE JUICE, AND FRUIT JUICE DRINKS CONTAINING WATER, in CLASS 32 (U.S. Cls. 45 and 46).

First use 1905; in commerce 1905.

For: NON-ALCOHOLIC APPLE CIDER, in CLASS 33 (U.S. Cl. 46).

First use 1905; in commerce 1905.

For: RETAIL FOOD STORE SERVICES, in CLASS 42 (U.S. Cl. 101).

First use 1905; in commerce 1905.

Owner of U.S. Reg. No. 890,189.

The word "Wawa" may be translated as "Wild Goose".

Ser. No. 428,263, filed May 31, 1983.

LINDA J. SWIFT, Examining Attorney

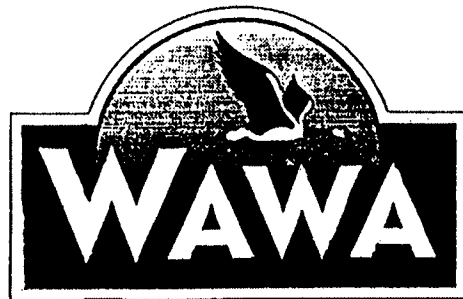
EXHIBIT C

Int. Cl.: 42

Prior U.S. Cl.: 101

United States Patent and Trademark Office **Reg. No. 1,761,847**
Registered Mar. 30, 1993

**SERVICE MARK
PRINCIPAL REGISTER**



WAWA, INC. (NEW JERSEY CORPORATION)
RED ROOF
BALTIMORE PIKE
WAWA, PA 19063

FOR: RETAIL CONVENIENCE STORE
SERVICES, IN CLASS 42 (U.S. CL. 101).

FIRST USE 12-3-1990; IN COMMERCE
12-3-1990.

OWNER OF U.S. REG. NOS. 890,189, 1,299,708,
AND 1,300,805.

THE STIPPLING SHOWN IN THE DRAWING
IS A FEATURE OF THE MARK AND NOT IN-
TENDED TO INDICATE COLOR.

"WAWA" MEANS "WILD GOOSE" IN ENG-
LISH.

SER. NO. 74-256,692, FILED 3-18-1992.

IRENE D. WILLIAMS, EXAMINING ATTOR-
NEY

EXHIBIT D

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 2,651,851

Registered Nov. 19, 2002

**SERVICE MARK
PRINCIPAL REGISTER**



Wawa

**WILD GOOSE HOLDING CO., INC. (DELAWARE
CORPORATION)
1105 NORTH MARKET STREET; SUITE 1300
POST OFFICE BOX 8985
WILMINGTON, DE 19899**

**OWNER OF U.S. REG. NOS. 1,761,847, 1,939,584
AND OTHERS.**

**THE ENGLISH TRANSLATION OF "WAWA" IS
"WILD GOOSE".**

**FOR: RETAIL CONVENIENCE SERVICES, IN
CLASS 35 (U.S. CLS. 100, 101 AND 102).**

SER. NO. 76-354,757, FILED 1-3-2002.

FIRST USE 10-0-2001; IN COMMERCE 10-0-2001.

GEORGE LORENZO, EXAMINING ATTORNEY

EXHIBIT E

Int. Cl.: 43

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 2,819,429

Registered Mar. 2, 2004

**SERVICE MARK
PRINCIPAL REGISTER**

WAWA

WILD GOOSE HOLDING CO., INC. (DELAWARE
CORPORATION)
1105 NORTH MARKET STREET; SUITE 1300
POST OFFICE BOX 8985
WILMINGTON, DE 19899

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

FIRST USE 0-0-1969; IN COMMERCE 0-0-1969.

OWNER OF U.S. REG. NOS. 1,761,847, 2,344,843,
AND 2,651,851.

THE ENGLISH TRANSLATION OF "WAWA" IS
"WILD GOOSE".

SER. NO. 76-508,701, FILED 4-22-2003.

ANDREA SAUNDERS, EXAMINING ATTORNEY

EXHIBIT F

United States of America

United States Patent and Trademark Office

WAWA

Reg. No. 3,722,383 WILD GOOSE HOLDING CO. (DELAWARE CORPORATION)
Registered Dec. 8, 2009 SUITE 936

1105 NORTH MARKET STREET
WILMINGTON, DE 19801

Int. Cl.: 32

FOR: BOTTLED WATER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

TRADEMARK FIRST USE 9-30-2004; IN COMMERCE 9-30-2004.
PRINCIPAL REGISTER

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

OWNER OF U.S. REG. NOS. 890,189, 1,299,708, AND 1,761,847.

SER. NO. 77-784,479, FILED 7-20-2009.

KIMBERLY FRYE, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

EXHIBIT G

United States of America
United States Patent and Trademark Office

WAWA

Reg. No. 4,442,772

Registered Dec. 3, 2013

Int. Cl.: 30

TRADEMARK

PRINCIPAL REGISTER

WILD GOOSE HOLDING CO., INC (DELAWARE CORPORATION)
SUITE 936
1105 NORTH MARKET STREET
WILMINGTON, DE 19801

FOR: COFFEE; COFFEE BASED BEVERAGES; COFFEE PODS; GROUND COFFEE BEANS,
IN CLASS 30 (U.S. CL. 46).

FIRST USE 1-31-1975; IN COMMERCE 1-31-1975.

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

OWNER OF U.S. REG. NOS. 890,189, 1,761,847 AND OTHERS.

THE ENGLISH TRANSLATION OF THE LENNI-LENAPE NATIVE AMERICAN WORD
"WAWA" IN THE MARK IS "WILD GOOSE".

SER. NO. 85-860,740, FILED 2-26-2013.

RICHARD WHITE, EXAMINING ATTORNEY



Deborah S. Cohen

Commissioner for Trademarks of the
United States Patent and Trademark Office

EXHIBIT H

United States of America
United States Patent and Trademark Office

WAWA

Reg. No. 4,475,327

Registered Jan. 28, 2014

Int. Cl.: 35

SERVICE MARK

PRINCIPAL REGISTER

WILD GOOSE HOLDING CO., INC. (DELAWARE CORPORATION)
SUITE 936
1105 NORTH MARKET STREET
WILMINGTON, DE 19801

FOR: ONLINE RETAIL STORE SERVICES FEATURING GIFT CARDS, COFFEE, CLOTHING,
HATS, BAGS AND NOVELTY ITEMS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 5-31-2008; IN COMMERCE 5-31-2008.

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

OWNER OF U.S. REG. NOS. 890,189, 1,761,847 AND OTHERS.

THE ENGLISH TRANSLATION OF THE LENNI-LENAPE NATIVE AMERICAN WORD
"WAWA" IN THE MARK IS "WILD GOOSE".

SER. NO. 86-015,013, FILED 7-19-2013.

ZHALEH DELANEY, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

EXHIBIT I

United States of America
United States Patent and Trademark Office

WAWA

Reg. No. 4,918,112
Registered Mar. 15, 2016
Int. Cls.: 29 and 30

TRADEMARK
PRINCIPAL REGISTER

WILD GOOSE HOLDING CO., INC. (DELAWARE CORPORATION)
SUITE 936
1105 NORTH MARKET STREET
WILMINGTON, DE 19801

FOR: PREPARED AND PREPACKAGED ENTREES AND SNACKS, NAMELY, VEGETABLE-BASED SNACK FOODS, FRUIT-BASED SNACK FOODS, FOOD PACKAGE COMBINATIONS CONSISTING PRIMARILY OF CHEESE, MEAT, POULTRY, PROCESSED VEGETABLES AND PROCESSED FRUIT, VEGETABLE-BASED SPREADS, AND SALADS EXCEPT MACARONI, RICE AND PASTA SALAD, IN CLASS 29 (U.S. CL. 46).

FIRST USE 8-31-1997; IN COMMERCE 8-31-1997.

FOR: PREPARED AND PREPACKAGED ENTREES AND SNACKS, NAMELY, SANDWICHES, WRAP SANDWICHES, AND SALADS IN THE NATURE OF MACARONI, RICE AND PASTA SALAD, IN CLASS 30 (U.S. CL. 46).

FIRST USE 8-31-1997; IN COMMERCE 8-31-1997.

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

OWNER OF U.S. REG. NOS. 2,819,429, 3,722,383, AND 4,442,772.

THE ENGLISH TRANSLATION OF THE LENNI-LENAPE NATIVE AMERICAN WORD "WAWA" IN THE MARK IS "WILD GOOSE".

SER. NO. 86-656,203, FILED 6-9-2015.

ELIZABETH JACKSON, EXAMINING ATTORNEY



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