

LAW OFFICES

**GARY, JUETTNER & PYLE**

2301 CONNECTICUT MUTUAL LIFE BUILDING

33 NORTH DEARBORN

CHICAGO 60602

312 236-8123

THOMAS R. JUETTNER  
RUSSELL W. PYLE  
MICHAEL PIONTEK  
ROBERT A. LLOYD

LEE J. GARY-1973  
CABLE ADDRESS "FRANBEL"

May 3, 1977

Secretary of State of Rhode Island  
State of Rhode Island  
Providence, Rhode Island

Dear Sir:

We would like to bring to the attention of your Office certain information.

Our client, the Chicken Delight division of Capital Diversified Industries, the national fast food franchiser, is the exclusive licensee of United States trademark registrations No. 578, 807 and 578, 808, (copies attached) both on the principal register, for the mark CHICKEN DELIGHT. These registrations are owned by Chicken Delight, Inc. an Illinois Corporation, were issued in 1953, and renewed in 1973 for an additional twenty year term. As set forth in 15 United States Code 1057b:

A certificate of registration of a mark upon the principal register... shall be prima facie evidence of the validity of the registration, registrant's ownership of the mark, and of registrant's exclusive right to use the mark in commerce.... (Emphasis Supplied).

Our client has become aware that some former CHICKEN DELIGHT franchisees and others have attempted to secure for themselves state trademark registrations of the mark CHICKEN DELIGHT and/or to incorporate under that name. Such may have been done with the hope that the color of law lent their activities by such state trademark registrations or incorporations would provide a defense to any action our client takes to enforce its rights under these United States trademark registrations. However, as a matter of law such newly issued state trademark registrations and incorporations provide no shield whatsoever.

May 3, 1977  
Page 2

An unfortunate result of the issuance of such state trademark registrations and corporate charters is that it entrenches these parties in their erroneous positions, causes them to spur amicable settlements and invites the burden of litigation.

Were your Office to apprise such parties at the time they apply for such state trademark registration or corporate charter, of our client's rights in the United States trademark CHICKEN DELIGHT and its claim to exclusive use of that name throughout the United States, much unnecessary expense and litigation could be avoided. By this letter, such action is courteously requested.

We leave to your Office to determine whether the laws of your state require such trademark registration or corporate charter be refused on the basis of these earlier United States trademark registrations for the mark CHICKEN DELIGHT.

Also, we would appreciate your advising us as to whether there presently is someone in your state, other than Chicken Delight, Inc. (an Illinois Corporation, having offices at 135 S. LaSalle Street, Chicago, Illinois) having a state trademark registration or corporate name using CHICKEN DELIGHT. If so, please supply the name and address of such party. Should there be a charge for such service, you are authorized to expend up to \$5.00. If the charges are greater than that amount, please advise us of the same.

Should your Office have any questions or need further substantiation of our client's rights, we are at your service.

Respectfully Submitted,



Michael Piontek  
For the Firm

MP:sa  
cc: Trademark Department

Registered Aug. 18, 1953

Registration No. 578,807

PRINCIPAL REGISTER

Trade-Mark

UNITED STATES PATENT OFFICE

Chicken Delight Inc., Rock Island, Ill.

Act of 1946

Application April 29, 1952, Serial No. 628,846

**CHICKEN  
DELIGHT**

STATEMENT

Chicken Delight Inc., a corporation duly organized and existing under the laws of the State of Illinois, located at Rock Island, Illinois, and doing business at 2920—18th Avenue, Rock Island, Illinois, has adopted and is using the trade-mark shown in the accompanying drawing, for a PACKAGED FOOD PRODUCT COMPRISING AN INDIVIDUAL SERVING OF COOKED CHICKEN AND AN ENVELOPING CONTAINER ADAPTED FOR USE AS A SERVICE PLATTER, in Class 46, Foods and ingredients of foods, and presents herewith five specimens of the trade-mark as actually used in connection with such goods, the trade-mark being applied to the containers for the goods or to tags

or labels affixed to the goods, and requests that the same be registered in the United States Patent Office on the Principal Register in accordance with the act of July 5, 1946.

The trade-mark was first used on the goods specified on July 20, 1951, and first used on said goods in commerce among the several States of the United States which may lawfully be regulated by Congress on February 11, 1952.

The word "Chicken" is disclaimed apart from the mark as shown.

CHICKEN DELIGHT INC.,  
By ABRAHAM L. TUNICK,  
*President.*

Registered Aug. 18, 1953

Registration No. 578,808

**PRINCIPAL REGISTER**  
**Trade-Mark**

**UNITED STATES PATENT OFFICE**

**Chicken Delight Inc., Rock Island, Ill.**

**Act of 1946**

**Application April 29, 1952, Serial No. 628,847**



**STATEMENT**

Chicken Delight Inc., a corporation duly organized and existing under the laws of the State of Illinois, located at Rock Island, Illinois, and doing business at 2920—18th Avenue, Rock Island, Illinois, has adopted and is using the trade-mark shown in the accompanying drawing, for a PACKAGED FOOD PRODUCT COMPRISING AN INDIVIDUAL SERVING OF COOKED CHICKEN AND AN ENVELOPING CONTAINER ADAPTED FOR USE AS A SERVICE PLATTER, in Class 46, Foods and ingredients of foods, and presents herewith five specimens of the trade-mark as actually used in connection with such goods, the trade-mark being applied to the containers for the goods or to tags

or labels affixed to the goods, and requests that the same be registered in the United States Patent Office on the Principal Register in accordance with the act of July 5, 1946.

The trade-mark was first used on the goods specified on July 20, 1951, and first used on said goods in commerce among the several States of the United States which may lawfully be regulated by Congress on February 11, 1952.

The representation of the goods and of the word "Chicken" is hereby disclaimed apart from the mark as shown.

**CHICKEN DELIGHT INC.,**  
By **ABRAHAM L. TUNICK,**  
*President.*