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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	77290085
Applicant	Del Monte Corporation
Applied for Mark	GOURMET CHOICE
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Submission	Appeal Brief
Attachments	10brief.PDF (3 pages)(154429 bytes) 10exhibits.PDF (19 pages)(449984 bytes)
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Signature	/DVR/
Date	02/19/2009

EX PARTE APPEAL FROM THE TRADEMARK EXAMINING ATTORNEY
TO THE TRADEMARK TRIAL AND APPEAL BOARD

Trademark Examining Attorney Alex Seong Keam :
Law Office 114 : GOURMET CHOICE
Applicant Starkist Co. : International Class 029
Serial No. 77/290,085 :
Filed September 27, 2007 : Attorney Docket No. 298733-00010

BRIEF ON APPEAL

Eckert Seamans Cherin & Mellott, LLC
U.S. Steel Tower
600 Grant Street, 44th Floor
Pittsburgh, Pennsylvania 15219

February 19, 2009

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

Dear Sir or Madam:

Applicant appeals from the Final Office Action, dated June 25, 2008, that was issued by the Trademark Examining Attorney in the above-captioned trademark application.

An oral hearing is not requested.

The only outstanding issue in the appeal is the Trademark Examining Attorney's Section 2(d) refusal based on United States Trademark Registration No. 1,457,628.

United States Trademark Registration No. 1,457,628 is for the mark:

THE GOURMET'S CHOICE SALMONES ANTARTICA LTDA. and Design

The design of the registered mark includes an oval outlining the above words and a design of two fish. The words "THE GOURMET'S CHOICE" are arranged in an arc inside the top of the oval, and the words "SALMONES ANTARTICA LTDA." are arranged in an arc inside the bottom of the oval with the design of the two fish being between the top and bottom arcuately-arranged words. The English translation of "SALMONES ANTARTICA LTDA." is

“ANTARTICA SALMONS LTD.,” and the terms “LTDA.” and “SALMONES” have been disclaimed. The mark is registered for the following goods: “fresh and frozen salmon.”

The Applicant’s mark, on the other hand, is:

GOURMET CHOICE

and is applied to be registered for the following goods: “seafood.” Applicant has disclaimed the term “GOURMET.”

It is respectfully submitted that, due to the weak and dilute nature of both of the terms “GOURMET” and “CHOICE,” consumers will not focus on these words, but will, however, focus on the differences in the marks in their entirety. Because the registered mark involves a design and because it further includes a clear indicator of source, there is no likelihood of confusion between the registered mark and Applicant’s mark. Therefore, the Trademark Examining Attorney’s Section 2(d) refusal should be reversed, and the application remanded to the Trademark Examining Attorney for passage to publication.

That the terms “GOURMET” and “CHOICE” are weak and dilute when applied to seafood should not be seriously in question. Indeed, the Trademark Examining Attorney has required, and Applicant has entered, a disclaimer of the term “GOURMET.” As for the term “CHOICE,” Applicant makes of record herein the numerous registrations for seafood which contain the term “CHOICE.” Such registrations are attached hereto.¹

Since these terms are dilute, consumers facing a choice between these two products will clearly focus on the differences between these two marks. The first and most obvious difference is Registrant’s addition of the extra words “ANTARTICA SALMONS LTD.” These terms are not generic, as the Trademark Examining Attorney seems to suggest, but instead function as the brand name/company name placed on Registrant’s product, and therefore, are source indicating. Applicant’s mark does not contain these words. Therefore, the pronunciation, appearance, and meaning of Applicant’s mark is distinct from that of Registrant’s mark.

Furthermore, Registrant’s mark includes an elaborate design that completely distinguishes Registrant’s mark from Applicant’s mark. Registrant’s mark has an oval outline and a design of two fish that are not part of Applicant’s mark. The fish design is especially

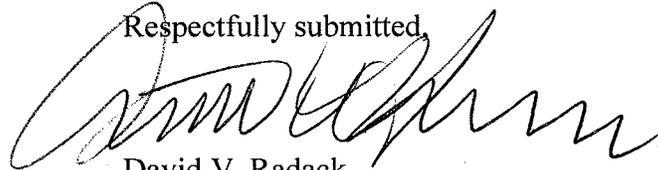
¹ Applicant notes that this evidence was not submitted prior to appeal. Applicant has a new attorney who did not prosecute this application before the appeal. In the event that the Board does not consider this evidence, Applicant requests the Board to suspend this appeal and remand the application for further examination. 37 CFR §2.142(d) and TBMP 1207.02(2).

prominent and is placed in between the words of the mark. The oval design gives the Registrant's mark the appearance of a crest, whereas Applicant's mark is a simple word mark. All of these differences, given the weak and dilute nature of the terms "GOURMET" and "CHOICE," will serve to distinguish the marks from one another, and therefore, eliminate any likelihood of consumer confusion.

Finally, Registrant's mark uses the term "GOURMET'S" (possessive), whereas Applicant uses the term "GOURMET" (non-possessive). While not a major distinction, it does indicate that, in Registrant's mark, it is who chooses to eat Registrant's product versus in Applicant's mark, it indicates a choice a consumer is making (*i.e.*, a higher quality brand). Again, these differences between the marks add up to cumulatively distinguish Applicant's mark from Registrant's mark in their entirety.

In conclusion, based on the weak and dilute nature of the terms "GOURMET" and "CHOICE," and the numerous distinctions between the marks, it is respectfully submitted that there will be no likelihood of confusion between the marks. Therefore, it is respectfully requested that this Board reverse the Trademark Examining Attorney's Section 2(d) refusal and remand the application to the Trademark Examining Attorney for further processing including passing the mark to publication. Such actions are respectfully requested at an early date.

Respectfully submitted,



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Facsimile: 412-566-6099
Email: dradack@eckertseamans.com

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 1,362,208

Registered Sep. 24, 1985

**TRADEMARK
PRINCIPAL REGISTER**

OCEAN CHOICE

**FASS BROS., INC. (DELAWARE CORPORATION)
48 WATER STREET
HAMPTON, VA 23663**

**FIRST USE 2-1-1984; IN COMMERCE
2-1-1984.**

SER. NO. 481,669, FILED 5-23-1984.

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

EDWARD NELSON, EXAMINING ATTORNEY

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office **Reg. No. 1,466,456**
Registered Nov. 24, 1987

**TRADEMARK
PRINCIPAL REGISTER**


Queen's Choice

B. & S. FISHERIES OF FALL RIVER, INC.
(MASSACHUSETTS CORPORATION)
380 FOURTH STREET
FALL RIVER, MA 02721

FIRST USE 9-0-1964; IN COMMERCE
9-0-1964.

SER. NO. 621,282, FILED 9-22-1986.

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

ROGER KATZ, EXAMINING ATTORNEY

Serial No. 77/290,085

Applicant's Exhibit 2
Serial No. 77/290.085

Int. Cls.: 29 and 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office **Reg. No. 1,783,153**
Registered July 20, 1993

**TRADEMARK
PRINCIPAL REGISTER**

HEALTHY CHOICE

CONAGRA, INC. (DELAWARE CORPORATION)
ONE CONAGRA DRIVE
OMAHA, NE 68102

FOR: CHEESE, LUNCH MEATS, PREPARED
MAIN DISH ENTREES CONSISTING PRIMARILY
OF BEEF, POULTRY OR SEAFOOD, IN
CLASS 29 (U.S. CL. 46).

FIRST USE 9-0-1991; IN COMMERCE
9-0-1991.

FOR: PIZZA, BARBEQUE SAUCE, AND SPAGHETTI SAUCE, IN CLASS 30 (U.S. CL. 46).
FIRST USE 9-0-1991; IN COMMERCE
9-0-1991.

OWNER OF U.S. REG. NOS. 1,528,468 AND
1,552,156.

SN 74-801,198, FILED 1-22-1991.

PATRICIA MALESARDI, EXAMINING ATTORNEY

here

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office **Reg. No. 1,826,997**
Registered Mar. 15, 1994

**TRADEMARK
PRINCIPAL REGISTER**

SEA CHOICE

OCEAN BEAUTY ALASKA, INC. (ALASKA
CORPORATION)
1100 WEST EWING STREET
SEATTLE, WA 98119

FIRST USE 9-28-1990; IN COMMERCE
9-28-1990.

SN 74-051,922, FILED 4-23-1990.

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

KENNETH D. BATTLE, EXAMINING ATTOR-
NEY

Int. Cls.: 3, 4, 29, 30 and 31

Prior U.S. Cls.: 1, 4, 6, 15, 46, 50, 51 and 52

Reg. No. 2,039,201

United States Patent and Trademark Office

Registered Feb. 18, 1997

**TRADEMARK
PRINCIPAL REGISTER**

PRESIDENT'S CHOICE

LOBLAW COMPANIES LIMITED (CANADA CORPORATION)
22 ST. CLAIR AVENUE
TORONTO, ONTARIO M4T 2S7, CANADA

FOR: LAUNDRY DETERGENT AND DISHWASHER DETERGENT, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 5-1-1989; IN COMMERCE 12-3-1993.

FOR: CHARCOAL BRIQUETTES AND FIRE STARTER LOGS, IN CLASS 4 (U.S. CLS. 1, 6 AND 15).

FIRST USE 1-4-1992; IN COMMERCE 1-4-1992.

FOR: NON-DAIRY COFFEE CREAMERS; FRUIT PIE FILLINGS, APPLESAUCE AND FRUIT PRESERVES; PROCESSED FRUITS AND VEGETABLES; PROCESSED TUNA FISH; MAYONNAISE; VEGETABLE SHORTENING; AND FRESH, FROZEN AND PREPARED BEEF, PORK, CHICKEN, AND VEAL, IN CLASS 29 (U.S. CL. 46).

FIRST USE 9-29-1985; IN COMMERCE 9-29-1985.

FOR: ICED TEA MIXES AND HOT COCOA MIX; COFFEE; RICE AND RICE MIXES; BOXED MACARONI AND CHEESE DINNERS; SYRUP; SAUCES FOR MEATS, POULTRY, SEA-FOOD, VEGETABLES AND PASTAS; BAKING MIXES; FLOUR TORTILLAS; CHOCOLATE CHIPS; PIES, BAGELS, CRACKERS AND CROUTONS; AND PIZZAS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 10-23-1985; IN COMMERCE 10-23-1985.

FOR: PET FOODS; BIRD SEED AND MICROWAVABLE UNPOPPED POPCORN, IN CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE 10-21-1986; IN COMMERCE 1-2-1992.

OWNER OF U.S. REG. NOS. 1,021,633, 1,579,226, AND 1,581,832.

SER. NO. 75-975,061, FILED 2-13-1995.

KATHLEEN COONEY-PORTER, EXAMINING ATTORNEY

Int. Cl.: 29

Prior U.S. Cl.: 46

Reg. No. 2,173,122

United States Patent and Trademark Office

Registered July 14, 1998

**TRADEMARK
PRINCIPAL REGISTER**

BREWER'S CHOICE

**COLDWATER SEAFOOD CORPORATION
(NEW YORK CORPORATION)
133 ROWAYTON AVENUE
ROWAYTON, CT 06853**

**FIRST USE 1-0-1996; IN COMMERCE
1-0-1996.**

SER. NO. 75-343,211, FILED 8-19-1997.

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

**GEOFFREY FOSDICK, EXAMINING ATTOR-
NEY**

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 2,507,891

Registered Nov. 13, 2001

**TRADEMARK
PRINCIPAL REGISTER**

TASTEE CHOICE

**CHOICE CANNING CO., INC. (NEW YORK COR-
PORATION)
536 FAYETTE STREET
PERTH AMBOY, NJ 08861**

**NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "TASTY" , APART FROM THE
MARK AS SHOWN.**

**FOR: FROZEN SEAFOOD, IN CLASS 29 (U.S. CL.
46).**

SN 75-824,414, FILED 10-18-1999.

FIRST USE 12-4-2000; IN COMMERCE 12-4-2000.

**SAMUEL E. SHARPER JR., EXAMINING ATTOR-
NEY**

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 2,617,660

Registered Sep. 10, 2002

**TRADEMARK
PRINCIPAL REGISTER**

EMPIRE'S-CHOICE

PERFORMANCE FOOD GROUP COMPANY
(TENNESSEE CORPORATION)
12500 WEST CREEK PARKWAY
RICHMOND, VA 23238

FIRST USE 0-0-1992; IN COMMERCE 0-0-1992.

SER. NO. 76-272,637, FILED 6-18-2001.

FOR: FRESH, FROZEN AND CANNED SEAFOOD
SOLD ONLY TO THE INSTITUTIONAL FOOD
SERVICE INDUSTRY, IN CLASS 29 (U.S. CL. 46).

GINEEN BRESSO, EXAMINING ATTORNEY

Applicant's Exhibit 8
Serial No. 77/290,085

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 2,617,889

Registered Sep. 10, 2002

TRADEMARK
PRINCIPAL REGISTER



SOUTHEAST SHELLFISH, INC. (MASSACHU-
SETTS CORPORATION)
22 KENDRICK ROAD
WAREHAM, MA 02571

FOR: PROCESSED SEAFOOD, NAMELY, LOB-
STER, CRAB, FISH, CLAMS, MUSSELS, OYSTER,
SHRIMP, SCALLOPS, AND SHELLFISH, IN CLASS
29 (U.S. CL. 46).

FIRST USE 3-13-1998; IN COMMERCE 10-0-1998.

THE LINING IS A FEATURE OF THE MARK
AND DOES NOT INDICATE COLOR.

SER. NO. 76-307,025, FILED 8-30-2001.

ANDY COREA, EXAMINING ATTORNEY

Int. Cl.: 29

Prior U.S. Cl.: 46

Reg. No. 2,648,548

United States Patent and Trademark Office

Registered Nov. 12, 2002

TRADEMARK
PRINCIPAL REGISTER



INTRACO FOODS PTE LTD (SINGAPORE COMPANY)
230 VICTORIA STREET
#12-00 BUGIS JUNCTION TOWERS, SINGAPORE
188024

FOR: FRESH, FROZEN AND CANNED SEAFOOD
AND FISH, IN CLASS 29 (U.S. CL. 46).

FIRST USE 0-0-1992; IN COMMERCE 10-22-2000.

THE MARK CONSISTS OF THE TERM "GOLDEN" IN UPPER CASE STYLIZED LETTERING ARCHED ABOVE THE TERM "CHOICE", WHICH IS ALSO IN UPPER CASE STYLIZED LETTERING AND CONTAINED IN A BANNER.

SER. NO. 76-232,516, FILED 3-29-2001.

NORA BUCHANAN WILL, EXAMINING ATTORNEY

Int. Cls.: 29, 30, 31 and 32

Prior U.S. Cls.: 1, 45, 46 and 48

United States Patent and Trademark Office

Reg. No. 2,857,946

Registered June 29, 2004

**TRADEMARK
PRINCIPAL REGISTER**

MASTER CHOICE

GREAT ATLANTIC & PACIFIC TEA COMPANY,
INC., THE (MARYLAND CORPORATION)
2 PARAGON DRIVE
MONTVALE, NJ 07645

FOR: BEEF, CANNED TOMATOES, CANNED
VEGETABLES, CHEESE, CONDENSED MILK,
COOKING OIL, FISH, FROZEN ENTREES CON-
SISTING PRIMARILY OF MEAT, FISH, POULTRY
OR VEGETABLES, FROZEN VEGETABLES, JELLY
PRESERVES, PEANUT BUTTER, PICKLES, PORK,
POULTRY, PROCESSED ROASTED PEPPERS, SEA-
FOOD, SHELLED AND ROASTED NUTS, TUNA, IN
CLASS 29 (U.S. CL. 46).

FIRST USE 8-1-1992; IN COMMERCE 8-1-1992.

FOR: FROZEN ENTREES CONSISTING PRIMAR-
ILY OF PASTA OR RICE; POPPED POPCORN OR
PROCESSED UNPOPPED POPCORN; APPLE CIDER
MIX, BAKING COCOA, BELGIAN WAFFLES,
BREADS, BREADSTICKS, BREAKFAST CEREAL,
BROWNIE MIX, CANDY, CAPPUCCINO MIX,
CHEESECAKES, CHOCOLATE BAKING CHIPS,
COOKIES, CRACKERS, FLATBREADS, FRUIT-
CAKE, HOT COCOA MIX, ICE CREAM, MAPLE

SYRUP, MAYONNAISE; MICROWAVE POPCORN,
MUSTARD, PASTA, PIES, PIZZA, RICE, SALAD
DRESSING, SALSA, SAUCES, SPICES, TEA, VINE-
GAR, WAFFLE CONES, IN CLASS 30 (U.S. CL. 46).

FIRST USE 7-1-1992; IN COMMERCE 7-1-1992.

FOR: FRESH FRUITS, FRESH VEGETABLES, IN
CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE 9-1-1996; IN COMMERCE 9-1-1996.

FOR: DRINKING WATER, FRUIT JUICE, VEGE-
TABLE JUICE , IN CLASS 32 (U.S. CLS. 45, 46 AND
48).

FIRST USE 12-31-1989; IN COMMERCE 12-31-1989.

OWNER OF U.S. REG. NOS. 1,519,019 AND
2,073,501.

SER. NO. 78-218,673, FILED 2-25-2003.

NICHOLAS ALTREE, EXAMINING ATTORNEY

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 2,926,360

Registered Feb. 15, 2005

**TRADEMARK
PRINCIPAL REGISTER**

THE CONNOISSEUR'S CHOICE

CAMBRIDGE FOOD GROUP ACQUISITION (NE-
VADA CORPORATION)
10305 N.W. SABAL PALM AVENUE
MIAMI, FL 33156

FIRST USE 1-1-1997; IN COMMERCE 1-1-1997.

SER. NO. 78-298,903, FILED 9-11-2003.

FOR: SMOKED FISH; SEAFOOD, IN CLASS 29
(U.S. CL. 46).

DARRYL SPRUILL, EXAMINING ATTORNEY

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 2,985,252

Registered Aug. 16, 2005

**TRADEMARK
PRINCIPAL REGISTER**

**ST. JAMES
SMOKEHOUSE SCOTCH
CHOICE**

ST. JAMES SMOKEHOUSE (FLORIDA COR-
PORATION)

3109 GRAND AVENUE # 216

MIAMI, FL 33133

FOR: SMOKED SCOTTISH SALMON, SMOKED
SALMON, SMOKED SEAFOOD, SMOKED FISH,
FISH, SEAFOOD, IN CLASS 29 (U.S. CL. 46).

FIRST USE 4-14-2004; IN COMMERCE 4-14-2004.

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

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "SCOTCH", APART FROM THE
MARK AS SHOWN.

SER. NO. 78-401,725, FILED 4-14-2004.

GRETТА YAO, EXAMINING ATTORNEY

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,081,423

Registered Apr. 18, 2006

**TRADEMARK
PRINCIPAL REGISTER**

ISLANDER'S CHOICE

**MANGAL'S MARKET, LLC. (CALIFORNIA LTD
LIAB CO)**

1699 E. 14TH STREET

SAN LEANDRO, CA 945774819

**FOR: MEAT, FISH AND SEAFOOD, IN CLASS 29
(U.S. CL. 46).**

FIRST USE 4-0-1996; IN COMMERCE 4-0-1996.

**THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.**

**NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "CHOICE", APART FROM THE
MARK AS SHOWN.**

SER. NO. 76-633,632, FILED 3-18-2005.

ANNE E. GUSTASON, EXAMINING ATTORNEY

Int. Cls.: 5, 29, and 30

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

United States Patent and Trademark Office

Reg. No. 3,169,567

Registered Nov. 7, 2006

**TRADEMARK
PRINCIPAL REGISTER**

VITAL CHOICE

VITAL CHOICE SEAFOOD, INC. (WASHINGTON CORPORATION)
P.O. BOX 4121
BELLINGHAM, WA 98227

FOR: DIETARY SUPPLEMENTS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 8-31-2004; IN COMMERCE 8-31-2004.

FOR: SEAFOOD FOR FOOD PURPOSES IN FROZEN FORM, CANNED, SMOKED AND PACKED IN OIL; FROZEN FRUITS; DRIED FRUITS; PROCESSED NUTS; SNACK MIX, PRIMARILY CONSISTING OF DRIED FRUITS AND PROCESSED NUTS; OLIVE OIL, IN CLASS 29 (U.S. CL. 46).

FIRST USE 8-1-2002; IN COMMERCE 8-10-2002.

FOR: SEASONINGS; TEA, IN CLASS 30 (U.S. CL. 46).

FIRST USE 6-30-2005; IN COMMERCE 6-30-2005.

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

SN 78-464,550, FILED 8-9-2004.

LA TONIA FISHER, EXAMINING ATTORNEY

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,211,082

Registered Feb. 20, 2007

**TRADEMARK
PRINCIPAL REGISTER**

THE CATERER'S CHOICE

THE ORIGINAL RANGOON COMPANY, INCORPORATED (MASSACHUSETTS CORPORATION)
SUITE 107
200 CORDWAINER DRIVE
NORWELL, MA 02061

FOR: PRE-PACKAGED DINNERS CONSISTING OF MEAT, SEAFOOD, CHEESE AND COMBINATIONS THEREOF; PREPARED MEAT; SHELLFISH; PREPARED ENTREES CONSISTING PRIMARILY OF MEAT, FISH, POULTRY OR VEGETABLES, IN CLASS 29 (U.S. CL. 46).

FIRST USE 1-31-2006; IN COMMERCE 1-31-2006.

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

SER. NO. 78-860,855, FILED 4-13-2006.

KATHERINE CHANG, EXAMINING ATTORNEY

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,370,369

Registered Jan. 15, 2008

**TRADEMARK
PRINCIPAL REGISTER**

ALL-N-GOOD CHOICE

ALL N GOOD CHOICE, LLC (TEXAS LTD LIAB
CO)
1026 COUNTY ROAD #233
GIDDINGS, TX 78942

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

FOR: FOOD PRODUCTS, NAMELY, SEAFOOD,
PORK, POULTRY AND BEEF, IN CLASS 29 (U.S. CL.
46).

SN 78-705,868, FILED 9-2-2005.

FIRST USE 8-1-2006; IN COMMERCE 8-1-2006.

KAELIE KUNG, EXAMINING ATTORNEY

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,420,679

Registered Apr. 29, 2008

**TRADEMARK
PRINCIPAL REGISTER**

Chef's Choice

DIAZTECA COMPANY (ARIZONA CORPORATION)

993 EAST FRONTAGE ROAD

RIO RICO, AZ 85648

FOR: FROZEN SEAFOOD PRESENTED IN BLOCKS OR INDIVIDUALLY QUICK FROZEN; FROZEN SEAFOOD, NAMELY FROZEN SHRIMP, IN CLASS 29 (U.S. CL. 46).

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

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CHOICE", APART FROM THE MARK AS SHOWN.

SN 78-952,911, FILED 8-15-2006.

FIRST USE 9-0-2007; IN COMMERCE 9-0-2007.

ELLEN PERKINS, EXAMINING ATTORNEY

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,515,545

Registered Oct. 14, 2008

TRADEMARK
PRINCIPAL REGISTER



VILLASEÑOR-LOZANO, RICARDO ARTURO
(MEXICO INDIVIDUAL)
BOULEVARD PORFIRIO HERNÁNDEZ S/N
COL. PUNTA ARENA
GUAYMAS, MEXICO 85430

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

FIRST USE 3-16-2007; IN COMMERCE 3-16-2007.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MEXICO FINEST" AND "PREMIUM CHOICE", APART FROM THE MARK AS SHOWN.

THE COLOR(S) WHITE, BLUE, YELLOW, BROWN AND BEIGE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF A CIRCLE SURROUNDED BY 5 RINGS, A THIN RING, THEN A WIDE ONE AND THEN THREE MORE THIN ONES. INSIDE THE CIRCLE THERE IS A DRAWING OF A SHRIMP OVER A BACKGROUND CONTAINING MANY SMALL SQUARES. THE WORD FAS-

TGOURMET IN BIG STYLIZED LETTERS APPEARS OVER THE DESIGN, CROSSING IT FROM LEFT TO RIGHT. THE LETTERS FAST ARE UNDERLINED BY A THIN CURVED FIGURE. THE WORDS MEXICO FINEST APPEAR IN THE UPPER PORTION OF THE WIDE RING AND THE WORDS PREMIUM CHOICE APPEAR OVER THE LOWER PORTION OF THE WIDE RING. THE COLOR WHITE APPEARS IN THE WORDS FASTGOURMET MEXICO FINEST PREMIUM CHOICE, IN THE CURVED FIGURE APPEARING BELOW THE LETTERS FAST AND IN THE FIRST AND FOURTH RING. THE COLOR BLUE APPEARS IN THE WIDE RING. THE COLOR YELLOW APPEARS IN THE THIRD AND FIFTH RING, IN THE CURVED FIGURE APPEARING BELOW THE LETTERS FAST, IN THE INNER CIRCLE AND IN THE SHRIMP. THE COLOR BROWN APPEARS IN THE LETTERS FASTGOURMET AND IN THE SHRIMP. THE COLOR BEIGE APPEARS IN THE SHRIMP.

SER. NO. 77-412,049, FILED 3-4-2008.

MARIA-VICTORIA SUAREZ, EXAMINING ATTORNEY