

TTAB

SERVICE MARK

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

*I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451 on March 5, 2009.*

  
Christine Sherwood

Mark : GREEN CUISINE  
Serial No. : 77/339,476  
Filed : November 28, 2007  
Applicant : Contessa Premium Foods, Inc.  
  
Law Office : 101  
Examiner : Russ Herman  
  
Docket No. : 61008/Z41

NOTICE OF APPEAL

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Post Office Box 7068  
Pasadena, CA 91109-7068  
March 5, 2009

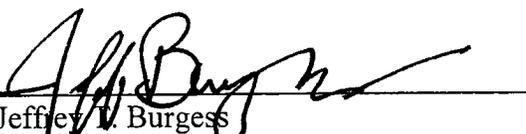
Commissioner:

Applicant hereby appeals to the Trademark Trial and Appeal Board from the decision of the Trademark Examining Attorney in an Office action of September 6, 2008 refusing registration.

The statutory fee of \$300.00 is enclosed. Any deficiency in or overpayment of fees for this transaction should be charged or credited to Deposit Account No. 03-1728. Please show our docket number with any Deposit Account transaction. **A copy of this letter is enclosed.**

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By   
Jeffrey W. Burgess  
626-795-9900

JTB/cks

CKS PAS839479.1-\*03/5/09 11:12 AM

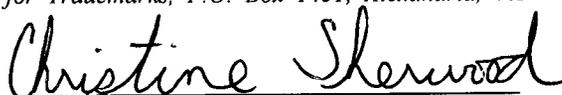


03-09-2009

SERVICE MARK

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451 on March 5, 2009.*

  
Christine Sherwood

Mark : GREEN CUISINE  
Serial No. : 77/339,476  
Filed : November 28, 2007  
Applicant : Contessa Premium Foods, Inc.  
  
Law Office : 101  
Examiner : Russ Herman  
  
Docket No. : 61008/Z41

**AMENDMENT AND RESPONSE TO OFFICE ACTION**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Post Office Box 7068  
Pasadena, CA 91109-7068  
March 5, 2009

Commissioner:

In response to the Office action mailed electronically on September 6, 2008, please enter the following Amendment and Remarks:

**AMENDMENTS**

**1. Identification of Services in International Class 35.**

Please delete the identification of services in International Class 35 its entirety and substitute the following:

PROVIDING PUBLIC AWARENESS OF THE NEED FOR ENVIRONMENTAL  
AWARENESS, CONSERVATION AND ECOLOGICAL RESPONSIBILITY, in Int. Class 35.

**2. Amendment to Supplemental Register.**

Please amend the application to the Supplemental Register.

Serial No. 77/339,476

In the application, in each and every instance, where appropriate, change "Principal Register" to —Supplemental Register—.

**REMARKS**

Applicant is in receipt of the Office action of September 6, 2008, which indicated that the refusal to register the subject mark was made final. In the Office action, the mark was refused registration as allegedly being merely descriptive of the Applicant's services. Further, the Examining Attorney requested that the identification of services in Class 35 be amended as it was allegedly indefinite.

Applicant has amended the recitation of services in International Class 35 as suggested by the Examining Attorney. The recitations of services in Classes 41 and 42 remain unchanged.

Applicant maintains that the mark GREEN CUISINE is not descriptive of the identified services. However, in order to further the prosecution of the Application, and without prejudice, Applicant has requested amendment to the Supplemental Register. In view of the foregoing, Applicant respectfully requests that the refusal to register the instant mark under § 2(e)(1) be withdrawn.

If there are any remaining questions, the Trademark Attorney is invited to contact the undersigned.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By

  
Jeffrey T. Burgess  
620/795-9900

JTB/jtb

CKS PAS833270.3-\* -03/5/09 11:11 AM