

PTO Form 1930 (Rev 9/2007)

OMB No. 0651-0050 (Exp. 4/30/2009)

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77538559
LAW OFFICE ASSIGNED	LAW OFFICE 107
MARK SECTION (no change)	
ARGUMENT(S)	
Please see the actual argument text attached within the Evidence section.	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	http://tgate/PDF/RFR/2009/12/14/20091214212309367123-77538559-004_001/evi_6752136138-211709056_12-14_-_SPRINKLE_DIET_US_-_5_-_Request_for_Reconsideration.pdf
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	\\TICRS\EXPORT8\IMAGEOUT8\775\385\77538559\xml1\RFR0006.JPG
	\\TICRS\EXPORT8\IMAGEOUT8\775\385\77538559\xml1\RFR0007.JPG
	\\TICRS\EXPORT8\IMAGEOUT8\775\385\77538559\xml1\RFR0008.JPG
	\\TICRS\EXPORT8\IMAGEOUT8\775\385\77538559\xml1\RFR0009.JPG

ORIGINAL PDF FILE	http://tgate/PDF/RFR/2009/12/14/20091214212309367123-77538559-004_002/evi_6752136138-211709056_.EXHIBIT_A_in_Support_of_Req_for_Reconsideration.pdf
CONVERTED PDF FILE(S) (11 pages)	\\TICRS\EXPORT8\IMAGEOUT8\775\385\77538559\xml1\RFR0010.JPG
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ORIGINAL PDF FILE	http://tgate/PDF/RFR/2009/12/14/20091214212309367123-77538559-004_003/evi_6752136138-211709056_.EXHIBIT_B_in_Support_of_Req_for_Reconsideration.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT8\IMAGEOUT8\775\385\77538559\xml1\RFR0021.JPG
	\\TICRS\EXPORT8\IMAGEOUT8\775\385\77538559\xml1\RFR0022.JPG
ORIGINAL PDF FILE	http://tgate/PDF/RFR/2009/12/14/20091214212309367123-77538559-004_004/evi_6752136138-211709056_.EXHIBIT_C_in_Support_of_Req_for_Reconsideration.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT8\IMAGEOUT8\775\385\77538559\xml1\RFR0023.JPG

	\\TICRS\EXPORT8\IMAGEOUT8\775\385\77538559\xml1 \RFR0024.JPG
DESCRIPTION OF EVIDENCE FILE	Arguments; Exhibit A; Exhibit B; Exhibit C
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Joshua J. Richman/
SIGNATORY'S NAME	Joshua J. Richman
SIGNATORY'S POSITION	Attorney of record, CA bar member
DATE SIGNED	12/14/2009
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Dec 14 21:23:09 EST 2009
TEAS STAMP	USPTO/RFR-67.52.136.138-2 0091214212309367123-77538 559-460db2f19ee47fa5e5b98 21e8cf6fbbe91e-N/A-N/A-20 091214211709056438

PTO Form 1930 (Rev 9/2007)

OMB No. 0651-0050 (Exp. 4/30/2009)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. 77538559 has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Please see the actual argument text attached within the Evidence section.

EVIDENCE

Evidence in the nature of Arguments; Exhibit A; Exhibit B; Exhibit C has been attached.

Original PDF file:

http://tgate/PDF/RFR/2009/12/14/20091214212309367123-77538559-004_001/evi_6752136138-211709056_.12-14_-_SPRINKLE_DIET_US_-_5_-_Request_for_Reconsideration.pdf

Converted PDF file(s) (8 pages)

- Evidence-1
- Evidence-2
- Evidence-3
- Evidence-4
- Evidence-5
- Evidence-6
- Evidence-7
- Evidence-8

Original PDF file:

http://tgate/PDF/RFR/2009/12/14/20091214212309367123-77538559-004_002/evi_6752136138-211709056_EXHIBIT_A_in_Support_of_Req_for_Reconsideration.pdf

Converted PDF file(s) (11 pages)

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- Evidence-7
- Evidence-8
- Evidence-9
- Evidence-10
- Evidence-11

Original PDF file:

http://tgate/PDF/RFR/2009/12/14/20091214212309367123-77538559-004_003/evi_6752136138-211709056_EXHIBIT_B_in_Support_of_Req_for_Reconsideration.pdf

Converted PDF file(s) (2 pages)

- Evidence-1
- Evidence-2

Original PDF file:

http://tgate/PDF/RFR/2009/12/14/20091214212309367123-77538559-004_004/evi_6752136138-211709056_EXHIBIT_C_in_Support_of_Req_for_Reconsideration.pdf

Converted PDF file(s) (2 pages)

- Evidence-1
- Evidence-2

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Joshua J. Richman/ Date: 12/14/2009
 Signatory's Name: Joshua J. Richman
 Signatory's Position: Attorney of record, CA bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the

applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 77538559

Internet Transmission Date: Mon Dec 14 21:23:09 EST 2009

TEAS Stamp: USPTO/RFR-67.52.136.138-2009121421230936

7123-77538559-460db2f19ee47fa5e5b9821e8c

f6fbbe91e-N/A-N/A-20091214211709056438

REQUEST FOR RECONSIDERATION

This communication is in response to the Final Office Action issued against Application Serial No. 77/538,559 for SPRINKLE DIET, mailed June 12, 2009, wherein the Examining Attorney set forth the following:

Registration is refused because of a likelihood of confusion with U.S.

Registration No. 3,207,334 for SPRINKLES.

Applicant respectfully disagrees with the rejection and provides the following response.

ARGUMENT

I. THERE ARE MANY FEDERAL REGISTRATIONS THAT CONTAIN THE WORD "SPRINKLE" SO THE TERM IS DILUTED AND THEREFORE WEAK.

The Examining Attorney understandably places emphasis on the term "SPRINKLE" in Applicant's two-word mark when comparing it to the existing registration for the single word "SPRINKLES." She has overlooked, however, the many marks on the Federal Register that contain the word "SPRINKLE" or "SPRINKLES" for dietary or food related products. Applicant submits that the shared term is weak due to its frequent and suggestive use and requests that the Examining Attorney reevaluate the marks as a whole and reverse her decision.

Whether a mark is classified as "strong" or "weak" is a very important element in deciding likelihood of confusion. See McCarthy on Trademarks and Unfair Competition, Section 23:48. If the common element of conflicting marks is a word that is "weak" then this reduces the likelihood of confusion. Id. A portion of a mark may be "weak" in the sense that such portion is descriptive, highly suggestive, or is in common use by many other sellers in the market. [Emphasis added] Id.

The present rejection is very similar to the situation in In re Hamilton Bank, 222 U.S.P.Q. 174 (T.T.A.B. 1984), where the Board found no likelihood of confusion between "KEY" for banking services and other marks containing the word "KEY", because the common word

“KEY” is widely used in the financial services field and is suggestive of a desirable characteristic of banking. Therefore, the Board found the “KEY” portion of the respective marks to be “weak.”

In this case, Applicant has identified the following ten marks on the Principal Register that contain the word “SPRINKLE” or “SPRINKLES” for similar food-related goods:

	<u>Mark</u>	<u>Registration No.</u>	<u>Goods</u>
1.	SPRINKLES*	3207334	Class 5: Nutritional supplements and dietary supplements, namely mineral and vitamin supplements.
2.	CAL TRAP CALORIE INHIBITOR SPRINKLE AWAY CALORIES	3571388	Class 5: Dietary supplement
3.	JUST A SPRINKLE A DAY KEEPS THE TEAR STAINS AWAY	3132482	Class 5: Medicated food supplement to aid in the prevention and/or elimination of tear stains, a/k/a Epiphora, in animals, namely, dogs and cats.
4.	SALAD SPRINKLES	3687770	Class 29: Vegetable-based snack foods.
5.	SPRINKLES OF PALM BEACH	2938800	Class 30: Ice cream
6.	SANDWICH SPRINKLE	3306640	Class 30: dry seasoning mixes for meats, poultry, fish, vegetables, gravy, stew, soup, pasta, salad, croutons, bread, dip, rice, potatoes, polenta, and sauces.
7.	Japanese word mark that translates to “Food Sprinkle”	3250881	Class 29: dried and processed seafood, egg, poultry and vegetables for food preparation.
8.	SPRINKLES CUPCAKES	3250609	Class 30: Bakery goods. Class 35: Retail shops featuring baked goods.
9.	SPRINKLES CUPCAKES	3271643	Class 30: Bakery goods. Class 35: Retail shops featuring baked goods.
10.	SPRINKLES	3306772	Class 30: Bakery goods. Class 35: Retail shops featuring baked goods.

*Cited by Examining Attorney

Attached hereto as Exhibit A are true and correct excerpts from the TESS system showing the

above referenced trademark registrations.

The numerous federal registrations that peaceably coexist on the Federal Register containing the word "SPRINKLE" indicates the term is widely used in connection with not only nutritional supplements but also various other food related products. This is because the term is highly suggestive of characteristics of the goods sold under the above registrations; as is the case with Applicant's mark. The word "sprinkles" used in the food context connotes a product that is going to be used or applied sparingly as an ingredient and/or supplement in a larger recipe or nutritional plan. This special connotation is suggestive of the goods being offered which explains why it has been so widely adopted in the field. Considered in this light, the cited mark SPRINKLES is a weak trademark and the word "SPRINKLE" is a weak element in Applicant's proposed mark SPRINKLE DIET.

In conclusion, there are many federal trademark registrations that contain the word "sprinkle" and, notably, three in Class 5. These marks have co-existed on the federal register for a number of years. Applicant is unaware of any instance where any mark containing the word "sprinkle" was successfully opposed or challenged for its use of the word "sprinkle." Finally, the term "sprinkle" is highly suggestive when used in connection with nutritional or food products. As a result of its broad use and suggestive nature, the term SPRINKLE is diluted and therefore unlikely to confuse consumers in the context of the marks at issue here.

II. APPLICANT'S "SPRINKLE DIET" MARK IS NOT CONFUSINGLY SIMILAR TO THE CITED MARK "SPRINKLES" AND THE RESPECTIVE GOODS ARE NOT RELATED.

A. The Respective Marks Must Be Analyzed In Their Entireties.

In evaluating the likelihood of confusion between marks, the marks must be regarded as a whole. See In re National Data Corp., 753 F.2d 1056, 224 USPQ 749 (Fed. Cir. 1985); Specialty

Brands, Inc. v. Coffee Bean Distributors, Inc., 748 F.2d 669, 672, 223 USPQ 1281, 1282 (Fed. Cir. 1984); Giant Food, Inc. v. Nation's Foodservice, Inc., 710 F.2d 1565, 1570, 218 USPQ 390, 395 (Fed. Cir. 1983); Schwarzkopf v. John H. Breck, Inc., 340 F.2d 978, 144 USPQ 433 (CCPA 1965); In re MCI Communications Corp., 21 U.S.P.Q.2d 1535, 1538-39 (Comm'r Pats. 1991); and TMEP § 1213.11.

It is well established in trademark law that it is improper to find a portion of a composite mark has no trademark significance and then make a direct comparison between only that which remains. See Spice Islands, Inc. v. Frank Tea and Spice Company, 505 F.2d 1293, 184 USPQ 35 (CCPA 1974), and Schering v. Alza Corp., 207 USPQ 504 (TTAB 1980). Not infrequently, courts have held that "marks tend to be perceived [by the consumer] in their entireties, and all components thereof must be given appropriate weight." In Re The Hearst Corporation, 92 Daily Journal D.A.R. 17571 (December 1992), citing Opryland U.S.A. Inc. v. Great American Music Show, Inc., 970 F.2d 847, 23 USPQ 2d 1471 (5th Cir. 1992).

The present rejection is very similar to the situation in In re The Hearst Corporation, *supra*, where the Court of Appeals for the Federal Circuit found that the TTAB erred in finding that the mark VARGAS was confusingly similar to the mark VARGA GIRL. The court stated that the marks were not confusingly similar and that the TTAB improperly analyzed the VARGA GIRL mark by stressing the "varga" term and discounting the "girl" term. Specifically, the court stated:

The appearance, sound, sight and commercial impression of VARGA GIRL derives sufficient contribution from the component "girl." By stressing the portion "Varga" and diminishing the portion "girl," the Board inappropriately changed the mark . . . we believe that the Board erred in its diminution of the contribution of the word "girl." When "girl" is given fair weight, along with "Varga," confusion with VARGAS becomes less likely.

Similar to the VARGA GIRL case, the Examining Attorney in the instant matter appears to have compared the cited mark to Applicant's mark based on the common use of the root word "sprinkle" without giving proper consideration to important differences that distinguish the marks from one another such as different conjugations, the additional word "diet" in Applicant's mark (even if disclaimed) and the very different meanings that attach to the two marks. When these respective elements are properly considered in an evaluation of the marks as a whole, it is clear that the marks are not confusingly similar in sight, sound or meaning.

With respect to sight and sound, one cannot ignore that the cited mark, SPRINKLES, uses the plural form of the word "sprinkle" while Applicant's SPRINKLE DIET mark uses the singular form of the word. This is the very similar situation to the In re Hearst case cited above where VARGAS was found not confusingly similar to VARGA GIRL. While this may be a small distinction when considered by itself, it becomes a significant distinction after factoring in the word "diet" in the mark which serves to significantly differentiate the two marks in sight, sound and meaning. Most obviously, Applicant's mark contains two words versus the one word found in the cited mark. Applicant's mark contains four syllables versus the cited marks' two. Together, these divergent characteristics differentiate SPRINKLES and SPRINKLE DIET in sight and sound.

With respect to meaning, the two marks have very different connotations. Applicant's SPRINKLE DIET mark conjures mental images of fitness and healthy, light eating led by the use of the word "diet" which serves to contextualize the mark. The cited mark SPRINKLES on the other hand completely lacks such a contextual reference.

The word "sprinkle," as used in the context of Applicant's mark, is used as both a noun and a verb and the phrase SPRINKLE DIET implies that that the user interact with the product or participate in some action (i.e., dieting). The cited mark SPRINKLES, however, is used solely as a noun and conjures images of small particles of edible matter and does not connote user interaction or participation. Attached hereto as Exhibit B is a dictionary definition for "sprinkle" showing different usages and different meanings. The significances of these differences in

meaning will be further drawn out below in the analysis of the underlying goods being offered under the two marks.

Given the above, the cited mark SPRINKLES cannot be said to be confusingly similar to SPRINKLE DIET in sight, sound or meaning. Even if Applicant disclaims the word "diet," that part of its mark cannot be ignored and must be considered when evaluating the likelihood of confusion. See In re The Hearst Corporation, supra, (It is inappropriate to focus on one aspect of a mark and ignore other elements). Because SPRINKLES and SPRINKLE DIET are not confusingly similar in sight, sound or meaning when considered as a whole, there is no likelihood of confusion here and the Examining Attorney should permit Applicant's mark to proceed to registration.

B. The Nature Of The Respective Goods Are Not Related And Not Confusingly Similar.

The second step in the likelihood of confusion analysis is a comparison of the similarities of the respective goods and/or services. Du Pont, 476 F.2d at 1357. "If the goods or services are not related or marketed in such a way that they would be encountered by the same person in situations that would create the incorrect assumption that they originate from the same source, then, even if the marks are identical, confusion is not likely." TMEP § 1207.01(a)(i).

Here, although the cited registration for SPRINKLES shares similarities to Applicant's mark, the goods covered by the respective marks are vastly different and not likely to be encountered by the same person in situations that would create the incorrect assumption that they originate from the same source. Applicant's goods are intended to target overweight consumers looking to lose and manage their weight problems. The market for weight loss products in the United States is a multi-billion dollar industry and does not overlap with general vitamin and mineral fortification supplements. The market for Applicant's goods, therefore, is overweight

people looking to remedy and/or manage their weight problems and not consumers looking for vitamin and mineral supplements.

The cited mark, however, covers only vitamin and mineral supplements for the opposite type of supplement consumer – people who are malnourished. This is made abundantly clear by the website maintained by the owner of the cited mark, www.sghi.org, where the SPRINKLES goods are defined on the “About Sprinkles” page as follows:

Sprinkles are an innovation in home fortification, addressing vitamin and mineral deficiencies. This unique delivery system provides micronutrients to vulnerable populations by enabling families to fortify many different semi-solid foods in the home.

[...]

Sprinkles were developed by the Sprinkles Global Health Initiative to prevent and treat micronutrient deficiencies among young children and other vulnerable groups at risk.

Attached hereto as Exhibit C is a copy of the website, www.sghi.org/about_sprinkles/index.html, where the above quotation is found.

In this case, the Applicant’s goods are not related to those sold under the cited mark because they treat entirely different types of consumers and the products themselves will not be found together in the marketplace, because their functions are completely different. While Applicant intends to treat overweight people with its goods, the owner of the cited mark targets the malnourished. The Examining Attorney has submitted no evidence to suggest that the “dietary supplements” offered by Applicant and the owner of the cited mark are likely to be encountered by the same consumers in the marketplace or evidence that those consumers would likely be confused as to the origin of the respective goods. In fact, it would make no logical sense for the consumers of the respective products to encounter the products in situations that would create the incorrect assumption that they originate from the same source. The respective products are completely unrelated in their functions and they are not marketed in a similar

manner. The products would not likely be sold in the same stores and even if they were, given the very different purpose of the respective products, an ordinary consumer would not likely think that a company which makes diet supplements is likely to also make vitamins for malnourished people. Therefore, consumer confusion is highly unlikely.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests that this mark proceed to registration without further delay.

EXHIBIT A

SPRINKLES

Word Mark	SPRINKLES
Goods and Services	IC 005. US 006 018 044 046 051 052. G & S: Nutritional supplements and dietary supplements, namely mineral and vitamin supplements. FIRST USE: 20041001. FIRST USE IN COMMERCE: 20041001
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78463202
Filing Date	August 6, 2004
Current Filing Basis	1A
Original Filing Basis	1B;44D
Published for Opposition	November 28, 2006
Registration Number	3207334
Registration Date	February 13, 2007
Owner	(REGISTRANT) Ped-Med Ltd. CORPORATION CANADA 106 Kendal Avenue Toronto, Ontario CANADA M5R 1L9
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE



Word Mark CAL|TRAP CALORIE INHIBITOR **SPRINKLE AWAY CALORIES**

Goods and Services IC 005. US 006 018 044 046 051 052. G & S: Dietary supplement. FIRST USE: 20061100. FIRST USE IN COMMERCE: 20061100

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 26.03.02 - Ovals, plain single line; Plain single line ovals
26.03.14 - Ovals, three or more; Three or more ovals
26.03.16 - Ovals touching or intersecting
26.11.21 - Rectangles that are completely or partially shaded
26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s)
26.17.04 - Bands, vertical; Bars, vertical; Lines, vertical; Vertical line(s), band(s) or bar(s)
26.19.01 - Spheres (geometric)

Trademark Search Facility Classification Code SHAPES-ASTRO Astronomical shapes consisting of celestial bodies, globes and geographical maps
SHAPES-CIRCLE Circle figures or designs including semi-circles and incomplete circles
SHAPES-COLORS-3-OR-MORE Design listing or lined for three or more colors
SHAPES-GEOMETRIC Geometric figures and solids including squares, rectangles, quadrilaterals and polygons
SHAPES-MISC Miscellaneous shaped designs
SHAPES-OVALS Oval figures or designs including incomplete ovals and one or more ovals

Serial Number 77350861

Filing Date December 13, 2007

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition November 25, 2008

Registration Number 3571388

Registration Date February 10, 2009

Owner (REGISTRANT) CalTrap, LLC LIMITED LIABILITY COMPANY CALIFORNIA 1261 North Lakeview Avenue, Unit J Anaheim CALIFORNIA 92807

Attorney of Record Christopher J. Day

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CALORIE INHIBITOR AND CALORIES" APART FROM THE MARK AS SHOWN

Description of Mark The color(s) blue, green, black and white is/are claimed as a feature of the mark. The mark consists of the wording "CAL" appears in blue and the word "TRAP" appears in black. The line between "CAL" and "TRAP" is green. "CALORIE INHIBITOR" appears in black. Three green oval designs appear below this wording with a blue and white sphere in the center. A blue rectangular design appears below containing the wording "SPRINKLE AWAY CALORIES" in white.

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

Just a Sprinkle a Day Keeps the Tear Stains Away

Word Mark	JUST A SPRINKLE A DAY KEEPS THE TEAR STAINS AWAY
Goods and Services	IC 005. US 006 018 044 046 051 052. G & S: Medicated food supplement to aid in the prevention and/or elimination of tear stains, a/k/a Epiphora, in animals, namely, dogs and cats. FIRST USE: 20040730. FIRST USE IN COMMERCE: 20040730
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78678403
Filing Date	July 26, 2005
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	May 30, 2006
Registration Number	3132482
Registration Date	August 22, 2006
Owner	(REGISTRANT) Blanc du Blanc Corporation CORPORATION FLORIDA 7195 NW 110th Avenue Parkland FLORIDA 33076
Attorney of Record	Gabrielle C. Bozza
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

Salad Sprinkles

Word Mark SALAD SPRINKLES
Goods and Services IC 029. US 046. G & S: Vegetable-based snack foods. FIRST USE: 20080701.
FIRST USE IN COMMERCE: 20080701

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 77605554
Filing Date October 31, 2008
Current Filing Basis 1A
Original Filing Basis 1A
Supplemental Register Date August 5, 2009
Registration Number 3687770
Registration Date September 22, 2009
Owner (REGISTRANT) Sheffa Foods Inc. CORPORATION PENNSYLVANIA 67 Barker Avenue Sharon Hill PENNSYLVANIA 19079

Type of Mark TRADEMARK
Register SUPPLEMENTAL
Live/Dead Indicator LIVE

Word Mark SPRINKLES OF PALM BEACH
Goods and Services IC 030. US 046. G & S: Ice cream. FIRST USE: 20021000. FIRST USE IN COMMERCE: 20021000
Mark Drawing Code (1) TYPED DRAWING
Serial Number 78184899
Filing Date November 13, 2002
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition April 20, 2004
Registration Number 2938800
Registration Date April 5, 2005
Owner (REGISTRANT) Therapy Too, Inc. DBA Sprinkles of Palm Beach CORPORATION
FLORIDA 322 Valencia Road West Palm Beach, FLORIDA 33401

(LAST LISTED OWNER) SPRINKLES CUPCAKES, INC. CORPORATION NEVADA 9635
LITTLE SANTA MONICA BLVD. BEVERLY HILLS CALIFORNIA 90210

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Hollis Beth Hire
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "OF PALM BEACH" APART FROM THE MARK AS SHOWN
Type of Mark Register TRADEMARK
PRINCIPAL
Live/Dead Indicator LIVE

SANDWICH SPRINKLE

Word Mark	SANDWICH SPRINKLE
Goods and Services	IC 030. US 046. G & S: dry seasoning mixes for meats, poultry, fish, vegetables, gravy, stew, soup, pasta, salad, croutons, bread, dip, rice, potatoes, polenta, and sauces. FIRST USE: 19990228. FIRST USE IN COMMERCE: 19990228
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78735315
Filing Date	October 18, 2005
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	July 24, 2007
Registration Number	3306640
Registration Date	October 9, 2007
Owner	(REGISTRANT) Penzeys Ltd CORPORATION WISCONSIN 19300 West Janacek Court Brookfield WISCONSIN 53045
Attorney of Record	Cobby J. Shereff
Type of Mark	TRADEMARK
Register	PRINCIPAL-2(F)
Live/Dead Indicator	LIVE

のさちのふりかけ

Translations	"The non-Latin character(s) in the mark transliterates into "no-sachi-no-furikake", and this means "food sprinkle or a blessing from" in English.". The foreign wording in the mark translates into English as food sprinkle or blessing from.
Goods and Services	IC 029. US 046. G & S: dried and processed seafood, egg, poultry and vegetables for food preparation. FIRST USE: 20010221. FIRST USE IN COMMERCE: 20041201
Mark Drawing Code	(2) DESIGN ONLY
Design Search Code	28.01.03 - Asian characters; Chinese characters; Japanese characters
Serial Number	78783014
Filing Date	December 30, 2005
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	March 27, 2007
Registration Number	3250881
Registration Date	June 12, 2007
Owner	(REGISTRANT) Wakodo Company Limited CORPORATION JAPAN 7-15 Kaji-cho 2-chome, Chiyoda-ku Tokyo JAPAN 101-0044
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

SPRINKLES CUPCAKES

Word Mark SPRINKLES CUPCAKES

Goods and Services IC 030. US 046. G & S: Bakery goods. FIRST USE: 20040201. FIRST USE IN COMMERCE: 20040201

IC 035. US 100 101 102. G & S: Retail shops featuring baked goods. FIRST USE: 20050413. FIRST USE IN COMMERCE: 20050413

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78684122

Filing Date August 2, 2005

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition March 27, 2007

Registration Number 3250609

Registration Date June 12, 2007

Owner (REGISTRANT) Sprinkles Cupcakes, Inc. CORPORATION CALIFORNIA 9635 Little Santa Monica Boulevard Beverly Hills CALIFORNIA 90210

(LAST LISTED OWNER) SPRINKLES CUPCAKES, INC. CORPORATION NEVADA 9635 LITTLE SANTA MONICA BLVD. BEVERLY HILLS CALIFORNIA 90210

Assignment Recorded ASSIGNMENT RECORDED

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CUPCAKES" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE



Word Mark SPRINKLES CUPCAKES

Goods and Services IC 030. US 046. G & S: Bakery goods. FIRST USE: 20041019. FIRST USE IN COMMERCE: 20041019

IC 035. US 100 101 102. G & S: Retail shops featuring baked goods. FIRST USE: 20050413. FIRST USE IN COMMERCE: 20050413

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 08.01.08 - Cakes (foodstuffs); Coffee cake; Muffins
26.01.07 - Circles with a decorative border, including scalloped, ruffled and zig-zag edges
26.01.21 - Circles that are totally or partially shaded.

Serial Number 78684128

Filing Date August 2, 2005

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition May 15, 2007

Registration Number 3271643

Registration Date July 31, 2007

Owner (REGISTRANT) Sprinkles Cupcakes, Inc. CORPORATION CALIFORNIA 9635 Little Santa Monica Boulevard Beverly Hills CALIFORNIA 90210

(LAST LISTED OWNER) SPRINKLES CUPCAKES, INC. CORPORATION NEVADA 9635 LITTLE SANTA MONICA BLVD. BEVERLY HILLS CALIFORNIA 90210

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record John L. Slafsky

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CUPCAKES" APART FROM THE MARK AS SHOWN

Description of Mark The mark consists of View of top of cupcake with script.

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

SPRINKLES

Word Mark SPRINKLES

Goods and Services IC 030. US 046. G & S: Bakery goods. FIRST USE: 20040201. FIRST USE IN COMMERCE: 20040201

IC 035. US 100 101 102. G & S: Retail shops featuring baked goods. FIRST USE: 20050413. FIRST USE IN COMMERCE: 20050413

Standard Characters
Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78829040

Filing Date March 3, 2006

Current Filing Basis 1A

Original Filing Basis 1A

Published for
Opposition July 24, 2007

Registration
Number 3306772

Registration Date October 9, 2007

Owner (REGISTRANT) Sprinkles Cupcakes, Inc. CORPORATION CALIFORNIA 9635 Little Santa Monica Boulevard Beverly Hills CALIFORNIA 90210

(LAST LISTED OWNER) SPRINKLES CUPCAKES, INC. CORPORATION NEVADA 9635 LITTLE SANTA MONICA BLVD. BEVERLY HILLS CALIFORNIA 90210

Assignment
Recorded ASSIGNMENT RECORDED

Attorney of Record John L. Slafsky

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

EXHIBIT B

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sprinkle

2 entries found.

- 1 sprinkle (verb)
- 2 sprinkle (noun)

On Off

Sprinkle

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Main Entry: 'sprin·kle

Pronunciation: \ˈsprɪŋ-kəl\

Function: verb

Inflected Form(s): sprin·kled; sprin·kling \-k(ə-)liŋ\

Etymology: Middle English *sprengen, sprincen*; akin to Middle High German *spreckel, sprengel* spot

Date: 14th century

transitive verb

1 : to scatter in drops or particles

2 a : to scatter over b : to scatter at intervals in or among : DOT <sprinkled the speech with quips> c : to wet lightly

intransitive verb

1 : to scatter a liquid in fine drops

2 : to rain lightly in scattered drops

— sprin·kler \-k(ə-)lər\ noun

Learn more about "sprinkle" and related topics at Britannica.com

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Everything to do with Sprinkled items.

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Pronunciation Symbols

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EXHIBIT C

About Us
What We Do

May 22, 2009

About Sprinkles

- What are Sprinkles
- Micronutrient Deficiencies
- Sprinkles as a Delivery System
- Advantages of Sprinkles
- How are Sprinkles Used
- Proof of Efficacy, Safety and Effectiveness
- Recommended Use
- Product Information
- FAQs

Worldwide Programs
Resource Centre



Worldwide Programs



What are Sprinkles

Sprinkles are an innovation in home fortification, addressing vitamin and mineral deficiencies. This unique delivery system provides micronutrients to vulnerable populations by enabling families to fortify many different semi-solid foods in the home.

Sprinkles are sachets (like small packets of sugar) containing a blend of micronutrients in powder form, which are easily sprinkled onto foods prepared in the home. Any homemade food can be instantly fortified by adding Sprinkles. Coating of the iron prevents changes to the taste, colour or texture of the food to which Sprinkles are added. Sprinkles were developed by the Sprinkles Global Health Initiative to prevent and treat micronutrient deficiencies among young children and other vulnerable groups at risk.



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