



BOX RESPONSES - NO FEE
TRADEMARK
4752-0104US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: SAN MIGUEL CORPORATION
APPL. NO.: 78/495,689
FILED: October 6, 2004
MARK: "SAN MIGUEL PUREFOODS"
CLASS: Intl. Class 29
EXAMINER: Jennifer L. Williston
LAW OFFICE: 102



06-19-2006

U.S. Patent & TMO/TM Mail Rcpt Dt. #30

AMENDMENT

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

June 19, 2006

Sir:

In response to the Trademark Attorney's Final Office Action dated December 17, 2005, the following amendments and remarks are respectfully submitted in connection with the above-identified application.

IN THE APPLICATION

In the application, delete the entire Identification of Goods and substitute therefor the following:

--MEAT; POULTRY, AND GAME; COMPOTES; in International Class

29.

Insert the following statement with regard to the disclaimer:

--No claim is made to the exclusive right to use "PUREFOODS" apart from the mark as shown.--

REMARKS

Likelihood of Confusion and Limitation of Goods

The Trademark Attorney has continued to refuse registration of the present application based on the contention that the mark would be likely to be confused with U.S. Registration No. 2,256,761. Specifically, the Trademark Attorney indicated that the Applicant's meat, poultry and eggs are likely to be sold in the refrigerated section near where Applicant's shrimp will be sold. Applicant's preserved, dried and cooked fruits, are also likely to be sold in the same area or very near Registrant's processed peppers, processed pumpkin, processed edible corn husks and fresh peppers. Although not agreeing with the Trademark Attorney's position in this regard, as set forth hereinabove, the Applicant has deleted the terms "PRESERVED, DRIED, AND COOKED FRUITS;" "AND EGGS" from the identification of goods in the present application in order to avoid any conflict with the registered mark. The rest of the identification of goods are quite different from the goods set forth in the registered mark. Specifically, these goods are displayed in different sections in the supermarket as compared to the goods of the registered mark. In addition, these goods are not necessarily used to make an ordinary meal with the goods of the Registrant. Therefore, it is respectfully requested that the Trademark Attorney withdraw her refusal to register the Applicant's mark.

Disclaimer

The Trademark Attorney requested that the Applicant enter a disclaimer into the present application with regard to the word "PUREFOODS." As set forth hereinabove, a disclaimer has been inserted into the present application in compliance with the Trademark Attorney's requirements.

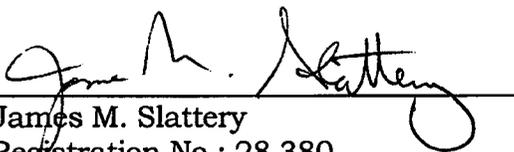
It is believed that all of the requirements of the Trademark Attorney have been complied with and the present application should be in condition for publication. An early Notice of Publication is respectfully requested.

Please charge any fees or credit any overpayment pursuant to 37 C.F.R. § 2.6 to Deposit Account No. 02-2448.

Respectfully submitted,

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