

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 78/495689

**APPLICANT:** San Miguel Corporation



**CORRESPONDENT ADDRESS:**  
 JAMES M. SLATTERY  
 PO BOX 747  
 FALLS CHURCH, VA 22040-0747

**RETURN ADDRESS:**  
 Commissioner for Trademarks  
 P.O. Box 1451  
 Alexandria, VA 22313-1451

If no fees are enclosed, the address should include the words "Box Responses - No Fee."

**MARK:** SAN MIGUEL PUREFOODS

**CORRESPONDENT'S REFERENCE/DOCKET NO:** 4752-0104US1

**CORRESPONDENT EMAIL ADDRESS:**

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address..

Serial Number 78/495689

Applicant is requesting reconsideration of a final refusal dated December 17, 2005. In that office action, the examining attorney finally refused registration of the proposed mark based on a likelihood of confusion with the mark in U.S. Registration No. 2256761 and made the requirement to disclaim the term PUREFOODS final. In its request for reconsideration, applicant has submitted a proposed amendment to the identification of goods and entered a disclaimer of the term PUREFOODS. The examining attorney has reviewed applicant's communication and applicant's amendment to the identification of goods and disclaimer are hereby accepted and made part of the record.

After careful consideration of the law and facts of the case, the examining attorney must deny the request for reconsideration and adhere to the final action as written since no new facts or reasons have been presented that are significant and compelling with regard to the point at issue. In applicant's request for reconsideration, applicant argues that its "are displayed in different sections in the supermarket than the goods of the registered mark" and "are not necessarily used to make an ordinary meal with the goods of the Registrant. These arguments merely restate and further clarify the arguments made in applicant's communication of November 21, 2005 and are insufficient to overcome the Section 2(d) likelihood of confusion refusal.

Applicant's mark and the registered mark both share the term "SAN MIGUEL." Applicant's goods are "Meat, poultry, and game; compotes" in International Class 29. The registered goods are "processed peppers, dried beans, processed pumpkin seeds, processed edible corn husks, and shrimp" in International Class 29; "Spices, candied nuts, candy, tea, brown sugar, sugar, and salsa" in International Class 30; and "Fresh peppers, fresh nuts, and fresh beans" in International Class 31. As indicated above, applicant argues that its goods "are displayed in different sections of the supermarket than the goods of the registered mark." This argument is unpersuasive because the registered goods can span a variety of

different food types and cannot be classified as one particular type of food product. As such, it is expected that registrant's mark will appear on goods sold throughout a food or grocery store. If a purchasing consumer encountered applicant's mark after viewing the registered mark in various sections of the store, it is likely that such consumer would be confused as to the source of the goods. The examining attorney attaches additional evidence of printouts from the USPTO X-search database as an indicator that consumers would expect to see goods of that of applicant and registrant emanating from the same source.

Furthermore, applicant's goods and the registered goods are also closely related because they are complimentary goods that are commonly used together as ingredients in various types of cuisines. The examining attorney attaches evidence of applicant's goods and the registered goods being used as ingredients in different recipes. This evidence shows that consumers would likely encounter applicant's mark "SAN MIGUEL PUREFOODS" and the registered mark "SAN MIGUEL" as they purchased items to complete a meal. As both marks share the identical term "SAN MIGUEL" confusion as to source is likely. Finally, the examining attorney notes that the registered mark is the only mark in International Class 29 with the term "SAN MIGUEL" and has been registered and renewed under Section 8 of the Trademark Act. As such, the registered mark is a strong, dominant mark that should be afforded the requisite protection.

Given that no new issue has been raised and the examining attorney is not persuaded by applicant's arguments, applicant's request for reconsideration is *denied* and the Section 2(d) Refusal is maintained and continued. The time for appeal runs from the date the final action was mailed. 37 C.F.R. Section 2.64(b); TMEP Section 715.03(c).

**If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney directly at the number below.**

/Jennifer L. Williston/  
Jennifer L. Williston  
Trademark Examining Attorney  
USPTO Law Office 102  
(571) 272-5869 (Phone)  
(571) 273-9102 (Fax)

**TYPED DRAWING**

**Serial Number**

75543676

**Status**

REGISTERED

**Word Mark**

ZATARAIN'S

**Standard Character Mark**

No

**Registration Number**

2588782

**Date Registered**

2002/07/02

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

ZATARAIN'S PARTNERSHIP, L.P. LIMITED PARTNERSHIP DELAWARE 82 First Street Gretna LOUISIANA 70053

**Goods/Services**

Class Status -- ACTIVE. IC 029. US 046. G & S: MARASCHINO CHERRIES; PROCESSED OLIVES; PROCESSED ONIONS; PROCESSED PEPPERS; VEGETABLE SALADS; SOUP MIXES. First Use: 1994/00/00. First Use In Commerce: 1994/00/00.

**Goods/Services**

Class Status -- ACTIVE. IC 030. US 046. G & S: ALLSPICE; BARBECUE SAUCE; CAPERS; SEASONED AND UNSEASONED COATING FOR MEAT, FISH, POULTRY; SEASONED CRAB BOIL; UNSEASONED CRAB BOIL; PREPARED ENTREES CONSISTING PRIMARILY OF PASTA OR RICE; PACKAGED ENTREES CONSISTING PRIMARILY OF PASTA OR RICE; GRAVIES; GRAVY MIXES; HORSERADISH; MACARONI AND CHEESE; MARINADES; PREPARED MEALS CONSISTING PRIMARILY OF PASTA OR RICE; PACKAGED MEALS CONSISTING PRIMARILY OF PASTA OR RICE; MUSTARD; PEPPER SPICE; PICKLE RELISH; PUDDINGS; RICE; SPICES; STUFFING MIXES CONTAINING BREAD; TARTER SAUCE; THICKENING AGENTS FOR USE IN COOKING; VANILLA FLAVORING; VINEGAR. First Use: 1994/00/00. First Use In Commerce: 1994/00/00.

**Print: Jul 20, 2006**

**75543676**

**Prior Registration(s)**

0773245;0773269;1654442

**Section 2f Statement**

2(F) ENTIRE MARK

**Filing Date**

1998/08/27

**Examining Attorney**

SHARPER, SAMUEL E.

**Attorney of Record**

SIMOR L. MOSKOWITZ

Print: Jul 20, 2006

75593801

**DESIGN MARK**

**Serial Number**

75593801

**Status**

REGISTERED

**Word Mark**

DO & CO

**Standard Character Mark**

No

**Registration Number**

2789035

**Date Registered**

2003/12/02

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

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

**Owner**

DO & CO Restaurants & Catering AG JOINT STOCK COMPANY AUSTRIA  
Dampfmuhlgasse 5 Vienna AUSTRIA 1110

**Goods/Services**

Class Status -- ACTIVE. IC 029. US 046. G & S: Pork meat, lamb meat, beef, sausages, deer meat; seawater and freshwater fish; seafood; chicken, turkey, duck meat; meat extracts; preserved, dried and cooked fruits namely apples, pears, peaches, apricots, oranges, bananas, lemons, pineapples; preserved, dried and cooked vegetables, namely tomatoes, cucumbers, pickled cucumbers, onions, garlic, coleslaw, beans, peas; jellies and Jams namely strawberry, raspberry, blueberry, cherry; fruit compotes; eggs, milk and milk products namely whipped cream, low fat milk, whole milk; cheese namely Swiss cheese, blue cheese, cheddar cheese; yogurts; edible fats and oils namely olive oils; processed edible seeds, processed pumpkin seeds, processed sesame seeds and processed poppy seeds. First Use: 1981/01/01. First Use In Commerce: 1999/12/01.

**Goods/Services**

Class Status -- ACTIVE. IC 030. US 046. G & S: coffee, tea, cocoa, sugar, rice, tapioca, sago, coffee substitutes, flour, breakfast

cereals, processed cereals, and cereal-based snack foods, white bread, brown bread, salted bread, sweet bread, coarse-grained whole-meal bread, pastry and confectionery namely candy, ice cream; honey, molasses; yeast and rising powder; salt, mustard; vinegar, sauces, condiments, namely barbecue sauce, cheese sauce, chili sauce, garlic sauce, hot sauce, ketchup, mayonnaise, mustard, soy sauce, tartar sauce, tomato sauce; spices; frozen confections; malt for food purposes. First Use: 1981/01/01. First Use In Commerce: 1999/12/01.

**Goods/Services**

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: Beer; mineral and carbonated water; non-alcoholic soft drinks namely sodas, tonics, ginger ales, colas; carbonated non-alcoholic fruit drinks; non-carbonated soft drinks, namely fruit drinks; fresh pressed fruit drinks, namely apple, orange, lemon, apricot and fruit juices namely apple, orange, lemon, apricot; syrups for making soft drinks and other preparations for making soft drinks; non-alcoholic cocktail mixes. First Use: 1981/01/01. First Use In Commerce: 1999/12/01.

**Goods/Services**

Class Status -- ACTIVE. IC 033. US 047 049. G & S: Alcoholic drinks, namely red and white wine, port wine, brandies, spirits champagne, liqueurs, prepared wine, prepared alcoholic cocktail mixes and prepared alcoholic cocktails. First Use: 1981/01/01. First Use In Commerce: 1999/12/01.

**Goods/Services**

Class Status -- ACTIVE. IC 034. US 002 008 009 017. G & S: Tobacco namely cigarettes and cigars; smoking paraphernalia namely ashtrays not of precious metal, lighters not of precious metal, cigarette holders not of precious metal, tobacco filters; matches. First Use: 1981/01/01. First Use In Commerce: 1999/12/01.

**Goods/Services**

Class Status -- ACTIVE. IC 039. US 100 105. G & S: freight transportation of goods by means of train, truck, ship and air; packaging of articles for transportation; delivery of products by means of train, truck, ship and air; delivery of foods or drinks for immediate consumption by means of train, truck, ship and air. First Use: 1981/01/01. First Use In Commerce: 1999/12/01.

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: restaurants featuring home delivery; catering of airlines, catering of events, restaurant business, fast food, and cafeterias. First Use: 1981/01/01. First Use In Commerce: 1999/12/01.

**Filing Date**

1998/11/23

**Examining Attorney**

**Print: Jul 20, 2006**

**75593801**

KING, LINDA

**Attorney of Record**  
Raymond P Mulry

DOCCO



Print: Jul 20, 2006

75906777

**DESIGN MARK**

**Serial Number**

75906777

**Status**

REGISTERED

**Word Mark**

BACA'S

**Standard Character Mark**

No

**Registration Number**

2487012

**Date Registered**

2001/09/11

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

El Encanto, Inc CORPORATION NEW MEXICO P O Box 293 Albuquerque NEW MEXICO 87103

**Goods/Services**

Class Status -- ACTIVE. IC 029. US 046. G & S: FROZEN, PREPARED, AND PACKAGED ENTREES CONSISTING PRIMARILY OF MEAT, POULTRY OR VEGETABLES; PROCESSED CHILI PEPPERS, NAMELY, FROZEN PUREED RED AND GREEN CHILE PEPPERS. First Use: 1946/00/00. First Use In Commerce: 1946/00/00.

**Section 2f Statement**

2(F) ENTIRE MARK

**Filing Date**

2000/01/31

**Examining Attorney**

COREA, ANDY

**Attorney of Record**

Deborah A Peacock

**BACA 'S**

**DESIGN MARK**

**Serial Number**

76252878

**Status**

REGISTERED

**Word Mark**

SALSABRATION

**Standard Character Mark**

No

**Registration Number**

2767481

**Date Registered**

2003/09/23

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

Chi-Chi's, Inc. CORPORATION DELAWARE 2701 Alton Parkway Irvine  
CALIFORNIA 92606

**Goods/Services**

Class Status -- ACTIVE. IC 029. US 046. G & S: processed foods, namely, dips, namely, bean dip, cheese dip, tomato-based dip, and vegetable-based dip; processed beans; refried beans; ranchero beans; chili; frozen, prepared, or packaged entrees consisting primarily of meat, fish, poultry, or vegetables; frozen, prepared, or packaged meals consisting primarily of meat, fish, poultry, or vegetables; processed chillies; processed jalapenos; processed peppers; processed tomatoes; processed vegetables; sauces; enchilada sauce; picante sauce; pico de gallo sauce; taco sauce; and corn cake mix. First Use: 2003/05/00. First Use In Commerce: 2003/05/00.

**Goods/Services**

Class Status -- ACTIVE. IC 030. US 046. G & S: staple foods, namely, burritos; burrito kits containing sauce, seasonings, and tortillas; corn cake mix; cereal-based chips and snacks; chalupas; chili; chili seasonings; chili powders; chimichanga; chimichanga kits containing sauce, seasonings, and tortillas; corn-based chips and

snacks; flour-based chips and snacks; grain-based chips and snacks; taco chips; tortilla chips; seasonings for meat, fish, poultry, or vegetables; salad dressings; empanadas; enchiladas; enchilada kits containing sauce, seasonings, and tortillas; frozen, prepared, or packaged entrees consisting primarily of pasta or rice; fajitas; food additives for flavoring; marinades; frozen, prepared, or packaged meals consisting primarily of pasta or rice; packaged meal kits containing sauce, seasonings, and tortillas; packaged meal kits containing sauce, seasonings, and taco shells; nachos; salsa; sauces; enchilada sauce; picante sauce; pico de gallo sauce; taco sauce; tomato-based sauce; vegetable based sauce; seasonings; chili-based seasoning; taco seasoning; taco shells; tacos; taco kits containing sauce, seasonings, and taco shells; tamales; tortilla shells; and tortillas. First Use: 2003/05/00. First Use In Commerce: 2003/05/00.

**Filing Date**

2001/05/04

**Examining Attorney**

FELDMAN, DAWN

**Attorney of Record**

Charles C. Fowler

# SALSABRATION

**DESIGN MARK**

**Serial Number**

76503792

**Status**

REGISTERED

**Word Mark**

TROPICAL PEPPER CO.

**Standard Character Mark**

No

**Registration Number**

2829576

**Date Registered**

2004/04/06

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

SOUTH CROSS TRADING COMPANY LLC LLC NEW JERSEY 250 OLD MARLTON PIKE  
MEDFORD NEW JERSEY 08055

**Goods/Services**

Class Status -- ACTIVE. IC 029. US 046. G & S: marinated peppers,  
pepper jellies, processed olives, dried peppers; frozen fruit and  
processed herbs. First Use: 1996/07/15. First Use In Commerce:  
1996/07/15.

**Goods/Services**

Class Status -- ACTIVE. IC 030. US 046. G & S: chutney, mustard,  
barbecue sauce, pepper sauces, hot sauces, seasonings, calypso sauce,  
salsa, steak sauce, poultry sauce, fish sauce, meat and poultry  
marinade, salad dressings, chili powders and spices. First Use:  
1996/07/15. First Use In Commerce: 1996/07/15.

**Goods/Services**

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: fruit  
juices, and mixes for making fruit juice. First Use: 1996/07/15.  
First Use In Commerce: 1996/07/15.

**Print: Jul 20, 2006**

**76503792**

**Disclaimer Statement**

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

**Filing Date**

2003/04/03

**Examining Attorney**

BODSON, MICHAEL E.

**Attorney of Record**

Norman E. Lehrer

**TROPICAL PEPPER CO.**

Print: Jul 20, 2006

76556502

**DESIGN MARK**

**Serial Number**

76556502

**Status**

REGISTERED

**Word Mark**

FAZENDA ANA PAULA

**Standard Character Mark**

No

**Registration Number**

2956619

**Date Registered**

2005/05/31

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

Fazenda Ana Paula LTDA CORPORATION BRAZIL Av. 1 de marco, 219 - 308  
Novo Hamburgo, RS - 93320-010 BRAZIL

**Goods/Services**

Class Status -- ACTIVE. IC 029. US 046. G & S: Meat extracts;  
Meat, namely, beef, pork, fowl, chicken and fish; fruit and conserved  
vegetables both dried and cooked; jellies, candy, eggs, compote,  
preserved fruit; milk and dairy products excluding ice cream, ice  
milk, and frozen yogurt; edible fat and oils. First Use: 1998/11/18.  
First Use In Commerce: 1998/11/18.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE FAZENDA APART FROM THE  
MARK AS SHOWN.

**Name/Portrait Statement**

The name ANA PAULA does not identify a living individual.

**Translation Statement**

The English translation of the word FAZENDA in the mark is "FARM".

**Print: Jul 20, 2006**

**76556502**

**Filing Date**

2003/10/17

**Examining Attorney**

DEJESUS, YSA

**Attorney of Record**

Richard L. Morris, Jr.

FAZENDA ANA PAULA

**TYPED DRAWING**

**Serial Number**

78193833

**Status**

REGISTERED

**Word Mark**

HOLLY VIEW CHICKEN

**Standard Character Mark**

No

**Registration Number**

3010467

**Date Registered**

2005/11/01

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

Lidl Stiftung & Co. KG CORPORATION FED REP GERMANY Stiftsbergstraße. 1  
D-74167, Neckarsulm FED REP GERMANY

**Goods/Services**

Class Status -- ACTIVE. IC 029. US 046. G & S: meat, fish, poultry and game; prepared meals; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams; eggs, milk and milk products, namely, butter, cheese, curd, sour cream, sweet cream, yogurt; edible oils and fats; lentils, beans, pulses; savoury spreads consisting mainly of meat, fish, poultry, game or cheese and comprising herbs and spices.

**Goods/Services**

Class Status -- ACTIVE. IC 030. US 046. G & S: desserts made from cream, curd and/or yogurt; rice, pasta; cereals and cereal preparations; tea, coffee, cocoa; spiced tea, non-medicated herbal tea; drinking chocolate, coffee essence, coffee extracts, mixtures of coffee and chicory, chicory and chicory mixtures, all for use as substitutes for coffee; confectionery, namely, pastries, cakes, biscuits, candy, muffins, doughnuts, danish pastries, sweetmeats, chewing gum, chocolate truffles, chocolate, chocolate-based

ready-to-eat food bars, licorice, candy bars, candy coated popcorn, candy mints, marzipan, chocolate candy, cookies, crackers, cinnamon rolls, croissants; ices, ice cream, ice cream products, namely, ice tarts, ice confectionery, frozen confections; chilled desserts, mousses, sorbets; bread; pastry, pies, puddings, tarts, pastries and flans; dumplings; sweet spreads comprising of fruits, nuts, chocolate, and/or nut-nougat-creme; condiments, sweet chutney, savour chutney; spices; cereal and wheat based snack foods; chocolate; pizzas, pizza bases; sauces and non-meat toppings for pizzas; sauces for pasta, rice and curry; salads consisting substantially of goods in this class; salad dressings; mayonnaise, sauces; dips.

**Foreign Country Name**

UNITED KINGDOM

**Foreign Registration Number**

2240129

**Foreign Registration Date**

2001/03/16

**Foreign Expiration Date**

2010/07/20

**Disclaimer Statement**

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

**Filing Date**

2002/12/12

**Examining Attorney**

KLINE, MATTHEW

**Attorney of Record**

Maria C.H. Lin

Print: Jul 20, 2006

78358872

**DESIGN MARK**

**Serial Number**

78358872

**Status**

REGISTERED

**Word Mark**

DORINA

**Standard Character Mark**

Yes

**Registration Number**

3048717

**Date Registered**

2006/01/24

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

ADRIA IMPORTS INC. CORPORATION NEW YORK 58-97 57TH MASPETH NEW YORK  
11378

**Goods/Services**

Class Status -- ACTIVE. IC 029. US 046. G & S: MEAT, FISH, POULTRY  
AND GAME; MEAT EXTRACTS; PRESERVED, DRIED AND COOKED FRUITS AND  
VEGETABLES; PICKLES, JELLIES, JAMS, APPLE SAUCE; EGGS, MILK; EDIBLE  
OILS AND FATS; MEAT, FISH, FRUIT AND VEGETABLE PRESERVES; DESSERTS OF  
YOGHURT, CREAM, NUT EXTRACTS; PEANUT BUTTER, CHEESES, ROASTED AND  
FLAVORED NUTS; PROCESSED BEANS, PROCESSED FRUITS, SOYA BEAN MILK, AND  
FLAVORED AND UNFLAVORED SOYA-DERIVED BEVERAGES AND FOODSTUFFS NAMELY  
MILK, YOGURT AND CHEESE SUBSTITUTES. First Use: 1999/06/01. First  
Use In Commerce: 1999/06/01.

**Goods/Services**

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S:  
NON-ALCOHOLIC BEVERAGES, NAMELY TEA AND COFFEE BASED BEVERAGES. First  
Use: 1999/06/01. First Use In Commerce: 1999/06/01.

**Prior Registration(s)**

2704483

**Print: Jul 20, 2006**

**78358872**

**Filing Date**  
2004/01/28

**Examining Attorney**  
BUSH, KAREN K.

DORINA

**DESIGN MARK**

**Serial Number**

78396708

**Status**

REGISTERED

**Word Mark**

DON MIGUEL

**Standard Character Mark**

Yes

**Registration Number**

3024664

**Date Registered**

2005/12/06

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

DON MIGUEL MEXICAN FOODS, INC. CORPORATION CALIFORNIA 2125 E.  
Orangewood Avenue P.O. Box 3129 Anaheim CALIFORNIA 92803

**Goods/Services**

Class Status -- ACTIVE. IC 029. US 046. G & S: CHILI; PREPARED  
DIPS; PREPARED BOWLS AND MEALS CONSISTING PRIMARILY OF MEAT, CHICKEN  
OR PORK, AND ALSO CONTAINING VEGETABLES AND SPICES. First Use:  
1996/05/01. First Use In Commerce: 1996/05/01.

**Goods/Services**

Class Status -- ACTIVE. IC 030. US 046. G & S: BURRITOS; FLAUTAS;  
TORTILLAS; ENCHILADAS; TAMALES; TACOS; TAQUITOS; QUESADILLAS; CORN  
TORTILLA SNACKS FILLED PRIMARILY WITH MEAT OR CHICKEN AND SPICES;  
FROZEN MEXICAN STYLE MEALS AND ENTREES CONSISTING PRIMARILY OF  
BURRITOS, ENCHILADAS AND TAMALES AND ALSO CONTAINING BEANS AND RICE;  
PREPARED BREAKFAST ENTREES CONSISTING PRIMARILY OF BURRITOS AND  
ENCHILADAS AND ALSO CONTAINING EGGS WITH MEATS OR VEGETABLES; PREPARED  
ENTREES CONSISTING PRIMARILY OF PASTA OR RICE. First Use: 1984/06/01.  
First Use In Commerce: 1984/06/01.

**Prior Registration(s)**

**Print: Jul 20, 2006**

**78396708**

1743395;1944806;2138134

**Name/Portrait Statement**

The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

**Filing Date**

2004/04/05

**Examining Attorney**

GAYNOR, BARBARA

**Attorney of Record**

John C Lambertsen

**DON MIGUEL**

Print: Jul 20, 2006

78488024

**DESIGN MARK**

**Serial Number**

78488024

**Status**

REGISTERED

**Word Mark**

SOUTHERN DIAMOND

**Standard Character Mark**

Yes

**Registration Number**

3089549

**Date Registered**

2006/05/09

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Pescanova, S.A. CORPORATION SPAIN Apartado 424 Vido (Pontevedra) SPAIN  
36200

**Goods/Services**

Class Status -- ACTIVE. IC 029. US 046. G & S: frozen, prepared and/or packaged meals consisting primarily of meat, fish, seafood, poultry and vegetable; preserved, dried and cooked fruits and vegetables; excluding edible nuts; unflavored gelatins; meat extracts; eggs; milk products excluding edible ice, sorbets and frozen yogurt; cheeses; edible oils and fats; jellies and jams. First Use: 2003/05/15. First Use In Commerce: 2003/05/15.

**Filing Date**

2004/09/22

**Examining Attorney**

RADEMACHER, APRIL L.

**Attorney of Record**

Perla M. Kuhn

**SOUTHERN DIAMOND**

Print: Jul 20, 2006

78498370

**DESIGN MARK**

**Serial Number**

78498370

**Status**

REGISTERED

**Word Mark**

TOPS

**Standard Character Mark**

Yes

**Registration Number**

3001996

**Date Registered**

2005/09/27

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Tops Brands, Inc. CORPORATION DELAWARE Nemours Building, Suite 1410  
1007 Orange Street Wilmington DELAWARE 19801

**Goods/Services**

Class Status -- ACTIVE. IC 029. US 046. G & S: Cheese and cracker combinations, chocolate milk, cream, half and half, butter substitutes, egg substitute, eggnog, eggs, dried fruits, fruit snacks, canned vegetables, frozen vegetables, processed vegetables, frozen berries, processed potatoes, frozen potatoes, dried potatoes, frozen onion rings, jam, fruit preserves, applesauce, cranberry sauce, dried beans, dried soup mixes, luncheon meats, garden salads, fresh meats, canned meats, and frozen meats. First Use: 1976/12/31. First Use In Commerce: 1976/12/31.

**Prior Registration(s)**

0763677;1433101;1465722;AND OTHERS

**Filing Date**

2004/10/12

**Examining Attorney**

**Print: Jul 20, 2006**

**78498370**

BRADLEY, EVELYN

**Attorney of Record**

Michael A. Doctrow

**TOPS**

Print: Jul 20, 2006

78531902

**DESIGN MARK**

**Serial Number**

78531902

**Status**

REGISTERED

**Word Mark**

BLOCK & BARREL

**Standard Character Mark**

No

**Registration Number**

3032222

**Date Registered**

2005/12/20

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

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

**Owner**

Sysco Corporation CORPORATION DELAWARE 1390 Enclave Parkway Houston  
TEXAS 770771390

**Goods/Services**

Class Status -- ACTIVE. IC 029. US 046. G & S: Guacamole,  
sauerkraut, processed vegetables, chili, eggs, processed walnuts,  
coleslaw, fruit and vegetable salads, barbequed meat, cream cheese,  
three bean salad, hot dogs, processed peppers, soups, and preparations  
for making soups; potato chips. First Use: 1997/10/01. First Use In  
Commerce: 1997/10/01.

**Prior Registration(s)**

1970403;1982896;2034244;AND OTHERS

**Filing Date**

2004/12/13

**Examining Attorney**

RADEMACHER, APRIL L.

**Attorney of Record**

**Print: Jul 20, 2006**

**78531902**

Nathan C. Belzer



Print: Jul 20, 2006

78578607

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78578607

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**Standard Character Mark**

Yes

**Registration Number**

3063262

**Date Registered**

2006/02/28

**Type of Mark**

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**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Drown Corp. CORPORATION NEW YORK 14 Strafford Court East Amherst NEW YORK 14051

**Goods/Services**

Class Status -- ACTIVE. IC 029. US 046. G & S: Prepared salads except macaroni, rice and pasta salad; prepared shrimp salad, prepared meat salad; prepared meats, delicatessen meats; processed nuts; canned, dried, and frozen fruits; pickled, cut, canned and bottled vegetables; soups; dairy products excluding ice cream, ice milk and frozen yogurt; cheese; caviar, fish, seafood; pates; processed olives; fruit and nut dessert toppings, whipped dairy and non-dairy dessert toppings; jams, jellies, fruit preserves; vegetable, salad or edible oils; pickles; apple and cranberry sauces. First Use: 1989/01/01. First Use In Commerce: 1989/01/01.

**Goods/Services**

Class Status -- ACTIVE. IC 030. US 046. G & S: Macaroni, pasta and rice salads; coffee; pastries; breads; sandwiches; pizza; cookies; spices; frozen confections; desserts, namely cakes, pies and dessert souffles; crackers; marshmallow dessert toppings; honey; mustard; pasta; rice, processed breakfast cereal; barbecue, cheese, chili,

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**78578607**

pizza and soy sauces. First Use: 1989/01/01. First Use In Commerce: 1989/01/01.

**Goods/Services**

Class Status -- ACTIVE. IC 031. US 001 046. G & S: Fresh nuts; fresh olives; unprocessed cereal. First Use: 1989/01/01. First Use In Commerce: 1989/01/01.

**Goods/Services**

Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: Fruit drinks. First Use: 1989/01/01. First Use In Commerce: 1989/01/01.

**Prior Registration(s)**

1082056;2062424;2194469;AND OTHERS

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**Examining Attorney**

KELLY, JOHN

**Attorney of Record**

John M. Rannells

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**Register**

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**Owner**

Alexis, Inc. CORPORATION OREGON 215 West Burnside Street Portland  
OREGON 97209

**Goods/Services**

Class Status -- ACTIVE. IC 029. US 046. G & S: meats and processed foods, namely, meats, seafood and cheese; olive oil; extra virgin olive oil; pomace oil; edible, cooking and salad oils; processed olives; beans; fruits and vegetables; processed grape leaves; hummus; baba ghannouj dips; raisins; frozen, prepared and packaged entrees consisting primarily of meat, fish, poultry or vegetables; soups; yogurt; yogurt-based dips; tzatziki dip, namely, yogurt, cucumber and garlic dip; skordalia dip, namely, garlic and olive oil dip; feta dip; olive paste; melitzano salad, namely, eggplant salad. First Use: 2004/01/00. First Use In Commerce: 2004/01/00.

**Goods/Services**

Class Status -- ACTIVE. IC 030. US 046. G & S: coffee and coffee beans; tea; capers; vinegar; flour; pasta; rice; bread; spices; tabouli; honey; pastries; spanakopita, namely, spinach and feta pie; filo dough, shells made from filo dough; processed grains; baked goods, namely, baklava; pitas, pita chips, and pita pocket bread;

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**78588850**

salad dressings; yogurt-based salad dressings. First Use: 2004/01/00.  
First Use In Commerce: 2004/01/00.

**Goods/Services**

Class Status -- ACTIVE. IC 043. US 100 101. G & S: restaurant services. First Use: 2004/01/00. First Use In Commerce: 2004/01/00.

**Prior Registration(s)**

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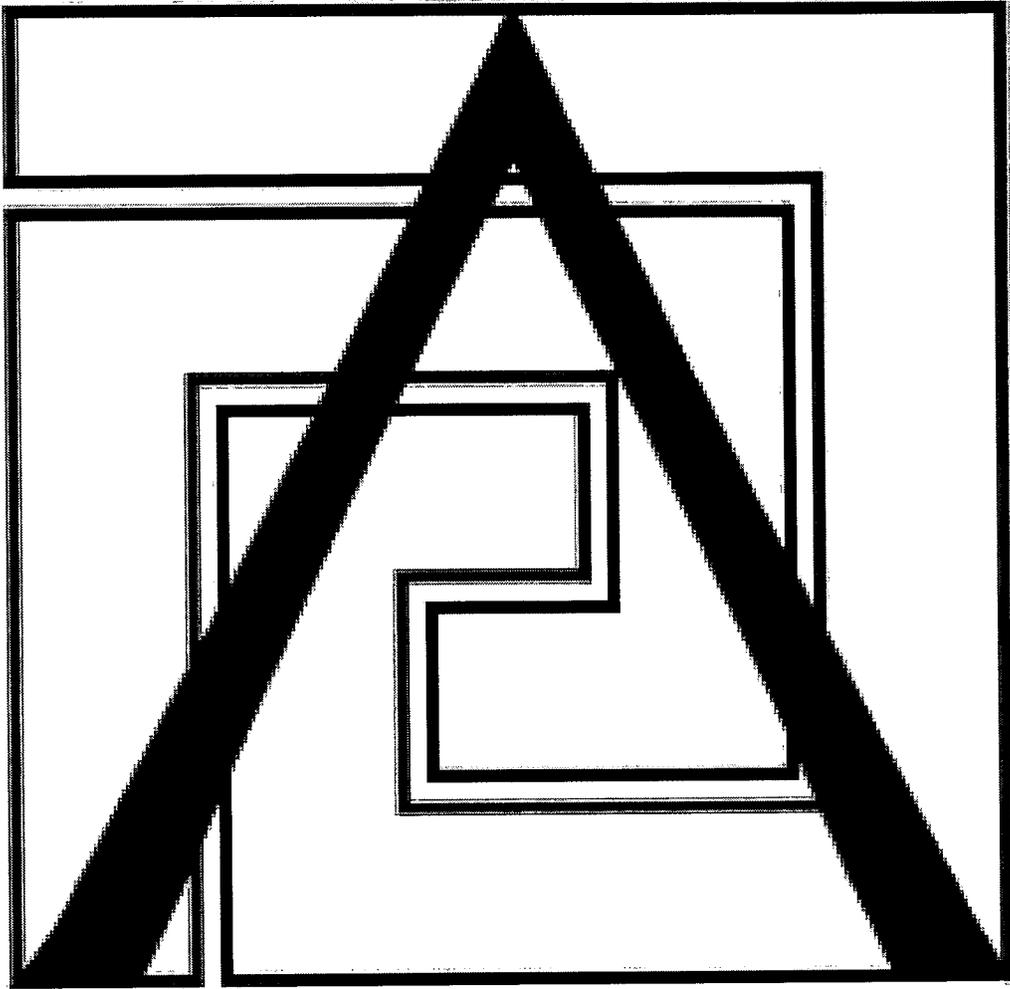
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**Examining Attorney**

BRADLEY, EVELYN

**Attorney of Record**

David S. D'Ascenzo



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**Registration Number**

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**Date Registered**

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**Type of Mark**

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**Register**

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

**Owner**

Islamic Services of America NON-PROFIT CORPORATION IOWA 1105 60th  
Street Cedar Rapids IOWA 52404

**Goods/Services**

Class Status -- ACTIVE. IC A. US A. G & S: PRODUCTS, NAMELY, DAIRY PRODUCTS, WHIPPED TOPPINGS, DRINK MIXES, MILK, AND ICE CREAM, BREAD PRODUCTS, CEREALS, CHEESES, CHEESE PRODUCTS, COFFEE MIXES, CAKES, PASTRIES, POWDERED EGGS, FROZEN EGGS, PROCESSED EGGS, FISH, SEAFOOD, FRENCH FRIES, PROCESSED POTATOES, FRESH FRUIT, DRIED FRUIT, GRAINS, HONEY, ICE CREAM TOPPINGS, JAMS, JELLIES, LEGUMES, NUTS, FROSTINGS, PASTAS, PEANUT BUTTER, PIZZAS, SAUCES, DRESSINGS, SEASONINGS, SOUPS, SOUP BASES, SPICES, TEA, SYRUPS, FRESH VEGETABLES, FROZEN VEGETABLES, NON-INTOXICATING PLANTS, COSMETICS, NUTRITIONAL SUPPLEMENTS, VITAMIN AND MINERAL SUPPLEMENTS, PROTEIN POWDERS, MEATS, POULTRY. First Use: 2000/11/00. First Use In Commerce: 2000/11/00.

**Certification Statement**

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**78603064**

2005/04/06

**Examining Attorney**  
VERHOSEK, WILLIAM

**Attorney of Record**  
Robert W. Hoke



Print: Jul 20, 2006

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**Registration Number**

3009683

**Date Registered**

2005/10/25

**Type of Mark**

TRADEMARK

**Register**

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(1) TYPED DRAWING

**Owner**

Caffe Cucini, Inc. CORPORATION NEVADA Suite 500 Attn: Charles R. Hart,  
Jr. 12400 Wilshire Blvd. Los Angeles CALIFORNIA 90025

**Goods/Services**

Class Status -- ACTIVE. IC 029. US 046. G & S: BOTTLED FRUITS AND VEGETABLES, FRUIT PRESERVES, MARMALADE, JAMS, JELLIES, FRUIT AND VEGETABLE BASED SPREADS, OLIVE OIL, COOKING OIL, EDIBLE OIL, PICKLES, PICKLED VEGETABLES; PROCESSED MUSHROOMS, OLIVES, ONIONS, PEPPERS, EGGPLANT, AND SHALLOTS; CHEESE, PROCESSED MEAT, NAMELY, TURKEY, SALAMI AND CURED HAM, VEGETABLE SALAD; AND SNACK MIXES, NAMELY FRUITS, NUTS AND RAISINS. First Use: 2005/04/01. First Use In Commerce: 2005/04/01.

**Filing Date**

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**Examining Attorney**

BUSH, KAREN K.

**Attorney of Record**

Scott W. Kelley

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## Stir Fry Chicken & Shrimp With Chipotle Marinade



### Marinade

- ½ cup olive oil or peanut oil
- 4 T. [Satan's Breath®](#) Chipotle Rub
- 1+ cup red wine
- 1 cup orange juice
- 2 T. minced garlic
- ¼ cup white sugar granules

Follow the directions given in the [Elmo's Homemade Marinade](#).

### Dish

- 2 T. olive oil
- 1.5 lbs. **chicken** tenders, cut fingerlings
- ½ sliced Vidalia onion
- 1 can Italian Cut Green Beans
- 4 cups left over toss salad
- ½ tsp. salt, optional
- ½ tsp. [Satan's Breath®](#) Gourmet Black **Pepper**
- 1.5 lbs peeled & clean **shrimp**

In two separate dishes; marinate, using the Chipotle Marinade. Use two dishes, one dish for the **chicken** tenders, in one dish for the **shrimp**. Make sure both are totally covered on both sides with the Marinade. Wrap with plastic wrap and put in the refrigerator for a period of 8 hours or overnight. When ready to cook, which I do at the last minute so it will be nice and hot when served. Start off with the olive oil in a preheated wok. Do the **chicken** first. When the **chicken** is done, add the onion slices, green beans. Stir-fry until the onions are limp, but still a little crunchy. When it is ready add the toss salad and the **shrimp**. Scrape any chipotle sauce left in the bowls into the wok. The **shrimp** should take only 4 or 5 minutes. Do not over cook. Serve only with a little hard bread and butter. Serves 4

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## Asparagus and Beef with Black Beans Recipe

Serves 4

### Ingredients:

- 1 tbsp salted preserved black beans
- 2 garlic cloves, minced
- 2 pieces ginger (quarter-sized), minced
- 1/2 lb flank steak
- 1 small onion, sliced
- 1 lb asparagus, cut into 1/2-in, thick diagonal pieces
- 3 tbsp peanut oil
- 1/2 tsp salt
- 1 tbsp dark soy sauce
- 1/2 cup chicken stock
- 2 tsp cornstarch, mixed with 1 tbsp water
- 1/2 tsp sugar
- 1/2 tsp oyster sauce
- 1 dash sesame oil
- Hot steamed rice
- 1/2 tsp sugar
- 1 tbsp rice wine or dry sherry
- 1/2 tsp soy sauce
- 1 tsp cornstarch
- 1/2 tsp sesame oil

### Instructions:

1. Cover the black beans with warm water for 5 minutes. Drain.
2. Rinse thoroughly to remove salt.
3. Put into a bowl with the garlic and ginger; mash into a paste and set aside.
4. Slice the beef against the grain into 1/4-inch thick slices; toss with the beef marinade.
5. Set aside for 10 minutes.
6. Preheat a wok until hot. Add 2 tablespoons of the oil.
7. Over high heat, add beef and stir-fry for a minute or until seared; remove and set aside.
8. While wok is hot, add remaining oil, salt and reserved black-bean paste; stir-fry until fragrant, a few seconds.
9. Toss in the onions, stir-fry for 10 seconds, then add the asparagus in batches of 2 or 3, seconds apart, making certain the wok is hot before adding the next batch.
10. Toss and stir until asparagus are coated with the oil.
11. Sprinkle with soy sauce, toss together, then pour in the stock and bring to a boil.
12. If the asparagus needs more cooking, cover for a minute.
13. Meanwhile, stir the cornstarch, water, sugar and oyster sauce into a smooth paste.
14. When the asparagus is tender but still crisp, add the cornstarch liquid into the center of the wok.
15. Immediately stir until thickened, about 10 seconds.
16. Return the beef, add a dash of sesame oil, toss to mix.
17. Serve hot over rice.

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## Chili with Lots of Meat and Beans

**This Recipe Needs a Picture!**  
  
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**Foodgeek:** Frank  
**Rating:** ★★★★★  
**Servings:** 8 servings  
**Prep. Time:** :30  
**Total Time:** 1:30

**Ingredients:**  
2 lb. ground chuck  
2 cans dark red kidney **beans**  
1 can light red kidney **beans**  
1 onion, chopped  
1 can diced tomatoes  
1 can tomato sauce  
1/4 cup (or more to taste) chili powder  
1 tsp. cumin  
Salt and pepper, to taste

**Directions:**  
In large heavy saucepan, pour **beans**, tomatoes and tomato sauce, along with all spices. Heat on medium. Meanwhile, brown ground chuck (leaving chuck in rather large pieces) and onions, being sure to cook thoroughly. When browned, add to bean mixture and cook on low about 1 hour, giving time for flavors to blend. Mixture will thicken slightly. Stir every 10 minutes or so.

**Comments from Frank :**  
If it is the tomatoes you don't want to use, leave them out and add more tomato sauce, or tomato paste with a little beef broth.

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## Crepes with Blueberry Stuffing and Rhubarb Compote

Recipe courtesy Gale Gand  
Show: [Sweet Dreams](#)  
Episode: [International Pancakes](#)



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### Recipe Summary

Prep Time: 1 hour  
Cook Time: 15 minutes  
Yield: 4 servings

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2 eggs  
1/2 cup milk  
1/2 teaspoon salt  
1 teaspoon sugar  
1/2 cup flour  
Unsalted butter for skillet  
1 tablespoon orange or tangelo marmalade  
Blueberry stuffing, [recipe follows](#)  
Rhubarb compote, [recipe follows](#)  
Mint, for garnish  
Blueberry Stuffing:  
1 cup blueberries  
1 tablespoon granulated maple sugar or syrup  
1/2 cup sour cream  
Rhubarb Compote:  
2 cups cut up fresh or frozen rhubarb  
2 tablespoons frozen orange juice concentrate  
1/4 cup sugar  
1 tablespoon cornstarch

Whisk the eggs and milk together in a bowl. Whisk in the salt, sugar, and flour. Set aside for 30 minutes. Melt about 1/2-teaspoon butter in a nonstick 8 to 10-inch skillet over medium heat. When it foams, pour or ladle in about 2 tablespoons of batter. Lift and swirl the pan so the batter coats the bottom. Set pan on the burner and cook just until set and the underside is lightly browned. Using a spatula or your fingers, flip and cook until the other side is lightly browned. Transfer to a plate and continue with remaining batter.

Blueberry Stuffing: In a bowl, gently fold together the blueberries, maple sugar and sour cream. Rhubarb Compote: To make the compote, place the rhubarb, orange juice concentrate, sugar, and cornstarch in a saucepan and cook until the fruit falls apart and the mixture thickens. To serve, place the crepes on a platter and schmear with marmalade. Place a spoonful of the blueberry filling down the center and roll up the crepe. Repeat with remaining crepes. Top off with some rhubarb compote and mint.

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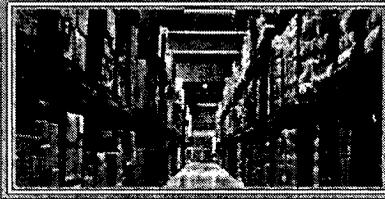
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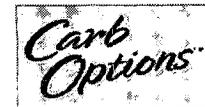


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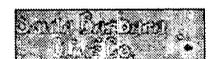


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