

ESTTA Tracking number: **ESTTA199697**

Filing date: **03/20/2008**

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

Application Serial No.	78964194
Applicant	CONAGRA BRANDS, INC.

Notice of Appeal

Notice is hereby given that CONAGRA BRANDS, INC. appeals to the Trademark Trial and Appeal Board the refusal to register the mark depicted in Application Serial No. 78964194.

Applicant has filed a request for reconsideration of the refusal to register, and requests suspension of the appeal pending consideration of the request by the Examining Attorney.

The refusal to register has been appealed as to the following class of goods/services:

- Class 035.

All goods and services in the class are appealed, namely: PROMOTING THE PUBLIC AWARENESS OF THE POTENTIAL USES OF, HEALTH BENEFITS OF, AND NUTRITIONAL BENEFITS OF TOMATOES AND TOMATO-BASED PRODUCTS

Respectfully submitted,
/Tracy L. Deutmeyer/
03/20/2008

Tracy L. Deutmeyer

McGrath North Mullin & Kratz, PC LLO

Suite 3700, First National Tower 1601 Dodge Street

Omaha, NE 68102

UNITED STATES

trademark@mcgrathnorth.com

(402) 341-3070