

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ConAgra Foods RDM, Inc.  
Serial No.: 78/964,194  
Mark: NATIONAL TOMATO MONTH  
Filing Date: August 30, 2006

AMENDMENT TO ALLEGE USE UNDER 37 CFR 2.76, WITH DECLARATION

Applicant requests registration of the above-identified service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et. seq., as amended).

Applicant is using the mark in interstate commerce on or in connection with the services listed as follows:

The applicant, or the applicant's related company or licensee, is using the mark in commerce on or in connection with "promoting the public awareness of the potential uses of, health benefits of, and nutritional benefits of tomatoes and tomato-based products" in International Class 35.

The service mark was first used at least as early as September 23, 2007; was first used in interstate commerce at least as early as September 23, 2007 and is now used in such commerce.

The mark is printed on a free-standing insert and used in any other manner common to the trade. One (1) specimen showing the mark as used is presented herewith, along with a supporting declaration.

Colleen R. Batcheler, being duly warned that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any registration resulting therefrom, declares: that she is the Secretary of applicant and is authorized to make this declaration on behalf of the corporation; she believes said corporation to be the owner of the mark sought to be registered; that to the best of her knowledge and belief no other person, firm, corporation or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto



03-24-2008

as may be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive; that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true.

ConAgra Foods RDM, Inc.,  
Applicant

Dated this 20<sup>th</sup> day of March, 2008.

By: Colleen R. Batcheler  
Colleen R. Batcheler, Secretary

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence, document and fee are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, on this 20<sup>th</sup> day of March, 2008.

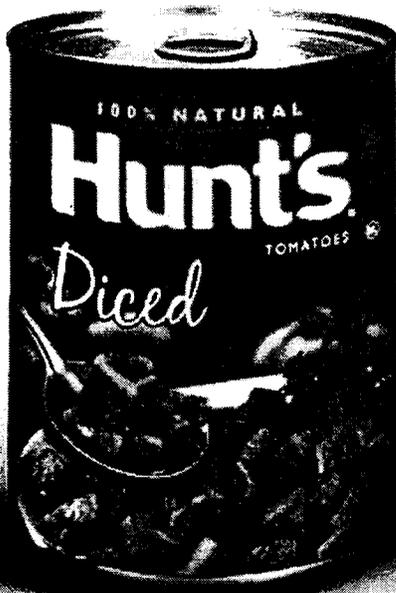
Tracy L. Deutmeyer  
Tracy L. Deutmeyer

# Hunt's

## 100% Natural Tomatoes



### Flash Steamed for Vine-Fresh Taste



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