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07-02-04

U.S. Patent & TMO/TM Mail Rcpt Dt. #78

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June 29, 2004

Via U.S. Mail

United States Department of Commerce
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, VA 22202-3514

Attention: Nancy L. Omelko, Interlocutory Attorney

Re: Opposition No. 91124245
Sakata Rice Snacks Australia Pty Ltd. v. Sesmark Foods, Inc.

Dear Ms. Omelko:

In response to your correspondence mailed June 17, 2004, please be advised that Civil Action No. C03-1240C filed in the United States District Court for the Western District of Washington, captioned Sakata Rice Snacks Australia Pty Ltd. v. Terra Harvest Foods, Inc. (formerly known as Sesmark Foods, Inc.), was dismissed without prejudice on September 5, 2003. A copy of the Notice of Dismissal Without Prejudice is attached. Should you have any questions or require further information, please do not hesitate to contact the undersigned.

Very truly yours,

Masuda, Funai, Eifert & Mitchell, Ltd.

Nancy E. Sasamoto

Enclosure

cc: Valerie du Laney, Esq.
Erich W. Merrill, Jr.
Miller Nash LLP

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Honorable John C. Coughenour



07-02-04

U.S. Patent & TMOtc/TM Mail Rcpt Dt. #79

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SAKATA RICE SNACKS AUSTRALIA PTY
LTD., an Australian corporation,

Plaintiff/Appellant,

v.

TERRA HARVEST FOODS, INC., an Illinois
corporation,

Defendant/Appellee.

Civil No. C03-1240C

**NOTICE OF DISMISSAL
WITHOUT PREJUDICE**

Pursuant to Fed. R. Civ. P. 41(a)(1), the plaintiff Sakata Rice Snacks Australia Pty
Ltd., by and through its counsel, James L. Phillips and Valerie du Laney of the Law Office of
Miller Nash LLP, hereby requests that the matter be dismissed without prejudice.

DATED this 5th day of September, 2003.

MILLER NASH LLP

James L. Phillips
WSB No. 13186
Valerie du Laney
WSB No. 23315

Attorneys for Plaintiff
Sakata Rice Snacks Australia



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1 I hereby certify that I served the foregoing NOTICE OF DISMISSAL WITHOUT PREJUDICE
2 on:

3 Louis Peterson
4 Timothy Benedict
5 HILLIS CLARK MARTIN & PETERSON, P.S.
6 500 Galland Building
7 1221 Second Ave.
8 Seattle, Washington 98101-2925
9 206-623-1745 (telephone)
10 206-623-7789 (facsimile)

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11 by the following indicated method or methods:

12 by causing personal delivery by Seattle Legal Messengers of the documents listed
13 above to the persons at the addresses set forth above.

14 by transmitting via facsimile the document(s) listed above to the fax number(s) set
15 forth above on this date before 5:00 p.m.

16 by placing the document(s) listed above in a sealed envelope with postage thereon
17 fully prepaid, in the United States mail at Seattle, Washington, addressed as set
18 forth above.

19 **FEDERAL:** I declare that I am employed in the office of a member of the Bar of
20 this Court at whose direction the service was made.

21 DATED this 5th day of September, 2003, in Seattle, Washington.

22 
23 _____
24 Michael S. Callahan
25 Assistant to Mr. Phillips
26