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

U.S. Patent & TMO/c/TM Mail Rcpt. Dt. #57



08-14-2002

JENEIL BIOTECH, INC.
(a Wisconsin corporation)

Opposer,

v.

NATURE'S SOY, INC.
(a Pennsylvania corporation)

Applicant

Opposition No. _____

Trademark: NATURE'S SOY
(Serial No. 76/154423)

Attorney Docket No. 7144

NOTICE OF OPPOSITION

Assistant Commissioner for Trademarks
Box TTAB
2900 Crystal Drive
Arlington, VA 22202-3513

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TRADEMARK TRIAL AND
APPEAL BOARD

Sir:

In the matter of U.S. Trademark Application Serial No. 76/154423 (for the mark "NATURE'S SOY" filed October 26, 2000 by Nature's Soy, Inc., a Pennsylvania corporation located in Philadelphia, Pennsylvania, and published for opposition on July 23, 2002), Jeneil Biotech, Inc. (hereinafter "Jeneil"), a corporation organized under the laws of Wisconsin, and having a principal place of business at 400 N. Dekora Woods Blvd., Saukville, WI 53080, is engaged in selling soy-based products and believes it will be damaged by registration of the mark shown in the above-identified application and hereby opposes same.

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As grounds therefor, it is alleged that:

1. Opposer has adopted and has continuously used the trademark NATURSOY in interstate commerce for use on and in connection with soy-based products.
2. Opposer first began using the trademark NATURSOY in interstate commerce at least as early as June 24, 1999.
3. Applicant has filed a federal trademark application for NATURE'S SOY (Application Serial No. 76/154423 herein opposed) for use on and in connection with soy-based products. Applicant's goods are closely related to Opposer's goods, and Applicant's trademark NATURE'S SOY is confusingly similar to Opposer's trademark NATURSOY.
4. Opposer has expended considerable effort and expense in promoting its trademark NATURSOY and the goods sold thereunder. As a result, the average consumer of Opposer's product has come to know, rely upon and recognize the products and services of Opposer by such mark and Opposer has created valuable goodwill in and to its NATURESOY mark.
6. If the Applicant is permitted to register the application herein opposed, and thereby obtain the exclusive right to use in commerce its NATURE'S SOY mark on goods closely related to goods sold by Opposer, consumer confusion is likely to result from any such concurrent use to the detriment of Opposer, who has expended considerable resources in promoting its mark.
7. Purchasers are likely to mistakenly consider Applicant's goods sold under the NATURE'S SOY mark as emanating from Opposer, which will result in consumer confusion and lead to a loss of sales to Petitioner.

8. Concurrent use of the mark by the Applicant and Opposer will result in irreparable damage to Opposer's reputation and goodwill, if the goods sold by the Applicant are inferior, since purchasers are likely to attribute the source of the Applicant's goods to the Opposer.

9. If the Applicant is permitted to retain the registration sought to be opposed, a cloud will be placed on Opposer's title in and to its trademark, NATURSOY, and on its right to enjoy the free and exclusive use thereof in connection with the sale of its goods, all to the great injury of Opposer.

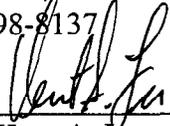
WHEREFORE, Opposer respectfully requests that the Board refuse and deny the registration of Applicant's trademark application for NATURE'S SOY, and that this Opposition be sustained.

Two copies of this Notice and a check in the amount of \$300 to cover the filing fees for an opposition in one International Class are attached.

JENEIL BIOTECH, INC.

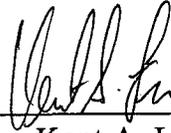
By its Attorneys
REINHART BOERNER VAN DEUREN s.c.
1000 North Water Street, Suite 2100
Milwaukee, WI 53202
(414) 298-8137

By: _____


Kent A. Lee

CERTIFICATE OF MAILING

I certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. EL803233686US in an envelope addressed to: Assistant Commissioner of Trademarks, Box TTAB, 2900 Crystal Drive, Arlington, VA 22202-3513, on August 14, 2002.

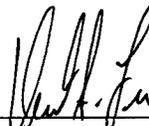


Kent A. Lee

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **Notice of Opposition** upon Applicant's counsel by depositing one copy thereof in the United States Mail, first-class postage prepaid, on August 14, 2002, addressed as follows:

Michael G. Crilly
Michael G. Crilly & Associates
104 South York Road
Hatboro, PA 19040



Kent A. Lee

**AUTHORIZATION TO
CHARGE
DEPOSIT ACCOUNT**

The Assistant Commissioner of Trademarks is hereby authorized to charge
Deposit Account No. 18-0882 for any additional fees not included in Check
No. 269327 relating to the Notice of Opposition filed against Serial No.
776/154423.



Kent A. Lee

Reinhart Boerner Van Deuren, s.c.
1000 North Water Street, Suite 2100
Milwaukee, WI 53202-3186
Phone: (414) 298-8137



08-14-2002

reinhartlaw.com



August 14, 2002

Kent A. Lee, Esq.
Direct Dial: 414-298-8137
klee@reinhartlaw.com

Assistant Commissioner for Trademarks
Box TTAB
2900 Crystal Drive
Arlington, VA 22202-3513

Dear Sir:

Re: Opposition of Application Serial No.
76/154423; Our File No. 7144

On behalf of Jeneil Biotech, Inc., I enclose the following:

1. Notice of Opposition of Application Serial No. 76/154423.
(1 original and 2 copies);
2. Return postcard;
3. Transmittal Sheet in duplicate containing Certificate Under
37 C.F.R. 1.8;
4. Certificate of Service;
5. A check in the amount of \$300 for payment of the Opposition
Filing Fee; and
6. Authorization to Charge Deposit Account

Please return the postcard receipt. If you have any questions, you may contact me
at the number above.

Very truly yours,

Kent A. Lee

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Encs.