

ESTTA Tracking number: **ESTTA83017**

Filing date: **05/30/2006**

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

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	ConAgra Brands, Inc.		
Entity	Corporation	Citizenship	Nebraska
Address	One ConAgra Drive Omaha, NE 68102 UNITED STATES		

Attorney information	Tracy L. Deutmeyer McGrath North Mullin & Kratz, PC LLO Suite 3700 First National Tower 1601 Dodge Street Omaha, NE 68102 UNITED STATES tdeutmeyer@mcgrathnorth.com Phone:(402) 341-3070		
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### Applicant Information

Application No	78684646	Publication date	05/02/2006
Opposition Filing Date	05/30/2006	Opposition Period Ends	06/01/2006
Applicant	NOVARTIS AG Postfach CH 4002 BASEL, SWITZERLAND		

### Goods/Services Affected by Opposition

Class 029. All goods and services in the class are opposed, namely: yogurt
Class 030. All goods and services in the class are opposed, namely: puddings and wafers

Attachments	MNMK2-#1060432-v1-SNACK_PALS_TD_OPPOSITION.pdf ( 3 pages )(33704 bytes )
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Signature	/Tracy L. Deutmeyer/
Name	Tracy L. Deutmeyer
Date	05/30/2006

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

IN THE MATTER OF APPLICATION SERIAL NO. 78684646  
PUBLISHED IN THE OFFICIAL GAZETTE ON MAY 2, 2006

CONAGRA BRANDS, INC.	)	OPPOSITION NO.: _____
	)	
Opposer,	)	
	)	MARK: SNACK PALS
v.	)	
	)	
NOVARTIS AG,	)	
	)	
Applicant.	)	

NOTICE OF OPPOSITION

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

ConAgra Brands, Inc., a corporation organized and existing under the laws of the State of Nebraska, with offices located at One ConAgra Drive, Omaha, Nebraska 68102, believes that it will be damaged by registration of the mark shown in Application Serial No. 78/684,646 and hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Pursuant to Application Serial No. 78/684,646, filed on August 3, 2005, Applicant seeks to register the mark SNACK PALS as a trademark for “yogurt” in International Class 29, and “puddings and wafers” in International Class 30, claiming a bona fide intent to use the mark, as is evidenced by the publication of said mark in the May 2, 2006 issue of the Official Gazette.
2. Opposer is the owner of Registration No. 2,996,772, issued pursuant to Application Serial No. 76/603,200, for the trademark SNACK PACK as used on “puddings and edible-flavored gels” in International Class 30. Opposer has used the trademark SNACK PACK

in interstate commerce on these goods, through its licensees and predecessors in interest, since at least as early as May 31, 1968 and continues to use the trademark SNACK PACK on these goods in interstate commerce.

3. Opposer is the owner of Registration No. 0,950,904, issued pursuant to Application Serial No. 72/406,883, for the trademark SNACK PACK as used on "canned food products, namely - puddings and gels" in International Class 29. Opposer has used the trademark SNACK PACK in interstate commerce on these goods, through its licensees and predecessors in interest, since at least as early as May 31, 1968, and continues to use the trademark SNACK PACK in interstate commerce.

4. There is no issue as to priority. Registration Nos. 2,996,772 and 0,950,904 were issued well prior to the filing date of Application Serial No. 78/684,646.

5. A likelihood of confusion exists between Applicant's trademark SNACK PALS and Opposer's trademark SNACK PACK.

6. If Applicant is permitted to use and register the trademark SNACK PALS for use on packaged food items, namely yogurt, pudding and wafers, such use and registration is likely to cause confusion and lead to deception as to the source, origin and/or sponsorship of the goods bearing Applicant's trademark, causing damage and injury to Opposer and its SNACK PACK trademark.

7. If Applicant is granted the registration herein opposed, Applicant would thereby obtain at least a prima facie exclusive right to use the SNACK PALS trademark, causing damage and injury to Opposer.

WHEREFORE, Opposer prays that trademark Application Serial No. 78/684,646 be rejected, and that the mark therein sought for the goods therein specified be denied and refused.

RESPECTFULLY SUBMITTED,

CONAGRA BRANDS, INC., Opposer

By: /Tracy L. Deutmeyer/

Tracy L. Deutmeyer

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ATTORNEYS FOR OPPOSER

Dated: May 30, 2006