

ESTTA Tracking number: **ESTTA172172**

Filing date: **10/31/2007**

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	Generale Biscuit		
Entity	Corporation	Citizenship	France
Address	Batiment Saarineen 3 rue Saarineen Rungis, 94150 FRANCE		

Attorney information	Perla M. Kuhn Hughes Hubbard & Reed LLP One Battery Park Plaza New York, NY 10004-1482 UNITED STATES KUHNS@HUGHESHUBBARD.COM, jacobsr@hugheshubbard.com Phone:212-837-6000
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Applicant Information

Application No	77098544	Publication date	10/09/2007
Opposition Filing Date	10/31/2007	Opposition Period Ends	11/08/2007
Applicant	LU TEA HOUSE INTERNATIONAL CO., LTD. No. 132, Taiyuan N. Rd., Taichung City, TAIWAN		

Goods/Services Affected by Opposition

Class 030. All goods and services in the class are opposed, namely: Beverages made of tea; Biscuits; Candies; Candy; Cereal-based snack foods; Grain-based chips; Honey; Molasses; Processed cereals; Tea; Vinegar

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	623642	Application Date	02/10/1955
Registration Date	03/20/1956	Foreign Priority Date	NONE
Word Mark	LU		
Design Mark			

Description of Mark	NONE
Goods/Services	Class U046 (International Class 030). First use: First Use: 1885/00/00 First Use In Commerce: 1935/00/00 COOKIES, BISCUITS, WAFERS, AND CRACKERS

U.S. Registration No.	767938	Application Date	02/28/1963
Registration Date	04/07/1964	Foreign Priority Date	NONE
Word Mark	LU		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U046 (International Class 030). First use: First Use: 1957/00/00 First Use In Commerce: 1957/00/00 Cookies, Biscuits, Wafers and Crackers		

U.S. Registration No.	1366913	Application Date	06/22/1984
Registration Date	10/22/1985	Foreign Priority Date	NONE
Word Mark	LU		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1982/10/00 First Use In Commerce: 1984/03/29 BISCUITS, CAKES AND COOKIES		

U.S. Registration No.	1946200	Application Date	09/01/1993
Registration Date	01/09/1996	Foreign Priority Date	NONE
Word Mark	MARIE LU		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1982/04/00 First Use In Commerce: 1985/04/18 cookies[, crackers and bakery goods]		

U.S. Registration No.	2537689	Application Date	01/06/2000
Registration Date	02/12/2002	Foreign Priority Date	NONE
Word Mark	LU		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1983/00/00 First Use In Commerce: 1983/00/00 Biscuits and cookies		

U.S. Registration No.	2809784	Application Date	02/15/2002
Registration Date	02/03/2004	Foreign Priority Date	NONE
Word Mark	LU		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 029. First use: Meat, fish, ham, poultry, game, cut meats in particular for appetizers; preserved, dried and cooked fruits and vegetables, stewed fruits, jam, jelly, soups, canned food primarily consisting of meat, fish, ham, poultry or game; preserved, dried, cooked, canned or frozen prepared meals primarily consisting of meat, fish, ham, poultry or game; milk, yogurt, creams, cheese, cottage cheese, milk-based beverages containing coffee, dairy-based beverages</p> <p>Class 030. First use: Mousses, coffee, tea, cocoa, chocolate, sugar, rice, tapioca, flour, sweet or salted tarts and pies, pizza, plain, flavored or filled pasta, prepared meals primarily consisting of pastry; bread, rusks, sweet or salted biscuits, cakes, pastries, all these products being plain, coated, filled or flavored; salted or sweet appetizers primarily consisting of biscuit, pastry, dough or batter; confectioneries, namely, candy, frozen confections; ice cream, ice milk, frozen yogurt, dessert souffles, honey, salt, mustard, vinegar, sauces, spices</p>		

U.S. Registration No.	2839461	Application Date	11/19/2001
Registration Date	05/11/2004	Foreign Priority Date	NONE
Word Mark	LU		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 029. First use: Meat, fish, ham, poultry, game, cut meats in particular for appetizers; dried, preserved or cooked fruit and vegetables; stewed fruit, jam, fruit purees, jelly, soups, canned food primarily made of meat, fish, ham, poultry or game; prepared, dried, cooked, canned, frozen meals primarily consisting of meat, fish, ham, poultry or game; appetizers made of fruits or vegetables, namely, potato; potato chips, dried fruit mix, oleaginous products, namely, prepared nuts, hazelnuts, peanuts, cashew nuts; mini cooked meats as appetizers, milk, milk powder, gelled, flavored and whipped milk; milk products, namely, yogurts, yogurt drinks, creams, sour creams, fresh cream, butter, cheese spreads, cheeses, ripened cheeses, ripened cheeses with mould, unmaturred fresh cheeses and cheeses in brine, cottage cheese, fresh cheeses sold either liquid or in paste; milk-based beverages containing coffee, dairy-based beverages; edible oils, olive oils, edible fats</p> <p>Class 030. First use: Mousses, coffee, tea, cocoa, chocolate, non-alcoholic coffee-based beverages containing milk, non-alcoholic cocoa-based beverages, non-alcoholic chocolate-based beverages, sugar, rice, puffed rice, tapioca, flours, tarts and pies, pizzas, plain, flavored or filled pasta; cereal based snack food, breakfast cereals, prepared meals primarily consisting of pasta; prepared meals primarily consisting of tart pastry; bread, rusks, biscuits, wafers, waffles, cakes, pastries,</p>		

	<p>all these products being plain, coated, filled or flavored; appetizers primarily consisting of bread, biscuit or pastry dough; candy, frozen confections, edible flavored ices, edible flavored ices primarily made of yogurt, ice creams, flavored water ices, frozen yogurts, honey, salt, mustard, vinegar, sauces, sweet sauces, pasta sauces, spices, sorbet</p> <p>Class 032. First use:</p> <p>Frozen flavored water, beer, still or sparkling water, mineral water, fruit or vegetable juices, fruit or vegetable drinks, lemonades, sodas, ginger beer, preparations for making fruit drinks, fruit juices, vegetable drinks, and soft drinks; syrups for making soft drinks, vegetable drinks and fruit drinks; alcohol-free fruit or vegetable extracts used in the preparation of beverages, alcohol-free beverages comprising lactic fermenting agents</p>
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Attachments	<p>71681432#TMSN.gif (1 page)(bytes)</p> <p>72163690#TMSN.gif (1 page)(bytes)</p> <p>73486518#TMSN.gif (1 page)(bytes)</p> <p>75889242#TMSN.gif (1 page)(bytes)</p> <p>76371609#TMSN.gif (1 page)(bytes)</p> <p>76340365#TMSN.gif (1 page)(bytes)</p> <p>LU TEA HOUSE.pdf (16 pages)(454028 bytes)</p>
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Signature	/s/ Perla M. Kuhn
Name	Perla M. Kuhn
Date	10/31/2007

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 77/098,544
Filed February 2, 2007
For the Mark LU TEA HOUSE & Design
Published in the *Official Gazette* on October 9, 2007

Generale Biscuit,

Opposer,

Opposition No.

-v-

Lu Tea House International Co., Ltd.,

Applicant.

BOX TTAB FEE
Assistant Commissioner for Trademarks
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Opposer Generale Biscuit (“Generale”), a corporation duly organized and existing under the laws of France, and having its principal address at Batiment Saarineen, 3 rue Saarineen, 94150 Rungis, France believes that it will be damaged by the registration of the mark LU TEA HOUSE & Design, Application Serial No. 77/098,544, filed on February 2, 2007, and which covers “beverages made of tea; biscuits; candies; candy; cereal-based snack foods; grain-based chips; honey; molasses; processed cereals; tea; vinegar” in International Class 30 in the name of Lu Tea House International Co., Ltd. (“Applicant”), and published in the Official Gazette on October 9, 2007, and hereby opposes the same.

As grounds for this Opposition, Generale relies upon the rights developed by it and related companies (hereinafter referred to as “Opposer”). Opposer alleges on knowledge as to itself and otherwise upon information and belief, as follows:

1. Opposer owns the following seven United States registrations for marks containing the term “lu” in connection with foods and beverages (hereinafter “Opposer’s Registrations” or “Opposer’s Marks”):

Mark	Goods	Reg. No.	Reg. Date
	(IC 030) Cookies, Biscuits, Wafers and Crackers	623,642	March 20, 1956
	(IC 030) Cookies, Biscuits, Wafers and Crackers	767,938	April 7, 1964
	(IC 030) Biscuits, Cakes and Cookies	1,366,913	October 22, 1985
MARIE LU	(IC 030) Cookies, Crackers and Bakery Goods	1,946,200	January 9, 1996
	(IC 030) Biscuits and Cookies	2,537,689	February 12, 2002

	<p>(IC 029) Meat, fish, ham, poultry, game, cut meats in particular for appetizers; preserved, dried and cooked fruits and vegetables, stewed fruits, jam, jelly, soups, canned food primarily consisting of meat, fish, ham, poultry or game; preserved, dried, cooked, canned or frozen prepared meals primarily consisting of meat, fish, ham, poultry or game; milk, yogurt, creams, cheese, cottage cheese, milk-based beverages containing coffee, dairy-based beverages</p> <p>(IC 030) Mousses, coffee, tea, cocoa, chocolate, sugar, rice, tapioca, flour, sweet or salted tarts and pies, pizza, plain, flavored or filled pasta, prepared meals primarily consisting of pastry; bread, rusks, sweet or salted biscuits, cakes, pastries, all these products being plain, coated, filled or flavored; salted or sweet appetizers primarily consisting of biscuit, pastry, dough or batter; confectioneries, namely, candy, frozen confections; ice cream, ice milk, frozen yogurt, dessert souffles, honey, salt, mustard, vinegar, sauces, spices</p>	2,809,784	February 3, 2004
LU	<p>(IC 029) Meat, fish, ham, poultry, game, cut meats in particular for appetizers; dried, preserved or cooked fruit and vegetables; stewed fruit, jam, fruit purees, jelly, soups, canned food primarily made of meat, fish, ham, poultry or game; prepared, dried, cooked, canned, frozen meals primarily consisting of meat, fish, ham, poultry or game; appetizers made of fruits or vegetables, namely, potato; potato chips, dried fruit mix, oleaginous products, namely, prepared nuts, hazelnuts, peanuts, cashew nuts; mini cooked meats as appetizers, milk, milk powder, gelled, flavored and whipped milk; milk products, namely, yogurts, yogurt drinks, creams, sour creams, fresh cream, butter, cheese spreads, cheeses, ripened cheeses, ripened cheeses with mould, unmaturred fresh cheeses and cheeses in brine, cottage cheese, fresh cheeses sold either liquid or in paste;</p>	2,839,461	May 11, 2004

	<p>milk-based beverages containing coffee, dairy-based beverages; edible oils, olive oils, edible fats</p> <p>(IC 030) Mousses, coffee, tea, cocoa, chocolate, non-alcoholic coffee-based beverages containing milk, non-alcoholic cocoa-based beverages, non-alcoholic chocolate-based beverages, sugar, rice, puffed rice, tapioca, flours, tarts and pies, pizzas, plain, flavored or filled pasta; cereal based snack food, breakfast cereals, prepared meals primarily consisting of pasta; prepared meals primarily consisting of tart pastry; bread, rusks, biscuits, wafers, waffles, cakes, pastries, all these products being plain, coated, filled or flavored; appetizers primarily consisting of bread, biscuit or pastry dough; candy, frozen confections, edible flavored ices, edible flavored ices primarily made of yogurt, ice creams, flavored water ices, frozen yogurts, honey, salt, mustard, vinegar, sauces, sweet sauces, pasta sauces, spices, sorbet</p> <p>(IC 032) Frozen flavored water, beer, still or sparkling water, mineral water, fruit or vegetable juices, fruit or vegetable drinks, lemonades, sodas, ginger beer, preparations for making fruit drinks, fruit juices, vegetable drinks, and soft drinks; syrups for making soft drinks, vegetable drinks and fruit drinks; alcohol-free fruit or vegetable extracts used in the preparation of beverages, alcohol-free beverages comprising lactic fermenting agents</p>		
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Copies of the registration certifications for the foregoing registrations are attached hereto as Exhibit A.

2. Opposer's Registrations are valid and subsisting, unrevoked and uncanceled, and are *prima facie* evidence of the validity of Opposer's exclusive right to use the mark LU in commerce in connection with the goods set forth in the registrations without condition or

limitation, and constitute constructive notice of Opposer's ownership of the mark LU for the goods set forth in the registrations, namely foods and beverages, as provided for by §§ 7(b) and 22 of the Lanham Act, 15 U.S.C.A. §§ 1057(b) and 1072 (2006). Registration Numbers 623,642, 767,938, 1,366,913, 1,946,200, and 2,537,689 are incontestable under § 15 of the Lanham Act, 15 U.S.C.A. §1065.

3. Opposer has expended substantial amounts of time and effort in advertising and promoting its foods and beverages under Opposer's Marks. As a result of such advertising and promotional activities, Opposer's Marks have become well known and favorably received, the relevant public has come to associate and identify the mark LU with Opposer and Opposer derives substantial goodwill from such identification by consumers.

4. On February 2, 2007, Applicant filed an intent-to-use trademark application for the mark LU TEA HOUSE & Design (Ser. No. 77/098,544), which covers "beverages made of tea; biscuits; candies; candy; cereal-based snack foods; grain-based chips; honey; molasses; processed cereals; tea; vinegar" in International Class 30 (the "Applied-for Mark").

Count I: Likelihood of Confusion

5. Opposer hereby incorporates by reference the allegations in Paragraphs 1 through 4 hereof as if fully set forth herein.

6. The Applied-for Mark, as set forth in the application opposed herein, is substantially similar in commercial impression to Opposer's Marks. The Applied-for Mark is LU TEA HOUSE & Design. Opposer's Marks all contain the mark LU and, indeed, the only word in Opposer's Marks is the term "lu." The Applied-for Mark contains the word portion of Opposer's Marks in their entirety and the marks are therefore very similar in sound, appearance, and meaning. The additional elements in the Applied-for Mark are insufficient to

distinguish it from Opposer's Marks because the term "tea" is generic and disclaimed and the wording "tea house" as a whole merely refers to a place where Applicant's and Opposer's foods and beverages could be consumed. The Chinese characters in the Applied-for Mark translate as "lu tea house" and therefore do not serve to distinguish the mark.

7. The Applied-for Mark and Opposer's Marks cover identical goods, namely biscuits, candy, tea, chips, cereal-based snack foods, honey, and vinegar and the Applied-for Mark also covers other related and complementary foods and beverages.

8. Accordingly, the Applied-for Mark is likely to cause confusion, mistake, or to deceive the public into believing that Applicant's goods are somehow affiliated or associated with, connected to or sponsored by Opposer, in violation of Section 2(d) of the Lanham Act.

9. Due to the high degree of inherent distinctiveness, the duration and extent of use, the duration and extent of advertising and publicity, the geographical extent of the trading area, and the degree of recognition, the Opposer's Marks are "famous" pursuant to Section 43(c) of the Lanham Act.

10. Because Opposer's Mark is famous and because Opposer currently uses the LU marks in connection with a variety of goods and services, there is a greater likelihood that the public will believe that the same or similar mark found on a wide range of goods or services are affiliated or associated with, connected to or sponsored by Opposer. Accordingly, confusion is more likely between Opposer's Mark and the Applied-for Mark.

11. If Applicant is permitted to register or use the mark herein opposed, confusion would be likely as to the sponsorship of the goods, resulting in damage and injury to Opposer by reason of the similarity between the Applied-for Mark and Opposer's Marks. Persons familiar with Opposer's Marks will be likely to purchase Applicant's goods, believing them to be

affiliated or associated with, connected to or sponsored by Opposer. Likewise, persons exposed to the Applied-for Mark who subsequently become acquainted with Opposer's Marks are likely to conclude that the goods and services offered by Opposer under its marks are in some manner affiliated or associated with, connected to or sponsored by Applicant. Any such confusion as to sponsorship inevitably would result in damage and injury to Opposer.

12. Opposer will be damaged by registration of the mark shown in the application opposed herein because such registration will support and assist Applicant in the confusing and misleading use of the Applied-for Mark, and will give color of rights to Applicant in violation of Opposer's prior and superior statutory and common-law rights in Opposer's Marks.

Count II: Likelihood of Dilution

13. Opposer hereby incorporates by reference the allegations of Paragraphs 1 through 12 hereof as if fully set forth herein.

14. The registration and use of the Applied-for Mark is likely to cause dilution by blurring and/or dilution by tarnishment of Opposer's famous LU marks.

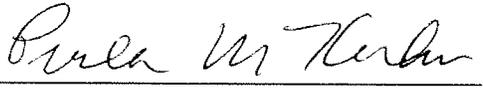
15. Opposer will be damaged by registration of the mark shown in the application opposed herein because such registration will support and assist Applicant in the diluting use of Applicant's mark, and will give color of rights to Applicant in violation of Opposer's prior and superior statutory and common law rights in Opposer's Marks.

WHEREFORE, Opposer requests that this Opposition be sustained and that the application for registration of the mark LU TEA HOUSE & Design be denied in all respects.

Dated: New York, New York
October 31, 2007

Respectfully submitted,

HUGHES HUBBARD & REED LLP

By: 

Perla M. Kuhn

Russell W. Jacobs

One Battery Park Plaza

New York, New York 10004

(212) 837-6000

Attorneys for Opposer

EXHIBIT A

United States Patent Office

623,642

Registered Mar. 20, 1956

PRINCIPAL REGISTER Trademark

Ser. No. 681,432, filed Feb. 10, 1955



Etablissements Lefevre-Utile (French corporation)
Nantes, Loire-Inferieure, France

For: COOKIES, BISCUITS, WAFERS, AND
CRACKERS, in CLASS 46.
First used in 1885; in commerce in 1935.

United States Patent Office

767,938
Registered Apr. 7, 1964

PRINCIPAL REGISTER Trademark

Ser. No. 163,690, filed Feb. 28, 1963



Etablissements Lefevre-Utile (French corporation)
4 Quai Baco
Nantes, Loire-Atlantique, France

For: COOKIES, BISCUITS, WAFERS AND
CRACKERS, in CLASS 46.
First use 1957; in commerce 1957.
The drawing is lined to show the color red.
Owner of U.S. Reg. No. 623,642.

Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 1,366,913

Registered Oct. 22, 1985

**TRADEMARK
PRINCIPAL REGISTER**



GENERALE BISCUIT (FRANCE JOINT STOCK
COMPANY)
4-6 RUE EDOUARD VAILLANT
ATHIS-MONS, FRANCE

FOR: BISCUITS, CAKES AND COOKIES, IN
CLASS 30 (U.S. CL. 46).
FIRST USE 10-0-1982; IN COMMERCE
3-29-1984.

OWNER OF FRANCE REG. NO. 1247652,
DATED 10-10-1983, EXPIRES 10-10-1993.

THE LINING AND STIPPLING SHOWN IN
THE MARK ON THE DRAWING IS A FEAT-
URE OF THE MARK AND DOES NOT SIGNI-
FY COLOR.

SER. NO. 486,518, FILED 6-22-1984.

JESSIE N. MARSHALL, EXAMINING ATTOR-
NEY

Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office **Reg. No. 1,946,200**
Registered Jan. 9, 1996

**TRADEMARK
PRINCIPAL REGISTER**

MARIE LU

GENERALE BISCUIT (FRANCE CORPORATION)
4-6 RUE EDOUARD VAILLANT
91201 ATHIS-MONS (ESSONE), FRANCE

FOR: COOKIES, CRACKERS AND BAKERY
GOODS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 4-0-1982; IN COMMERCE
4-18-1985.

OWNER OF U.S. REG. NOS. 623,642, 767,938,
AND 1,366,913.

THE MARK "MARIE LU" DOES NOT IDENTIFY
A LIVING INDIVIDUAL.

SER. NO. 74-431,101, FILED 9-1-1993.

RACHEL BLUE, EXAMINING ATTORNEY

Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 2,537,689

Registered Feb. 12, 2002

**TRADEMARK
PRINCIPAL REGISTER**



GENERALE BISCUIT (FRANCE SOCIETE ANON-
YME)
4-6. RUE EDOUARD VAILLANT
91200 ATHIS MONS, FRANCE

FOR: BISCUITS AND COOKIES, IN CLASS 30 (U.S.
CL. 46).

FIRST USE 0-0-1983; IN COMMERCE 0-0-1983.

OWNER OF U.S. REG. NOS. 767,938, 1,366,913 AND
OTHERS.

THE STIPPLING IS FOR SHADING PURPOSES.

SEC. 2(F).

SER. NO. 75-889,242, FILED 1-6-2000.

ANDY COREA, EXAMINING ATTORNEY

Int. Cls.: 29 and 30

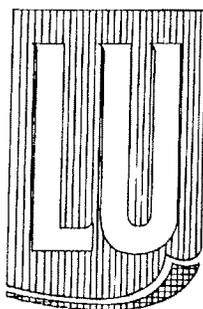
Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 2,809,784

Registered Feb. 3, 2004

TRADEMARK
PRINCIPAL REGISTER



GENERALE BISCUIT (FRANCE SOCIETE ANON-
YME)
4-6, RUE EDOUARD VAILLANT
91200 ATHIS MONS, FRANCE

FOR: MEAT, FISH, HAM, POULTRY, GAME, CUT MEATS IN PARTICULAR FOR APPETIZERS; PRESERVED, DRIED AND COOKED FRUITS AND VEGETABLES, STEWED FRUITS, JAM, JELLY, SOUPS, CANNED FOOD PRIMARILY CONSISTING OF MEAT, FISH, HAM, POULTRY OR GAME; PRESERVED, DRIED, COOKED, CANNED OR FROZEN PREPARED MEALS PRIMARILY CONSISTING OF MEAT, FISH, HAM, POULTRY OR GAME; MILK, YOGURT, CREAMS, CHEESE, COTTAGE CHEESE, MILK-BASED BEVERAGES CONTAINING COFFEE, DAIRY-BASED BEVERAGES, IN CLASS 29 (U.S. CL. 46).

FOR: MOUSSES, COFFEE, TEA, COCOA, CHOCOLATE, SUGAR, RICE, TAPIOCA, FLOUR, SWEET OR SALTED TARTS AND PIES, PIZZA, PLAIN, FLAVORED OR FILLED PASTA, PREPARED MEALS PRIMARILY CONSISTING OF PASTRY;

BREAD, RUSKS, SWEET OR SALTED BISCUITS, CAKES, PASTRIES, ALL THESE PRODUCTS BEING PLAIN, COATED, FILLED OR FLAVORED; SALTED OR SWEET APPETIZERS PRIMARILY CONSISTING OF BISCUIT, PASTRY, DOUGH OR BATTER; CONFECTIONERIES, NAMELY, CANDY, FROZEN CONFECTIONS; ICE CREAM, ICE MILK, FROZEN YOGURT, DESSERT SOUFFLES, HONEY, SALT, MUSTARD, VINEGAR, SAUCES, SPICES, IN CLASS 30 (U.S. CL. 46).

OWNER OF FRANCE REG. NO. 96/653,763, DATED 12-4-1996, EXPIRES 12-4-2006.

OWNER OF U.S. REG. NOS. 623,642, 2,536,689 AND OTHERS.

THE MARK IS LINED FOR THE COLORS RED AND YELLOW.

SER. NO. 76-371,609, FILED 2-15-2002.

GEORGIA CARTY, EXAMINING ATTORNEY

Int. Cls.: 29, 30 and 32

Prior U.S. Cls.: 45, 46 and 48

United States Patent and Trademark Office

Reg. No. 2,839,461

Registered May 11, 2004

TRADEMARK
PRINCIPAL REGISTER

LU

GENERALE BISCUIT (FRANCE SOCIETE ANONYME)

4-6, RUE EDOUARD VAILLANT
ATHIS MONS, FRANCE 91200

FOR: MEAT, FISH, HAM, POULTRY, GAME, CUT MEATS IN PARTICULAR FOR APPETIZERS; DRIED, PRESERVED OR COOKED FRUIT AND VEGETABLES; STEWED FRUIT, JAM, FRUIT PUREES, JELLY, SOUPS, CANNED FOOD PRIMARILY MADE OF MEAT, FISH, HAM, POULTRY OR GAME; PREPARED, DRIED, COOKED, CANNED, FROZEN MEALS PRIMARILY CONSISTING OF MEAT, FISH, HAM, POULTRY OR GAME; APPETIZERS MADE OF FRUITS OR VEGETABLES, NAMELY, POTATO; POTATO CHIPS, DRIED FRUIT MIX, OLEAGINOUS PRODUCTS, NAMELY, PREPARED NUTS, HAZELNUTS, PEANUTS, CASHEW NUTS; MINI COOKED MEATS AS APPETIZERS, MILK, MILK POWDER, GELLED, FLAVORED AND WHIPPED MILK; MILK PRODUCTS, NAMELY, YOGURTS, YOGURT DRINKS, CREAMS, SOUR CREAMS, FRESH CREAM, BUTTER, CHEESE SPREADS, CHEESES, RIPENED CHEESES, RIPENED CHEESES WITH MOULD, UNMATURED FRESH CHEESES AND CHEESES IN BRINE, COTTAGE CHEESE, FRESH CHEESES SOLD EITHER LIQUID OR IN PASTE; MILK-BASED BEVERAGES CONTAINING COFFEE, DAIRY-BASED BEVERAGES; EDIBLE OILS, OLIVE OILS, EDIBLE FATS, IN CLASS 29 (U.S. CL. 46).

FOR: MOUSSES, COFFEE, TEA, COCOA, CHOCOLATE, NON-ALCOHOLIC COFFEE-BASED BEVERAGES CONTAINING MILK, NON-ALCOHOLIC COCOA-BASED BEVERAGES, NON-ALCOHOLIC CHOCOLATE-BASED BEVERAGES, SUGAR, RICE, PUFFED RICE, TAPIOCA, FLOURS, TARTS AND PIES, PIZZAS, PLAIN, FLAVORED OR FILLED PASTA; CEREAL BASED SNACK FOOD, BREAK-

FAST CEREALS, PREPARED MEALS PRIMARILY CONSISTING OF PASTA; PREPARED MEALS PRIMARILY CONSISTING OF TART PASTRY; BREAD, RUSKS, BISCUITS, WAFERS, WAFFLES, CAKES, PASTRIES, ALL THESE PRODUCTS BEING PLAIN, COATED, FILLED OR FLAVORED; APPETIZERS PRIMARILY CONSISTING OF BREAD, BISCUIT OR PASTRY DOUGH; CANDY, FROZEN CONFECTIONS, EDIBLE FLAVORED ICES, EDIBLE FLAVORED ICES PRIMARILY MADE OF YOGURT, ICE CREAMS, FLAVORED WATER ICES, FROZEN YOGURTS, HONEY, SALT, MUSTARD, VINEGAR, SAUCES, SWEET SAUCES, PASTA SAUCES, SPICES, SORBET, IN CLASS 30 (U.S. CL. 46).

FOR: FROZEN FLAVORED WATER, BEER, STILL OR SPARKLING WATER, MINERAL WATER, FRUIT OR VEGETABLE JUICES, FRUIT OR VEGETABLE DRINKS, LEMONADES, SODAS, GINGER BEER, PREPARATIONS FOR MAKING FRUIT DRINKS, FRUIT JUICES, VEGETABLE DRINKS, AND SOFT DRINKS; SYRUPS FOR MAKING SOFT DRINKS, VEGETABLE DRINKS AND FRUIT DRINKS; ALCOHOL-FREE FRUIT OR VEGETABLE EXTRACTS USED IN THE PREPARATION OF BEVERAGES, ALCOHOL-FREE BEVERAGES COMPRISING LACTIC FERMENTING AGENTS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

OWNER OF FRANCE REG. NO. 99/805154., DATED 7-28-1999, EXPIRES 7-28-2009.

OWNER OF U.S. REG. NOS. 623,642, 2,537,689 AND OTHERS.

SER. NO. 76-340,365, FILED 11-19-2001.

GEORGIA CARTY, EXAMINING ATTORNEY