

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

In the matter of Application Serial No. 77/207,747
Published for Opposition in the OFFICIAL GAZETTE on January 22, 2008

FOODHANDLER, INC., A NEW YORK
CORPORATION

Opposition No.:

Opposer

v.

DANIELLE DUTREIX-MOOMAU

Applicant

NOTICE OF OPPOSITION

Foodhandler, Inc., ("Opposer"), a New York corporation, having its principal place of business at 2301 Robb Drive, Reno, Nevada 89523, believes it would be damaged by the registration of the mark MY SAFE FOODHANDLER & Design as shown in Application Serial No. 77/207,747 filed by Danielle Dutreix-Moomau ("Applicant") and hereby opposes same.

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As grounds for this opposition it is alleged:

1. On or before June 15, 2007, Applicant filed an application with the United States Patent & Trademark Office to register the mark MY SAFE FOODHANDLER & Design for



01-31-2008

“training services in the field of food safety” in International Class 41.

2. Opposer is the owner of United States Registration No. 2141694 for the mark FOODHANDLER which was registered on March 10, 1998.

3. Applicant alleges a first use date of May 1, 2007 in its federal trademark application Serial No. 77/207,747 for the mark MY SAFE FOODHANDLER & Design.

4. Opposer’s FOODHANDLER mark, United States Registration No. 2141694 registered prior to any use by Applicant of the MY SAFE FOODHANDLER & Design as in connection with “training services in the field of food safety”.

5. The goods on which Opposer uses its FOODHANDLER trademark, and the services for which Applicant uses the MY SAFE FOODHANDLER & Design mark are closely related, and are sold and/or offered through the same channels of trade and to the same class of purchasers.

6. Furthermore, Opposer’s mark FOODHANDLER and Applicant’s mark MY SAFE FOODHANDLER & Design are highly similar.

7. Use by Applicant of the mark MY SAFE FOODHANDLER & Design will be likely to cause confusion, mistake, or deception with Opposer’s aforesaid FOODHANDLER

trademark and result in the belief that Applicant or its services are in some way legitimately connected with, sponsored by, or approved by Opposer.

8. Any use Applicant has made or may make of the mark MY SAFE FOODHANDLER & Design in connection with the "training services in the field of food safety" in International Class 41 is and will be without Opposer's consent or permission.

WHEREFORE, registration by Applicant of the aforesaid trademark for the aforesaid services will be damaging to the Opposer, and Opposer therefore requests that the Opposition be sustained.

Opposer submits herewith the requisite \$300.00 filing fee. Please charge any additional fees or credit overpayment to Deposit Account No. 13-3735.

Please address all correspondence to Lucy B. Arant, Esq., Mitchell, Silberberg & Knupp, LLP, 11377 West Olympic Boulevard, Suite 603, Los Angeles, California 90064.

This request is being submitted in triplicate as required by 37.C.F.R. § 2.102(d).

Respectfully submitted,

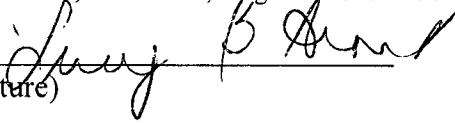


Lucy B. Arant, Esq.
Mitchell, Silberberg & Knupp, LLP
11377 W. Olympic Boulevard
Los Angeles, CA 90064
310-312-3253
Attorneys for Opposer

Date of Deposit: January 29, 2008

I hereby certify that this paper or fee is being deposited with the United States Postal Service on the date indicated above and is addressed to: Assistant Commissioner for Trademarks, Box TTAB – FEE, P.O. Box 1451, Alexandria, Virginia 22313-1451.

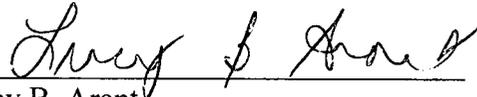
(Signature)

A handwritten signature in cursive script, appearing to read "David B. Hunt", is written over a horizontal line.

January 29, 2008

CERTIFICATE OF SERVICE

It is hereby certified that a copy of this NOTICE OF OPPOSITION was served by first class mail, to Danielle Dutreix-Moomau, My Safe Foodhandler, 1537 Aliceanna Street, Baltimore, MD 21231, this 29th day of January, 2008.



Lucy B. Arant
Attorney for Opposer
Mitchell Silberberg & Knupp LLP
11377 W. Olympic Boulevard, Suite 603
Los Angeles, California 90064

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the county of Los Angeles, State of California. I am over the age of 18
4 and not a party to the within action. My business address is Mitchell Silberberg & Knupp LLP,
11377 West Olympic Boulevard, Los Angeles, California 90064-1683.

5 On January 29, 2008, I served a copy of the foregoing document(s) described as **NOTICE**
6 **OF OPPOSITION** on the interested parties in this action at their last known address as set forth
below by taking the action described below:

7
8 Danielle Dutreix-Moomau
9 My Safe Foodhandler
1537 Aliceanna Street
Baltimore, MD 21231

10 **BY MAIL:** I placed the above-mentioned document(s) in sealed envelope(s) addressed as set
11 forth above, and deposited each envelope in the mail at Los Angeles, California. Each
envelope was mailed with postage thereon fully prepaid.

12 **BY OVERNIGHT MAIL:** I placed the above-mentioned document(s) in sealed envelope(s)
13 designated by the carrier, with delivery fees provided for, and addressed as set forth above, and
deposited the above-described document(s) with _____ in the ordinary course of business, by
14 depositing the document(s) in a facility regularly maintained by the carrier or delivering the
document(s) to an authorized driver for the carrier.

15 **BY PERSONAL DELIVERY:** I placed the above-mentioned document(s) in sealed
16 envelope(s), and caused personal delivery by _____ of the document(s) listed above to
the person(s) at the address(es) set forth above.

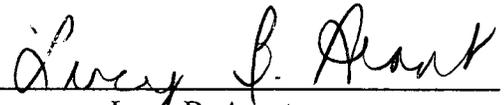
17 **BY PLACING FOR COLLECTION AND MAILING:** I placed the above-mentioned
18 document(s) in sealed envelope(s) addressed as set forth above, and placed the envelope(s) for
collection and mailing following ordinary business practices. I am readily familiar with the
19 firm's practice for collection and processing of correspondence for mailing with the United
States Postal Service. Under that practice it would be deposited with the U.S. Postal Service
20 on that same day with postage thereon fully prepaid at 11377 West Olympic Boulevard, Los
Angeles, California 90064-1683 in the ordinary course of business.

21 **BY ELECTRONIC MAIL:** I served the above-mentioned document electronically at ___:
22 ___m. on the parties listed at the email addresses above and, to the best of my knowledge, the
transmission was complete and without error in that I did not receive an electronic notification
23 to the contrary.

24 **BY FAX:** On _____, at _____ am/pm, from facsimile number (310) _____,
25 before placing the above-described document(s) in sealed envelope(s) addressed as set forth
above, I sent a copy of the above-described document(s) to each of the individuals set forth
26 above at the facsimile numbers listed above. The transmission was reported as complete and
without error. The transmission report was properly issued by the transmitting facsimile
27 machine, and a copy of that report is attached hereto.

1 I declare under penalty of perjury under the laws of the State of California that the above is
2 true and correct.

3 Executed on January 29, 2008, at Los Angeles, California.

4 
5 _____
6 Lucy B. Arant

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