

ESTTA Tracking number: **ESTTA534946**

Filing date: **04/29/2013**

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

Proceeding	91194974
Party	Defendant GFA Brands, Inc.
Correspondence Address	JOHANNA M WILBERT QUARLES & BRADY LLP 411 EAST WISCONSIN AVENUE, SUITE 2040 MILWAUKEE, WI 53202-4497 UNITED STATES johanna.wilbert@quarles.com, marta.levine@quarles.com, david.cross@quarles.com, deena.rafinski@quarles.com
Submission	Defendant's Notice of Reliance
Filer's Name	Johanna M. Wilbert
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Signature	/Johanna M. Wilbert/
Date	04/29/2013
Attachments	GFA Brands, Inc.'s Notice of Reliance.pdf (15 pages)(32849 bytes) Ex 1 - Reg No 2200663 tsdr.uspto (SMART BALANCE for butter substitutes, etc.).pdf (11 pages)(76850 bytes) Ex 2 - Reg No 2276285 tsdr.uspto (SMART BALANCE for mayo, etc.).pdf (19 pages)(134390 bytes) Ex 3 - Reg No 2952127 tsdr.uspto (SMART BALANCE for popped and processed popcorn).pdf (12 pages)(81035 bytes) Ex 4 - Reg No 3649833 tsdr.uspto (SMART BALANCE for peanut butter).pdf (7 pages)(68391 bytes) Ex 5 - Reg No 3747526 tsdr.uspto (SMART BALANCE for eggs).pdf (7 pages)(70262 bytes) Ex 6 - Reg No 3865917 tsdr.uspto (SMART BALANCE for milk).pdf (5 pages)(60306 bytes) Ex 7 - Reg No 3958463 tsdr.uspto (SMART BALANCE for olive oil).pdf (5 pages)(60136 bytes) Ex 8 - 3d party HEART SMART (Bisquick) TSDR Serial No 78583328.pdf (4 pages)(54043 bytes) Ex 9 - 3d party HEART SMART (Prego) Serial No 77954085.pdf (3 pages)(67327 bytes) Ex 10 - 3d party PLUM SMART Serial No 78349514.pdf (3 pages)(56268 bytes)

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

PROMARK BRANDS INC., & H.J.
HEINZ COMPANY,

**Opposition Nos. 91194974 (Parent)
and Opposition No. 91196358**

Opposers,

U.S. Trademark Application 77/864,305
For the Mark **SMART BALANCE**

v.

GFA BRANDS, INC.,

U.S. Trademark Application 77/864,268
For the Mark **SMART BALANCE**

Applicant.

APPLICANT'S NOTICE OF RELIANCE

Pursuant to 37 C.F.R. § 2.122(d) and Rules 704.02, 704.03(b)(1)(A)-(B) and 704.08(b) of the Trademark Trial and Appeal Board Manual of Procedure, Applicant, GFA Brands, Inc. hereby gives notice of their reliance on the following documents:

1. Trademark Status and Document Retrieval ("TSDR") document for Applicant's SMART BALANCE mark, Registration No. 2200663, showing a status as renewed as of May 9, 2009 (printed April 2, 2013) and indicating Applicant as the Current Owner, attached as Exhibit 1 attached hereto. Relevant to the lack of a likelihood of consumer confusion.

2. TSDR document for Applicant's SMART BALANCE mark, Registration No. 2276285, showing a status as renewed as of September 16, 2009 (printed April 2, 2013) and indicating Applicant as the Current Owner, attached as Exhibit 2 attached hereto. Relevant to the lack of a likelihood of consumer confusion.

3. TSDR document for Applicant's SMART BALANCE mark, Registration No. 2952127, showing a status as "Sections 8 and 15 combined declaration has been accepted and acknowledged" as of July 13, 2010 (printed April 2, 2013) and indicating Applicant as the

Current Owner, attached as Exhibit 3 attached hereto. Relevant to the lack of a likelihood of consumer confusion.

4. TSDR document for Applicant's SMART BALANCE mark, Registration No. 3649833, showing a status as registered as of July 7, 2009 (printed April 2, 2013) and indicating Applicant as the Current Owner, attached as Exhibit 4 attached hereto. Relevant to the lack of a likelihood of consumer confusion.

5. TSDR document for Applicant's SMART BALANCE mark, Registration No. 3747526, showing a status as registered as of February 9, 2010 (printed April 2, 2013) and indicating Applicant as the Current Owner, attached as Exhibit 5 attached hereto. Relevant to the lack of a likelihood of consumer confusion.

6. TSDR document for Applicant's SMART BALANCE mark, Registration No. 3865917, showing a status as registered as of October 19, 2010 (printed April 2, 2013) and indicating Applicant as the Current Owner, attached as Exhibit 6 attached hereto. Relevant to the lack of a likelihood of consumer confusion.

7. TSDR document for Applicant's SMART BALANCE mark, Registration No. 3958463, showing a status as registered as of May 10, 2011 (printed April 2, 2013) and indicating Applicant as the Current Owner, attached as Exhibit 7 attached hereto. Relevant to the lack of a likelihood of consumer confusion.

8. TSDR document for BISQUICK HEART SMART, a third-party registration, Registration No. 3140426, attached as Exhibit 8 attached hereto. Relevant to the lack of a likelihood of consumer confusion.

9. TSDR document for HEART SMART, a third-party registration, Registration No. 3945900, attached as Exhibit 9 attached hereto. Relevant to the lack of a likelihood of consumer confusion.

10. TSDR document for PLUMSMART, a third-party registration, Registration No. 2916503, attached as Exhibit 10 attached hereto. Relevant to the lack of a likelihood of consumer confusion.

11. TSDR document for SIMPLY SMART, a third-party registration, Registration No. 2338871, attached as Exhibit 11 attached hereto. Relevant to the lack of a likelihood of consumer confusion.

12. TSDR document for SMART DELI, a third-party registration, Registration No. 2773155, attached as Exhibit 12 attached hereto. Relevant to the lack of a likelihood of consumer confusion.

13. TSDR document for SMART DOGS, a third-party registration, Registration No. 2686279, attached as Exhibit 13 attached hereto. Relevant to the lack of a likelihood of consumer confusion.

14. TSDR document for SMART POP, a third-party registration, Registration No. 1874796, attached as Exhibit 14 attached hereto. Relevant to the lack of a likelihood of consumer confusion.

15. TSDR document for SMART SAUSAGES, a third-party registration, Registration No. 3522138, attached as Exhibit 15 attached hereto. Relevant to the lack of a likelihood of consumer confusion.

16. TSDR document for SMART START, a third-party registration, Registration No. 1555954, attached as Exhibit 16 attached hereto. Relevant to the lack of a likelihood of consumer confusion.

17. TSDR document for GLACÉAU SMARTWATER, a third-party registration, Registration No. 3420245, attached as Exhibit 17 attached hereto. Relevant to the lack of a likelihood of consumer confusion.

18. TSDR document for SMARTFOOD, a third-party registration, Registration No. 1367966, attached as Exhibit 18 attached hereto. Relevant to the lack of a likelihood of consumer confusion.

19. TSDR document for SMARTNOURISH, a third-party registration, Registration No. 4183609, attached as Exhibit 19 attached hereto. Relevant to the lack of a likelihood of consumer confusion.

20. TSDR document for SMART TASTE, a third-party registration, Registration No. 3592893, attached as Exhibit 20 attached hereto. Relevant to the lack of a likelihood of consumer confusion.

21. TSDR document for SNACK SMART, a third-party registration, Registration No. 2107921, attached as Exhibit 21 attached hereto. Relevant to the lack of a likelihood of consumer confusion.

22. General Mills' and Betty Crocker's websites, attached as Exhibit 22, evidence of third-party use of SMART for baking mixes that is relevant to the lack of a likelihood of consumer confusion.

23. Prego's website, attached as Exhibit 23, evidence of third-party use of SMART for sauces that is relevant to the lack of a likelihood of consumer confusion.

24. Plum Smart's website, attached as Exhibit 24, evidence of third-party use of SMART for fruit juice that is relevant to the lack of a likelihood of consumer confusion.
25. HP Hood LLC's website, attached as Exhibit 25, evidence of third-party use of SMART for dairy products, namely ultra-filtered low-fat and fat free milk, that is relevant to the lack of a likelihood of consumer confusion.
26. Lightlife Foods' website, attached as Exhibit 26, evidence of third-party use of SMART for soy based meat substitutes that is relevant to the lack of a likelihood of consumer confusion.
27. Lightlife Foods' website, attached as Exhibit 27, evidence of third-party use of SMART for soy based hot dog substitute that is relevant to the lack of a likelihood of consumer confusion.
28. Orville Redenbacher's website, attached as Exhibit 28, evidence of third-party use of SMART for unpopped popcorn that is relevant to the lack of a likelihood of consumer confusion.
29. Lightlife Foods' website, attached as Exhibit 29, evidence of third-party use of SMART for soy based food products used as sausage substitutes that is relevant to the lack of a likelihood of consumer confusion.
30. Kellogg Co.'s website, attached as Exhibit 30, evidence of third-party use of SMART for cereal-derived food product to be used as a breakfast food that is relevant to the lack of a likelihood of consumer confusion.
31. Glaceau's website, attached as Exhibit 31, evidence of third-party use of SMART for bottled drinking water that is relevant to the lack of a likelihood of consumer confusion.

32. Smartfood, Inc.'s website, attached as Exhibit 32, evidence of third-party use of SMART for popped popcorn that is relevant to the lack of a likelihood of consumer confusion.

33. Gerber's website, attached as Exhibit 33, evidence of third-party use of SMART for food and food substances for babies that is relevant to the lack of a likelihood of consumer confusion.

34. New World Pasta Company's website, attached as Exhibit 34, evidence of third-party use of SMART for pasta that is relevant to the lack of a likelihood of consumer confusion.

35. Little Debbie's website, attached as Exhibit 35, evidence of third-party use of SMART for cakes, snack cakes, cookies and other bakery goods that is relevant to the lack of a likelihood of consumer confusion.

36. Amazon.com, Inc.'s website, attached as Exhibit 36, evidence of third-party use of SMART for a cookbook entitled "The Heart-Smart Diabetes Kitchen: Fresh, Fast, and Flavorful Recipes Made with Canola Oil." This cookbook advertisement, including the picture of the book jacket, shows that the word "smart" is used to describe healthy food and is relevant to the perception of consumers regarding the term "smart" and the lack of a likelihood of confusion.

37. Amazon.com, Inc.'s website, attached as Exhibit 37 evidence of third-party use of SMART for a cookbook entitled "Live the Smart Way: Gluten Free Cookbook." This cookbook advertisement, including the description of the book's content and picture of the book jacket, shows that the word "smart" is used to describe healthy food and is relevant to the perception of consumers regarding the term "smart" and the lack of a likelihood of confusion.

38. Amazon.com, Inc.'s website, attached as Exhibit 38 evidence of third-party use of SMART for a weight loss/cookbook entitled "Lose Weight the Smart Low-Carb Way: 200 High-

Flavor Recipes and a 7-Step Plan to Stay Slim Forever (Prevention Health Cooking).” This weight loss/cookbook advertisement, including the description of the book’s content and picture of the book jacket, shows that the word “smart” is used to describe healthy food and is relevant to the perception of consumers regarding the term “smart” and the lack of a likelihood of confusion.

39. Amazon.com, Inc.’s website, attached as Exhibit 39 evidence of third-party use of SMART for a healthy eating book entitled “Smart 4 Your Heart Four Simple Ways To Easily Manage Your Cholesterol.” This healthy eating book advertisement, including the picture of the book jacket, shows that the word “smart” is used to describe healthy food and is relevant to the perception of consumers regarding the term “smart” and the lack of a likelihood of confusion.

40. Amazon.com, Inc.’s website, attached as Exhibit 40 evidence of third-party use of SMART for a healthy cooking book entitled “Smart Bites for Baby: 300 Easy-to-Make, Easy-to-Love Meals that Boost Your Baby and Toddler's Brain.” This healthy cooking book advertisement, including the picture of the book jacket, shows that the word “smart” is used to describe healthy food and is relevant to the perception of consumers regarding the term “smart” and the lack of a likelihood of confusion.

41. Amazon.com, Inc.’s website, attached as Exhibit 41 evidence of third-party use of SMART for a cookbook entitled “Smart Bread Machine Recipes: Healthy, Whole Grain & Delicious.” This cookbook advertisement, including the picture of the book jacket, shows that the word “smart” is used to describe healthy food and is relevant to the perception of consumers regarding the term “smart” and the lack of a likelihood of confusion.

42. Amazon.com, Inc.’s website, attached as Exhibit 42 evidence of third-party use of SMART for a healthy eating cookbook entitled “Smart Chicken: 101 Tasty and Healthy Poultry

Dishes, Plus Stuffings and Accompaniments.” This healthy eating cookbook advertisement, including the description of the book’s content and picture of the book jacket, shows that the word “smart” is used to describe healthy food and is relevant to the perception of consumers regarding the term “smart” and the lack of a likelihood of confusion.

43. Amazon.com, Inc.’s website, attached as Exhibit 43 evidence of third-party use of SMART for a cookbook entitled “Smart Cookies: 80 Recipes for Heavenly, Healthful Snacking.” This cookbook advertisement, including the picture of the book jacket, shows that the word “smart” is used to describe healthy food and is relevant to the perception of consumers regarding the term “smart” and the lack of a likelihood of confusion.

44. Amazon.com, Inc.’s website, attached as Exhibit 44 evidence of third-party use of SMART for a healthy eating book entitled “Smart Eating: Choosing Wisely, Living Lean.” This healthy eating book advertisement, including the description of the book’s content and picture of the book jacket, shows that the word “smart” is used to describe healthy food and is relevant to the perception of consumers regarding the term “smart” and the lack of a likelihood of confusion.

45. Amazon.com, Inc.’s website, attached as Exhibit 45 evidence of third-party use of SMART for a healthy eating book entitled “Smart Eating Made Simple.” This healthy eating book advertisement, including the description of the book’s content and picture of the book jacket, shows that the word “smart” is used to describe healthy food and is relevant to the perception of consumers regarding the term “smart” and the lack of a likelihood of confusion.

46. Amazon.com, Inc.’s website, attached as Exhibit 46 evidence of third-party use of SMART for a cookbook entitled “Smart Pressure Cooker Recipes.” This cookbook advertisement, including the picture of the book jacket, shows that the word “smart” is used to

describe healthy food and is relevant to the perception of consumers regarding the term “smart” and the lack of a likelihood of confusion.

47. Barnesandnoble.com LLC’s website, attached as Exhibit 47 evidence of third-party use of SMART for a cookbook entitled “Eat Smart: Low - Fat Vegetarian CookBook.” This cookbook advertisement, including the picture of the book jacket, shows that the word “smart” is used to describe healthy food and is relevant to the perception of consumers regarding the term “smart” and the lack of a likelihood of confusion.

48. Barnesandnoble.com LLC’s website, attached as Exhibit 48 evidence of third-party use of SMART for a healthy eating cookbook entitled “Eat Smart, Eat Raw: Creative Vegetarian Recipes for a Healthier Life.” This healthy eating cookbook advertisement, including the picture of the book jacket, shows that the word “smart” is used to describe healthy food and is relevant to the perception of consumers regarding the term “smart” and the lack of a likelihood of confusion.

49. Barnesandnoble.com LLC’s website, attached as Exhibit 49 evidence of third-party use of SMART for a healthy eating cookbook entitled “Graham Kerr’s Smart Cooking.” This healthy eating cookbook advertisement, including the picture of the book jacket, shows that the word “smart” is used to describe healthy food and is relevant to the perception of consumers regarding the term “smart” and the lack of a likelihood of confusion.

50. Barnesandnoble.com LLC’s website, attached as Exhibit 50 evidence of third-party use of SMART for a healthy eating cookbook entitled “Great Food, All Day Long: Cook Splendidly, Eat Smart.” This healthy eating cookbook advertisement, including the picture of the book jacket, shows that the word “smart” is used to describe healthy food and is relevant to the perception of consumers regarding the term “smart” and the lack of a likelihood of confusion.

51. Barnesandnoble.com LLC's website, attached as Exhibit 51 evidence of third-party use of SMART for a healthy eating cookbook entitled "Heart Smart Cookbook." This healthy eating cookbook advertisement, including the picture of the book jacket, shows that the word "smart" is used to describe healthy food and is relevant to the perception of consumers regarding the term "smart" and the lack of a likelihood of confusion.

52. Barnesandnoble.com LLC's website, attached as Exhibit 52 evidence of third-party use of SMART for a healthy eating cookbook entitled "The Heart Smart Healthy Exchanges Cookbook." This healthy eating cookbook advertisement, including the description of the book's content and picture of the book jacket, shows that the word "smart" is used to describe healthy food and is relevant to the perception of consumers regarding the term "smart" and the lack of a likelihood of confusion.

53. Barnesandnoble.com LLC's website, attached as Exhibit 53 evidence of third-party use of SMART for a healthy cooking book entitled "One Smart Cookie: All Your Favorite Cookies, Squares, Brownies and Biscotti...With Less Fat." This healthy cooking book advertisement, including the description of the book's content and picture of the book jacket, shows that the word "smart" is used to describe healthy food and is relevant to the perception of consumers regarding the term "smart" and the lack of a likelihood of confusion.

54. Barnesandnoble.com LLC's website, attached as Exhibit 54 evidence of third-party use of SMART for a healthy cooking book entitled "Smart Baking Cookbook: Muffins, Cookies, Biscuits and Breads." This healthy cooking book advertisement, including the picture of the book jacket, shows that the word "smart" is used to describe healthy food and is relevant to the perception of consumers regarding the term "smart" and the lack of a likelihood of confusion.

55. Barnesandnoble.com LLC's website, attached as Exhibit 55 evidence of third-party use of SMART for a healthy eating cookbook entitled "Smart Diet." This healthy eating cookbook advertisement, including the picture of the book jacket, shows that the word "smart" is used to describe healthy food and is relevant to the perception of consumers regarding the term "smart" and the lack of a likelihood of confusion.

56. Barnesandnoble.com LLC's website, attached as Exhibit 56 evidence of third-party use of SMART for a healthy eating cookbook entitled "Smart School Time Recipes: The Breakfast, Snack, and Lunchbox Cookbook for Healthy Kids and Adults." This healthy eating cookbook advertisement, including the description of the book's content and picture of the book jacket, shows that the word "smart" is used to describe healthy food and is relevant to the perception of consumers regarding the term "smart" and the lack of a likelihood of confusion.

57. Barnesandnoble.com LLC's website, attached as Exhibit 57 evidence of third-party use of SMART for a healthy eating cookbook entitled "The Smart Carb Diet Recipes." This healthy eating cookbook advertisement, including the description of the book's content and picture of the book jacket, shows that the word "smart" is used to describe healthy food and is relevant to the perception of consumers regarding the term "smart" and the lack of a likelihood of confusion.

58. BISQUICK HEART SMART product packaging, evidence of third-party use of SMART for baking mixes that is relevant to the lack of a likelihood of consumer confusion and attached as Exhibit 58 hereto. A photograph of Exhibit 58 is filed electronically with this Notice of Reliance, and the physical packaging constituting Exhibit 58 has been filed with the TTAB via Express Mail.

59. HEART SMART product packaging, evidence of third-party use of SMART for sauces that is relevant to the lack of a likelihood of consumer confusion and attached as Exhibit 59 hereto. A photograph of Exhibit 59 is filed electronically with this Notice of Reliance, and the physical packaging constituting Exhibit 59 has been filed with the TTAB via Express Mail.

60. PLUMSMART product packaging, evidence of third-party use of SMART for fruit juice that is relevant to the lack of a likelihood of consumer confusion and attached as Exhibit 60 hereto. A photograph of Exhibit 60 is filed electronically with this Notice of Reliance, and the physical packaging constituting Exhibit 60 has been filed with the TTAB via Express Mail.

61. SIMPLY SMART product packaging, evidence of third-party use of SMART for dairy products, namely ultra-filtered low-fat and fat free milk and attached as Exhibit 61 hereto. A photograph of Exhibit 61 is filed electronically with this Notice of Reliance, and the physical packaging constituting Exhibit 61 has been filed with the TTAB via Express Mail.

62. SMART DELI product packaging, evidence of third-party use of SMART for soy based meat substitutes that is relevant to the lack of a likelihood of consumer confusion and attached as Exhibit 62 hereto. A photograph of Exhibit 62 is filed electronically with this Notice of Reliance, and the physical packaging constituting Exhibit 62 has been filed with the TTAB via Express Mail.

63. SMART POP product packaging, evidence of third-party use of SMART for unpopped popcorn that is relevant to the lack of a likelihood of consumer confusion and attached as Exhibit 63 hereto. A photograph of Exhibit 63 is filed electronically with this Notice of Reliance, and the physical packaging constituting Exhibit 63 has been filed with the TTAB via Express Mail.

64. SMART START product packaging, evidence of third-party use of SMART for cereal-derived food product to be used as a breakfast food that is relevant to the lack of a likelihood of consumer confusion and attached as Exhibit 64 hereto. A photograph of Exhibit 64 is filed electronically with this Notice of Reliance, and the physical packaging constituting Exhibit 64 has been filed with the TTAB via Express Mail.

65. GLACÉAU SMARTWATER product packaging, evidence of third-party use of SMART for bottled drinking water that is relevant to the lack of a likelihood of consumer confusion and attached as Exhibit 65 hereto. A photograph of Exhibit 65 is filed electronically with this Notice of Reliance, and the physical packaging constituting Exhibit 65 has been filed with the TTAB via Express Mail.

66. SMARTFOOD product packaging, evidence of third-party use of SMART for popped popcorn that is relevant to the lack of a likelihood of consumer confusion and attached as Exhibit 66 hereto. A photograph of Exhibit 66 is filed electronically with this Notice of Reliance, and the physical packaging constituting Exhibit 66 has been filed with the TTAB via Express Mail.

67. SMARTNOURISH, product packaging, evidence of third-party use of SMART for food and food substances for babies that is relevant to the lack of a likelihood of consumer confusion and attached as Exhibit 67 hereto. A photograph of Exhibit 67 is filed electronically with this Notice of Reliance, and the physical packaging constituting Exhibit 67 has been filed with the TTAB via Express Mail.

68. SMART TASTE product packaging, evidence of third-party use of SMART for pasta that is relevant to the lack of a likelihood of consumer confusion and attached as Exhibit 68

hereto. A photograph of Exhibit 68 is filed electronically with this Notice of Reliance, and the physical packaging constituting Exhibit 68 has been filed with the TTAB via Express Mail.

69. SNACK SMART product packaging, evidence of third-party use of SMART for fig bars that is relevant to the lack of a likelihood of consumer confusion attached as Exhibit 69 hereto. A photograph of Exhibit 69 is filed electronically with this Notice of Reliance, and the physical packaging constituting Exhibit 69 has been filed with the TTAB via Express Mail.

70. Deposition of Marion Findlay, attached hereto as Exhibit 70, conducted on January 17, 2012 and exhibits nos. 1 through 11 thereto.

Dated this 29th day of April, 2013.

/s/ Johanna M. Wilbert
David R. Cross
Marta S. Levine
Johanna M. Wilbert
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*Attorneys for Applicant,
GFA Brands, Inc.*

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Notice of Reliance was sent by First Class U.S. Mail, postage prepaid, with a courtesy copy via e-mail, on this 29th day of April, 2013, to Counsel for the Opposers listed below. A copy of the exhibits to the Notice of Reliance was sent via First Class U.S. Mail on a CD only:

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/s/ Johanna M. Wilbert _____
Attorney for Applicant

EXHIBIT 1
to GFA Brands, Inc's Notice of Reliance
Opposition Nos. 91194974 (parent) and 91196358

Attorney/Correspondence Information

Attorney of Record

Attorney Name: John L. Ambrogi **Docket Number:** 1428-67418
Attorney Primary Email Address: jladocket@welshkatz.com **Attorney Email Authorized:** No

Correspondent

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Correspondent e-mail: jladocket@welshkatz.com **Correspondent e-mail Authorized:** No

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 15, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 15, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Nov. 18, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Nov. 11, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 09, 2009	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69471
May 09, 2009	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 27, 2009	ASSIGNED TO PARALEGAL	69471
Apr. 24, 2009	TEAS SECTION 8 & 9 RECEIVED	
Nov. 07, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Aug. 02, 2007	CASE FILE IN TICRS	
Jun. 06, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 06, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 06, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 23, 2007	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jan. 07, 2004	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Oct. 29, 2003	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Oct. 29, 2003	TEAS SECTION 8 & 15 RECEIVED	
Oct. 27, 1998	REGISTERED-PRINCIPAL REGISTER	
Aug. 27, 1998	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jul. 29, 1998	STATEMENT OF USE PROCESSING COMPLETE	
Jun. 26, 1998	EXTENSION 1 GRANTED	
May 07, 1998	USE AMENDMENT FILED	
May 07, 1998	EXTENSION 1 FILED	
Jun. 27, 1998	DIVISIONAL PROCESSING COMPLETE	
Dec. 09, 1997	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 16, 1997	PUBLISHED FOR OPPOSITION	
Aug. 15, 1997	NOTICE OF PUBLICATION	
Jul. 16, 1997	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 18, 1997	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jan. 21, 1997	NON-FINAL ACTION MAILED	
Jan. 15, 1997	ASSIGNED TO EXAMINER	73343
Jan. 13, 1997	ASSIGNED TO EXAMINER	70722

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Oct. 27, 2008

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: May 09, 2009

Assignment Abstract Of Title Information

Summary

Total Assignments: 11

Registrant: GFA Brands, Inc.

Assignment 1 of 11

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [2825/0874](#)

Pages: 6

Date Recorded: Apr. 02, 2004

Supporting Documents: [assignment-tm-2825-0874.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Mar. 31, 2004

Legal Entity Type: CORPORATION

State or Country Where Organized: OHIO

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 600 MONTGOMERY STREET
C/O TSG4 L.P., SUITE 2900
SAN FRANCISCO, CALIFORNIA 94111

Correspondent

Correspondent Name: ROPES & GRAY LLP

Correspondent Address: ERIN A.DUGAN, IP PARALEGAL
ONE INTERNATIONAL PLACE
BOSTON, MA 02110

Domestic Representative - Not Found

Assignment 2 of 11

Conveyance: SECURITY AGREEMENT

Reel/Frame: [2952/0167](#)

Pages: 35

Date Recorded: Apr. 08, 2004

Supporting Documents: [assignment-tm-2952-0167.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Mar. 31, 2004

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [UNION BANK OF CALIFORNIA, N.A., AS ADMINISTRATIVE AGENT FOR THE LENDERS](#)

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

Address: 445 SOUTH FIGUEROA STREET, 13TH STREET
ATTN: GARY KIRSHNER
LOS ANGELES, CALIFORNIA 90071

Correspondent

Correspondent Name: PILLSBURY WINTHROP LLP

Correspondent Address: REX D. FRAZIER, ESQ.
725 SOUTH FIGUEROA STREET, SUITE 2800
LOS ANGELES, CALIFORNIA 90017-5406

Domestic Representative - Not Found

Assignment 3 of 11

Conveyance: CHANGE OF ADDRESS

Reel/Frame: [2926/0149](#)

Pages: 3

Date Recorded: Aug. 10, 2004

Supporting Documents: [assignment-tm-2926-0149.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#) Execution Date: Aug. 10, 2004
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Assignee

Name: [GFA BRANDS, INC.](#) State or Country Where Organized: DELAWARE
Legal Entity Type: CORPORATION
Address: 211 KNICKERBOCKER ROAD
CRESSKILL, NEW JERSEY 07626

Correspondent

Correspondent Name: ROPES & GRAY LLP
Correspondent Address: JACOB E. COMER, ESQ.
ONE INTERNATIONAL PLACE
BOSTON, MA 02110

Domestic Representative - Not Found

Assignment 4 of 11

Conveyance: RELEASE BY SECURED PARTY
Reel/Frame: [3544/0352](#) Pages: 5
Date Recorded: May 15, 2007
Supporting Documents: [assignment-tm-3544-0352.pdf](#)

Assignor

Name: [UNION BANK OF CALIFORNIA N.A.](#) Execution Date: May 14, 2007
Legal Entity Type: NATIONAL BANKING ASSOCIATION State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [GFA BRANDS, INC.](#) State or Country Where Organized: DELAWARE
Legal Entity Type: CORPORATION
Address: P.O. BOX 397 211 KNICKERBOCKER ROAD
CRESSKILL, NEW JERSEY 07626

Correspondent

Correspondent Name: PATRICK M. BERGIN
Correspondent Address: 111 EAST KILBOURN AVENUE
SUITE 1400
MILWAUKEE, WI 53202

Domestic Representative - Not Found

Assignment 5 of 11

Conveyance: FIRST LIEN INTELLECTUAL PROPERTY SECURITY AGREEMENT
Reel/Frame: [3652/0879](#) Pages: 12
Date Recorded: Nov. 01, 2007
Supporting Documents: [assignment-tm-3652-0879.pdf](#)

Assignor

Name: [BSB ACQUISITION CO., INC.](#) Execution Date: May 21, 2007
Legal Entity Type: CORPORATION State or Country Where Organized: No Place Where Organized Found

Assignor

Name: [BOULDER SPECIALTY BRANDS, INC.](#) Execution Date: May 21, 2007
Legal Entity Type: CORPORATION State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [BANK OF AMERICA, N.A.](#) State or Country Where Organized: No Place Where Organized Found
Legal Entity Type: NATIONAL ASSOCIATION
Address: 1455 MARKET ST.
5TH FLOOR
SAN FRANCISCO, CALIFORNIA 94103

Correspondent

Correspondent Name: SUSAN REISS

Correspondent Address: 599 LEXINGTON AVENUE
SHEARMAN & STERLING LLP
NEW YORK, NY 10022

Domestic Representative - Not Found

Assignment 6 of 11

Conveyance: SECOND LIEN INTELLECTUAL PROPERTY SECURITY AGREEMENT

Reel/Frame: [3652/0891](#)

Pages: 12

Date Recorded: Nov. 01, 2007

Supporting Documents: [assignment-tm-3652-0891.pdf](#)

Assignor

Name: [BSB ACQUISITION CO., INC.](#)

Execution Date: May 21, 2007

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Name: [BOULDER SPECIALTY BRANDS, INC.](#)

Execution Date: May 21, 2007

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [BANK OF AMERICA, N.A.](#)

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

Address: 1455 MARKET ST.
5TH FLOOR
SAN FRANCISCO, CALIFORNIA 94103

Correspondent

Correspondent Name: SUSAN REISS

Correspondent Address: 599 LEXINGTON AVENUE
SHEARMAN & STERLING LLP
NEW YORK, NY 10022

Domestic Representative - Not Found

Assignment 7 of 11

Conveyance: RELEASE OF FIRST LIEN INTELLECTUAL PROPERTY SECURITY AGREEMENT

Reel/Frame: [4090/0972](#)

Pages: 11

Date Recorded: Nov. 04, 2009

Supporting Documents: [assignment-tm-4090-0972.pdf](#)

Assignor

Name: [BANK OF AMERICA, N.A.](#)

Execution Date: Nov. 04, 2009

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [BSB ACQUISITION CO., INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 115 W. CENTURY RD.
SUITE 260
PARAMUS, NEW JERSEY 07652

Name: [BOULDER SPECIALTY BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 115 WEST CENTURY RD.
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: PATRICK M. BERGIN

Correspondent Address: 111 E. KILBOURN AVE.
SUITE 1400
MILWAUKEE, WI 53202

Domestic Representative - Not Found

Assignment 8 of 11

Conveyance: RELEASE OF SECOND LIEN SECURITY INTEREST

Reel/Frame: [4090/0983](#)

Pages: 11

Date Recorded: Nov. 04, 2009

Supporting Documents: [assignment-tm-4090-0983.pdf](#)

Assignor

Name: [BANK OF AMERICA, N.A.](#) Execution Date: Nov. 04, 2009
Legal Entity Type: CORPORATION State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [BSB ACQUISITION CO., INC.](#) State or Country Where Organized: DELAWARE
Legal Entity Type: CORPORATION
Address: 115 W. CENTURY RD.
SUITE 260
PARAMUS, NEW JERSEY 07652

Name: [BOULDER SPECIALTY BRANDS, INC.](#) State or Country Where Organized: DELAWARE
Legal Entity Type: CORPORATION
Address: 115 W. CENTURY RD.
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: PATRICK M. BERGIN
Correspondent Address: 111 E. KILBOURN AVE.
SUITE 1400
MILWAUKEE, WI 53202

Domestic Representative - Not Found

Assignment 9 of 11

Conveyance: SECURITY INTEREST
Reel/Frame: [4091/0319](#) Pages: 10
Date Recorded: Nov. 05, 2009
Supporting Documents: [assignment-tm-4091-0319.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#) Execution Date: Nov. 04, 2009
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#) State or Country Where Organized: CANADA
Legal Entity Type: CHARTERED BANK
Address: 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: RICHARD KALWA
Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603

Domestic Representative - Not Found

Assignment 10 of 11

Conveyance: RELEASE BY SECURED PARTY
Reel/Frame: [4812/0734](#) Pages: 7
Date Recorded: Jul. 02, 2012
Supporting Documents: [assignment-tm-4812-0734.pdf](#)

Assignor

Name: [BANK OF MONTREAL](#) Execution Date: Jul. 02, 2012
Legal Entity Type: CANADIAN CHARTERED BANK State or Country Where Organized: CANADA

Assignee

Name: [GFA BRANDS, INC.](#) State or Country Where Organized: DELAWARE
Legal Entity Type: CORPORATION
Address: 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent**Correspondent Name:** JASON L. GREENBERG**Correspondent Address:** ONE NEW YORK PLAZA
FRIED FRANK LLP
NEW YORK, NY 10004-1980**Domestic Representative - Not Found****Assignment 11 of 11****Conveyance:** SECURITY INTEREST**Reel/Frame:** [4813/0493](#)**Pages:** 9**Date Recorded:** Jul. 02, 2012**Supporting Documents:** [assignment-tm-4813-0493.pdf](#)**Assignor****Name:** [GFA BRANDS, INC.](#)**Execution Date:** Jul. 02, 2012**Legal Entity Type:** CORPORATION**State or Country Where Organized:** DELAWARE**Assignee****Name:** [BANK OF MONTREAL, AS AGENT](#)**Legal Entity Type:** CHARTERED BANK**State or Country Where Organized:** CANADA**Address:** 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603**Correspondent****Correspondent Name:** RICHARD KALWA**Correspondent Address:** 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603**Domestic Representative - Not Found****Proceedings****Summary****Number of Proceedings:** 4**Type of Proceeding: Opposition****Proceeding Number:** [91193265](#)**Filing Date:** Dec 31, 2009**Status:** Terminated**Status Date:** Apr 16, 2010**Interlocutory Attorney:** MARY CATHERINE FAINT**Defendant****Name:** Isaren AB; c/o Brejans**Correspondent Address:** MARK LEBOW
YOUNG & THOMPSON
209 MADISON STREET, SUITE 500
ALEXANDRIA VA , 22314
UNITED STATES**Correspondent e-mail:** trademarks@young-thompson.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE GOLF	Abandoned - After Inter-Partes Decision	79065432	

Plaintiff(s)**Name:** GFA Brands, Inc.**Correspondent Address:** PATRICK M. BERGIN
DAVIS & KUELTHAU, S.C.
111 E. KILBOURN AVE., SUITE 1400
MILWAUKEE WI , 53202
UNITED STATES**Correspondent e-mail:** pbergin@dkattorneys.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75977525	2200663
SMART BALANCE	Renewed	75127811	2276285

Section 8 and 15 - Accepted and

SMART BALANCE	Acknowledged	76252358	2952127
SMART BALANCE	Registered	77512724	3649833
SMART BALANCE OMEGA	Section 8 and 15 - Accepted and Acknowledged	78272133	2958216
SMART BALANCE	Abandoned - No Statement Of Use Filed	77200582	
SMART BALANCE	Registered	77566103	3747526

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 31, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 05, 2010	Feb 14, 2010
3	PENDING, INSTITUTED	Jan 05, 2010	
4	NOTICE OF DEFAULT	Mar 02, 2010	
5	BOARD'S DECISION: SUSTAINED	Apr 16, 2010	
6	TERMINATED	Apr 16, 2010	

Type of Proceeding: Opposition

Proceeding Number: [91193087](#) Filing Date: Dec 21, 2009
 Status: Terminated Status Date: Dec 01, 2010
 Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Radlo Foods LLC
 Correspondent Address: BASSAM N IBRAHIM
 BUCHANAN INGERSOLL & ROONEY PC
 1737 KING STREET, SUITE 500
 ALEXANDRIA VA , 22314-1404
 UNITED STATES
 Correspondent e-mail: bassam.ibrahim@bipc.com , loyd.smith@bipc.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
SMART GOODNESS	Abandoned - After Inter-Partes Decision	77620901	

Plaintiff(s)

Name: GFA Brands, Inc.
 Correspondent Address: PATRICK M BERGIN
 DAVIS & KUELTHAU SC
 111 EAST KILBOURN AVENUE, SUITE 1400
 MILWAUKEE WI , 53202
 UNITED STATES
 Correspondent e-mail: jheino@dkattorneys.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Section 8 and 15 - Accepted and Acknowledged	76252358	2952127
SMART BALANCE	Renewed	75127811	2276285
SMART BALANCE	Renewed	75977525	2200663
SMART BALANCE	Registered	77512724	3649833
SMART BALANCE OMEGA	Section 8 and 15 - Accepted and Acknowledged	78272133	2958216
SMART BALANCE	Abandoned - No Statement Of Use Filed	77200582	
SMART BALANCE	Registered	77566103	3747526

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 21, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 21, 2009	Jan 30, 2010
3	PENDING, INSTITUTED	Dec 21, 2009	

4	ANSWER	Jan 25, 2010
5	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 30, 2010
6	EXTENSION OF TIME GRANTED	Apr 05, 2010
7	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 31, 2010
8	EXTENSION OF TIME GRANTED	Apr 12, 2010
9	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Apr 30, 2010
10	EXTENSION OF TIME GRANTED	May 10, 2010
11	CHANGE OF CORRESPONDENCE ADDRESS	May 13, 2010
12	D'S CHANGE OF CORRESPONDENCE ADDRESS	May 13, 2010
13	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jun 29, 2010
14	EXTENSION OF TIME GRANTED	Jul 08, 2010
15	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 30, 2010
16	EXTENSION OF TIME GRANTED	Sep 11, 2010
17	STIPULATION FOR AN EXTENSION OF TIME	Oct 26, 2010
18	EXTENSION OF TIME GRANTED	Oct 26, 2010
19	WITHDRAWAL OF APPLICATION	Nov 23, 2010
20	BOARD'S DECISION: SUSTAINED	Dec 01, 2010
21	TERMINATED	Dec 01, 2010

Type of Proceeding: Opposition

Proceeding Number: [91162269](#)

Filing Date: Sep 24, 2004

Status: Terminated

Status Date: Apr 24, 2005

Interlocutory Attorney: ANGELA LYKOS

Defendant

Name: Ripon Foods, Inc.

Correspondent Address: Mark A. Paskar
Bryan Cave LLP
211 North Broadway Suite 3600
St. Louis MO U SA , 63102-2750

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BAKE	Abandoned - After Inter-Partes Decision	78198463	

Plaintiff(s)

Name: GFA Brands, Inc.

Correspondent Address: John L. Ambrogi
Welsh & Katz, Ltd.
120 South Riverside Plaza 22nd Floor
Chicago IL , 60606
UNITED STATES

Correspondent e-mail: jladocket@welshkatz.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75977525	2200663

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 24, 2004	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 25, 2004	Nov 04, 2004
3	PENDING, INSTITUTED	Sep 25, 2004	
4	NOTICE OF DEFAULT	Mar 12, 2005	
5	BOARD'S DECISION: SUSTAINED	Apr 24, 2005	
6	TERMINATED	Apr 24, 2005	

Type of Proceeding: Extension of Time

Proceeding Number: [78198463](#)

Filing Date: Apr 12, 2004

Status: Terminated

Status Date: Oct 27, 2004

Interlocutory Attorney:

Defendant

Name: Ripon Foods, Inc.

Correspondent Address: Mark A. Paskar
Bryan Cave LLP
211 North Broadway Suite 3600
St. Louis MO , 63102-2750

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BAKE	Abandoned - After Inter-Partes Decision	78198463	

Potential Opposer(s)

Name: GFA Brands, Inc.

Correspondent Address: John L. Ambrogi
Welsh & Katz, Ltd.
120 South Riverside Plaza 22nd Floor
Chicago IL , 60606
UNITED STATES

Correspondent e-mail: jladocket@welshkatz.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75977525	2200663

Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Apr 12, 2004	
2	EXTENSION OF TIME GRANTED	Apr 12, 2004	
3	INCOMING - EXT TIME TO OPPOSE FILED	May 26, 2004	
4	EXTENSION OF TIME GRANTED	May 26, 2004	
5	INCOMING - EXT TIME TO OPPOSE FILED	Jul 23, 2004	
6	EXTENSION OF TIME GRANTED	Jul 23, 2004	

EXHIBIT 2
to GFA Brands, Inc's Notice of Reliance
Opposition Nos. 91194974 (parent) and 91196358

Generated on: This page was generated by TSDR on 2013-04-02 12:02:38 EDT

Mark: SMART BALANCE

SMART BALANCE

US Serial Number: 75127811
Application Filing Date: Jul. 01, 1996
US Registration Number: 2276285
Registration Date: Sep. 07, 1999
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Sep. 16, 2009
Publication Date: Sep. 16, 1997
Notice of Allowance Date: Dec. 09, 1997

Mark Information

Mark Literal Elements: SMART BALANCE
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Claimed Ownership of US [75977525](#)
Registrations:
Parent Of: [75977525](#)

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *.* identify additional (new) wording in the goods/services.

For: mayonnaise [, lowfat and nonfat mayonnaise substitutes, mayonnaise style dressings and salad dressings]

International Class: 030 - Primary Class

U.S Class: 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 1999

Use in Commerce: Feb. 1999

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: GFA BRANDS, INC.
Owner Address: 115 West Century Road, Suite 260
Paramus, NEW JERSEY 07652
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: JOHN L AMBROGI

Docket Number: 1428-67418

Correspondent

Correspondent: JOHN L AMBROGI
Name/Address: WELSH & KATZ LTD

120 S RIVERSIDE PLZ 22ND FL
CHICAGO, ILLINOIS 60606
UNITED STATES

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 15, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 15, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Nov. 18, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Nov. 11, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 16, 2009	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	66607
Sep. 16, 2009	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Sep. 11, 2009	ASSIGNED TO PARALEGAL	66607
Sep. 04, 2009	TEAS SECTION 8 & 9 RECEIVED	
Nov. 07, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 06, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 06, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 06, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 23, 2007	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Sep. 05, 2006	CASE FILE IN TICRS	
Dec. 16, 2004	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Nov. 01, 2004	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Nov. 01, 2004	TEAS SECTION 8 & 15 RECEIVED	
Sep. 07, 1999	REGISTERED-PRINCIPAL REGISTER	
Jul. 01, 1999	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jul. 01, 1999	ASSIGNED TO EXAMINER	73373
Jun. 25, 1999	STATEMENT OF USE PROCESSING COMPLETE	
Jun. 25, 1999	EXTENSION 3 GRANTED	
May 25, 1999	USE AMENDMENT FILED	
May 25, 1999	EXTENSION 3 FILED	
Dec. 28, 1998	EXTENSION 2 GRANTED	
Dec. 03, 1998	EXTENSION 2 FILED	
Jun. 26, 1998	EXTENSION 1 GRANTED	
May 07, 1998	EXTENSION 1 FILED	
Jun. 27, 1998	DIVISIONAL PROCESSING COMPLETE	
May 07, 1998	DIVISIONAL REQUEST RECEIVED	
Dec. 09, 1997	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 16, 1997	PUBLISHED FOR OPPOSITION	
Aug. 15, 1997	NOTICE OF PUBLICATION	
Jul. 16, 1997	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 18, 1997	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jan. 21, 1997	NON-FINAL ACTION MAILED	
Jan. 15, 1997	ASSIGNED TO EXAMINER	73343
Jan. 13, 1997	ASSIGNED TO EXAMINER	70722

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Sep. 07, 2009

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: Not Found

Date in Location: Sep. 16, 2009

Assignment Abstract Of Title Information

Summary

Total Assignments: 11

Registrant: GFA Brands, Inc.

Assignment 1 of 11

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [2825/0874](#)

Pages: 6

Date Recorded: Apr. 02, 2004

Supporting Documents: [assignment-tm-2825-0874.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Mar. 31, 2004

Legal Entity Type: CORPORATION

State or Country Where Organized: OHIO

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 600 MONTGOMERY STREET
C/O TSG4 L.P., SUITE 2900
SAN FRANCISCO, CALIFORNIA 94111

Correspondent

Correspondent Name: ROPES & GRAY LLP

Correspondent Address: ERIN A.DUGAN, IP PARALEGAL
ONE INTERNATIONAL PLACE
BOSTON, MA 02110

Domestic Representative - Not Found

Assignment 2 of 11

Conveyance: SECURITY AGREEMENT

Reel/Frame: [2952/0167](#)

Pages: 35

Date Recorded: Apr. 08, 2004

Supporting Documents: [assignment-tm-2952-0167.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Mar. 31, 2004

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [UNION BANK OF CALIFORNIA, N.A., AS ADMINISTRATIVE AGENT FOR THE LENDERS](#)

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

Address: 445 SOUTH FIGUEROA STREET, 13TH STREET
ATTN: GARY KIRSHNER
LOS ANGELES, CALIFORNIA 90071

Correspondent

Correspondent Name: PILLSBURY WINTHROP LLP

Correspondent Address: REX D. FRAZIER, ESQ.
725 SOUTH FIGUEROA STREET, SUITE 2800
LOS ANGELES, CALIFORNIA 90017-5406

Domestic Representative - Not Found

Assignment 3 of 11

Conveyance: CHANGE OF ADDRESS

Reel/Frame: [2926/0149](#)

Pages: 3

Date Recorded: Aug. 10, 2004

Supporting Documents: [assignment-tm-2926-0149.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#) Execution Date: Aug. 10, 2004
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Assignee

Name: [GFA BRANDS, INC.](#) State or Country Where Organized: DELAWARE
Legal Entity Type: CORPORATION
Address: 211 KNICKERBOCKER ROAD
CRESSKILL, NEW JERSEY 07626

Correspondent

Correspondent Name: ROPES & GRAY LLP
Correspondent Address: JACOB E. COMER, ESQ.
ONE INTERNATIONAL PLACE
BOSTON, MA 02110

Domestic Representative - Not Found**Assignment 4 of 11**

Conveyance: RELEASE BY SECURED PARTY
Reel/Frame: [3544/0352](#) Pages: 5
Date Recorded: May 15, 2007
Supporting Documents: [assignment-tm-3544-0352.pdf](#)

Assignor

Name: [UNION BANK OF CALIFORNIA N.A.](#) Execution Date: May 14, 2007
Legal Entity Type: NATIONAL BANKING ASSOCIATION State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [GFA BRANDS, INC.](#) State or Country Where Organized: DELAWARE
Legal Entity Type: CORPORATION
Address: P.O. BOX 397 211 KNICKERBOCKER ROAD
CRESSKILL, NEW JERSEY 07626

Correspondent

Correspondent Name: PATRICK M. BERGIN
Correspondent Address: 111 EAST KILBOURN AVENUE
SUITE 1400
MILWAUKEE, WI 53202

Domestic Representative - Not Found**Assignment 5 of 11**

Conveyance: FIRST LIEN INTELLECTUAL PROPERTY SECURITY AGREEMENT
Reel/Frame: [3652/0879](#) Pages: 12
Date Recorded: Nov. 01, 2007
Supporting Documents: [assignment-tm-3652-0879.pdf](#)

Assignor

Name: [BSB ACQUISITION CO., INC.](#) Execution Date: May 21, 2007
Legal Entity Type: CORPORATION State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [BOULDER SPECIALTY BRANDS, INC.](#) Execution Date: May 21, 2007
Legal Entity Type: CORPORATION State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [BANK OF AMERICA, N.A.](#) State or Country Where Organized: No Place Where Organized Found
Legal Entity Type: NATIONAL ASSOCIATION
Address: 1455 MARKET ST.
5TH FLOOR
SAN FRANCISCO, CALIFORNIA 94103

Correspondent

Correspondent Name: SUSAN REISS
Correspondent Address: 599 LEXINGTON AVENUE
SHEARMAN & STERLING LLP
NEW YORK, NY 10022

Domestic Representative - Not Found

Assignment 6 of 11

Conveyance: SECOND LIEN INTELLECTUAL PROPERTY SECURITY AGREEMENT

Reel/Frame: [3652/0891](#)

Pages: 12

Date Recorded: Nov. 01, 2007

Supporting Documents: [assignment-tm-3652-0891.pdf](#)

Assignor

Name: [BSB ACQUISITION CO., INC.](#)

Execution Date: May 21, 2007

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Name: [BOULDER SPECIALTY BRANDS, INC.](#)

Execution Date: May 21, 2007

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [BANK OF AMERICA, N.A.](#)

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

Address: 1455 MARKET ST.
5TH FLOOR
SAN FRANCISCO, CALIFORNIA 94103

Correspondent

Correspondent Name: SUSAN REISS

Correspondent Address: 599 LEXINGTON AVENUE
SHEARMAN & STERLING LLP
NEW YORK, NY 10022

Domestic Representative - Not Found

Assignment 7 of 11

Conveyance: RELEASE OF FIRST LIEN INTELLECTUAL PROPERTY SECURITY AGREEMENT

Reel/Frame: [4090/0972](#)

Pages: 11

Date Recorded: Nov. 04, 2009

Supporting Documents: [assignment-tm-4090-0972.pdf](#)

Assignor

Name: [BANK OF AMERICA, N.A.](#)

Execution Date: Nov. 04, 2009

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [BSB ACQUISITION CO., INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 115 W. CENTURY RD.
SUITE 260
PARAMUS, NEW JERSEY 07652

Name: [BOULDER SPECIALTY BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 115 WEST CENTURY RD.
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: PATRICK M. BERGIN

Correspondent Address: 111 E. KILBOURN AVE.
SUITE 1400
MILWAUKEE, WI 53202

Domestic Representative - Not Found

Assignment 8 of 11

Conveyance: RELEASE OF SECOND LIEN SECURITY INTEREST

Reel/Frame: [4090/0983](#)

Pages: 11

Date Recorded: Nov. 04, 2009

Supporting Documents: [assignment-tm-4090-0983.pdf](#)

Assignor

Name: [BANK OF AMERICA, N.A.](#)

Execution Date: Nov. 04, 2009

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [BSB ACQUISITION CO., INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 115 W. CENTURY RD.
SUITE 260
PARAMUS, NEW JERSEY 07652

Name: [BOULDER SPECIALTY BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 115 W. CENTURY RD.
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: PATRICK M. BERGIN

Correspondent Address: 111 E. KILBOURN AVE.
SUITE 1400
MILWAUKEE, WI 53202

Domestic Representative - Not Found

Assignment 9 of 11

Conveyance: SECURITY INTEREST

Reel/Frame: [4091/0319](#)

Pages: 10

Date Recorded: Nov. 05, 2009

Supporting Documents: [assignment-tm-4091-0319.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Nov. 04, 2009

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#)

Legal Entity Type: CHARTERED BANK

State or Country Where Organized: CANADA

Address: 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: RICHARD KALWA

Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603

Domestic Representative - Not Found

Assignment 10 of 11

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [4812/0734](#)

Pages: 7

Date Recorded: Jul. 02, 2012

Supporting Documents: [assignment-tm-4812-0734.pdf](#)

Assignor

Name: [BANK OF MONTREAL](#)

Execution Date: Jul. 02, 2012

Legal Entity Type: CANADIAN CHARTERED BANK

State or Country Where Organized: CANADA

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: JASON L. GREENBERG

Correspondent Address: ONE NEW YORK PLAZA
FRIED FRANK LLP

Domestic Representative - Not Found

Assignment 11 of 11

Conveyance: SECURITY INTEREST

Reel/Frame: [4813/0493](#)

Pages: 9

Date Recorded: Jul. 02, 2012

Supporting Documents: [assignment-tm-4813-0493.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Jul. 02, 2012

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#)

Legal Entity Type: CHARTERED BANK

State or Country Where Organized: CANADA

Address: 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: RICHARD KALWA

Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 17

Type of Proceeding: Opposition

Proceeding Number: [91193265](#)

Filing Date: Dec 31, 2009

Status: Terminated

Status Date: Apr 16, 2010

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Isaren AB; c/o Brejans

Correspondent Address: MARK LEBOW
YOUNG & THOMPSON
209 MADISON STREET, SUITE 500
ALEXANDRIA VA , 22314
UNITED STATESCorrespondent e-mail: trademarks@young-thompson.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE GOLF	Abandoned - After Inter-Partes Decision	79065432	

Plaintiff(s)

Name: GFA Brands, Inc.

Correspondent Address: PATRICK M. BERGIN
DAVIS & KUELTHAU, S.C.
111 E. KILBOURN AVE., SUITE 1400
MILWAUKEE WI , 53202
UNITED STATESCorrespondent e-mail: pbergin@dkattorneys.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75977525	2200663
SMART BALANCE	Renewed	75127811	2276285
SMART BALANCE	Section 8 and 15 - Accepted and Acknowledged	76252358	2952127
SMART BALANCE	Registered	77512724	3649833
SMART BALANCE OMEGA	Section 8 and 15 - Accepted and	78272133	2958216

SMART BALANCE Acknowledged
 Abandoned - No Statement Of Use Filed [77200582](#)
 SMART BALANCE Registered [77566103](#) [3747526](#)

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 31, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 05, 2010	Feb 14, 2010
3	PENDING, INSTITUTED	Jan 05, 2010	
4	NOTICE OF DEFAULT	Mar 02, 2010	
5	BOARD'S DECISION: SUSTAINED	Apr 16, 2010	
6	TERMINATED	Apr 16, 2010	

Type of Proceeding: Opposition

Proceeding Number: [91193087](#) **Filing Date:** Dec 21, 2009
Status: Terminated **Status Date:** Dec 01, 2010
Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Radlo Foods LLC
Correspondent Address: BASSAM N IBRAHIM
 BUCHANAN INGERSOLL & ROONEY PC
 1737 KING STREET, SUITE 500
 ALEXANDRIA VA , 22314-1404
 UNITED STATES
Correspondent e-mail: bassam.ibrahim@bipc.com , lloyd.smith@bipc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART GOODNESS	Abandoned - After Inter-Partes Decision	77620901	

Plaintiff(s)

Name: GFA Brands, Inc.
Correspondent Address: PATRICK M BERGIN
 DAVIS & KUELTHAU SC
 111 EAST KILBOURN AVENUE, SUITE 1400
 MILWAUKEE WI , 53202
 UNITED STATES
Correspondent e-mail: jheino@dkattorneys.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Section 8 and 15 - Accepted and Acknowledged	76252358	2952127
SMART BALANCE	Renewed	75127811	2276285
SMART BALANCE	Renewed	75977525	2200663
SMART BALANCE	Registered	77512724	3649833
SMART BALANCE OMEGA	Section 8 and 15 - Accepted and Acknowledged	78272133	2958216
SMART BALANCE	Abandoned - No Statement Of Use Filed	77200582	
SMART BALANCE	Registered	77566103	3747526

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 21, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 21, 2009	Jan 30, 2010
3	PENDING, INSTITUTED	Dec 21, 2009	
4	ANSWER	Jan 25, 2010	
5	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 30, 2010	
6	EXTENSION OF TIME GRANTED	Apr 05, 2010	

7	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 31, 2010
8	EXTENSION OF TIME GRANTED	Apr 12, 2010
9	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Apr 30, 2010
10	EXTENSION OF TIME GRANTED	May 10, 2010
11	CHANGE OF CORRESPONDENCE ADDRESS	May 13, 2010
12	D'S CHANGE OF CORRESPONDENCE ADDRESS	May 13, 2010
13	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jun 29, 2010
14	EXTENSION OF TIME GRANTED	Jul 08, 2010
15	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 30, 2010
16	EXTENSION OF TIME GRANTED	Sep 11, 2010
17	STIPULATION FOR AN EXTENSION OF TIME	Oct 26, 2010
18	EXTENSION OF TIME GRANTED	Oct 26, 2010
19	WITHDRAWAL OF APPLICATION	Nov 23, 2010
20	BOARD'S DECISION: SUSTAINED	Dec 01, 2010
21	TERMINATED	Dec 01, 2010

Type of Proceeding: Opposition

Proceeding Number: [91185689](#)

Filing Date: Aug 06, 2008

Status: Terminated

Status Date: Dec 02, 2008

Interlocutory Attorney: ANGELA LYKOS

Defendant

Name: Healthy Delight Foods LLC

Correspondent Address: MARK J. NAHNSEN
BARNES & THORNBURG LLP
PO BOX 2786
CHICAGO IL , 60690-2786
UNITED STATES

Correspondent e-mail: mnahnsen@btlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART@HEART	Abandoned - After Inter-Partes Decision	77311803	

Plaintiff(s)

Name: GFA Brands, Inc.

Correspondent Address: John L. Ambrogi
HUSCH BLACKWELL SANDERS WELSH & KATZ
120 South Riverside Plaza 22nd Floor, Suite 2200
Chicago IL , 60606
UNITED STATES

Correspondent e-mail: jladocket@welshkatz.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75127811	2276285

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 06, 2008	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 07, 2008	Sep 16, 2008
3	PENDING, INSTITUTED	Aug 07, 2008	
4	NOTICE OF DEFAULT	Oct 15, 2008	
5	BOARD'S DECISION: SUSTAINED	Dec 02, 2008	
6	TERMINATED	Dec 02, 2008	

Type of Proceeding: Opposition

Proceeding Number: [91185690](#)

Filing Date: Aug 06, 2008

Status: Terminated

Status Date: Dec 02, 2008

Interlocutory Attorney: ANGELA LYKOS

Defendant**Name:** Healthy Delight Foods LLC**Correspondent Address:** MARK J. NAHNSEN
BARNES & THORNBURG LLP
PO BOX 2786
CHICAGO IL , 60690-2786
UNITED STATES**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SMART@HEART	Abandoned - After Inter-Partes Decision	77311803	

Plaintiff(s)**Name:** GFA Brands, Inc.**Correspondent Address:** John L. Ambrogio
HUSCH BLACKWELL SANDERS WELSH & KATZ
120 South Riverside Plaza 22nd Floor, Suite 2200
Chicago IL , 60606
UNITED STATES**Correspondent e-mail:** jladocket@welshkatz.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75127811	2276285

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 06, 2008	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 07, 2008	Sep 16, 2008
3	PENDING, INSTITUTED	Aug 07, 2008	
4	NOTICE OF DEFAULT	Oct 15, 2008	
5	BOARD'S DECISION: SUSTAINED	Dec 02, 2008	
6	TERMINATED	Dec 02, 2008	

Type of Proceeding: Opposition**Proceeding Number:** [91164629](#)**Filing Date:** Mar 22, 2005**Status:** Terminated**Status Date:** Mar 23, 2005**Interlocutory Attorney:** CHERYL S GOODMAN**Defendant****Name:** Sargento Foods, Inc.**Correspondent Address:** DANIEL E. KATTMAN
C/O REINHART BOERER VAN DEUREN S.C.
1000 NORTH WATER STREET, SUITE 2100
MILWAUKEE WI , 53202**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SARGENTO BETTER BALANCE	Abandoned - After Inter-Partes Decision	76585730	

Plaintiff(s)**Name:** GFA BRANDS, INC.**Correspondent Address:** JOHN L AMBROGI
WELSH & KATZ, LTD.
120 SOUTH RIVERSIDE PLAZA, 22ND FLOOR
CHICAGO IL , 60606**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75127811	2276285

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 22, 2005	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 23, 2005	May 02, 2005

3	PENDING, INSTITUTED	Mar 23, 2005
4	NOTICE OF DEFAULT	Jul 05, 2005
5	BOARD'S DECISION: SUSTAINED	Sep 15, 2005
6	TERMINATED	Dec 22, 2005

Type of Proceeding: Extension of Time

Proceeding Number: [76585730](#) Filing Date: Feb 22, 2005
 Status: Terminated Status Date: Apr 26, 2005

Interlocutory Attorney:

Defendant

Name: Sargento Foods, Inc.
 Correspondent Address: DANIEL E. KATTMAN
 C/O REINHART BOERER VAN DEUREN S.C.
 1000 NORTH WATER STREET, SUITE 2100
 MILWAUKEE WI , 53202

Associated marks

Mark	Application Status	Serial Number	Registration Number
SARGENTO BETTER BALANCE	Abandoned - After Inter-Partes Decision	76585730	

Potential Opposer(s)

Name: GFA BRANDS, INC.
 Correspondent Address: JOHN L AMBROGI
 WELSH & KATZ, LTD.
 120 SOUTH RIVERSIDE PLAZA, 22ND FLOOR
 CHICAGO IL , 60606

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75127811	2276285

Name: GFA Brands, Inc
 Correspondent Address: John L. Ambrogi
 Welsh & Katz, Ltd.
 120 South Riverside Plaza, Suite 2200
 Chicago IL , 60606
 UNITED STATES

Correspondent e-mail: Jambrogi@welshkatz.com

Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Feb 22, 2005	
2	EXTENSION OF TIME GRANTED	Feb 22, 2005	

Type of Proceeding: Opposition

Proceeding Number: [91153369](#) Filing Date: Sep 05, 2002
 Status: Terminated Status Date: Nov 19, 2002

Interlocutory Attorney: ALBERT J ZERVAS

Defendant

Name: CONAGRA BRANDS, INC.
 Correspondent Address: PATRICK C. STEPHENSON
 MCGRATH, NORTH, MULLIN & KRATZ, P.C.
 1400 ONE CENTRAL PARK PLAZA OMAHA, NE 68102

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART NUGGETS	Abandoned - No Statement Of Use Filed	76111754	

Plaintiff(s)

Name: FITNESS FOODS, INC., AND GFA BRANDS.
 Correspondent Address: DANIEL R. CHERRY
 WELSH & KATZ, LTD.
 120 SOUTH RIVERSIDE PLAZA, 22ND FLOOR CHICAGO, IL 60606

Associated marks

Mark	Application Status	Serial Number	Registration Number
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SMART BALANCE

Renewed

[75127811](#)

[2276285](#)

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 05, 2002	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 07, 2002	Dec 17, 2002
3	PENDING, INSTITUTED	Nov 07, 2002	
4	OPPOSITION IS NULL AND VOID AND IT IS DI SMISSED	Nov 19, 2002	
5	TERMINATED	Nov 19, 2002	

Type of Proceeding: Extension of Time

Proceeding Number: [76111722](#)

Filing Date: Aug 31, 2002

Status: Terminated

Status Date: Aug 31, 2002

Interlocutory Attorney:

Defendant

Name: ConAgra Brands, Inc.

Correspondent Address: PATRICK C. STEPHENSON
MCGRATH, NORTH, MULLIN & KRATZ, P.C.
1400 ONE CENTRAL PARK PLAZA
OMAHA NE , 68102

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART PUDDING	Abandoned - After Inter-Partes Decision	76111722	

Potential Opposer(s)

Name: FITNESS FOODS, INC. AND GFA BRANDS, INC.

Correspondent Address: JOHN L. AMBROGI
WELSH & KATZ, LTD.
120 S. RIVERSIDE PLAZA, 22ND FLOOR
CHICAGO IL , 60606

Associated marks

Mark	Application Status	Serial Number	Registration Number
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SMART BALANCE

Renewed

[75127811](#)

[2276285](#)

Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Jun 27, 2002	
2	DELETE ENTRY	Aug 31, 2002	
3	DELETE ENTRY	Aug 31, 2002	
4	EXTENSION OF TIME GRANTED	Aug 31, 2002	

Type of Proceeding: Opposition

Proceeding Number: [91152648](#)

Filing Date: Aug 06, 2002

Status: Terminated

Status Date: Jul 07, 2003

Interlocutory Attorney: ALBERT J ZERVAS

Defendant

Name: CONAGRA BRANDS, INC.

Correspondent Address: PATRICK C. STEPHENSON
MCGRATH, NORTH, MULLIN & KRATZ
222 South 15 St, 1400 ONE CENTRAL PARK PLZ
Omaha NE , 68102

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART YOGURT	Abandoned - After Inter-Partes Decision	76111751	

Plaintiff(s)

Name: FITNESS FOODS, INC., AND GFA BRANDS, INC

Correspondent Address: JOHN L. AMBROGI
WELSH & KATZ, LTD
120 S RIVERSIDE PLZ, 22ND FL
Chicago IL , 60606

Associated marks			
Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75127811	2276285

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 06, 2002	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 27, 2002	Oct 06, 2002
3	PENDING, INSTITUTED	Aug 27, 2002	
4	ANSWER	Oct 03, 2002	
5	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Feb 27, 2003	
6	STIPULATION NOTED AND APPROVED	Mar 31, 2003	
7	EXP OF ABAND	May 01, 2003	
8	BOARD'S DECISION: SUSTAINED	Jul 07, 2003	
9	TERMINATED	Jul 07, 2003	

Type of Proceeding: Opposition

Proceeding Number: [91152649](#) Filing Date: Aug 06, 2002
 Status: Terminated Status Date: Jun 03, 2003

Interlocutory Attorney:

Defendant

Name: CONAGRA BRANDS, INC.
 Correspondent Address: PATRICK C. STEPHENSON
 MCGRATH, NORTH, MULLIN & KRATZ
 1601 Dodge St, Ste 3700, First Natl Twr
 Omaha NE , 68102

Associated marks			
Mark	Application Status	Serial Number	Registration Number
SMART LUNCH	Abandoned - No Statement Of Use Filed	76111750	

Plaintiff(s)

Name: FITNESS FOODS, INC., AND GFA BRANDS, INC
 Correspondent Address: JOHN L. AMBROGI
 WELSH & KATZ, LTD
 120 S RIVERSIDE PLZ, 22ND FL
 Chicago IL , 60606

Associated marks			
Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75127811	2276285

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 06, 2002	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 27, 2002	Oct 06, 2002
3	PENDING, INSTITUTED	Aug 27, 2002	
4	ANSWER	Oct 03, 2002	
5	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Feb 27, 2003	
6	STIPULATION NOTED AND APPROVED	Mar 20, 2003	
7	STIPULATION	Apr 24, 2003	
8	BD'S DECISION: DISMISSED W/ PREJUDICE	Jun 03, 2003	
9	TERMINATED	Jun 03, 2003	

Type of Proceeding: Opposition

Proceeding Number: [91152706](#) Filing Date: Aug 06, 2002
 Status: Terminated Status Date: May 29, 2003

Interlocutory Attorney: CINDY B GREENBAUM

Defendant

Name: CONAGRA BRANDS, INC.

Correspondent Address: PATRICK C. STEPHENSON
MCGRATH, NORTH, MULLIN & KRATZ, P.C.
1400 ONE CENTRAL PARK PLAZA OMAHA, NE 68102

Mark	Application Status	Serial Number	Registration Number
SMART PUDDING	Abandoned - After Inter-Partes Decision	76111722	

Plaintiff(s)

Name: FITNESS FOODS, INC. AND GFA BRANDS, INC.

Correspondent Address: JOHN L. AMBROGI
WELSH & KATZ, LTD.
120 SOUTH RIVERSIDE PLAZA, 22ND FLOOR CHICAGO, IL 60606

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75127811	2276285

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 06, 2002	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 31, 2002	Oct 10, 2002
3	PENDING, INSTITUTED	Aug 31, 2002	
4	ANSWER	Oct 03, 2002	
5	P'S REQ. TO RESET TRIAL DATES W/CON	Feb 27, 2003	
6	GRANTED P'S #5	Apr 04, 2003	
7	ABANDONMENT OF SN 76111722	Apr 28, 2003	
8	BOARD'S DECISION: SUSTAINED	May 29, 2003	
9	TERMINATED	May 29, 2003	

Type of Proceeding: Extension of Time

Proceeding Number: [76111751](#)

Filing Date: Jul 24, 2002

Status: Terminated

Status Date: Jul 24, 2002

Interlocutory Attorney:

Defendant

Name: ConAgra Brands, Inc.

Correspondent Address: PATRICK C. STEPHENSON
MCGRATH, NORTH, MULLIN & KRATZ, P.C.
1400 ONE CENTRAL PARK PLAZA
OMAHA NE , 68102

Mark	Application Status	Serial Number	Registration Number
SMART YOGURT	Abandoned - After Inter-Partes Decision	76111751	

Potential Opposer(s)

Name: FITNESS FOODS, INC., AND GFA BRANDS, INC.,

Correspondent Address: JOHN L. AMBROGI, ESQ
WELSH & KATZ, LTD.
120 SOUTH RIVERSIDE PLAZA, 22ND FLOOR
CHICAGO IL , 60606

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75127811	2276285

Name: FITNESS FOODS, INC.

Correspondent Address: JOHN L. AMBROGI
WELSH & KATZ, LTD.
120 S. RIVERSIDE PLAZA, 22ND FLOOR
CHICAGO IL , 60606

Prosecution History

Entry Number	History Text	Date	Due Date
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1	INCOMING - EXT TIME TO OPPOSE FILED	Jun 13, 2002
2	EXTENSION OF TIME GRANTED	Jul 24, 2002
3	INCOMING - EXT TIME TO OPPOSE FILED	Jul 11, 2002
4	EXTENSION OF TIME GRANTED	Jul 24, 2002

Type of Proceeding: Extension of Time

Proceeding Number: [76111750](#) Filing Date: Jul 16, 2002
 Status: Terminated Status Date: Jul 16, 2002

Interlocutory Attorney:

Defendant

Name: ConAgra Brands, Inc.
 Correspondent Address: PATRICK C. STEPHENSON
 MCGRATH, NORTH, MULLIN & KRATZ, P.C.
 1400 ONE CENTRAL PARK PLAZA
 OMAHA NE , 68102

Mark	Application Status	Serial Number	Registration Number
SMART LUNCH	Abandoned - No Statement Of Use Filed	76111750	

Potential Opposer(s)

Name: FITNESS FOODS, INC., AND GFA BRANDS, INC.
 Correspondent Address: JOHN L. AMBROGI, ESQ.
 WELSH & KATZ, LTD.
 120 SOUTH RIVERSIDE PLAZA, 22ND FLOOR
 CHICAGO IL , 60606

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75127811	2276285

Name: Fitness Foods, Inc. and GFA Brands, Inc.
 Correspondent Address: John L. Ambrogi
 Welsh & Katz, Ltd.
 120 S. Riverside Plaza, 22nd Floor
 Chicago IL , 60606

Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Jun 27, 2002	
2	EXTENSION OF TIME GRANTED	Jul 16, 2002	

Type of Proceeding: Extension of Time

Proceeding Number: [76111754](#) Filing Date: Jul 16, 2002
 Status: Terminated Status Date: Jul 16, 2002

Interlocutory Attorney:

Defendant

Name: ConAgra Brands, Inc.
 Correspondent Address: PATRICK C. STEPHENSON
 MCGRATH, NORTH, MULLIN & KRATZ, P.C.
 1400 ONE CENTRAL PARK PLAZA
 OMAHA NE , 68102

Mark	Application Status	Serial Number	Registration Number
SMART NUGGETS	Abandoned - No Statement Of Use Filed	76111754	

Potential Opposer(s)

Name: FITNESS FOODS, INC., AND GFA BRANDS.
 Correspondent Address: DANIEL R. CHERRY
 WELSH & KATZ, LTD.
 120 SOUTH RIVERSIDE PLAZA, 22ND FLOOR
 CHICAGO IL , 60606

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75127811	2276285

Name: Fitness Foods, Inc. and GFA Brand, Inc.

Correspondent Address: John L. Ambrogi
Welsh & Katz, Ltd.
120 S. Riverside Plaza, 22nd Floor
Chicago IL , 60606

Associated marks

Mark	Application Status	Serial Number	Registration Number
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Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Jun 13, 2002	
2	NO GOOD CAUSE/TIME CUT	Jul 16, 2002	
3	INCOMING - EXT TIME TO OPPOSE FILED	Jul 11, 2002	
4	EXTENSION OF TIME GRANTED	Sep 02, 2002	

Type of Proceeding: Opposition

Proceeding Number: [91123458](#)

Filing Date: Jun 28, 2001

Status: Terminated

Status Date: Oct 20, 2003

Interlocutory Attorney: ALBERT J ZERVAS

Defendant

Name: JOSEPH MICHAEL O'NEIL

Correspondent Address: TIMOTHY A. LONG
CHERNOFF VILHAUER MCCLUNG & STENZEL
601 SW 2ND AVENUE SUITE 1600
PORTLAND OR , 97204-3157

Associated marks

Mark	Application Status	Serial Number	Registration Number
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SMART JUICE

Abandoned - After Inter-Partes Decision

[75726461](#)

Plaintiff(s)

Name: FITNESS FOODS, INC. AND GFA BRANDS, INC.

Correspondent Address: JOHN L. AMBROGI
WELSH & KATZ, LTD.
120 SOUTH RIVERSIDE PLAZA 22ND FLOOR
CHICAGO IL , 60606

Associated marks

Mark	Application Status	Serial Number	Registration Number
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SMART BALANCE

Renewed

[75127811](#)

[2276285](#)

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 28, 2001	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 13, 2001	Aug 22, 2001
3	PENDING, INSTITUTED	Jul 13, 2001	
4	NOTICE OF DEFAULT	Apr 04, 2002	
5	BOARD'S DECISION: SUSTAINED	Jul 26, 2002	
6	TERMINATED	Jul 26, 2002	
7	DELETE ENTRY	Oct 20, 2003	
8	TERMINATED	Oct 20, 2003	

Type of Proceeding: Opposition

Proceeding Number: [91118573](#)

Filing Date: Apr 27, 2000

Status: Terminated

Status Date: Sep 11, 2001

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: NEW BALANCE ATHLETIC SHOE, INC.

Correspondent Address: JEREMIAH LYNCH
LAHIVE & COCKFIELD LLP
28 STATE STREET
BOSTON MA , 02109

Associated marks			
Mark	Application Status	Serial Number	Registration Number
NEW BALANCE	Abandoned - No Statement Of Use Filed	75294371	
Plaintiff(s)			

Name: GFA BRANDS, INC.

Correspondent Address: JOHN L. AMBROGI, ESQ.
WELSH & KATZ, LTD.
120 SOUTH RIVERSIDE PLAZA 22ND FLOOR
CHICAGO IL , 60606

Associated marks			
Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75127811	2276285

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 27, 2000	
2	NOTICE SENT; TRIAL DATES RESET; ANSWER DUE	Jun 08, 2000	Jul 18, 2000
3	PENDING, INSTITUTED	Jun 08, 2000	
4	MOTION TO AMEND	Jul 13, 2000	
5	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 18, 1990	
6	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 17, 2000	
7	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Sep 15, 2000	
8	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Dec 14, 2000	
9	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jan 12, 2001	
10	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Feb 08, 2001	
11	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 14, 2001	
12	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Apr 13, 2001	
13	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	May 11, 2001	
14	RESPONSE DUE 7/8/01	Jun 08, 2001	
15	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jun 15, 2001	
16	WITHDRAWAL OF OPPOSITION	Jun 15, 2001	
17	BD'S DECISION: DISMISSED W/O PREJUDICE	Sep 11, 2001	
18	TERMINATED	Sep 11, 2001	

Type of Proceeding: Opposition

Proceeding Number: [91118815](#)

Filing Date: Mar 02, 2000

Status: Terminated

Status Date: May 02, 2001

Interlocutory Attorney: LINDA M SKORO

Defendant	
Name: PROCTER & GAMBLE CORPORATION	
Correspondent Address: MARCOO KERSCHEN THE PROCTER & GAMBLE COMPANY ONE PROCTER & GAMBLE PLAZA CINCINNATI OH , 45202	

Associated marks			
Mark	Application Status	Serial Number	Registration Number
COOKSMART	Abandoned - After Inter-Partes Decision	75745038	
Plaintiff(s)			

Name: FITNESS FOODS, INC. AND GFA BRANDS, INC.

Correspondent Address: JOHN L. AMBROGI, ESQ.
WELSH & KATZ, LTD.
120 SOUTH RIVERSIDE PLAZA 22ND FLOOR
CHICAGO IL , 60606

Associated marks			
Mark	Application Status	Serial Number	Registration

SMART BALANCE	Renewed	75127811	Number 2276285
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Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 02, 2000	
2	NOTICE SENT; TRIAL DATES RESET; ANSWER DUE	Jun 16, 2000	Jul 26, 2000
3	PENDING, INSTITUTED	Jun 16, 2000	
4	WITHDRAWAL OF APPLICATION	Oct 16, 2000	
5	BD'S DECISION: DISMISSED W/O PREJUDICE	May 02, 2001	
6	TERMINATED	May 02, 2001	

EXHIBIT 3
to GFA Brands, Inc's Notice of Reliance
Opposition Nos. 91194974 (parent) and 91196358

Attorney of Record**Attorney Name:** Patrick M. Bergin**Docket Number:** 33616.96456**Attorney Primary Email Address:** pbergin@dkattorneys.com**Attorney Email Authorized:** Yes**Correspondent****Correspondent Name/Address:** Patrick M. Bergin
Davis & Kuelthau, s.c.
111 E. Kilbourn Ave.
Suite 1400
Milwaukee, WISCONSIN 53202
UNITED STATES**Phone:** 414-225-7563**Fax:** 414-278-3763**Correspondent e-mail:** pbergin@dkattorneys.com**Correspondent e-mail Authorized:** Yes**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Mar. 15, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 15, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 13, 2010	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67723
Jul. 13, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67723
Jun. 24, 2010	TEAS SECTION 8 & 15 RECEIVED	
Nov. 18, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Nov. 11, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Nov. 07, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 06, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 06, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 06, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 23, 2007	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
May 17, 2005	REGISTERED-PRINCIPAL REGISTER	
Mar. 17, 2005	LAW OFFICE REGISTRATION REVIEW COMPLETED	78288
Feb. 25, 2005	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Feb. 24, 2005	STATEMENT OF USE PROCESSING COMPLETE	76874
Feb. 24, 2005	EXTENSION 1 GRANTED	76874
Feb. 09, 2005	USE AMENDMENT FILED	76874
Feb. 09, 2005	EXTENSION 1 FILED	76874
Feb. 09, 2005	TEAS STATEMENT OF USE RECEIVED	
Feb. 09, 2005	TEAS EXTENSION RECEIVED	
Jan. 18, 2005	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 26, 2004	PUBLISHED FOR OPPOSITION	
Oct. 06, 2004	NOTICE OF PUBLICATION	
Aug. 27, 2004	ASSIGNED TO LIE	78288
Aug. 20, 2004	LAW OFFICE PUBLICATION REVIEW COMPLETED	66230
Aug. 18, 2004	ASSIGNED TO LIE	66230
Aug. 12, 2004	UNRESPONSIVE/DUPLICATE PAPER RECEIVED	
Aug. 12, 2004	PAPER RECEIVED	
Aug. 11, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 22, 2004	CASE FILE IN TICRS	
Feb. 27, 2003	ASSIGNED TO EXAMINER	68625
Mar. 26, 2002	LETTER OF SUSPENSION MAILED	
Jan. 08, 2002	CORRESPONDENCE RECEIVED IN LAW OFFICE	

Jul. 25, 2001 NON-FINAL ACTION MAILED
Jul. 10, 2001 ASSIGNED TO EXAMINER

78447

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: TMEG LAW OFFICE 108

Date in Location: Jul. 13, 2010

Assignment Abstract Of Title Information

Summary

Total Assignments: 10

Registrant: GFA Brands, Inc.

Assignment 1 of 10

Conveyance: SECURITY AGREEMENT

Reel/Frame: [2952/0167](#)

Pages: 35

Date Recorded: Apr. 08, 2004

Supporting Documents: [assignment-tm-2952-0167.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Mar. 31, 2004

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [UNION BANK OF CALIFORNIA, N.A., AS ADMINISTRATIVE AGENT FOR THE LENDERS](#)

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

Address: 445 SOUTH FIGUEROA STREET, 13TH STREET
ATTN: GARY KIRSHNER
LOS ANGELES, CALIFORNIA 90071

Correspondent

Correspondent Name: PILLSBURY WINTHROP LLP

Correspondent Address: REX D. FRAZIER, ESQ.
725 SOUTH FIGUEROA STREET, SUITE 2800
LOS ANGELES, CALIFORNIA 90017-5406

Domestic Representative - Not Found

Assignment 2 of 10

Conveyance: CHANGE OF ADDRESS

Reel/Frame: [2941/0281](#)

Pages: 2

Date Recorded: Sep. 21, 2004

Supporting Documents: [assignment-tm-2941-0281.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Aug. 10, 2004

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 211 KNICKERBOCKER ROAD
CRESKILL, NEW JERSEY 07626

Correspondent

Correspondent Name: ROPES & GRAY, LLP

Correspondent Address: JACOB E. COMER, ESQ.
ONE INTERNATIONAL PLACE
BOSTON, MA 02110

Domestic Representative - Not Found

Assignment 3 of 10

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [3544/0352](#)

Pages: 5

Date Recorded: May 15, 2007

Supporting Documents: [assignment-tm-3544-0352.pdf](#)

Assignor

Name: [UNION BANK OF CALIFORNIA N.A.](#)

Execution Date: May 14, 2007

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: P.O. BOX 397 211 KNICKERBOCKER ROAD
CRESSKILL, NEW JERSEY 07626

Correspondent

Correspondent Name: PATRICK M. BERGIN

Correspondent Address: 111 EAST KILBOURN AVENUE
SUITE 1400
MILWAUKEE, WI 53202

Domestic Representative - Not Found

Assignment 4 of 10

Conveyance: FIRST LIEN INTELLECTUAL PROPERTY SECURITY AGREEMENT

Reel/Frame: [3652/0879](#)

Pages: 12

Date Recorded: Nov. 01, 2007

Supporting Documents: [assignment-tm-3652-0879.pdf](#)

Assignor

Name: [BSB ACQUISITION CO., INC.](#)

Execution Date: May 21, 2007

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Name: [BOULDER SPECIALTY BRANDS, INC.](#)

Execution Date: May 21, 2007

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [BANK OF AMERICA, N.A.](#)

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

Address: 1455 MARKET ST.
5TH FLOOR
SAN FRANCISCO, CALIFORNIA 94103

Correspondent

Correspondent Name: SUSAN REISS

Correspondent Address: 599 LEXINGTON AVENUE
SHEARMAN & STERLING LLP
NEW YORK, NY 10022

Domestic Representative - Not Found

Assignment 5 of 10

Conveyance: SECOND LIEN INTELLECTUAL PROPERTY SECURITY AGREEMENT

Reel/Frame: [3652/0891](#)

Pages: 12

Date Recorded: Nov. 01, 2007

Supporting Documents: [assignment-tm-3652-0891.pdf](#)

Assignor

Name: [BSB ACQUISITION CO., INC.](#)

Execution Date: May 21, 2007

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Name: [BOULDER SPECIALTY BRANDS, INC.](#)

Execution Date: May 21, 2007

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [BANK OF AMERICA, N.A.](#)

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

Address: 1455 MARKET ST.
5TH FLOOR
SAN FRANCISCO, CALIFORNIA 94103

Correspondent

Correspondent Name: SUSAN REISS

Correspondent Address: 599 LEXINGTON AVENUE
SHEARMAN & STERLING LLP
NEW YORK, NY 10022

Domestic Representative - Not Found

Assignment 6 of 10

Conveyance: RELEASE OF FIRST LIEN INTELLECTUAL PROPERTY SECURITY AGREEMENT

Reel/Frame: [4090/0972](#) Pages: 11

Date Recorded: Nov. 04, 2009

Supporting Documents: [assignment-tm-4090-0972.pdf](#)

Assignor

Name: [BANK OF AMERICA, N.A.](#)

Execution Date: Nov. 04, 2009

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [BSB ACQUISITION CO., INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 115 W. CENTURY RD.
SUITE 260
PARAMUS, NEW JERSEY 07652

Name: [BOULDER SPECIALTY BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 115 WEST CENTURY RD.
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: PATRICK M. BERGIN

Correspondent Address: 111 E. KILBOURN AVE.
SUITE 1400
MILWAUKEE, WI 53202

Domestic Representative - Not Found

Assignment 7 of 10

Conveyance: RELEASE OF SECOND LIEN SECURITY INTEREST

Reel/Frame: [4090/0983](#) Pages: 11

Date Recorded: Nov. 04, 2009

Supporting Documents: [assignment-tm-4090-0983.pdf](#)

Assignor

Name: [BANK OF AMERICA, N.A.](#)

Execution Date: Nov. 04, 2009

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [BSB ACQUISITION CO., INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 115 W. CENTURY RD.
SUITE 260
PARAMUS, NEW JERSEY 07652

Name: [BOULDER SPECIALTY BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 115 W. CENTURY RD.
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: PATRICK M. BERGIN
Correspondent Address: 111 E. KILBOURN AVE.
SUITE 1400
MILWAUKEE, WI 53202

Domestic Representative - Not Found**Assignment 8 of 10**

Conveyance: SECURITY INTEREST
Reel/Frame: [4091/0319](#) **Pages:** 10
Date Recorded: Nov. 05, 2009
Supporting Documents: [assignment-tm-4091-0319.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#) **Execution Date:** Nov. 04, 2009
Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#)
Legal Entity Type: CHARTERED BANK **State or Country Where Organized:** CANADA
Address: 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: RICHARD KALWA
Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603

Domestic Representative - Not Found**Assignment 9 of 10**

Conveyance: RELEASE BY SECURED PARTY
Reel/Frame: [4812/0734](#) **Pages:** 7
Date Recorded: Jul. 02, 2012
Supporting Documents: [assignment-tm-4812-0734.pdf](#)

Assignor

Name: [BANK OF MONTREAL](#) **Execution Date:** Jul. 02, 2012
Legal Entity Type: CANADIAN CHARTERED BANK **State or Country Where Organized:** CANADA

Assignee

Name: [GFA BRANDS, INC.](#)
Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE
Address: 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: JASON L. GREENBERG
Correspondent Address: ONE NEW YORK PLAZA
FRIED FRANK LLP
NEW YORK, NY 10004-1980

Domestic Representative - Not Found**Assignment 10 of 10**

Conveyance: SECURITY INTEREST
Reel/Frame: [4813/0493](#) **Pages:** 9
Date Recorded: Jul. 02, 2012
Supporting Documents: [assignment-tm-4813-0493.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#) **Execution Date:** Jul. 02, 2012
Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#)
Legal Entity Type: CHARTERED BANK **State or Country Where Organized:** CANADA

Organized:

Address: 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: RICHARD KALWA

Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 5

Type of Proceeding: Opposition

Proceeding Number: [91193265](#)

Filing Date: Dec 31, 2009

Status: Terminated

Status Date: Apr 16, 2010

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Isaren AB; c/o Brejans

Correspondent Address: MARK LEBOW
YOUNG & THOMPSON
209 MADISON STREET, SUITE 500
ALEXANDRIA VA , 22314
UNITED STATES

Correspondent e-mail: trademarks@young-thompson.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE GOLF	Abandoned - After Inter-Partes Decision	79065432	

Plaintiff(s)

Name: GFA Brands, Inc.

Correspondent Address: PATRICK M. BERGIN
DAVIS & KUELTHAU, S.C.
111 E. KILBOURN AVE., SUITE 1400
MILWAUKEE WI , 53202
UNITED STATES

Correspondent e-mail: pbergin@dkattorneys.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75977525	2200663
SMART BALANCE	Renewed	75127811	2276285
SMART BALANCE	Section 8 and 15 - Accepted and Acknowledged	76252358	2952127
SMART BALANCE	Registered	77512724	3649833
SMART BALANCE OMEGA	Section 8 and 15 - Accepted and Acknowledged	78272133	2958216
SMART BALANCE	Abandoned - No Statement Of Use Filed	77200582	
SMART BALANCE	Registered	77566103	3747526

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 31, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 05, 2010	Feb 14, 2010
3	PENDING, INSTITUTED	Jan 05, 2010	
4	NOTICE OF DEFAULT	Mar 02, 2010	
5	BOARD'S DECISION: SUSTAINED	Apr 16, 2010	
6	TERMINATED	Apr 16, 2010	

Type of Proceeding: Opposition

Proceeding Number: [91193087](#)

Filing Date: Dec 21, 2009

Status: Terminated

Status Date: Dec 01, 2010

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Radlo Foods LLC

Correspondent Address: BASSAM N IBRAHIM
BUCHANAN INGERSOLL & ROONEY PC
1737 KING STREET, SUITE 500
ALEXANDRIA VA , 22314-1404
UNITED STATES

Correspondent e-mail: bassam.ibrahim@bipc.com , loyd.smith@bipc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART GOODNESS	Abandoned - After Inter-Partes Decision	77620901	

Plaintiff(s)

Name: GFA Brands, Inc.

Correspondent Address: PATRICK M BERGIN
DAVIS & KUELTHAU SC
111 EAST KILBOURN AVENUE, SUITE 1400
MILWAUKEE WI , 53202
UNITED STATES

Correspondent e-mail: jheino@dkattorneys.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Section 8 and 15 - Accepted and Acknowledged	76252358	2952127
SMART BALANCE	Renewed	75127811	2276285
SMART BALANCE	Renewed	75977525	2200663
SMART BALANCE	Registered	77512724	3649833
SMART BALANCE OMEGA	Section 8 and 15 - Accepted and Acknowledged	78272133	2958216
SMART BALANCE	Abandoned - No Statement Of Use Filed	77200582	
SMART BALANCE	Registered	77566103	3747526

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 21, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 21, 2009	Jan 30, 2010
3	PENDING, INSTITUTED	Dec 21, 2009	
4	ANSWER	Jan 25, 2010	
5	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 30, 2010	
6	EXTENSION OF TIME GRANTED	Apr 05, 2010	
7	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 31, 2010	
8	EXTENSION OF TIME GRANTED	Apr 12, 2010	
9	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Apr 30, 2010	
10	EXTENSION OF TIME GRANTED	May 10, 2010	
11	CHANGE OF CORRESPONDENCE ADDRESS	May 13, 2010	
12	D'S CHANGE OF CORRESPONDENCE ADDRESS	May 13, 2010	
13	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jun 29, 2010	
14	EXTENSION OF TIME GRANTED	Jul 08, 2010	
15	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 30, 2010	
16	EXTENSION OF TIME GRANTED	Sep 11, 2010	
17	STIPULATION FOR AN EXTENSION OF TIME EXTENSION OF TIME GRANTED	Oct 26, 2010	

18	EXTENSION OF TIME GRANTED	Oct 26, 2010
19	WITHDRAWAL OF APPLICATION	Nov 23, 2010
20	BOARD'S DECISION: SUSTAINED	Dec 01, 2010
21	TERMINATED	Dec 01, 2010

Type of Proceeding: Opposition

Proceeding Number: [91183204](#) Filing Date: Mar 26, 2008
 Status: Terminated Status Date: Sep 21, 2008

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Conagra Foods RDM, Inc.
 Correspondent Address: CHRISTOPHER M. BIKUS
 MCGRATH, NORTH, MULLIN & KRATZ, PC LLO
 FIRST NATIONAL TOWER, 1601 DODGE STREET, SUITE 3700
 OMAHA NE , 68102
 UNITED STATES
 Correspondent e-mail: cbikus@mcgrathnorth.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMARTCAKES!	Registered	77096048	3651641

Plaintiff(s)

Name: GFA Brands, Inc.
 Correspondent Address: John L. Ambrogio
 Welsh & Katz, Ltd.
 120 S. Riverside Plaza, 22nd Floor
 Chicago IL , 60606
 UNITED STATES
 Correspondent e-mail: jladocket@welshkatz.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Section 8 and 15 - Accepted and Acknowledged	76252358	2952127

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 26, 2008	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 26, 2008	May 05, 2008
3	PENDING, INSTITUTED	Mar 26, 2008	
4	ANSWER	May 05, 2008	
5	MOTION TO AMEND APPLICATION	Jul 10, 2008	
6	AMDT APPROVED; PL'S RESPONSE DUE 9/12/08	Aug 13, 2008	
7	WITHDRAWAL OF OPPOSITION	Sep 10, 2008	
8	P'S CERTIFICATE OF SERVICE FOR WITHDRAWAL OF OPPOSITION	Sep 11, 2008	
9	BD'S DECISION: DISMISSED W/ PREJUDICE	Sep 21, 2008	
10	TERMINATED	Sep 21, 2008	

Type of Proceeding: Opposition

Proceeding Number: [91166719](#) Filing Date: Sep 23, 2005
 Status: Terminated Status Date: Mar 07, 2006

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name: ConAgra Brands, Inc.
 Correspondent Address: PATRICK C. STEPHENSON
 MCGRATH NORTH MULLIN & KRATZ, PC LLO
 SUITE 3700 FIRST NATIONAL TOWER 1601 DODGE STREET
 OMAHA NE , 68102

Associated marks

Mark	Application Status	Serial Number	Registration Number
------	--------------------	---------------	---------------------

SMART CHILI

Registered

[76595938](#)

[3187765](#)

Plaintiff(s)

Name: GFA Brands, Inc.

Correspondent Address: JOHN L. AMBROGI,
WELSH & KATZ, LTD.,
120 S RIVERSIDE PLZ FL 22
CHICAGO IL , 60606-3913

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Section 8 and 15 - Accepted and Acknowledged	76252358	2952127

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 23, 2005	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 29, 2005	Nov 08, 2005
3	PENDING, INSTITUTED	Sep 29, 2005	
4	ANSWER	Nov 04, 2005	
5	WITHDRAWAL OF OPPOSITION	Feb 09, 2006	
6	BD'S DECISION: DISMISSED W/ PREJUDICE	Mar 07, 2006	
7	TERMINATED	Mar 07, 2006	

Type of Proceeding: Extension of Time

Proceeding Number: [76595938](#)

Filing Date: May 19, 2005

Status: Terminated

Status Date: Oct 15, 2005

Interlocutory Attorney:

Defendant

Name: ConAgra Brands, Inc.

Correspondent Address: PATRICK C. STEPHENSON
MCGRATH NORTH MULLIN & KRATZ, PC LLO
SUITE 3700 FIRST NATIONAL TOWER 1601 DODGE STREET
OMAHA NE , 68102

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART CHILI	Registered	76595938	3187765

Potential Opposer(s)

Name: ProMark Brands Inc.

Correspondent Address: Gianfranco G. Mitrione/ Bert A. Collison (Of Counsel)
Lathrop & Gage L.C.
230 Park Avenue, Suite 1847
New York NY , 10169
UNITED STATES

Correspondent e-mail: gmitrione@lathropgage.com

Name: GFA Brands, Inc.

Correspondent Address: John L. Ambrogi
Welsh & Katz, Ltd.
120 S. Riverside Plaza 22nd Floor
Chicago IL , 60606
UNITED STATES

Correspondent e-mail: jjadocket@welshkatz.com

Name: GFA Brands, Inc.

Correspondent Address: JOHN L. AMBROGI,
WELSH & KATZ, LTD.,
120 S RIVERSIDE PLZ FL 22
CHICAGO IL , 60606-3913

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Section 8 and 15 - Accepted and Acknowledged	76252358	2952127

Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	May 19, 2005	
2	EXTENSION OF TIME GRANTED	May 19, 2005	
3	INCOMING - EXT TIME TO OPPOSE FILED	Jun 08, 2005	
4	EXTENSION OF TIME GRANTED	Jun 08, 2005	

EXHIBIT 4
to GFA Brands, Inc's Notice of Reliance
Opposition Nos. 91194974 (parent) and 91196358

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Mark: SMART BALANCE

SMART BALANCE

US Serial Number: 77512724
US Registration Number: 3649833
Filed as TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Jul. 07, 2009
Publication Date: Apr. 21, 2009

Application Filing Date: Jul. 01, 2008
Registration Date: Jul. 07, 2009
Currently TEAS Plus: Yes

Mark Information

Mark Literal Elements: SMART BALANCE
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (...) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Peanut butter
International Class: 029 - Primary Class
Class Status: ACTIVE
Basis: 1(a)
First Use: Oct. 2005
U.S Class: 046
Use in Commerce: Oct. 2005

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: GFA BRANDS, INC.
Owner Address: 115 West Century Road, Suite 260
Paramus, NEW JERSEY 07652
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Joseph S. Heino
Attorney Primary Email Address: jheino@dkattorneys.com
Docket Number: 33616.07708
Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: JOSEPH S. HEINO
DAVIS & KUELTHAU, S.C.
111 E KILBOURN AVE STE 1400

MILWAUKEE, WISCONSIN 53202-6613
UNITED STATES

Phone: 414-225-1452

Fax: 414-278-3652

Correspondent e-mail: jheino@dkattorneys.com

Correspondent e-mail No
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 15, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 15, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 07, 2009	REGISTERED-PRINCIPAL REGISTER	
Apr. 21, 2009	PUBLISHED FOR OPPOSITION	
Apr. 01, 2009	NOTICE OF PUBLICATION	
Mar. 16, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	70884
Mar. 16, 2009	ASSIGNED TO LIE	70884
Mar. 16, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 06, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 05, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 05, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Nov. 05, 2008	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Oct. 09, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 09, 2008	NON-FINAL ACTION E-MAILED	6325
Oct. 09, 2008	NON-FINAL ACTION WRITTEN	75571
Oct. 06, 2008	ASSIGNED TO EXAMINER	75571
Jul. 07, 2008	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jul. 07, 2009

Assignment Abstract Of Title Information

Summary

Total Assignments: 4

Registrant: GFA BRANDS, INC.

Assignment 1 of 4

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [3882/0123](#)

Pages: 3

Date Recorded: Nov. 03, 2008

Supporting Documents: [assignment-tm-3882-0123.pdf](#)

Assignor

Name: [SMART BALANCE, INC.](#)

Execution Date: Oct. 31, 2008

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: PATRICK M. BERGIN

Correspondent Address: 111 E. KILBOURN AVE.
SUITE 1400

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance: SECURITY INTEREST
 Reel/Frame: [4091/0319](#) Pages: 10
 Date Recorded: Nov. 05, 2009
 Supporting Documents: [assignment-tm-4091-0319.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#) Execution Date: Nov. 04, 2009
 Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#)
 Legal Entity Type: CHARTERED BANK State or Country Where Organized: CANADA
 Address: 115 SOUTH LASALLE STREET
 CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: RICHARD KALWA
 Correspondent Address: 111 WEST MONROE STREET
 CHAPMAN AND CUTLER LLP
 CHICAGO, IL 60603

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance: RELEASE BY SECURED PARTY
 Reel/Frame: [4812/0734](#) Pages: 7
 Date Recorded: Jul. 02, 2012
 Supporting Documents: [assignment-tm-4812-0734.pdf](#)

Assignor

Name: [BANK OF MONTREAL](#) Execution Date: Jul. 02, 2012
 Legal Entity Type: CANADIAN CHARTERED BANK State or Country Where Organized: CANADA

Assignee

Name: [GFA BRANDS, INC.](#)
 Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE
 Address: 115 WEST CENTURY ROAD
 SUITE 260
 PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: JASON L. GREENBERG
 Correspondent Address: ONE NEW YORK PLAZA
 FRIED FRANK LLP
 NEW YORK, NY 10004-1980

Domestic Representative - Not Found

Assignment 4 of 4

Conveyance: SECURITY INTEREST
 Reel/Frame: [4813/0493](#) Pages: 9
 Date Recorded: Jul. 02, 2012
 Supporting Documents: [assignment-tm-4813-0493.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#) Execution Date: Jul. 02, 2012
 Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#)
 Legal Entity Type: CHARTERED BANK State or Country Where Organized: CANADA
 Address: 115 SOUTH LASALLE STREET
 CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: RICHARD KALWA

Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91193265](#)

Filing Date: Dec 31, 2009

Status: Terminated

Status Date: Apr 16, 2010

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Isaren AB; c/o Brejans

Correspondent Address: MARK LEBOW
YOUNG & THOMPSON
209 MADISON STREET, SUITE 500
ALEXANDRIA VA , 22314
UNITED STATES

Correspondent e-mail: trademarks@young-thompson.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE GOLF	Abandoned - After Inter-Partes Decision	79065432	

Plaintiff(s)

Name: GFA Brands, Inc.

Correspondent Address: PATRICK M. BERGIN
DAVIS & KUELTHAU, S.C.
111 E. KILBOURN AVE., SUITE 1400
MILWAUKEE WI , 53202
UNITED STATES

Correspondent e-mail: pbergin@dkattorneys.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75977525	2200663
SMART BALANCE	Renewed	75127811	2276285
SMART BALANCE	Section 8 and 15 - Accepted and Acknowledged	76252358	2952127
SMART BALANCE	Registered	77512724	3649833
SMART BALANCE OMEGA	Section 8 and 15 - Accepted and Acknowledged	78272133	2958216
SMART BALANCE	Abandoned - No Statement Of Use Filed	77200582	
SMART BALANCE	Registered	77566103	3747526

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 31, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 05, 2010	Feb 14, 2010
3	PENDING, INSTITUTED	Jan 05, 2010	
4	NOTICE OF DEFAULT	Mar 02, 2010	
5	BOARD'S DECISION: SUSTAINED	Apr 16, 2010	
6	TERMINATED	Apr 16, 2010	

Type of Proceeding: Opposition

Proceeding Number: [91193087](#)

Filing Date: Dec 21, 2009

Status: Terminated

Status Date: Dec 01, 2010

Interlocutory Attorney: JENNIFER KRISP

Defendant**Name:** Radlo Foods LLC**Correspondent Address:** BASSAM N IBRAHIM
BUCHANAN INGERSOLL & ROONEY PC
1737 KING STREET, SUITE 500
ALEXANDRIA VA , 22314-1404
UNITED STATES**Correspondent e-mail:** bassam.ibrahim@bipc.com , loyd.smith@bipc.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SMART GOODNESS	Abandoned - After Inter-Partes Decision	77620901	

Plaintiff(s)**Name:** GFA Brands, Inc.**Correspondent Address:** PATRICK M BERGIN
DAVIS & KUELTHAU SC
111 EAST KILBOURN AVENUE, SUITE 1400
MILWAUKEE WI , 53202
UNITED STATES**Correspondent e-mail:** jheino@dkattorneys.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Section 8 and 15 - Accepted and Acknowledged	76252358	2952127
SMART BALANCE	Renewed	75127811	2276285
SMART BALANCE	Renewed	75977525	2200663
SMART BALANCE	Registered	77512724	3649833
SMART BALANCE OMEGA	Section 8 and 15 - Accepted and Acknowledged	78272133	2958216
SMART BALANCE	Abandoned - No Statement Of Use Filed	77200582	
SMART BALANCE	Registered	77566103	3747526

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 21, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 21, 2009	Jan 30, 2010
3	PENDING, INSTITUTED	Dec 21, 2009	
4	ANSWER	Jan 25, 2010	
5	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 30, 2010	
6	EXTENSION OF TIME GRANTED	Apr 05, 2010	
7	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 31, 2010	
8	EXTENSION OF TIME GRANTED	Apr 12, 2010	
9	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Apr 30, 2010	
10	EXTENSION OF TIME GRANTED	May 10, 2010	
11	CHANGE OF CORRESPONDENCE ADDRESS	May 13, 2010	
12	D'S CHANGE OF CORRESPONDENCE ADDRESS	May 13, 2010	
13	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jun 29, 2010	
14	EXTENSION OF TIME GRANTED	Jul 08, 2010	
15	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 30, 2010	
16	EXTENSION OF TIME GRANTED	Sep 11, 2010	
17	STIPULATION FOR AN EXTENSION OF TIME	Oct 26, 2010	
18	EXTENSION OF TIME GRANTED	Oct 26, 2010	
19	WITHDRAWAL OF APPLICATION	Nov 23, 2010	
20	BOARD'S DECISION: SUSTAINED	Dec 01, 2010	

EXHIBIT 5
to GFA Brands, Inc's Notice of Reliance
Opposition Nos. 91194974 (parent) and 91196358

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Mark: SMART BALANCE

SMART BALANCE

US Serial Number: 77566103
US Registration Number: 3747526
Filed as TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Feb. 09, 2010
Publication Date: Feb. 03, 2009
Application Filing Date: Sep. 09, 2008
Registration Date: Feb. 09, 2010
Currently TEAS Plus: Yes
Notice of Allowance Date: Apr. 28, 2009

Mark Information

Mark Literal Elements: SMART BALANCE
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Eggs
International Class: 029 - Primary Class
U.S Class: 046
Class Status: ACTIVE
Basis: 1(a)
First Use: Mar. 14, 2009
Use in Commerce: Apr. 2009

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: GFA BRANDS, INC.
Owner Address: 115 West Century Road, Suite 260
Paramus, NEW JERSEY 07652
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Joseph S. Heino
Docket Number: 33616.96389
Attorney Primary Email Address: pbergin@dkattorneys.com
Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: JOSEPH S. HEINO
DAVIS & KUELTHAU, S.C.
111 E KILBOURN AVE STE 1400

MILWAUKEE, WISCONSIN 53202-6613
UNITED STATES

Phone: 414-225-1452

Fax: 414-278-3652

Correspondent e-mail: pbergin@dkattorneys.com

Correspondent e-mail No
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 15, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 15, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Feb. 09, 2010	REGISTERED-PRINCIPAL REGISTER	
Jan. 04, 2010	LAW OFFICE REGISTRATION REVIEW COMPLETED	74215
Dec. 31, 2009	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 17, 2009	STATEMENT OF USE PROCESSING COMPLETE	76874
Oct. 28, 2009	USE AMENDMENT FILED	76874
Nov. 16, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76874
Oct. 28, 2009	TEAS STATEMENT OF USE RECEIVED	
Apr. 28, 2009	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Feb. 03, 2009	PUBLISHED FOR OPPOSITION	
Jan. 14, 2009	NOTICE OF PUBLICATION	
Dec. 30, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	74215
Dec. 30, 2008	ASSIGNED TO LIE	74215
Dec. 16, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 11, 2008	ASSIGNED TO EXAMINER	83695
Nov. 05, 2008	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Sep. 12, 2008	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 04, 2010

Assignment Abstract Of Title Information

Summary

Total Assignments: 6

Registrant: GFA BRANDS, INC.

Assignment 1 of 6

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [3882/0123](#)

Pages: 3

Date Recorded: Nov. 03, 2008

Supporting Documents: [assignment-tm-3882-0123.pdf](#)

Assignor

Name: [SMART BALANCE, INC.](#)

Execution Date: Oct. 31, 2008

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: PATRICK M. BERGIN

Correspondent Address: 111 E. KILBOURN AVE.
SUITE 1400
MILWAUKEE, WI 53202

Domestic Representative - Not Found

Assignment 2 of 6

Conveyance: SECURITY INTEREST

Reel/Frame: [4091/0319](#)

Pages: 10

Date Recorded: Nov. 05, 2009

Supporting Documents: [assignment-tm-4091-0319.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Nov. 04, 2009

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#)

Legal Entity Type: CHARTERED BANK

State or Country Where Organized: CANADA

Address: 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: RICHARD KALWA

Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603

Domestic Representative - Not Found

Assignment 3 of 6

Conveyance: SECURITY INTEREST

Reel/Frame: [4512/0947](#)

Pages: 9

Date Recorded: Mar. 31, 2011

Supporting Documents: [assignment-tm-4512-0947.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Mar. 31, 2011

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#)

Legal Entity Type: CHARTERED BANK

State or Country Where Organized: CANADA

Address: 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: RICHARD KALWA

Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603

Domestic Representative - Not Found

Assignment 4 of 6

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [4812/0734](#)

Pages: 7

Date Recorded: Jul. 02, 2012

Supporting Documents: [assignment-tm-4812-0734.pdf](#)

Assignor

Name: [BANK OF MONTREAL](#)

Execution Date: Jul. 02, 2012

Legal Entity Type: CANADIAN CHARTERED BANK

State or Country Where Organized: CANADA

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 115 WEST CENTURY ROAD
SUITE 260

PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: JASON L. GREENBERG
Correspondent Address: ONE NEW YORK PLAZA
FRIED FRANK LLP
NEW YORK, NY 10004-1980

Domestic Representative - Not Found

Assignment 5 of 6

Conveyance: SECURITY INTEREST
Reel/Frame: [4813/0493](#) **Pages:** 9
Date Recorded: Jul. 02, 2012
Supporting Documents: [assignment-tm-4813-0493.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#) **Execution Date:** Jul. 02, 2012
Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#)
Legal Entity Type: CHARTERED BANK **State or Country Where Organized:** CANADA
Address: 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: RICHARD KALWA
Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603

Domestic Representative - Not Found

Assignment 6 of 6

Conveyance: RELEASE BY SECURED PARTY
Reel/Frame: [4813/0853](#) **Pages:** 8
Date Recorded: Jul. 02, 2012
Supporting Documents: [assignment-tm-4813-0853.pdf](#)

Assignor

Name: [BANK OF MONTREAL](#) **Execution Date:** Jul. 02, 2012
Legal Entity Type: CANADIAN CHARTERED BANK **State or Country Where Organized:** CANADA

Assignee

Name: [GFA BRANDS, INC.](#)
Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE
Address: 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: JASON L. GREENBERG
Correspondent Address: ONE NEW YORK PLAZA
FRIED FRANK LLP
NEW YORK, NY 10004-1980

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91193265](#) **Filing Date:** Dec 31, 2009
Status: Terminated **Status Date:** Apr 16, 2010
Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Isaren AB; c/o Brejans

Correspondent Address: MARK LEBOW
YOUNG & THOMPSON
209 MADISON STREET, SUITE 500
ALEXANDRIA VA , 22314
UNITED STATES

Correspondent e-mail: trademarks@young-thompson.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
SMART BALANCE GOLF	Abandoned - After Inter-Partes Decision	79065432	
Plaintiff(s)			

Name: GFA Brands, Inc.

Correspondent Address: PATRICK M. BERGIN
DAVIS & KUELTHAU, S.C.
111 E. KILBOURN AVE., SUITE 1400
MILWAUKEE WI , 53202
UNITED STATES

Correspondent e-mail: pbergin@dkattorneys.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Renewed	75977525	2200663
SMART BALANCE	Renewed	75127811	2276285
SMART BALANCE	Section 8 and 15 - Accepted and Acknowledged	76252358	2952127
SMART BALANCE	Registered	77512724	3649833
SMART BALANCE OMEGA	Section 8 and 15 - Accepted and Acknowledged	78272133	2958216
SMART BALANCE	Abandoned - No Statement Of Use Filed	77200582	
SMART BALANCE	Registered	77566103	3747526

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 31, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 05, 2010	Feb 14, 2010
3	PENDING, INSTITUTED	Jan 05, 2010	
4	NOTICE OF DEFAULT	Mar 02, 2010	
5	BOARD'S DECISION: SUSTAINED	Apr 16, 2010	
6	TERMINATED	Apr 16, 2010	

Type of Proceeding: Opposition

Proceeding Number: [91193087](#)

Filing Date: Dec 21, 2009

Status: Terminated

Status Date: Dec 01, 2010

Interlocutory Attorney: JENNIFER KRISP

Defendant	
Name: Radlo Foods LLC	
Correspondent Address: BASSAM N IBRAHIM BUCHANAN INGERSOLL & ROONEY PC 1737 KING STREET, SUITE 500 ALEXANDRIA VA , 22314-1404 UNITED STATES	
Correspondent e-mail: bassam.ibrahim@bipc.com , loyd.smith@bipc.com	

Associated marks			
Mark	Application Status	Serial Number	Registration Number
SMART GOODNESS	Abandoned - After Inter-Partes Decision	77620901	
Plaintiff(s)			

Name: GFA Brands, Inc.

Correspondent Address: PATRICK M BERGIN
DAVIS & KUELTHAU SC
111 EAST KILBOURN AVENUE, SUITE 1400

MILWAUKEE WI , 53202
UNITED STATES

Correspondent e-mail: jheino@dkattorneys.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
SMART BALANCE	Section 8 and 15 - Accepted and Acknowledged	76252358	2952127
SMART BALANCE	Renewed	75127811	2276285
SMART BALANCE	Renewed	75977525	2200663
SMART BALANCE	Registered	77512724	3649833
SMART BALANCE OMEGA	Section 8 and 15 - Accepted and Acknowledged	78272133	2958216
SMART BALANCE	Abandoned - No Statement Of Use Filed	77200582	
SMART BALANCE	Registered	77566103	3747526

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 21, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 21, 2009	Jan 30, 2010
3	PENDING, INSTITUTED	Dec 21, 2009	
4	ANSWER	Jan 25, 2010	
5	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 30, 2010	
6	EXTENSION OF TIME GRANTED	Apr 05, 2010	
7	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 31, 2010	
8	EXTENSION OF TIME GRANTED	Apr 12, 2010	
9	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Apr 30, 2010	
10	EXTENSION OF TIME GRANTED	May 10, 2010	
11	CHANGE OF CORRESPONDENCE ADDRESS	May 13, 2010	
12	D'S CHANGE OF CORRESPONDENCE ADDRESS	May 13, 2010	
13	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jun 29, 2010	
14	EXTENSION OF TIME GRANTED	Jul 08, 2010	
15	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 30, 2010	
16	EXTENSION OF TIME GRANTED	Sep 11, 2010	
17	STIPULATION FOR AN EXTENSION OF TIME	Oct 26, 2010	
18	EXTENSION OF TIME GRANTED	Oct 26, 2010	
19	WITHDRAWAL OF APPLICATION	Nov 23, 2010	
20	BOARD'S DECISION: SUSTAINED	Dec 01, 2010	
21	TERMINATED	Dec 01, 2010	

EXHIBIT 6
to GFA Brands, Inc's Notice of Reliance
Opposition Nos. 91194974 (parent) and 91196358

Address:

Authorized:

Correspondent

Correspondent Name/Address: Joseph S. Heino
DAVIS & KUELTHAU, S.C.
111 E KILBOURN AVE STE 1400
MILWAUKEE, WISCONSIN 53202-6613
UNITED STATES

Phone: 414-225-1452

Fax: 414-278-3652

Correspondent e-mail: jheino@dkattorneys.com

Correspondent e-mail Authorized: No

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 15, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 15, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Oct. 19, 2010	REGISTERED-PRINCIPAL REGISTER	
Sep. 14, 2010	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Sep. 13, 2010	LAW OFFICE REGISTRATION REVIEW COMPLETED	67287
Sep. 10, 2010	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Aug. 20, 2010	STATEMENT OF USE PROCESSING COMPLETE	61813
Aug. 10, 2010	USE AMENDMENT FILED	61813
Aug. 20, 2010	DIVISIONAL PROCESSING COMPLETE	
Aug. 10, 2010	DIVISIONAL REQUEST RECEIVED	
Aug. 10, 2010	TEAS REQUEST TO DIVIDE RECEIVED	
Aug. 10, 2010	TEAS STATEMENT OF USE RECEIVED	
Mar. 30, 2010	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Mar. 28, 2010	EXTENSION 4 GRANTED	61813
Mar. 25, 2010	EXTENSION 4 FILED	61813
Mar. 25, 2010	TEAS EXTENSION RECEIVED	
Sep. 29, 2009	EXTENSION 3 GRANTED	61813
Sep. 25, 2009	EXTENSION 3 FILED	61813
Sep. 25, 2009	TEAS EXTENSION RECEIVED	
Mar. 25, 2009	EXTENSION 2 GRANTED	98765
Mar. 25, 2009	EXTENSION 2 FILED	98765
Mar. 25, 2009	TEAS EXTENSION RECEIVED	
Nov. 05, 2008	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Sep. 29, 2008	EXTENSION 1 GRANTED	61813
Sep. 25, 2008	EXTENSION 1 FILED	61813
Sep. 29, 2008	CASE ASSIGNED TO INTENT TO USE PARALEGAL	61813
Sep. 25, 2008	TEAS EXTENSION RECEIVED	
Mar. 25, 2008	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 01, 2008	PUBLISHED FOR OPPOSITION	
Dec. 12, 2007	NOTICE OF PUBLICATION	
Nov. 26, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	67287
Nov. 24, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 15, 2007	AMENDMENT FROM APPLICANT ENTERED	67287
Nov. 15, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	67287
Nov. 15, 2007	ASSIGNED TO LIE	67287
Oct. 16, 2007	FAX RECEIVED	
Sep. 23, 2007	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332

Sep. 23, 2007	LETTER OF SUSPENSION E-MAILED	6332
Sep. 23, 2007	SUSPENSION LETTER WRITTEN	77300
Sep. 18, 2007	FAX RECEIVED	
Sep. 14, 2007	ASSIGNED TO EXAMINER	77300
Jun. 12, 2007	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Sep. 13, 2010

Assignment Abstract Of Title Information

Summary

Total Assignments: 3

Registrant: GFA BRANDS, INC.

Assignment 1 of 3

Conveyance: SECURITY INTEREST

Reel/Frame: [4512/0947](#)

Pages: 9

Date Recorded: Mar. 31, 2011

Supporting Documents: [assignment-tm-4512-0947.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Mar. 31, 2011

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#)

Legal Entity Type: CHARTERED BANK

State or Country Where Organized: CANADA

Address: 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: RICHARD KALWA

Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603

Domestic Representative - Not Found

Assignment 2 of 3

Conveyance: SECURITY INTEREST

Reel/Frame: [4813/0493](#)

Pages: 9

Date Recorded: Jul. 02, 2012

Supporting Documents: [assignment-tm-4813-0493.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Jul. 02, 2012

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#)

Legal Entity Type: CHARTERED BANK

State or Country Where Organized: CANADA

Address: 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: RICHARD KALWA

Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603

Domestic Representative - Not Found

Assignment 3 of 3

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [4813/0853](#)

Pages: 8

Date Recorded: Jul. 02, 2012

Supporting Documents: [assignment-tm-4813-0853.pdf](#)

Assignor

Name: [BANK OF MONTREAL](#)

Execution Date: Jul. 02, 2012

Legal Entity Type: CANADIAN CHARTERED BANK

State or Country Where Organized: CANADA

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: JASON L. GREENBERG

Correspondent Address: ONE NEW YORK PLAZA
FRIED FRANK LLP
NEW YORK, NY 10004-1980

Domestic Representative - Not Found

EXHIBIT 7
to GFA Brands, Inc's Notice of Reliance
Opposition Nos. 91194974 (parent) and 91196358

Address:

Authorized:

Correspondent

Correspondent Name/Address: Marta S. Levine
Quarles & Brady LLP
411 East Wisconsin Avenue
Milwaukee, WISCONSIN 53202
UNITED STATES

Phone: 414 277 5000

Fax: 414 271 3552

Correspondent e-mail: tm-dept@quarles.com

Correspondent e-mail Authorized: No

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 15, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 15, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 10, 2011	REGISTERED-PRINCIPAL REGISTER	
Apr. 05, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Apr. 04, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	70629
Mar. 28, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 25, 2011	STATEMENT OF USE PROCESSING COMPLETE	76874
Mar. 15, 2011	USE AMENDMENT FILED	76874
Mar. 25, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76874
Mar. 15, 2011	TEAS STATEMENT OF USE RECEIVED	
Feb. 07, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 07, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Nov. 19, 2010	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Nov. 17, 2010	EXTENSION 2 GRANTED	98765
Nov. 17, 2010	EXTENSION 2 FILED	98765
Nov. 17, 2010	TEAS EXTENSION RECEIVED	
May 19, 2010	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
May 17, 2010	EXTENSION 1 GRANTED	98765
May 17, 2010	EXTENSION 1 FILED	98765
May 17, 2010	TEAS EXTENSION RECEIVED	
Nov. 17, 2009	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Aug. 25, 2009	PUBLISHED FOR OPPOSITION	
Aug. 05, 2009	NOTICE OF PUBLICATION	
Jul. 17, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	70629
Jul. 09, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 08, 2009	EXAMINER'S AMENDMENT ENTERED	70629
Jul. 08, 2009	ASSIGNED TO LIE	70629
Jul. 08, 2009	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jul. 08, 2009	EXAMINERS AMENDMENT E-MAILED	6328
Jul. 08, 2009	EXAMINERS AMENDMENT -WRITTEN	76582
Jul. 06, 2009	ASSIGNED TO EXAMINER	76582
Jun. 04, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 04, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 04, 2011

Assignment Abstract Of Title Information

Summary

Total Assignments: 3

Registrant: GFA Brands, Inc.

Assignment 1 of 3

Conveyance: SECURITY INTEREST

Reel/Frame: [4091/0319](#)

Pages: 10

Date Recorded: Nov. 05, 2009

Supporting Documents: [assignment-tm-4091-0319.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Nov. 04, 2009

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#)

Legal Entity Type: CHARTERED BANK

State or Country Where Organized: CANADA

Address: 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: RICHARD KALWA

Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603

Domestic Representative - Not Found

Assignment 2 of 3

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [4812/0734](#)

Pages: 7

Date Recorded: Jul. 02, 2012

Supporting Documents: [assignment-tm-4812-0734.pdf](#)

Assignor

Name: [BANK OF MONTREAL](#)

Execution Date: Jul. 02, 2012

Legal Entity Type: CANADIAN CHARTERED BANK

State or Country Where Organized: CANADA

Assignee

Name: [GFA BRANDS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 115 WEST CENTURY ROAD
SUITE 260
PARAMUS, NEW JERSEY 07652

Correspondent

Correspondent Name: JASON L. GREENBERG

Correspondent Address: ONE NEW YORK PLAZA
FRIED FRANK LLP
NEW YORK, NY 10004-1980

Domestic Representative - Not Found

Assignment 3 of 3

Conveyance: SECURITY INTEREST

Reel/Frame: [4813/0493](#)

Pages: 9

Date Recorded: Jul. 02, 2012

Supporting Documents: [assignment-tm-4813-0493.pdf](#)

Assignor

Name: [GFA BRANDS, INC.](#)

Execution Date: Jul. 02, 2012

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [BANK OF MONTREAL, AS AGENT](#)

Legal Entity Type: CHARTERED BANK

State or Country Where Organized: CANADA

Address: 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: RICHARD KALWA

Correspondent Address: 111 WEST MONROE STREET
CHAPMAN AND CUTLER LLP
CHICAGO, IL 60603

Domestic Representative - Not Found

EXHIBIT 8
to GFA Brands, Inc's Notice of Reliance
Opposition Nos. 91194974 (parent) and 91196358

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Mark: BISQUICK HEART SMART

BISQUICK HEART SMART

US Serial Number: 78583328

Application Filing Date: Mar. 09, 2005

US Registration Number: 3140426

Registration Date: Sep. 05, 2006

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Oct. 18, 2011

Publication Date: Nov. 29, 2005

Notice of Allowance Date: Feb. 21, 2006

Mark Information

Mark Literal Elements: BISQUICK HEART SMART

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: [0289319](#), [0997370](#)

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "*" identify additional (new) wording in the goods/services.

For: BAKING MIXES

International Class: 030 - Primary Class

U.S Class: 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 01, 2005

Use in Commerce: Oct. 01, 2005

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: GENERAL MILLS MARKETING, INC.

Owner Address: NUMBER ONE GENERAL MILLS BOULEVARD
MINNEAPOLIS, MINNESOTA 55426
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Gregory P. Kaihoi

Docket Number: 51005US001

Attorney Primary Email Address: trade.marks@genmills.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Gregory P. Kaihoi
General Mills, Inc.

Number One General Mills Blvd.
Minneapolis, MINNESOTA 55426
UNITED STATES

Phone: 763-764-2281

Fax: 763-764-2268

Correspondent e-mail: trade.marks@genmills.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 15, 2012	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Oct. 18, 2011	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Oct. 18, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	75461
Oct. 11, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75461
Sep. 23, 2011	TEAS SECTION 8 & 15 RECEIVED	
Sep. 05, 2006	REGISTERED-PRINCIPAL REGISTER	
Jul. 17, 2006	LAW OFFICE REGISTRATION REVIEW COMPLETED	74221
Jul. 14, 2006	ASSIGNED TO LIE	74221
Jul. 07, 2006	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 09, 2006	ASSIGNED TO EXAMINER	81855
Apr. 08, 2006	STATEMENT OF USE PROCESSING COMPLETE	64657
Mar. 23, 2006	USE AMENDMENT FILED	64657
Mar. 23, 2006	TEAS STATEMENT OF USE RECEIVED	
Feb. 21, 2006	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 29, 2005	PUBLISHED FOR OPPOSITION	
Nov. 09, 2005	NOTICE OF PUBLICATION	
Oct. 11, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	74192
Oct. 11, 2005	ASSIGNED TO LIE	74192
Sep. 28, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 28, 2005	ASSIGNED TO EXAMINER	77657
Mar. 15, 2005	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 107

Date in Location: Oct. 18, 2011

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: General Mills, Inc.

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [4838/0348](#)

Pages: 17

Date Recorded: Aug. 08, 2012

Supporting Documents: [assignment-tm-4838-0348.pdf](#)

Assignor

Name: [GENERAL MILLS, INC.](#)

Execution Date: Jun. 01, 2012

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [GENERAL MILLS MARKETING, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: NUMBER ONE GENERAL MILLS BOULEVARD
MINNEAPOLIS, MINNESOTA 55426

Correspondent

Correspondent Name: ANN HINRICHS

Correspondent Address: NUMBER ONE GENERAL MILLS BOULEVARD
MINNEAPOLIS, MN 55426

Domestic Representative - Not Found

EXHIBIT 9
to GFA Brands, Inc's Notice of Reliance
Opposition Nos. 91194974 (parent) and 91196358

Generated on: This page was generated by TSDR on 2013-04-22 17:50:55 EDT

Mark: HEART SMART



US Serial Number: 77954085
Application Filing Date: Mar. 09, 2010
US Registration Number: 3945900
Registration Date: Apr. 12, 2011
Filed as TEAS Plus: Yes
Currently TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Apr. 12, 2011
Publication Date: Jun. 15, 2010
Notice of Allowance Date: Aug. 10, 2010

Mark Information

Mark Literal Elements: HEART SMART
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Description of Mark: The mark consists of the words "HEART SMART" superimposed over a stylized heart.
Color(s) Claimed: Color is not claimed as a feature of the mark.
Design Search Code(s): 02.11.13 - Hearts used as backgrounds or carriers

Related Properties Information

Claimed Ownership of US [3432088](#)
Registrations:

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Sauces
International Class: 030 - Primary Class
U.S Class: 046
Class Status: ACTIVE
Basis: 1(a)
First Use: Jan. 23, 2011
Use in Commerce: Jan. 23, 2011

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: CSC Brands LP
Composed of: Campbell Finance 2 Corp., a Delaware corporation
Owner Address: Campbell Place
Camden, NEW JERSEY 08103
UNITED STATES
Legal Entity Type: LIMITED PARTNERSHIP
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jennifer C. Debrow **Docket Number:** 122416-US-27
Attorney Primary Email Address: IPMail@gpmlaw.com **Attorney Email Authorized:** No

Correspondent

Correspondent Name/Address: JENNIFER C. DEBROW
GRAY, PLANT, MOOTY, MOOTY & BENNETT, PA
P.O. BOX 2186
MINNEAPOLIS, MINNESOTA 55402
UNITED STATES
Phone: 612-632-3000 **Fax:** 612-632-4444
Correspondent e-mail: IPMail@gpmlaw.com **Correspondent e-mail Authorized:** No

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 12, 2011	REGISTERED-PRINCIPAL REGISTER	
Mar. 09, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Mar. 08, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	70468
Mar. 01, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Feb. 28, 2011	STATEMENT OF USE PROCESSING COMPLETE	76985
Feb. 07, 2011	USE AMENDMENT FILED	76985
Feb. 28, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76985
Feb. 07, 2011	TEAS STATEMENT OF USE RECEIVED	
Aug. 10, 2010	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 15, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 15, 2010	PUBLISHED FOR OPPOSITION	
May 13, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	70468
May 13, 2010	ASSIGNED TO LIE	70468
May 04, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 04, 2010	ASSIGNED TO EXAMINER	76839
Mar. 13, 2010	NOTICE OF DESIGN SEARCH CODE MAILED	
Mar. 12, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 12, 2010	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Mar. 08, 2011

EXHIBIT 10
to GFA Brands, Inc's Notice of Reliance
Opposition Nos. 91194974 (parent) and 91196358

Generated on: This page was generated by TSDR on 2013-04-22 16:43:49 EDT

Mark: PLUMSMART

PLUMSMART

US Serial Number: 78349514 Application Filing Date: Jan. 08, 2004
US Registration Number: 2916503 Registration Date: Jan. 04, 2005
Register: Principal
Mark Type: Trademark
Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.
Status Date: Feb. 02, 2010
Publication Date: Oct. 12, 2004

Mark Information

Mark Literal Elements: PLUMSMART
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Fruit juice
International Class: 032 - Primary Class U.S Class: 045, 046, 048
Class Status: ACTIVE
Basis: 1(a)
First Use: Aug. 18, 2003 Use in Commerce: Aug. 18, 2003

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Sunsweet Growers Inc.
Owner Address: 901 North Walton Avenue
Yuba City, CALIFORNIA 95993
UNITED STATES
Legal Entity Type: CORPORATION State or Country Where Organized: CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: James A. Ullman Docket Number: 075843.00438
Attorney Primary Email Address: phxipmail@gtlaw.com Attorney Email Authorized: Yes

Correspondent

Correspondent: James A. Ullman

Name/Address: Quarles & Brady LLP
Two North Central Avenue
One Renaissance Square
PHOENIX, ARIZONA 85004
UNITED STATES

Phone: 602-229-5283

Fax: 602-420-5167

Correspondent e-mail: jackie.londo@quarles.com tm-dept@quarles.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 24, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 02, 2010	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70619
Feb. 02, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70619
Jan. 26, 2010	TEAS SECTION 8 & 15 RECEIVED	
Jan. 04, 2005	REGISTERED-PRINCIPAL REGISTER	
Oct. 12, 2004	PUBLISHED FOR OPPOSITION	
Sep. 22, 2004	NOTICE OF PUBLICATION	
Aug. 12, 2004	LAW OFFICE PUBLICATION REVIEW COMPLETED	73793
Aug. 10, 2004	ASSIGNED TO LIE	73793
Aug. 10, 2004	ASSIGNED TO LIE	68171
Jul. 30, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 21, 2004	EXAMINER'S AMENDMENT ENTERED	73793
Jul. 21, 2004	EXAMINERS AMENDMENT E-MAILED	6328
Jul. 21, 2004	ASSIGNED TO EXAMINER	73701
Jan. 13, 2004	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 116

Date in Location: Feb. 02, 2010