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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
Filer's e-mail	johanna.wilbert@quarles.com, david.cross@quarles.com, andrea.fowler@quarles.com, deena.rafinski@quarles.com
Signature	/Johanna M. Wilbert/
Date	04/29/2013
Attachments	Ex 61 - 3rd party use - PHOTO of Simply Smart Milk.pdf ( 2 pages )(167978 bytes ) Ex 62 - 3rd party use - PHOTO of Smart Deli.pdf ( 2 pages )(204205 bytes ) Ex 63 - 3rd party use - PHOTO of Smart Pop.pdf ( 2 pages )(266192 bytes ) Ex 64 - 3rd party use - PHOTO of Smart Start.pdf ( 2 pages )(197167 bytes ) Ex 65 - 3rd party use - PHOTO of Smart Water.pdf ( 2 pages )(211312 bytes ) Ex 66 - 3rd party use - PHOTO of Smartfood Popcorn.pdf ( 2 pages )(195641 bytes ) Ex 67 - 3rd party use - PHOTO of Gerber Smart Nourish.pdf ( 2 pages )(198249 bytes ) Ex 68 - 3rd party use - PHOTO of Smart Taste.pdf ( 2 pages )(222159 bytes ) Ex 69 - 3rd party use - PHOTO of Smart Snack Fig Bars.pdf ( 2 pages )(175019 bytes )

EXHIBIT 61  
to GFA Brands, Inc's Notice of Reliance  
Opposition Nos. 91194974 (parent) and 91196358

*(photo of exhibit filed electronically  
and physical exhibit mailed to TTAB)*

EH3-L5 AUG-02-11 05:55 36-5631

**Hood**  
**Simply Smart**



**Chocolate Fat Free Milk**  
with the Taste of Chocolate 2% Milk

**Hood**  
**Simply Smart**

**Chocolate Fat Free Milk**  
with the Taste of Chocolate 2% Milk

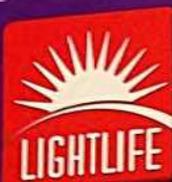
**EXHIBIT**  
61

No Artificial Growth Hormones\*  
-ase Corn Syrup  
GRADE A CHOCOLATE FAT FREE MILK  
VITAMINS A & D - ULTRA-PASTEURIZED  
HALF GALLON (1.89L)

EXHIBIT 62  
to GFA Brands, Inc's Notice of Reliance  
Opposition Nos. 91194974 (parent) and 91196358

*(photo of exhibit filed electronically  
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M  
1590



**Roast Turkey Style**  
veggie protein slices

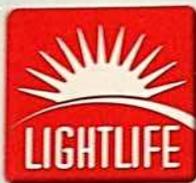
LOW SATURATED FAT  
total fat 3.5g per serving

NATURALLY  
CHOLESTEROL FREE

We do not use  
soybeans that were  
produced using  
biotechnology.

Veggie goodness  
for you  
and the planet.

11



**14 Grams  
of Protein**  
in each serving

LOW SATURATED  
FAT  
total fat 3.5g  
per serving  
NATURALLY  
CHOLESTEROL FREE

# Smart Deli®

**Roast Turkey Style**  
veggie protein slices

**Great  
Taste.  
Try Me!**



PREPARED

NET WT 5.5 OZ (156g)

Serving  
Suggestion

KEEP REFRIGERATED

EXHIBIT

62

EXHIBIT 63  
to GFA Brands, Inc's Notice of Reliance  
Opposition Nos. 91194974 (parent) and 91196358

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**POP UP BOWL™**

SEE BACK FOR INFORMATION ABOUT THE RELATIONSHIP BETWEEN WHOLE GRAIN AND HEART DISEASE.

SEE BACK FOR INFORMATION ABOUT THE RELATIONSHIP BETWEEN WHOLE GRAIN AND HEART DISEASE.

**New**

EASIER SNACKING • SHARING • CLEAN UP

# POP UP BOWL™



100% WHOLE GRAIN

0g TRANS FAT PER SERVING

MICROWAVE

**Nutrition Facts**

Serving Size 3 Tbsp (37g) unpopped (makes about 7.5 cups popped)  
Servings Per Bag: about 2  
Servings Per Carton: about 6

Amount Per Serving	3 Tbsp Unpopped	1 Cup Popped
Calories	120	15
Calories from Fat	20	0
	% Daily Value**	
<b>Total Fat 2g*</b>	3%	0%
Saturated Fat 0.5g	3%	0%
Trans Fat 0g		
Polyunsaturated Fat 0.5g		
Monounsaturated Fat 0.5g		
Cholesterol 0mg	0%	0%
Sodium 240mg	10%	1%
Potassium 300mg	9%	1%
<b>Total Carbohydrate 25g</b>	8%	1%
Dietary Fiber 4g	16%	3%
<b>Protein 4g</b>		
Iron	8%	0%

Not a significant source of sugars, vitamin A, vitamin C and calcium.

\* Amount is unpopped. As popped 1 cup provides 1g of total fat (0g saturated fat, 0g trans fat, 0mg cholesterol, 20mg sodium, 25mg potassium, 3g total carbohydrate (less than 1g dietary fiber) and 1g protein.

\*\*Percent Daily Values (%DV) are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs:

	Calories	2,000	2,500
Total Fat	Less than	65g	85g
Saturated Fat	Less than	35g	25g
Cholesterol	Less than	300mg	300mg
Sodium	Less than	2,400mg	2,400mg
Potassium	Less than	3,500mg	3,500mg
Total Carb	Less than	300g	375g
Dietary Fiber	Less than	25g	35g

Calories per gram: Fat = 9 • Carbohydrate = 4 • Protein = 4

INSTRUCCIONES EN ESPAÑOL EN LA BOLSA.

NO ADDED DIMETHYL BUTYR FLAVORINGS

⊕

—+—

C A B C D A B C D

BURD  
FLETCHER

**EXHIBIT**

63

**Kids' Safety:** While popcorn is a delicious snacking choice, it is never recommended for infants or toddlers, as the popped kernels can pose a choking threat to their safety.

**Quinto Para Niños:** Aunque las palomitas de maíz son un delicioso bocadillo, no se recomienda que los consuman niños menores de 4 años ya que corren el riesgo de ahogarse por los granos de maíz.

QUESTIONS OR COMMENTS:  
call 1-800-490-2300 (TDD) 1-800-243-6303 (voice)  
national holidays. Please leave voice message  
when you call so we may gather information for the label.

ConAgra  
Foods  
Food you love!

ConAgra Foods, Inc.  
P.O. Box 3708, Dept. OR  
Omaha, NE 68103-0768 U.S.A.

U.S. Patent Pending

VISIT WWW.ORVILLE.COM



This carton is 100% recyclable.  
Recycling facilities may not exist in your area.



EXHIBIT 64  
to GFA Brands, Inc's Notice of Reliance  
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*(photo of exhibit filed electronically  
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Kellogg's

SMART  
START

Good Source of  
FIBER



Made with  
WHOLE GRAIN

NEW LOOK Same GREAT Taste

Kellogg's

SMART  
START

Original Antioxidants

Lightly sweetened, toasted multi-grain flakes and crunchy oat clusters

STRONG  HEART

Antioxidant Vitamins A, C, & E Including Beta Carotene



EXHIBIT  
64

CEREAL

NET WT 17.5 OZ (1 LB 1.5 OZ) (496g)

Kellogg's  
SMART  
START

Nutrition Facts table with columns for Total Fat, Total Carbohydrate, Protein, and various vitamins and minerals.

Additional product information and icons.

EXHIBIT 65  
to GFA Brands, Inc's Notice of Reliance  
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GLACÉAU  
water

smart

ingredients:  
vapor distilled water, calcium chloride and magnesium chloride and potassium bicarbonate (electrolyte sources) \*electrolytes added for taste

**Nutrition Facts**

Serving Size 8 fl oz (240 mL)  
Servings Per Container 4

Amount Per Serving	
Calories 0	
	% Daily Value*
Total Fat 0g	0%
Sodium 0mg	0%
Total Carbohydrate 0g	0%
Protein 0g	

Made for Glacéau, Whitestone, NY 11357  
For water quality and information  
Please contact Glacéau, 1-800-61-ACEAU

EXHIBIT

65

purify you can taste ☺ hydrates you can feel

Is it just us or do clouds get a bad rap? While we admit they're not as great to have around on a beach day, as say, the sun, clouds are unsung heroes because they contain nature's purest source of water. Meanwhile, spring water comes from the ground and contains random stuff and whatever else the animals that swim in it leave behind. That's why we copied our white puffy friends by creating smartwater®. It's vapor distilled, so it is in its purest original state. But we don't stop there. We one-up the clouds by adding electrolytes. It's a difference you can taste... unless, of course, you have no tastebuds (then you're on your own).

GLACÉAU  
water

smart

vapor distilled water  
and electrolytes for

33.8 FL OZ (1QT 1.8 OZ)



outside

EXHIBIT 66  
to GFA Brands, Inc's Notice of Reliance  
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*(photo of exhibit filed electronically  
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# Smartfood<sup>®</sup>

POPCORN

BRAND

## WHITE CHEDDAR

CHEESE FLAVORED

GUARANTEED FRESH  
• UNTIL PRINTED DATE

SEP 6  
**2.99**  
266217262  
62 18-01

EXHIBIT  
66

NET WT. 5 OZ. (141.7 g)

EXHIBIT 67  
to GFA Brands, Inc's Notice of Reliance  
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*(photo of exhibit filed electronically  
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BETTER IF USED BY

26APR12 11:04 US12502



  
**Gerber**

SmartNourish.  
*Organic*

single grain  
**oatmeal**

Ask our Experts 24/7: 1-800-4-GERBER • www.gerber.com



**Gerber**



SmartNourish.  
*Organic*

- GOOD SOURCE OF VITAMIN D and CALCIUM for STRONG BONES and TEETH
- CHOLINE to HELP SUPPORT MUSCLE and MEMORY FUNCTION

single grain  
**oatmeal**  
cereal for baby

- Made with Natural Whole Grain
- Excellent Source of Iron



Nutrition for Healthy  
**GROWTH & Natural IMMUNE SUPPORT**



EXHIBIT  
67

NET WT 8 OZ (227g)



PATENT PENDING

  
**Gerber**

SmartNourish.  
*Organic*  
single grain  
**oatmeal**



0 15000 12502 8

4341337

EXHIBIT 68  
to GFA Brands, Inc's Notice of Reliance  
Opposition Nos. 91194974 (parent) and 91196358

*(photo of exhibit filed electronically  
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RONZONI

Smart Taste®

Same Great Taste. Smarter Pasta™

PENNE RIGATE

RONZONI

Smart Taste®

DELICIOUS ENRICHED WHITE PASTA

with Calcium, Vitamin D and Fiber

PENNE RIGATE

RONZONI Smart Taste®

PENNE RIGATE

Smart eating means combining great taste with nutrition.

Now you can give your family the white pasta taste they love while providing them with the nutrients they need to build strong, healthy bones.

A serving of RONZONI SMART TASTE has calcium equal to an 8 oz. glass of milk, and is an excellent source of Vitamin D and fiber. And RONZONI SMART TASTE looks, cooks, and tastes just like regular white pasta. It's your family's smart way to eat better.

Visit our web site to get more great tasting recipes and learn more about the benefits of RONZONI SMART TASTE pasta.

RONZONI SMART TASTE: Same Great Taste. Smarter Pasta™

LOW FAT, LOW SODIUM, CHICKEN/TOFU FREE

EXCELLENT Source of

- ✓ Calcium
- ✓ Vitamin D
- ✓ Fiber

EXHIBIT 68



SERVING SUGGESTION

NET WT. 14.5 OZ (411 g)

RONZONI Smart Taste® PENNE RIGATE



LOW FAT, LOW SODIUM, CHICKEN/TOFU FREE

EXHIBIT 69  
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**Fig Bars**  
ORIGINAL RECIPE



Little Debbie

**Fig Bars**



Little Debbie  
Snacks

ORIGINAL RECIPE

**Fig Bars**

1.79



made with  
**Real Fruit**

8 BARS INDIVIDUALLY WRAPPED NET WT. 12 OZ. (340g)



OPEN THIS PANEL

PUSH HERE TO CLOSE

Little Debbie  
Snacks

Manufactured in USA

Jul 14 11  
05202142  
4-5

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EXHIBIT  
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