

ESTTA Tracking number: **ESTTA499360**

Filing date: **10/10/2012**

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

Proceeding	91196767
Party	Plaintiff Gruma Corporation
Correspondence Address	JOHN M CONE HITCHCOCK EVERT LLP PO BOX 131709 DALLAS, TX 75313-1709 UNITED STATES jccone@hitchcockevert.com, docket@hitchcockevert.com, ksimpson@hitchcockevert.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	John M. Cone
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Signature	/s/ John M. Cone
Date	10/10/2012
Attachments	121010 Opposer's Second Notice of Reliance 1-14.pdf ( 55 pages )(10565542 bytes )

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

**In the Matter of Application Serial No. 77/734,156 LA MORENITA**

**GRUMA CORPORATION,**

**Opposer,**

**v.**

**OLÉ MEXICAN FOODS, INC.,**

**Applicant.**

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**Opposition No. 91196767**

**OPPOSER'S SECOND NOTICE OF RELIANCE**

Opposer GRUMA CORPORATION, in accordance with Rule 2.122(e) of the Trademark Rules of Practice, relies on the third party registrations of the marks listed below that cover both: flour and tortillas or tostadas, or tortillas and tostadas. Certified copies of the registrations are attached hereto as Appendices 1 through 14 inclusive:

Appendix 1 Registration No. 4197258 Mexican Man Design

Appendix 2 Registration No. 4183451 Flower Design

Appendix 3 Registration No. 4165446 COALESCENCE

Appendix 4 Registration No. 4155668 CHEF PANTELI'S & Design

Appendix 5 Registration No. 4047777 MARKET PANTRY & Design

Appendix 6 Registration No. 3488744 COCINA CASERA & Design

Appendix 7 Registration No. 3600403 CLEARLY ORGANIC

Appendix 8 Registration No. 3217914 AMAZONAS & Design

Appendix 9 Registration No. 3320751 MI CANTON

Appendix 10 Registration No. 3171029 QUE MARAVILLA DE TORTILLA

Appendix 11 Registration No. 3082851 CONTAINS WHOLEGRAINS & Design

Appendix 12 Registration No. 3406680 CARBOSTAR

Appendix 13 Registration No. 3234779 SOPHIA'S & Design

Appendix 14 Registration No. 3059378 MEXICATESSEN

The registrations are offered to show that flour (masa), tortillas and tostadas are related goods which customers would expect to be from the same source when advertised or sold under similar trademarks.

Dated: October 10, 2012

Respectfully submitted,

/s/ John M. Cone  
John M. Cone  
Hitchcock Evert LLP  
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ATTORNEY FOR OPPOSER  
GRUMA CORPORATION

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10th day of October 2012, a true and correct copy of the foregoing document was served via U.S. Certified Mail, postage prepaid on:

Paul S. Owens  
Paul Owens & Associates  
PO Box 15310  
Atlanta GA 30333-0310

/s/ John M. Cone  
John M. Cone

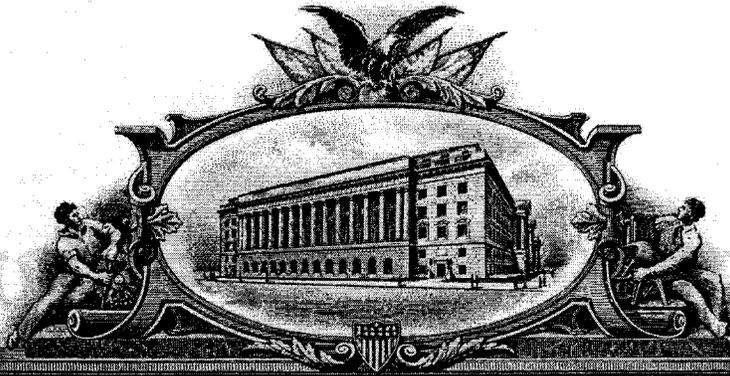
## **APPENDIX 1**

Gruma Corporation v. Olé Mexican Foods, Inc.  
Opposition No. 91196767

Gruma Corporation  
Opposer's Second Notice of Reliance

Registration No. 4197258 Mexican Man Design

1896356



# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

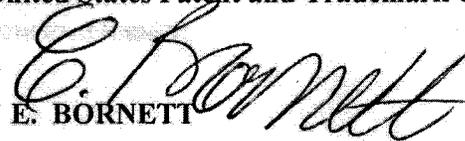
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

September 13, 2012

THE ATTACHED U.S. TRADEMARK REGISTRATION 4,197,258 IS  
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY  
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH  
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM August 28, 2012  
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

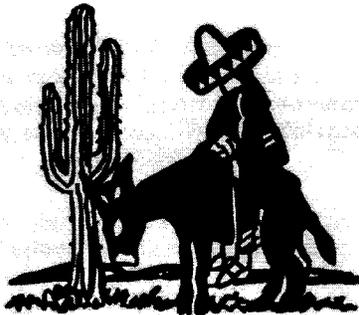
By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office

  
E. BORNETT  
Certifying Officer



# United States of America

United States Patent and Trademark Office



**Reg. No. 4,197,258**

**Registered Aug. 28, 2012**

**Int. Cls.: 29 and 30**

**TRADEMARK**

**PRINCIPAL REGISTER**

DOMINGUEZ FAMILY ENTERPRISES (OREGON CORPORATION)  
2885 VAN HORN DR.  
HOOD RIVER, OR 97031

FOR: FRIED PORK RINDS; VEGETABLE-BASED SNACK FOODS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 9-10-1977; IN COMMERCE 9-10-1977.

FOR: TORTILLA SHELLS; TORTILLA CHIPS; TACO SHELLS; TORTILLAS; MASA, NAMELY, FLOUR FOR MAKING TAMALES AND CORN FLOUR; MEXICAN PASTRIES; MEXICAN CANDY; SPICES, IN CLASS 30 (U.S. CL. 46).

FIRST USE 9-10-1977; IN COMMERCE 9-10-1977.

THE MARK CONSISTS OF THE DESIGN OF A SPANISH FEMALE WEARING A SOMBRERO RIDING A DONKEY PAUSED ALONGSIDE A CACTUS.

SER. NO. 85-445,541, FILED 10-12-2011.

KATHERINE CHANG, EXAMINING ATTORNEY



*David J. Kypas*

Director of the United States Patent and Trademark Office

## **APPENDIX 2**

Gruma Corporation v. Olé Mexican Foods, Inc.  
Opposition No. 91196767

Gruma Corporation  
Opposer's Second Notice of Reliance

Registration No. 4183451 Flower Design

1896357



# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

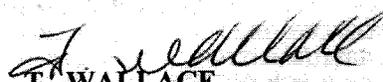
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

September 12, 2012

THE ATTACHED U.S. TRADEMARK REGISTRATION 4,183,451 IS  
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY  
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH  
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM July 31, 2012  
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

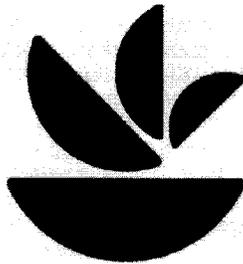
By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office

  
T. WALLACE  
Certifying Officer



# United States of America

United States Patent and Trademark Office



**Reg. No. 4,183,451**

**Registered July 31, 2012**

**Int. Cls.: 1, 8, 21, 29, 30  
and 32**

**TRADEMARK**

**PRINCIPAL REGISTER**

AHOLD LICENSING SARL (SWITZERLAND LIMITED LIABILITY COMPANY)  
2 RUE JEAN-PETITOT  
GENEVA, SWITZERLAND 1204

FOR: ARTIFICIAL SWEETENERS, IN CLASS 1 (U.S. CLS. 1, 5, 6, 10, 26 AND 46).  
FIRST USE 5-0-2010; IN COMMERCE 5-0-2010.

FOR: TABLEWARE, NAMELY, KNIVES, FORKS AND SPOONS, IN CLASS 8 (U.S. CLS. 23,  
28 AND 44).

FIRST USE 6-0-2010; IN COMMERCE 6-0-2010.

FOR: PAPER CUPS, PLASTIC CUPS, FOAM CUPS, PAPER PLATES, PLASTIC PLATES,  
FOAM PLATES, PAPER BOWLS, PLASTIC BOWLS, FOAM BOWLS, PLASTIC DRINKING  
GLASSES, TUMBLERS AND MUGS, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND  
50).

FIRST USE 2-0-2010; IN COMMERCE 2-0-2010.

FOR: CHEESE, CHEESE SPREAD, MILK, BUTTERMILK, CHOCOLATE MILK, SOY MILK,  
CREAM, HALF AND HALF, NON-DAIRY CREAMER, CREAM CHEESE, COTTAGE CHEESE,  
SOUR CREAM, YOGURT, WHIPPED TOPPING, BUTTER, BUTTER SUBSTITUTES, MAR-  
GARINE, EGG SUBSTITUTE, NON-ALCOHOLIC EGG NOG, EGGS, DAIRY-BASED DIPS,  
DIPS, SHELLLED AND ROASTED NUTS, CANNED FRUITS, DRIED FRUITS, FROZEN  
FRUITS, FRUIT-BASED SNACKS, CANNED VEGETABLES, FROZEN VEGETABLES,  
FROZEN BERRIES, POTATO CHIPS, VEGETABLE-BASED SNACK FOODS, FROZEN FISH,  
CANNED FISH, PROCESSED CHICKEN, PICKLES, PROCESSED OLIVES, FROZEN ONION  
RINGS, PEANUT BUTTER, APPLE BUTTER, JAM, JELLY, FRUIT PRESERVES, FRUIT-  
BASED PIE FILLINGS, APPLESAUCE, CRANBERRY SAUCE, FLAKED COCONUT, DRIED  
BEANS, CANNED SOUPS, DRIED SOUP MIXES, VEGETABLE OILS FOR COOKING,  
LUNCHEON MEATS, FRESH AND PROCESSED SHRIMP AND SEAFOOD, VEGETABLE  
SALADS, GARDEN SALADS, POTATO SALADS, FRESH, CANNED, PROCESSED AND  
FROZEN MEATS, BACON, PROCESSED VEGETABLE BITS BEING A FOOD THAT CONTAIN  
PROTEIN AND ARE BACON-FLAVORED, FROZEN ENTREES CONSISTING PRIMARILY  
OF MEAT, FISH, POULTRY AND VEGETABLES, PREPARED ENTREES CONSISTING  
PRIMARILY OF MEAT, FISH, POULTRY AND VEGETABLES, IN CLASS 29 (U.S. CL. 46).



*David J. Kappas*

Director of the United States Patent and Trademark Office

**Reg. No. 4,183,451** FIRST USE 6-14-2009; IN COMMERCE 6-14-2009.

FOR: BREAD, BAGELS, FROZEN WAFFLES, FROZEN PANCAKES, FROZEN STRUDEL, ROLLS, FROZEN BREAD DOUGH, SOFT PRETZELS, FRESH OR FROZEN PIZZA, ICE CREAM, FROZEN CONFECTIONS, FROZEN YOGURT, SHERBETS, PASTA, PREPARED PIE CRUST, REFRIGERATED DOUGH FOR BISCUITS, ROLLS, BREADSTICKS AND PIZZA CRUST, TORTILLAS, COOKIES, CANDIES, CRACKERS, HONEY, BREADCRUMBS, SEASONED COATINGS FOR MEAT, FISH AND POULTRY, CROUTONS, STUFFING MIXES CONTAINING BREAD, FLAVORED, SWEETENED GELATIN, DESSERT PUDDING, CHOCOLATE CHIPS FOR BAKING, FLOUR, BAKING SODA, BAKING POWDER, CORN STARCH, SUGAR, BROWN SUGAR, SALT, PANCAKE SYRUP, PANCAKE MIXES, SPICES, EXTRACTS USED FOR FLAVORING NOT OF ESSENTIAL OILS, COFFEE, TEA, COCOA, CHOCOLATE SYRUP, PROCESSED UNPOPPED POPCORN, GRAVY, KETCHUP, MUSTARD, PICKLE RELISH, PICANTE SAUCE, SOY SAUCE, HOT SAUCE, PIZZA SAUCE, TERIYAKI SAUCE, BARBECUE SAUCE, WORCESTERSHIRE SAUCE, COCKTAIL SAUCE, TARTAR SAUCE, SPAGHETTI SAUCE, TOMATO SAUCE, PASTA SAUCE, SALSA, MAYONNAISE, SALAD DRESSINGS, VINEGAR, BREAKFAST CEREAL, CEREAL-BASED SNACK BARS, WHEAT-BASED SNACK BARS, PROCESSED OATS AND OATMEAL, GRITS, BREAKFAST PASTRIES, RICE, RICE CAKES, PACKAGED MIXES CONSISTING PRIMARILY OF PASTA OR RICE, RICE SALADS, BAGGED ICE, PASTA SALADS, DELI SANDWICHES, CORN-BASED SNACK FOODS, PRETZELS, FROZEN ENTREES CONSISTING PRIMARILY OF PASTA OR RICE, PREPARED ENTREES CONSISTING PRIMARILY OF PASTA OR RICE, IN CLASS 30 (U.S. CL. 46).

FIRST USE 1-15-2009; IN COMMERCE 1-15-2009.

FOR: CONCENTRATES, SYRUPS OR POWDERS USED IN THE PREPARATION OF SOFT DRINKS; DRINKING WATER; FRUIT DRINKS; FRUIT FLAVORED SOFT DRINKS; FRUIT JUICES; FRUIT-FLAVORED BEVERAGES; MINERAL WATER; SELTZER WATER; SOFT DRINKS, NAMELY, CARBONATED SOFT DRINKS; SPRING WATER; VEGETABLE JUICE, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 9-13-2009; IN COMMERCE 9-13-2009.

OWNER OF U.S. REG. NOS. 3,945,990, 4,029,084 AND OTHERS.

THE MARK CONSISTS OF FOUR WEDGE DESIGNS, DEPICTED IN VARYING SIZES AND DEGREES OF ROTATION. THE FIRST WEDGE IS LARGEST AND PORTRAYED AS HORIZONTAL. THE SECOND WEDGE IS SMALLER THAN THE FIRST, AND APPEARS AT AN APPROXIMATELY 45 DEGREE ANGLE. THE THIRD WEDGE IS SMALLER THAN THE SECOND, AND IS PORTRAYED AS VERTICAL. THE FOURTH WEDGE IS SMALLEST, AND APPEARS AT AN APPROXIMATELY 135 DEGREE ANGLE; I.E., BOTH THE SECOND AND FOURTH WEDGES ARE DISPOSED APPROXIMATELY 45 DEGREES FROM THE THIRD WEDGE.

SER. NO. 85-547,002, FILED 2-20-2012.

LAURIE MAYES, EXAMINING ATTORNEY

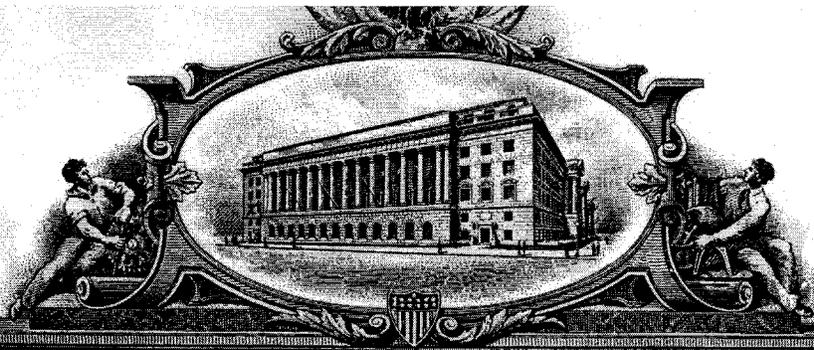
## **APPENDIX 3**

Gruma Corporation v. Olé Mexican Foods, Inc.  
Opposition No. 91196767

Gruma Corporation  
Opposer's Second Notice of Reliance

Registration No. 4165446 COALESCENCE

1896358



# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

September 17, 2012

THE ATTACHED U.S. TRADEMARK REGISTRATION 4,165,446 IS  
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY  
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH  
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *June 26, 2012*  
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office

E. BORNETT  
Certifying Officer



# United States of America

United States Patent and Trademark Office

## COALESCENCE

Reg. No. 4,165,446

Registered June 26, 2012

Int. Cls.: 29, 30, and 40

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

COALESCENCE, LLC (OHIO LIMITED LIABILITY COMPANY)  
3455 MILLENNIUM COURT  
COLUMBUS, OH 43219

FOR: FROZEN ENTREES CONSISTING PRIMARILY OF FISH, POULTRY OR VEGETABLES; PREPARED ENTREES CONSISTING PRIMARILY OF FISH, POULTRY OR VEGETABLES; PACKAGED ENTREES CONSISTING PRIMARILY OF FISH, POULTRY OR VEGETABLES; APPETIZERS, NAMELY, BREADED AND FRIED JALAPENO PEPPERS; BEVERAGES CONSISTING PRINCIPALLY OF MILK; BOUILLON, BOUILLON CONCENTRATES; BROTH; CHEESE POWDER; DIP MIXES; DIPS; DRIED BEANS; DRIED LENTILS; DRIED MILK POWDER; DRIED SOYBEANS; DRIED VEGETABLES; DRINKABLE SOUPS; DRINKING YOGURTS; EDIBLE OIL; EDIBLE OILS; EDIBLE OILS AND EDIBLE FATS; EXTRACTS FOR SOUPS; EXTRACTS OF MEAT; EXTRACTS OF POULTRY; FOOD ADDITIVES IN THE NATURE OF FAT ACIDS MADE FROM MEAT, FISH, FRUITS, VEGETABLES, EGGS, MILK AND EDIBLE OILS AND FATS; FOOD ADDITIVES, NAMELY, NATURAL FOOD EXTRACTS DERIVED FROM FISH, FISH OIL, FISH PROTEIN, ALGAE, SEAWEED, FISH OR SHARK CARTILAGE, OR SEASHELLS NOT FOR MEDICINAL PURPOSES AND FOR HUMAN CONSUMPTION; FOOD GLAZING PREPARATIONS COMPRISED PRIMARILY OF FRUIT AND/OR FRUIT PECTIN FOR USE IN COOKING AND BAKING; FOOD PACKAGE COMBINATIONS CONSISTING PRIMARILY OF CHEESE, MEAT AND/OR PROCESSED FRUIT; FORMED TEXTURED VEGETABLE PROTEIN TO BE USED AS AN EXTENDER OR MEAT SUBSTITUTE; FORMED TEXTURED VEGETABLE PROTEIN FOR USE AS A MEAT EXTENDER OR MEAT SUBSTITUTE; FROZEN, FROSTED, PRESERVED, PROCESSED, DRIED, COOKED OR CRYSTALLIZED FRUIT AND VEGETABLES EXTRACTS FOR USE IN PREPARED MEALS OR FOOD; FRUIT-BASED FOOD BEVERAGE; FRUIT-BASED ORGANIC FOOD BARS; FRUIT-BASED ORGANIC FOOD BARS, ALSO CONTAINING GRAIN, VEGETABLES, SEEDS AND CHOCOLATE; GLAZED FRUITS; GUACAMOLE; HOT CHILI PEPPER PUREE; MARINATED MEAT; MARINATED SEAFOOD; MARINATED FISH; MARINATED POULTRY; MARINATED VEGETABLES; MASHED POTATOES; MEAT AND MEAT EXTRACTS; MEAT EXTRACT; MEAT EXTRACTS; MEAT JUICES; MEAT PASTE, MEAT SUBSTITUTES; MILK PROTEIN; MILK PROTEINS; MILK-BASED BEVERAGE CONTAINING COFFEE; MILK-BASED BEVERAGES CONTAINING MILK CONCENTRATES, VEGETABLE OIL AND ADDED NUTRIENTS; MILK-BASED BEVERAGES WITH CHOCOLATE; MILK-BASED ENERGY DRINKS; MIXES FOR MAKING BROTHS; MIXES FOR MAKING SOUP; NON-ALCOHOLIC FRUIT EXTRACTS FOR USE AS INGREDIENTS OF NUTRITIONAL SUPPLEMENTS AND VITAMINS; NON-FAT, LOW-CARBOHYDRATE, HIGH-PROTEIN DAIRY-BASED MIX FOR MAKING NON-DESSERT FOODS, NAMELY, PROCESSED FRUIT-



*David J. Kappas*

Director of the United States Patent and Trademark Office

**Reg. No. 4,165,446** AND NUT-BASED FOOD BARS, SNACK BARS, FRUIT-BASED SNACK FOOD, PROTEIN-BASED NUTRIENT-DENSE SNACK FOODS; MULTIGRAIN-BASED SNACK FOODS, NON-MEDICATED INGREDIENTS OR ADDITIVES FOR USE IN FOOD, NAMELY, EXTRACTS OF FRUIT OR VEGETABLES AND ESSENCES OF FRUIT OR VEGETABLES; NON-MEDICATED INGREDIENTS OR ADDITIVES FOR USE AS INGREDIENTS IN NUTRITIONAL SUPPLEMENTS, NAMELY, EXTRACTS OF FRUIT OR VEGETABLES AND ESSENCES OF FRUIT OR VEGETABLES AND JUICES OF FRUIT AND VEGETABLES; OIL, NAMELY, EDIBLE OIL; POTATO CHIPS; POTATO CRISPS; POTATO CRISPS AND CHIPS; POTATO FRIES; POTATO FRITTERS; POTATO PANCAKES; POTATO-BASED SNACK FOODS; POULTRY; POULTRY, NAMELY, CHICKEN OR TURKEY; POWDERED MILK FOR FOOD PURPOSES; POWDERED OILS AND FATS; PREPARATIONS FOR MAKING BOUILLON; PREPARATIONS FOR MAKING BROTHS; PREPARATIONS FOR MAKING SOUPS; PREPARATIONS FOR MAKING SOUP; PREPARED ENTREES CONSISTING PRIMARILY OF VEGETABLES, SOUPS, FRUIT SALADS AND VEGETABLE SALADS; PREPARED FOOD KITS COMPOSED OF MEAT, POULTRY, FISH, SEAFOOD, AND/OR VEGETABLES AND ALSO INCLUDING SAUCES OR SEASONINGS, READY FOR COOKING AND ASSEMBLY AS A MEAL; PRESERVED FRUIT AND VEGETABLES; PRESERVED FRUITS AND VEGETABLES; PRESERVED MEATS AND SAUSAGES; PRESERVED VEGETABLES; PRESERVED, DRIED AND COOKED VEGETABLES, PRESERVED, DRIED, COOKED AND GRILLED VEGETABLES; PROCESSED OILS AND FATS; PROCESSED POTATOES; PROCESSED SOY BEANS; PROCESSED SWEET POTATOES; PROCESSED VEGETABLES AND FRUITS; PROCESSED VEGETABLES; PROCESSED VEGETABLES, NAMELY, COOKED CUCUMBER, MUSHROOMS, BELLFLOWER ROOT, SPINACH, SOYBEAN SPROUTS AND BRACKEN FERN STEMS USED IN BIBIMBAP DISHES; PROCESSED YAMS; PROTEIN FOR USE AS A FOOD ADDITIVE; PROTEIN FOR USE AS A FOOD FILLER; PROTEIN POWDERS FOR HUMAN CONSUMPTION FOR USE AS A FOOD ADDITIVE; PROTEINS BEING FOODSTUFFS FOR HUMAN CONSUMPTION; PRUNES; REFRIED BEANS; REFRIGERATED FOOD PACKAGE COMBINATIONS CONSISTING PRIMARILY OF MEAT, CHEESE OR PROCESSED VEGETABLES FOR PURPOSES OF CREATING A SANDWICH; SAUSAGES; SEAFOODS BOILED DOWN IN SOY SAUCE (TSUKUDANI); SEASONED MEAT; SEASONED SEAFOOD; SEASONED FISH; SEASONED POULTRY; SEASONED VEGETABLES; SOUP MIXES; SOUP PASTES; SOUPS; SOUPS AND PREPARATIONS FOR MAKING SOUPS; SOY BURGER PATTIES; SOY PROTEIN FOR USE AS A FOOD ADDITIVE; SOY-BASED FOOD BARS; SOY-BASED FOOD BARS ALSO CONTAINING GRAIN, DRIED FRUITS, AND CHOCOLATE; SOY-BASED FOOD BEVERAGE USED AS A MILK SUBSTITUTE; SOY-BASED SNACK FOODS; STOCK; STOCK CUBES; TEXTURED VEGETABLE PROTEIN FOR USE AS A MEAT EXTENDER; TEXTURED VEGETABLE PROTEIN BITS HAVING A BACON FLAVOR; TEXTURED WHEY PROTEIN; TOFU BURGER PATTIES; TOFU-BASED SNACKS; TOMATO EXTRACTS; TOMATO PASTE; TOMATO PRESERVES; TOMATO PUREE; TURKEY BURGER PATTIES; UNFORMED TEXTURED VEGETABLE PROTEIN FOR USE AS A MEAT EXTENDER; VEGETABLE PASTE; VEGETABLE PROTEIN BITS HAVING A BACON FLAVOR; VEGETABLE PUREE; VEGETABLES, NAMELY, FROZEN COOKED VEGETABLES, VEGETABLE-BASED FOOD BEVERAGES; VEGETABLE-BASED MEAT SUBSTITUTES; VEGETABLE-BASED SNACK FOODS; VEGETARIAN SAUSAGES; VEGGIE BURGER PATTIES; WHEY; YOGURT-BASED BEVERAGES, IN CLASS 29 (U.S. CL. 46).

FIRST USE 4-10-2012; IN COMMERCE 4-10-2012.

FOR: FROZEN ENTREES CONSISTING PRIMARILY OF PASTA OR RICE; PREPARED ENTREES CONSISTING PRIMARILY OF PASTA OR RICE; AND PACKAGED ENTREES CONSISTING PRIMARILY OF PASTA OR RICE; ARTICHOKE SAUCE; ASIAN NOODLES; BAKERY DESSERTS; BAKERY PRODUCTS, NAMELY, SWEET BAKERY GOODS; BAKING POWDER; BAKING SODA; BARBECUE DRY RUB; BARBECUE SAUCE; BEAN-STARCH NOODLES (HARUSAME, UNCOOKED); BEIGNELS; BEVERAGES MADE OF COFFEE; BEVERAGES MADE OF TEA; BEVERAGES WITH A CHOCOLATE BASE; BEVERAGES WITH A COFFEE BASE; BEVERAGES WITH A TEA BASE; BREAD; BREAD AND BUNS; BREAD AND PASTRY; BREAD BASES; BREAD CRUMB; BREAD CRUMBS; BREAD MIXES; BRINE FOR COOKING; CAKE DOUGHS; CAKE MIXES; CAKE MIXES, NAMELY, CAKE

**Reg. No. 4,165,446**

BASES; CATSUP; CEREAL-BASED SNACK FOODS; CHEESE FLAVORED PUFFED CORN SNACKS; CHEESE FLAVORED SNACKS, NAMELY, CHEESE CURLS; CHEESE FLAVORED SNACKS, NAMELY, PUFFED CHEESE BALLS; CHEESE-FLAVORED CORN SNACKS; CHEESE SAUCE; CHICKEN WING SAUCE; CHILI PASTE FOR USE AS A SEASONING; CHILI POWDERS; CHILI SAUCE; CHILI SEASONING; CHIMICHURRI SAUCE; CHINESE NOODLES; CHOCOLATE; CHOCOLATE AND CHOCOLATES; CHOCOLATE-COVERED POTATO CHIPS; CHOCOLATE FOOD BEVERAGES NOT BEING DAIRY-BASED OR VEGETABLE BASED; CHOCOLATE MOUSSE; CHOCOLATE PASTES; CHOCOLATE POWDER; CHOCOLATE SAUCE; CHOCOLATE TOPPING; CHOCOLATES AND CHOCOLATE BASED READY TO EAT CANDIES AND SNACKS; COATINGS FOR FOOD MADE OF BREADING; COCOA; COCOA BEVERAGES WITH MILK; COCOA EXTRACTS FOR HUMAN CONSUMPTION; COCOA MIXES; COCOA POWDER; COCOA SPREADS; COCOA-BASED BEVERAGES; COCOA-BASED CONDIMENTS AND SEASONINGS FOR FOOD AND DRINK; COCOA-BASED INGREDIENT IN CONFECTIONERY PRODUCTS; COCONUT SUGAR; COFFEE; COFFEE; COFFEE AND ARTIFICIAL COFFEE; COFFEE AND COFFEE SUBSTITUTES; COFFEE AND TEA; COFFEE BASED BEVERAGES; COFFEE CAPSULES CONTAINING COFFEE FOR BREWING; COFFEE ESSENCES; COFFEE EXTRACTS; COFFEE EXTRACTS FOR USE AS SUBSTITUTES FOR COFFEE; COFFEE FLAVORED SYRUP USED IN MAKING FOOD BEVERAGES; COFFEE-BASED BEVERAGES; COMBINATION MEALS CONSISTING PRIMARILY OF PASTA OR RICE-BASED ENTREES AND SOUP OR SALAD FOR CONSUMPTION ON OR OFF THE PREMISES; CONDIMENT, NAMELY, PEPPER SAUCE; COOKIE MIXES; CONFECTIONERIES, NAMELY, SNACK FOODS, NAMELY, CHOCOLATE; CORN-BASED SNACK FOODS; CURRY POWDER; DIPPING SAUCES; DOUGH; DOUGH-ENROBED FOODS CONSISTING OF A DOUGH-BASED WRAPPER WITH FILLINGS CONSISTING PRIMARILY OF MEATS, POULTRY, FISH, FRUITS AND VEGETABLES AND CHEESE; DOUGH-ENROBED FOODS CONSISTING OF A DOUGH-BASED WRAPPER WITH FILLINGS CONSISTING PRIMARILY OF PASTA AND RICE; DRIED CHILI PEPPERS; DRIED PASTA; DRIED PIECES OF WHEAT GLUTEN (FU, UNCOOKED); DRIED SUGARED CAKES OF RICE FLOUR (RAKUGAN); DRY SEASONING MIXES FOR GRAVY, SPAGHETTI, STEWS, AND SLOPPY JOE; DRY SPICE RUB FOR MEATS AND FISH; EDIBLE FLOUR; EDIBLE SPICES, EDIBLE TURMERIC; ESPRESSO; ESPRESSO DRINKS; FISH SAUCE; FLAVOR ENHANCERS USED IN FOOD AND BEVERAGE PRODUCTS; FLAVORING SYRUP; FLAVORINGS; FLAVORINGS FOR BEVERAGES; FLAVORINGS FOR BEVERAGES, OTHER THAN ESSENTIAL OILS; FLAVORINGS, OTHER THAN ESSENTIAL OILS, FOR CAKES; FLAVOURED VINEGAR; FLAVOURINGS; FLAVOURINGS AND SEASONINGS; FLAVOURINGS FOR BUTTER; FLAVOURINGS FOR CAKES OTHER THAN ESSENTIAL OILS; FLAVOURINGS FOR CHEESES; FLAVOURINGS FOR FOODS; FLAVOURINGS FOR SOUPS; FLAVOURINGS OF ALMOND; FLAVOURINGS OF LEMONS; FLAVOURINGS OF TEA; FLAVOURINGS, OTHER THAN ESSENTIAL OILS, FOR CAKES; FOOD ADDITIVES FOR NON-NUTRITIONAL PURPOSES FOR USE AS A FLAVORING; FOOD CONDIMENT CONSISTING PRIMARILY OF KETCHUP AND SALSA; FOOD FLAVORINGS; FOOD FLAVOURINGS; FOOD SEASONINGS; FRESH PASTA; FRESH PIZZA; FROZEN APPETIZERS CONSISTING PRIMARILY OF CORNMEAL; FROZEN DOUGH FOR USE AS PIZZA, BREAD OR OTHER BREAD-TYPE PRODUCTS; FROZEN FLAVOURED WATERS; FROZEN SOY-BASED DESSERTS; FRUIT SAUCES EXCLUDING CRANBERRY SAUCE AND APPLESAUCE; GARDEN HERBS PRESERVED; GARLIC PASTE FOR USE AS A SEASONING; GRAIN-BASED BEVERAGES; GRAIN-BASED FOOD BARS ALSO CONTAINING SOY, DRIED FRUITS, AND CHOCOLATE; GRAIN-BASED FOOD BEVERAGES; GRAIN-BASED SNACK FOODS; GRANOLA SNACKS; GRANOLA-BASED SNACK BARS; GRAVIES, GRAVY; GRAVY MIXES; HERB TEA; HERBAL FOOD BEVERAGES; HERBAL INFUSIONS; HERBAL TEA; HOT CHILI PEPPER SAUCE; HOT SAUCE; INSTANT CHINESE NOODLES; MACARONI AND CHEESE; MARINADE MIXES; MARINADES; MEAT CURES; MEAT GRAVIES; MICROWAVE POPCORN; MILK SHAKES; MIX FOR MAKING COMBINED NOODLE AND SAUCE DISH; MIXES FOR BAKERY GOODS; MIXES FOR BAKER GOODS CONTAINING CORNMEAL; MIXES FOR MAKING BAKING BATTERS; MIXES FOR MAKING BATTERS FOR FRIED FOODS; MIXES FOR MAKING BREADING; MIXES IN THE NATURE OF CONCENTRATES, SYRUPS OR POWDERS USED IN THE PREPARATION OF TEA BASED BEVERAGES; MIXTURES OF COFFEE AND CHICORY; MUFFIN MIXES; NOODLES AND

**Reg. No. 4,165,446**

SAUCE MIXES COMBINED IN UNITARY PACKAGES; NOODLES AND SEASONING MIXES COMBINED IN UNITARY PACKAGES; NOODLES, SAUCE, AND PROCESSED VEGETABLES COMBINED IN UNITARY PACKAGES; NOODLES SAUCE, AND SEASONING TOPPINGS COMBINED IN UNITARY PACKAGES; NOODLES, SAUCE, DEHYDRATED VEGETABLES, AND TOPPING COMBINED IN UNITARY PACKAGES; NOODLES, SEASONINGS, EDIBLE OIL, AND FLAVORINGS COMBINED IN UNITARY PACKAGES; NOODLES, SEASONINGS, EDIBLE OIL, AND DEHYDRATED VEGETABLES COMBINED IN UNITARY PACKAGES; ORGANIC CURRY SAUCES; PACKAGED MEAL KITS CONSISTING PRIMARILY OF PASTA OR RICE; PACKAGED MEAL MIXES CONSISTING PRIMARILY OF PASTA OR RICE; PANCAKES; PASTA; PASTA AND NOODLES; PASTA FOR SOUPS; PASTA SALAD; PASTA SAUCE; PICANTE SAUCE; PICO DE GALLO SAUCE; PIZZA; PIZZA CRUST; PIZZA CRUST MIXES; PIZZA DOUGH; PIZZA SAUCE; POPCORN; POPPED POPCORN; POTATO FLOUR; PREPARED COCOA AND COCOA-BASED BEVERAGES; PREPARED COFFEE AND COFFEE-BASED BEVERAGES; PROCESSED CACAO; PROCESSED CEREALS; PROCESSED CEREAL-BASED FOOD TO BE USED AS A BREAKFAST FOOD, SNACK FOOD OR INGREDIENT FOR MAKING OTHER FOODS; PROCESSED GARLIC FOR USE AS SEASONING; PROCESSED GINSENG USED AS AN HERB, SPICE OR FLAVORING; PROCESSED HERBS; PROCESSED OATS; PROCESSED POPCORN; PROCESSED UNPOPPED POPCORN; READY TO EAT, CEREAL DERIVED FOOD BARS; READY-MADE SAUCES; READY-TO-EAT CEREALS; RICE NOODLES; SALAD DRESSING; SALAD DRESSINGS; SALAD SAUCES; SAUCE MIXES; SAUCES; SAUCES FOR BARBECUED MEAT; SCENTED WATER FOR FLAVORING BEVERAGES; SEASONED COATING FOR MEAT, FISH, POULTRY; SEASONED COATING MIXTURES FOR FOOD; SEASONED RICE CAKES WITH FISH, MEAT, CHICKEN AND VEGETABLE TOPPINGS; SEASONING MIXES; SEASONING MIXES FOR SOUPS; SEASONING PASTES; SEASONINGS; SEASONINGS AND FLAVORINGS FOR DOG FOODS AND CATTLE FEED; SAVORY SEASONINGS FOR FOOD PRODUCTS, NAMELY, MEAT, MEAT ANALOGS, SNACKS, SALAD DRESSINGS, SAUCES, RUBS, MARINADES, GLAZES, SIDE DISHES, ENTREES, SOUPS, BAKERY, EXTRUDED SNACKS, BEVERAGES, NAMELY, ENERGY DRINKS, SPECIALTY DRINKS, COFFEE, TEA, AND SMOOTHIES; SHAKES; SLOPPY JOE SAUCE; SOY BEAN PASTE; SOY BURGER SANDWICHES; SOY SAUCE; SPAGHETTI; SPAGHETTI AND MEATBALLS; SPAGHETTI SAUCE; SPICE BLENDS; SPICE RUBS; SPICES; SPICES AND ICE; SPRING ROLLS; STARCH FOR USE IN MANUFACTURING FOOD; STARCH SYRUP; STARCH-BASED BINDING AGENTS FOR ICE CREAM; STARCH-BASED CANDIES (AME); STARCH-BASED THICKENERS FOR WHIPPED CREAM; STEAK SAUCE; TACO SEASONING; TARTAR SAUCE; TEA; TEA BAGS; TEA EXTRACTS; TEA FOR INFUSIONS; TEA-BASED BEVERAGES; TEA-BASED BEVERAGES WITH FRUIT FLAVORING; TERIYAKI SAUCE; TOMATO SAUCE; TORTILLA CHIPS; TORTILLA SHELLS; TURKEY BURGER SANDWICHES; TURMERIC; UDON NOODLES; UNLEAVENED BREAD IN THIN SHEETS; UNPOPPED POPCORN; UNROASTED COFFEE; VANILLA; VANILLA BEANS, VANILLA FLAVORINGS; VEGETABLES CONCENTRATES USED FOR SEASONING; VEGGIE BURGER SANDWICHES; WORCESTERSHIRE SAUCE; YEAST; YEAST EXTRACTS; YEAST EXTRACTS FOR FOOD; YEAST EXTRACTS FOR HUMAN CONSUMPTION; YEAST POWDER; YEAST, BAKING POWDER; YEAST, BAKING POWDER AND FLAVOURINGS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 4-10-2012; IN COMMERCE 4-10-2012.

FOR: PROVIDING TECHNICAL INFORMATION IN THE FIELD OF FOOD PROCESSING, IN CLASS 40 (U.S. CLS. 100, 103 AND 106).

FIRST USE 4-6-2012; IN COMMERCE 4-6-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-246,505, FILED 2-18-2011.

RAMONA ORTIGA, EXAMINING ATTORNEY

## **APPENDIX 4**

Gruma Corporation v. Olé Mexican Foods, Inc.  
Opposition No. 91196767

Gruma Corporation  
Opposer's Second Notice of Reliance

Registration No. 4155668 CHEF PANTELI'S & Design

1896359



**THE UNITED STATES OF AMERICA**

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

**UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office**

September 17, 2012

**THE ATTACHED U.S. TRADEMARK REGISTRATION 4,155,668 IS  
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY  
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH  
REGISTRATION IS IN FULL FORCE AND EFFECT.**

**REGISTERED FOR A TERM OF 10 YEARS FROM *June 05, 2012*  
SAID RECORDS SHOW TITLE TO BE IN: *Registrant***

**By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office**

  
E. BORNETT

**Certifying Officer**



# United States of America

United States Patent and Trademark Office



*Chef Pantelis*

**Reg. No. 4,155,668**

**Registered June 5, 2012**

**Int. Cls.: 6, 8, 16, 20, 21,  
29, 30, 31, 32, and 33**

CEDAR FARMS CO., INC. (PENNSYLVANIA CORPORATION)  
2100 HORNIG ROAD  
PHILADELPHIA, PA 19116

FOR: ALUMINUM FOIL, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

FIRST USE 1-1-2012; IN COMMERCE 1-1-2012.

**TRADEMARK**

FOR: CUTLERY, NAMELY, FORKS, SPOONS, AND KNIVES, IN CLASS 8 (U.S. CLS. 23, 28 AND 44).

**PRINCIPAL REGISTER**

FIRST USE 1-1-2012; IN COMMERCE 1-1-2012.

FOR: PLASTIC FOOD STORAGE BAGS FOR HOUSEHOLD USE; PLASTIC WRAP; SANDWICH BAGS; TRASH BAGS; TRASH CAN LINERS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 1-1-2012; IN COMMERCE 1-1-2012.

FOR: DRINKING STRAWS; PLASTIC LIDS, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

FIRST USE 1-1-2012; IN COMMERCE 1-1-2012.



FOR: ABRASIVE PADS FOR KITCHEN AND DOMESTIC PURPOSES; BOWLS; CLEANING SPONGES; DISPOSABLE DINNERWARE, NAMELY, PLATES, BOWLS AND SERVING TRAYS; DISPOSABLE PLASTIC GLOVES FOR USE IN THE FOOD SERVICE INDUSTRY; GLOVES FOR HOUSEHOLD PURPOSES; PAPER AND PLASTIC CUPS; PLASTIC STORAGE CONTAINERS FOR HOUSEHOLD OR DOMESTIC USE; SOAP DISPENSERS; TOOTHPICKS, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 1-1-2012; IN COMMERCE 1-1-2012.

*David J. Kappas*

Director of the United States Patent and Trademark Office

FOR: FROZEN MEATS; MOZZARELLA STICKS; CHICKEN BREAST BREADED; CHICKEN FINGERS; CHICKEN NUGGETS; CHICKEN WINGS; EGGS; FRENCH FRIES; FROZEN FRUITS; BREADED VEGETABLES; BEEF BURGER PATTIES; TURKEY BURGER PATTIES; DELI MEATS; MEATBALLS; ONION RINGS; HASH BROWNS; PREPARED FROZEN FOOD

**Reg. No. 4,155,668** ENTREES CONSISTING PRIMARILY OF MEAT, FISH, POULTRY OR VEGETABLES; FROZEN SEAFOOD; FROZEN SOUPS; FROZEN TURKEY; FROZEN VEAL; FROZEN VEGETABLES; BUTTER; BUTTER BLENDS; BUTTER SUBSTITUTES; CHEESES; SPECIALTY CHEESES; CULTURED CHEESES; FRESH MEATS; GROUND MEATS; SMOKED MEATS; COOKED TURKEY; FRESH CHICKEN; BONELESS CHICKEN BREASTS; WHOLE CHICKEN; FRESH TURKEY; BROTH AND SOUP BASE; CANNED AND PACKAGED CHEESE; FRUIT BASED PIE FILLINGS; CANNED FRUIT BASED PIE FILLINGS; JELLY AND PRESERVES; PROCESSED NUTS; EDIBLE OILS AND PREPS, NAMELY, BOUILLON; PICKLES AND PROCESSED PEPPERS; CANNED MEAT; SHORTENINGS; CANNED SOUPS; CANNED TOMATOES; CANNED VEGETABLES; PIZZA TOPPINGS, NAMELY, MEAT AND CHEESE TOPPINGS; DRY TOPPINGS, NAMELY, NUT TOPPINGS; HORS D'OEUVRES AND APPETIZERS EACH MADE PRIMARILY OF MEAT, FISH, POULTRY OR VEGETABLES; SNACKS, NAMELY, CANDIED-FRUIT SNACKS, MEAT-BASED SNACK FOOD, VEGETABLE-BASED SNACK FOODS, NUT-BASED SNACK FOODS, POTATO-BASED SNACK FOODS, POTATO CHIPS, AND TRAIL-MIX CONSISTING PRIMARILY OF PROCESSED NUTS, SEEDS, DRIED FRUIT AND ALSO INCLUDING CHOCOLATE; FROZEN CLAM JUICE; STOCK CUBES; FRESH AND/OR PREPARED FRUIT SALADS, VEGETABLE SALADS AND GARDEN SALADS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 6-1-2011; IN COMMERCE 6-1-2011.

FOR: FROZEN PIES; BAKERY DESSERTS AND CAKES; BREADS AND ROLLS; TORTILLAS; HORS D'OEUVRES AND APPETIZERS EACH MADE PRIMARILY OF PASTA OR RICE; FROZEN DOUGH, NAMELY, COOKIE DOUGH, FROZEN DOUGH FOR USE AS PIZZA, BREAD OR OTHER BREAD-TYPE PRODUCTS; FROZEN PASTA; FROZEN PIZZA; STEAK SANDWICHES; PIZZA TOPPINGS, NAMELY, PIZZA SAUCE; FROZEN PASTRY ITEMS; DRY BAKING ITEMS, NAMELY, BAKING POWDERS, FLOUR, SUGAR AND BAKING SODA; MIXES FOR MAKING BREADS AND BAKING BATTERS; BREAD CRUMBS; BREAKFAST CEREALS, PROCESSED CEREALS; COFFEE; TEA; DRINK MIXES, NAMELY, POWDERED COCOA DRINK MIXES, POWDERED COFFEE DRINK, AND DRINK MIXES FOR MAKING TEA; DRESSINGS FOR FOOD; EXTRACT USED AS FLAVORING; FLOUR; KETCHUP; MAYONNAISE; MUSTARD; BAKING MIXES, NAMELY, CAKE MIXES, COOKIE MIXES, BROWNIE MIXES AND BREAD MIXES; PANCAKE AND WAFFLE MIXES; PASTA DRY; FLAVORED SWEETENED GELATIN AND PUDDING; SAUCES AND GRAVY; SPICES; FOOD SEASONINGS; FOOD FLAVOR BASES, NAMELY, FLAVOR ENHANCERS USED IN FOOD; SYRUPS, NAMELY, CORN SYRUP AND MAPLE SYRUP; VINEGAR; DRY TOPPINGS, NAMELY, CHOCOLATE TOPPINGS; SNACKS, NAMELY, NUTS, GRAIN-BASED SNACK FOODS, CORN-BASED SNACK FOODS, POPCORN, PRETZELS, TORTILLA CHIPS, CHOCOLATE-BASED SNACK FOODS AND CHEESE FLAVORED SNACKS, NAMELY, CHEESE CURLS; FROZEN FOODS, NAMELY, GRAIN AND BREAD BASED APPETIZERS AND HORS D'OEUVRES; BEEF BURGER SANDWICHES; TURKEY BURGER SANDWICHES; PREPARED FROZEN FOOD ENTREES CONSISTING PRIMARILY OF PASTA OR RICE; CHOCOLATE AND CUSTARD PIE FILLINGS; CANNED CHOCOLATE AND CUSTARD BASED PIE FILLINGS; SUGARED NUTS; FRESH AND/OR PREPARED MACARONI SALADS, PASTA SALADS AND RICE SALADS; PROCESSED GRAINS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 6-1-2011; IN COMMERCE 6-1-2011.

FOR: FRESH OLIVES; FRESH PEPPERS; RAW FRESH NUTS; UNPROCESSED CEREALS; UNPROCESSED GRAINS, IN CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE 1-1-2012; IN COMMERCE 1-1-2012.

FOR: DRINK MIXES, NAMELY, CONCENTRATES, SYRUPS, AND POWDERS FOR MAKING FRUIT DRINKS, FLAVORED WATER AND SOFT DRINKS; FROZEN FRUIT JUICES, SYRUPS FOR MAKING BEVERAGES, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 6-1-2011; IN COMMERCE 6-1-2011.

**Reg. No. 4,155,668** FOR: COOKING WINES, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 1-1-2012; IN COMMERCE 1-1-2012.

THE NAME "CHEF PANTELIS" DOES NOT IDENTIFY THE NAME OF A LIVING INDIVIDUAL.

THE MARK CONSISTS OF A CHEF HOLDING A COVERED SERVING PLATE IN ONE HAND AND A THUMBS-UP WITH THE OTHER HAND. THE IMAGE IS DISPLAYED IN A CIRCULAR BORDER WITH THE STYLIZED WORDING "CHEF PANTELIS" APPEARING IMMEDIATELY BELOW.

SN 85-362,834, FILED 7-5-2011.

LINDA E. BLOHM, EXAMINING ATTORNEY

## **APPENDIX 5**

Gruma Corporation v. Olé Mexican Foods, Inc.  
Opposition No. 91196767

Gruma Corporation  
Opposer's Second Notice of Reliance

Registration No. 4047777 MARKET PANTRY & Design

1896360



**THE UNITED STATES OF AMERICA**

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

**UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office**

**September 12, 2012**

**THE ATTACHED U.S. TRADEMARK REGISTRATION 4,047,777 IS  
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY  
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH  
REGISTRATION IS IN FULL FORCE AND EFFECT.**

**REGISTERED FOR A TERM OF 10 YEARS FROM *November 01, 2011*  
SAID RECORDS SHOW TITLE TO BE IN: *Registrant***

**By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office**

  
**T. WALLACE  
Certifying Officer**



# United States of America

United States Patent and Trademark Office



Reg. No. 4,047,777

Registered Nov. 1, 2011

Int. Cl.: 30

TRADEMARK

PRINCIPAL REGISTER

TARGET BRANDS, INC. (MINNESOTA CORPORATION)  
1000 NICOLLET MALL  
MINNEAPOLIS, MN 55403

FOR: CANDY; COOKIES; GRANOLA-BASED SNACK FOODS; GRANOLA; READY-TO-EAT CEREAL DERIVED FOOD BARS; PUDDINGS; PASTRIES; CAKE MIXES; CAKES; CUPCAKES; PIES; DONUTS; MUFFINS; BAGELS; DANISHES; BREAKFAST CEREALS; OATMEAL; PANCAKE MIXES; BAKERY MIXES; CONES FOR ICE CREAM; BISCUITS; CINNAMON ROLLS; SANDWICHES; WAFFLES; MARSHMALLOWS; CONFECTIONERY CHIPS FOR BAKING; BAKING POWDER; SPICES; VANILLA; CORN SYRUP; PANCAKE SYRUP; BAKING SODA; SALT; SUGAR AND SUGAR SUBSTITUTES; POWDERED SUGAR; BROWN SUGAR; FLOUR; RICE; FLAVORED NOODLE AND RICE MIXES; FLAVORED AND SWEETENED GELATINS; FLAVORING SYRUPS; TEA BAGS; COFFEE; COCOA MIXES; TEA; ICE CREAM; FROZEN CONFECTIONS; FROZEN CONFECTIONS, NAMELY, FREEZER POPS; SHERBET; TORTILLA CHIPS; PRETZELS; CORN CHIPS; CHEESE FLAVORED PUFFED CORN SNACKS; MICROWAVE POPCORN; CRACKERS; BREADS AND BUNS; STUFFING MIXES CONTAINING BREAD; NOODLES OR SAUCE MIXES OR SEASONING COMBINED IN UNITARY PACKAGES; MACARONI AND CHEESE; PIZZA CRUST; TORTILLAS; TACO SHELLS; RICE; RICE AND SEASONING MIX COMBINED IN UNITARY PACKAGES; PASTA AND NOODLES; PIE CRUST; BREAD STICKS; TEA BASED BEVERAGES WITH FRUIT FLAVORING; ICED TEA; FLAVORED ICES; MINCED GARLIC; HONEY; KETCHUP; MUSTARD; MARINADES; SAUCES; MAYONNAISE; SALAD DRESSINGS; VINEGAR; GRAVY; CANNED SPAGHETTI AND MEATBALLS; CANNED SPAGHETTI SAUCE WITH PASTA; SALSA; TACO SEASONING; SOY SAUCE; PASTA SAUCE; RAVIOLI; PIZZA; MACARONI SALAD; PASTA SALAD; MACARONI AND CHEESE DINNERS, IN CLASS 30 (U.S. CL. 46).



FIRST USE 11-0-2003; IN COMMERCE 11-0-2003.

OWNER OF U.S. REG. NOS. 2,562,603, 2,564,715, AND 3,715,221.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "VALUE & QUALITY GUARANTEED", APART FROM THE MARK AS SHOWN.

*David J. Kappas*

Director of the United States Patent and Trademark Office

THE MARK CONSISTS OF THE WORDS "VALUE & QUALITY GUARANTEED" INSIDE A CIRCLE POSITIONED TO THE LEFT AND DIVIDED BY A VERTICAL LINE OF THE

**Reg. No. 4,047,777** STACKED WORDS "MARKET PANTRY" ALL WITHIN A ROUNDED HORIZONTAL RECTANGLE.

SER. NO. 85-112,297, FILED 8-20-2010.

ANN E. SAPPENFIELD, EXAMINING ATTORNEY

## **APPENDIX 6**

Gruma Corporation v. Olé Mexican Foods, Inc.  
Opposition No. 91196767

Gruma Corporation  
Opposer's Second Notice of Reliance

Registration No. 3488744 COCINA CASERA & Design

1896361



# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

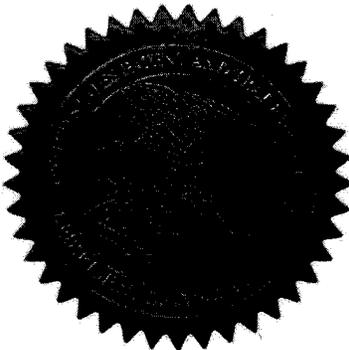
September 12, 2012

THE ATTACHED U.S. TRADEMARK REGISTRATION 3,488,744 IS  
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY  
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH  
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *August 19, 2008*  
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office

  
T. WALLACE  
Certifying Officer



Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,488,744

Registered Aug. 19, 2008

TRADEMARK  
PRINCIPAL REGISTER



F.A.B., INC. (GEORGIA CORPORATION)  
1225 OLD ALPHARETTA ROAD  
ALPHARETTA, GA 30005

FOR: TORTILLAS; PICANTE SAUCE; ENCHILADA SAUCE; TACO SAUCE; CHEESE SAUCES; SEASONINGS; SPICES; FOOD FLAVORINGS NOT PREPARED FROM ESSENTIAL OILS; HOMINY; DRIED PEPPERS FOR USE AS A SEASONING; STEAK SAUCES; PASTA; DRY MIXES AND BATTERS, NAMELY, CAKE AND BREAD; HONEY; SUGAR; FLAVORED AND SWEETENED GELATINS AND PUDDINGS; CHOCOLATE-BASED PIE FILLINGS; CUSTARD-BASED PIE FILLINGS; COOKIES; MARSHMALLOWS; SALT; COFFEE AND TEA; VINEGAR; CATSUP; MUSTARD; SOY SAUCE; MAPLE SYRUPS, CHOCOLATE SYRUPS, FLAVORING SYRUPS, PANCAKE SYRUPS, TABLE SYRUPS AND TOPPING SYRUPS; CANNED PASTA;

PASTA, RICE AND MACARONI SALADS; MAYONNAISE AND SALAD DRESSINGS; CANDY; RICE; HORSERADISH SAUCE; FLOUR; SHAKES; BASES FOR MAKING MILK SHAKES; BAKERY GOODS; RELISHES; FROZEN, PREPARED AND PACKAGED MEALS CONSISTING PRIMARILY OF PASTA OR RICE; ICE CREAM; ICE MILK AND FROZEN YOGURT, IN CLASS 30 (U.S. CL. 46).

FIRST USE 9-5-2006; IN COMMERCE 9-5-2006.

THE FOREIGN WORDING IN THE MARK TRANSLATES INTO ENGLISH AS "HOME COOKING."

SER. NO. 78-965,600, FILED 8-31-2006.

SCOTT BIBB, EXAMINING ATTORNEY

## **APPENDIX 7**

Gruma Corporation v. Olé Mexican Foods, Inc.  
Opposition No. 91196767

Gruma Corporation  
Opposer's Second Notice of Reliance

Registration No. 3600403 CLEARLY ORGANIC

1896362



**THE UNITED STATES OF AMERICA**

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

**UNITED STATES DEPARTMENT OF COMMERCE**

**United States Patent and Trademark Office**

**September 12, 2012**

**THE ATTACHED U.S. TRADEMARK REGISTRATION 3,600,403 IS  
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND  
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN  
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES  
PATENT AND TRADEMARK OFFICE.**

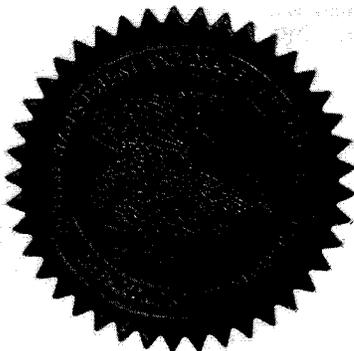
**REGISTERED FOR A TERM OF 10 YEARS FROM *March 31, 2009***

***AMENDMENT/CORRECTION/NEW CERT(SECT) ISSUED***

**SAID RECORDS SHOW TITLE TO BE IN:**

***REGISTRANT***

**By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office**



*T. Wallace*  
**T. WALLACE**

**Certifying Officer**

Int. Cls: 29 and 30

Prior U.S. Cl: 46

Reg. No. 3,600,403

United States Patent and Trademark Office

Registered Mar. 31, 2009

Corrected

OG Date June 23, 2009

**TRADEMARK  
PRINCIPAL REGISTER**

**CLEARLY ORGANIC**

ASSOCIATED WHOLESALE GROCERS,  
INC. (KANSAS CORPORATION)  
5000 KANSAS AVE  
KANSAS CITY, KS 66106

THE MARK CONSISTS OF STAN-  
DARD CHARACTERS WITHOUT CLAIM  
TO ANY PARTICULAR FONT, STYLE,  
SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLU-  
SIVE RIGHT TO USE "ORGANIC",  
APART FROM THE MARK AS SHOWN.

FOR: CANNED SOUP, CANNED  
BROTH, CANNED TOMATOES, CANNED  
VEGETABLES, CANNED DRY PACK

BEANS, COOKING OILS, APPLESAUCE,  
CANNED PROCESSED MUSHROOMS,  
SOYBEAN MILK, PEANUT BUTTER,  
DRIED BEANS, BUTTER, FROZEN VE-  
GETABLES, FROZEN FRUIT, OLIVE OIL,  
YOGURT, IN CLASS 29 (U.S. CL. 46).  
FIRST USE 1-10-2009; IN COMMERCE  
1-10-2009.

FOR: TOMATO SAUCE, PASTA  
SAUCE, SALAD DRESSING, MAPLE  
SYRUP, BREAKFAST CEREALS, DRIED  
PASTA, FLOUR, KETCHUP, RICE, SU-  
GAR, TORTILLAS, TORTILLA CHIPS,  
FROZEN WAFFLES, GROUND COFFEE,  
BEANS, TEA, IN CLASS 30 (U.S. CL. 46).  
FIRST USE 1-10-2009; IN COMMERCE  
1-10-2009.  
SER. NO. 78-935,944, FILED 7-24-2006.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on June 23, 2009.*

Int. Cls.: 29 and 30

Prior U.S. Cl.: 46

**United States Patent and Trademark Office**

**Reg. No. 3,600,403**

Registered Mar. 31, 2009

**TRADEMARK  
PRINCIPAL REGISTER**

**CLEARLY ORGANIC**

ASSOCIATED WHOLESALE GROCERS, INC.  
(KANSAS CORPORATION)  
5000 KANSAS AVE  
KANSAS CITY, KS 66106

FOR: CANNED SOUP, CANNED BROTH, CANNED TOMATOES, TOMATO PASTE, CANNED VEGETABLES, CANNED DRY PACK BEANS, COOKING OILS, APPLESAUCE, CANNED PROCESSED MUSHROOMS, SOYBEAN MILK, PEANUT BUTTER, DRIED BEANS, CHEESE, SHREDDED CHEESE, BUTTER, FROZEN VEGETABLES, FROZEN FRUIT, COOKING OIL SPRAY, JAM, FRUIT PRESERVES, OLIVE OIL, PICKLES, CRANBERRY SAUCE, YOGURT, POTATO CHIPS, FROZEN SHOE-STRING PROCESSED POTATOES, FROZEN CRINKLE PROCESSED POTATOES, FROZEN REGULAR PROCESSED POTATOES, AND FROZEN SHREDDED PROCESSED POTATOES, IN CLASS 29 (U.S. CL. 46).

FIRST USE 1-10-2009; IN COMMERCE 1-10-2009.

FOR: TOMATO SAUCE, BARBEQUE SAUCE, PASTA SAUCE, SALAD DRESSING, MAPLE SYRUP,

FRUIT JELLIES, BREAKFAST CEREALS, GRANOLA-BASED SNACK BARS, DRIED PASTA, PACKAGED ENTREES CONSISTING PRIMARILY OF PASTA, FLOUR, KETCHUP, RICE, SUGAR, TORTILLAS, TORTILLA CHIPS, FROZEN WAFFLES, FROZEN LASAGNA, MUSTARD, COFFEE BEANS, GROUND COFFEE BEANS, TEA, CANNED PASTA, BAKING SPICES, COOKIES, CRACKERS, CAKE MIXES, PANCAKE MIXES, MUFFIN MIXES, IN CLASS 30 (U.S. CL. 46).

FIRST USE 1-10-2009; IN COMMERCE 1-10-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ORGANIC", APART FROM THE MARK AS SHOWN.

SN 78-935,944, FILED 7-24-2006.

STEVEN JACKSON, EXAMINING ATTORNEY

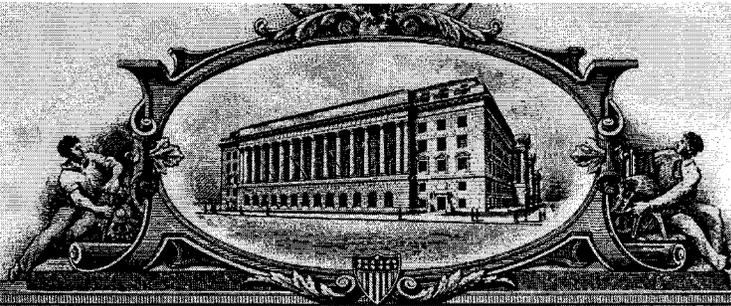
## **APPENDIX 8**

Gruma Corporation v. Olé Mexican Foods, Inc.  
Opposition No. 91196767

Gruma Corporation  
Opposer's Second Notice of Reliance

Registration No. 3217914 AMAZONAS & Design

1896363



# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

**UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office**

September 12, 2012

**THE ATTACHED U.S. TRADEMARK REGISTRATION 3,217,914 IS  
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY  
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH  
REGISTRATION IS IN FULL FORCE AND EFFECT.**

**REGISTERED FOR A TERM OF 10 YEARS FROM *March 13, 2007*  
SAID RECORDS SHOW TITLE TO BE IN: *Registrant***

**By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office**

*T. Wallace*  
**T. WALLACE**  
Certifying Officer



Int. Cls.: 29, 30 and 32

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

Reg. No. 3,217,914

United States Patent and Trademark Office

Registered Mar. 13, 2007

TRADEMARK  
PRINCIPAL REGISTER



AMAZONAS IMPORTS, INC. (CALIFORNIA CORPORATION)  
10848 CANTARA STREET  
SUN VALLEY, CA 91352

FOR: PROCESSED OLIVES, DRIED OLIVES, PROCESSED EDIBLE SEEDS, PROCESSED PEPPERS, PROCESSED QUINCE, PROCESSED FRUITS, PROCESSED VEGETABLES, CANNED FRUITS, CANNED VEGETABLES, FRUIT PRESERVES, MIXES OF SEAFOOD, DRIED BEANS, PROCESSED BEANS, LENTILS, FRUIT PASTE, FROZEN FRUITS, FROZEN VEGETABLES AND CLAMS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 3-20-2003; IN COMMERCE 3-20-2003.

FOR: SEASONINGS, PEPPER SAUCE, SAUCES, FLOUR FOR FOOD, FOOD STARCH, COCOA, HUSKED BARLEY, SUGAR, PROCESSED HERBS, SPICES, CAKES, CRACKERS, COOKIES, WAFERS, RICE FLOUR, CORN FLOUR, POTATO FLOUR, BEAN FLOUR, CORN MEAL, INSTANT PUDDING MIXES, SOY FLOUR, WHEAT FLOUR, CORN CURLS, PROCESSED CORN, HOMINY, CONDIMENTS, NAMELY KETCHUP, HONEY, BREAD MIXES, DONUT MIXES, SOY SAUCE, PROCESSED WHEAT, VANILLA, TAMALES, TORTILLAS, HERB TEAS, FRUIT TEAS, SALSA, GARLIC SAUCE, BASIL SAUCE, CAROB SAUCE, CHIPOTLE SAUCE, HA-

BANERA SAUCE, MINT SAUCE, POTATO SAUCE AND HOT SAUCE, CORN-BASED DRINK MIXES IN THE NATURE OF A FOOD BEVERAGE CONSISTING PRIMARILY OF CORN, FLOUR-BASED DRINK MIXES IN THE NATURE OF A FOOD BEVERAGE CONSISTING PRIMARILY OF FLOUR, IN CLASS 30 (U.S. CL. 46).

FIRST USE 3-20-2003; IN COMMERCE 3-20-2003.

FOR: FRUIT DRINKS, FRUIT JUICES, FRUIT NECTARS, SOFT DRINKS, POWDERS USED IN THE PREPARATION OF SOFT DRINKS, CONCENTRATES USED IN THE PREPARATION OF SOFT DRINKS, AND GUARANA DRINKS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 3-20-2003; IN COMMERCE 3-20-2003.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "AMAZONAS RAINFOREST PRODUCT", APART FROM THE MARK AS SHOWN.

THE ENGLISH TRANSLATION OF THE WORD AMAZONAS IN THE MARK IS OF THE AMAZON.

SER. NO. 78-888,015, FILED 5-19-2006.

SCOTT BALDWIN, EXAMINING ATTORNEY

## **APPENDIX 9**

Gruma Corporation v. Olé Mexican Foods, Inc.  
Opposition No. 91196767

Gruma Corporation  
Opposer's Second Notice of Reliance

Registration No. 3320751 MI CANTON

1896364



**THE UNITED STATES OF AMERICA**

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

**UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office**

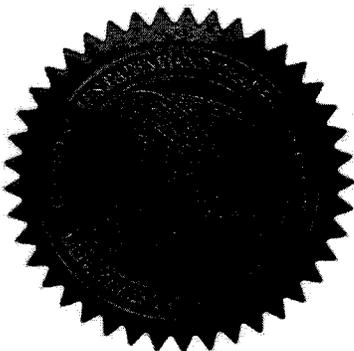
**September 12, 2012**

**THE ATTACHED U.S. TRADEMARK REGISTRATION 3,320,751 IS  
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY  
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH  
REGISTRATION IS IN FULL FORCE AND EFFECT.**

**REGISTERED FOR A TERM OF 10 YEARS FROM *October 23, 2007*  
SAID RECORDS SHOW TITLE TO BE IN: *Registrant***

**By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office**

*T. Wallace*  
**T. WALLACE**  
**Certifying Officer**



Int. Cls.: 29 and 30

Prior U.S. Cl.: 46

**United States Patent and Trademark Office**

**Reg. No. 3,320,751**

Registered Oct. 23, 2007

**TRADEMARK  
PRINCIPAL REGISTER**

**MI CANTON**

TRIANGLE QUALITY FOODS LLC (VIRGINIA  
LTD LIAB CO)  
PO BOX 10630  
ALEXANDRIA, VA 22310

FOR: REFRIED BEANS; BEANS, NAMELY, PRO-  
CESSED BEANS, DRIED BEANS, IN CLASS 29 (U.S.  
CL. 46).

FIRST USE 3-1-2006; IN COMMERCE 4-10-2006.

FOR: CORN FLOUR FOR FOOD; BEAN PASTE;  
BURRITOS; FAJITAS; TAMALES; TORTILLAS, IN  
CLASS 30 (U.S. CL. 46).

FIRST USE 1-1-2006; IN COMMERCE 2-15-2006.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

THE FOREIGN WORDING IN THE MARK  
TRANSLATES INTO ENGLISH AS MY CORNER.

SN 78-767,145, FILED 12-5-2005.

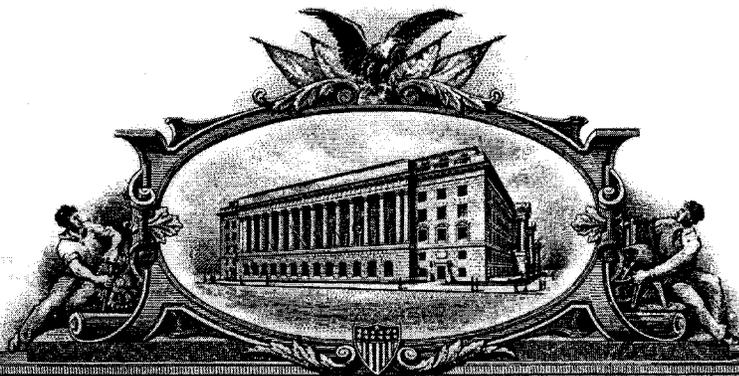
HOWARD SMIGA, EXAMINING ATTORNEY

## **APPENDIX 10**

Gruma Corporation v. Olé Mexican Foods, Inc.  
Opposition No. 91196767

Gruma Corporation  
Opposer's Second Notice of Reliance

Registration No. 3171029 QUE MARAVILLA DE TORTILLA



**THE UNITED STATES OF AMERICA**

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

**UNITED STATES DEPARTMENT OF COMMERCE**

**United States Patent and Trademark Office**

**September 12, 2012**

**THE ATTACHED U.S. TRADEMARK REGISTRATION 3,171,029 IS  
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND  
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN  
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES  
PATENT AND TRADEMARK OFFICE.**

**REGISTERED FOR A TERM OF 10 YEARS FROM *November 14, 2006***

**SAID RECORDS SHOW TITLE TO BE IN:**

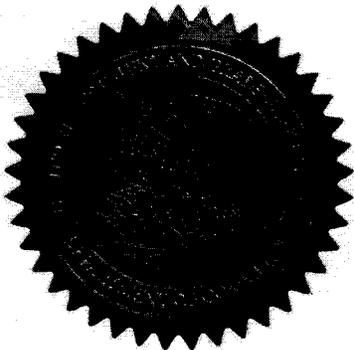
***C. H. GUENTHER & SON, INC.***

***A TEXAS CORPORATION***

**By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office**

**N. WILLIAMS**

**Certifying Officer**



Int. Cl.: 30

Prior U.S. Cl.: 46

**United States Patent and Trademark Office**

**Reg. No. 3,171,029**

Registered Nov. 14, 2006

**TRADEMARK  
PRINCIPAL REGISTER**

**{QUÉ MARAVILLA DE TORTILLA!}**

C. H. GUENTHER & SON, INC. (TEXAS CORPORATION)  
129 E. GUENTHER  
SAN ANTONIO, TX 78204

FOR: FLOUR TORTILLA MIX, CORN TORTILLA MIX, READY TO EAT TORTILLAS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 2-1-2000; IN COMMERCE 2-1-2000.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,376,246.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TORTILLA", APART FROM THE MARK AS SHOWN.

THE FOREIGN WORDING IN THE MARK TRANSLATES INTO ENGLISH AS THAT TORTILLA WONDER.

SEC. 2(F).

SER. NO. 78-723,005, FILED 9-29-2005.

MICHAEL KAZAZIAN, EXAMINING ATTORNEY

## **APPENDIX 11**

**Gruma Corporation v. Olé Mexican Foods, Inc.  
Opposition No. 91196767**

**Gruma Corporation  
Opposer's Second Notice of Reliance**

**Registration No. 3082851 CONTAINS WHOLEGRAINS & Design**



1896366

3,082,851  
APR 18 2006

# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

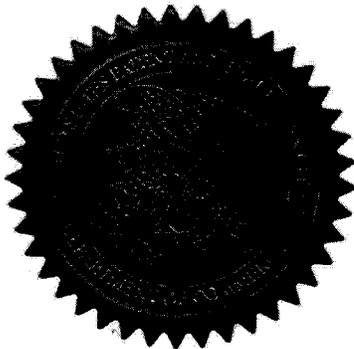
September 12, 2012

THE ATTACHED U.S. TRADEMARK REGISTRATION 3,082,851 IS  
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY  
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH  
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *April 18, 2006*  
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office

  
T. WALLACE  
Certifying Officer



Int. Cl.: 30

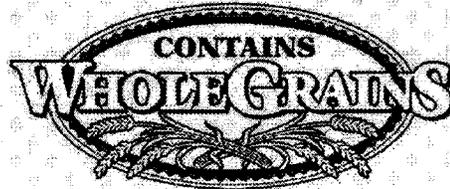
Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,082,851

Registered Apr. 18, 2006

TRADEMARK  
PRINCIPAL REGISTER



THE KROGER CO. OF MICHIGAN (MICHIGAN CORPORATION)  
18334 LAUREL PARK DRIVE NORTH  
LIVONIA, MI 481522686

FIRST USE 5-1-2005; IN COMMERCE 5-1-2005.

FOR: BREAD; BUNS; ROLLS; ENGLISH MUFFINS; BAGELS; CAKE; MUFFINS; CRACKERS; TORTILLA CHIPS; PRETZELS; COOKIES; DONUTS; GRAHAM CRACKERS; READY-TO-EAT CEREAL BARS; GRANOLA SNACK FOOD BARS; OATMEAL; CEREALS; HOT WHEAT CEREAL; PANCAKE MIX; BROWNIE MIX; BISCUIT MIX; MUFFIN MIX; BREAD MIX; CORNBREAD MIX; PIE CRUST MIX; FLOUR; PASTA; PIE CRUST; FLOUR TORTILLAS; REFRIGERATED AND FROZEN PREPARED BREADS, ROLLS, BAGELS; PASTAS, IN CLASS 30 (U.S. CL. 46).

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CONTAINS WHOLE GRAINS", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF A SEAL WITH THE WORDS "CONTAINS WHOLE GRAINS" AND DESIGNS OF SHEAVES OF GRAIN.

SER. NO. 78-635,460, FILED 5-23-2005.

DAVID C. REIHNER, EXAMINING ATTORNEY

## **APPENDIX 12**

Gruma Corporation v. Olé Mexican Foods, Inc.  
Opposition No. 91196767

Gruma Corporation  
Opposer's Second Notice of Reliance

Registration No. 3406680 CARBOSTAR



**THE UNITED STATES OF AMERICA**

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

**UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office**

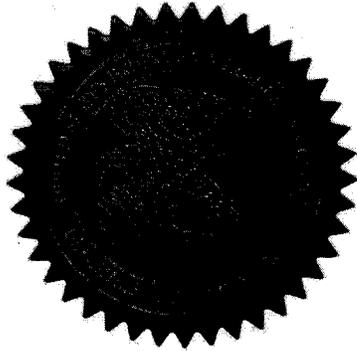
**September 12, 2012**

**THE ATTACHED U.S. TRADEMARK REGISTRATION 3,406,680 IS  
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY  
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH  
REGISTRATION IS IN FULL FORCE AND EFFECT.**

**REGISTERED FOR A TERM OF 10 YEARS FROM *April 01, 2008*  
SAID RECORDS SHOW TITLE TO BE IN: *Registrant***

**By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office**

*T. Wallace*  
**T. WALLACE**  
**Certifying Officer**



Int. Cls.: 29 and 30

Prior U.S. Cl.: 46

**United States Patent and Trademark Office**

**Reg. No. 3,406,680**

Registered Apr. 1, 2008

**TRADEMARK  
PRINCIPAL REGISTER**

**CARBOSTAR**

HEARTLAND HEALTH SOLUTIONS, LLC (TEN-  
NESSEE LTD LIAB CO)  
9003 OVERLOOK BOULEVARD  
BRENTWOOD, TN 37027

FOR: FOOD COMPOSITIONS CONTAINING POTATO STARCH, NAMELY, PROCESSED POTATOES AND POTATO BASED SNACK FOODS WHICH HAVE A REDUCED GLYCEMIC INDEX, IN CLASS 29 (U.S. CL. 46).

FIRST USE 11-23-2007; IN COMMERCE 11-23-2007.

FOR: FOOD COMPOSITIONS CONTAINING WHEAT STARCH, TAPIOCA STARCH, BARLEY STARCH, OAT STARCH, POTATO STARCH, RICE STARCH, CORN FLOUR, CEREAL GRAIN OR A MIXTURE THEREOF, NAMELY, PASTA, NOO-

DLES, BREAKFAST CEREALS, PANCAKES, WAFFLES, PASTRIES, COOKIES, CAKES, BREAD, UNLEAVENED BREAD, PIZZA DOUGH, TORTILLAS, CORN BASED SNACK FOODS, RICE BASED SNACK FOODS, FLOUR AND FOOD STARCH, ALL OF WHICH HAVE A REDUCED GLYCEMIC INDEX, IN CLASS 30 (U.S. CL. 46).

FIRST USE 11-9-2007; IN COMMERCE 11-9-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 78-619,768, FILED 4-29-2005.

JAMES GRIFFIN, EXAMINING ATTORNEY

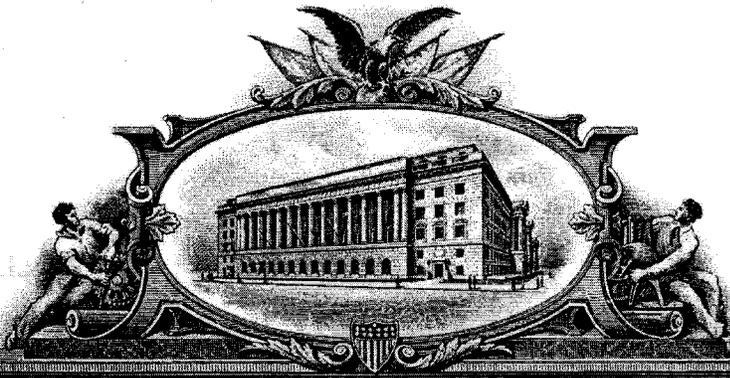
## **APPENDIX 13**

Gruma Corporation v. Olé Mexican Foods, Inc.  
Opposition No. 91196767

Gruma Corporation  
Opposer's Second Notice of Reliance

Registration No. 3234779 SOPHIA'S & Design

1896368



# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

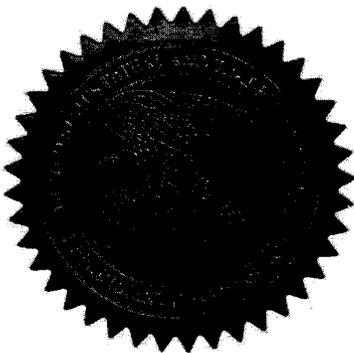
September 12, 2012

THE ATTACHED U.S. TRADEMARK REGISTRATION 3,234,779 IS  
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY  
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH  
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *April 24, 2007*  
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office

  
T. WALLACE  
Certifying Officer



Int. Cl.: 30

Prior U.S. Cl.: 46

**United States Patent and Trademark Office**

Reg. No. 3,234,779

Registered Apr. 24, 2007

**TRADEMARK  
PRINCIPAL REGISTER**



MINOM, INC. (TEXAS CORPORATION)  
1623 NORTH SAN MARCOS  
SAN ANTONIO, TX 78201

MALES; SALSA; SEASONINGS, SEASONING  
BLENDS, SPICES, AND SPICE BLENDS, IN CLASS  
30 (U.S. CL. 46).

FOR: BAKING PRODUCTS, NAMELY, FLOUR,  
ALL PURPOSE FLOUR, WHEAT FLOUR, FLOUR  
TORTILLA MIX, AND CORN TORTILLA MIX;  
READY TO EAT TORTILLAS; TACO SHELLS; TOS-  
TADA SHELLS; FROZEN TORTILLA DOUGH; TA-

FIRST USE 6-6-2006; IN COMMERCE 6-6-2006.

SN 78-613,098, FILED 4-20-2005.

KAREN BRACEY, EXAMINING ATTORNEY

## **APPENDIX 14**

Gruma Corporation v. Olé Mexican Foods, Inc.  
Opposition No. 91196767

Gruma Corporation  
Opposer's Second Notice of Reliance

Registration No. 3059378 MEXICATESSEN

Doc. 66-30

Printed in U.S.A.

1896369



# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

September 12, 2012

THE ATTACHED U.S. TRADEMARK REGISTRATION 3,059,378 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

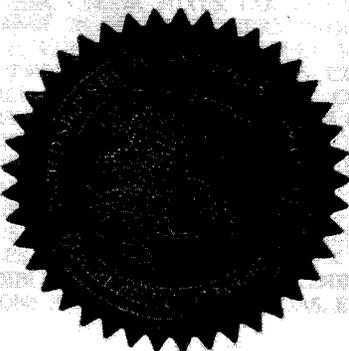
REGISTERED FOR A TERM OF 10 YEARS FROM *February 14, 2006*

SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

*REGISTRANT*

By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office



*T. Wallace*  
T. WALLACE  
Certifying Officer

Int. Cl.: 30

Prior U.S. Cl.: 46

Reg. No. 3,059,378

United States Patent and Trademark Office

Registered Feb. 14, 2006

**TRADEMARK  
PRINCIPAL REGISTER**

**MEXICATESSEN**

TAMALES IMPERIAL COMPANY (TEXAS CORPORATION)

2543 GESSNER ROAD  
HOUSTON, TX 77080

FOR: ALIMENTARY PASTE, BAGELS, BAKERY DESSERTS, BAKERY GOODS, BAKERY PRODUCTS, BARBECUE SAUCE, BASES FOR MAKING MILK SHAKES, BEAN PASTE, BISCUITS, BONBONS, BREAD, BREAD STICKS, BREADCRUMBS, BREAKFAST CEREALS, BUBBLE GUM, BUNS, BURRITOS, CAKE MIXES, CAKES, CANDY, CANDY BARS, CANDY CAKE, DECORATIONS, CANDY COATED APPLES, CANDY COATED POPCORN, CANDY DECORATION FOR CAKE, CANDY MINTS, CAMEL POPCORN, CAMELS, CATSUP, CEREAL BASED SNACK FOOD, CHALUPAS, CHEESE FLAVOR PUFFED CORN SNACKS, CHEESE FLAVOR SNACKS, CHEESE BALLS, CHEESES SAUCE, CHEESECAKE, CHEWING GUM, CHILI POWDERS, CHILI SAUCE, CHILI SEASONINGS, CHIMICHANGA, CHOCOLATE, CHOCOLATE CHIPS, CHOCOLATE COVERED NUTS, CHOCOLATE FONDUE, CHOCOLATE FOOD BEVERAGES NOT BEING DAIRY-BASED OR VEGETABLE BASED, CHOCOLATE MOUSSE, CHOCOLATE POWDER, CHOCOLATE SYRUP, CHOCOLATE TOPPING, CHOCOLATE TRUFFLE, CHOCOLATE-BASED FILINGS FOR CAKES AND PIES, CHOCOLATE-BASED READY-TO-EAT FOOD BARS, CINNAMON, CINNAMON ROLLS, CLOVES, COCOA, COCOA MIXES, COCOA-BASED INGREDIENTS IN CONFECTIONERY PRODUCTS, COFFEE, COFFEE BEANS, COFFEE SUBSTITUTE, COFFEE-BASED BEVERAGES CONTAINING MILK, CONES FOR ICE CREAM, CONFECTIONERY CHIPS FOR BAKING, COOKIES, CORN CHIPS, CORN CURLS, CORN FLAKES, CORN MEAL, CORN SYRUP, CRACKER AND CHEESE COMBINATIONS, CRACKERS, CREPES, CROISSANTS, CUSTARD-BASE FILLING FOR CAKES AND PIE, CUSTARDS, DESSERT MOUSSE, DESSERT SOUFFLES, DOUGH, DOUGHNUTS, DULCE DE LECHE, EDIBLE CAKE DECORATIONS, EDIBLE DECORATIONS FOR CAKES, EMPANADAS, ENCHILADAS,

EXTRACTS USED AS FLAVORINGS, FAJITAS, FARINA, FISH DUMPLINGS, FISH SANDWICHES, FLAVORED AND SWEETENED GELATIN, FLAVORED ICES, FLAVORED ADDITIVES FOR NON NUTRITIONAL PURPOSES, FLAVORING SYRUP, FLOUR, FLOUR-BASED CHIPS, FOOD ADDITIVES FOR NON NUTRITIONAL PURPOSES FOR USE AS A FLARING INGREDIENT OR FILLER, FOOD FLAVORINGS, FOOD PACKAGE COMBINATIONS, FOOD STARCH, FREEZABLE LIQUID FOR USE IN MAKING FROZEN CONFECTIONS, FRITTERS, FROSTING MIXES, FROSTINGS, FROZEN CONFECTIONS, FROZEN CUSTARDS, FROZEN YOGURT, FRUIT ICE, FRUIT PIES, GRAIN-BASED CHIPS, GRAIN-BASED FOOD BEVERAGES, GRANOLA, GRANOLA-BASED SNACK BARS, GRAVIES, GRAVY, GRAVY MIXES, HAM GLAZED, HAMBURGER SANDWICHES, HERB TEA, HERBAL FOOD BEVERAGES, HERBAL INFUSIONS, HERBAL TEA, HONEY, HOT CHOCOLATE, HOT DOG SANDWICHES, HOT SAUCE, ICE, ICE CREAM, ICE CREAM DRINKS, ICE CREAM SUBSTITUTE, ICE CUBES, ICE MILK, ICED TEA, ICING, KETCHUP, LASAGNA, MACARONI, MALT FOR FOOD PURPOSES, MAPLE SYRUP, MARINADES, MARSHMALLOWS, MARZIPAN, MEALS CONSISTING PRIMARILY OF PASTA OR RICE, MEAT PIES, MEAT TENDERIZERS, MICROWAVE POPCORN, MILKSHAKES, MINCED GARLIC, MINCEMEAT PIES, MIX FOR MAKING COMBINATED NOODLE AND SAUCE DISH, MIXES FOR BAKERY GOODS, MOLASSES, MUESLI, MUFFINS, MUSTARD, NACHOS, NATURAL SWEETENER, NON-MEDICATED LONZEGES, NOODLES, OATMEAL, PANCAKE MIXES, PANCAKE SYRUP, PANCAKES, PARAFaits, PASTA, PASTA SALAD, PASTA SHELLS, PATIES, PASTRIES, PEANUT BUTTER CONFECTIONERY CHIPS, PEPPER, PICANTE SAUCE, PICKLED GINGER, PIES, PIMIENTO USED AS A CONDIMENT, PIZZA, PIZZA CRUST, PIZZA DOUGH, PIZZA SAUCE, POT PIES, POWDERED GARLIC, PRETZELS, PROCESSED CEREALS, PROCESSED GINGSENG USED AN HERB, SPICE OR FLAVORING, PORCESSED GRAINS, PROCESSED HERBS, PROCESSED OATS, PROCESSED POP-

CORN, PROCESSED SEMOLINA, PROCESSED UN-  
POPPED POPCORN, PROCESSED WHEAT, PROPO-  
LIS FOR FOOD PURPOSES, PUDDINGS, PUFFED  
CORN SNACKS, QUESADILLAS, RICE, RICE  
CAKES, RICE SALAD, RICE-BASED SNACK  
FOODS, ROLLED OATS, ROLLS, ROYAL JELLY,  
SALSA, SALT, SANDWICHES, SAUCES, SEASONED  
COATING FOR MEAT, FISH, POULTRY, SEASON-  
INGS, SHAKES, SHERBET, SNACK MIX, SOPAPIL-  
LAS, SORBET, SPAGHETTI, SPAGHETTI SAUCE,  
SPICES, STUFFING MIXES, SUGAR, SUGAR SUB-  
STITUTE, SWEET MEATS, TACO CHIPS, TACO  
SEASONING, TACO SHELLS, TACOS, TAMALES,  
TAPIOCA, TARTS, TEA, TEA FOR INFUSION,  
TEA-BASED BEVERAGES WITH FRUIT FLAVOR-

ING, THICKENING AGENTS FOR USE IN COOK-  
ING, TISANES, TOMATE SAUCE, TOPPING SYRUP,  
TORTILLA CHIPS, TORTILLA SHELLS, TORTIL-  
LAS, VANILLA, VANILLA BEANS, VEGETABLE  
CONCENTRATE USED FOR SEASONING, VINE-  
GAR, WAFERS, WAFFLES, WHEAT GERM,  
WHEAT-BASED SNACKS FOODS, WINE VINEGAR,  
YEAST, YERBA MATE, IN CLASS 30 (U.S. CL. 46).

FIRST USE 8-1-2001; IN COMMERCE 8-1-2001.

SN 78-075,501, FILED 7-24-2001.

DOMINIC J. FERRAIUOLO, EXAMINING ATTOR-  
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