

ESTTA Tracking number: **ESTTA415437**

Filing date: **06/20/2011**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Amana Society, Inc.
Granted to Date of previous extension	06/18/2011
Address	P.O. Box 189 Amana, IA 52203 UNITED STATES

Attorney information	James C. Nemmers Shuttleworth & Ingersoll, PLC 115 3rd Street SE, Suite 500 Cedar Rapids, IA 52401 UNITED STATES uspto@shuttleworthlaw.com Phone:319-365-9461
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Applicant Information

Application No	85071058	Publication date	04/19/2011
Opposition Filing Date	06/20/2011	Opposition Period Ends	06/18/2011
Applicant	Shiraz Foods Inc. 21821 Lanar Mission Viejo, CA 92692 UNITED STATES		

Goods/Services Affected by Opposition

Class 029. All goods and services in the class are opposed, namely: Baked beans; Canned fruits and vegetables; Canned or bottled vegetables; Cooked vegetables; Cut vegetables; Dried fruit and vegetables; Dried vegetables; Instant or pre-cooked stew; Packaged meats; Processed beans; Stewed fruit; Stews

Grounds for Opposition

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

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	754769	Application Date	10/30/1962
Registration Date	08/13/1963	Foreign Priority Date	NONE

Word Mark	AMANA
Design Mark	
Description of Mark	NONE
Goods/Services	Class U046 (International Class 029, 030). First use: First Use: 1932/09/00 First Use In Commerce: 1932/09/00 [Bread, Buns,] Cakes, [Rolls,] Hams, Bacon, Sausage

U.S. Registration No.	2269252	Application Date	10/13/1998
Registration Date	08/10/1999	Foreign Priority Date	NONE
Word Mark	AMANA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 1932/00/00 First Use In Commerce: 1991/00/00 FRESH AND FROZEN MEAT		

U.S. Registration No.	3577156	Application Date	07/17/2007
Registration Date	02/17/2009	Foreign Priority Date	NONE
Word Mark	AMANA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1997/00/00 First Use In Commerce: 2007/10/00 Noodles		

U.S. Registration No.	1140158	Application Date	05/26/1978
Registration Date	10/07/1980	Foreign Priority Date	NONE
Word Mark	AMANA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1948/00/00 First Use In Commerce: 1948/00/00 Furniture Polish [and Scratch Remover]		

	<p>Class 020. First use: First Use: 1932/10/00 First Use In Commerce: 1932/10/00 Fine Wooden Furniture</p> <p>Class 025. First use: First Use: 1937/00/00 First Use In Commerce: 1937/00/00 Capes, Jackets, Scarves, Shirts, [Skirts, Slacks, ((Ties,)) Trousers] and Vests</p> <p>Class 029. First use: First Use: 1932/00/00 First Use In Commerce: 1932/00/00 Cheeses, Preserves, Roasted and Smoked Corn Kernels and Soyabeans, Roasted Nuts, Processed Beef and Pork Products, and Sauerkraut</p> <p>Class 030. First use: First Use: 1932/00/00 First Use In Commerce: 1968/00/00 Candy, Cookies, Honey, Relishes and Sorghum Syrup</p> <p>Class 031. First use: First Use: 1968/00/00 First Use In Commerce: 1968/00/00 Raw, Unpopped Popcorn</p>
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Attachments	<p>77231214#TMSN.jpeg (1 page)(bytes)</p> <p>STATEMENT OF THE CLAIM.pdf (1 page)(32934 bytes)</p>
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/James C. Nemmers/
Name	James C. Nemmers
Date	06/20/2011

STATEMENT OF THE CLAIM

Opposer is the owner of several registrations for products in International Classes 029 and 030 for a variety of food products. Opposer's and Applicant's marks are substantially similar and are for similar food products which are sold at retail and are likely to create confusion among customers of Opposer. Moreover, because of the similarity in marks, Applicant's use will dilute the well known mark of Opposer.