

ESTTA Tracking number: **ESTTA429119**

Filing date: **09/07/2011**

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	Paramount Farms International LLC
Granted to Date of previous extension	09/07/2011
Address	11444 W. Olympic Blvd.10th Floor Los Angeles, CA 90064 UNITED STATES

Correspondence information	Paramount Farms International LLC 11444 W. Olympic Blvd.10th Floor Los Angeles, CA 90064 UNITED STATES dcrona@roll.com, sweiner@roll.com Phone:310-966-8771
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**Applicant Information**

Application No	85197617	Publication date	05/10/2011
Opposition Filing Date	09/07/2011	Opposition Period Ends	09/07/2011
Applicant	Premier Grocery, Inc. 11811 N. Tatum Blvd., #2400 Phoenix, AZ 85028 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 030. All goods and services in the class are opposed, namely: Rice-based snack foods
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**Grounds for Opposition**

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	3360553	Application Date	09/14/2005
Registration Date	12/25/2007	Foreign Priority Date	NONE
Word Mark	STACH		

Design Mark	<h1>STACH</h1>
Description of Mark	NONE
Goods/Services	Class 029. First use: First Use: 2006/06/01 First Use In Commerce: 2006/06/01 Flavored nuts, salted nuts, shelled nuts, roasted nuts; processed nuts; snack mix consisting primarily of processed nuts Class 031. First use: First Use: 2006/06/01 First Use In Commerce: 2006/06/01 Raw natural nuts

U.S. Registration No.	3295108	Application Date	09/14/2005
Registration Date	09/18/2007	Foreign Priority Date	NONE

Word Mark	ADVENTURES OF STACH
Design Mark	<h1>ADVENTURES OF STACH</h1>
Description of Mark	NONE
Goods/Services	Class 029. First use: First Use: 2006/06/01 First Use In Commerce: 2006/06/01 Flavored nuts, salted nuts, shelled nuts, roasted nuts; processed nuts; snack mix consisting primarily of processed nuts Class 031. First use: First Use: 2006/06/01 First Use In Commerce: 2006/06/01 Raw natural nuts

Attachments	78713108#TMSN.jpeg ( 1 page )( bytes ) 78713114#TMSN.jpeg ( 1 page )( bytes ) TTAB Notice of Opposition to Premier Grocery re SECRET STASH 054947.pdf ( 4 pages )(22851 bytes )
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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	/s/Danielle M. Criona/s/
Name	Paramount Farms International LLC
Date	09/07/2011

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

Paramount Farms International LLC,	)	
	)	
Opposer,	)	Opposition No.: _____
	)	Mark: SECRET STASH
v.	)	Application Ser. No.: 85/197,617
	)	
Premier Grocery, Inc.,	)	<b>NOTICE OF OPPOSITION</b>
	)	
Applicant.	)	
	)	
	)	
	)	
_____	)	

Paramount Farms International LLC, a Delaware limited liability company located and doing business at 11444 W. Olympic Blvd., Los Angeles, CA 90064 (“Paramount Farms” or “Opposer”), believes it will be damaged by the registration of the trademark SECRET STASH in Class 30 for “rice-based snack foods” in Application Serial No. 85/197,617 (the “SECRET STASH Application” or the “SECRET STASH Mark”), filed by Premier Grocery, Inc., a California corporation with the address of 11811 N. Tatum Blvd., #2400, Phoenix, AZ 85028 (“Applicant”), and hereby opposes the same.

As grounds for this Opposition, Opposer alleges:

1. Opposer is the largest grower and processor of almonds and pistachios in the world. Since prior to the December 14, 2010 filing date of Applicant’s Application Serial No. 85/197,617, Opposer has extensively marketed processed and natural nuts in interstate commerce in connection with its distinctive STACH mark, and other marks comprised of the distinctive

term STACH, including but not limited to, ADVENTURES OF STACH (collectively, the “STACH Marks”).

2. Opposer owns registrations for the STACH Marks for various nut products (the “STACH products”) with the United States Patent and Trademark Office (“USPTO”). Opposer’s registrations include, but are not limited to, STACH, Reg. No. 3,360,553 and ADVENTURES OF STACH, Reg. No. 3,295,108. These registrations are valid, subsisting, and owned by Opposer.

3. Opposer has sold millions of dollars worth of goods in connection with its STACH Marks.

4. Opposer has spent significant sums of money advertising and promoting its products in connection with the STACH Marks throughout the United States.

5. By virtue of the popularity of Opposer’s goods offered in connection with the STACH Marks, and its advertising and promotion of the STACH Marks, Opposer has built and owns extremely valuable goodwill which is symbolized by, and associated with, its STACH Marks.

6. In the SECRET STASH Application, Applicant applied for registration of the SECRET STASH Mark in International Class 30 for “rice-based snack foods” (“Applicant’s Goods”).

7. Applicant’s use of the STACH Marks for Applicant’s Goods in International Class 30 is without Opposer’s consent or permission.

8. Upon information and belief, neither Applicant nor any predecessor or related company of Applicant has made actual use of the STACH Mark, nor has Applicant or any predecessor or related company of Applicant claimed an intent-to-use date prior to the December

14, 2010 filing date of Application Serial No. 85/197,617.

9. Applicant's use of the SECRET STASH Mark for Applicant's Goods is likely to cause confusion, mistake, or deception in that consumers are likely to believe Applicant's Goods are Opposer's products or the products of a person or company that is sponsored, authorized, or licensed by, or in some other way legitimately connected with or affiliated with, Opposer.

WHEREFORE, Opposer respectfully requests that this Opposition be sustained and that Application Serial No. 85/197,617 be denied registration.

Please debit our Deposit Account No. 502934 for the \$300 filing fee and for any additional necessary fees.

Please address all correspondence to Danielle M. Criona, Esq., Intellectual Property Counsel at Roll Law Group P.C., 11444 West Olympic Boulevard, Los Angeles, CA 90064.

Respectfully Submitted,

Date: September 7, 2011

Paramount Farms International LLC

By: /s/Danielle M. Criona/s/

Danielle M. Criona, Esq.  
ROLL LAW GROUP P.C.  
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*Attorney for Opposer*

**CERTIFICATE OF SERVICE**

I, Jeanette Petzold, hereby certify that a copy of this NOTICE OF OPPOSITION has been served upon attorneys for Opposer:

Frank G. Long  
Greenberg Traurig, LLP  
2375 E. Camelback Road, Suite 700  
Phoenix, Arizona 85016-9000

by first class mail, postage prepaid, on this 7th day of September, 2011.

By: /s/Jeanette Petzold/s/  
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