

ESTTA Tracking number: **ESTTA473740**

Filing date: **05/22/2012**

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	Al Suhagy for Food Industries Ltd. fka Al KawafI Al Masria Co for Ind Foodstuffs
Granted to Date of previous extension	05/23/2012
Address	16, Al Basha Street Shoubra Cairo, EGYPT
Party who filed Extension of time to oppose	Al Suhagy for Food Industries Ltd. fka Al KawafI Al Masria Company for Industries Foodstuffs
Relationship to party who filed Extension of time to oppose	The length of more than 80 characters was not accepted by the TTAB system

Attorney information	Timothy J. Engling Miller, Canfield, Paddock and Stone P.L.C. 225 West Washington Street, Suite 2600 Chicago, IL 60606 UNITED STATES engling@millercanfield.com Phone:312-460-4241
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**Applicant Information**

Application No	85178310	Publication date	01/24/2012
Opposition Filing Date	05/22/2012	Opposition Period Ends	05/23/2012
Applicant	International Food & Candy P.O. Box 6274 East Brunswick, NJ 08816 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 029. First Use: 2009/12/18 First Use In Commerce: 2009/12/18 All goods and services in the class are opposed, namely: Dried beans and Pulses
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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)
Dilution	Trademark Act section 43(c)

## Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	79100536	Application Date	06/23/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	AL SUHAGY 1951		
Design Mark			
Description of Mark	<p>The mark consists of a pair of red ovals, outlined in white, then gold, containing the wording "AL SUHAGY" in gold in the left oval and Arabic characters in gold in the right oval. Below the ovals are green banners outlined in white with the number "1951" on the left and Arabic numbers on the right. Above the ovals are red circles with the outline of chef's hats in white.</p>		
Goods/Services	<p>Class 030. First use:  Allspice; Baking spices; Candy; Confectionery made of sugar; Cinnamon powder; Clove powder; Curry powder; Edible spices; Ginger spice; Mustard powder; Spice blends; Spices; Almond paste; Aniseed for use as a flavoring in food and drinks; Barley flour; Husked barley; Bean paste; Coffee beans; Vanilla beans; Propolis and bee glue for human consumption; Biscuits and bread; Black Pepper; Processed bran; Rice bran for animal feed; Bread rolls; Bread crumbs; Cake mixes; Cakes; Rice cakes; Flavorings for cakes other than essential oils; Capers; Caramels; Celery salt; Chicory and chicory mixtures, all for use as substitutes for coffee; Chocolate; Chocolate powder; Chocolate-based beverages; Chutneys; Cinnamon; Cloves; Cocoa; Cocoa-based beverages; Coffee; Coffee beverages with milk; Cookies; Corn flakes; Corn flour; Corn meal; Processed corn; Roasted corn; Couscous; Crackers; Curry powder; Custard; Salad dressing; Fish sauce; Ginger; Gingerbread; Glucose for culinary purposes; Gluten additives for culinary purposes; Golden syrup; Gravies; Chewing gum; Halvah; Honey; Hop extracts used as flavoring for foods and beverages; Condiment, namely, pepper sauce; Pepper; Ice cream; Ice; Iced tea; Fruit jelly candy; Ketchup; Liquorice; Macaroni; Maize flakes; Malt extracts for food; Malt for food purposes; Maltose for food; Marzipan; Mayonnaise; Meat gravies; Meat pies; Candy mints; Molasses; Mustard; Noodles; Nutmeg; Processed oats; Pancakes; Pastries; Pasta; Confectionery, namely, pastilles; Pies; Pizza; Popcorn; Potato flour; Puddings; Instant pudding mixes; Quiche; Ravioli; Vermicelli; Rice; Rice flour; Rice pudding; Rusks; Processed grains, namely, rye; Saffron for use as a food seasoning; Sago; Salt; Sauces; Sea water for cooking; Processed semolina; Roasted and ground sesame seeds; Soy sauce; Soya flour; Spaghetti; Spring rolls; Food starch; Sugar; Sushi; Peppermint sweets; Tabbouleh; Tacos; Tapioca; Tapioca flour for food; Tarts; Tea; Tea-based beverages; Tomato sauce; Tortillas; Edible turmeric; Vanilla flavorings; Vermicelli; Vinegar; Waffles; Yeast; Frozen yogurt</p> <p>Class 031. First use:  Fresh almonds; Animal litter; Aromatic sand for pets; Raw sugar cane bagasses; Fresh beans; Fresh beets; Fresh berries; Seeds and bulbs; Fresh chestnuts; Fresh chickpeas; Raw cocoa beans; Fresh coconuts; Copra; Live crayfish; Fresh cucumbers; Dog biscuits; Live fish for food purposes; Dried flowers;</p>		

	Flower bulbs; Natural plants and flowers; Fresh grapes; Hay; Unprocessed hops; Fresh leeks; Fresh lemons; Fresh lentils; Unprocessed lettuce; Live Lobsters; Unprocessed mushrooms; Live mussels; Unprocessed nuts; Unprocessed oats; Fresh olives; Unprocessed onions; Fresh oranges; Live oysters; Palm tree leaves; Palm fronds; Fresh peanuts; Fresh peas; Fresh peppers; Pine cones; Bee pollen being raw material for industrial use; Fresh potatoes; Live poultry; Unprocessed rhubarb; Rye seed; Unprocessed rye; Live sea-cucumbers; Live shellfish; Silkworm eggs; Sod; Spores and spawn; Sugar cane; Fresh truffles; Natural turf; Unprocessed wheat
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Attachments	79100536#TMSN.jpeg ( 1 page )( bytes ) AlSuhagyOpposition.pdf ( 5 pages )(12372 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	/tjengling/
Name	Timothy J. Engling
Date	05/22/2012

Al Suhagy for Food Industries Ltd. fka Al KawafI Al Masria Company for Industries Foodstuffs, "Opposer" believes that it would be damaged by the registration of the mark shown in application 85/178,310, and hereby opposes the same.

As grounds of opposition, it is alleged that:

1. Al Suhagy for Food Industries Ltd. fka Al KawafI Al Masria Company for Industries Foodstuffs is the owner of International Registration No. 1085459 and corresponding U.S. Application 79/100,536 for the Al Suhagy logo design for a mark consisting of a pair of red ovals, outlined in white, then gold, containing the wording Al Suhagy in gold in the left oval and characters Arabic characters in gold in the right oval. Below the ovals are green banners outlined in white with the number 1951 on the left and Arabic numbers on the right. Above the ovals are red circles with the outline of a chef's hat in white.
2. Al Suhagy for Food Industries Ltd. fka Al KawafI Al Masria Company for Industries Foodstuffs used in the U.S. for more than ten years its Al Suhagy logos including red ovals, outlined in white, then gold, containing the wording Al Suhagy in gold with lower green banners outlined in white and red circles with the outline of a chef's hat in white above the larger oval.
3. Opposer has used the Al Suhagy logos in connection with the sale of various food products including dried beans and pulses prior to International Food & Candy's use of its logo. Opposer's use of variations of its Al Suhagy logo on food products worldwide exceeds 50 years and exceeds ten years in the United States.

4. On information and belief, International Food & Candy is a New Jersey corporation.
5. International Food & Candy purchased products from Opposer and its related companies bearing the Al Suhagy logo before filing the opposed application.
6. International Food & Candy was actually aware of the opposer's prior use of a similar mark including red ovals, outlined in white, then gold, containing the wording Al Suhagy in gold with lower green banners outlined in white and red circles with the outline of a chef's hat in white above the larger oval.
7. International Food & Candy copied the red ovals, outlined in white, then gold, containing the wording Al Suhagy in gold with lower green banners outlined in white and red circles with the outline of a chef's hat in white above the larger oval. Even the exact outline of the chef's hat was copied.
8. Opposer's red ovals, outlined in white, then gold, containing the wording Al Suhagy in gold with lower green banners outlined in white and red circles with the outline of a chef's hat in white above the larger oval are famous.
9. Opposer's goods sold under the Al Suhagy logo mark have been continuously sold and advertised in the United States. As a result of the Opposer's long standing and continuous sale of goods under the Al Suhagy logo mark, Opposer has built up valuable goodwill in the mark

and the mark has become a symbol of Opposer and has become an indicator of the source of Opposer's food goods.

10. Applicant filed its application for "Faiez Al Suhagy" logo, long after the time on which Opposer began using the Al Suhagy logo in connection with the sale of its goods as described above.

11. International Food & Candy is applying for registration of marks that are confusingly similar to marks used on products with Egyptian origin from Opposer, the true owner of the Al Suhagy logo.

12. The opposed mark of Application 85178310 consists of a red oval, outlined in white, then gold, then white, containing Asian characters in yellow above the term "Faiez Al Suhagy " in white; a green banner outlined in white and containing the term "ISO 9001" in yellow is over the bottom portion of the oval, and a red circle outlined in white with the design of a chef hat outlined in white is over the top portion of the oval.

13. Regarding corresponding U.S. Application 85/178,269 for MARK CONSISTS OF A RED OVAL WITH A GOLD OVAL OUTLINE CONTAINING ASIAN CHARACTERS IN YELLOW WITH BLACK SHADOWING ABOVE THE TERM "AL SUHAGY" IN YELLOW WITH BLACK SHADOWING; A GREEN BANNER OUTLINED IN WHITE WITH BLACK SHADOWING CONTAINING THE NUMBER 1951 IN WHITE IS OVER THE BOTTOM PORTION OF THE OVAL; AND A RED CIRCLE OUTLINED IN WHITE CONTAINING A

CHEF HAT OUTLINED IN WHITE APPEARS OVER THE TOP PORTION OF THE OVAL, International Food & Candy asserted a “concurrent use” for North America without approval from Al Suhagy for Food Industries Ltd.

14. International Food & Candy uses 1951 on Al Suhagy logo bags suggesting its use extends from Opposer, the true Egyptian owner of the logo.

15. International Food & Candy actual use indicated “since 1951” which trades off the goodwill, reputation, and longevity of Al Suhagy for Food Industries, Ltd. and its predecessors.

16. Applicant’s alleged Faiez Al Suhagy logo mark was first used on its goods long after the time on which Opposer began using the Al Suhagy logo mark in connection with the sale of its goods as described above.

17. Applicant’s alleged Faiez Al Suhagy logo mark so resembles Opposer’s Al Suhagy logo as to be likely, when applied to Applicant’s goods, to cause confusion or to cause mistake or to deceive purchasers as to the source of Applicant’s goods because of Opposer’s prior use of the Al Suhagy logo in connection with the sale of the same or similar goods as those sold by Applicant under its alleged mark.

18. Applicant’s use of the Opposer’s red ovals, outlined in white, then gold, containing the wording AL SUHAGY in gold with lower green banners outlined in white and red circles with

the outline of a chef's hat in white above the larger oval will cause dilution of Opposer's famous logo.

19. Applicant's use of the Faiez Al Suhagy logo mark falsely suggests a connection or association with Opposer and Opposer's goods.

20. Opposer will be damaged by registration of Applicant's alleged mark in view of the likelihood of confusion as to the source of the respective food goods of Opposer and Applicant.

Opposer hereby appoints Timothy J. Engling, a member of the bar of the State of Illinois, of the firm Miller, Canfield, Paddock and Stone, 225 West Washington, Suite 2600, Chicago, Illinois, USA 60606, as its attorney to prosecute this opposition and to transact all business in the United States Patent and Trademark Office in connection therewith.

WHEREFORE, Opposer prays that this opposition be sustained and that Applicant's pending application, Serial No. 85/178,310 be refused registration.

Opposer requests that the opposition filing fee of \$300.00 be withdrawn from Deposit Account 503372.