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

Proceeding	91208141
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Application:

Serial No.: 85/430918  
Filed: September 23, 2011  
Mark: CASERA

GOYA FOODS, INC.

Opposer,

v.

MARQUEZ BROTHERS  
INTERNATIONAL, INC.

Applicant.

Opposition No. 91208141

**APPLICANT’S MOTION FOR LEAVE TO AMEND ADMISSION AND  
BRIEF IN OPPOSITION TO OPPOSER’S MOTION FOR SUMMARY JUDGMENT**

Applicant Marquez Brothers International, Inc. (“Applicant” or “Marquez Brothers”) submits this (1) Motion for Leave to Amend Admission, and (2) Brief in Opposition to Opposer’s Motion for Summary Judgment. Opposer, Goya Foods, Inc. (“Opposer” or “Goya”) has submitted a Motion for Summary Judgment on the basis that there is no genuine dispute of fact. In response, Applicant requests leave to amend Admission No. 4 and submits that, for the reasons set forth below, there are numerous genuine issues of material fact that preclude summary judgment in Opposer’s favor.

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## MOTION FOR LEAVE TO AMEND ADMISSION

This motion arises from Goya's Request for Admissions, Set One. On June 5, 2014, Marquez Brothers timely responded to Goya's requests. Goya's Request No. 4 specified: "Admit that Applicant has never used the mark CASERA on longaniza sold in the United States." Applicant responded: "Admit." Declaration of John M. Rannells in Support of Opposer's Motion for Summary Judgment (hereinafter "Rannells Declaration"), ¶5. Upon continuing its investigation of the facts relating to this case, Marquez Brothers has since established that its response to Request for Admission No. 4 was inaccurate because Marquez Brothers has sold longaniza bearing "CASERA" in the United States since at least as early as 2012. See Declaration of Gustavo Marquez in Support of Applicant's Motion for Leave to Amend Admission and Brief in Opposition to Opposer's Motion for Summary Judgment (hereinafter, "Marquez Declaration"), ¶¶9, 11, attached hereto. Applicant is requesting that the Board permit it to amend its admission accordingly.

Any matter admitted under Fed. R. Civ. P. 36 is conclusively established unless the Board, upon motion, permits withdrawal or amendment of the admission. *See* Trademark Trial & Appeal Board Manual of Procedures ("TBMP") § 407.04. Upon motion under Fed. R. Civ. P. 36(b), the Board may permit withdrawal or amendment of an admission when the presentation of the merits of the proceeding will be subserved thereby, and the propounding party fails to satisfy the Board that withdrawal or amendment will prejudice said party in maintaining its action or defense on the merits. *See* TBMP § 575; *Johnston Pump/General Valve Inc. v. Chromalloy American Corp.*, 13 USPQ2d 1719, 1721 (TTAB 1989) (presentation of merits of case aided by relieving opposer of admission on relevant issue and prejudice avoided by allowing applicant limited discovery as to the amended answer).

The present circumstances should permit leave to amend. Goya's Motion for Summary Judgment is based in part on Goya's contention that, in view of the factors set out in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973), confusion between the Parties' marks is likely. Opposer's Motion and Supporting Brief for Summary Judgment (hereinafter "Goya's Motion"), Page 4. The factors set out in *In re du Pont* include factor number

seven (7) the nature and extent of any actual confusion, and factor number eight (8) the length of time during and the conditions under which there has been concurrent use without evidence of actual confusion. Based on Marquez Brothers' June 5, 2014 admission to Request No. 4, Goya contends that *du Pont* factors numbers seven (7) and eight (8) are neutral because Applicant admitted that it has not used its mark on any of the goods set forth in the application in issue. Goya's Motion, Page 11. Marquez Brothers now makes a motion to amend Admission No. 4 to reflect that Applicant has used "CASERA" in connection with longaniza. Absent the admission, there remain genuine issues of material fact regarding whether there is a likelihood of confusion between the Parties' marks. This is one of the central issues as to whether Goya can prevail on its claims. In addition, there is no prejudice to Goya in allowing the revision because this matter is still in the pretrial stage. For the foregoing reasons, Marquez Brothers requests that the Board permit it to amend Admission No. 4.

## **OPPOSITION TO OPPOSER'S MOTION FOR SUMMARY JUDGMENT**

### **INTRODUCTION**

Marquez Brothers International, Inc. has been selling grocery items in the United States since 1981, for over thirty (30) years. Marquez Declaration, ¶¶1-2. Applicant is a family owned manufacturer of authentic Mexican style food products, with product offerings that range from an extended line of perishables to a complete line of grocery items. *Id.*, ¶2.

Both Parties to this proceeding are food purveyors and both market their goods to, *inter alia*, the Hispanic communities. Goya's Motion, Page 1. Goya's predecessors-in-interest were selling CASERA brand food products since 1979. Declaration of Conrad Colon in Support of Opposer's Motion for Summary Judgment (hereinafter "Colon Declaration"), Page 2, ¶4. Goya has sold CASERITA brand croquette products in commerce since 1972. *Id.*, Page 2, ¶6. Goya owns two incontestable registrations, one for CASERA for "processed vegetables" and one for CASERITA for "chicken croquettes," both in Class 29. *Id.*, Page 2, ¶8. Marquez Brothers began

use of its CASERA mark in 1994 for cheese and dairy products excluding ice cream, ice milk and frozen yogurt, and in 2002 for flour, corn flour, instant corn flour mix. Marquez Brothers is the owner of Registration No. 3,720,632 for CASERA for same in Classes 29 and 30. Marquez Declaration, ¶¶7-8. In addition, Marquez Brothers has sold longaniza bearing “CASERA” in the United States since at least as early as 2012. *Id.*, ¶9. Marquez Brothers began use of its nearly identical mark CASERO in 1977 and made use in interstate commerce in 1987 in connection with cheese. Marquez Brothers is the owner of incontestable Registration No. 1,934,691 for CASERO for cheese in Class 29. *Id.*, ¶¶5-6. The term “casero” in the Spanish language is the masculine form of the feminine adjective “casera,” both meaning “domestic” or “homemade”. *Id.*, ¶12. “Casera” and “casero” differ by only one letter. The Parties have been concurrently using their respective CASERA/CASERO/CASERITA marks in interstate commerce since at least as early as 1987. Specifically, the Parties have concurrently used their respective identical CASERA marks in connection with food products in interstate commerce since as early as 1994.

On September 23, 2011, Applicant applied to register CASERA as a federal trademark for “chorizo, longaniza, deli meats, namely, hams, turkey” in Class 29 (“Applicant’s Mark”). *See* U.S. Application Serial No. 85/430,918. Marquez Declaration, ¶10. The Examiner assigned to review Applicant’s application searched the Trademark Office records and found no similar registered or pending marks that would bar registration of Applicant’s Mark under Trademark Act Section 2(d), 15 U.S.C. §1052(d), in spite of the existence of Opposer’s incontestable CASERA and CASERITA registrations on the Trademark Register. *See* Declaration of Kathleen Letourneau in Support of Applicant’s Motion for Leave to Amend Admission and Brief in Opposition to Opposer’s Motion for Summary Judgment (hereinafter “Letourneau Declaration”), ¶3, Exhibit B, attached hereto. Despite the Examining Attorney’s acceptance of Applicant’s

Mark, once the mark was published, Opposer initiated this Opposition No. 91208141. *See* Goya's Notice of Opposition, filed November 21, 2012 (hereinafter "Goya's Opposition"), ¶¶1, 5. Goya seeks summary judgment that Applicant's Mark is confusingly similar to Goya's CASERA and CASERITA marks. Goya's Motion must be denied because (1) the Motion is premature, and (2) there are material issues of fact as to whether Applicant's Mark, when used in connection with chorizo, longaniza, or deli meats, is confusingly similar to Goya's CASERA mark for processed vegetables or CASERITA mark for chicken croquettes.

### **FACTS IN DISPUTE**

1. Whether Goya's CASERITA mark creates the same commercial impression as Marquez Brothers' CASERA mark.
2. Whether the Parties' goods are related.
3. Whether the overlapping channels of trade are determinative.
4. Whether the sophistication of grocery consumers is determinative.
5. Whether the number of similar marks in use limits Goya's scope of protection.
6. Whether there has been any actual confusion during the Parties' thirty years of concurrent use of similar marks.
7. Whether confusion is likely given the length of time the Parties have concurrently used similar marks.

### **ARGUMENT**

#### **A. Standard for Summary Judgment**

Summary judgment is only appropriate where the movant shows that there are no genuine issues of material fact in dispute, and that it is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a). The Board does not resolve issues of fact on summary judgment; it only

determines whether a genuine issue exists. *See Lloyd's Food Prods., Inc. v. Eli's Inc.*, 987 F.2d 766, 25 U.S.P.Q.2d 2027, 2029 (Fed. Cir. 1993). *See also* TBMP § 528.01, and cases cited therein.

Goya, as the party moving for summary judgment, has the burden of demonstrating the absence of any genuine issue of material fact. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 322-37 (1986). To prevail on its motion, Goya must establish that there is no genuine issue of fact regarding the issues at hand by clear and convincing evidence. *See H. Marvin Ginn Corp. v. Int'l Ass'n of Fire Chiefs, Inc.*, 782 F.2d 987, 989-90, 228 U.S.P.Q. 528, 530 (Fed. Cir. 1986). In order to have the opportunity to submit proofs at trial, Marquez Brothers need only show that, on the evidence of record, a reasonable fact finder could resolve the matter in its favor. *See Opryland USA Inc. v. Great Am. Music Show Inc.*, 970 F.2d 847, 850, 23 U.S.P.Q.2d 1471, 1472-73 (Fed. Cir. 1992); *Olde Tyme Foods Inc. v. Roundy's Inc.*, 961 F.2d 200, 202, 22 U.S.P.Q.2d 1542, 1544 (Fed. Cir. 1992); *see also Visa Int'l Serv. Ass'n v. Life-Code Sys., Inc.*, 220 U.S.P.Q. 740, 742 (T.T.A.B. 1983) (on a summary judgment motion, the “nonmoving party is not required to adduce evidence sufficient to prove its case...”; it need only show “that there is a genuine issue as to a material fact and that, therefore, there is a need for a trial”). The evidence must be viewed in a light most favorable to Marquez Brothers as the non-movant, and all justifiable inferences should be drawn in Marquez Brothers' favor. *See Lloyd's Food Prods.*, 987 F.2d at 767; *Opryland USA*, 970 F.2d at 850.

#### **B. Goya's Motion for Summary Judgment Is Premature**

In Board *inter partes* proceedings commenced after November 1, 2007, a party may not file a motion for summary judgment under Trademark Rule 2.127(e)(1) until that party has made its initial disclosures, except for a motion asserting claim or issue preclusion or lack of

jurisdiction by the Board. *See* Trademark Rule 2.127(e)(1); *Compagnie Gervais Danone v. Precision Formulations LLC*, 89 USPQ2d 1251, 1255 (TTAB 2009); Notice of Final Rulemaking, 72 Fed. Reg. 42242, 42245 (August 1, 2007). The requirement that a party serve its initial disclosures prior to or concurrently with the filing of a motion for summary judgment cannot be waived. Goya failed to serve its initial disclosures on Marquez Brothers prior to or concurrently with its Motion for Summary Judgment. Letourneau Declaration, ¶4. Therefore, Goya's Motion is premature and should be denied.

**C. Goya Cannot Base Its Motion for Summary Judgment on Facts Not Pleaded In Its Notice of Opposition**

Under TBMP § 528.07(a), a party may not obtain summary judgment on an issue that has not been pleaded. Opposer in its Motion at page 2 states that, in addition to its registrations, Opposer is “further relying upon its common law rights in its CASERA mark for goods not set forth in the Goya registrations, namely for the additional goods, rice and olives and in its CASERITA mark for ham croquettes and tamales.” These goods are not listed in the description of goods for any of Opposer's registrations and Opposer did not plead these common law uses of its marks in its Notice of Opposition. Furthermore, Opposer failed to serve Applicant with initial disclosures listing these common law uses and has not requested leave to amend its Notice of Opposition to include these goods. Opposer raises its alleged common law rights for the first time in its Motion. Although Opposer alleged in its Notice of Opposition use of its CASERA/CASERITA marks in connection with “croquettes and processed vegetables” (Goya's Opposition, ¶1), that does not put Applicant on notice that Opposer is claiming use of its mark on rice, olives, ham croquettes and tamales. Therefore, Applicant objects to any and all arguments, testimony, and exhibits relating to any goods not listed in Opposer's pleaded registrations. In

making a determination as to whether there are any issues of material fact concerning a likelihood of confusion between the Parties' marks, the Board should not consider Goya's claimed use of CASERA or CASERITA in connection with rice, olives, ham croquettes or tamales.<sup>1</sup>

**D. Goya Is Not Entitled To Summary Judgment on the Issue of Likelihood of Confusion**

In *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973), the Court of Customs and Patent Appeals discussed the factors relevant to a determination of likelihood of confusion. An appropriate analysis involves a comprehensive review of all relevant facts in light of all thirteen (13) *du Pont* factors. The analysis undertaken by Goya in its Motion ignores many of the *du Pont* factors, the majority of which weigh in favor of Marquez Brothers, as outlined in more detail below. When all inferences are drawn in favor of Marquez Brothers, the many issues of material fact in this matter compel denial of Goya's Motion for Summary Judgment.

Although the weight given to the relevant *du Pont* factors may vary, the following thirteen (13) factors are key considerations in any likelihood of confusion determination:

- 1) the similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression;
- 2) the relatedness of the goods or services as described in the application and registration(s) or in connection with which a prior mark is in use;

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<sup>1</sup> Applicant's objection should not be construed as a concession that rice, olives, ham croquettes or tamales are closely related to Applicant's chorizo, longaniza, or deli meats.

- 3) the similarity or dissimilarity of established, likely-to-continue trade channels;
- 4) the conditions under which and buyers to whom sales are made, i.e., “impulse” vs. careful, sophisticated purchasing;
- 5) the fame of the prior mark;
- 6) the number and nature of similar marks in use on similar goods;
- 7) the nature and extent of any actual confusion;
- 8) the length of time during and the conditions under which there has been concurrent use without evidence of actual confusion;
- 9) the variety of goods on which a mark is or is not used;
- 10) the market interface between the applicant and the owner of a prior mark;
- 11) the extent to which applicant has a right to exclude others from use of its mark on its goods;
- 12) the extent of potential confusion; and
- 13) any other established fact probative of the effect of use.

*See, e.g., In re du Pont*, 476 F.2d at 1362-63, 177 USPQ at 568-69.

Goya urges the Board to rule in its favor, stating that “the ‘determinative’ issue on a motion for summary judgment is whether the moving party has demonstrated the lack of any genuine dispute of material fact, with all ambiguities and inferences resolved against the movant.” Goya’s Motion, Page 3. While the standard is correct, Goya then goes on to state that it is entitled to summary judgment in this matter because “Opposer has priority; the parties [sic] marks (and in particular the identical mark CASERA) are confusingly similar; and the parties’ respective goods are similar and related.” *Id.* However, Goya has over-simplified the comprehensive analysis that the Board is required to make in this matter, essentially ignoring many important and relevant facts. A careful analysis of the *du Pont* factors reveals numerous unresolved issues of material fact, precluding summary judgment in Goya’s favor. Indeed, a

cursory review of the record indicates that the majority of the factors overall support Marquez Brothers' contention that confusion is not likely and that Marquez Brothers is entitled to registration of its CASERA trademark for chorizo, longaniza, and deli meats.

**1. The Parties' CASERITA and CASERA marks are different in sight and sound.**

In a likelihood of confusion determination, the marks are compared for similarities in their appearance, sound, meaning or connotation and commercial impression. *In re E. I. du Pont*, 476 F.2d at 1361, 177 USPQ at 567. There are many instances where Courts and the Board have held that marks with prefixes, suffixes or portions in common, for similar goods or services, were not likely to be confused because the marks included other elements which served to distinguish the marks. *See Witco Chem. Co. v. Whitfield Chem. Co.*, 418 F.2d 1403, 1406 (1965) (finding that the WHIT-prefix marks and the WIT-prefix marks, both of which were used for industrial chemicals, are "readily distinguishable in sound, appearance, and possible suggestive significance"); *In re P. Ferrero & CSPA*, 178 U.S.P.Q. 167 (T.T.A.B. 1973) (finding TIC TAC is not confusingly similar to TIC TAC TOE even though both marks were used for confections); *Time, Inc. v. Petersen Pub'g Co.*, 173 F.3d 113 (2d Cir. 1999) (TEEN not confusingly similar to TEEN PEOPLE). Courts have also recognized no likelihood of confusion between marks that sound different. In *Coca-Cola Co. v. Essential Products Co.*, the court found no likelihood of confusion between COCA COLA and COCO LOCO for drinks because they sounded different when pronounced, even though the two marks looked similar at first glance. 421 F.2d 1374, 1376 (C.C.P.A. 1970).

Goya contends that "the Parties' marks are identical in appearance, sound, meaning and commercial impression." Goya's Motion, Page 6. Marquez Brothers disagrees that its CASERA mark and Goya's CASERITA mark create identical commercial impressions. The fact that

Applicant's CASERA mark shares the prefix "CASER" with Goya's CASERITA mark is not determinative. Visually and aurally, Applicant's Mark is distinguishable from Goya's CASERITA mark. Goya's CASERITA mark contains additional literal elements that are not present in Marquez Brothers' CASERA mark. These extra letters make a separate visual and phonetic impact on consumers. These differences serve to distinguish the marks and therefore the similarity of their respective commercial impressions is greatly reduced. As a result, there is a question of material fact as to the similarity between Applicant's CASERA mark and Opposer's CASERITA mark.

**2. The products sold by the Parties are broadly related, but different enough that confusion is not likely.**

Goya argues that the Parties' goods<sup>2</sup> are related because (1) "the goods recited in the application in issue... are often combined with and used with the goods sold by Goya under Goya's identical CASERA mark"; (2) the Parties' goods "are all found in and would be purchased by consumers in their local grocery store, supermarket or bodega"; and (3) "such goods are often sold by a single source." *See* Goya's Brief, Pages 7-8.

There is no *per se* rule that all food products appearing in the same recipe be considered related for Section 2(d) purposes. It is not unusual for recipes to contain many different ingredients and consumers are not likely to assume merely from the fact that two items are called

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<sup>2</sup> Should the Board choose to consider information concerning Opposer's common law use of CASERA/CASERITA in connection with rice, olives, ham croquettes or tamales, Applicant submits that its analysis regarding the relatedness of the Parties' goods remains the same.

for in the same recipe that they necessarily emanate from the same source of origin. *In re Gina Davia*, 110 USPW2d 1810 (TTAB 2014).

Moreover, the food industry is large and very segmented. Marquez Declaration, ¶3. That that the Parties' goods can both be found in grocery stores is not determinative. *See Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 192 USPQ 24, 29 (CCPA 1976) (evidence that the only link between the goods is that they are sold in the same area of a supermarket is not sufficient to establish that the goods are related); *HiCountry Foods Corp. v. Hi Country Beef Jerky*, 4 USPQ2d 1169, 1171-72 (TTAB 1987) (there is "no 'per se' rule that all food products are related goods by ... virtue of their capability of being sold in the same food markets."); *Nestle Co. v. Nash-Finch Co.*, 4 USPQ2d 1085, 1090 (TTAB 1987) ("the same availability of different food products in the same stores carrying a wide variety of food items in [sic] insufficient, in and of itself, to warrant a finding of likelihood of confusion.").

Goya claims that the Parties' goods are of a type that consumers expect to emanate from a single source. Goya's Motion, Page 8. In support of its position, Goya cites to eighty seven (87) Section 1(a) trademark registrations/applications that each contain within the same registration goods recited in the application at issue and also goods recited in Goya's registrations and/or goods sold by Goya under its CASERA mark.<sup>3</sup> *Id.* However, just because two products are often sold by the same company does not necessarily preclude concurrent use of similar marks. *See In re Coors Brewing Company*, 343 F.3d 1340, 1341 (Fed. Cir. 2003),

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<sup>3</sup> To the extent these applications and registrations reflect rice, olives, ham croquettes or tamales, they should not be considered.

wherein the court stated: “even though beer and wine are sometimes sold by the same party under the same mark, the two beverages are not sufficiently related that the contemporaneous use of similar marks on the two products is likely to cause confusion as to source.” While there are certainly companies that produce a wide variety of food products, this fact alone is not enough to warrant a finding of likelihood of confusion, particularly where the Parties have been concurrently selling food products under identical, nearly identical and highly similar marks for several decades. Annexed to the Letourneau Declaration as Exhibit C is a list downloaded from the USPTO’s TESS database of 502 Section 1(a) trademark registrations/applications. The registrations/applications each contain within the same registration (1) at least one of the goods recited in Marquez Brothers’ CASERA registration and pending application, and (2) at least one of the goods recited in Goya’s CASERA/CASERITA registrations. Letourneau Declaration, ¶5. These applications/registrations are probative because they show that such goods are often sold by a single source. Equally probative is the fact that, notwithstanding the foregoing, Goya’s and Marquez Brothers’ respective CASERA/CASERITA branded food products have coexisted in the marketplace for many years without confusion. Marquez Declaration, ¶13. This is compelling evidence that the third party registrations offered into evidence by Goya are not determinative on the issue of relatedness of goods or likelihood of confusion.

Goya would have the Board believe that the various types of food products sold by the Parties are interchangeable. That is not the case, nor are the Parties’ CASERA branded products competitive as Goya claims. Goya’s Motion, Page 7. Marquez Declaration, ¶16. While both companies’ products fall under the umbrella of “groceries” or “food products,” Marquez Brothers’ chorizo, longaniza, and deli meats are no more closely related to “processed vegetables” or “ chicken croquettes” than Marquez Brothers’ existing CASERA products,

namely, cheese and dairy products (excluding ice cream, ice milk and frozen yogurt), flour, corn flour, and instant corn flour mix. The Board has consistently held that two categories of goods or services are not related merely because a party has found a term, such as “groceries”, that can loosely describe both. *See Electronic Data Systems Corp. v. EDSA Micro Corp.*, 23 USPQ2d 1460, 1463 (TTAB 1992) (products not related merely because both involve “computer hardware”). The Parties have already concurrently sold food products through the same channels of trade without confusion over the course of many years, making future marketplace confusion as to chorizo, longaniza, and deli meat food products highly unlikely.

Based on the goods listed in Goya’s registrations (i.e., “processed vegetables” and “chicken croquettes”), Goya’s food products that are sold under its CASERA and CASERITA marks are not used in connection with any of the products listed in Marquez Brothers’ registrations or pending applications for CASERA (i.e., “cheese and dairy products excluding ice cream, ice milk and frozen yogurt,” “flour, corn flour, instant corn flour mix,” or “chorizo, longaniza, or deli meats”). To the extent that Goya may sell any of the products listed in Marquez Brothers’ CASERA registrations or pending CASERA application, it does so under completely different trademarks. Marquez Declaration, ¶14. The lack of direct competition between Marquez Brothers’ CASERA branded products on the one hand and Goya’s CASERA/CASERITA branded products on the other, as well as the lack of actual confusion over an extended period of time of concurrent use on grocery items, indicates that the Parties’ goods are different enough that confusion is unlikely. Accordingly, the relatedness of the Parties’ goods is a factor that weighs in favor of Marquez Brothers and, at a minimum, is a disputed issue of genuine material fact.

**3. The Parties' marks and the associated goods have traveled in the same trade channels for decades.**

Goya makes much of representations in its pleadings that the Parties market and sell their goods through the same channels of trade, such as grocery stores, supermarkets, and bodegas. Goya's Motion, Page 9. Goya's arguments on these points, however, ignore the reality that the Parties have already coexisted and sold food products through the same channels of trade under their respective CASERA/CASERO/CASERITA marks for several decades without confusion. The close proximity in the marketplace between Goya's CASERA and CASERITA branded products and Marquez Brothers' CASERA and CASERO products in connection with food products has provided ample opportunity for confusion to reveal itself if confusion were likely. On the merits the lack of confusion over the years favors Marquez Brothers. For purposes of summary judgment, there is a factual dispute.

**4. There has been no actual confusion despite the lesser standard of purchasing care attributed to purchasers of general grocery store food products.**

Goya's position rests in large part on the premise that unsophisticated consumers will be confused by Goya's and Marquez Brothers' CASERA/CASERITA marks. Goya points out that the Board has recognized that purchasers of general grocery store food products are not sophisticated purchasers who exercise great care in making their purchasing decisions. Goya's Motion, Page 10. On the other hand, there have been no known instances of confusion between the Parties' existing CASERA/CASERO/CASERITA-branded food products, despite the lesser degree of care exerted by grocery store shoppers. As such, the conditions under which – and buyers to whom – sales are made are not significant factors given that these consumers of grocery products have not been confused to date.

**5. There are other third party uses of CASERA in the food industry.**

Where a mark is weak or diluted, its owner may not be accorded protection beyond its exact mark *for the identical goods or services*. See *Puma-Sportschuhfabriken Rudolf Dassler K.G. v. Superga S.p.A.*, 210 USPQ 316, 317 (TTAB 1980) (Emphasis added). Attached to the Letourneau Declaration as Exhibit D are several registrations for CASERA/CASERO/CASERITA-formative marks, including, but not limited to:

- Registration No. 3,488,744 for COCINA CASERA (and Design) 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;
- Registration No. 3,535,603 for COCINA CASERA (and Design) for “Processed foods, namely, jalapenos, tomatillos, whole peeled tomatoes, salsa-style diced tomatoes, cheese; dairy products excluding ice cream, ice milk, and frozen yogurt” in Class 29;
- Registration No. 2,902,323 for DONA PINA SALSAS CASERAS (and Design) for “Sauces made with hot chile and hot peppers” in Class 30;
- Regist. No. 3,603,635 for TRADICION CASERA for “marmalade; jellies” in Class 29.

- Registration No. 4,524,904 for ANGELINA’S TACOS CASEROS (and Design) for “tacos” in Class 30;
- Registration No. 3,940,281 for POR SU RICO SABOR CASERO for “bread and pastry” in Class 30;
- Registration No. 3,936,022 for SABOR CASERO for “marinade” in Class 30;
- Registration No. 3,642,532 for SABORES CASEROS MUCHO MEXICO (and Design) for “extracts for soups; instant or pre-cooked miso soup; preparations for making soups; soup mixes; soup pastes; soups” in Class 29, and “flavourings for soups; pasta for soups; spices” in Class 30; and
- Registration No. 3,987,763 for LA CASERITA for “tuna fish” in Class 29.

Letourneau Declaration, ¶6. As the above registrations demonstrate, CASERA and related marks CASERO and CASERITA are somewhat diluted in the food industry. Accordingly, the issue of the scope of protection to which Goya is entitled and its significance in this proceeding is in dispute.

**6. There has been no actual confusion between Goya and Marquez Brothers, their trademarks or their products despite an extended period of concurrent use.**

Goya alleges that there has been no chance for actual confusion to have arisen because the filing basis for the application at issue is Section 1(b) and Applicant admitted that it has not used its mark on any of the goods set forth in the application. Goya’s Brief, Page 11. However, as outlined above, Marquez Brothers’ admission that it does not sell longaniza under CASERA was an inadvertent error. Applicant does, in fact, sell longaniza bearing “CASERA” and has done so since at least as early as 2012. Marquez Declaration, ¶9. The peaceful and longstanding coexistence of Goya’s and Marquez Brothers’ respective CASERA/CASERO/CASERITA marks

in connection with grocery items, including longaniza, belies Goya's claim that confusion is likely. Marquez Brothers has openly, widely, and continuously sold food products in interstate commerce under its CASERA and CASERO marks since 1994 and 1987 respectively. Despite years of concurrently using identical, nearly identical, and highly similar marks, there has been no actual confusion between the Parties' food products, including between Marquez Brothers' longaniza and Goya's processed vegetables or croquettes. Marquez Declaration, ¶13. While the lack of actual confusion is not determinative of a likelihood of confusion, this evidence gives rise to disputed factual issues.

**7. Concurrent use has been lengthy and ample opportunity has existed for confusion to arise, if there was to be any.**

The fact that the Parties' marks have been in concurrent use for several decades in connection with grocery products (including the last two years with regard to longaniza), while traveling within many of the same marketing and trade channels, often being sold by the same type of retailers, to similar consumers, without even a single incident of confusion, is a strong indication that confusion is not likely to occur. The Parties' peaceful coexistence in the marketplace using the marks at issue in association with grocery products for several decades gives rise to genuine issues of material fact that must be decided by trial.

**8. The Trademark Office did not cite Goya's marks as blocks to Marquez Brothers' registration.**

While not binding upon the Board, the Examining Attorney's acceptance of Applicant's Mark, without citation to Opposer's CASERA and CASERITA registrations, is worth noting. The Trademark Office's examining attorneys are experts in trademark analysis and have extensive training and experience identifying marks that are confusingly similar. The Trademark

Office Examining Attorney assigned to review Marquez Brothers' CASERA federal trademark application did not consider Goya's CASERA or CASERITA registrations to be confusingly similar to Applicant's Mark, approving Marquez Brothers' application without hesitation. Letourneau Declaration, ¶3. This action suggests that the Examiner did not anticipate a likelihood of confusion between the Parties' marks. Moreover, the Examiner's action serves as evidence that there is a genuine issue of material fact with regard to a likelihood of confusion. As such, Goya's Motion should be denied.

### CONCLUSION

Marquez Brothers' Opposition to Goya's Motion for Summary Judgment has raised several contested issues of material fact relating to a likelihood of confusion. In addition, Goya's Motion was prematurely filed. For all the foregoing reasons, Applicant requests that the Board deny Goya's Motion for Summary Judgment.

Dated: July 17, 2014

Respectfully submitted,

OWEN, WICKERSHAM & ERICKSON, P.C.

By



Gregory N. Owen  
Kathleen E. Letourneau

Attorneys for Applicant,  
Marquez Brothers International, Inc.

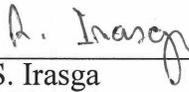
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing APPLICANT'S MOTION FOR LEAVE TO AMEND ADMISSION AND BRIEF IN OPPOSITION TO OPPOSER'S MOTION FOR SUMMARY JUDGMENT was sent to attorneys for Opposer this day by first class mail, postage prepaid, to the following address:

John M. Rannells  
Baker and Rannells PA  
575 Route 28  
Raritan, NJ 08869

Dated: July 17, 2014

  
\_\_\_\_\_  
S. Irasga

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

In the matter of Trademark Application:

Serial No.: 85/430918  
Filed: September 23, 2011  
Mark: CASERA

GOYA FOODS, INC.

Opposer,

v.

MARQUEZ BROTHERS  
INTERNATIONAL, INC.

Applicant.

Opposition No. 91208141

**DECLARATION OF GUSTAVO MARQUEZ IN SUPPORT OF  
APPLICANT'S MOTION FOR LEAVE TO AMEND ADMISSION AND BRIEF IN  
OPPOSITION TO OPPOSER'S MOTION FOR SUMMARY JUDGMENT**

I, Gustavo Marquez, declare as follows:

1. I am President and CEO of Marquez Brothers International, Inc. ("Marquez Brothers"), and have been employed in this position since I founded the company in 1981. As President and CEO, I am responsible for the management of Marquez Brothers and oversee its day-to-day business operations, including product development, branding, marketing and sales. I have personal knowledge of the facts stated herein except as to those matters that are alleged upon information and belief. As to those matters, I am informed and believe them to be true. If called to testify, I could and would competently so testify as to the matters stated herein.

2. Marquez Brothers is a family owned manufacturer, distributor, exporter and importer of authentic Mexican style food products. Marquez Brothers' product offerings include

over 1,000 items that range from an extended line of perishables to a complete line of grocery items.

3. The food industry is large and very segmented. Traditional supermarkets typically carry anywhere from 15,000 to 60,000 stock keeping units (“SKUs”) depending on the size of the store. These products represent thousands of distinct brands. Attached hereto as Exhibit A is a true and correct copy of a printout of the Food Marketing Institute’s 2013 Supermarket Industry Overview.

4. I make this declaration upon personal knowledge and/or information from Marquez Brothers’ records pertaining to Marquez Brothers’ ownership and use of the marks CASERA and CASERO.

5. Marquez Brothers began use of its CASERO mark in 1977 and made use in interstate commerce in 1987 in connection with cheese. Marquez Brothers has continuously sold CASERO brand cheese since that time.

6. Marquez Brothers is the owner of incontestable Registration No. 1,934,691 for CASERO for “cheese” in Class 29. Attached hereto as Exhibit B is a true and correct copy of the registration certificate for Registration No. 1,934,691.

7. Marquez Brothers began use of its CASERA mark in 1994 in connection with cheese and dairy products (excluding ice cream, ice milk and frozen yogurt). In 2002, Marquez Brothers began using its CASERA mark in connection with flour, corn flour, and instant corn flour mix. Marquez Brothers has continuously sold these CASERA branded food products since that time.

8. Marquez Brothers is the owner of Registration No. 3,720,632 for CASERA for

“cheese and dairy products excluding ice cream, ice milk and frozen yogurt” in Class 29 and “flour, corn flour, instant corn flour mix” in Class 30. Attached hereto as Exhibit C is a true and correct copy of the registration certificate for Registration No. 3,720,632.

9. In addition, Marquez Brothers has sold longaniza bearing its CASERA mark in the United States since at least as early as 2012.

10. On September 23, 2011, Marquez Brothers applied to register CASERA as a federal trademark for “chorizo, longaniza, deli meats, namely, hams, turkey.” See U.S. Application Serial No. 85/430,918.

11. On June 5, 2014, Applicant timely responded to Goya’s Request for Admissions: Set One. Goya’s Request No. 4 specified: “Admit that Applicant has never used the mark CASERA on longaniza sold in the United States.” Applicant responded: “Admit.” Upon continuing its investigation of the facts relating to this case, Marquez Brothers has since established that its response to Request for Admission No. 4 was inaccurate and is requesting that the Board permit it to amend its admission accordingly.

12. I am fluent in the Spanish language. The term “casero” in the Spanish language is the masculine form of the feminine adjective “casera,” both meaning “domestic” or “homemade”.

13. Goya’s CASERA and CASERITA marks have coexisted in the marketplace with Marquez Brothers’ CASERO and CASERA marks in connection with food products since 1987 (CASERO) and 1994 (CASERA). Marquez Brothers is unaware of any instances of confusion between the Parties’ respective CASERA/CASERO/CASERITA branded goods during the twenty (20) or more years that the Parties’ goods have coexisted.

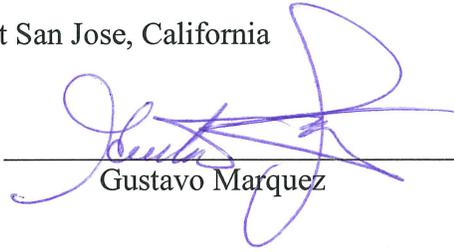
14. Marquez Brothers is unaware of any sales of cheese, dairy products, flour, corn flour, instant corn flour mix, chorizo, longaniza, or deli meats by Goya under its CASERA or CASERITA brands. Upon information and belief, to the extent that Goya may sell any of the products listed in Marquez Brothers' CASERA registrations or pending CASERA application, it does so under completely different trademarks.

15. I have reviewed the goods listed in Goya's Registration No. 2,740,494 for CASERA for "processed vegetables" in Class 29 and Registration No. 3,040,516 for CASERITA for "chicken croquettes" in Class 29.

16. Croquettes and processed vegetables are not used interchangeably with chorizo, longaniza, and deli meats. While croquettes can be composed of a wide range of fillings, including, but not limited to, mashed potatoes, ground meat, shellfish, fish, cheese, vegetables, or boiled eggs, consumers seeking to purchase croquettes or processed vegetables would not buy chorizo, longaniza, or deli meats as a substitute. As such, Marquez Brothers' sales of chorizo, longaniza, and deli meats do not or would not directly compete with Goya's sales of processed vegetables or croquettes.

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

Executed this 17<sup>th</sup> day of July 2014 at San Jose, California



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Gustavo Marquez

# **Marquez Declaration**

## **Exhibit A**



# Supermarket Facts

## Industry Overview 2013

Data for 2013 will be updated as it becomes available throughout the second half of 2014.

Number of employees Source: Bureau of Labor Statistics	3.4 million
Total supermarket sales-2013 Source: Progressive Grocer Magazine	\$620.218 billion
Number of supermarkets-2013 (\$2 million or more in annual sales) Source: Progressive Grocer Magazine	37,459
Net profit after taxes-2013 Source: Food Marketing Institute	1.3% <b><u>TREND</u></b>
Median Total Store Size in Square Feet-2013 Source: Food Marketing Institute	46,500 <b><u>TREND</u></b>
Median weekly sales per supermarket-2013 Source: Food Marketing Institute	\$482,160
Percentage of disposable income spent on food--USDA figure for 2012 food-at-home food away-from-home Source: USDA	5.7% 4.3 % <b><u>TREND</u></b> See Table 7
Weekly sales per square foot of selling area-2013 Source: Food Marketing Institute	\$11.85

Sales per customer transaction-2013	\$30.62
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Source: Food Marketing Institute

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Sales per labor hour (median, unweighted)-2013	\$137.00
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Source: Food Marketing Institute

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Average number of trips per week consumers make to the supermarket-2013	1.6
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Source: Food Marketing Institute

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Average number items carried in a supermarket in 2013	43,844
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Source: Food Marketing Institute

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- [Consumer Price Index-All Urban U.S. City Average](#)
- [Supermarket Store Sales by Department \(% of total supermarket store sales\)](#)
- [Weekly Household Grocery Expenses](#)

## Store Format Definitions

**Traditional Supermarket** - Stores offering a full line of groceries, meat, and produce with at least \$2 million in annual sales and up to 15% of their sales in GM/HBC. These stores typically carry anywhere from 15,000 to 60,000 SKUs (depending on the size of the store), and may offer a service deli, a service bakery, and/or a pharmacy.

**Fresh Format** - Different from traditional supermarkets and traditional natural food stores, fresh stores emphasize perishables and offer center-store assortments that differ from those of traditional retailers—especially in the areas of ethnic, natural, and organic, e.g., Whole Foods, Publix GreenWise, The Fresh Market, and some independents.

**Superstore** - A supermarket with at least 30,000 sq. ft., generating \$12 million or more annually and offering an expanded selection of non-food items. Specialty departments and extensive services are offered.

**Warehouse Store** - Grocery store with limited service that eliminates frills and concentrates on price appeal; items may be displayed in their original shipping cartons rather than placed individually on shelves. Stores may also sell bulk food and large size items.

**Super Warehouse** - A high-volume hybrid of a large Traditional Supermarket and a Warehouse store. Super Warehouse stores typically offer a full range of service departments, quality perishables, and reduced prices, e.g., Cub Foods, Food 4 Less, and Smart & Final.

**Limited-Assortment Store** - A low-priced grocery store that offers a limited assortment of center-store and perishable items (fewer than 2,000), e.g., Aldi, Trader Joe's, and Save-A-Lot.

**Other** - The small corner grocery store that carries a limited selection of staples and other convenience goods. These stores generate approximately \$1 million in business annually.

### **Non-Traditional Grocery**

**Wholesale Club** - A membership retail/wholesale hybrid with a varied selection and limited variety of products presented in a warehouse-type environment. These 120,000 square-foot stores have 60% to 70% GM/HBC and a grocery line dedicated to large sizes and bulk sales. Memberships include both business accounts and consumer groups, e.g., Sam's Club, Costco, and BJ's.

**Supercenters** - A hybrid of a large Traditional Supermarket and a Mass Merchandiser. Supercenters offer a wide variety of food, as well as non-food merchandise. These stores average more than 170,000 square feet and typically devote as much as 40% of the space to grocery items, e.g., Walmart Supercenters, Super Target, Meijer, and Fred Meyer.

**Dollar Store** - A small store format that traditionally sold staples and knickknacks, but now sales of food and consumable items at aggressive price points account for at least 20%, and up to 66%, of their volume, e.g., Dollar General, Dollar Tree, and Family Dollar.

**Drug Store** - A prescription-based drug store that generates 20% or more of its total sales from consumables, general merchandise, and seasonal items. This channel includes major chain drug stores such as Walgreens and CVS but does not include stores/chains, e.g., The Medicine Shoppe, that sell prescriptions almost exclusively.

**Mass Merchandiser** - A large store selling primarily hardlines, clothing, electronics, and sporting goods but also carries grocery and non-edible grocery items. This channel includes traditional Walmart, Kmart, and Target stores, etc.

**Military Commissary** - A format that looks like a Conventional grocery store carrying groceries and consumables but is restricted to use by active or retired military personnel. Civilians may not shop at these stores which are referred to as commissaries

**Sources: Progressive Grocer's 2010 Marketing Guidebook and Willard Bishop,The Future of Food Retailing, 2009 .**

**[Food and Nutrition](#) | [Food Prices](#) | [Food Safety](#) | [Competition and Profits](#) | [Marketing Costs](#) | [Spending and Saving Money](#)**

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# **Marquez Declaration**

## **Exhibit B**

Int. Cl.: 29

Prior U.S. Cl.: 46

**United States Patent and Trademark Office** **Reg. No. 1,934,691**  
Registered Nov. 14, 1995

**TRADEMARK  
PRINCIPAL REGISTER**

**CASERO**

MARQUEZ BROTHERS MEXICAN IMPORTS,  
INC. (CALIFORNIA CORPORATION)  
1670 LAS PLUMAS AVE. #C  
SAN JOSE, CA 95133

FOR: CHEESE, IN CLASS 29 (U.S. CL. 46).  
FIRST USE 3-31-1977; IN COMMERCE  
6-30-1987.

THE ENGLISH MEANING OF THE SPANISH  
WORD "CASERO" IS "DOMESTIC", "HOME-  
LOVING" OR "CARETAKERS".

SER. NO. 74-478,813, FILED 1-13-1994.

EVERETT FRUEHLING, EXAMINING ATTOR-  
NEY

# **Marquez Declaration**

## **Exhibit C**

# United States of America

United States Patent and Trademark Office

## CASERA

**Reg. No. 3,720,632** MARQUEZ BROTHERS INTERNATIONAL, INC. (CALIFORNIA CORPORATION)  
Registered Dec. 8, 2009 5801 RUE FERRARI  
SAN JOSE, CA 95138

**Int. Cls.: 29 and 30** FOR: CHEESE AND DAIRY PRODUCTS EXCLUDING ICE CREAM, ICE MILK AND FROZEN  
YOGURT, IN CLASS 29 (U.S. CL. 46).

**TRADEMARK** FIRST USE 9-30-1994; IN COMMERCE 9-30-1994.  
**PRINCIPAL REGISTER**

FOR: FLOUR, CORN FLOUR, INSTANT CORN FLOUR MIX, IN CLASS 30 (U.S. CL. 46).

FIRST USE 12-6-2002; IN COMMERCE 12-6-2002.

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

OWNER OF U.S. REG. NO. 1,934,691.

THE ENGLISH TRANSLATION OF "CASERA" IN THE MARK IS "DOMESTIC," "HOMELY," "IN A FAMILY WAY" OR "HOUSEKEEPER".

SER. NO. 77-455,222, FILED 4-22-2008.

WILLIAM VERHOSEK, EXAMINING ATTORNEY



*David J. Kyfos*

Director of the United States Patent and Trademark Office

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

In the matter of Trademark Application:

Serial No.: 85/430918  
Filed: September 23, 2011  
Mark: CASERA

GOYA FOODS, INC.

Opposer,

v.

MARQUEZ BROTHERS  
INTERNATIONAL, INC.

Applicant.

Opposition No. 91208141

**DECLARATION OF KATHLEEN LETOURNEAU IN SUPPORT OF  
APPLICANT'S MOTION FOR LEAVE TO AMEND ADMISSION AND  
BRIEF IN OPPOSITION TO OPPOSER'S MOTION FOR SUMMARY JUDGMENT**

I, Kathleen Letourneau, declare as follows:

1. I am an attorney in the law firm of Owen, Wickersham & Erickson, P.C., the attorneys of record for Applicant Marquez Brothers International, Inc. ("Marquez Brothers") in this proceeding.
2. I have personal knowledge of the facts stated herein and can competently testify thereto if so required. As to matters stated on information and belief, I am informed and believe them to be true.
3. On September 23, 2011, Marquez Brothers applied to register CASERA as a federal trademark for "chorizo, longaniza, deli meats, namely, hams, turkey." See U.S. Application Serial No. 85/430,918. The Examiner assigned to Applicant's application searched

the Trademark Office records and found no similar registered or pending marks that would bar registration of Applicant's mark under Trademark Act Section 2(d), 15 U.S.C. §1052(d), in spite of the existence of Opposer's incontestable CASERA and CASERITA registrations on the Trademark Register. Attached hereto as Exhibit A is a true and correct copy of the Trademark Status & Document Retrieval (TSDR) file summary for Application Serial No. 85/430,918. Attached hereto as Exhibit B is the December 21, 2011 Office Action finding no similar marks.

4. I have reviewed all correspondence received by Owen, Wickersham & Erickson, P.C. from Goya and/or its counsel in this matter, including all documents dispatched by mail or email. As of the date of this declaration, Owen, Wickersham & Erickson, P.C. has not received Goya's initial disclosures in connection with this opposition.

5. Attached hereto as Exhibit C are true and correct copies from the TESS database of a session summary and results list for 502 records. The 502 records listed therein reflect Section 1(a) trademark applications and registrations that contain within their descriptions of goods (1) at least one product listed in Marquez Brothers' CASERA registrations and pending application, and (2) at least one product listed in Goya's CASERA and CASERITA registrations. The search was conducted using the key terms "cheese," "flour," "chorizo," "longaniza," "deli," "canned vegetable," "processed vegetable," and "croquettes." In addition, attached are true and correct copies of registration certificates obtained from the Trademark Status & Document Retrieval (TSDR) system for the first 25 third party registrations displayed on the TESS list. On July 15-17, 2014 I accessed the attached documents and caused the documents to be printed.

6. Attached hereto as Exhibit D are true and correct copies of nine (9) U.S. Trademark Registrations for CASERA, CASERO, and CASERITA-formative marks for food

products.

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

Executed this 17<sup>th</sup> day of July 2014 at San Francisco, California

  
Kathleen Letourneau

# **Letourneau Declaration**

## **Exhibit A**

**STATUS**      **DOCUMENTS**

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**Mark:** CASERA

# CASERA

**US Serial Number:** 85430918

**Application Filing Date:** Sep. 23, 2011

**Register:** Principal

**Mark Type:** Trademark

**Status:** An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVUE on the Trademark Trial and Appeal Board web page.

**Status Date:** Nov. 21, 2012

**Publication Date:** Jul. 24, 2012

## Mark Information

**Mark Literal Elements:** CASERA

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

**Translation:** The English translation of "CASERA" in the mark is domestic, homely, in a family way, or housekeeper.

## Related Properties Information

**Claimed Ownership of US Registrations:** [1934691](#), [3720632](#)

## Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Chorizo, longaniza, deli meats, namely, hams, turkey

**International Class(es):** 029 - Primary Class

**U.S Class(es):** 046

**Class Status:** ACTIVE

**Basis:** 1(b)

### Basis Information (Case Level)

<b>Filed Use:</b> No	<b>Currently Use:</b> No	<b>Amended Use:</b> No
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> Yes	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

### Current Owner(s) Information

**Owner Name:** MARQUEZ BROTHERS INTERNATIONAL, INC.

**Owner Address:** 5801 Rue Ferrari  
San Jose, CALIFORNIA 95138  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** CALIFORNIA

### Attorney/Correspondence Information

**Attorney of Record**

**Attorney Name:** Emma Madrid

**Attorney Primary Email Address:** [emadrid@marquezbros.com](mailto:emadrid@marquezbros.com)

**Attorney Email Authorized:** Yes

**Address:**

**Correspondent**

**Correspondent Name/Address:** GREGORY N OWEN

OWEN WICKERSHAM ERICKSON PC  
455 MARKET STREET  
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SAN FRANCISCO, CALIFORNIA 94105  
UNITED STATES

**Phone:** 408 960-2700

**Fax:** 408 960-3321

**Correspondent e-mail:** [emadrid@marquezbros.com](mailto:emadrid@marquezbros.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

**Prosecution History**

Date	Description	Proceeding Number
Nov. 21, 2012	OPPOSITION INSTITUTED NO. 999999	208141
Aug. 15, 2012	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jul. 24, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 24, 2012	PUBLISHED FOR OPPOSITION	
Jul. 04, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 18, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	73787
Jun. 06, 2012	ASSIGNED TO LIE	73787
May 18, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 17, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
May 16, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
May 16, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	

Dec. 21, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Dec. 21, 2011	NON-FINAL ACTION E-MAILED	6325
Dec. 21, 2011	NON-FINAL ACTION WRITTEN	81899
Dec. 21, 2011	ASSIGNED TO EXAMINER	81899
Sep. 29, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

### **TM Staff and Location Information**

#### **TM Staff Information**

**TM Attorney:** MISTER, KATINA SHAY

**Law Office Assigned:** LAW OFFICE 104

#### **File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Jun. 18, 2012

**[Assignment Abstract Of Title Information - Click to Load](#)**

**[Proceedings - Click to Load](#)**

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**Trademark Docs:** 11

**Proceedings Docs:** 24

**Assignments Docs:** 0

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<input type="checkbox"/>	Jul. 24, 2012	<a href="#">OG Publication Confirmation</a>	XML
<input type="checkbox"/>	Jul. 04, 2012	<a href="#">Notice of Publication</a>	XML
<input type="checkbox"/>	Jul. 04, 2012	<a href="#">Notification Of Notice of Publication</a>	XML
<input type="checkbox"/>	Jun. 19, 2012	<a href="#">Publication &amp; Issue Review Complete</a>	MULTI
<input type="checkbox"/>	May 22, 2012	<a href="#">TRAM Snapshot of App at Pub for Oppostn</a>	MULTI
<input type="checkbox"/>	May 18, 2012	<a href="#">Amendment and Mail Process Complete</a>	MULTI
<input type="checkbox"/>	May 16, 2012	<a href="#">Response to Office Action</a>	XML
<input type="checkbox"/>	Dec. 21, 2011	<a href="#">Notation to File</a>	XML
<input type="checkbox"/>	Dec. 21, 2011	<a href="#">Offc Action Outgoing</a>	XML
<input type="checkbox"/>	Sep. 23, 2011	<a href="#">Application</a>	MULTI
<input type="checkbox"/>	Sep. 23, 2011	<a href="#">Drawing</a>	JPEG

### Proceedings Documents

Select All <input type="checkbox"/>	Date	Document Description	Due Date
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Select All <input type="checkbox"/>	Date	Document Description	Due Date
<input type="checkbox"/>	2014-07-06	<a href="#">SUSP PEND DISP OF OUTSTNDNG MOT</a>	
<input type="checkbox"/>	2014-06-12	<a href="#">P MOT FOR SUMMARY JUDGMENT</a>	
<input type="checkbox"/>	2014-01-22	<a href="#">TRIAL DATES REMAIN AS SET</a>	
<input type="checkbox"/>	2013-12-16	<a href="#">P MOT FOR EXT W/O CONSENT</a>	
<input type="checkbox"/>	2013-11-25	<a href="#">PROCEEDINGS RESUMED</a>	
<input type="checkbox"/>	2013-10-15	<a href="#">SUSP PEND DISP OF OUTSTNDNG MOT</a>	
<input type="checkbox"/>	2013-08-13	<a href="#">P REPLY IN SUPPORT OF MOTION</a>	
<input type="checkbox"/>	2013-08-07	<a href="#">D OPP/RESP TO MOTION</a>	
<input type="checkbox"/>	2013-07-18	<a href="#">P MOT TO STRIKE</a>	
<input type="checkbox"/>	2013-07-02	<a href="#">MOT TO AMEND ANS OR COUNTERCLAIM/AMENDED ANS OR COUNTERCLAIM</a>	
<input type="checkbox"/>	2013-06-14	<a href="#">PROCEEDINGS RESUMED</a>	
<input type="checkbox"/>	2013-02-08	<a href="#">P'S REPLY IN SUPPORT OF MOTION</a>	
<input type="checkbox"/>	2013-01-24	<a href="#">D'S OPPOSITION/RESPONSE TO MOTION</a>	
<input type="checkbox"/>	2013-01-23	<a href="#">SUSPENDED PENDING DISP OF OUTSTNDNG MOT</a>	
<input type="checkbox"/>	2013-01-04	<a href="#">P'S MOTION TO STRIKE</a>	
<input type="checkbox"/>	2013-01-03	<a href="#">CHANGE OF CORRESPONDENCE ADDRESS</a>	
<input type="checkbox"/>	2012-12-28	<a href="#">ANSWER</a>	
<input type="checkbox"/>	2012-11-21	<a href="#">FILED AND FEE</a>	
<input type="checkbox"/>	2012-11-21	<a href="#">NOTICE AND TRIAL DATES SENT; ANSWER DUE:</a>	2012-12-31

Select All <input type="checkbox"/>	Date	Document Description	Due Date
<input type="checkbox"/>	2012-11-21	<a href="#">PENDING, INSTITUTED</a>	
<input type="checkbox"/>	2012-09-04	<a href="#">EXTENSION OF TIME GRANTED</a>	
<input type="checkbox"/>	2012-09-04	<a href="#">INCOMING - EXT TIME TO OPPOSE FILED</a>	
<input type="checkbox"/>	2012-08-15	<a href="#">EXTENSION OF TIME GRANTED</a>	
<input type="checkbox"/>	2012-08-15	<a href="#">INCOMING - EXT TIME TO OPPOSE FILED</a>	

**Assignments Documents - None recorded**

# **Letourneau Declaration**

## **Exhibit B**

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

BUO

Mailed: June 14, 2013

Opposition No. 91208141

Goya Foods, Inc.

v.

Marquez Brothers  
International, Inc.

**Benjamin U. Okeke, Interlocutory Attorney:**

Now before the Board is opposer's motion, filed January 4, 2013, to strike applicant's asserted affirmative defenses. Opposer asserts that applicant has not sufficiently pleaded its defenses and that striking applicant's affirmative defenses "will be helpful in narrowing and limiting issues in this proceeding, thereby also serving as a guide in conducting discovery." Additionally, opposer seeks to have the Board test the sufficiency of its own pleading by moving to strike applicant's defense of failure to state a claim upon which relief can be granted. Applicant contends that opposer is improperly attempting to litigate the factual merits of the case during the pleadings stage and that its affirmative

**Opposition No. 91208141**

defenses have been pleaded sufficiently to the standards of the Federal Rules of Civil Procedure. The motion has been fully briefed.

In its answer applicant asserts six affirmative defenses: 1) failure to state a claim upon which relief can be granted; 2) laches; 3) waiver; 4) estoppel; 5) lack of likelihood of confusion; and 6) priority.

For the reasons set forth below opposer's motion is **GRANTED in part** and **DENIED in part**.

**1) Failure to State a Claim Upon Which Relief Can be Granted.**

A defense alleging that a plaintiff has failed to state a claim upon which relief can be granted is an attack on the sufficiency of the plaintiff's pleadings. The defense, when raised as an affirmative defense, is subject to a motion to strike, which sanctions the Board to determine the sufficiency of the pleadings. *See Order of Sons of Italy in Am. v. Profumi Fratelli Nostra AG*, 36 USPQ2d 1221 (TTAB 1995) *citing S.C. Johnson & Son Inc. v. GAF Corp.*, 177 USPQ 720 (TTAB 1973).

Applicant's contention that opposer is seeking to litigate the factual merits of the case during the pleadings stage is not well taken. A motion to dismiss for failure to state a claim upon which relief may be granted

**Opposition No. 91208141**

is a test solely of the legal sufficiency of a complaint. See *Advanced Cardiovascular Sys. Inc. v. SciMed Life Sys. Inc.*, 988 F.2d 1157, 26 USPQ2d 1038, 1041 (Fed. Cir. 1993). In order to withstand such a motion, a complaint need only allege such facts as would, if proven, establish that the plaintiff is entitled to the relief sought; that is, that (1) the plaintiff has standing to maintain the proceeding, and (2) a valid ground exists for denying the registration sought. *Young v. AGB Corp.*, 152 F.3d 1377, 47 USPQ2d 1752, 1754 (Fed. Cir. 1998). The complaint need only "state a claim to relief that is plausible on its face." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 554, 570 (2007); see also *Ashcroft v. Iqbal*, 556 U.S. 662 (2009). Opposer is not under a burden to prove its case in its notice of opposition. *Enbridge, Inc. v. Excelerate Energy Ltd. P'ship*, 92 USPQ2d 1537, n.10 (TTAB 2009).

*A. Standing*

Opposer has alleged ownership of two registrations for the marks 'CASERA' and 'CASERITA' in standard character format.<sup>1</sup> Notice of Opposition, ¶ 5. Opposer's claim of ownership of these registrations is sufficient to plead its standing, i.e. a personal interest in this proceeding. See

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<sup>1</sup> Registration Nos. 2740494 and 3040516, for use in connection with processed vegetables and chicken croquettes respectively.

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*Giersch v. Scripps Networks Inc.*, 90 USPQ2d 1020, 1022 (TTAB 2009); *Lipton Indus., Inc. v. Ralston Purina Co.*, 670 F.2d 1024, 213 USPQ 185 (CCPA 1982); *Cunningham v. Laser Golf Corp.*, 222 F.3d 943, 55 USPQ2d 1842 (Fed. Cir. 2000).

*B. Priority*

To the extent opposer intends to rely on its pleaded registrations, priority will not be an issue in this opposition so long as opposer properly makes of record status and title copies of the pleaded registrations during the time designated for opposer to take testimony. See Trademark Rule 2.122(d)(1); *King Candy Co. v. Eunice King's Kitchen, Inc.*, 496 F.2d 1400, 182 USPQ 108 (CCPA 1974). In other words, opposer need not prove (and therefore need not allege) that the marks in its registrations were "previously used ... and not abandoned" in order to prevail. See Trademark Act § 2(d), 15 U.S.C. 1052(d). Nonetheless, opposer has also alleged that its marks were in use at least as early as 1979 and 1972 respectively and have been in continuous use. Notice of Opposition, ¶¶ 6 and 7. These allegations predate the constructive use date of the subject application-September 23, 2011.<sup>2</sup> Therefore, opposer has sufficiently pleaded its priority.

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<sup>2</sup> The filing date of the application is the earliest date upon which applicant could rely without proof by "competent evidence"

**Opposition No. 91208141**

*C. Likelihood Of Confusion*

The notice of opposition alleges that the applied-for mark and opposer's pleaded marks are identical or at least "confusingly similar." Notice of Opposition, ¶¶ 11 and 12. Additionally, opposer states that "[t]he goods of Applicant and Opposer are substantially related in part and generally related in part." *Id.* ¶ 13. The notice of opposition further alleges that registration of the applied-for mark "will cause the relevant purchasing public to erroneously assume and thus be confused, misled, or deceived, that Applicant's Goods are made by, licensed by, controlled by, sponsored by, or in some way connected, related or associated with Opposer, all to Opposer's irreparable damage." Notice of Opposition, ¶ 18.

Opposer has alleged facts regarding the similarity of the marks and relatedness of the goods, and damage to opposer that would result from the registration of applicant's mark. These are sufficient facts which, if proven, would entitle opposer to the relief it seeks under Trademark Act Section 2(d), 15 U.S.C. § 1052(d).

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of an earlier date of actual use. See Trademark Rule 2.122(b)(2) (the date of use in an application is not evidence on behalf of the applicant; "a date of use of a mark must be established by competent evidence"); see also *Coach Servs. Inc. v. Triumph Learning LLC*, 96 USPQ2d 1600, 1606 n.7 (TTAB 2010).

**Opposition No. 91208141**

Therefore, opposer's pleading of its likelihood of confusion claim is sufficient.

*D. False Suggestion of a Connection*

Whenever the sufficiency of any complaint has been challenged by a motion to dismiss, it is the duty of the Board to examine the complaint in its entirety. See *IdeasOne Inc. v. Nationwide Better Health*, 89 USPQ2d 1952, 1953 (TTAB 2009). On the ESSTA cover sheet for the notice of opposition, opposer indicates that it intends to plead a claim of false suggestion of a connection under Trademark Act Section 2(a), 15 U.S.C. § 1052(a). However, because opposer did not plead such a claim in the text of the notice of opposition, that "claim" is insufficiently pleaded and will be given no further consideration. If opposer actually intended to assert a separate claim of false suggestion of a connection under Section 2(a) of the Trademark Act, opposer's claim would need to be repleaded in order to provide sufficient facts to support the elements of such a claim.<sup>3</sup>

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<sup>3</sup> To state a claim of false suggestion of a connection under Trademark Act Section 2(a), opposer must allege facts from which it may be inferred (1) that applicant's mark points uniquely to opposer as an entity -- i.e., that applicant's mark is opposer's identity or "persona;" (2) that purchasers would assume that goods sold under applicant's mark are connected with opposer; and (3) either (a) that opposer was the prior user of applicant's mark, or the equivalent thereof, as a designation of its identity or "persona", or (b) that there was an association of the mark

**Opposition No. 91208141**

Pursuant to Fed. R. Civ. P. 12(f), the Board may order stricken from a pleading any insufficient or impermissible defense, or any redundant, immaterial, impertinent or scandalous matter. *See also* Trademark Rule 2.116(a), 37 C.F.R. § 2.116(a); and TBMP § 506 (3d ed. rev. 2012).

Accordingly, opposer's motion is **GRANTED**, and applicant's first affirmative defense is **STRICKEN** inasmuch as opposer has sufficiently pleaded a claim of likelihood of confusion.

**2) Laches, Waiver and Estoppel**

Opposer is largely correct in its assertion that the affirmative defenses of laches, waiver, and estoppel are severely limited in opposition proceedings because they begin to run from the time the mark is published for opposition, not from the time of knowledge of use. *See Bausch & Lomb Inc. v. Karl Storz GmbH & Co. KG*, 87 USPQ2d 1526, 1531 (TTAB 2008) (conduct which occurs prior to publication of application for opposition generally cannot support a finding of equitable estoppel); *Barbara's Bakery*

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with opposer prior in time to applicant's use. *See Miller Brewing Co. v. Anheuser-Busch Inc.*, 27 USPQ2d 1711, 1712-13 (TTAB 1993).

The Board is doubtful of opposer's ability to plead—and ultimately prove — that the applied-for mark points uniquely to opposer as *its persona* as necessary for a claim of false suggestion, and cautions opposer to consider carefully whether to attempt to separately assert this claim.

**Opposition No. 91208141**

*Inc. v. Landesman*, 82 USPQ2d 1283, 1292 n.14 (TTAB 2007) (defenses of laches, acquiescence or estoppel generally not available in opposition proceeding). Given the brief period allowed for filing an opposition, see Trademark Rule 2.101(c), laches would be all but impossible to prove.

However, while the defenses may be limited, there is no strict rule that these defenses cannot be raised in an opposition given appropriate circumstances. "Under certain circumstances, a laches defense in an opposition proceeding may be based upon opposer's failure to object to an applicant's earlier registration of substantially the same mark for substantially the same goods." *Aquion Partners L.P. v. Envirogard Prod. Ltd.*, 43 USPQ2d 1371, 1373 (TTAB 1997).

However, applicant's laches defense, for the same reasons as its alluded to *Morehouse* defense,<sup>4</sup> would not

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<sup>4</sup> Applicant appears to confuse the *Morehouse* defense with laches by citing the *Morehouse* case in support of its statement that "if the defendant already owns a registration for essentially the same mark for essentially the same goods or services, laches, waiver, and estoppel may be deemed to run from the time action could be taken against the prior registration." App. Br. at 5, citing *Morehouse Mfg. Corp. V. J. Strickland And Co.*, 407 F.2d 881, 160 USPQ 715 (CCPA 1969).

However, the *Morehouse* defense stands for the proposition that, as a matter of law, an opposer cannot be damaged, within the meaning of Section 13 of the Trademark Act, by the issuance to an applicant of a second registration when applicant already has an existing, unchallenged registration of the same mark for the same goods. See *O-M Bread, Inc. v. U.S. Olympic Comm'n*, 65 F.3d 933, 36 USPQ2d 1041, 1045 (Fed. Cir. 1995); and TBMP §

**Opposition No. 91208141**

apply in this circumstance. Where, as in the present case, the goods in the subject application are not substantially similar to the goods claimed in the prior registration, neither *Morehouse* nor the narrow circumstances for use of laches applies. See *Teledyne Techs. Inc. v. Western Skyways Inc.*, 78 USPQ2d 1203, 1209 (TTAB 2006) *aff'd unpub*, 208 Fed. Appx. 886, 887 (Fed. Cir. Dec. 6, 2006) (*Morehouse* defense fails where goods in the involved registration are clearly different from those in prior registrations); *Aquion Partners L.P.*, 43 USPQ2d at 1374 ("in order to tack on the prior registration of this mark as notice to opposer for purposes of its laches defense, applicant must establish that the goods are the same or substantially similar").

As to waiver and estoppel, opposer may well have taken some action prior to or during the prosecution of the subject application that may have given applicant the impression that opposer did not intend to assert its rights

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311.02(b) (3d ed. rev. 2012). This proposition, unlike laches, has nothing to do with the measurement of elapsed time.

Further, waiver and estoppel are not time dependent defenses, but instead turn on the conduct of plaintiff. See *Lincoln Logs Ltd. v. Lincoln Pre-Cut Log Homes Inc.*, 23 USPQ2d 1701 (Fed. Cir. 1992) ("The elements of equitable estoppel are (1) misleading conduct, which may include not only statements and action but silence and inaction, leading another to reasonably infer that rights will not be asserted against it; (2) reliance upon this conduct; and (3) due to this reliance, material prejudice if the delayed assertion of such rights is permitted.") (emphasis added).

**Opposition No. 91208141**

against the application. See *Lincoln Logs Ltd. v. Lincoln Pre-Cut Log Homes Inc.*, 23 USPQ2d 1701 (Fed. Cir. 1992); *Copperweld Corp. v. Astralloy-Vulcan Corp.*, 196 USPQ 585, 590-91 (TTAB 1977). While these claims are not categorically inapposite to the case, they lack factual support in the pleadings.

Affirmative defenses, like claims in a notice of opposition, must be supported by enough factual background and detail to fairly place the opposer on notice of the basis for the defenses. See *IdeasOne Inc.*, 89 USPQ2d at 1953; *Ohio State Univ. v. Ohio Univ.*, 51 USPQ2d 1289, 1292 (TTAB 1999) (primary purpose of pleadings "is to give fair notice of the claims or defenses asserted"). A party must allege sufficient facts beyond a tender of 'naked assertion[s]' devoid of 'further factual enhancement,' to support its claims. *Iqbal*, 556 U.S. at 663 (2009), quoting *Twombly*, 550 U.S. at 570 (2007).

Applicant merely names these equitable defenses without pleading any factual background to support them. We agree with opposer, Opp. Rpl. Br. at 2, that applicant's conclusory assertion that "[t]he detail set out in Applicant's fifth and sixth affirmative defenses is a sufficient basis to assert" these defenses, is untenable. A full review of applicant's pleading does not uncover any

**Opposition No. 91208141**

facts which, if proven, would support these claims. Applicant does not allege that opposer engaged in any conduct, or failed to act when required, which led applicant in filing the subject application to rely on opposer's conduct as indicating its intention not to assert its rights.

Accordingly, inasmuch as we have found that these defenses are limited in their applicability to opposition proceedings, and further that they have not been sufficiently pleaded in the answer, opposer's motion to strike is **GRANTED** as to applicant's second, third and fourth affirmative defenses, and applicant's second, third and fourth affirmative defenses are **STRICKEN**.

**3) Likelihood of Confusion**

The fifth "affirmative defense" merely amplifies applicant's denials and provides fuller notice of how applicant intends to defend this opposition. *See Ohio State Univ.*, 51 USPQ2d at 1292. Although it is not necessarily an affirmative defense, opposer will not be heard to argue that it is being prejudiced by being provided with advance notice of applicant's strategy. *See Id.; Order of Sons of Italy in Am.*, 36 USPQ2d at 1223.

The Board, in its discretion, may decline to strike even objectionable pleadings where their inclusion will not

**Opposition No. 91208141**

prejudice the adverse party, but rather will provide fuller notice of the basis for a claim or defense. *Id.*

Accordingly, opposer's motion is **DENIED** with respect to applicant's fifth affirmative defense.

**4) Priority**

The sixth affirmative defense fails because, as stated, priority will not be an issue in this case where opposer has pleaded ownership of valid registrations.

Accordingly, opposer's motion is **GRANTED** as to the sixth affirmative defense, and applicant's sixth affirmative defense is **STRICKEN**.

Proceedings are resumed and conferencing, disclosure, discovery and trial dates are reset as follows:

Time to File Amended Answer	7/2/2013
Deadline for Discovery Conference	8/1/2013
Discovery Opens	8/1/2013
Initial Disclosures Due	8/31/2013
Expert Disclosures Due	12/29/2013
Discovery Closes	1/28/2014
Plaintiff's Pretrial Disclosures	3/14/2014
Plaintiff's 30-day Trial Period Ends	4/28/2014
Defendant's Pretrial Disclosures	5/13/2014
Defendant's 30-day Trial Period Ends	6/27/2014
Plaintiff's Rebuttal Disclosures	7/12/2014
Plaintiff's 15-day Rebuttal Period Ends	8/11/2014

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days

**Opposition No. 91208141**

after completion of taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

# **Letourneau Declaration**

## **Exhibit C**



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## Session Summary:

No.	Search Terms	Documents	Occurrences
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S2	"live"[LD] AND "1A"[CB] NOT 0[RN] AND ("029"[IC] OR "30"[IC]) AND ("canned vegetable"[GS] OR "processed vegetable" [GS] OR "croquettes"[GS])	1556	6474
S3	S1 AND S2	502	3827

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	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	86049896	4510479	BRIARBROOK	TSDR	LIVE
2	86019282	4470956	HOUSE FOODS	TSDR	LIVE
3	86019276	4470955	H	TSDR	LIVE
4	86005413	4481163	BREAKING NEWS	TSDR	LIVE
5	85918544	4553001	LOVE FOODS THAT LOVE YOU BACK	TSDR	LIVE
6	85868743	4541722	FINE FOOD DITTMANN	TSDR	LIVE
7	85712971	4541513	SAGA	TSDR	LIVE
8	85794193	4538922	ITN	TSDR	LIVE
9	85071584	4074848	PYCKKU KPAU	TSDR	LIVE
10	85261816	4332359		TSDR	LIVE
11	85259431	4343043	ORIENT GARDENS	TSDR	LIVE
12	85981260	4519302		TSDR	LIVE
13	85214404	4139962	YOU'LL LOVE OUR HEALTHY	TSDR	LIVE
14	85370471	4374379	WESTERN BEEF CERTIFIED SINCE 1906	TSDR	LIVE
15	85789257	4506897	GONG GONG XIANG	TSDR	LIVE
16	85780806	4506788	MARTINA	TSDR	LIVE
17	85780763	4506786	LA DUEÑA	TSDR	LIVE
18	85862466	4493741	HILL COUNTRY FARE	TSDR	LIVE
19	85817521	4487250	EFOODSDIRECT	TSDR	LIVE
20	85815167	4487236	BF BENJAMIN FOODS	TSDR	LIVE
21	85815146	4487235	BF BENJAMIN FOODS	TSDR	LIVE
22	85815136	4487234	BENJAMIN FOODS	TSDR	

					<b>LIVE</b>
23	85812676	4487216	RUSS & DAUGHTERS	TSDR	<b>LIVE</b>
24	85797658	4457760	DOÑA LISA	TSDR	<b>LIVE</b>
25	85343845	4488832	3EPHRTKO	TSDR	<b>LIVE</b>
26	85935239	4480318	AL SHAM	TSDR	<b>LIVE</b>
27	85586440	4476734	BAFAR	TSDR	<b>LIVE</b>
28	85937248	4474257	CAPTAIN BROOK	TSDR	<b>LIVE</b>
29	85871863	4469252	DOÑA GABINA	TSDR	<b>LIVE</b>
30	85626867	4471647	WEST CREEK	TSDR	<b>LIVE</b>
31	85929387	4465303	FASHION FOOD SOCIETY	TSDR	<b>LIVE</b>
32	85935643	4458987	ASIAN TASTE	TSDR	<b>LIVE</b>
33	85573686	4440893	MARKET PANTRY	TSDR	<b>LIVE</b>
34	85347234	4436922	GREAT PRIDE. GREAT TASTE.	TSDR	<b>LIVE</b>
35	85550288	4427398	LA SAN MARZANO DI A. ROMANO MARCA BRAND ROMANO	TSDR	<b>LIVE</b>
36	85714954	4413314	YOJOA	TSDR	<b>LIVE</b>
37	85714920	4413313	SULITA	TSDR	<b>LIVE</b>
38	85805847	4406010	BAKLAVACI GÜLLÜOĞLU	TSDR	<b>LIVE</b>
39	85482465	4407668	DINICOLA	TSDR	<b>LIVE</b>
40	85415517	4384574	LYFE KITCHEN LOVE YOUR FOOD EVERYDAY	TSDR	<b>LIVE</b>
41	85782042	4379128	CACIA'S BAKERY	TSDR	<b>LIVE</b>
42	85216060	4380545	GYRO PUFF	TSDR	<b>LIVE</b>
43	85805213	4376063	HUDSON VALLEY HARVEST "OUR FARMS, YOUR FOOD"	TSDR	<b>LIVE</b>
44	85440381	4377087	SINCE 1953 BEKSUL	TSDR	<b>LIVE</b>
45	85391844	4105659	TASTY CHEFS	TSDR	<b>LIVE</b>
46	85461245	4365378	CHEF DAVIDE	TSDR	<b>LIVE</b>
47	85610371	4356536	MONSOON K I T C H E N S	TSDR	<b>LIVE</b>
48	85394835	4352342	FUNFRESH FOODS	TSDR	<b>LIVE</b>
49	85480806	4350969	BANGO	TSDR	<b>LIVE</b>
50	85479253	4350968	PRIANO	TSDR	<b>LIVE</b>
51	85712975	4341587	INSTA MAGIC	TSDR	<b>LIVE</b>
52	85707143	4341546	DUMDAR	TSDR	<b>LIVE</b>
53	85978825	4340075	MANHATTAN GOURMET	TSDR	<b>LIVE</b>
54	85697101	4337719	BENVENUTI'S SINCE 1919	TSDR	<b>LIVE</b>
55	85544039	4339677	LYFE KITCHEN LOVE YOUR FOOD EVERYDAY	TSDR	<b>LIVE</b>
56	85978842	4336368	CASA FURIATTI	TSDR	<b>LIVE</b>
57	85704573	4323720	P PROMOS	TSDR	<b>LIVE</b>
58	85978680	4319026	CADIA	TSDR	<b>LIVE</b>
59	85719594	4317174	CENTRAL MARKET H-E-B	TSDR	<b>LIVE</b>

60	85141049	3966222	SHOP 'N SAVE	TSDR	LIVE
61	85558037	4311828	PACK 'N SNACK	TSDR	LIVE
62	85548077	4304014	H - E - B	TSDR	LIVE
63	85662283	4300681	EAT OR WE BOTH STARVE	TSDR	LIVE
64	85499581	4297206	FAMOUS SINCE 1952	TSDR	LIVE
65	85263493	4284602	BACHELORS	TSDR	LIVE
66	85112268	4047775	VALUE & QUALITY GUARANTEED MARKET PANTRY	TSDR	LIVE
67	85619662	4271380	THURBER	TSDR	LIVE
68	85170313	4272703	EL SEGADOR	TSDR	LIVE
69	85265781	4261921	GREEN PASTURES DAIRY FARMS	TSDR	LIVE
70	85257033	4254550	BASHAS' HOMETOWN GROCER	TSDR	LIVE
71	85219438	4092221	H F	TSDR	LIVE
72	85549135	4244905	MAYA LINDA	TSDR	LIVE
73	85977016	4200134	ESSENTIAL EVERYDAY	TSDR	LIVE
74	85574370	4230027	LA MILPA	TSDR	LIVE
75	85549168	4213811	MAMA CHEPA	TSDR	LIVE
76	85546036	4213666	AMERICAN GARDEN	TSDR	LIVE
77	85013201	4202778	COMPANHIA DAS ERVAS	TSDR	LIVE
78	85511467	4194302		TSDR	LIVE
79	85352230	4189127	LADY LIBERTY	TSDR	LIVE
80	85352088	4189125	LADY LIBERTY	TSDR	LIVE
81	85547002	4183451		TSDR	LIVE
82	85477517	4178639	CELEBRITY	TSDR	LIVE
83	85061064	4168458	WHOLESOME GOODNESS	TSDR	LIVE
84	85061052	4168457		TSDR	LIVE
85	85459214	4164427	(M)EAT LOCAL	TSDR	LIVE
86	85246505	4165446	COALESCENCE	TSDR	LIVE
87	85053139	4165084	SIMPLE NATURALLY DELICIOUS	TSDR	LIVE
88	85362834	4155668	CHEF PANTELIS	TSDR	LIVE
89	85132405	4143500	BETTER VALU	TSDR	LIVE
90	85418263	4138628	ABU ADNAN	TSDR	LIVE
91	85139017	4136294	CROQUETAS ISLAS CANARIAS	TSDR	LIVE
92	85228364	4051069		TSDR	LIVE
93	85084845	4132524	SCALA'S ORIGINAL	TSDR	LIVE
94	85385144	4128345	CEDAR'S	TSDR	LIVE
95	85381745	4125099	AMERICAN QUEEN A	TSDR	LIVE
96	85288775	4124437	PALM GARDENS	TSDR	LIVE
97	85372651	4102479	VERSAILLES BAKERY	TSDR	LIVE
98	85009274	4096702	DIPPIN' STIX	TSDR	LIVE

99	85975905	4089150	CADIA ABUNDANCE OF SIMPLICITY	TSDR	LIVE
100	85183524	4086377	NATE'S	TSDR	LIVE

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**502 Records(s) found**  
**(This page: 101 ~ 200)**

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Current Search: S3: S1 AND S2 docs: 502 occ: 3827

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
101	85279593	4082680	DIAMOND STAR PREMIUM MEAT COMPANY	TSDR	LIVE
102	85213801	4081240	ADF SOUL	TSDR	LIVE
103	85070077	4051628	ORGANIQELLE	TSDR	LIVE
104	85975779	4064851	CADIA	TSDR	LIVE
105	85150437	3992689	PRESENTATIONS	TSDR	LIVE
106	85261769	4044459	SCALA'S ORIGINAL	TSDR	LIVE
107	85120485	4033786	NAPOLI 1980 FINEST QUALITY FOODS	TSDR	LIVE
108	85129795	4027944	CENTURION PREMIUM	TSDR	LIVE
109	85094118	4029776		TSDR	LIVE
110	85214168	4009290	FIREFOOD	TSDR	LIVE
111	85010679	3876989	PURNANAND	TSDR	LIVE
112	85043004	3925068	MILAS	TSDR	LIVE
113	85014240	3928032	MAALIKAYA BRAND	TSDR	LIVE
114	85001694	3870527	SH	TSDR	LIVE
115	78942174	3433330	SHIN SUN MI	TSDR	LIVE
116	78962482	3433360	TRADICIONES ANDINAS GOURMET FOODS	TSDR	LIVE
117	78690485	3446600	SURATI	TSDR	LIVE
118	78690459	3446599	SURATI	TSDR	LIVE
119	78935944	3600403	CLEARLY ORGANIC	TSDR	LIVE
120	78500699	3412685	SIGMA FOODS	TSDR	LIVE
121	78500690	3412684	SIGMA	TSDR	LIVE
122	78947251	3413438	RO*TEL FAMOUS QUESO	TSDR	LIVE

123	78966260	3348651	CATACAMAS	TSDR	LIVE
124	78570013	3334447	THE CHEF'S BEST FRIEND	TSDR	LIVE
125	78677349	3331289	V VIMA FOODS	TSDR	LIVE
126	78975592	3066864	THE SCHWAN FOOD COMPANY	TSDR	LIVE
127	78832878	3324091	VALLE GRANDE	TSDR	LIVE
128	78684074	3320321	CV CLEAR VALUE	TSDR	LIVE
129	78794470	3442566	NATRAPURE	TSDR	LIVE
130	78589826	3313604	CLEAR VALUE	TSDR	LIVE
131	78903721	3346153	BLUE MOUNTAIN VALLEY FARMS	TSDR	LIVE
132	78978077	3265237	EL GUAPO	TSDR	LIVE
133	78574739	3113113	RANCHO LATINO	TSDR	LIVE
134	78814554	3187151	ASSOLUTI	TSDR	LIVE
135	78690590	3415771	SHALINI	TSDR	LIVE
136	78503380	3234468	SHALINI	TSDR	LIVE
137	78969167	3376112	PARISAVEURS	TSDR	LIVE
138	78651594	3231254	BELLISSIMO	TSDR	LIVE
139	78864126	3208795	VANTIA	TSDR	LIVE
140	78977829	3245588	MARKET DISTRICT	TSDR	LIVE
141	78977718	3270369	GIANT EAGLE MARKET DISTRICT	TSDR	LIVE
142	78876226	3324213	MIDWEST COUNTRY FARE	TSDR	LIVE
143	78797759	3158766	COUNTY MARKET	TSDR	LIVE
144	78888015	3217914	AMAZONAS RAINFOREST PRODUCT	TSDR	LIVE
145	78734981	3240716	MÖNMILK	TSDR	LIVE
146	78526775	3179306	TONE YUAN	TSDR	LIVE
147	78563785	3067847	SPARTAN	TSDR	LIVE
148	78563769	3095219	SPARTAN EST. 1953	TSDR	LIVE
149	78738386	4023545	SAFEWAY S	TSDR	LIVE
150	78529598	3032214	BLOCK & BARREL	TSDR	LIVE
151	78965734	3555469	POP 'N' GO	TSDR	LIVE
152	78965723	3628959	PIZZA PUFFS	TSDR	LIVE
153	78867194	3636880	KHAO SHONG NUTS KHAO SHONG	TSDR	LIVE
154	78797664	3405406	FL FLEUR DE LUXE	TSDR	LIVE
155	78756302	3628854	YONEHACHI	TSDR	LIVE
156	78755427	3428345	LIL SIDES	TSDR	LIVE
157	78693343	3353570	ADF	TSDR	LIVE
158	78693270	3432798	TRULY INDIAN INDIA'S PREMIUM CHOICE	TSDR	LIVE
159	78531902	3032222	BLOCK & BARREL	TSDR	LIVE
160	78315608	2934826	SHOPPERS VALUE	TSDR	LIVE
161	78032834	2846320	INDIA SELECT	TSDR	LIVE

162	78279572	3290251	SQUARE	TSDR	LIVE
163	78374184	2959652	NEIMAN MARCUS	TSDR	LIVE
164	78280644	2884303	CUB	TSDR	LIVE
165	78438738	2992210	PACIFIC VILLAGE	TSDR	LIVE
166	78225367	3159721	BIRDS EYE	TSDR	LIVE
167	78363639	3496952	VERSAILLES	TSDR	LIVE
168	78471864	3020308	ROSELI	TSDR	LIVE
169	78029277	2736638	RIO WRAPS	TSDR	LIVE
170	78189272	2802378	FRED MEYER	TSDR	LIVE
171	78498370	3001996	TOPS	TSDR	LIVE
172	78154616	3070033	FLAVORITE	TSDR	LIVE
173	78346444	3139832	DELICA RF-1	TSDR	LIVE
174	78244281	3042456	R RIKEN	TSDR	LIVE
175	78374918	3080522	HOLIVE	TSDR	LIVE
176	78274274	2934180	CASALE	TSDR	LIVE
177	78347234	3794976	CAPSIATE	TSDR	LIVE
178	78340199	3819788	LA CARRETA	TSDR	LIVE
179	78273378	2912898	RESER'S FINE FOODS	TSDR	LIVE
180	78273373	2903304	RESER'S FINE FOODS	TSDR	LIVE
181	78232520	3524179	LISANTI	TSDR	LIVE
182	77562755	3630286	RICOS	TSDR	LIVE
183	77828359	4543683	LA DOÑA	TSDR	LIVE
184	77698587	3848561	FESTIVAL FINA TRADICIÓN Y CALIDAD	TSDR	LIVE
185	77865622	4016427	CONAGRA FOODS FOOD YOU LOVE	TSDR	LIVE
186	77524863	3634183	INGREDIENTS YOU CAN SEE AND PRONOUNCE	TSDR	LIVE
187	77936725	4462916	BIRDS EYE	TSDR	LIVE
188	77934895	4462915	BIRDS EYE	TSDR	LIVE
189	77969848	3913143	TAKE HOME TACO BAR	TSDR	LIVE
190	77967694	3891593	TAKE HOME TACO BAR	TSDR	LIVE
191	77857722	4425815	BRAHMA FOODS	TSDR	LIVE
192	77899869	4411327	REDBUD FARMS	TSDR	LIVE
193	77636952	4392453	LA CARRETA	TSDR	LIVE
194	77675728	4380427	BARTLETT A ROOSTER	TSDR	LIVE
195	77526293	3745823	LOWES FOODS	TSDR	LIVE
196	77525703	3688205	LOWES FOODS	TSDR	LIVE
197	77628666	3751229	THE SNEAKY CHEF	TSDR	LIVE
198	77628664	3751228	THE SNEAKY CHEF	TSDR	LIVE
199	77504362	3569680	CALIFORNIA PIZZA KITCHEN ASAP	TSDR	LIVE
200	77691788	3811800	ENJOY THE HARVEST	TSDR	LIVE

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### 502 Records(s) found (This page: 201 ~ 300)

Current Search: S3: S1 AND S2 docs: 502 occ: 3827

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
201	77773744	4006681	ARCHER FARMS	TSDR	LIVE
202	77737199	3715221	MARKET PANTRY	TSDR	LIVE
203	77806884	4172028	CHAVEKA	TSDR	LIVE
204	77669767	4214260	DIYA	TSDR	LIVE
205	77805767	4192348	MY LINH A TASTE OF VIETNAM	TSDR	LIVE
206	77924899	4176047	LAURA LYNN	TSDR	LIVE
207	77886421	4164950	WHOLESOME GOODNESS	TSDR	LIVE
208	77664100	4158118	GROVE GROW NOTES	TSDR	LIVE
209	77626232	3650286	MITSUKI	TSDR	LIVE
210	77940713	4119036	BUEN PROVECHO	TSDR	LIVE
211	77781964	4077468	JAIMITO MEXICAN STYLE PRODUCTS	TSDR	LIVE
212	77814880	3771379	EL SEMBRADOR	TSDR	LIVE
213	77633005	3951318	A TEXAS ORIGINAL SHERIFF BLAYLOCK'S	TSDR	LIVE
214	77945495	3941934	LOCAL PRIDE	TSDR	LIVE
215	77979884	3839335	T.L.G./TENDER LOVING GOODS	TSDR	LIVE
216	77978941	3782741	EL TEPEYAC	TSDR	LIVE
217	77941313	3866805	OSEM	TSDR	LIVE
218	77926195	3841327	STEP ONE	TSDR	LIVE
219	77833992	3771500	WHEAT LADY	TSDR	LIVE
220	77828848	3781041	AMERICAN BOUNTY	TSDR	LIVE
221	77793723	3792491	LAJAWAB	TSDR	LIVE
222	77789315	3830572	AMERICAN HALAL	TSDR	

					<b>LIVE</b>
223	77789264	3769562	AMERICAN HALAL	TSDR	<b>LIVE</b>
224	77771957	3830433	ADELITA	TSDR	<b>LIVE</b>
225	77764166	3813045	FAMILY PANTRY	TSDR	<b>LIVE</b>
226	77736187	3722037	NIRAPARA	TSDR	<b>LIVE</b>
227	77647947	3866315	HAVISTA	TSDR	<b>LIVE</b>
228	77647359	3782300	LUNCH BUDDIES	TSDR	<b>LIVE</b>
229	77640904	3758989	FARM TO KITCHEN FOODS	TSDR	<b>LIVE</b>
230	77637412	3650791	SIWIN	TSDR	<b>LIVE</b>
231	77621135	3782174	BELLADORO	TSDR	<b>LIVE</b>
232	77596017	3668708	GRANDMA ALICE	TSDR	<b>LIVE</b>
233	77581764	3747564	BIOCACTUS	TSDR	<b>LIVE</b>
234	77552004	3823578	CUISON A WORLD OF FLAVORS	TSDR	<b>LIVE</b>
235	77547717	3622154	BUFFALO SOLDIER SANDWICH	TSDR	<b>LIVE</b>
236	77540110	3678647	HADDAR	TSDR	<b>LIVE</b>
237	77539854	3570054	GOYA	TSDR	<b>LIVE</b>
238	77539816	3823575	CUISON A WORLD OF FLAVORS	TSDR	<b>LIVE</b>
239	77537632	3644818	INFORMED LIVING	TSDR	<b>LIVE</b>
240	77520836	3741639	REAL TRINIDAD	TSDR	<b>LIVE</b>
241	77515255	3741632	REAL JAMAICA	TSDR	<b>LIVE</b>
242	77506374	3915438	N	TSDR	<b>LIVE</b>
243	77506342	3895863	N	TSDR	<b>LIVE</b>
244	77506030	3575553	BOCCO BOARDS	TSDR	<b>LIVE</b>
245	77505339	3567521	ZABAR'S	TSDR	<b>LIVE</b>
246	77278861	3434904		TSDR	<b>LIVE</b>
247	77042705	3397061	HIMALANIA	TSDR	<b>LIVE</b>
248	77206067	3456788	HAND-PICKED FOR YOU BY THE FOODIES AT GIANT EAGLE.	TSDR	<b>LIVE</b>
249	77377084	4516739	EL SALVADORENO AUTHENTICO	TSDR	<b>LIVE</b>
250	77042738	3397062	TERRAMAZON	TSDR	<b>LIVE</b>
251	77142673	3368061	ORGANIC	TSDR	<b>LIVE</b>
252	77048181	3380229	EL MIGUELENO	TSDR	<b>LIVE</b>
253	77218657	3385101	MEIJER ORGANICS	TSDR	<b>LIVE</b>
254	77348844	3475700	NU-TRES	TSDR	<b>LIVE</b>
255	77389180	3694631	KEY FOOD	TSDR	<b>LIVE</b>
256	77250280	3483596	GREAT VALUE	TSDR	<b>LIVE</b>
257	77487617	4168189	REVOLUTION FOODS	TSDR	<b>LIVE</b>
258	77224017	3448138		TSDR	<b>LIVE</b>
259	77264084	4354181	PIZGHETTI SANDWICH	TSDR	<b>LIVE</b>
260	77090090	3306086	LA PLACITA MEXICANA	TSDR	<b>LIVE</b>

261	77458722	3861331	SUN HARVEST	TSDR	LIVE
262	77471475	3755408	BLYNK ORGANIC	TSDR	LIVE
263	77471467	3740691	BLYNK	TSDR	LIVE
264	77157160	3384330	SUPREME AMERICAN CHEF USA BRAND SINCE 1995	TSDR	LIVE
265	77157157	3380585	SUPREME AMERICAN CHEF	TSDR	LIVE
266	77153073	3359082	OLD EL PASO	TSDR	LIVE
267	77412239	3467784	LIBORIO MARKETS EST. 1966	TSDR	LIVE
268	77409060	3467783	LIBORIO MARKETS	TSDR	LIVE
269	77449117	3815034	WILD HARVEST	TSDR	LIVE
270	77449116	3822419	WILD HARVEST	TSDR	LIVE
271	77341459	3467565	CANTARE	TSDR	LIVE
272	77279294	4109004	HEALTHY IDEAS	TSDR	LIVE
273	77379256	4060272		TSDR	LIVE
274	77128108	3568146	SAVORCRAVE	TSDR	LIVE
275	77330059	4026397		TSDR	LIVE
276	77208757	3690984	MANAR MEDITERRANEAN AUTHENTIC TASTE OF THE MEDITERRANEAN	TSDR	LIVE
277	77208733	3474907	MANAR MEDITERRANEAN	TSDR	LIVE
278	77456071	4012796	I INDULGE "EVERYBODY NEEDS A LITTLE INDULGE!"	TSDR	LIVE
279	77499315	3873869	CLEOPATRA	TSDR	LIVE
280	77489076	3642229	VEGIZYME	TSDR	LIVE
281	77454130	3629824		TSDR	LIVE
282	77454094	3779928	LEFTY'S	TSDR	LIVE
283	77447412	3499039	STOP & SHOP	TSDR	LIVE
284	77435091	3553260	U.S. GROWN TO SURVIVE A NATION MUST FEED ITSELF	TSDR	LIVE
285	77408763	3713842		TSDR	LIVE
286	77397588	3636258	TOLIBIA	TSDR	LIVE
287	77369173	3555062	MYMENU	TSDR	LIVE
288	77368840	3555061	MYMENU	TSDR	LIVE
289	77322888	3613280	KUMKUM	TSDR	LIVE
290	77306013	3616864	THE MEDITERRANEAN TABLE	TSDR	LIVE
291	77279078	3920056	GOLDEN MEDAL	TSDR	LIVE
292	77249283	3554852	CHANDRU'S	TSDR	LIVE
293	77247522	3507221	UMRAO	TSDR	LIVE
294	77226189	3568251	MYMENUMSTORES.COM	TSDR	LIVE
295	77218246	3479148	123 SESAME STREET	TSDR	LIVE
296	77210029	3408377	BETTER THAN ORGANIC	TSDR	LIVE
297	77184594	3380712	THE SAVOUR SOURCE	TSDR	LIVE
298	77182137	3900920	READY, FRESH, GO!	TSDR	LIVE

299	77164261	3425551	MAMA LYCHA	TSDR	LIVE
300	77131961	3938208	TAYEEB	TSDR	LIVE

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	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
301	77121937	3465273	CATALINA	TSDR	LIVE
302	77090108	3778439	NO TIME . . . NO PROBLEM	TSDR	LIVE
303	77088743	3558108	MYMENU	TSDR	LIVE
304	77079247	3689783	FINICKY FOODIE	TSDR	LIVE
305	77051578	3720479	M. BARBERA & F.GLI MARCA DEPOSITATA CONSTANTI E FORTI PALERMO	TSDR	LIVE
306	77010066	3614283	SANO FOODS	TSDR	LIVE
307	77008354	3568853	BARI	TSDR	LIVE
308	76667353	3489177	SILVER SOURCE	TSDR	LIVE
309	76590229	3564974	PEACOCK	TSDR	LIVE
310	76443018	3468395	PEACOCK	TSDR	LIVE
311	76411007	2832738	SCHWAN'S	TSDR	LIVE
312	76648101	3427308	SURATI INDIAN PLEASURES PREMIUM SELECTION	TSDR	LIVE
313	76334573	2832572	MASAGANA	TSDR	LIVE
314	76598198	3280311	GHI	TSDR	LIVE
315	76122005	2889507	CONAGRA FOODS	TSDR	LIVE
316	76439636	2719283	PAPA VITO'S	TSDR	LIVE
317	76619763	3602890	HARVEST MANOR FARMS	TSDR	LIVE
318	76704320	4432679	DELI - ICIOUS SANDWICHES · SALADS · WRAPS	TSDR	LIVE
319	76274676	2776331	MOGAMI	TSDR	LIVE
320	76975700	2783040	PRIMA TASTE	TSDR	LIVE
321	76975727	3313236	AGRITOPIA	TSDR	LIVE

322	76324187	2712863	SURFAS	TSDR	LIVE
323	76371167	2710943	SHURFINE	TSDR	LIVE
324	76607842	3259047	P.R.B.	TSDR	LIVE
325	76293541	3046522	WEST CREEK	TSDR	LIVE
326	76507354	3242764	DISH D'LISH	TSDR	LIVE
327	76711331	4287119	ELENA LAPID	TSDR	LIVE
328	76711329	4287118	ELENA'S ORIGINAL LAPID	TSDR	LIVE
329	76345141	2695052	SAFEWAY SELECT	TSDR	LIVE
330	76106916	2660316	SU COCINA	TSDR	LIVE
331	76708215	4273711	LAZAH	TSDR	LIVE
332	76977931	3098712	365 EVERYDAY VALUE	TSDR	LIVE
333	76977929	3098711	365 EVERYDAY VALUE	TSDR	LIVE
334	76687770	4230200	SENSIBLE CHOICES	TSDR	LIVE
335	76687769	4230199	SENSIBLE CHOICES	TSDR	LIVE
336	76306089	2609584		TSDR	LIVE
337	76053075	2561202	EL SABOR DE MI TIERRA	TSDR	LIVE
338	76084452	2602215	CTC ORIGINAL AUTHENTIC 2000	TSDR	LIVE
339	76630310	3131690	CORRADO'S	TSDR	LIVE
340	76515611	3038902	HONESTLY BETTER	TSDR	LIVE
341	76632966	3105712	UNCLE PAULY	TSDR	LIVE
342	76205474	2638558	GIANT EAGLE	TSDR	LIVE
343	76205473	2630539	GIANT EAGLE	TSDR	LIVE
344	76321613	3071337	EDEN FOODS	TSDR	LIVE
345	76094375	3081074	365 EVERY DAY VALUE	TSDR	LIVE
346	76193034	2671152	KRASDALE	TSDR	LIVE
347	76230499	3055791	PEACEKEEPER	TSDR	LIVE
348	76227778	2600712	GRACE	TSDR	LIVE
349	76633254	3105715	UNCLE PAULY	TSDR	LIVE
350	76634320	3075395	CALABRIATANO	TSDR	LIVE
351	76146922	2524714	DESERET	TSDR	LIVE
352	76499847	3066319	365 EVERYDAY VALUE	TSDR	LIVE
353	76978929	4093977	EATING RIGHT UNITING FLAVOR & NUTRITION KIDS	TSDR	LIVE
354	76581270	3024197	D	TSDR	LIVE
355	76706684	4061758	EL SABOR DE COLOMBIA	TSDR	LIVE
356	76574469	2996579	NAGARAJ	TSDR	LIVE
357	76429281	2977001	MEDITERRANEAN KUZINA	TSDR	LIVE
358	76475313	2967650	P R B	TSDR	LIVE
359	76019842	2469436	BETTER VALU	TSDR	LIVE
360	76423546	2928093	STONEMILL KITCHENS	TSDR	LIVE

361	76563577	2965885	BORRELLI	TSDR	LIVE
362	76438938	2975080	IBERIA	TSDR	LIVE
363	76976464	2839130	GIANT	TSDR	LIVE
364	76976455	2851783	GIANT	TSDR	LIVE
365	76976399	2841393	LIVING WISE	TSDR	LIVE
366	76683202	3744978	WINNETOU	TSDR	LIVE
367	76649960	3753482	EATING RIGHT	TSDR	LIVE
368	76640755	3663971	BELLA TAVOLA	TSDR	LIVE
369	76638613	3436574	EXPECT SUCCESS	TSDR	LIVE
370	76533027	2873892	LANDSBERG	TSDR	LIVE
371	76500920	2950923	BEST VALUE	TSDR	LIVE
372	76403935	2929266		TSDR	LIVE
373	76169990	2926511	SHUR FINE COMMITTED TO QUALITY	TSDR	LIVE
374	75564780	2451496	A.F.G. ESTD 1919 A.G. FERRARI FOODS LA QUALITA NON HA TEMPO BORGIO TARO, ITALIA	TSDR	LIVE
375	75721738	2802627		TSDR	LIVE
376	75924575	2603439	HOUSE OF BEE	TSDR	LIVE
377	75648949	2742315	OK OAK & KENNEDY	TSDR	LIVE
378	75548808	2394078	PRESENTATIONS	TSDR	LIVE
379	75865827	2535467	POCAHONTAS	TSDR	LIVE
380	75864758	2495599	POCAHONTAS	TSDR	LIVE
381	75795856	2702856	LA MONTESE	TSDR	LIVE
382	75509739	2508366	KIMBO	TSDR	LIVE
383	75981956	2574347	NORDEN	TSDR	LIVE
384	75977258	3151177	365 EVERY DAY VALUE	TSDR	LIVE
385	75667540	2547820	DONA LISA	TSDR	LIVE
386	75602023	2532511	DOWN TO EARTH	TSDR	LIVE
387	75880847	2465304	PASTOSA	TSDR	LIVE
388	75880846	2467354	PASTOSA	TSDR	LIVE
389	75978438	2300970	ANCARA	TSDR	LIVE
390	75976915	2184271	AUTOCRAT	TSDR	LIVE
391	75871169	2446047	MADHU	TSDR	LIVE
392	75857893	2395950	LARRY'S	TSDR	LIVE
393	75857886	2395949	LARRY'S	TSDR	LIVE
394	75237013	2127394	ACME	TSDR	LIVE
395	75192734	2138475	JEWEL	TSDR	LIVE
396	75410663	2838895	A.G. FERRARI FOODS	TSDR	LIVE
397	75357589	2860444	PRICE RITE	TSDR	LIVE
398	75357548	2843298	PRICE RITE	TSDR	LIVE
399	75030979	2045651	BUDDHA	TSDR	LIVE

400	75063248	2069018	SUPREME AMERICAN CHEF	TSDR	LIVE
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Current Search: S3: S1 AND S2 docs: 502 occ: 3827

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
401	75060035	2015905	DFS DICARLO FOOD SERVICE	TSDR	LIVE
402	75040528	3101011	ANTONIO	TSDR	LIVE
403	75462984	2550300	BEST CHOICE	TSDR	LIVE
404	75087202	2495204	VIGO	TSDR	LIVE
405	75155541	2144101	EL SEMBRADOR	TSDR	LIVE
406	75024653	3012418	ANTONIO	TSDR	LIVE
407	75366462	2337095	PRICE RITE	TSDR	LIVE
408	75366300	2337094	PRICE RITE	TSDR	LIVE
409	75363577	2347515		TSDR	LIVE
410	75328616	2290462	JAN TEN SHAH	TSDR	LIVE
411	75299807	2160601	TRADER JOE'S	TSDR	LIVE
412	75212401	2272652	EDEN ORGANIC	TSDR	LIVE
413	75177726	2336971	FINE FARE	TSDR	LIVE
414	75166571	2099287	KINGSTON	TSDR	LIVE
415	75092474	2172204	JFC	TSDR	LIVE
416	75090874	2057187	OLD EL PASO	TSDR	LIVE
417	75061576	2069011	SWANSON	TSDR	LIVE
418	75027366	2086945	EL MEXICANO	TSDR	LIVE
419	75009264	3012417	ANTONIO	TSDR	LIVE
420	74412250	1880765	ZAPATA	TSDR	LIVE
421	74111853	1795447	FUNACHO	TSDR	LIVE
422	74346102	1921436	PRICE WISE	TSDR	LIVE

423	74284370	1874010	KINGS	TSDR	LIVE
424	74650568	2464040	KIRKLAND SIGNATURE	TSDR	LIVE
425	74253964	2072022		TSDR	LIVE
426	74125395	1792758	DIANA	TSDR	LIVE
427	74727851	2092513	IFH	TSDR	LIVE
428	74727850	2092512	IFH	TSDR	LIVE
429	74441726	1874024	ARROWHEAD MILLS	TSDR	LIVE
430	74643982	2007612	STEW'S	TSDR	LIVE
431	74718929	2023340		TSDR	LIVE
432	74220132	1735977	DOMINICK'S	TSDR	LIVE
433	74404780	1901824	HOUCHENS	TSDR	LIVE
434	74448215	1885116		TSDR	LIVE
435	74025773	1672691	LONG BEACH SEAFOODS COMPANY	TSDR	LIVE
436	74426380	2010403	PATEL'S CASH & CARRY	TSDR	LIVE
437	74316485	2042141	PATEL'S	TSDR	LIVE
438	74099456	1671265	HEALTHBEST	TSDR	LIVE
439	74026161	1665145	FAN SEA	TSDR	LIVE
440	74661004	2034871	NORTHSIDE BRAND	TSDR	LIVE
441	74642821	2002352	CORA	TSDR	LIVE
442	74633158	2000740	CORA	TSDR	LIVE
443	74626608	2036414	NORTHSIDE BRAND	TSDR	LIVE
444	74617450	1952902	OLD EL PASO	TSDR	LIVE
445	74579519	1966330	PS PRIVATE SELECTION	TSDR	LIVE
446	74559655	1950496	INDO-EUROPEAN	TSDR	LIVE
447	74543380	1967748	NIKO NIKO	TSDR	LIVE
448	74540014	1927513		TSDR	LIVE
449	74506770	2077821	VIDA LATINA	TSDR	LIVE
450	74461622	1918173	SUN OF ITALY	TSDR	LIVE
451	74409178	1955274	FIESTA FAIR	TSDR	LIVE
452	74320601	1814631	FINE FARE	TSDR	LIVE
453	74234930	1746516	MARKET CHOICE	TSDR	LIVE
454	73329346	1338207	BARESÌ	TSDR	LIVE
455	73344461	1270891	MYERS	TSDR	LIVE
456	73361550	1267567	POPEYES	TSDR	LIVE
457	73396230	1288052	RED RIVER	TSDR	LIVE
458	73334431	1239601	BARNEY'S THE HORS D'OEUVRE PEOPLE	TSDR	LIVE
459	73334430	1239600	BARNEY'S	TSDR	LIVE
460	73657841	1488692	MOUNT STIRLING	TSDR	LIVE
461	73702307	1520418	MAXXI	TSDR	LIVE

462	73171576	1123905	VALU TIME	TSDR	LIVE
463	73039208	1043055	IBERIA	TSDR	LIVE
464	73729448	1621415	FAN SEA SEAFOODS	TSDR	LIVE
465	73818339	1623834	CELEBRITY	TSDR	LIVE
466	73780465	1572171		TSDR	LIVE
467	73754549	1573618	C TOWN TOWN	TSDR	LIVE
468	73667747	1571428	BETTER VALU	TSDR	LIVE
469	73661761	1482538	MERRO	TSDR	LIVE
470	73613243	1496002	ASK	TSDR	LIVE
471	73566160	1427638		TSDR	LIVE
472	73422996	1362198	ASIAN BEST BRAND	TSDR	LIVE
473	73355054	1395765	CONDAL	TSDR	LIVE
474	73344017	1270890	MYERS	TSDR	LIVE
475	73313877	1211749	7 FARMS	TSDR	LIVE
476	73123268	1116437	BOM PETISCO	TSDR	LIVE
477	73011227	1013611	HORMEL	TSDR	LIVE
478	71573919	0557830	COLLEGE INN	TSDR	LIVE
479	72183197	0807854		TSDR	LIVE
480	71163176	0180558	MONARCH	TSDR	LIVE
481	72263454	0842961	CODE	TSDR	LIVE
482	72151290	0756515	FILIPPO MAZZEI	TSDR	LIVE
483	71170819	0186093	FARMERS PRIDE	TSDR	LIVE
484	71455314	0401243	LINA	TSDR	LIVE
485	72309415	0891152	ALBERTSONS	TSDR	LIVE
486	72429883	0962193	GOYA	TSDR	LIVE
487	72184575	0807579	HOWARD JOHNSON'S	TSDR	LIVE
488	71549431	0557127	FINAST	TSDR	LIVE
489	71336609	0305918	GIBBS	TSDR	LIVE
490	72391362	0954152	IBERIA	TSDR	LIVE
491	72359758	0921370	BORDEN	TSDR	LIVE
492	72096472	0728904	RED & WHITE	TSDR	LIVE
493	71566959	0537617		TSDR	LIVE
494	72400174	0949445	IRIS	TSDR	LIVE
495	72365633	0914871	KING KULLEN	TSDR	LIVE
496	72298768	0897929	SHOPRITE	TSDR	LIVE
497	72283102	0860641	RED BALL BRAND	TSDR	LIVE
498	72164470	0807575	SHURFINE	TSDR	LIVE
499	72086699	0708478	PROGRESSO	TSDR	LIVE
500	71621601	0568307	BETTER MAID	TSDR	LIVE

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502	71210835	0203957	RED AND WHITE	TSDR	LIVE

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United States Patent and Trademark Office

# BRIARBROOK

**Reg. No. 4,510,479**

**Registered Apr. 8, 2014**

**Int. Cl.: 29**

**TRADEMARK**

**PRINCIPAL REGISTER**

CAMERICAN INTERNATIONAL CORPORATION (DELAWARE CORPORATION)  
45 EISENHOWER DRIVE  
PARAMUS, NJ 07652

FOR: CANNED FRUITS; CANNED VEGETABLES; CANNED MEAT; CANNED FISH; CHEESE,  
IN CLASS 29 (U.S. CL. 46).

FIRST USE 4-28-2004; IN COMMERCE 4-28-2004.

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

SER. NO. 86-049,896, FILED 8-28-2013.

ROSELLE HERRERA, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## HOUSE FOODS

Reg. No. 4,470,956

Registered Jan. 21, 2014

Int. Cls.: 5, 29, 30, 32  
and 43

HOUSE FOODS CORPORATION (JAPAN CORPORATION)  
1-5-7 MIKURIYA SAKAE-MACHI  
HIGASHI-OSAKA, OSAKA, JAPAN

FOR: DIETARY SUPPLEMENTAL DRINKS; NUTRITIONAL SUPPLEMENTS, IN CLASS 5  
(U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 7-1-2011; IN COMMERCE 7-1-2011.

### TRADEMARK

### SERVICE MARK

### PRINCIPAL REGISTER

FOR: PREPARED FOOD PRODUCTS, NAMELY, MEAT STEWS, FISH STEWS, HASHED BEEF STEWS, VEGETABLE STEWS; PRE-COOKED MEAT AU GRATIN MIX PRIMARILY CONTAINING MEAT; PRE-COOKED SEAFOOD AU GRATIN MIX PRIMARILY CONTAINING SEAFOOD; PRE-COOKED VEGETABLE AU GRATIN MIX PRIMARILY CONTAINING VEGETABLES; PRE-COOKED CHEESE AU GRATIN MIX AND TOFU AU GRATIN MIX PRIMARILY CONTAINING CHEESE AND TOFU; SOUPS AND SOUP MIXES; INSTANT TOFU; TOFU; FRIED TOFU PIECES (ABURA-AGE); FOOD PRODUCTS MADE FROM TOFU, NAMELY, DEEP FRIED TOFU (ATSU-AGE); JELLY MADE FROM DEVILS' TONGUE ROOT (KONNYAKU); SOYBEAN MILK; SOY BASED SNACK FOOD; READY-TO-EAT ENTREE CONTAINING NOODLE-SHAPED TOFU; MEAL KITS CONSISTING PRIMARILY OF TOFU; SOY SAUSAGE, SOY-BASED MEATLESS CHORIZO; PROCESSED VEGETABLES AND FRUITS; GUACAMOLE; PRE-COOKED PACKAGED ENTREES CONSISTING OF NOODLE-SHAPED TOFU AND YAM FLOUR, IN CLASS 29 (U.S. CL. 46).

FIRST USE 1-15-1980; IN COMMERCE 6-30-1980.

FOR: WHEAT FLOUR BASED SAUCE MIXES FOR USE IN CURRY, MEAT STEWS, FISH STEWS, HASHED BEEF STEWS AND GRATIN; MACARONI AU GRATIN; SAUCES; CHINESE MABO TOFU SAUCES; SPICES; SEASONINGS; SALSA; SALAD DRESSINGS; CHILI OIL FOR USE AS A SEASONING OR CONDIMENT; SUGAR; SALT; NOODLES; PASTA; PASTA-WRAPPINGS FOR EGG ROLL; PASTA-WRAPPINGS FOR GYOZA; INSTANT NOODLES; TEA; TEA OF PARCHED POWDER OF BARLEY WITH HUSK (MUGI-CHA); SOY-BASED CONFECTIONS MADE OF TOFU AND SOYMILK, NAMELY, PUDDINGS AND CAKES; DESSERT PUDDINGS; INSTANT PUDDING MIXES; INSTANT DESSERT PUDDING MIXES; CUSTARDS AND SHERBET; SEASONING MIXES FOR TOFU BURGER PATTIES; SEASONING MIXES FOR SOY BURGER PATTIES; SEASONING MIXES FOR SOUPS; FROZEN CONFECTIONERY; READY-TO-EAT ENTREE MADE PRIMARILY OF NOODLE;



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**Reg. No. 4,470,956** RICE MIX COMPRISED PRIMARILY OF RICES, BEANS, SEEDS AND GRAINS, SOLD IN UNITARY PACKAGES, IN CLASS 30 (U.S. CL. 46).

FIRST USE 1-15-1980; IN COMMERCE 6-30-1980.

FOR: SOFT DRINKS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 7-1-2011; IN COMMERCE 7-1-2011.

FOR: RESTAURANT SERVICES, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 1-1-1993; IN COMMERCE 1-1-1993.

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

OWNER OF U.S. REG. NOS. 1,494,617, 3,888,856 AND OTHERS.

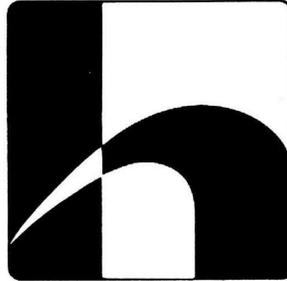
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FOODS", APART FROM THE MARK AS SHOWN.

SER. NO. 86-019,282, FILED 7-24-2013.

ALEXANDER L. POWERS, EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office



**Reg. No. 4,470,955**

**Registered Jan. 21, 2014**

**Int. Cls.: 5, 29, 30, 32  
and 43**

**TRADEMARK**

**SERVICE MARK**

**PRINCIPAL REGISTER**

HOUSE FOODS CORPORATION (JAPAN CORPORATION)  
1-5-7 MIKURIYA SAKAE-MACHI  
HIGASHI-OSAKA, OSAKA, JAPAN

FOR: DIETARY SUPPLEMENTAL DRINKS; NUTRITIONAL SUPPLEMENTS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 5-17-2004; IN COMMERCE 7-1-2011.

FOR: PREPARED FOOD PRODUCTS, NAMELY, MEAT STEWS, FISH STEWS, HASHED BEEF STEWS, VEGETABLE STEWS; PRE-COOKED MEAT AU GRATIN MIX PRIMARILY CONTAINING MEAT; PRE-COOKED SEAFOOD AU GRATIN MIX PRIMARILY CONTAINING SEAFOOD; PRE-COOKED VEGETABLE AU GRATIN MIX PRIMARILY CONTAINING VEGETABLES; PRE-COOKED CHEESE AU GRATIN MIX AND TOFU AU GRATIN MIX PRIMARILY CONTAINING CHEESE AND TOFU; SOUPS AND SOUP MIXES; INSTANT TOFU; TOFU; FRIED TOFU PIECES (ABURA-AGE); FOOD PRODUCTS MADE FROM TOFU, NAMELY, DEEP FRIED TOFU (ATSU-AGE); JELLY MADE FROM DEVILS' TONGUE ROOT (KONNYAKU); SOYBEAN MILK; SOY BASED SNACK FOOD; READY-TO-EAT ENTREE CONTAINING NOODLE-SHAPED TOFU; MEAL KITS CONSISTING PRIMARILY OF TOFU; SOY SAUSAGE, SOY-BASED MEATLESS CHORIZO, PROCESSED VEGETABLES AND FRUITS; GUACAMOLE; PRE-COOKED PACKAGED ENTREES CONSISTING OF NOODLE-SHAPED TOFU AND YAM FLOUR, IN CLASS 29 (U.S. CL. 46).

FIRST USE 1-15-1980; IN COMMERCE 6-30-1980.

FOR: WHEAT FLOUR BASED SAUCE MIXES FOR USE IN CURRY, MEAT STEWS, FISH STEWS, HASHED BEEF STEWS AND GRATIN; MACARONI AU GRATIN; SAUCES; CHINESE MABO TOFU SAUCES; SPICES; SEASONINGS; SALSA; SALAD DRESSINGS; CHILI OIL FOR USE AS A SEASONING OR CONDIMENT; SUGAR; SALT; NOODLES; PASTA; PASTA-WRAPPINGS FOR EGG ROLL; PASTA-WRAPPINGS FOR GYOZA; INSTANT NOODLES; TEA; TEA OF PARCHED POWDER OF BARLEY WITH HUSK (MUGI-CHA); SOY-BASED CONFECTIONS MADE OF TOFU AND SOYMILK, NAMELY, PUDDINGS AND CAKES; DESSERT PUDDINGS; INSTANT PUDDING MIXES; INSTANT DESSERT PUDDING MIXES; CUSTARDS AND SHERBET; SEASONING MIXES FOR TOFU BURGER PATTIES; SEASONING MIXES FOR SOY BURGER PATTIES; SEASONING MIXES FOR SOUPS; FROZEN CONFECTIONERY; READY-TO-EAT ENTREE MADE PRIMARILY OF NOODLE;



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**Reg. No. 4,470,955** RICE MIX COMPRISED PRIMARILY OF RICES, BEANS, SEEDS AND GRAINS, SOLD IN UNITARY PACKAGES, IN CLASS 30 (U.S. CL. 46).

FIRST USE 1-15-1980; IN COMMERCE 6-30-1980.

FOR: SOFT DRINKS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 5-17-2004; IN COMMERCE 7-1-2011.

FOR: RESTAURANT SERVICES, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 10-14-1983; IN COMMERCE 10-14-1983.

OWNER OF U.S. REG. NOS. 1,465,691, 1,490,597, AND 2,187,784.

THE MARK CONSISTS OF A STYLIZED LETTER "H" IN A SQUARE BOX.

SER. NO. 86-019,276, FILED 7-24-2013.

ALEXANDER L. POWERS, EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office

## BREAKING NEWS

**Reg. No. 4,481,163**

**Registered Feb. 11, 2014**

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

**TRADEMARK**

**PRINCIPAL REGISTER**

NATURAL INTENTIONS, INC. (CALIFORNIA CORPORATION)  
P.O. BOX 6688  
FOLSOM, CA 95763

FOR: BANANA CHIPS; CANDIED FRUIT; CANDIED FRUIT SNACKS; CUT FRUITS; CUT VEGETABLES; DEHYDRATED FRUIT SNACKS; DRIED FRUIT AND VEGETABLES; DRIED FRUIT-BASED SNACKS; DRIED FRUITS; DRIED VEGETABLES; FREEZE-DRIED FRUITS; FREEZE-DRIED VEGETABLES; FRUIT AND SOY BASED SNACK FOOD; FRUIT CHIPS; FRUIT-BASED SNACK FOOD; LOW-FAT POTATO CHIPS; NUT AND SEED-BASED SNACK BARS; NUT-BASED SNACK FOODS; NUT-BASED SNACK FOODS, NAMELY, NUT CLUSTERS; NUT-BASED SNACK FOODS, NAMELY, NUT CRISPS; ORGANIC NUT AND SEED-BASED SNACK BARS; POTATO CHIPS; POTATO CRISPS; POTATO CRISPS AND CHIPS; POTATO-BASED SNACK FOODS; PROCESSED FRUIT- AND NUT-BASED FOOD BARS; PROCESSED FRUITS; PROCESSED NUTS; **PROCESSED VEGETABLES**; PROCESSED VEGETABLES AND FRUITS; SNACK DIPS; SNACK FOOD DIPS; SNACK MIX CONSISTING OF DEHYDRATED FRUIT AND PROCESSED NUTS; SNACK MIX CONSISTING PRIMARILY OF PROCESSED NUTS AND SALTED SQUASH SEEDS AND ALSO INCLUDING TOASTED CORN; SOY CHIPS; SOY-BASED FOOD BARS; SOY-BASED SNACK FOODS; TOFU-BASED SNACKS; VEGETABLE CHIPS; VEGETABLE-BASED SNACK FOODS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 3-9-2012; IN COMMERCE 3-9-2012.



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

FOR: BAGEL CHIPS; BAKERY GOODS; BAKERY PRODUCTS; CEREAL BARS; CEREAL BASED SNACK FOOD; CEREAL-BASED SNACK FOODS; CHEESE-FLAVORED CORN SNACKS; CORN CHIPS; CORN-BASED SNACK FOODS; CRACKERS; EXTRUDED CORN SNACKS; EXTRUDED WHEAT SNACKS; FLOUR-BASED CHIPS; GRAIN-BASED CHIPS; GRAIN-BASED FOOD BARS ALSO CONTAINING FRUITS, VEGETABLES AND NUTS; GRAIN-BASED SNACK FOODS; GRANOLA SNACKS; GRANOLA-BASED SNACK BARS; MULTIGRAIN-BASED SNACK FOODS; NATURAL BROWN SUGAR; NATURAL SWEETENER; PITA CHIPS; READY TO EAT, CEREAL DERIVED FOOD BARS; RICE **FLOUR**; RICE-BASED SNACK FOODS; SNACK MIX CONSISTING PRIMARILY OF CRACKERS, PRETZELS AND/OR POPPED POPCORN; TACO CHIPS; TORTILLA CHIPS; WHEAT-BASED SNACK FOODS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 3-9-2012; IN COMMERCE 3-9-2012.

**Reg. No. 4,481,163** THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 86-005,413, FILED 7-9-2013.

DAVID H. STINE, EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office

## LOVE FOODS THAT LOVE YOU BACK

Reg. No. 4,553,001

Registered June 17, 2014

Int. Cls.: 29, 30, and 32

TRADEMARK

PRINCIPAL REGISTER

WHOLESOME GOODNESS, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
6522 SADDLE RIDGE LANE  
LONG GROVE, IL 60047

FOR: BEEF; CANNED FRUITS; CANNED FRUITS AND VEGETABLES; CANNED OR BOTTLED FRUITS; CANNED OR BOTTLED VEGETABLES; CANNED TOMATOES; **CANNED VEGETABLES**; DEHYDRATED FRUIT SNACKS; DRIED FRUITS; FROZEN FRUITS; FROZEN VEGETABLES; INSTANT POTATOES; POTATO CHIPS; POTATO-BASED SNACK FOODS; POULTRY; SNACK MIX CONSISTING OF DEHYDRATED FRUIT AND PROCESSED NUTS; SNACK MIX CONSISTING OF PRIMARILY OF PROCESSED NUTS AND SALTED SQUASH SEEDS AND ALSO INCLUDING TOASTED CORN; SNACK MIX CONSISTING OF WASABI PEAS, PROCESSED NUTS, DEHYDRATED FRUIT AND/OR RAISINS; SNACK MIX CONSISTING PRIMARILY OF DEHYDRATED FRUITS, PROCESSED NUTS AND ALSO INCLUDING SESAME STICKS; SNACK MIX CONSISTING PRIMARILY OF PROCESSED FRUITS, PROCESSED NUTS AND/OR RAISINS; SOUPS; YOGURT; YOGURT DRINKS; CHOCOLATE MILK; CONDENSED MILK; EVAPORATED MILK; GOAT MILK; MILK; POWDERED MILK; RICE MILK FOR USE AS A MILK SUBSTITUTE; PROTEIN BASED, NUTRIENT DENSE SNACK BARS; DEHYDRATED FRUIT BASED FRUIT BARS; SOY-BASED FOOD BEVERAGE USED AS A MILK SUBSTITUTE; PREPARED ENTREES CONSISTING PRIMARILY OF MEAT, POULTRY OR VEGETABLES; PREPARED MEALS CONSISTING PRIMARILY OF MEAT, POULTRY OR VEGETABLES; FROZEN PRE-PACKAGED ENTREES CONSISTING PRIMARILY OF CHICKEN, BEEF, PORK OR SEAFOOD; MEAT EXTENDERS CONSISTING PRIMARILY OF VEGETABLES, GRAINS OR SOY; **CHEESES**; AND YOGURT-BASED BEVERAGES, IN CLASS 29 (U.S. CL. 46).



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

FIRST USE 3-0-2013; IN COMMERCE 3-0-2013.

FOR: BEVERAGES MADE OF TEA; KETCHUP; MACARONI AND CHEESE; MUSTARD; PASTA; PASTA SAUCE; PIZZA; POPCORN; PRETZELS; READY-TO-EAT CEREALS; RELISH; SALAD DRESSINGS; TOMATO SAUCE; BAKING POWDER; BARBECUE SAUCE; BEVERAGES MADE OF COFFEE; BREAD AND BUNS; BREAD AND PASTRY; BREAD CRUMBS; BROWN SUGAR; BRUSCHETTA-TOPPED BREAD; CAFFEINE-FREE COFFEE; CELERY SALT; CEREAL-BASED SNACK FOODS; CHILI SAUCE; CHOCOLATE SAUCE; COCOA; PREPARED COCOA AND COCOA-BASED BEVERAGES, COCOA POWDER; COCOA BASED BEVERAGES; COFFEE; COFFEE BASED BEVERAGES; COFFEE BEANS; COFFEE PODS; CRYSTAL SUGAR; ENRICHED RICE; FLAVORED ICES; FROZEN CONFECTIONS; FROZEN CONFECTIONS, NAMELY, FREEZER POPS; FROZEN YOGURT

**Reg. No. 4,553,001** CONFECTIONS; GARLIC BREAD; GRANULATED SUGAR; GROUND COFFEE BEANS; HONEY AND TREACLE; ICE CREAM; ICE CREAM DRINKS; ICE CREAMS; ICE-CREAM CAKES; INSTANT COFFEE; ITALIAN ICE; MAPLE SYRUP; MINERAL SALT FOR HUMAN CONSUMPTION; NATURAL BROWN SUGAR; ONION SALT; PANCAKE SYRUP; PASTRIES; PITA BREAD; POWDERED SUGAR; PUFFED RICE; RICE; RICE CAKES; RICE PUDDING; RICE-BASED SNACK FOODS; ROASTED COFFEE BEANS; ROLLS; SALAD SAUCES; SALT; SAUCE MIXES; SOY SAUCE; STEAK SAUCE; STUFFING MIXES CONTAINING BREAD; SUGAR; SUGAR SUBSTITUTES; SUGAR WAFERS; TABLE SALT; TABLE SYRUP; TAPIOCA; TARTAR SAUCE; TOASTER PASTRIES; VINEGAR; WHITE SUGAR; WHOLEMEAL BREAD; WHOLEMEAL RICE; WINE VINEGAR; WORCESTERSHIRE SAUCE; YEAST; AND OAT-MEAL, REGULAR AND INSTANT; SALAD DRESSINGS CONTAINING YOGURT; FROZEN PRE-PACKAGED ENTREES CONSISTING PRIMARILY OF PASTA OR RICE; GRANOLA-BASED SNACK BARS; GRANOLA-BASED SNACKS; CANDY, NAMELY, SUGAR REDUCED AND SUGAR FREE CANDIES; GUMMY CANDIES; CEREAL BASED ENERGY BARS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 3-0-2013; IN COMMERCE 3-0-2013.

FOR: ENERGY DRINKS; FRUIT DRINKS; FRUIT JUICES; AERATED MINERAL WATERS; AERATED WATER; BOTTLED DRINKING WATER; DRINKING WATER WITH VITAMINS; MINERAL WATER; NON-ALCOHOLIC BEER; SODA WATER; SPARKLING WATER; SPRING WATER; STILL WATER; SYRUPS FOR MAKING BEVERAGES; DRINKING WATER WITH ADDED FIBER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 3-0-2013; IN COMMERCE 3-0-2013.

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

SN 85-918,544, FILED 4-30-2013.

JANICE L. MCMORROW, EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office



Reg. No. 4,541,722

Registered June 3, 2014

Int. Cl.: 29

TRADEMARK

PRINCIPAL REGISTER

FEINKOST DITTMANN REICHOLD FEINKOST GMBH (FED REP GERMANY CORPORATION)

AUGUST-HORCH-STR. 4-8

DIEZ, FED REP GERMANY 65582

FOR: SEAWEED EXTRACTS FOR FOOD, ALGINATES FOR FOOD, APPLE SAUCE, OYSTERS, NOT LIVE, BLACK PUDDING (BLOOD SAUSAGE), BROTH, BROTH CONCENTRATES, FAT-CONTAINING MIXTURES FOR BREAD SLICES, NAMELY, BUTTER SUBSTITUTES, BUTTER, BUTTERMILK, PROCESSED DATES, PRESERVED BEANS FOR FOOD, SOURED MILK, ALBUMEN FOR CULINARY PURPOSES, EDIBLE FATS, EGGS, YOLK OF EGGS, POWDERED EGGS, WHITE OF EGGS, PRESERVED PEAS, PEANUT BUTTER, PROCESSED PEANUTS, EDIBLE BIRD'S NEST, GHERKINS, VEGETABLE AND ANIMAL OILS AND FATS, FISH, NOT LIVE, SALTED FISH, PRESERVED FISH, FISH FILLETS, PREPARED MEALS CONSISTING PRIMARILY OF FISH, FISHMEAL FOR HUMAN CONSUMPTION, PRESERVED MEAT, MEAT, MEAT BROTH CONCENTRATES, MEAT EXTRACTS, MEAT JELLIES, SALTED MEATS, FRUIT JELLIES, FRUIT PULP, FRUIT SALADS, FRUIT-BASED SNACK FOODS, STEWED FRUITS, PRESERVED FRUITS, FROZEN FRUITS, FRUITS PRESERVED IN ALCOHOL, FRUIT CHIPS, JELLIES FOR FOOD, PRAWNS, NOT LIVE, POULTRY, NOT LIVE, COOKED VEGETABLES, DRIED VEGETABLES, PRESERVED VEGETABLES, VEGETABLE SALADS, PROCESSED, EDIBLE SEAWEED; HERRINGS, NOT LIVE, LOBSTERS, NOT LIVE, YOGURT, MIXES FOR MAKING SOUP, COFFEE WHITENER CONSISTING PRIMARILY OF DAIRY PRODUCTS, CHOCOLATE NUT BUTTER, TRIPE, CRYSTALLIZED FRUITS, POTATO CRISPS, POTATO FLAKES, POTATO DUMPLING, POTATO FRITTERS, CAVIAR, BEVERAGES HAVING A MILK BASE, PASTE OF CHICK PEAS, NAMELY, HUMMUS, SNACKS, AS FAR AS INCLUDED IN THIS CLASS, NAMELY, BEAN-BASED SNACK FOODS, MEAT-BASED SNACK FOODS, POTATO-BASED SNACK FOODS, EDIBLE BONE OIL, COCONUT BUTTER, COCONUT FAT, COCONUT POWDER, COCONUT OIL, JAMS, SOUPS, CRAYFISH, NOT LIVE, CRUSTACEANS, NOT LIVE, CHEESE, RENNET, SALMON, NOT LIVE, SPINY LOBSTERS, NOT LIVE, LIVER, LIVER PATE, PRESERVED LENTILS, MAIZE OIL, GROUND ALMONDS, MARGARINE, MARMALADE, MILK, MILK PRODUCTS EXCLUDING ICE CREAM, ICE MILK AND FROZEN YOGURT, WHEY, MUSSELS, NOT LIVE, PREPARED NUTS, DRIED FRUITS, PRESERVED OLIVES, OLIVE OIL FOR FOOD, PALM KERNEL OIL FOR FOOD, PALM OIL FOR FOOD, PECTIN FOR CULINARY PURPOSES, VEGETABLE JUICES FOR COOKING, PICCALILLI, PICKLES, PRESERVED MUSHROOMS, POLLEN PREPARED AS FOODSTUFF, CRANBERRY SAUCE (PUREE), RAPE OIL FOR FOOD, RAISINS, CREAM, PROCESSED ANCHOVIES, SARDINES, NOT LIVE, SAUERKRAUT, FRUIT PEEL, SHELLFISH, NOT



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**Reg. No. 4,541,722** LIVE, HAM, WHIPPED CREAM, SNAIL EGGS FOR HUMAN CONSUMPTION, PORK, LARD FOR FOOD, SEA-CUCUMBERS, NOT LIVE, SILKWORM CHRYSALIS FOR HUMAN CONSUMPTION, PASTE OF SESAME SEEDS (TAHINI), SESAME OIL, SHRIMPS, NOT LIVE, PRESERVED SOY BEANS FOR FOOD, SUNFLOWER OIL FOR FOOD, BACON, UNSWEETENED AND UNFLAVORED GELATIN; TUNA FISH, NOT LIVE, TOFU, TOMATO PUREE, TOMATO JUICE FOR COOKING AND NOT AS A BEVERAGE, PRESERVED TRUFFLES, CLAMS, NOT LIVE, GAME, SAUSAGES, CHARCUTERIE, PREPARATIONS FOR MAKING BOUILLON, PRESERVED ONIONS, VEGETABLE CROQUETTES, FRUIT CROQUETTES, MEAT CROQUETTES AND FISH CROQUETTES, IN CLASS 29 (U.S. CL. 46).

FIRST USE 7-31-2012; IN COMMERCE 7-31-2012.

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

THE COLOR(S) YELLOW, WHITE AND GREEN IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSIST OF A GREEN BANNER WITH A THIN YELLOW INTERIOR LINE HAVING A CURVED UPPER EDGE PORTION AND INCLUDING THE WORDS "FINE FOOD" IN YELLOW IN THE CURVED UPPER EDGE AND "DITTMAN" IN WHITE BELOW THE YELLOW RIBBONS TO THE LEFT AND RIGHT OF THE WORD.

SER. NO. 85-868,743, FILED 3-6-2013.

CHARLOTTE CORWIN, EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office



Reg. No. 4,541,513

Registered June 3, 2014

Int. Cls.: 29 and 30

TRADEMARK

PRINCIPAL REGISTER

MEENAXI ENTERPRISE, INC. (NEW JERSEY CORPORATION), DBA MEENAXI ENTERPRISE, INC.  
2500B HAMILTON BOULEVARD  
SOUTH PLAINFIELD, NJ 07080

FOR: BANANA CHIPS; CUT VEGETABLES; DRIED FRUITS; DRIED LENTILS; FROZEN PRE-PACKAGED ENTREES CONSISTING PRIMARILY OF SEAFOOD; FROZEN VEGETABLES; FRUIT-BASED SNACK FOOD; NUT-BASED SNACK FOODS; PICKLES; POTATO-BASED SNACK FOODS; PRE-PACKAGED DINNERS CONSISTING OF MEAT, POULTRY, SEAFOOD OR VEGETABLES; SOY-BASED SNACK FOODS; VEGETABLE CHIPS; VEGETABLE-BASED SNACK FOODS; FROZEN PRE-PACKAGED ENTREES CONSISTING PRIMARILY OF MEAT, FISH, POULTRY OR VEGETABLES; FROZEN PRE-PACKAGED VEGETABLE-BASED ENTREES, IN CLASS 29 (U.S. CL. 46).

FIRST USE 1-2-2012; IN COMMERCE 1-2-2012.

FOR: ASIAN NOODLES; BREAD MIXES; CEREAL BASED SNACK FOOD; CREPES; FLOUR; FROZEN FLOUR-FREE FOODS, NAMELY, WAFFLES, PANCAKES, CREPES, SANDWICH WRAPS, MUFFINS AND GRIDDLE CAKE SANDWICHES WHICH ARE PROTEIN-ENRICHED; GRAIN-BASED CHIPS; MEAL KITS CONSISTING PRIMARILY OF NOODLES; MIX FOR MAKING COMBINED NOODLE AND SAUCE DISH; MIXES FOR MAKING BAKING BATTERS; MIXES FOR MAKING BATTERS FOR FRIED FOODS; NOODLE-BASED PREPARED MEALS; NOODLES; NOODLES AND 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 TOPPING COMBINED IN UNITARY PACKAGES; NOODLES, SAUCE, AND TOPPING COMBINED IN UNITARY PACKAGES; NOODLES, SAUCE, DEHYDRATED VEGETABLES, AND TOPPING COMBINED IN UNITARY PACKAGES; NOODLES, SEASONINGS AND DEHYDRATED VEGETABLES COMBINED IN UNITARY PACKAGES; NOODLES, SEASONINGS AND FLAVORINGS COMBINED IN UNITARY PACKAGES; PACKAGED MEAL MIXES CONSISTING PRIMARILY OF PASTA OR RICE; PANCAKE MIXES; PASTA; PASTA AND NOODLES; PRE-MIXED PANCAKE BATTER; PROCESSED CEREAL-BASED FOOD TO BE USED AS A BREAKFAST FOOD, SNACK FOOD OR INGREDIENT FOR MAKING OTHER FOODS; RELISH; RICE; RICE-BASED SNACK FOODS; ROASTED MAIZE; TAPIOCA; WAFERS; WHEAT-BASED SNACK FOODS; FROZEN PRE-PACKAGED ENTREES CONSISTING PRIMARILY OF PASTA OR RICE; PRE-



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**Reg. No. 4,541,513** PACKAGED MEALS CONSISTING PRIMARILY OF PASTA OR RICE, IN CLASS 30 (U.S. CL. 46).

FIRST USE 1-2-2012; IN COMMERCE 1-2-2012.

THE MARK CONSISTS OF THE STYLIZED WORD "SAGA" IN THE COLOR WHITE; WITH LETTERS "S", "A", "G", AND "A" OF THE WORD "SAGA" OUTLINED IN THE COLOR BLACK; THE WORD "SAGA" IS ENCLOSED IN AN ELLIPSE IN THE COLOR RED.

THE COLOR(S) WHITE, BLACK, AND RED IS/ARE CLAIMED AS A FEATURE OF THE MARK.

SER. NO. 85-712,971, FILED 8-25-2012.

WON TEAK OH, EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office

# ITN

Reg. No. 4,538,922

Registered May 27, 2014

Int. Cls.: 29, 30, and 32

TRADEMARK

PRINCIPAL REGISTER

ITN FOOD CORPORATION (CANADA CORPORATION)  
7605 NINTH LINE  
MARKHAM, ONTARIO, CANADA L6B0M1

FOR: FRESH FROZEN MEAT, SEAFOOD, POULTRY, COOKING OIL, ALMOND OIL, PEANUT OIL, COCONUT OIL, EDIBLE OILS, PROCESSED BEANS, DRIED BEANS, CANNED BEANS, COOKING PASTES, NAMELY, MEAT PASTE AND TOMATO PASTE, FRIED SNACKS, NAMELY, POTATO CHIPS, FRUIT AND VEGETABLE CHIPS, JAMS, FRUIT PRESERVES, JELLIES, FROZEN VEGETABLES, CANNED VEGETABLES, PROCESSED VEGETABLES, ONION RINGS AND PACKAGED FRIED ONIONS, CANNED FRUITS, PROCESSED FRUITS, CANNED FOODS, LEGUMES, BUTTER AND BUTTER DERIVED PRODUCTS, NAMELY, BUTTER, GHEE, BUTTER OIL AND BUTTER SUBSTITUTES; DRIED LENTILS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 1-1-1989; IN COMMERCE 1-1-1989.

FOR: RICE, BASMATI RICE, LONG GRAIN RICE, MEDIUM GRAIN RICE, SHORT GRAIN RICE, SPICES, HERBS, FOOD SEASONINGS, COOKING PASTES, NAMELY, ALIMENTARY PASTE, CURRY PASTES AND SEASONING PASTES, PASTA, FROZEN BREADS, FROZEN PASTRIES, FROZEN PITA, CANDY AND CONFECTIONERY ITEMS, NAMELY, CANDY, GUMMIES, CHOCOLATE AND CHEWING GUM; FRIED SNACKS, NAMELY, PUFFED CORN SNACKS, TORTILLA CHIPS, GRAIN-BASED CHIPS, CORN CHIPS, CORN CRACKERS, CORN WAFERS, RICE CRACKERS, RICE CHIPS, RICE WAFERS, WHEAT CRACKERS, WHEAT WAFERS AND WHEAT CHIPS, CASSARA CHIPS, AND TRADITIONAL INDIAN SNACKS MADE FROM ARAM FLOUR, OIL, SPICES, BEANS AND LENTILS; FRIED EXTRUDED SNACK PRODUCTS, NAMELY, EXTRUDED WHEAT SNACKS, EXTRUDED CHEESE-FLAVORED SNACKS AND EXTRUDED RICE SNACKS; FROZEN CURRIES, FOOD ESSENCES, NAMELY, COFFEE ESSENCES, ROSE ESSENCES, VANILLA ESSENCES, FRUIT ESSENCES, KEWDA ESSENCES, VEGETABLE ESSENCES, SPICE ESSENCES AND COOKED MEAL ESSENCES; FOOD FLAVORINGS, PROCESSED GRAINS AND GRAIN BASED FOOD PRODUCTS, NAMELY, GRAIN-BASED FOOD BARS, BREAD, ARAM-BASED BREAD, BREAD MIXES, ROTI BREAD AND PITA BREAD; FLOUR, CORN MEAL, CRACKER MEAL, COOKIES, CAKES, SWEET SNACKS, NAMELY, SNACK CAKES, PASTRIES AND TRADITION INDIAN SWEETS MADE FROM SUGAR, FLOUR AND MILK; TEA, COFFEE, SUGAR AND SALT, FRIED EXTRUDED CORN SNACKS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 1-1-1989; IN COMMERCE 1-1-1989.



*Michelle K. Lee*  
Deputy Director of the United States  
Patent and Trademark Office

**Reg. No. 4,538,922** FOR: NON-ALCOHOLIC BEVERAGES, NAMELY, FRUIT DRINKS, FRUIT JUICES, VEGETABLE JUICES AND SOFT DRINKS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 1-1-1989; IN COMMERCE 1-1-1989.

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

SN 85-794,193, FILED 12-4-2012.

PATRICIA EVANKO, EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office



Reg. No. 4,074,848

Registered Dec. 20, 2011

Int. Cls.: 29 and 30

TRADEMARK

PRINCIPAL REGISTER

ALEX'S MEAT DISTRIBUTORS, CORP. (NEW YORK CORPORATION)  
5600 FIRST AVENUE  
BROOKLYN, NY 11220

FOR: CANNED FRUITS; CANNED FRUITS AND VEGETABLES; **CANNED VEGETABLES**; **CHEESE**; COTTAGE CHEESE; DRIED VEGETABLES; FROZEN FRUITS; FROZEN VEGETABLES; FRUIT PRESERVES; MEAT, FISH, POULTRY AND GAME; PICKLED CUCUMBERS; PICKLED FRUITS; PICKLED VEGETABLES; PICKLES; PRESERVED FRUIT AND VEGETABLES; PRESERVED FRUITS; PROCESSED CHEESE; PROCESSED MEAT; **PROCESSED VEGETABLES** AND FRUITS; SALTED MEAT; SOFT CHEESE; WHITE CHEESE, IN CLASS 29 (U.S. CL. 46).

FIRST USE 5-1-2011; IN COMMERCE 5-1-2011.

FOR: BARLEY FLOUR; BUCKWHEAT FLOUR; CORNMEAL; CRUSHED BARLEY; FARINA; **FLOUR**; FROZEN CONFECTIONERY; FROZEN CUSTARDS; FROZEN DESSERT CONSISTING OF FRUIT AND CREAM OR CREAM SUBSTITUTES; OATMEAL; PEARL BARLEY; RICE; SALT; SUGAR, IN CLASS 30 (U.S. CL. 46).

FIRST USE 5-1-2011; IN COMMERCE 5-1-2011.

THE MARK CONSISTS OF THE FOLLOWING: A LANDSCAPE SCENE CONTAINED IN AN IRREGULAR SHAPED SEMI-CIRCLE AND OUTLINED IN ORANGE WITH YELLOW STREAKS IMBEDDED IN THE ORANGE ON THE RIGHT SIDE AND THE BOTTOM OF THE SEMI-CIRCLE; THE LANDSCAPE SCENE HAS A BLUE SKY, WHITE CLOUDS, A BLUE RIVER WHICH TURNS YELLOW TOWARDS THE RIGHT SIDE OF THE SCENE, AND VARIOUS COLOR GREEN ROLLING HILLS; BELOW THE LANDSCAPE SCENE IS THE TERM "PYCKUU" ABOVE THE TERM "KPAU"; BOTH WORDS ARE IN YELLOW SUPERIMPOSED ON AN ORANGE BACKGROUND.

THE COLOR(S) ORANGE, BLUE, WHITE, GREEN AND YELLOW IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE NON-LATIN CHARACTERS IN THE MARK TRANSLITERATE TO RUSSKI KRAI AND THIS MEANS RUSSIAN LAND IN ENGLISH.



*David J. Kyros*

Director of the United States Patent and Trademark Office

SN 85-071,584, FILED 6-25-2010.

**Reg. No. 4,074,848** ALAIN LAPTER, EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office



Reg. No. 4,332,359

Registered May 7, 2013

Int. Cls.: 29, 30, and 32

TRADEMARK

PRINCIPAL REGISTER

ORIENT PROVISION & TRADING CO. LTD. (SAUDI ARABIA CORPORATION)  
P.O. BOX 11035  
JEDDAH, SAUDI ARABIA 21453

FOR: MEAT; SAUSAGES; POULTRY AND GAME; EDIBLE SEAFOOD, NAMELY, MOLLUSKS; CRUSTACEANS; MEAT EXTRACTS; TINNED AND CANNED MEAT, FISH, AND ANCHOVY; PROCESSED ALMONDS; PRESERVED, DRIED AND COOKED FRUITS AND VEGETABLES; JELLIES; FISH AND GAME JELLIES; LIVER PÂTÉ; FRUIT AND VEGETABLE JELLIES; COOKED POTATO AND POTATO PRODUCTS, NAMELY, POTATO CHIPS, POTATO FLAKES, CROQUETTES, FRIED POTATOES, AND POTATO PANCAKE; FRIED POTATO CAKES; GRATED POTATO FRITTERS; FRIED POTATO CRISPS AND STICKS; JAMS IN THEIR VARIOUS KINDS, NAMELY, MEAT, FRUIT, AND VEGETABLE JAMS; JAMS AND COMPOTES; EGGS, MILK AND DAIRY PRODUCTS, EXCLUDING ICE CREAM, ICE MILK AND FROZEN YOGURT; BUTTER; MARGARINE; CHEESE, CREAM; YOGURT; CURDLED CHEESE; MILK POWDER FOR NUTRITIONAL PURPOSES; MILK BEVERAGES CONSISTING PREDOMINANTLY OF MILK AND KEFIR (A SPARKLING BEVERAGE MADE FROM FERMENTED MILK); EDIBLE OILS AND FATS; SOUPS; MEAT SOUPS; CONCENTRATED MEAT SOUPS; STEWS; READY-PREPARED FOOD; TINNED AND CANNED PICKLES; PICCALILLI; HOT PEPPER SAUCES; APPLE PURÉE; BOUILLON; BROTH; CHOCOLATE NUT BUTTER; COCOA BUTTER FOR FOOD PURPOSES; COCONUT BUTTER; PEANUT BUTTER; CAVIAR; FRUIT CHIPS; CLAMS; DESICCATED COCONUT; WHIPPED CREAM; DRIED AND PROCESSED DATES; TINNED FISH; SARDINES; SHRIMPS, NOT LIVE; FROSTED FRUITS; FROZEN FRUITS; FRUIT SALADS; FRUIT PULP; TINNED FRUITS, HUMUS; MARMALADE; SALTED MEATS; CORNED BEEF; PROCESSED MUSHROOMS; OLIVE OIL; PRESERVED OLIVES; PRESERVED SOYA BEANS; SOYA MILK; TUNA; VEGETABLE SALADS; TINNED VEGETABLES, IN CLASS 29 (U.S. CL. 46).



FIRST USE 8-9-2011; IN COMMERCE 8-9-2011.

FOR: COFFEE; TEA; COCOA; RICE; TAPIOCA; SAGO; ARTIFICIAL COFFEE; COFFEE SUBSTITUTES; FLOUR AND PREPARATIONS MADE FROM CEREALS, NAMELY, BREAKFAST-CEREAL STICKS COMPRISED OF FLAKES OF CEREALS, DRIED FRUITS, WALNUT AND HAZELNUT; PROCESSED BREAD; OATS; PROCESSED WHEAT BRAN; CORN FLOUR; LINSEED; BREAKFAST CEREALS; POPCORN; PASTA; MACARONI; PIZZA; BISCUITS; CAKES; DECORATED PASTRY AND CAKES; PASTRY AND CONFECTIONERY MADE FROM SUGAR; HONEY; TREACLE; YEAST; YEAST POWDER; BAKING POWDER; PUDDING POWDER, NAMELY, INSTANT PUDDING MIXES; ESSENCES FOR BREAD

*Sean Street Lee*

Acting Director of the United States Patent and Trademark Office

**Reg. No. 4,332,359** MAKING PURPOSES; SUGAR; CHEWING GUM; MARZIPAN (KIND OF SWEETMEAT); ARTIFICIAL MARZIPAN; NOUGAT (WHITE SWEETS KNEADED WITH PISTACHIO); CHOCOLATES; CONFECTIONERY MADE OF SUGAR AND CHOCOLATES WITH LIQUID STUFFINGS; ARTIFICIALLY PROCESSED NUTS; SALTED AND UNSALTED NUTS; SALT; PEPPER; MUSTARD; VINEGAR, SAUCES; KETCHUP; MAYONNAISE; KETCHUP AND MAYONNAISE (MAYO KETCHUP); BAKING SODA; CHOCOLATE BASED BEVERAGES WITH MILK; COCOA BASED BEVERAGES; COFFEE BASED BEVERAGES; CAKE POWDER MIXES; EDIBLE DECORATION FOR CAKES; CAKE FLAVORINGS OTHER THAN ESSENTIAL OILS; CANDY; CAPERS; CARAMELS; CELERY SALT; CORN CHIPS; COOKIES; CORN FLAKES; COUSCOUS; CRACKERS; ICE CREAM; CURRY; CUSTARD; SALAD DRESSING; EDIBLE ICES; FLAVORINGS; FRUIT JELLIES; GLUCOSE FOR FOOD; HALVAH; ICED TEA; ROYAL JELLY FOR FOOD PURPOSES; MEAT TENDERIZERS; NOODLES; PANCAKES; PEANUT CONFECTIONERY CHIPS; PETIT FOURS; PETIT-BEURRE BISCUITS; PROPOLIS FOR FOOD PURPOSES; PICKLE RELISH; RICE BASED SNACK FOOD; BREAD ROLLS; RUSKS; SALT FOR PRESERVING FOODSTUFFS; SANDWICHES; TOMATO SAUCE; SEA WATER FOR COOKING; SEASONINGS; PROCESSED SEMOLINA; CEREAL BASED SNACK FOOD; SOYA BEAN PASTE; SOYA SAUCE; SPAGHETTI; SPICES; SPRING ROLLS; STARCH FOR FOOD; NATURAL SWEETENERS; TARTS; TABBOULEH; VANILLA; VERMICELLI; WAFFLES; FROZEN YOGURT, IN CLASS 30 (U.S. CL. 46).

FIRST USE 8-9-2011; IN COMMERCE 8-9-2011.

FOR: BEERS; MINERAL AND AERATED WATERS AND OTHER NON-ALCOHOLIC DRINKS, NAMELY, FRUIT DRINKS, FRUIT NECTARS, FRUIT JUICES, SOFT DRINKS, AND ENERGY DRINKS; SYRUPS FOR MAKING BEVERAGES; CONCENTRATED FRUIT SYRUPS; AND NON-ALCOHOLIC FRUIT EXTRACTS USED IN PREPARATION OF BEVERAGES, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 12-6-2012; IN COMMERCE 12-6-2012.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE THE NON-LATIN CHARACTERS THAT TRANSLITERATE TO "ORIENT", APART FROM THE MARK AS SHOWN.

THE COLOR(S) DARK GREEN, LIGHT GREEN, YELLOW, AND GOLD IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE NON-LATIN CHARACTERS IN THE MARK TRANSLITERATE TO "ORIENT GARDENS" AND THIS MEANS "GARDENS OF THE ORIENT" IN ENGLISH.

THE MARK CONSISTS OF THE WORDS "ORIENT GARDENS" IN ARABIC LETTERING IN DARK GREEN WITH A GOLD OUTLINE BELOW A THREE-LEAF DEVICE WITH THE LEFT-HAND LEAF IN LIGHT GREEN, THE MIDDLE LEAF IN YELLOW, AND THE RIGHT-HAND LEAF IN DARK GREEN.

THE ENGLISH TRANSLATION OF THE ARABIC LETTERING IN THE MARK IS "ORIENT GARDENS".

SN 85-261,816, FILED 3-9-2011.

ANNE FARRELL, EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office



Reg. No. 4,343,043

Registered May 28, 2013

Int. Cls.: 29, 30, and 32

TRADEMARK

PRINCIPAL REGISTER

ORIENT PROVISION & TRADING CO. LTD. (SAUDI ARABIA CORPORATION)  
P.O. BOX 11035  
JEDDAH, SAUDI ARABIA 21453

FOR: MEAT; SAUSAGES; POULTRY AND GAME; EDIBLE SEAFOOD, NAMELY, MOLLUSCS; CRUSTACEANS; MEAT EXTRACTS; TINNED AND CANNED MEAT, FISH, AND ANCHOVY; PROCESSED ALMONDS; PRESERVED, DRIED AND COOKED FRUITS AND VEGETABLES; JELLIES; FISH AND GAME JELLIES; LIVER PÂTÉ; FRUIT AND VEGETABLE JELLIES; COOKED POTATO AND POTATO PRODUCTS, NAMELY, POTATO CHIPS, POTATO FLAKES, CROQUETTES, FRIED POTATOES, AND POTATO PANCAKE; FRIED POTATO CAKES; GRATED POTATO FRITTERS; FRIED POTATO CRISPS AND STICKS; JAMS IN THEIR VARIOUS KINDS, NAMELY, MEAT, FRUIT, AND VEGETABLE JAMS; JAMS AND COMPOTES; EGGS, MILK AND DAIRY PRODUCTS, EXCLUDING ICE CREAM, ICE MILK AND FROZEN YOGURT; BUTTER; MARGARINE; CHEESE, CREAM; YOGURT; CURDLED CHEESE; MILK POWDER FOR NUTRITIONAL PURPOSES; MILK BEVERAGES CONSISTING PREDOMINANTLY OF MILK AND KEFIR (A SPARKLING BEVERAGE MADE FROM FERMENTED MILK); EDIBLE OILS AND FATS; SOUPS; MEAT SOUPS; CONCENTRATED MEAT SOUPS; STEWS; READY-PREPARED FOOD; TINNED AND CANNED PICKLES; PICCALILLI; HOT PEPPER SAUCES; APPLE PURÉE; BOUILLON; BROTH; CHOCOLATE NUT BUTTER; COCOA BUTTER FOR FOOD PURPOSES; COCONUT BUTTER; PEANUT BUTTER; CAVIAR; FRUIT CHIPS; CLAMS; DESICCATED COCONUT; WHIPPED CREAM; DRIED AND PROCESSED DATES; TINNED FISH; SARDINES; SHRIMPS, NOT LIVE; FROSTED FRUITS; FROZEN FRUITS; FRUIT SALADS; FRUIT PULP; TINNED FRUITS, HUMMUS; MARMALADE; SALTED MEATS; CORNED BEEF; PROCESSED MUSHROOMS; OLIVE OIL; PRESERVED OLIVES; PRESERVED SOYA BEANS; SOYA MILK; TUNA; VEGETABLE SALADS; TINNED VEGETABLES, IN CLASS 29 (U.S. CL. 46).



FIRST USE 8-9-2011; IN COMMERCE 8-9-2011.

FOR: COFFEE; TEA; COCOA; RICE; TAPIOCA; SAGO; ARTIFICIAL COFFEE; COFFEE SUBSTITUTES; FLOUR AND PREPARATIONS MADE FROM CEREALS, NAMELY, BREAKFAST-CEREAL STICKS COMPRISED OF FLAKES OF CEREALS, DRIED FRUITS, WALNUT AND HAZELNUT; PROCESSED BREAD; OATS; PROCESSED WHEAT BRAN; CORN FLOUR; LINSEED; BREAKFAST CEREALS; POPCORN; PASTA; MACARONI; PIZZA; BISCUITS; CAKES; DECORATED PASTRY AND CAKES; PASTRY AND CONFECTIONERY MADE FROM SUGAR; HONEY; TREACLE; YEAST; YEAST POWDER; BAKING POWDER; PUDDING POWDER, NAMELY, INSTANT PUDDING MIXES; ESSENCES FOR BREAD

*Sean Street Lee*

Acting Director of the United States Patent and Trademark Office

**Reg. No. 4,343,043** MAKING PURPOSES; SUGAR; CHEWING GUM; MARZIPAN (KIND OF SWEETMEAT); ARTIFICIAL MARZIPAN; NOUGAT (WHITE SWEETS KNEADED WITH PISTACHIO); CHOCOLATES; CONFECTIONERY MADE OF SUGAR AND CHOCOLATES WITH LIQUID STUFFINGS; ARTIFICIALLY PROCESSED NUTS; SALTED AND UNSALTED NUTS; SALT; PEPPER; MUSTARD; VINEGAR, SAUCES; KETCHUP; MAYONNAISE; KETCHUP AND MAYONNAISE (MAYO KETCHUP); BAKING SODA; CHOCOLATE BASED BEVERAGES WITH MILK; COCOA BASED BEVERAGES; COFFEE BASED BEVERAGES; CAKE POWDER MIXES; EDIBLE DECORATION FOR CAKES; CAKE FLAVOURINGS OTHER THAN ESSENTIAL OILS; CANDY; CAPERS; CARAMELS; CELERY SALT; CORN CHIPS; COOKIES; CORN FLAKES; COUSCOUS; CRACKERS; ICE CREAM; CURRY; CUSTARD; SALAD DRESSING; EDIBLE ICES; FLAVOURINGS; FRUIT JELLIES; GLUCOSE FOR FOOD; HALVAH; ICED TEA; ROYAL JELLY FOR FOOD PURPOSES; MEAT TENDERIZERS; NOODLES; PANCAKES; PEANUT CONFECTIONERY CHIPS; PETIT FOURS; PETIT-BEURRE BISCUITS; PROPOLIS FOR FOOD PURPOSES; PICKLE RELISH; RICE BASED SNACK FOOD; BREAD ROLLS; RUSKS; SALT FOR PRESERVING FOODSTUFFS; SANDWICHES; TOMATO SAUCE; SEA WATER FOR COOKING; SEASONINGS; PROCESSED SEMOLINA; CEREAL BASED SNACK FOOD; SOYA BEAN PASTE; SOYA SAUCE; SPAGHETTI; SPICES; SPRING ROLLS; STARCH FOR FOOD; NATURAL SWEETENERS; TARTS; TABBOULEH; VANILLA; VERMICELLI; WAFFLES; FROZEN YOGURT, IN CLASS 30 (U.S. CL. 46).

FIRST USE 8-9-2011; IN COMMERCE 8-9-2011.

FOR: BEERS; MINERAL AND AERATED WATERS AND OTHER NON-ALCOHOLIC DRINKS, NAMELY, FRUIT DRINKS, FRUIT NECTARS, FRUIT JUICES, SOFT DRINKS, AND ENERGY DRINKS; SYRUPS FOR MAKING BEVERAGES; CONCENTRATED FRUIT SYRUPS; AND NON-ALCOHOLIC FRUIT EXTRACTS USED IN PREPARATION OF BEVERAGES, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 12-6-2012; IN COMMERCE 12-6-2012.

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

THE COLOR(S) LIGHT GREEN, DARK GREEN, YELLOW, AND GOLD IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF THE WORDS "ORIENT GARDENS" IN DARK GREEN WITH A GOLD OUTLINE BELOW A THREE-LEAF DEVICE WITH THE LEFT-HAND LEAF IN LIGHT GREEN, THE MIDDLE LEAF IN YELLOW, AND THE RIGHT-HAND LEAF IN DARK GREEN.

SN 85-259,431, FILED 3-7-2011.

ANNE FARRELL, EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office



**Reg. No. 4,519,302**

REVOLUTION FOODS, INC. (DELAWARE CORPORATION)  
8383 CAPWELL DRIVE  
OAKLAND, CA 94621

**Registered Apr. 22, 2014**

**Int. Cl.: 29**

FOR: PREPARED MEALS CONSISTING PRIMARILY OF MEAT, CHEESE AND/OR PROCESSED VEGETABLES, DRIED FRUITS, IN CLASS 29 (U.S. CL. 46).

**TRADEMARK**

FIRST USE 8-31-2013; IN COMMERCE 8-31-2013.

**PRINCIPAL REGISTER**

OWNER OF U.S. REG. NOS. 3,709,908, 3,949,108, AND OTHERS.

THE MARK CONSISTS OF A STYLIZED VERSION OF AN APPLE.

SN 85-981,260, FILED 12-21-2012.

LIEF MARTIN, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## You'll Love OUR Healthy

Reg. No. 4,139,962

Registered May 8, 2012

Int. Cls.: 29 and 30

TRADEMARK

PRINCIPAL REGISTER

ENVIVA FOODS LLC (WISCONSIN LIMITED LIABILITY COMPANY)  
18700 ROCKY CT.  
DENMARK, WI 54208

FOR: ANIMAL OILS AND FATS; APPLE BUTTER; APPLESAUCE; ARRANGEMENTS OF CUT FRUIT; BAKED BEANS; BEAN CURD; BEAN DIP; BEEF; BEEF JERKY; BEEF PATTIES; BEEF SLICES; BEVERAGES CONSISTING PRINCIPALLY OF MILK; BEVERAGES HAVING A MILK BASE; BEVERAGES MADE FROM YOGHURT; BLANCHED NUTS; BLENDED CHEESE; BLENDED OIL; BOLOGNA; BONELESS SKINLESS CHICKEN TENDERLOIN; BOTTLED FRUITS; BROTH; BUTTER; BUTTER SUBSTITUTES; BUTTERMILK; CAESAR SALAD; CANDIED FRUIT; CANDIED FRUIT SNACKS; CANDIED NUTS; CANNED BEANS; CANNED FISH; CANNED FRUITS; CANNED FRUITS AND VEGETABLES; CANNED OR BOTTLED FRUITS; CANNED OR BOTTLED VEGETABLES; CANNED PEANUTS; CANNED PORK AND BEANS; CANNED PROCESSED OLIVES; CANNED TOMATOES; CANNED VEGETABLES; CANNED, COOKED OR OTHERWISE PROCESSED TOMATOES; CANOLA OIL; CHEESE; CHEESE AND CRACKER COMBINATIONS; CHEESE FOOD; CHEESE POWDER; CHEESE SPREADS; CHEESE SUBSTITUTES; CHICKEN; CHICKEN NUGGETS; CHICKEN STOCK; CHILI; CHOCOLATE MILK; CHOCOLATE NUT BUTTER; COCOA BUTTER FOR FOOD PURPOSES; COCONUT MEAL; COCONUT MILK POWDER; COCONUT OIL; COCONUT OIL AND FAT; COCONUT POWDER; COFFEE CREAMER; COFFEE WHITENERS CONSISTING PRINCIPALLY OF DAIRY PRODUCTS; COLE SLAW; CONDENSED MILK; COOKED FRUITS AND VEGETABLES; COOKED VEGETABLES; COOKING OIL; CORN OIL; CORNED BEEF; COTTAGE CHEESE; COWS' MILK; CRAB CAKES; CRANBERRY SAUCE; CREAM; CREAM CHEESE; CREAM, BEING DAIRY PRODUCTS; CREAMERS FOR BEVERAGES; CURD; DAIRY PRODUCTS EXCLUDING ICE CREAM, ICE MILK AND FROZEN YOGURT; DAIRY-BASED BEVERAGES; DAIRY-BASED CHOCOLATE FOOD BEVERAGES; DAIRY-BASED DIPS; DAIRY-BASED FOOD BEVERAGES; DAIRY-BASED FOOD BEVERAGES ALSO CONTAINING COCOA; DAIRY-BASED POWDERS FOR MAKING DAIRY-BASED FOOD BEVERAGES AND SHAKES; DAIRY-BASED SNACK FOODS EXCLUDING ICE CREAM, ICE MILK AND FROZEN YOGURT; DAIRY-BASED SPREADS; DIP MIXES; DIPS; DRIED EGGS; DRIED FRUITS; DRIED MILK FOR FOOD; DRIED MILK POWDER; DRIED VEGETABLES; DRINKING YOGURTS; DRINKS BASED ON YOGHURT; DRINKS BASED ON YOGURT; DRY WHEY; EDIBLE FATS; EDIBLE OIL; EDIBLE OILS; EDIBLE OILS AND EDIBLE FATS; EDIBLE OILS AND FATS; EDIBLE OILS AND FATS, FISH AND MEAT PRESERVES; EGG PRODUCT; EGG SUBSTITUTE; EGG WHITES; EGG YOLKS; EGGS; FISH; FISH CAKES; FISH FILLETS; FISH STOCK; FOOD ADDITIVES IN THE NATURE OF FAT ACIDS MADE FROM MEAT, FISH, FRUITS, VEGET-



*David J. Kappas*

Director of the United States Patent and Trademark Office

**Reg. No. 4,139,962** ABLES, EGGS, MILK AND EDIBLE OILS AND FATS; FRESH MEAT; FRESH POULTRY; FROZEN EGGS; FROZEN FRUITS; FROZEN PRE-PACKAGED ENTREES CONSISTING PRIMARILY OF SEAFOOD; FROZEN VEGETABLES; FRUIT AND SOY BASED SNACK FOOD; FRUIT AND VEGETABLE SALADS; FRUIT CHIPS; FRUIT CONCENTRATES AND PUREES USED AS INGREDIENTS OF FOODS; FRUIT CONSERVES; FRUIT JELLIES; FRUIT PRESERVES; FRUIT PULP; FRUIT PULPS; FRUIT PUREES; FRUIT SALADS; FRUIT SALADS AND VEGETABLE SALADS; FRUIT SPREADS; FRUIT TOPPING; FRUIT-BASED FOOD BEVERAGE; FRUIT-BASED ORGANIC FOOD BARS; FRUIT-BASED SNACK FOOD; FRUIT-BASED SPREADS; GOAT MILK; GRAPSEED OIL; HALF AND HALF; HAM; HAMBURGER; HASH BROWN POTATOES; HAZELNUT SPREAD; HEN EGGS; HERRINGS; HOT DOGS; HUMMUS; INFUSED OILS FOR COOKING; JAMS; JAMS AND MARMALADES; JELLIES; JELLIES AND JAMS; JELLIES FOR FOOD; LOX; **LUNCHEON MEATS**; MAIZE OIL; MARGARINE; MARGARINE SUBSTITUTES; MARGARINE, EDIBLE OILS AND FATS; MEAT; MEAT, FISH, POULTRY AND GAME; MEAT, FROZEN; MILK; MILK BASED BEVERAGES CONTAINING FRUIT JUICE; MILK BEVERAGES CONTAINING FRUITS; MILK BEVERAGES WITH HIGH MILK CONTENT; MILK CURD; MILK DRINKS CONTAINING FRUITS; MILK POWDER; MILK POWDER FOR FOOD PURPOSES; MILK POWDER FOR NUTRITIONAL PURPOSES; MILK PRODUCTS EXCLUDING ICE CREAM, ICE MILK AND FROZEN YOGURT; 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 BEVERAGES WITH HIGH MILK CONTENT; MILK-BASED ENERGY DRINKS; MOZZARELLA STICKS; NON-DAIRY CREAMER; NUT AND SEED-BASED SNACK BARS; NUT BUTTERS; NUT FLOURS; NUT TOPPING; NUT-BASED MILK; NUT-BASED SNACK FOODS; NUTRITIONAL OILS FOR FOOD PURPOSES; OIL-BASED COOKING SPRAY; OILS AND FATS FOR FOOD; OLIVE OIL; OLIVE OIL; OLIVE OILS; OMELETS; PALM OIL; PEANUT BUTTER; PEANUT BUTTER TOPPING; PEANUT OIL; PEANUT PASTE; PEANUT SPREAD; PEANUT-BASED FOOD BEVERAGES; PORK; POTATO CHIPS; POTATO SALAD; POULTRY; POULTRY SUBSTITUTES; POWDERED OILS AND FATS; PROCESSED EGGS; PROCESSED FISH; PROCESSED FRUIT- AND NUT-BASED FOOD BARS; PROCESSED OILS AND FATS; PROCESSED OLIVE PUREE; PROCESSED OLIVES; PROCESSED PEANUTS; PROCESSED VEGETABLES AND FRUITS; RAISINS; RAPE OIL; RICE BRAN OIL; RICE MILK FOR USE AS A MILK SUBSTITUTE; SALAD OIL; SALADS EXCEPT MACARONI, RICE, AND PASTA SALAD; SALMON; SARDINES; SEAFOOD; SESAME OIL; SHEEP CHEESE; SHEEP MILK; SHORTENING; SLICED MEAT; SNACK FOOD DIPS; SNACK MIX CONSISTING OF DEHYDRATED FRUIT AND PROCESSED NUTS; SNACK MIX CONSISTING OF PRIMARILY OF PROCESSED NUTS, SEEDS, DRIED FRUIT AND ALSO INCLUDING CHOCOLATE; SOFT CHEESE; SOFT WHITE CHEESE; SOFT-RIPENED CHEESE; SOUP CONCENTRATES; SOUPS; SOUPS AND PREPARATIONS FOR MAKING SOUPS; SOUR CREAM; SOUR CREAM SUBSTITUTES; SOY BEAN OIL; SOY BURGER PATTIES; SOY-BASED FOOD BARS; SOYA MILK; SOYBEAN MILK; SOYBEAN OIL; SOYBEAN OIL FOR COOKING; SUNFLOWER OIL; TOFU; TUNA FISH; TURKEY; TURKEY BURGER PATTIES; VEGETABLE OILS; VEGETABLE OILS AND FATS; VEGETABLE SALADS; VEGETABLE-BASED FOOD BEVERAGES; VEGETABLE-BASED MEAT SUBSTITUTES; VEGETABLE-BASED SNACK FOODS; VEGGIE BURGER PATTIES; WHIPPED CREAM; WHIPPING CREAM; WHITE CHEESE; YOGHURT; YOGHURT DRINKS; YOGHURTS; YOGURT; YOGURT DRINKS; YOGURT-BASED BEVERAGES; YOGURTS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 6-1-2011; IN COMMERCE 8-1-2011.

FOR: BAKERY GOODS; BARBECUE SAUCE; BEVERAGES MADE OF COFFEE; BEVERAGES MADE OF TEA; BEVERAGES WITH A CHOCOLATE BASE; BEVERAGES WITH A COFFEE BASE; BEVERAGES WITH A TEA BASE; BREAD; BROWNIE MIXES; BROWNIES; CANDY BARS; CATSUP; CHEESE SAUCE; CHEESE-FLAVORED CORN SNACKS; CHOCOLATE; CHOCOLATE AND CHOCOLATES; CHOCOLATE BARS; CHOCOLATE CANDIES; CHOCOLATE CHIPS; CHOCOLATE COVERED COOKIES; CHOCOLATE COVERED FRUIT; CHOCOLATE COVERED NUTS; CHOCOLATE COVERED RAISINS; CHOCOLATE COVERED ROASTED COFFEE BEANS; CHOCOLATE SAUCE; CHOCOLATE SYRUP; CHOCOLATE

**Reg. No. 4,139,962** TOPPING; CHOCOLATE-BASED BEVERAGES WITH MILK; COFFEE BASED BEVERAGES; COFFEE BEVERAGES WITH MILK; COLE SLAW DRESSING; COOKING SAUCES; DIPPING SAUCES; EDIBLE FRUIT ICES; EDIBLE ICES; FROZEN CUSTARDS; FROZEN DESSERT CONSISTING OF FRUIT AND CREAM OR CREAM SUBSTITUTES; FROZEN DESSERTS CONSISTING OF FLAVORED ICE BLOCKS WITH TOPPINGS; FROZEN JUICE BARS; FROZEN SOY-BASED DESSERTS; FROZEN YOGHURT; FROZEN YOGURT; FRUIT ICE; FRUIT ICES; FRUIT SAUCES EXCLUDING CRANBERRY SAUCE AND APPLE SAUCE; ICE CREAM; ICED COFFEE; ICED TEA; KETCHUP; MACARONI AND CHEESE; MAYONNAISE; MILK CHOCOLATE; MUSTARD; NATURAL SWEETENER; PESTO; PESTO SAUCE; PIZZA; PROCESSED CEREAL-BASED FOOD TO BE USED AS A BREAKFAST FOOD, SNACK FOOD OR INGREDIENT FOR MAKING OTHER FOODS; SALAD DRESSING; SALAD DRESSINGS; SALAD SAUCES; SALSA; SANDWICHES; SAUCE MIXES; SAUCES; SAUCES FOR BARBECUED MEAT; SHAKES; SHERBET; SOY BURGER SANDWICHES; SOY SAUCE; SOY-BASED ICE CREAM SUBSTITUTE; YOGURT-COVERED FRUIT, IN CLASS 30 (U.S. CL. 46).

FIRST USE 6-11-2011; IN COMMERCE 8-1-2011.

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

SN 85-214,404, FILED 1-10-2011.

HEATHER THOMPSON, EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office



Reg. No. 4,374,379

Registered July 30, 2013

Int. Cls.: 29, 30 and 31

TRADEMARK

PRINCIPAL REGISTER

WESTERN BEEF RETAIL, INC. (DELAWARE CORPORATION)  
47-05 METROPOLITAN AVENUE  
RIDGEWOOD, NY 11385

FOR: MEATS; MEATS, NAMELY, BACON AND STEAKS; HAMBURGER PATTIES; HOT DOGS; FISH; FISH, NAMELY, CANNED FISH AND PACKAGED FISH; PORK; PORK, NAMELY, PORK RIBS, PORK LOINS, PORK CHOPS, AND PORK PATTIES; PREPARED NUTS; PREPARED NUTS, NAMELY, SALTED NUTS AND SHELLED NUTS; EVAPORATED MILK; CONDENSED MILK; MILK; EGGS; YOGURT; EDIBLE OILS; EDIBLE OILS, NAMELY, OLIVE OIL, CORN OIL, VEGETABLE OIL, BLENDED OILS, AND PEANUT OIL; CHEESE; CHEESE, NAMELY, PREPACKAGED CHEESE; DAIRY PRODUCTS EXCLUDING ICE CREAM, ICE MILK AND FROZEN YOGURT; DAIRY PRODUCTS, NAMELY, CHEESE, SOUR CREAM AND BUTTER; MARGARINE; PRESERVED, DRIED AND COOKED FRUITS; BAGGED PROCESSED FRUITS; PRESERVED, FROZEN, DRIED AND COOKED VEGETABLES; BAGGED PROCESSED VEGETABLES; PROCESSED OLIVES; CURED OLIVES; PICKLES; FROZEN ENTREES CONSISTING PRIMARILY OF MEAT, FISH, POULTRY OR VEGETABLES; PEANUT BUTTER; JELLIES; PROCESSED BEANS; BEANS, NAMELY, CANNED BEANS AND BAGGED PROCESSED BEANS; BOUILLON CUBES; SOUPS; SOUPS, NAMELY, CANNED SOUPS AND DRY SOUP MIXES; BROTHS; AND FRUIT-BASED SNACKS; COLE SLAW AND POTATO SALADS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 8-26-2011; IN COMMERCE 8-26-2011.



*Lea Street Lee*  
Acting Director of the United States Patent and Trademark Office

FOR: SAUCES; SAUCES, NAMELY, STEAK SAUCE, HOT SAUCE, TOMATO SAUCE AND BARBECUE SAUCE; BREAD; BREAD, NAMELY, WHITE BREAD AND WHEAT BREAD; ROLLS; ROLLS, NAMELY, HAMBURGER ROLLS AND HOT DOG ROLLS; CONDIMENTS, NAMELY, PEPPER SAUCE AND HOT PEPPER SAUCE; CONDIMENTS, NAMELY, KETCHUP, MAYONNAISE, VINEGAR, MUSTARD AND RELISH; GRAVY; SALT; SPICES; SPICES, NAMELY, PEPPER; TORTILLA CHIPS; TORTILLAS; PASTA SALADS; SALADS, NAMELY, MACARONI SALADS; SANDWICHES; PIZZAS; BAKERY GOODS IN THE NATURE OF BREAKFAST BAKERY GOODS; BAKED BREAKFAST GOODS, NAMELY, WAFFLES, FRENCH TOAST AND PANCAKES; FROZEN FRENCH TOAST; FROZEN PANCAKES; PANCAKE MIXES; TABLE SYRUPS; SYRUPS, NAMELY, PANCAKE SYRUPS, CHOCOLATE SYRUPS AND STRAWBERRY TOPPING SYRUPS; PROCESSED CEREALS; PROCESSED CEREALS, NAMELY, HOT CEREALS AND COLD CEREALS; BREAD CRUMBS; CORN MEAL; BAKERY DESSERT; BAKED DESSERT GOODS, NAMELY, COOKIES; COOKIES; CAKE MIXES; CAKE FROSTINGS; CORN MUFFIN MIX; CRACKERS;

**Reg. No. 4,374,379** FLAVORED, SWEETENED GELATIN DESSERTS; PUDDING DESSERTS; SUGAR; RICE; POPCORN; POPCORN, NAMELY, UNPOPPED POPCORN AND POPPED POPCORN; UNPOPPED POPCORN; POPPED POPCORN, IN CLASS 30 (U.S. CL. 46).

FIRST USE 8-26-2011; IN COMMERCE 8-26-2011.

FOR: FRESH FRUIT; RAW FRUIT; UNPROCESSED FRUIT; FRUIT, NAMELY, FRESH FRUIT, RAW FRUIT, AND UNPROCESSED FRUIT; FRESH VEGETABLES; RAW VEGETABLES; UNPROCESSED VEGETABLES; VEGETABLES, NAMELY, FRESH VEGETABLES, RAW VEGETABLES, AND UNPROCESSED VEGETABLES, IN CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE 8-26-2011; IN COMMERCE 8-26-2011.

OWNER OF U.S. REG. NO. 1,994,821.

NO CLAIMS MADE TO THE EXCLUSIVE RIGHT TO USE "WESTERN BEEF", "CERTIFIED" AND "SINCE 1906", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF AN ANTHROPOMORPHIC CACTUS WEARING A COWBOY HAT AND PLACED IN BETWEEN THE WORDS "SINCE" AND "1906". THE CENTRAL DESIGN IS ENCIRCLED BY THE STYLIZED WORDING "WESTERN BEEF" AND "CERTIFIED" SEPARATED BY STARS WITH A THIN BROKEN OUTER CIRCULAR BORDER.

SER. NO. 85-370,471, FILED 7-13-2011.

STEVEN PEREZ, EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office

貢貢香

GONG GONG XIANG

**Reg. No. 4,506,897**

**Registered Apr. 1, 2014**

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

**TRADEMARK**

**PRINCIPAL REGISTER**

WU, PEI-LING (TAIWAN INDIVIDUAL)  
NO. 167-5, QINAN 3RD RD., QISHAN DIST.  
KAOHSIUNG CITY, TAIWAN 842

FOR: CHARCUTERIE; CRYSTALLIZED FRUITS; DRIED VEGETABLES; FISH CROQUETTES; FROSTED FRUITS; FROZEN FRUITS; FRUIT CHIPS; FRUIT JELLIES; FRUIT-BASED SNACK FOOD; POTATO CRISPS; PREPARED NUTS; PROCESSED EDIBLE SEEDS; PROCESSED PEANUTS; RAISINS; TOASTED LAVER; TOFU; **MEAT CROQUETTES**, IN CLASS 29 (U.S. CL. 46).

FIRST USE 9-17-2013; IN COMMERCE 9-17-2013.

FOR: BISCUITS; BREAD; CAKES; CEREAL BASED SNACK FOOD; **FLOUR** FOR FOOD; ICE CREAM; MUESLI; NOODLES; PASTRIES; PEANUT BRITTLE; PIES; PUDDINGS; RICE-BASED SNACK FOODS; SWEETMEATS; WAFFLES, IN CLASS 30 (U.S. CL. 46).

FIRST USE 9-17-2013; IN COMMERCE 9-17-2013.

THE MARK CONSISTS OF CHINESE CHARACTERS WITH THE WORDS "GONG GONG XIANG" APPEARING BENEATH THE CHINESE CHARACTERS.

THE NON-LATIN CHARACTERS IN THE MARK TRANSLITERATE TO "GONG GONG XIANG" AND THIS MEANS "TRIBUTE TRIBUTE FRAGRANT" IN ENGLISH.

SN 85-789,257, FILED 11-28-2012.

EMILY CHUO, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office



**Reg. No. 4,506,788**

**Registered Apr. 1, 2014**

**Int. Cl.: 29**

**TRADEMARK**

**PRINCIPAL REGISTER**

FRIGORIZADOS LA HUERTA, S.A. DE C.V. (MEXICO CORPORATION)  
CALLE 1, #140, COL. MEDIO KILO  
AGUASCALIENTES, MEXICO 20350

FOR: BOTTLED COOKED MEAT; CANNED COOKED MEAT; **CANNED** OR BOTTLED **VEGETABLES**; **CHEESE FOOD**; COOKED VEGETABLES; FROZEN VEGETABLES; FROZEN, FROSTED, PRESERVED, PROCESSED, DRIED, COOKED OR CRYSTALLIZED FRUIT AND VEGETABLES EXTRACTS FOR USE IN PREPARED MEALS OR FOOD; MEAT AND MEAT EXTRACTS; MEAT-BASED SNACK FOODS; **PACKAGED MEATS**; PICKLED VEGETABLES; PREPARED MEAT; **PROCESSED VEGETABLES**; SLICED VEGETABLES; VEGETABLES, INSTANT FROZEN, IN CLASS 29 (U.S. CL. 46).

FIRST USE 8-15-2013; IN COMMERCE 8-15-2013.

THE MARK CONSISTS OF THE WORDING "MARTINA" IN RED. APPEARING ABOVE THE WORDING, TWO SMALL LEAVES IN GREEN IN BOTH SIDES AND IN THE MIDDLE TWO BIG LEAVES OUTLINED IN GREEN AND RED INSIDE, BEHIND THE LEAVES A YELLOW SUN WITH RED STYLIZED RAYS, CONTOURED WITH BLUE AND 6 DOTS IN YELLOW. BELOW THE WORDING A FLOURISH VECTOR IN RED.

THE COLOR(S) YELLOW, BLUE, RED, AND GREEN IS/ARE CLAIMED AS A FEATURE OF THE MARK.

SN 85-780,806, FILED 11-15-2012.

SHANNON TWOHIG, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office



**Reg. No. 4,506,786**

**Registered Apr. 1, 2014**

**Int. Cl.: 29**

**TRADEMARK**

**PRINCIPAL REGISTER**

FRIGORIZADOS LA HUERTA, S.A. DE C.V. (MEXICO CORPORATION)  
CALLE 1, #140, COL. MEDIO KILO  
AGUASCALIENTES, MEXICO 20350

FOR: BOTTLED COOKED MEAT; CANNED COOKED MEAT; CANNED FRUITS AND VEGETABLES; **CANNED** OR BOTTLED **VEGETABLES**; **CHEESE FOOD**; COOKED VEGETABLES; FROZEN VEGETABLES; FROZEN, FROSTED, PRESERVED, PROCESSED, DRIED, COOKED OR CRYSTALLIZED FRUIT AND VEGETABLES EXTRACTS FOR USE IN PREPARED MEALS OR FOOD; MEAT AND MEAT EXTRACTS; MEAT-BASED SNACK FOODS; **PACKAGED MEATS**; PICKLED VEGETABLES; PREPARED MEAT; **PROCESSED VEGETABLES**; SLICED VEGETABLES; VEGETABLES, INSTANT FROZEN, IN CLASS 29 (U.S. CL. 46).

FIRST USE 8-15-2013; IN COMMERCE 8-15-2013.

THE MARK CONSISTS OF THE WORDING "LA DUEÑA" IN RED. APPEARING ABOVE THE WORDING, TWO SMALL LEAVES IN GREEN IN BOTH SIDES AND IN THE MIDDLE TWO BIG LEAVES OUTLINED IN GREEN AND RED INSIDE, BEHIND THE LEAVES A YELLOW SUN WITH RED STYLIZED RAYS, CONTOURED WITH BLUE AND 6 DOTS IN YELLOW. BELOW THE WORDING A FLOURISH VECTOR IN RED.

THE COLOR(S) YELLOW, BLUE, RED, AND GREEN IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE ENGLISH TRANSLATION OF "LA DUEÑA" IN THE MARK IS "THE OWNER".

SN 85-780,763, FILED 11-15-2012.

SHANNON TWOHIG, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## HILL COUNTRY FARE

Reg. No. 4,493,741

Registered Mar. 11, 2014

Int. Cl.: 29

TRADEMARK

PRINCIPAL REGISTER

HEB GROCERY COMPANY, LP (TEXAS LIMITED PARTNERSHIP)  
CORPORATE LAW DEPARTMENT  
646 SOUTH MAIN  
SAN ANTONIO, TX 78204

FOR: PREPARED COCONUT, PROCESSED SHELLED NUTS, BACON, PICKLES, EGGS, CHICKEN, CANNED BEANS, CANNED REFRIED BEANS, PROCESSED BEANS, BLACK EYED PEAS, PROCESSED CHICKPEAS, CANNED CHILI, FRUIT COCKTAIL, CANNED FRUITS, CANNED BEEF STEW, CANNED LUNCHEON MEAT, VIENNA SAUSAGE, CANNED MUSHROOMS, CANNED PEPPERS, CANNED SARDINES, CANNED TUNA, CANNED TOMATOES, CANNED PROCESSED FRUITS AND VEGETABLES, CHEESE, PROCESSED MEAT, NAMELY, CHICKEN, HAM, PORK; COOKING OIL, OIL-BASED COOKING SPRAY; CORN DOGS, WHIPPED CREAM, PROCESSED VEGETABLES, COLE SLAW; SALADS, NAMELY, CARROT RAISIN SALAD, PEA SALAD, HAM SALAD, CHICKEN SALAD, EGG SALAD, TUNA SALAD, POTATO SALAD AND SEAFOOD SALAD; BOLOGNA, CHORIZO, FRUIT-BASED SNACK FOOD, JAMS, JELLIES, SAUSAGES, PROCESSED POTATOES, SHRIMP, MILK, JERKY, STEWS, LARD, OLIVE OIL, PROCESSED OLIVES, PEANUT BUTTER, PORK RINDS, PROCESSED SEAFOOD, BACON BITS, SHORTENING, SOUPS, MARGARINE, YOGURTS, EVAPORATED MILK, BROTH; CHEESE, NAMELY, QUESO; HOT DOGS, FROZEN VEGETABLES, WHIPPED TOPPING, IN CLASS 29 (U.S. CL. 46).

FIRST USE 8-0-1994; IN COMMERCE 8-0-1994.

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

OWNER OF U.S. REG. NOS. 2,151,066, 2,890,694 AND OTHERS.

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

SER. NO. 85-862,466, FILED 2-28-2013.

CATHERINE TARCU, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## EFOODSDIRECT

**Reg. No. 4,487,250**

EFOODS DIRECT, LLC (UTAH LIMITED LIABILITY COMPANY)  
131 WEST 7065 SOUTH

**Registered Feb. 25, 2014**

MIDVALE, UT 84047

**Int. Cl.: 29**

**TRADEMARK**

**PRINCIPAL REGISTER**

FOR: CANNED FOOD, NAMELY, APPLE SAUCE; APPLE SLICES; BACON; CANNED FRUIT; CANNED BANANAS; CANNED BLACK BEANS; BEEF AND CHICKEN SOUP BASE; BEEF AND STEW; BEEF TVP, NAMELY, TEXTURED VEGETABLE PROTEIN USED AS BEEF SUBSTITUTE; BUTTER; CANNED VEGETABLES; CANNED CARROTS; CHEESE; CHEESE BLEND; CHICKEN TVP, NAMELY, TEXTURED VEGETABLE PROTEIN USED AS CHICKEN SUBSTITUTE; CANNED CHILI BEANS; CANNED CORN; POWDERED EGGS; CANNED GREEN BEANS; MILK POWDER; CANNED NAVY BEANS; CANNED ONIONS; CANNED PINTO BEANS; CANNED PEAS; PROCESSED POTATOES; INSTANT POTATOES; CANNED DICED POTATOES; POTATO GRANULES FOR USE IN PREPARED FOOD; POTATO SLICES; RAISINS; REFRIED BEANS; SLOPPY JOE TVP, NAMELY, TEXTURED VEGETABLE PROTEIN USED AS BEEF SUBSTITUTE THAT MAY BE USED IN THE PREPARATION OF SLOPPY JOE; SOUP; STEW; SAUSAGE TVP, NAMELY, TEXTURED VEGETABLE PROTEIN USED AS SAUSAGE SUBSTITUTE; TACO TVP, NAMELY, TEXTURED VEGETABLE PROTEIN USED AS BEEF SUBSTITUTE, IN CLASS 29 (U.S. CL. 46).

FIRST USE 3-16-2011; IN COMMERCE 3-16-2011.

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

SER. NO. 85-817,521, FILED 1-8-2013.

BARBARA BROWN, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office



Reg. No. 4,487,236

Registered Feb. 25, 2014

Int. Cls.: 29, 30 and 35

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

BENJAMIN FOODS L.L.C. (PENNSYLVANIA LIMITED LIABILITY COMPANY)  
1001 SOUTH YORK ROAD  
HATBORO, PA 19040

FOR: BEEF; MEAT; PRE-COOKED MEATS; CANNED FRUIT; CANNED SOUP; CANNED VEGETABLES; CHEESE; DEHYDRATED POTATOES; FROZEN POTATOES; DRY BEANS; FRESH EGGS; FROZEN EGGS; FROZEN FRUIT; FROZEN FISH; FROZEN VEGETABLES; UNFLAVORED AND UNSWEETENED GELATINS; HAM; HOT DOGS; MARGARINE; PORK; POTATO CHIPS; PROCESSED BEANS; PROCESSED POTATOES; POULTRY; SOUPS; SOUP MIXES AND CONCENTRATES; FORMED TEXTURED VEGETABLE PROTEIN FOR USE AS A MEAT SUBSTITUTE; VEGETABLE OIL; VEGETABLE SHORTENING; YOGURT; FROZEN BREAKFAST ITEMS, NAMELY, FROZEN EGGS, EGG PATTIES, HASH BROWNS, AND SAUSAGE PATTIES; FROZEN KOSHER MEALS CONSISTING OF A COMBINATION OF MEAT, POULTRY OR FISH, VEGETABLES, PASTA, POTATO OR RICE, AND CHEESE ITEMS; FROZEN VEGETARIAN SOY MEALS CONSISTING OF SOY PROTEIN AND VEGETABLES, IN CLASS 29 (U.S. CL. 46).

FIRST USE 3-31-2008; IN COMMERCE 3-31-2008.

FOR: BREAD; BURRITOS; CAKE, MUFFIN, BROWNIE AND COOKIE MIXES; PROCESSED CEREALS; COCOA; COFFEE; CONDIMENTS, NAMELY, KETCHUP, MUSTARD AND RELISH; COOKIES; CRACKERS; FOOD FLAVORING; FROZEN PIZZA; FLAVORED AND SWEETENED GELATINS; GRAVY MIXES; ICING; MAYONNAISE; PASTA; PEANUT BUTTER; DESSERT PUDDING; RICE; SALAD DRESSINGS; SAUCES; ROASTED SESAME SEEDS; SPICES; SUGAR; PANCAKE SYRUP; TACO SHELLS; TEA BAGS; TORTILLAS; FROZEN BREAKFAST WAFFLES, PANCAKES, FRENCH TOAST, DONUTS, DANISH, BAGELS, AND MUFFINS; FROZEN KOSHER MEALS CONSISTING OF A COMBINATION OF PASTA, POTATO OR RICE, IN CLASS 30 (U.S. CL. 46).

FIRST USE 3-31-2008; IN COMMERCE 3-31-2008.

FOR: WHOLESALE FOOD DISTRIBUTORSHIP SERVICES AND RETAIL GROCERY STORE SERVICES FEATURING FOOD, ALUMINUM FOIL, BAGS, BAKE WARE AND COOK WARE, CASH REGISTER TAPE, CLEANING SUPPLIES, CUTLERY, DEGREASERS, FOAM AND PAPER TRAYS, FOOD SERVICE FILM, FOLDS AND WRAPS, FURNITURE, GLASS CLEANERS, GUEST CHECKS, ICE MELT, KITCHEN AND RESTAURANT APPAREL, KITCHEN UTENSILS, NAPKINS, PAPER PRODUCTS, PLACEMATS, PLASTICWARE, RESTAUR-



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**Reg. No. 4,487,236** ANT SUPPLIES, SHELVING, STIRRERS, STRAWS, TABLE COVERS, TISSUES, TOWELS, TRASH BAGS, VENTILATION SYSTEMS, WINDOW CLEANERS, BAR EQUIPMENT, BEVERAGE EQUIPMENT, COFFEE EQUIPMENT, CONCESSION STAND EQUIPMENT, COOKING EQUIPMENT, DISH ROOM EQUIPMENT, FOOD PREPARATION EQUIPMENT, REFRIGERATION EQUIPMENT, WARMING EQUIPMENT AND DISPENSERS, PLUMBING SUPPLIES, AND COMMERCIAL RESTAURANT SINKS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 4-30-2010; IN COMMERCE 4-30-2010.

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

THE MARK CONSISTS OF THE LETTERS "BF" CENTERED OVER THE WORD "BENJAMIN" ABOVE THE WORD "FOODS", WITH A DIAGONAL SWOOSH THROUGH THE "B" OF "BF".

SER. NO. 85-815,167, FILED 1-3-2013.

JOHN HWANG, EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office

## BF BENJAMIN FOODS

Reg. No. 4,487,235

Registered Feb. 25, 2014

Int. Cls.: 29, 30 and 35

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

BENJAMIN FOODS L.L.C. (PENNSYLVANIA LIMITED LIABILITY COMPANY)  
1001 SOUTH YORK ROAD  
HATBORO, PA 19040

FOR: BEEF; MEAT; PRE-COOKED MEATS; CANNED FRUIT; CANNED SOUP; CANNED VEGETABLES; CHEESE; DEHYDRATED POTATOES; FROZEN POTATOES; DRY BEANS; FRESH EGGS; FROZEN EGGS; FROZEN FRUIT; FROZEN FISH; FROZEN VEGETABLES; UNFLAVORED AND UNSWEETENED GELATINS; HAM; HOT DOGS; MARGARINE; PORK; POTATO CHIPS; PROCESSED BEANS; PROCESSED POTATOES; POULTRY; SOUPS; SOUP MIXES AND CONCENTRATES; FORMED TEXTURED VEGETABLE PROTEIN FOR USE AS A MEAT SUBSTITUTE; VEGETABLE OIL; VEGETABLE SHORTENING; YOGURT; FROZEN BREAKFAST ITEMS, NAMELY, FROZEN EGGS, EGG PATTIES, HASH BROWNS, AND SAUSAGE PATTIES; FROZEN KOSHER MEALS CONSISTING OF A COMBINATION OF MEAT, POULTRY OR FISH, VEGETABLES, PASTA, POTATO OR RICE, AND CHEESE ITEMS; FROZEN VEGETARIAN SOY MEALS CONSISTING OF SOY PROTEIN AND VEGETABLES, IN CLASS 29 (U.S. CL. 46).

FIRST USE 3-31-2008; IN COMMERCE 3-31-2008.

FOR: BREAD; BURRITOS; CAKE, MUFFIN, BROWNIE AND COOKIE MIXES; PROCESSED CEREALS; COCOA; COFFEE; CONDIMENTS, NAMELY, KETCHUP, MUSTARD AND RELISH; COOKIES; CRACKERS; FOOD FLAVORING; FROZEN PIZZA; FLAVORED AND SWEETENED GELATINS; GRAVY MIXES; ICING; MAYONNAISE; PASTA; PEANUT BUTTER; DESSERT PUDDING; RICE; SALAD DRESSINGS; SAUCES; ROASTED SESAME SEEDS; SPICES; SUGAR; PANCAKE SYRUP; TACO SHELLS; TEA BAGS; TORTILLAS; FROZEN BREAKFAST WAFFLES, PANCAKES, FRENCH TOAST, DONUTS, DANISH, BAGELS, AND MUFFINS; FROZEN KOSHER MEALS CONSISTING OF A COMBINATION OF PASTA, POTATO OR RICE, IN CLASS 30 (U.S. CL. 46).

FIRST USE 3-31-2008; IN COMMERCE 3-31-2008.

FOR: WHOLESALE FOOD DISTRIBUTORSHIP SERVICES AND RETAIL GROCERY STORE SERVICES FEATURING FOOD, ALUMINUM FOIL, BAGS, BAKE WARE AND COOK WARE, CASH REGISTER TAPE, CLEANING SUPPLIES, CUTLERY, DEGREASERS, FOAM AND PAPER TRAYS, FOOD SERVICE FILM, FOILS AND WRAPS, FURNITURE, GLASS CLEANERS, GUEST CHECKS, ICE MELT, KITCHEN AND RESTAURANT APPAREL, KITCHEN UTENSILS, NAPKINS, PAPER PRODUCTS, PLACEMATS, PLASTICWARE, RESTAUR-



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**Reg. No. 4,487,235** ANT SUPPLIES, SHELVING, STIRRERS, STRAWS, TABLE COVERS, TISSUES, TOWELS, TRASH BAGS, VENTILATION SYSTEMS, WINDOW CLEANERS, BAR EQUIPMENT, BEVERAGE EQUIPMENT, COFFEE EQUIPMENT, CONCESSION STAND EQUIPMENT, COOKING EQUIPMENT, DISH ROOM EQUIPMENT, FOOD PREPARATION EQUIPMENT, REFRIGERATION EQUIPMENT, WARMING EQUIPMENT AND DISPENSERS, PLUMBING SUPPLIES, AND COMMERCIAL RESTAURANT SINKS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 4-30-2010; IN COMMERCE 4-30-2010.

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 "FOODS", APART FROM THE MARK AS SHOWN.

SER. NO. 85-815,146, FILED 1-3-2013.

JOHN HWANG, EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office

## BENJAMIN FOODS

Reg. No. 4,487,234

BENJAMIN FOODS L.L.C. (PENNSYLVANIA LIMITED LIABILITY COMPANY)  
1001 SOUTH YORK ROAD  
HATBORO, PA 19040

Registered Feb. 25, 2014

Int. Cls.: 29, 30 and 35

FOR: BEEF; MEAT; PRE-COOKED MEATS; CANNED FRUIT; CANNED SOUP; CANNED VEGETABLES; CHEESE; DEHYDRATED POTATOES; FROZEN POTATOES; DRY BEANS; FRESH EGGS; FROZEN EGGS; FROZEN FRUIT; FROZEN FISH; FROZEN VEGETABLES; UNFLAVORED AND UNSWEETENED GELATINS; HAM; HOT DOGS; MARGARINE; PORK; POTATO CHIPS; PROCESSED BEANS; PROCESSED POTATOES; POULTRY; SOUPS; SOUP MIXES AND CONCENTRATES; FORMED TEXTURED VEGETABLE PROTEIN FOR USE AS A MEAT SUBSTITUTE; VEGETABLE OIL; VEGETABLE SHORTENING; YOGURT; FROZEN BREAKFAST ITEMS, NAMELY, FROZEN EGGS, EGG PATTIES, HASH BROWNS, AND SAUSAGE PATTIES; FROZEN KOSHER MEALS CONSISTING OF A COMBINATION OF MEAT, POULTRY OR FISH, VEGETABLES, PASTA, POTATO OR RICE, AND CHEESE ITEMS; FROZEN VEGETARIAN SOY MEALS CONSISTING OF SOY PROTEIN AND VEGETABLES, IN CLASS 29 (U.S. CL. 46).

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

FIRST USE 3-31-2008; IN COMMERCE 3-31-2008.

FOR: BREAD; BURRITOS; CAKE, MUFFIN, BROWNIE AND COOKIE MIXES; PROCESSED CEREALS; COCOA; COFFEE; CONDIMENTS, NAMELY, KETCHUP, MUSTARD AND RELISH; COOKIES; CRACKERS; FOOD FLAVORING; FROZEN PIZZA; FLAVORED AND SWEETENED GELATINS; GRAVY MIXES; ICING; MAYONNAISE; PASTA; PEANUT BUTTER; DESSERT PUDDING; RICE; SALAD DRESSINGS; SAUCES; ROASTED SESAME SEEDS; SPICES; SUGAR; PANCAKE SYRUP; TACO SHELLS; TEA BAGS; TORTILLAS; FROZEN BREAKFAST WAFFLES, PANCAKES, FRENCH TOAST, DONUTS, DANISH, BAGELS, AND MUFFINS; FROZEN KOSHER MEALS CONSISTING OF A COMBINATION OF PASTA, POTATO OR RICE, IN CLASS 30 (U.S. CL. 46).

FIRST USE 3-31-2008; IN COMMERCE 3-31-2008.

FOR: WHOLESALE FOOD DISTRIBUTORSHIP SERVICES AND RETAIL GROCERY STORE SERVICES FEATURING FOOD, ALUMINUM FOIL, BAGS, BAKE WARE AND COOK WARE, CASH REGISTER TAPE, CLEANING SUPPLIES, CUTLERY, DEGREASERS, FOAM AND PAPER TRAYS, FOOD SERVICE FILM, FOILS AND WRAPS, FURNITURE, GLASS CLEANERS, GUEST CHECKS, ICE MELT, KITCHEN AND RESTAURANT APPAREL, KITCHEN UTENSILS, NAPKINS, PAPER PRODUCTS, PLACEMATS, PLASTICWARE, RESTAUR-



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**Reg. No. 4,487,234** ANT SUPPLIES, SHELVING, STIRRERS, STRAWS, TABLE COVERS, TISSUES, TOWELS, TRASH BAGS, VENTILATION SYSTEMS, WINDOW CLEANERS, BAR EQUIPMENT, BEVERAGE EQUIPMENT, COFFEE EQUIPMENT, CONCESSION STAND EQUIPMENT, COOKING EQUIPMENT, DISH ROOM EQUIPMENT, FOOD PREPARATION EQUIPMENT, REFRIGERATION EQUIPMENT, WARMING EQUIPMENT AND DISPENSERS, PLUMBING SUPPLIES, AND COMMERCIAL RESTAURANT SINKS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 4-30-2010; IN COMMERCE 4-30-2010.

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 "FOODS", APART FROM THE MARK AS SHOWN.

SER. NO. 85-815,136, FILED 1-3-2013.

JOHN HWANG, EXAMINING ATTORNEY

United States of America  
United States Patent and Trademark Office



Reg. No. 4,487,216

RUSS & DAUGHTERS, LLC (NEW YORK LIMITED LIABILITY COMPANY)  
179 EAST HOUSTON STREET

Registered Feb. 25, 2014

NEW YORK, NY 10012

Int. Cls.: 29 and 30

FOR: CAVIAR; **CHEESE**; CHEESE SPREADS; CREAM CHEESE; FISH, NOT LIVE; FISH **CROQUETTES**; FISH, NAMELY, GEFILTE FISH AND FISH SALADS; FRUIT AND VEGETABLE SALADS; LIVER PATE; MARINATED SEAFOOD AND FISH; POTATO SALAD; PROCESSED FISH ROE; PROCESSED FRUITS; PROCESSED NUTS; PROCESSED SEAFOOD; SALADS, NAMELY, FISH AND SEAFOOD SALADS; SANDWICH SPREAD, NAMELY, FISH SPREADS, CHOPPED LIVER, TOFU SPREADS, CREAM CHEESE SPREADS; SMOKED FISH; VEGETABLE SALADS, IN CLASS 29 (U.S. CL. 46).

TRADEMARK

PRINCIPAL REGISTER

FIRST USE 0-0-1914; IN COMMERCE 0-0-1914.

FOR: BAGELS; BAKERY PRODUCTS; CAKES; CANDY; FISH SANDWICHES; HALVA; SANDWICHES; SWEETS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 0-0-1914; IN COMMERCE 0-0-1914.

OWNER OF U.S. REG. NOS. 2,674,812 AND 2,704,236.

"RUSS & DAUGHTERS" DOES NOT IDENTIFY A LIVING INDIVIDUAL.

THE MARK CONSISTS OF THE STYLIZED WORDS "RUSS & DAUGHTERS" WITH THE VOID IN THE LETTER "R" IN "RUSS" BEING FORMED BY A STYLIZED FISH DESIGN.

SER. NO. 85-812,676, FILED 12-30-2012.

TRICIA SONNEBORN, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office



Reg. No. 4,457,760

Registered Dec. 31, 2013

Corrected Feb. 25, 2014

Int. Cls.: 29 and 30

TRADEMARK

PRINCIPAL REGISTER

ALL FOODS, INC. (NEW YORK CORPORATION)  
519 COMMACK ROAD  
DEER PARK, NY 11729

FOR: YUCA CHIPS, REFRIED BEANS, PROCESSED JALAPENO PEPPERS, PROCESSED VEGETABLES, SAUSAGES, FRESH CREAM, PROCESSED AND DRIED BLACK, WHITE, AND RED BEANS, CHOW MEIN, NOODLE SOUP MIX, EVAPORATED MILK, PROCESSED SARDINES, PROCESSED BANANA LEAVES, FRESH CHEESE CURD, FRESH CHEESE CURD MIXED WITH HOT PEPPERS, PROCESSED MANGOS, FERMENTED BAMBOO SHOOTS BOILED AND PRESERVED IN SALT; VEGETABLE SALAD IN VINEGAR, IN CLASS 29 (U.S. CL. 46).

FIRST USE 7-15-2008, THE MARK WAS FIRST USED ANYWHERE IN A DIFFERENT FORM OTHER THAN THAT SOUGHT TO BE REGISTERED AT LEAST AS EARLY AS 10/00/1999; IN COMMERCE 7-15-2008, THE MARK WAS FIRST USED IN COMMERCE IN A DIFFERENT FORM OTHER THAN THAT SOUGHT TO BE REGISTERED AT LEAST AS EARLY AS 10/00/1999.

FOR: TORTILLAS, CORN CHIPS, CORN CURLS IN THE NATURE OF CHURITOS, TOSTADAS, SALSA, COOKIES, KETCHUP, MUSTARD, RELISH, CORNMEAL, SALT, BROWN SUGAR, NATURAL BARLEY FLOUR IN POWDER AND NECTAR FORM AND RICE, DRY SEASONING MIXES FOR MAKING TAMALES, IN CLASS 30 (U.S. CL. 46).

FIRST USE 4-0-2008, THE MARK WAS FIRST USED ANYWHERE IN A DIFFERENT FORM OTHER THAN THAT SOUGHT TO BE REGISTERED AT LEAST AS EARLY AS 10/00/1999; IN COMMERCE 4-0-2008, THE MARK WAS FIRST USED IN COMMERCE IN A DIFFERENT FORM OTHER THAN THAT SOUGHT TO BE REGISTERED AT LEAST AS EARLY AS 10/00/1999.

OWNER OF U.S. REG. NO. 2,547,820.

THE COLOR(S) RED, ORANGE, YELLOW, WHITE AND GRAY IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF THE WORDS "DONA LISA" IN RED; A MISCELLANEOUS BACKGROUND DESIGN IN THE SHAPE OF AN IRREGULAR OVAL, WITH ALTERNATING ORANGE, YELLOW AND WHITE RAYS EMANATING FROM A WHITE CENTER; AND



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**Reg. No. 4,457,760** OUTLINES OF EACH LETTER IN "DONA LISA" AND THE CURVE ON THE LEFT PART OF THE OVAL IN GRAY.

SER. NO. 85-797,658, FILED 12-7-2012.

# United States of America

United States Patent and Trademark Office



Reg. No. 4,488,832

KUSHER LLC (WASHINGTON LIMITED LIABILITY COMPANY)  
34310 9TH AVE S, UNIT 109  
FEDERAL WAY, WA 98003

Registered Feb. 25, 2014

Int. Cl.: 29

TRADEMARK

PRINCIPAL REGISTER

FOR: ALBUMEN FOR USE IN FOOD; BLANCHED NUTS; CANNED COOKED MEAT; CANNED FISH; CANNED FRUITS AND VEGETABLES; CANNED OR BOTTLED FRUITS; CANNED OR BOTTLED VEGETABLES; CANNED PORK AND BEANS; CANNED PROCESSED OLIVES; CANNED TOMATOES; CANNED VEGETABLES; CANNED, COOKED OR OTHERWISE PROCESSED TOMATOES; BAGGED, CANNED OR BOTTLED CUT FRUITS; BAGGED, CANNED OR BOTTLED CUT VEGETABLES; CANDIED NUTS; CORN OIL; CHOCOLATE NUT BUTTER; COCOA BUTTER FOR FOOD PURPOSES; COOKED FRUITS AND VEGETABLES; CRYSTALLIZED FRUITS; CRYSTALLIZED, FROSTED, FROZEN, AND PRESERVED FRUIT; DRIED FRUIT AND VEGETABLES; DESICCATED COCONUT; DAIRY PRODUCTS EXCLUDING ICE CREAM, ICE MILK AND FROZEN YOGURT; EDIBLE OILS AND FATS, FISH AND MEAT PRESERVES; EDIBLE OILS AND FATS, PRESERVES AND PICKLES; EDIBLE OILS AND EDIBLE FATS; EGGS; FOOD ADDITIVES IN THE NATURE OF FAT ACIDS MADE FROM MEAT, FISH, FRUITS, VEGETABLES, EGGS, MILK AND EDIBLE OILS AND FATS; FIG AND DATE ROLL CONSISTING OF DRIED FRUITS, NUTS, AND SPICES; FRUIT-BASED ORGANIC FOOD BARS, ALSO CONTAINING FRUITS, DRIED FRUITS, FRUIT JUICE, GRAIN, VEGETABLES, NUTS, SEEDS, CHOCOLATE; NUT AND SEED-BASED SNACK BARS; FRUIT PULPS; FROZEN FRUITS; GHERKINS; GROUND ALMONDS; JELLIES AND JAMS; JAMS AND MARMALADES; MARGARINE, EDIBLE OILS AND FATS; MARMALADES AND JAMS; MILLED FLAX SEEDS; MEAT, FISH, POULTRY AND GAME; MEAT AND MEAT EXTRACTS; MEAT, FRUIT AND VEGETABLE JELLIES, JAMS, EGGS; MILK BEVERAGES CONTAINING FRUITS; MILK BEVERAGES WITH HIGH MILK CONTENT; MILK PRODUCTS EXCLUDING ICE CREAM, ICE MILK AND FROZEN YOGURT; NUT BUTTERS; NUT CHEESE, NAMELY, CHEESE-TYPE PRODUCT MADE FROM NUTS; NUT-BASED SNACK FOODS, NAMELY, NUT CRISPS. ORGANIC NUT AND SEED-BASED SNACK BARS; OIL, NAMELY, VEGETABLE OIL, SALAD OIL; POTATO-BASED SNACK FOODS; POTATO CRISPS AND CHIPS; PRESERVED, DRIED AND COOKED FRUIT AND VEGETABLES; PRESERVED, DRIED, COOKED AND GRILLED VEGETABLES; PRESERVED FRUITS; PROCESSED ALMONDS; PROCESSED CABBAGE; PROCESSED MUSHROOMS; PREPARED NUTS; PROCESSED FRUIT- AND NUT-BASED FOOD BARS; PROCESSED PLANTAIN SEEDS; PROCESSED PUMPKIN SEEDS; PEANUT BUTTER; PEANUT BUTTER TOPPINGS; PROCESSED EDIBLE SEEDS; PROCESSED POTATOES; ROASTED NUTS; RAISINS; RAPE OIL; SAUERKRAUT; BAGGED, CANNED OR BOTTLED SLICED FRUITS; BAGGED, CANNED OR BOTTLED SLICED VEGETABLES; SEASONED



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**Reg. No. 4,488,832** NUTS; SHELLED NUTS; SNACK MIX CONSISTING PRIMARILY OF PROCESSED FRUITS, PROCESSED NUTS AND/OR RAISINS; SNACK MIX CONSISTING OF DEHYDRATED FRUIT AND PROCESSED NUTS; SNACK MIX CONSISTING PRIMARILY OF DEHYDRATED FRUITS, PROCESSED NUTS AND ALSO INCLUDING SESAME STICKS; SNACK MIX CONSISTING OF PRIMARILY OF PROCESSED NUTS AND SALTED SQUASH SEEDS AND ALSO INCLUDING TOASTED CORN; PROCESSED EDIBLE SEEDS, NAMELY, SUNFLOWER SEEDS; TINNED MEAT; TINNED OLIVES; TINNED TOMATOES; VEGETABLE CHIPS; YOGHURT DRINKS ALSO CONTAINING WHEY; YOGHURTS, IN CLASS 29 (U.S. CL. 46).

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

THE MARK CONSISTS OF DESIGN OF A HEAD OF SUNFLOWER IN FULL BLOOM WITH A DARK BROWN AND ORANGE CENTER, AND LIGHT BROWN AND WHITE PETALS WITH SOME TRANSPARENCY EFFECT APPEARING ABOVE DARK BROWN NON-LATIN CHARACTERS, WITH A BLACK ROUND STAMP WITH TWO LINES IN IT APPEARING ABOVE THE CHARACTERS, AND A BLACK RECTANGULAR STAMP APPEARING ABOVE THE SUNFLOWER, ALL ON A BROWN AND LIGHT BROWN RECTANGULAR BACKGROUND SIMULATING BURLAP.

THE COLOR(S) DARK BROWN, BROWN, LIGHT BROWN, ORANGE, BLACK AND WHITE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE NON-LATIN CHARACTERS IN THE MARK TRANSLITERATE TO "ZERNYATKO" AND THIS MEANS "AFFECTIONATE" OR "DELICATE FORM OF WORD SEED" OR "GRAIN"; "YOUNG SEED" OR "SEEDLING"; "SMALL GRAIN" OR "SMALL SEED" IN ENGLISH.

THE ENGLISH TRANSLATION OF "ZERNYATKO" IN THE MARK IS "SEED" OR "SEEDLING".

SN 85-343,845, FILED 6-10-2011.

NICHOLAS COLEMAN, EXAMINING ATTORNEY

# **Letourneau Declaration**

## **Exhibit D**

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

**Int. Cl.: 29**

**Prior U.S. Cl.: 46**

**United States Patent and Trademark Office**

**Reg. No. 3,535,603**

Registered Nov. 18, 2008

**TRADEMARK  
PRINCIPAL REGISTER**



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

FOR: PROCESSED FOODS, NAMELY, JALAPENOS, TOMATILLOS, WHOLE PEELED TOMATOES, SALSA-STYLE DICED TOMATOES, CHEESE; DAIRY PRODUCTS EXCLUDING ICE CREAM, ICE MILK, AND FROZEN YOGURT , IN CLASS 29 (U.S. CL. 46).

FIRST USE 3-27-2007; IN COMMERCE 3-27-2007.

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

SN 78-965,599, FILED 8-31-2006.

SCOTT BIBB, EXAMINING ATTORNEY

Int. Cl.: 30

Prior U.S. Cl.: 46

Reg. No. 2,902,323

United States Patent and Trademark Office

Registered Nov. 9, 2004

TRADEMARK  
PRINCIPAL REGISTER

**SALSAS CASERAS**



**DOÑA PINA**

PRECIADO, JOSEFINA (MEXICO INDIVIDUAL)  
PUERTO LA PAZ 145  
GUADALAJARA, JALISCO, MEXICO 44680

FOR: SAUCES MADE WITH HOT CHILE AND  
HOT PEPPERS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 10-18-1995; IN COMMERCE 7-20-2003.

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

THE NAME DOES NOT IDENTIFY ANY LIVING  
INDIVIDUAL.

THE MARK CONSISTS OF THE DRAWING OF  
ONE CHURCH WITH TWO TOWERS.

THE ENGLISH TRANSLATION OF "SALSAS  
CASERAS DONA PINA" IS "HOMEMADE SAUCES  
LADY PINA".

SN 78-202,457, FILED 1-13-2003.

AMY HELLA, EXAMINING ATTORNEY

**Int. Cl.: 29**

**Prior U.S. Cl.: 46**

**United States Patent and Trademark Office**

**Reg. No. 3,603,635**

Registered Apr. 7, 2009

**TRADEMARK  
PRINCIPAL REGISTER**

**TRADICION CASERA**

PRODUPAN, S.A. DE C.V. (MEXICO CORPORATION)  
SAN MATEO IXTACALCO, CUAUTITLAN IZXALLI  
CARRETERA CUAUTITLAN- TEPOZITAN S/N  
MEXICO C.P., MEXICO 54340

FOR: MARMALADE; JELLIES, IN CLASS 29 (U.S. CL. 46).

FIRST USE 2-12-2008; IN COMMERCE 2-12-2008.

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

THE ENGLISH TRANSLATION OF "TRADICION CASERA" IS "LANDLADY'S TRADITION".

SN 77-330,123, FILED 11-15-2007.

ANDREA HACK, EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office

*Angelina's*  
TACOS  
CASEROS

**Reg. No. 4,524,904**

7-ELEVEN, INC. (TEXAS CORPORATION)  
1722 ROUTH STREET, SUITE 1000  
DALLAS, TX 75201

**Registered May 6, 2014**

**Int. Cls.: 30 and 35**

FOR: TACOS, IN CLASS 30 (U.S. CL. 46).

**TRADEMARK**

FIRST USE 8-23-2013; IN COMMERCE 8-23-2013.

**SERVICE MARK**

FOR: CONVENIENCE STORE SERVICES FEATURING TACO BAR SERVICES , IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

**PRINCIPAL REGISTER**

FIRST USE 8-23-2013; IN COMMERCE 8-23-2013.

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

THE MARK CONSISTS OF THE NAME "ANGELINA'S" IN CURSIVE LETTERS WITH THE APOSTROPHE BEING A PEPPER. THE NAME "ANGELINA'S" IN UNDERLINED WITH A BLACK LINE AND THE MARK "TACOS CASEROS" ARE OUTLINED.

SER. NO. 86-038,021, FILED 8-14-2013.

DONALD JOHNSON, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

POR SU RICO SABOR CASERO

**Reg. No. 3,940,281**

**Registered Apr. 5, 2011**

**Int. Cl.: 30**

**TRADEMARK**

**PRINCIPAL REGISTER**

GRUPO BIMBO, S.A.B. DE C.V. (MEXICO CORPORATION)  
PROLONGACION PASEO DE LA REFORMA  
NO. 1000, COL. PENA BLANCA SANTA FE  
MEXICO CITY, MEXICO 01210

FOR: BREAD AND PASTRY, IN CLASS 30 (U.S. CL. 46).

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

OWNER OF MEXICO REG. NO. 9039, DATED 6-30-1987, EXPIRES 5-19-2016.

OWNER OF U.S. REG. NO. 2,356,170.

THE ENGLISH TRANSLATION OF "POR SU RICO SABOR CASERO" IN THE MARK IS FOR ITS RICH HOMEMADE TASTE.

SER. NO. 85-072,683, FILED 6-28-2010.

HELENE LIWINSKI, EXAMINING ATTORNEY



*David J. Kyffers*

Director of the United States Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## SABOR CASERO

**Reg. No. 3,936,022**

WALTON & POST, INC. (FLORIDA CORPORATION)  
8105 N.W. 77 STREET  
MIAMI, FL 33166

**Registered Mar. 22, 2011**

**Int. Cl.: 30**

FOR: MARINADE, IN CLASS 30 (U.S. CL. 46).

**TRADEMARK**

FIRST USE 8-0-2010; IN COMMERCE 8-0-2010.

**SUPPLEMENTAL REGISTER**

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

THE ENGLISH TRANSLATION OF "SABOR CASERO" IN THE MARK IS HOMEMADE FLAVOR.

SER. NO. 85-015,808, FILED P.R. 4-16-2010; AM. S.R. 1-7-2011.

MARIA-VICTORIA SUAREZ, EXAMINING ATTORNEY



*David J. Kyfos*

Director of the United States Patent and Trademark Office

Int. Cls.: 29 and 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,642,532

Registered June 23, 2009

TRADEMARK  
PRINCIPAL REGISTER



PROVEEDORES DE INGENIERIA ALIMENTARIA S.A. DE C.V. (MEXICO CORPORATION)  
AV. INDUSTRIAS 140, FRACC. PIMSA OTE  
APODACA, MEXICO 66600

FOR: EXTRACTS FOR SOUPS; INSTANT OR PRE-COOKED MISO SOUP; PREPARATIONS FOR MAKING SOUPS; SOUP MIXES; SOUP PASTES; SOUPS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 3-26-2007; IN COMMERCE 3-26-2007.

FOR: FLAVOURINGS FOR SOUPS; PASTA FOR SOUPS; SPICES, IN CLASS 30 (U.S. CL. 46).

FIRST USE 3-26-2007; IN COMMERCE 3-26-2007.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SABORES CASEROS" AND "MEXICO", APART FROM THE MARK AS SHOWN.

THE COLOR(S) RED, BEIGE, GREEN, PINK AND VIOLET IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF A BANNER INSIDE OF WHICH APPEAR THE WORDS "SABORES CASEROS MUCHO MEXICO". IN THE UPPER CENTER OF THE BANNER APPEARS A WOMAN IN A

KITCHEN WITH COOKING UTENSILS IN HAND. IN THE FOREGROUND OF THE DRAWING, OVER THE LOWER PORTION OF THE BANNER THERE IS A WHOLE TOMATO, A WHOLE ONION, A GARLIC, A PORTION OF ANOTHER ONION, TWO CHILES, THREE BLACK PEPPER SEEDS AND A COUPLE OF GREEN LEAVES AS DECORATION. THE COLOR RED APPEARS IN THE TOMATO, IN THE BANNER, IN THE WORDS "SABORES CASEROS MUCHO MEXICO", IN THE DRAWING OF THE COOKING LADY AND IN ONE OF OTHER CHILES. THE COLOR BEIGE APPEARS IN THE BANNER AND IN THE ONIONS. THE COLOR GREEN APPEARS IN THE TOMATO, IN THE DECORATIVE LEAVES AND IN ONE OF THE CHILES. THE COLOR VIOLET APPEARS IN THE GARLIC. THE COLOR PINK APPEARS IN THE INNER BORDERLINE OF THE BANNER.

THE WORDING "SABORES CASEROS" TRANSLATES TO ENGLISH AS "HOME MADE FLAVORS". THE WORDING "MUCHO MEXICO" TRANSLATES TO ENGLISH AS "VERY MEXICO" OR "A LOT MEXICO".

SER. NO. 77-573,780, FILED 9-18-2008.

KEVIN DINALLO, EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office

## LA CASERITA

**Reg. No. 3,987,763**

**Registered July 5, 2011**

**Int. Cl.: 29**

**TRADEMARK**

**PRINCIPAL REGISTER**

PANAMERICAN FOODS LLC (NEW JERSEY LIMITED LIABILITY COMPANY)  
183 GARFIELD AVE.  
KEARNY, NJ 07032

FOR: TUNA FISH, IN CLASS 29 (U.S. CL. 46).

FIRST USE 1-1-2010; IN COMMERCE 1-1-2010.

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

THE ENGLISH TRANSLATION OF THE WORDING "LA CASERITA" IS "THE LITTLE LANDLADY".

SER. NO. 77-937,125, FILED 2-16-2010.

BILL DAWE, EXAMINING ATTORNEY



*David J. Kyfos*

Director of the United States Patent and Trademark Office