

BULKY DOCUMENT

(FILED ON PAPER – ENTIRE DOCUMENT EXCEEDS 100 PAGES)

Proceeding No.	91212680
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Filing Date	01/23/2015
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Part	1	of	1
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Michael Pels' Declaration and Exhibits Continued
Composite B, C, and D

91212680

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

FRITO-LAY NORTH AMERICA, INC.

Opposer,

vs.

REAL FOODS PTY LTD.

Applicant.

Opposition No. 91212680 (Parent)

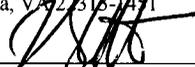
Opposition No. 91213587

CERTIFICATE OF EXPRESS MAILING

NUMBER EM1 276692616 US

DATE OF DEPOSIT: January 23, 2015

I hereby certify that this paper is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Trademark Trial and Appeal Board, U.S. Patent and Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451


Ami Bhatt

**Michael Pels' Declaration and Exhibits
Continued**



COMPOSITE EXHIBIT B

SunFoods, LLC's Application for CORN THINS
Registration No. 3931827
Relevant Excerpts of TTAB Proceeding and
Prosecution History

Generated on: This page was generated by TSDR on 2015-01-19 10:18:17 EST

Mark: CORN THINS

CORN THINS

US Serial Number: 77776347 Application Filing Date: Jul. 08, 2009
US Registration Number: 3931827 Registration Date: Mar. 15, 2011
Register: Principal
Mark Type: Trademark
Status: Registration cancelled under Section 18 by the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.
Status Date: Apr. 17, 2013
Publication Date: Jun. 01, 2010 Notice of Allowance Date: Jul 27, 2010
Date Cancelled: Apr. 17, 2013

Mark Information

Mark Literal Elements: CORN THINS
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
Disclaimer: "CORN"

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: Corn cakes
International Class(es): 030 - Primary Class U.S. Class(es): 046
Class Status: SECTION 18 - CANCELLED
Basis: 1(a)
First Use: Jan. 2010 Use in Commerce: Jan. 2010

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: SunFoods, LLC
Owner Address: P.O. Box 8729
Woodland, CALIFORNIA 95776
UNITED STATES
Legal Entity Type: LIMITED LIABILITY COMPANY State or Country Where Organized: CALIFORNIA

Attorney/Correspondence Information

Attorney of Record
Attorney Name: Bradley P. Heisler Docket Number: 09051.022
Correspondent
Correspondent Name/Address: SUNFOODS LLC
PO BOX 8729

WOODLAND, CALIFORNIA 95776
UNITED STATES

Phone: 916 781-6634

Fax: 916 645-7634

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 17, 2013	CANCELLED SECTION 18-TOTAL	
Apr. 17, 2013	CANCELLATION TERMINATED NO. 999999	56603
Apr. 08, 2013	CANCELLATION GRANTED NO. 999999	56603
Dec. 27, 2012	CANCELLATION INSTITUTED NO. 999999	56603
Mar. 15, 2011	REGISTERED-PRINCIPAL REGISTER	
Feb. 08, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE MAILED	
Feb. 07, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	70468
Feb. 04, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 20, 2011	STATEMENT OF USE PROCESSING COMPLETE	76873
Dec. 27, 2010	USE AMENDMENT FILED	76873
Jan. 20, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76873
Dec. 27, 2010	TEAS STATEMENT OF USE RECEIVED	
Jul. 27, 2010	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 01, 2010	PUBLISHED FOR OPPOSITION	
May 12, 2010	NOTICE OF PUBLICATION	
Apr. 27, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	70468
Apr. 24, 2010	ASSIGNED TO LIE	70468
Apr. 10, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 23, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 22, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 22, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 09, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Dec. 02, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 21, 2009	NON-FINAL ACTION MAILED	
Sep. 19, 2009	NON-FINAL ACTION WRITTEN	74307
Sep. 17, 2009	ASSIGNED TO EXAMINER	74307
Jul. 13, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TTAB

Date in Location: Apr. 17, 2013

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: SunFoods, LLC

Assignment 1 of 2

Conveyance: SECURITY AGREEMENT

Reel/Frame: 4104/0223

Pages: 12

Date Recorded: Nov. 27, 2009

Supporting Documents: [assignment-tm-4104-0223.pdf](#)

Assignor

Name: SUNFOODS, LLC

Execution Date: Nov. 23, 2009

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where CALIFORNIA

Organized:

Assignee

Name: BANK OF AMERICA, N.A., AS AGENT
Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where Organized: CALIFORNIA

Address: 55 SOUTH LAKE AVENUE, SUITE 900
PASADENA, CALIFORNIA 91101

Correspondent

Correspondent Name: MCGUIREWOODS LLP
Correspondent Address: 1800 CENTURY PARK EAST, 8TH FLOOR
ATTN: KIRT PETERSON, ESQ.
LOS ANGELES, CA 90067

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4440/0498

Pages: 7

Date Recorded: Dec. 23, 2010

Supporting Documents: assignment-tm-4440-0498.pdf

Assignor

Name: BANK OF AMERICA, N.A.
Legal Entity Type: A NATIONAL BANKING ASSOCIATION

Execution Date: Nov. 23, 2010
State or Country Where Organized: UNITED STATES

Assignee

Name: SUNFOODS, LLC
Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: CALIFORNIA

Address: 194 WEST MAIN STREET, SUITE 202
WOODLAND, CALIFORNIA 95695

Correspondent

Correspondent Name: KATHERINE OBERLE
Correspondent Address: 1331 N. CALIFORNIA BLVD., SUITE 200
WALNUT CREEK, CA 94596

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Cancellation

Proceeding Number: 92056603

Filing Date: Dec 20, 2012

Status: Terminated

Status Date: Apr 17, 2013

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: SunFoods, LLC
Correspondent Address: SUNFOODS LLC
PO BOX 8729
WOODLAND CA , 95776
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
CORN THINS	Cancelled - Section 18	<u>77776347</u>	<u>3931827</u>
RICE THINS	Cancelled - Section 18	<u>77776356</u>	<u>3931828</u>

Plaintiff(s)

Name: Real Foods Pty. Ltd.
Correspondent Address: BRUCE S LONDA
NORRIS MCLAUGHLIN & MARCUS PA
875 THIRD AVENUE, 8TH FLOOR
NEW YORK NY , 10022
UNITED STATES

Correspondent e-mail: bslonda@nmmlaw.com

Associated marks

Mark
CORN THINS

Application Status
Opposition Pending
Prosecution History

Serial Number
79111074

Registration Number

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 20, 2012	
2	NOTICE AND TRIAL DATES SENT, ANSWER DUE:	Dec 27, 2012	Feb 05, 2013
3	PENDING, INSTITUTED	Dec 27, 2012	
4	NOTICE OF DEFAULT	Feb 20, 2013	
5	BD DECISION: GRANTED	Apr 08, 2013	
6	COMMR ORDER CANCELLING REG	Apr 17, 2013	
7	TERMINATED	Apr 17, 2013	

U. S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Real Foods Pty. Ltd.

v.

SunFoods, LLC

Cancellation No. 92056603

Bruce S. Londa of Norris McLaughlin & Marcus PA for Real
Foods Pty. Ltd.

SunFoods, LLC, pro se.

The petition of Real Foods Pty. Ltd. having been
granted on April 8, 2013, Registrations Nos. 3931827 and
3931828 are hereby cancelled.

APR 17 2013



Deborah S. Cohn
Commissioner for Trademarks

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

cv

Mailed: April 8, 2013

Cancellation No. 92056603

Real Foods Pty. Ltd.

v.

SunFoods, LLC

On February 20, 2013, the Board sent a notice of default to respondent because no answer had been filed.

The record shows no response thereto.

Accordingly, judgment by default is hereby entered against respondent, the petition to cancel is granted, and Registrations Nos. 3931827 and 3931828 will be cancelled in due course. See Fed. R. Civ. P. 55, and Trademark Rule 2.114(a).

***By the Trademark Trial
and Appeal Board***

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

Mailed: February 20, 2013

Cancellation No. 92056603

Real Foods Pty. Ltd.

v.

SunFoods, LLC

Clara Vela, Paralegal Specialist:

Answer was due in this case on February 5, 2013.

Inasmuch as it appears that no answer has been filed, nor has respondent filed a motion to extend its time to answer, notice of default is hereby entered against respondent under Fed. R. Civ. P. 55(a).

Respondent is allowed until thirty days from the mailing date of this order to show cause why judgment by default should not be entered against respondent in accordance with Fed. R. Civ. P. 55(b).

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

Mailed: December 27, 2012

Cancellation No. 92056603
Registration Nos. 3931827
3931828

SUNFOODS LLC
PO BOX 8729
WOODLAND, CA 95776
UNITED STATES

Real Foods Pty. Ltd.

v.

SunFoods, LLC

BRUCE S LONDA
NORRIS MCLAUGHLIN & MARCUS PA
875 THIRD AVENUE
8TH FLOOR
NEW YORK, NY 10022
UNITED STATES

Veronica P. White, Paralegal Specialist:

A petition to cancel the above-identified registration has been filed. A service copy of the petition for cancellation was forwarded to registrant (defendant) by the petitioner (plaintiff). An electronic version of the petition for cancellation is viewable in the electronic file for this proceeding via the Board's TTABVUE system:
<http://ttabvue.uspto.gov/ttabvue/>.

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations ("Trademark Rules"). These rules may be viewed at the USPTO's trademarks page: **<http://www.uspto.gov/trademarks/index.jsp>**. The Board's main webpage (**<http://www.uspto.gov/trademarks/process/appeal/index.jsp>**) includes information on amendments to the Trademark Rules applicable to Board proceedings, on Alternative Dispute Resolution (ADR), Frequently Asked Questions about Board proceedings, and a web link to the Board's manual of procedure (the TBMP).

Plaintiff must notify the Board when service has been ineffective, within 10 days of the date of receipt of a returned service copy or the date on which plaintiff learns that service has been ineffective. Plaintiff has no subsequent duty to investigate the defendant's whereabouts, but if plaintiff by its own voluntary investigation or

through any other means discovers a newer correspondence address for the defendant, then such address must be provided to the Board. Likewise, if by voluntary investigation or other means the plaintiff discovers information indicating that a different party may have an interest in defending the case, such information must be provided to the Board. The Board will then effect service, by publication in the Official Gazette if necessary. See Trademark Rule 2.118. In circumstances involving ineffective service or return of defendant's copy of the Board's institution order, the Board may issue an order noting the proper defendant and address to be used for serving that party.

Defendant's ANSWER IS DUE FORTY DAYS after the mailing date of this order. (See Patent and Trademark Rule 1.7 for expiration of this or any deadline falling on a Saturday, Sunday or federal holiday.) **Other deadlines the parties must docket or calendar are either set forth below (if you are reading a mailed paper copy of this order) or are included in the electronic copy of this institution order viewable in the Board's TTABVue system at the following web address: <http://ttabvue.uspto.gov/ttabvue/>.**

Defendant's answer and any other filing made by any party must include proof of service. See Trademark Rule 2.119. **If they agree to, the parties may utilize electronic means, e.g., e-mail or fax, during the proceeding for forwarding of service copies.** See Trademark Rule 2.119(b)(6).

The parties also are referred in particular to Trademark Rule 2.126, which pertains to the form of submissions. **Paper submissions, including but not limited to exhibits and transcripts of depositions, not filed in accordance with Trademark Rule 2.126 may not be given consideration or entered into the case file.**

Time to Answer	2/5/2013
Deadline for Discovery Conference	3/7/2013
Discovery Opens	3/7/2013
Initial Disclosures Due	4/6/2013
Expert Disclosures Due	8/4/2013
Discovery Closes	9/3/2013
Plaintiff's Pretrial Disclosures	10/18/2013
Plaintiff's 30-day Trial Period Ends	12/2/2013
Defendant's Pretrial Disclosures	12/17/2013
Defendant's 30-day Trial Period Ends	1/31/2014
Plaintiff's Rebuttal Disclosures	2/15/2014
Plaintiff's 15-day Rebuttal Period Ends	3/17/2014

As noted in the schedule of dates for this case, the parties are required to have a conference to discuss: (1) the nature of and basis for their respective claims and defenses, (2) the possibility of settling the case or at least narrowing the scope of claims or defenses, and (3) arrangements relating to disclosures, discovery and introduction of evidence at trial, should the parties not agree to settle the case. See Trademark Rule 2.120(a)(2). Discussion of the first two of these three subjects should include a discussion of whether the parties wish

to seek mediation, arbitration or some other means for resolving their dispute. Discussion of the third subject should include a discussion of whether the Board's Accelerated Case Resolution (ACR) process may be a more efficient and economical means of trying the involved claims and defenses. Information on the ACR process is available at the Board's main webpage. Finally, if the parties choose to proceed with the disclosure, discovery and trial procedures that govern this case and which are set out in the Trademark Rules and Federal Rules of Civil Procedure, then they must discuss whether to alter or amend any such procedures, and whether to alter or amend the Standard Protective Order (further discussed below). Discussion of alterations or amendments of otherwise prescribed procedures can include discussion of limitations on disclosures or discovery, willingness to enter into stipulations of fact, and willingness to enter into stipulations regarding more efficient options for introducing at trial information or material obtained through disclosures or discovery.

The parties are required to conference in person, by telephone, or by any other means on which they may agree. A Board interlocutory attorney or administrative trademark judge will participate in the conference, upon request of any party, provided that such participation is requested no later than ten (10) days prior to the deadline for the conference. See Trademark Rule 2.120(a)(2). The request for Board participation must be made through the Electronic System for Trademark Trials and Appeals (ESTTA) or by telephone call to the interlocutory attorney assigned to the case, whose name can be found by referencing the TTABVue record for this case at <http://ttabvue.uspto.gov/ttabvue/>. The parties should contact the assigned interlocutory attorney or file a request for Board participation through ESTTA only after the parties have agreed on possible dates and times for their conference. Subsequent participation of a Board attorney or judge in the conference will be by telephone and the parties shall place the call at the agreed date and time, in the absence of other arrangements made with the assigned interlocutory attorney.

The Board's Standard Protective Order is applicable to this case, but the parties may agree to supplement that standard order or substitute a protective agreement of their choosing, subject to approval by the Board. The standard order is available for viewing at: <http://www.uspto.gov/trademarks/process/appeal/guidelines/stndagmnt.jsp>. Any party without access to the web may request a hard copy of the standard order from the Board. The standard order does not automatically protect a party's confidential information and its provisions must be utilized as needed by the parties. See Trademark Rule 2.116(g).

Information about the discovery phase of the Board proceeding is available in chapter 400 of the TBMP. By virtue of amendments to the Trademark Rules effective November 1, 2007, the initial disclosures and expert disclosures scheduled during the discovery phase are required only in cases commenced on or after that date. The TBMP has not yet been amended to include information on these disclosures and the parties are referred to the August 1, 2007 Notice of Final Rulemaking (72 Fed. Reg. 42242) posted on the Board's webpage. The deadlines for pretrial disclosures included in the trial phase of the schedule for this case also resulted from the referenced amendments to the Trademark Rules, and also are discussed in the Notice of Final Rulemaking.

The parties must note that the Board allows them to utilize telephone conferences to discuss or resolve a wide range of interlocutory matters

that may arise during this case. In addition, the assigned interlocutory attorney has discretion to require the parties to participate in a telephone conference to resolve matters of concern to the Board. See TBMP § 502.06(a) (2d ed. rev. 2004).

The TBMP includes information on the introduction of evidence during the trial phase of the case, including by notice of reliance and by taking of testimony from witnesses. See TBMP §§ 703 and 704. Any notice of reliance must be filed during the filing party's assigned testimony period, with a copy served on all other parties. Any testimony of a witness must be both noticed and taken during the party's testimony period. A party that has taken testimony must serve on any adverse party a copy of the transcript of such testimony, together with copies of any exhibits introduced during the testimony, within thirty (30) days after the completion of the testimony deposition. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing after briefing is not required but will be scheduled upon request of any party, as provided by Trademark Rule 2.129.

If the parties to this proceeding are (or during the pendency of this proceeding become) parties in another Board proceeding or a civil action involving related marks or other issues of law or fact which overlap with this case, they shall notify the Board immediately, so that the Board can consider whether consolidation or suspension of proceedings is appropriate.

ESTTA NOTE: For faster handling of all papers the parties need to file with the Board, the Board strongly encourages use of electronic filing through the **Electronic System for Trademark Trials and Appeals (ESTTA)**. Various electronic filing forms, some of which may be used as is, and others which may require attachments, are available at <http://estta.uspto.gov>.

ESTTA Tracking number: **ESTTA512315**

Filing date: **12/20/2012**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Real Foods Pty. Ltd.		
Entity	proprietary limited company	Citizenship	Australia
Address	47 Campbell Road St. Peter's, NSW 2044 AUSTRALIA		

Attorney information	Bruce S. Londa Norris, McLaughlin & Marcus, P.A. 875 Third Avenue New York, NY 10022 UNITED STATES bslonda@nmmlaw.com Phone:2128080700
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Registrations Subject to Cancellation

Registration No	3931827	Registration date	03/15/2011
Registrant	SunFoods, LLC P.O. Box 8729 Woodland, CA 95776 UNITED STATES		

Goods/Services Subject to Cancellation

Class 030. First Use: 2010/01/00 First Use In Commerce: 2010/01/00 All goods and services in the class are cancelled, namely: Corn cakes

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)		
Registration No	3931828	Registration date	03/15/2011
Registrant	SunFoods, LLC P.O. Box 8729 Woodland, CA 95776 UNITED STATES		

Goods/Services Subject to Cancellation

Class 030. First Use: 2010/01/00 First Use In Commerce: 2010/01/00 All goods and services in the class are cancelled, namely: Rice cakes

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)		
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Marks Cited by Petitioner as Basis for Cancellation

U.S. Application No.	79111074	Application Date	01/19/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	CORN THINS		
Design Mark	CORN THINS		
Description of Mark	NONE		
Goods/Services	Class 030. First use: Crispbread slices predominantly of corn		

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	CORN THINS		
Goods/Services	crispbread slices primarily made of corn		

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	RICE THINS		
Goods/Services	crispbread slices primarily made of rice		

Attachments	79111074#TMSN.jpeg (1 page)(bytes) corn thins cancellation petition.pdf (4 pages)(51483 bytes)
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Certificate of Service

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

Signature	/bsl/
Name	Bruce S. Londa
Date	12/20/2012

Petitioner has significant common law and statutory rights in the mark CORN THINS.

2. Since at least 2007, Petitioner has been selling in U.S. commerce, continuously and exclusively, 'crispbread slices primarily made of rice', under its trademark "RICE THINS". Because of the longstanding, continuous and exclusive use of the mark RICE THINS in connection with its product, Petitioner has established valuable goodwill in the mark, and the consuming public recognizes Petitioner as being the sole source of these quality products sold under the mark RICE THINS. In view of the above, Petitioner has significant common law and statutory rights in the mark RICE THINS.

3. Petitioner is the owner of pending U.S. trademark application no. 79111074 ("Petitioner's Application") for CORN THINS, which application currently stands rejected in view of Respondent's U.S. Registration No. 3931827.

4. Respondent filed its application for its CORN THINS registration on July 8, 2009, claiming an alleged date of first use as of January 2010. Respondent filed its application for its RICE THINS registration on July 8, 2009, claiming an alleged date of first use as of January 2010. Accordingly, Applicant's earliest possible priority date is 2009. Petitioner's respective dates of first use for its CORN THINS and RICE THINS marks are well prior to Respondent's respective date of first use in commerce. Accordingly, Petitioner's rights are superior to those of Respondent.

5. The respective marks of the parties, CORN THINS and CORN THINS, and RICE THINS and RICE THINS, are identical.

6. The respective goods of the parties, associated with the respective marks, namely: corn cakes and rice cakes on the one hand; and crispbread slices made primarily

of corn, and crispbread slices made primarily of rice, are highly related or essentially identical.

7. Thus, a consumer looking to purchase Petitioner's products would certainly be confused by Respondent's mark for the very same goods. Such a consumer may mistakenly believe that both parties' goods derive from the same source, causing damage to Petitioner's reputation, and resulting in loss of sales and goodwill for Petitioner.

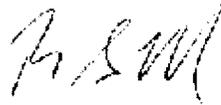
8. Accordingly, when Respondent's marks CORN THINS and RICE THINS are used in connection with the goods covered in the Registrations, such use is likely to cause confusion, or to cause mistake, or to deceive purchasers and potential purchasers as to the source, authorization or sponsorship of the Respondent's goods.

9. The registration of Respondent's marks damages Petitioner by recognizing rights in its alleged marks CORN THINS and RICE THINS, and conferring legitimacy on Respondent's use thereof, in violation of Petitioner's superior rights, and in detriment to Petitioner.

WHEREFORE, Petitioner prays that this cancellation be sustained and that U.S. Reg. Nos. 3931827 and 3931828 be cancelled.

Respectfully submitted,

NORRIS, MCLAUGHLIN & MARCUS, P.A.



Dated: December 20, 2012

By:

Bruce S. Londa
875 Third Avenue, 8th floor
New York, NY 10022
Phone: 212-808-0700
Fax: 212-808-0844
Attorneys for Petitioner

Generated on: This page was generated by TSDR on 2015-01-19 10:26:59 EST

Mark: CORN THINS

CORN THINS

US Serial Number: 77776347
Application Filing Date: Jul. 08, 2009
US Registration Number: 3931827
Registration Date: Mar. 15, 2011
Register: Principal
Mark Type: Trademark
Status: Registration cancelled under Section 18 by the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.
Status Date: Apr. 17, 2013
Publication Date: Jun. 01, 2010
Notice of Allowance Date: Jul. 27, 2010
Date Cancelled: Apr. 17, 2013

Mark Information

Mark Literal Elements: CORN THINS
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
Disclaimer: "CORN"

Goods and Services

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

- Brackets [] indicate deleted goods/services;
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- Asterisks *..* identify additional (new) wording in the goods/services.

For: Corn cakes
International Class(es): 030 - Primary Class
U.S Class(es): 046
Class Status: SECTION 18 - CANCELLED
Basis: 1(a)
First Use: Jan. 2010
Use in Commerce: Jan. 2010

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: SunFoods, LLC
Owner Address: P.O. Box 8729
Woodland, CALIFORNIA 95776
UNITED STATES
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: CALIFORNIA

Attorney/Correspondence Information

Attorney of Record
Attorney Name: Bradley P. Heisler
Docket Number: 09051.022
Correspondent
Correspondent Name/Address: SUNFOODS LLC
PO BOX 8729

WOODLAND, CALIFORNIA 95776
UNITED STATES

Phone: 916 781-6634

Fax: 916 645-7634

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
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Jan. 20, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76873
Dec. 27, 2010	TEAS STATEMENT OF USE RECEIVED	
Jul. 27, 2010	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 01, 2010	PUBLISHED FOR OPPOSITION	
May 12, 2010	NOTICE OF PUBLICATION	
Apr. 27, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	70468
Apr. 24, 2010	ASSIGNED TO LIE	70468
Apr. 10, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 23, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 22, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 22, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 09, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Dec. 02, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 21, 2009	NON-FINAL ACTION MAILED	
Sep. 19, 2009	NON-FINAL ACTION WRITTEN	74307
Sep. 17, 2009	ASSIGNED TO EXAMINER	74307
Jul. 13, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TTAB

Date in Location: Apr. 17, 2013

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: SunFoods, LLC

Assignment 1 of 2

Conveyance: SECURITY AGREEMENT

Reel/Frame: 4104/0223

Pages: 12

Date Recorded: Nov. 27, 2009

Supporting Documents: [assignment-tm-4104-0223.pdf](#)

Assignor

Name: SUNFOODS, LLC

Execution Date: Nov. 23, 2009

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where: CALIFORNIA

Organized:

Assignee

Name: BANK OF AMERICA, N.A., AS AGENT

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where Organized: CALIFORNIA

Address: 55 SOUTH LAKE AVENUE, SUITE 900
PASADENA, CALIFORNIA 91101

Correspondent

Correspondent Name: MCGUIREWOODS LLP

Correspondent Address: 1800 CENTURY PARK EAST, 8TH FLOOR
ATTN: KIRT PETERSON, ESQ.
LOS ANGELES, CA 90067

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4440/0498

Pages: 7

Date Recorded: Dec. 23, 2010

Supporting Documents: assignment-tm-4440-0498.pdf

Assignor

Name: BANK OF AMERICA, N.A.

Execution Date: Nov. 23, 2010

Legal Entity Type: A NATIONAL BANKING ASSOCIATION

State or Country Where Organized: UNITED STATES

Assignee

Name: SUNFOODS, LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: CALIFORNIA

Address: 194 WEST MAIN STREET, SUITE 202
WOODLAND, CALIFORNIA 95695

Correspondent

Correspondent Name: KATHERINE OBERLE

Correspondent Address: 1331 N. CALIFORNIA BLVD., SUITE 200
WALNUT CREEK, CA 94596

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Cancellation

Proceeding Number: 92056603

Filing Date: Dec 20, 2012

Status: Terminated

Status Date: Apr 17, 2013

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: SunFoods, LLC

Correspondent Address: SUNFOODS LLC
PO BOX 8729
WOODLAND CA , 95776
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
CORN THINS	Cancelled - Section 18	<u>77776347</u>	<u>3931827</u>
RICE THINS	Cancelled - Section 18	<u>77776356</u>	<u>3931828</u>

Plaintiff(s)

Name: Real Foods Pty. Ltd.

Correspondent Address: BRUCE S LONDA
NORRIS MCLAUGHLIN & MARCUS PA
875 THIRD AVENUE, 8TH FLOOR
NEW YORK NY , 10022
UNITED STATES

Correspondent e-mail: bslonda@nmmlaw.com

Associated marks

Mark
CORN THINS

Application Status
Opposition Pending
Prosecution History

Serial Number
79111074

Registration Number

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 20, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 27, 2012	Feb 05, 2013
3	PENDING, INSTITUTED	Dec 27, 2012	
4	NOTICE OF DEFAULT	Feb 20, 2013	
5	BD DECISION: GRANTED	Apr 08, 2013	
6	COMMR ORDER CANCELLING REG	Apr 17, 2013	
7	TERMINATED	Apr 17, 2013	

U. S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Real Foods Pty. Ltd.

v.

SunFoods, LLC

Cancellation No. 92056603

Bruce S. Londa of Norris McLaughlin & Marcus PA for Real
Foods Pty. Ltd.

SunFoods, LLC, pro se.

The petition of Real Foods Pty. Ltd. having been
granted on April 8, 2013, Registrations Nos. 3931827 and
3931828 are hereby cancelled.

APR 17 2013



Deborah S. Cohn
Commissioner for Trademarks

United States of America

United States Patent and Trademark Office

CORN THINS

Reg. No. 3,931,827

Registered Mar. 15, 2011

Int. Cl.: 30

TRADEMARK

PRINCIPAL REGISTER

SUNFOODS, LLC (CALIFORNIA LIMITED LIABILITY COMPANY)
P.O. BOX 8729
WOODLAND, CA 95776

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

FIRST USE 1-0-2010; IN COMMERCE 1-0-2010.

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 "CORN", APART FROM THE MARK AS SHOWN.

SN 77-776,347, FILED 7-8-2009.

CAROL SPILS, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

Side - 1



NOTICE OF ACCEPTANCE OF SOU
MAILING DATE: Feb 8, 2011

The statement of use (SOU) filed for the trademark application identified below has been accepted. This acceptance means that the mark identified below is entitled to be registered. Accordingly, the registration will issue in due course barring any extraordinary circumstances.

For further information, visit our website at: <http://www.uspto.gov> or call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 7776347
MARK: CORN THINS
OWNER: SunFoods, LLC

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

**FIRST-CLASS
MAIL
U.S POSTAGE
PAID**

**BRADLEY P. HEISLER
HEISLER & ASSOCIATES
3017 DOUGLAS BLVD STE 300
ROSEVILLE, CA 95661-3850**

Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77776347
LAW OFFICE ASSIGNED	LAW OFFICE 104
EXTENSION OF USE	NO
MARK SECTION	
MARK	CORN THINS
OWNER SECTION (no change)	
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	030
CURRENT IDENTIFICATION	Corn cakes
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	01/00/2010
FIRST USE IN COMMERCE DATE	01/00/2010
SPECIMEN FILE NAME(S)	<u>\\TICRS\EXPORT11\IMAGEOUT</u> <u>11\777\763\77776347\xml3\ SOU0002.JPG</u>
SPECIMEN DESCRIPTION	A photograph of packaging for the goods
REQUEST TO DIVIDE	NO
PAYMENT SECTION	
NUMBER OF CLASSES IN USE	1
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	100
TOTAL AMOUNT	100
SIGNATURE SECTION	
DECLARATION SIGNATURE	/brad heisler/
SIGNATORY'S NAME	Bradley P. Heisler

SIGNATORY'S POSITION	Attorney
DATE SIGNED	12/27/2010
FILING INFORMATION	
SUBMIT DATE	Mon Dec 27 18:44:50 EST 2010
TEAS STAMP	USPTO/SOU-208.106.65.135- 20101227184450297705-7777 6347-470901915a97d488aa3f 82cbceb68b5e55-CC-3322-20 101227184143225486

**Trademark/Service Mark Statement of Use
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

MARK: CORN THINS

SERIAL NUMBER: 77776347

The applicant, SunFoods, LLC, having an address of
P.O. Box 8729
Woodland, California 95776
US

is submitting the following allegation of use information:

For International Class 030:

Current identification: Corn cakes

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 01/00/2010, and first used in commerce at least as early as 01/00/2010, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) A photograph of packaging for the goods.

Specimen File1

The applicant is not filing a Request to Divide with this Allegation of Use form.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the allegation of use for 1 class.

Declaration

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /brad heisler/ Date Signed: 12/27/2010

Signatory's Name: Bradley P. Heisler

Signatory's Position: Attorney

RAM Sale Number: 3322

RAM Accounting Date: 12/28/2010

Serial Number: 77776347

Internet Transmission Date: Mon Dec 27 18:44:50 EST 2010

TEAS Stamp: USPTO/SOU-208.106.65.135-201012271844502

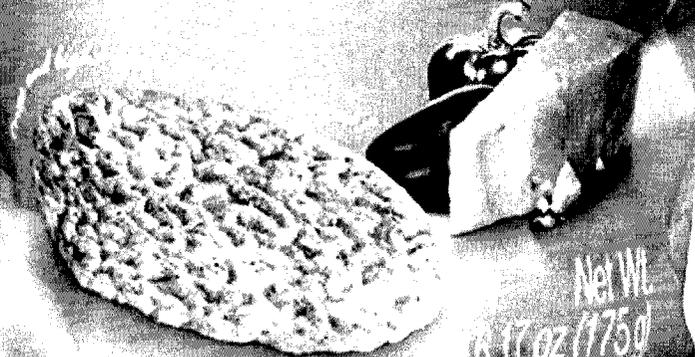
97705-77776347-470901915a97d488aa3f82cbc

eb68b5e55-CC-3322-20101227184143225486



CORN THINS

Nacho Cheese
flavored



Net Wt.
6.17 oz (175g)

Side - 1



NOTICE OF PUBLICATION UNDER §12(a)
MAILING DATE: May 12, 2010
PUBLICATION DATE: Jun 1, 2010

The mark identified below will be published in the Official Gazette on Jun 1, 2010. Any party who believes they will be damaged by registration of the mark may oppose its registration by filing an opposition to registration or a request to extend the time to oppose within thirty (30) days from the publication date on this notice. If no opposition is filed within the time specified by law, the USPTO may issue a Notice of Allowance.

To view the Official Gazette online or to order a paper copy, visit the USPTO website at <http://www.uspto.gov/web/trademarks/tmog/> any time within the five-week period after the date of publication. You may also order a printed version from the U.S. Government Printing Office (GPO) at <http://bookstore.gpo.gov> or 202-512-1800. To check the status of your application, go to <http://tarr.uspto.gov/>.

SERIAL NUMBER: 7776347
MARK: CORN THINS
OWNER: SunFoods, LLC

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS
MAIL
U.S. POSTAGE
PAID

BRADLEY P. HEISLER
HEISLER & ASSOCIATES
3017 DOUGLAS BLVD STE 300
ROSEVILLE, CA 95661-3850

Trademark Snap Shot Amendment & Mail Processing Stylesheet
 (Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

SERIAL NUMBER	77776347	FILING DATE	07/08/2009
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	SPILS, CAROL A	L.O. ASSIGNED	104

PUB INFORMATION

RUN DATE	03/24/2010		
PUB DATE	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	03/23/2010		
LITERAL MARK ELEMENT	CORN THINS		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPub 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	CORN THINS

MARK DRAWING CODE 4-STANDARD CHARACTER MARK

COLOR DRAWING FLAG NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	SunFoods, LLC
ADDRESS	P.O. Box 8729 Woodland, CA 95776
ENTITY	16-LTD LIAB CO
CITIZENSHIP	California

GOODS AND SERVICES

INTERNATIONAL CLASS	030
DESCRIPTION TEXT	Corn cakes

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	030	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION NO

DISCLAIMER W/PREDETER TXT "CORN"

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
03/23/2010	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	009
03/22/2010	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	008
03/22/2010	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
12/09/2009	ASCK	I	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	006
12/02/2009	ASCK	I	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	005
09/21/2009	CNRT	F	NON-FINAL ACTION MAILED	004
09/19/2009	CNRT	R	NON-FINAL ACTION WRITTEN	003
09/17/2009	DOCK	D	ASSIGNED TO EXAMINER	002
07/13/2009	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	001

IN TRAM

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Bradley P. Heisler
CORRESPONDENCE ADDRESS	BRADLEY P. HEISLER HEISLER & ASSOCIATES 3017 DOUGLAS BLVD STE 300 ROSEVILLE, CA 95661-3850
DOMESTIC REPRESENTATIVE	NONE

CORN THINS

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77776347
LAW OFFICE ASSIGNED	LAW OFFICE 104
MARK SECTION (no change)	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
JPG FILE(S)	<u>\\TICRS\EXPORT9\IMAGEOUT9\777\763\77776347\xml1\ROA0011.JPG</u>
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ORIGINAL PDF FILE	<u>evi_2081066480-181806883_Remarks_Arguments.pdf</u>
CONVERTED PDF FILE(S) (9 pages)	<u>\\TICRS\EXPORT9\IMAGEOUT9\777\763\77776347\xml1\ROA0002.JPG</u>
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DESCRIPTION OF EVIDENCE FILE	Remarks/Arguments Exhibits A-H
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	030
DESCRIPTION	Corn cakes
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	030
DESCRIPTION	Corn cakes
FILING BASIS	Section 1(b)
ADDITIONAL STATEMENTS SECTION	
DISCLAIMER	No claim is made to the exclusive right to use CORN apart from the mark as shown.
SIGNATURE SECTION	
RESPONSE SIGNATURE	/brad heisler/
SIGNATORY'S NAME	Bradley P. Heisler
SIGNATORY'S POSITION	Attorney
DATE SIGNED	03/22/2010
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Mar 22 18:28:13 EDT 2010
TEAS STAMP	USPTO/ROA-208.106.64.80-2 0100322182813404848-77776 347-460b879c26d299b243294 2fe877dca87a-N/A-N/A-2010 0322181806883514

**Response to Office Action
To the Commissioner for Trademarks:**

Application serial no. 77776347 has been amended as follows:

EVIDENCE

Evidence in the nature of Remarks/Arguments Exhibits A-H has been attached.

JPG file(s):

Evidence-1

Evidence-2

Evidence-3

Evidence-4

Evidence-5

Evidence-6

Evidence-7

Evidence-8

Original PDF file:

evi_2081066480-181806883_Remarks_Arguments.pdf

Converted PDF file(s) (9 pages)

Evidence-1

Evidence-2

Evidence-3

Evidence-4

Evidence-5

Evidence-6

Evidence-7

Evidence-8

Evidence-9

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 030 for Corn cakes

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed: Class 030 for Corn cakes

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

ADDITIONAL STATEMENTS

Disclaimer

No claim is made to the exclusive right to use CORN apart from the mark as shown.

SIGNATURE(S)

Response Signature

Signature: /brad heisler/ Date: 03/22/2010

Signatory's Name: Bradley P. Heisler

Signatory's Position: Attorney

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 77776347

Internet Transmission Date: Mon Mar 22 18:28:13 EDT 2010

TEAS Stamp: USPTO/ROA-208.106.64.80-2010032218281340

4848-77776347-460b879c26d299b2432942fe87

7dca87a-N/A-N/A-20100322181806883514

REMARKS/ARGUMENTS

(Serial No. 77/776,347)

Applicant has carefully reviewed the Office action mailed on September 21, 2009. Applicant has further amended this application as indicated above. Applicant respectfully submits that when the amendment to this application is considered together with the remarks herein, that the application will be in proper form for approval of this application for publication and other further processing of this application toward registration. Accordingly, reconsideration of the above-identified Office action is respectfully requested.

The examining attorney had identified a single grounds for refusal of the trademark application for the mark "CORN THINS" in this case. In particular, the examining attorney refused registration, taking the position that "the applied-for mark merely describes a feature of applicant's goods." The examining attorney provided both statutory and case law rationale for the examining attorney's position. The examining attorney stated in relevant part "the proposed mark CORN THINS describes the goods which are corn thins." The examining attorney also supplied evidence in the form of internet evidence.

Applicant has carefully studied the examining attorney's rationale and the evidence supplied by the examining attorney in this case. Applicant agrees with the examining attorney to the extent that the term "corn" is descriptive. However, applicant's careful review of all relevant evidence indicates that the entire composite mark "CORN THINS" is only suggestive of a characteristic of the goods, and not descriptive, and thus respectfully submits that the mark is not merely descriptive, and with the included disclaimer of the term "corn," that this mark warrants registration.

Applicant agrees with the examining attorney's recitation of the relevant legal standard and acknowledges that marks that are merely descriptive are not

registerable on the Principal Register. However, to provide the full legal standard, it is important to also recognize that marks that are “suggestive” are registerable on the Principal Register. In particular, TMEP §1209.01(a) identifies suggestive marks as marks “that, when applied to the goods or services at issue, require imagination, thought or perception to reach a conclusion as to the nature of those goods or services.” See *In Re Shutts*, 217 USPQ 363 (TTAB 1983) (SNO-RAKE held not merely descriptive of a snow removal hand tool). Applicant submits that “CORN THINS” is such a suggestive mark that requires imagination, thought or perception to reach a conclusion as to the nature of the goods. The suggestive nature of this composite mark “CORN THINS” is distinct from the clearly descriptive term “corn” which has been disclaimed as identified above.

Applicant appreciates the detailed evidence provided by the examining attorney in this case, and respectfully submits that a careful review of this evidence, and a few additional relevant evidentiary submissions contained herein, flows to the conclusion that the mark “CORN THINS” is a suggestive mark warranting registration on the Principal Register.

Office Practice in Prior Cases Supports “Suggestiveness” of “THINS” Marks.

1. Important distinction between “thin” and “thins.”

Applicant urges the examiner to fairly consider the subtle but crucial difference between the terms “thin” and “thins.” Often the addition of the letter “s” at the end of a term merely signifies adjustment of the word from singular to plural form. In such instances, other than the plural/singular nature of the word form being used, terms with the “s” present or absent are essentially identical. This apparent similarity is absolutely not the case between the term “thin” and “thins.”

Applicant has included herein as Exhibit A the entry from www.dictionary.com for the term “thin.” Note that the term “thin” is primarily an adjective, and as such is a word used to modify a noun. In particular it identifies the subject noun as being one

that has a small dimension in at least one direction. When one uses the term “thin” as an adjective, it is typically descriptive in nature (e.g. “*thin* crackers”). While less common, the term “thin” can also be an adverb, and usually with an “ly” ending (e.g. Jane *thinly* sliced the bread). Even less common is the utilization of the term “thin” as a verb. For instance, “Jane added water to *thin* the soup.”

Only when the term “thin” is in its most rare form being used as a verb does it have one form with an “s” at the end, as “thins.” In particular, when the verb form of the term “thin” is being used in the active tense, the term “thins” is used (e.g. Jane *thins* the soup by adding water). The term “thins” includes an “s” at the end not to identify the plural form of the word, but rather to distinguish it from the past tense (e.g. Jane *thinned* the soup) or the present tense (e.g. Jane is *thinning* the soup).

Conspicuous by its absence is the presence of any term “thin” or “thins” as a noun. Nouns are most often descriptive of goods (e.g. cheese crackers), with adjectives also used with nouns to identify characteristics of goods (e.g. *thin* crackers). Applicant acknowledges that the term “thin” can be used as an adjective to describe a characteristic of goods, but such a descriptive form is never used as “thins” with an “s” at the end. For instance, it would never be proper to use the phrase “*thins* crackers.” Rather, when used as an adjective, the term “thin” is always without the “s” (i.e. “*thin* crackers”).

Upon seeing or hearing the word “THIN,” especially adjacent a noun (e.g. *thin* crackers) a consumer immediately recognizes a descriptive meaning. However, upon seeing or hearing the word “THINS,” a customer will be thinking “THINS” is a verb and look for the “object” (e.g. What is being thinned?). Without an object, such marks “require imagination, thought or perception to reach a conclusion as to the nature of [the goods]” (the TTAB standard enunciated in *In Re Shutts*).

Applicant respectfully submits that all of the examining attorney’s evidence which focuses on the term “thin” rather than the term “thins” fails to consider the important distinction between the words “THIN” and “THINS” and is thus not particularly

probative in determining the registerability of this mark for “CORN THINS.”

2. Interpretation of prior registration and trademark application evidence.

Applicant notes that Office practice has been in favor of allowing “thins” marks on the Principal Register. In particular, applicant notes registrations for “WHEAT THINS” (Registration No. 1,022,799), “STONED WHEAT THINS” (Registration No. 1,718,484), “OAT THINS” (Registration No. 1,584,988) and “BRAN THINS” (Registration No. 1,651,988) (see Exhibits B, C, D and E), each of which either are currently registered or were at one time registered by the Office.

In addition, trademark applications for the marks “CORN THINS” (Application No. 74/525,698), “RICE THINS” (Application No. 74/004,806) and “RYE THINS” (Application No. 74/004,805) (see Exhibits F, G and H), were approved by the Trademark Office for publication, indicating no objection to the registerability of these marks within an intent-to-use trademark application. While the applicant in those cases abandoned those applications before completing the registration process, these marks, including one mark “CORN THINS” (Exhibit F) identical to the mark of this application, were approved for publication in a prior case.

Thus, prior practice within the Trademark Office regarding the registerability of marks including the word “thins,” is strongly in favor of the registerability of marks including the term “thins” for food related goods. This prior practice has recognized the suggestive nature of the term “thins” distinct from the descriptive term “thin.”

Internet Evidence Supports “Suggestive” Conclusion for “THINS” Marks

Applicant next turns to the examining attorney’s internet evidence, which examining attorney postulated “refers to ‘corn thins’ as a type of food.” Applicant notes the detail with which the examining attorney has researched the internet to find examples of use of the phrase “*corn thins*” in prior practice. In general, applicant notes that many of these references are to the term “*corn thin*” rather than “*corn thins*” and

so not as pertinent to the registerability of marks with the term “thins,” as described above. In other instances where the phrase “*corn thins*” is used, the evidence shows that the phrase “*corn thins*” is not being used to identify an ingredient, quality or characteristic of the goods (other than for the descriptive term “rice” disclosed herein), but rather is functioning as a common law trademark for the associated goods. In such trademark uses on the internet, the term “Corn Thins” is being used to identify source and is not descriptive of the goods themselves.

In particular, and considering the internet evidence in sequence, the first reference (pages 1-4) is a photo blog of a Mr. Dan Young that includes an entry from 23 July 2009. In this entry Mr. Young painted a painting of a food item that he referred to as “a corn thin.” He did not identify where he received this product and no packaging for this product is identified. While applicant acknowledges that this internet entry for Mr. Young is of some probative value as to the ultimate question of whether or not the phrase “corn thins” is descriptive of corn cakes or suggestive of corn cakes, applicant submits that the probative value of entries such as Mr. Young’s are of limited probative value. First, Mr. Young is a painter, rather than in the business of manufacture or retail sale of food items (such as those found in International Class 30) to the consuming public. Applicant respectfully submits that when the balance of the internet evidence is considered fairly, this first internet evidence entry is not particularly indicative of the overall consumer and industry perception of the phrase “corn thins.”

The second internet evidence entry (pages 5 and 6) is from www.caloriecount.about.com. This two page reference has very little upon which conclusions can be drawn. However, a header line is provided “Food Tags - corn thin.” Below this heading two bulleted items are identified “(Real Foods) Crackers - Corn Thins” and “(Kallo) Rice Cakes - Thin Slice.” Interestingly, the Real Foods product is first described as a cracker and then given the specific identifying name “corn thins.” It appears that first the company supplying the product is listed, then a generic name is utilized, and then a trademark or other identifier is provided. In this case, the source of

one of the products is Real Foods, the generic name for the product is “crackers” and the trademark for the product is “Rice Thins.” Without further information it is hard to draw conclusions from this second entry.

The third entry (pages 7-9) is from www.thedailyplate.com and appears to be a form of listing of food products with a particular entry for “Suzie’s Puffed Corn Thin Cakes.” No details about this product are supplied. However, from this title alone some interesting conclusions can be drawn. In particular, this title verifies the strong influence the dropping of the letter “s” at the end of the term “thin” has on the impression created by the phrase “Corn Thin.” When a title such as “Puffed Corn Thin Cakes” is utilized, the descriptive terms such as “corn” and “puffed” and “cakes” fit along with the descriptive term “thin” so that it is clear that what is being described is a thin cake of puffed corn. Note how different the impression would be if this mark were instead “puffed corn thins,” where one would need to guess as to what is being described, because the verb “thins” is improperly at the end of the phrase. One would be left to wonder “what is being thinned?” This third internet evidence entry thus illustrates the importance of focusing on evidence of uses of the phrase “corn thins” rather than the phrase “corn thin.”

The fourth entry (pages 10-12) is described as “hermit crab eating a corn thin.” This is apparently a photo essay which is generally in the form of art, and thus makes this fourth evidence entry similar to the first evidence entry described in detail above. Interestingly, in this instance the author chose to not capitalize any of the first letters in the title. Perhaps the photographer who submitted the image and presumably titled the image was exercising artistic license in choosing to violate capitalization protocols for the titles of works of authorship. Such English language rule violations may be common when works of art are being described, but generally do not occur in commercial advertising, such as when describing goods such as those identified in International Class 30. This fourth internet entry illustrates how inaccurate conclusions can be reached when anecdotal evidence taken from the internet and provided by an

unsophisticated provider can lead to a variety of different conclusions which are not correct. As with the first internet evidence entry, applicant submits that this fourth internet evidence entry is of little probative value as to the suggestiveness/descriptiveness of the mark "CORN THINS."

The fifth entry (page 13) is a single page from www.sunrice.com.au describing a product referred to as "Thin Rice Cakes." As with the third internet entry related to "Suzie's Puffed Corn Thin Cakes" applicant again invites the examining attorney to see how use of the term "thin" causes that term to be descriptive in nature. In particular, rice cakes are described as being "thin." Note how use of the term "thins" on the package would not make sense. The mark at issue in this case is "CORN THINS" and the subtle but important distinction between the terms "thin" and "thins" distinguish this fifth internet entry from applicability to the mark at issue in this case. Also, this product's emphasis of "RICE" rather than "CORN" makes it less relevant to the suggestiveness/descriptiveness of the mark "CORN THINS."

The sixth entry (pages 14-17) is taken from glutenfreecrackers.com. In this entry a heading "Corn Thins as Gluten Free Crackers" is provided. This entry includes a listing of a variety of different products available for those who require a gluten free diet. Multiple products are shown including photographs of the products. In each case they are products of Real Foods, apparently an Australian company. A review of the packaging in these photographs shows that the mark "CORN THINS" is shown in all capital letters in prominent positions on the package. The configuration of the packaging shown therein is most probative of the suggestive/descriptive nature of the mark "CORN THINS." Certainly, the term "corn" is descriptive. Throughout these product descriptions Real Foods is describing its product utilizing techniques often used with trademarks including capitalization of the first letters in the trademark as "Corn Thins."

The seventh internet evidence entry (pages 18-21) is from www.sonorafoods.com. The examining attorney is apparently referencing a list of tortilla types that are available

from Sonora Foods. In particular, at the very bottom of page 18 the phrase “frozen corn tortillas” is listed. At the top of page 19 a variety of different entries are provided under the heading “Product Description.” Entries such as “Corn Thin Yellow” and “Corn Thick Yellow” are supplied. These terms are clearly descriptive in nature and are describing the flavor and thickness of various different tortillas provided by Sonora Foods differentiated by staple food ingredient, thickness and color. Because the term utilized is “thin” rather than “thins” this seventh internet evidence entry is not probative as to the question of the suggestive/descriptive nature of the “CORN THINS” mark.

The eighth internet evidence entry (pages 22-25) is taken from www.celiac.com. At this site apparently private individuals can make comments on various different topics. In this instance two members are sharing about food items that they enjoy and utilize the phrase “corn thin” therein. It is unclear what product in particular they are referring to. As with the first and fourth internet evidence entries provided above, applicant submits that anecdotal internet evidence from isolated parties is not the best evidence as to whether a phrase is descriptive of goods or suggestive of goods, and whether the phrase is functioning as a trademark or as a descriptive phrase.

The ninth internet evidence entry (page 26) appears to be similar to the fifth internet entry described above. Applicant is unclear how this reference relates in anyway to the mark “CORN THINS.” Furthermore, the term “thin” is utilized without the “s” and as described above emphasizes how the term “thin” and the term “thins” have decidedly different meanings.

The tenth internet evidence entry “pages 27-31 is taken from parents.berkeley.edu and is a thread of comments provided by individuals under the topic “Gluten free kids lunches.” At page 31 one brief reference is made: “I also like a wheat free corn thin.” The writer goes on to describe that the product is “made in Australia or New Zealand” and so perhaps is referring to the “Thin Rice Cakes” rice and corn product that is the subject of the fifth internet evidence entry, or perhaps the Real Foods various corn thins

products. Again, anecdotal evidence from an individual internet user should be considered less probative than commercial text supplied by those in the industry and supplying goods in International Class 30.

Overall, the internet evidence is extensive and in most cases includes use of the phrase "Corn Thins" consistently as a common law trademark identifying the source of goods, or "Corn Thin" to describe a thin tortilla or other product. This internet evidence is consistent with the definition of "*thin*" and "*thins*" found at dictionary.com (Exhibit A). In particular, while the term "thin" is a commonly used adjective, the term "thins" is a rather obscure verb in the English language and nothing else. When this verb "thins" is placed on a package or otherwise used in conjunction with goods, a viewer of such a package or other user cannot logically reach a conclusion as to the nature of the goods without some use of imagination, thought or perception to reach a conclusion as to the likely nature of the goods. Also, this internet evidence is largely anecdotal, and provided by individuals not involved in the food industry, and often overseas. Their comments regarding the meaning of the terms they use are thus an unreliable indicator of the true function of the mark "CORN THINS."

Accordingly, and based on the above analysis and evidence, as well as the significance of the disclaimer of the term "CORN," applicant respectfully submits that the mark "CORN THINS" is not descriptive, but rather is suggestive of the goods and warrants registration in compliance with the requirements of Trademark Act §2(e)(1). Applicant respectfully requests that the examining attorney find that this case is now in a form which warrants approval for publication and further processing by the Office. Should the examining attorney have questions with regard to the undersigned's position, require further evidence or have other matters which would benefit from a conversation with the undersigned, the undersigned invites the examining attorney to contact the undersigned by telephone to expeditiously resolve any such remaining issues.

thin

Related Searches

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- Skinny
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- Thin women
- Diet how to get thin
- Thin girls
- Anorexic nation
- How to get thin fast
- Skinny girl models su...

Synonyms

- unsubstantial
- subtle
- unbelievable
- unconvincing
- sparse
- irrigate
- feeble

More Synonyms >

Slang

- thin dime
- thin-skinned
- walk on thin ice

Nearby Words

- thimbu
- thimeroza
- thimphu
- thin
- thin air
- thin as a rail
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thin [thin] Show IPA *adjective*, *thin-ner*, *thin-nest*, *adverb*, *verb*, *thinned*, *thin-ning*.

-adjective

- having relatively little extent from one surface or side to the opposite; not thick: *thin ice*.
- of small cross section in comparison with the length; slender: *a thin wire*.
- having little flesh; spare; lean: *a thin man*.
- composed of or containing objects, particles, etc., widely separated; sparse: *thin vegetation*.
- scant; not abundant or plentiful.
- of relatively slight consistency or viscosity: *thin soup*.
- rarefied, as air.
- without solidity or substance; flimsy: *a very thin plot for such a long book*.
- lacking fullness or volume; weak and shrill: *a thin voice*.
- without force or a sincere effort: *a thin smile*.
- lacking body, richness, or strength: *a thin wine*.
- lacking in chroma; of light tint.
- Photography.** (of a developed negative) lacking in density or contrast through underdevelopment or underexposure.

-adverb

- in a thin manner.
- sparsely; not densely.
- so as to produce something thin: *Slice the ham thin*.

-verb (used with object)

- to make thin or thinner (often fol. by *down*, *out*, etc.).

-verb (used without object)

- to become thin or thinner; become reduced or diminished (often fol. by *down*, *out*, *off*, etc.): *The crowd is thinning out*.

Use thin in a Sentence

Origin:

bef. 900; (adj. and adv.) ME *thyn(ne)*, OE *thynne*, c. D *dun*, G *dunn*, ON *thunnr*, (v.) ME *thynnen*, OE *thynnian*, deriv. of the adj.; cf. MD *dunnen*. ON *thynna*, akin to OIr *tana*. L *tenuis* thin, Gk *tany-lon*

-Related forms

- thinly, *adverb*
- thinness, *noun*
- o-ver-thin, *adjective*
- o-ver-thin-ly, *adverb*
- o-ver-thin-ness, *noun*
- self-thinning, *adjective*
- su-per-thin, *adjective*
- un-thinned, *adjective*
- un-thin-ning, *adjective*

-Synonyms

3. slim, slender, skinny, lank, scrawny. THIN, GAUNT, LEAN, SPARE agree in referring to one having little flesh. THIN applies often to one in an unnaturally reduced state, as from sickness, overwork, lack of food, or the like: *a thin, dirty little wolf*. GAUNT suggests the angularity of bones prominently displayed in a thin face and body: *to look ill and gaunt*. LEAN usually applies to a person or animal that is naturally thin: *looking lean but healthy after an outdoor vacation*. SPARE implies a muscular leanness with no diminution of vitality: *Lincoln was spare in body*. 5. meager. 8. weak.

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Word Mark WHEAT THINS

Goods and Services IC 030. US 046. G & S: CRACKERS. FIRST USE: 19471231. FIRST USE IN COMMERCE: 19471231

Mark Drawing Code (1) TYPED DRAWING

Serial Number 73045498

Filing Date February 28, 1975

Current Filing Basis 1A

Original Filing Basis 1A

Registration Number 1022799

Registration Date October 14, 1975

Owner (REGISTRANT) NABISCO, INC. CORPORATION NEW JERSEY 7 CAMPUS DRIVE PARSIPPANY NEW JERSEY 070540311
 (LAST LISTED OWNER) KRAFT FOODS GLOBAL BRANDS LLC LIMITED LIABILITY COMPANY DELAWARE THREE LAKES DRIVE NF 584 NORTHFIELD ILLINOIS 60093

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Douglas W. Cherry

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Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20060301.

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Word Mark STONED WHEAT THINS
Goods and Services IC 030. US 046. G & S: crackers. FIRST USE: 19840801. FIRST USE IN COMMERCE: 19840801
Mark Drawing Code (1) TYPED DRAWING
Serial Number 74210925
Filing Date October 9, 1991
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition June 30, 1992
Registration Number 1718484
Registration Date September 22, 1992
Owner (REGISTRANT) Nabisco, Inc. CORPORATION NEW JERSEY 7 Campus Drive Parsippany NEW JERSEY 070540311
 (LAST LISTED OWNER) KRAFT FOODS GLOBAL BRANDS LLC LIMITED LIABILITY COMPANY DELAWARE THREE LAKES DRIVE NF 584 NORTHFIELD ILLINOIS 60093
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record DOUGLAS W CHERRY
Prior Registrations 1022799
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Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20030110.
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Word Mark OAT THINS

Goods and Services (CANCELLED) IC 030. US 046. G & S: CRACKERS. FIRST USE: 19890517. FIRST USE IN COMMERCE: 19890517

Mark Drawing Code (1) TYPED DRAWING

Serial Number 73814475

Filing Date July 24, 1989

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition December 5, 1989

Registration Number 1584988

Registration Date February 27, 1990

Owner (REGISTRANT) NABISCO, INC. CORPORATION NEW JERSEY 100 DE FOREST AVENUE EAST HANOVER NEW JERSEY 07936
(LAST LISTED OWNER) NABISCO BRANDS COMPANY CORPORATION ASSIGNEE OF DELAWARE ONE SOUTH WACKER DR. SUITE 2740 CHICAGO ILLINOIS 60606

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record KATHLEEN J. GALLAGHER

Prior Registrations 1022799;1244724

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Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

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Cancellation Date April 28, 2001

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Word Mark BRAN THINS
Goods and Services (CANCELLED) IC 030. US 046. G & S: CRACKERS. FIRST USE: 19901008. FIRST USE IN COMMERCE: 19901008
Mark Drawing Code (1) TYPED DRAWING
Serial Number 74004804
Filing Date November 24, 1989
Current Filing Basis 1A
Original Filing Basis UNKNOWN
Published for Opposition July 31, 1990
Registration Number 1651988
Registration Date July 23, 1991
Owner (REGISTRANT) NABISCO, INC. CORPORATION NEW JERSEY 100 DE FOREST AVENUE EAST HANOVER NEW JERSEY 07936
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record ARTHUR A. SILVERSTEIN
Prior Registrations 1022799,1244724
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Type of Mark TRADEMARK
Register PRINCIPAL
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Cancellation Date January 26, 1998

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Word Mark CORN THINS
Goods and Services (ABANDONED) IC 030. US 046. G & S: crackers
Mark Drawing Code (1) TYPED DRAWING
Serial Number 74525698
Filing Date May 17, 1994
Current Filing Basis 1B
Original Filing Basis 1B
Published for Opposition February 21, 1995
Owner (APPLICANT) Nabisco, Inc. CORPORATION NEW JERSEY 7 Campus Drive Parsippany NEW JERSEY 070540311
Attorney of Record Steven H. Hartman
Prior Registrations 1584988;1651988;AND OTHERS
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CORN" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator DEAD
Abandonment Date November 20, 1996

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Word Mark RICE THINS
Goods and Services (ABANDONED) IC 030. US 046. G & S: CRACKERS
Mark Drawing Code (1) TYPED DRAWING
Serial Number 74004806
Filing Date November 24, 1989
Current Filing Basis 1B
Original Filing Basis 1B
Published for Opposition July 31, 1990
Owner (APPLICANT) NABISCO, INC. CORPORATION NEW JERSEY 100 DE FOREST AVENUE EAST HANOVER NEW JERSEY 07936
Attorney of Record ARTHUR A. SILVERSTEIN, ESQ.
Prior Registrations 1022799;1244724
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Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator DEAD
Abandonment Date November 18, 1991

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Typed Drawing

Word Mark RYE THINS

Goods and Services (ABANDONED) IC 030. US 046. G & S: CRACKERS

Mark Drawing Code (1) TYPED DRAWING

Serial Number 74004805

Filing Date November 24, 1989

Current Filing Basis 1B

Original Filing Basis 1B

Published for Opposition July 31, 1990

Owner (APPLICANT) NABISCO, INC. CORPORATION NEW JERSEY 100 DE FOREST AVENUE EAST HANOVER NEW JERSEY 07936

Attorney of Record ARTHUR A. SILVERSTEIN, ESQ.

Prior Registrations 1022799;1244724

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Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator DEAD

Abandonment Date January 16, 1992

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MARK: CORN THINS

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CORRESPONDENT ADDRESS:

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HEISLER & ASSOCIATES
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<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: SunFoods, LLC

**CORRESPONDENT'S REFERENCE/DOCKET
NO:**

09051.022

CORRESPONDENT E-MAIL ADDRESS:

OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE:

SEARCH OF OFFICE'S DATABASE OF MARKS

The Office records have been searched and there are no similar registered or pending marks that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

SECTION 2(e)(1) REFUSAL – MERELY DESCRIPTIVE

Registration is refused because the applied-for mark merely describes a feature of applicant's goods. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); *see* TMEP §§1209.01(b), 1209.03 *et seq.*

In addition to being merely descriptive, the applied-for mark appears to be generic in connection with the identified goods and, therefore, incapable of functioning as a source-identifier for applicant's goods. *In re Gould Paper Corp.*, 834 F.2d 1017, 5 USPQ2d 1110 (Fed. Cir. 1987); *In re Pennzoil Prods. Co.*, 20 USPQ2d 1753 (TTAB 1991); *see* TMEP §§1209.01(c) *et seq.*, 1209.02. Under these circumstances, neither an amendment to proceed under Trademark Act Section 2(f) nor an amendment to the Supplemental Register can be recommended. *See* TMEP §1209.01(c).

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the specified goods. TMEP §1209.01(b); *see In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005); *In re Gyulay*, 820 F.2d 1216, 1217-18, 3 USPQ2d 1009, 1010 (Fed. Cir. 1987). Moreover, a mark that identifies a group of users to whom an applicant directs its goods is also merely descriptive. TMEP §1209.03(i); *see In re Planalytics, Inc.*, 70 USPQ2d 1453, 1454 (TTAB 2004).

The proposed mark CORN THINS describes the goods which are corn thins. Applicant's identification of goods is "corn cakes." Please see the attached Internet evidence which refers to "corn thins" as a type of food.

Two major reasons for not protecting descriptive marks are (1) to prevent the owner of a descriptive mark from inhibiting competition in the marketplace and (2) to avoid the possibility of costly infringement suits brought by the trademark or service mark owner. *In re Abcor Dev. Corp.*, 588 F.2d 811, 813, 200 USPQ 215, 217 (C.C.P.A. 1978); TMEP §1209. Businesses and competitors should be free to use descriptive language when describing their own goods and/or services to the public in advertising and marketing materials. *See In re Styleclick.com Inc.*, 58 USPQ2d 1523, 1527 (TTAB 2001).

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

CLASSIFICATION OF GOODS/SERVICES

Applicant did not classify the goods. Applicant must amend the application to classify the goods in International Class 30. *See* 37 C.F.R. §§2.32(a)(7), 2.85; TMEP §§1401.02(a), 1401.03(b).

/Carol Spils/
Trademark Attorney
United States Patent and Trademark Office
Law Office 104
(571)272-9226

RESPOND TO THIS ACTION: Applicant should file a response to this Office action online using the form at <http://www.uspto.gov/teas/eTEASpageD.htm>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For *technical* assistance with the form, please e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system

at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

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These search terms are highlighted: **corn thin**

[Text-only version](#)

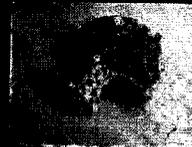
DAN YOUNG, DAILY

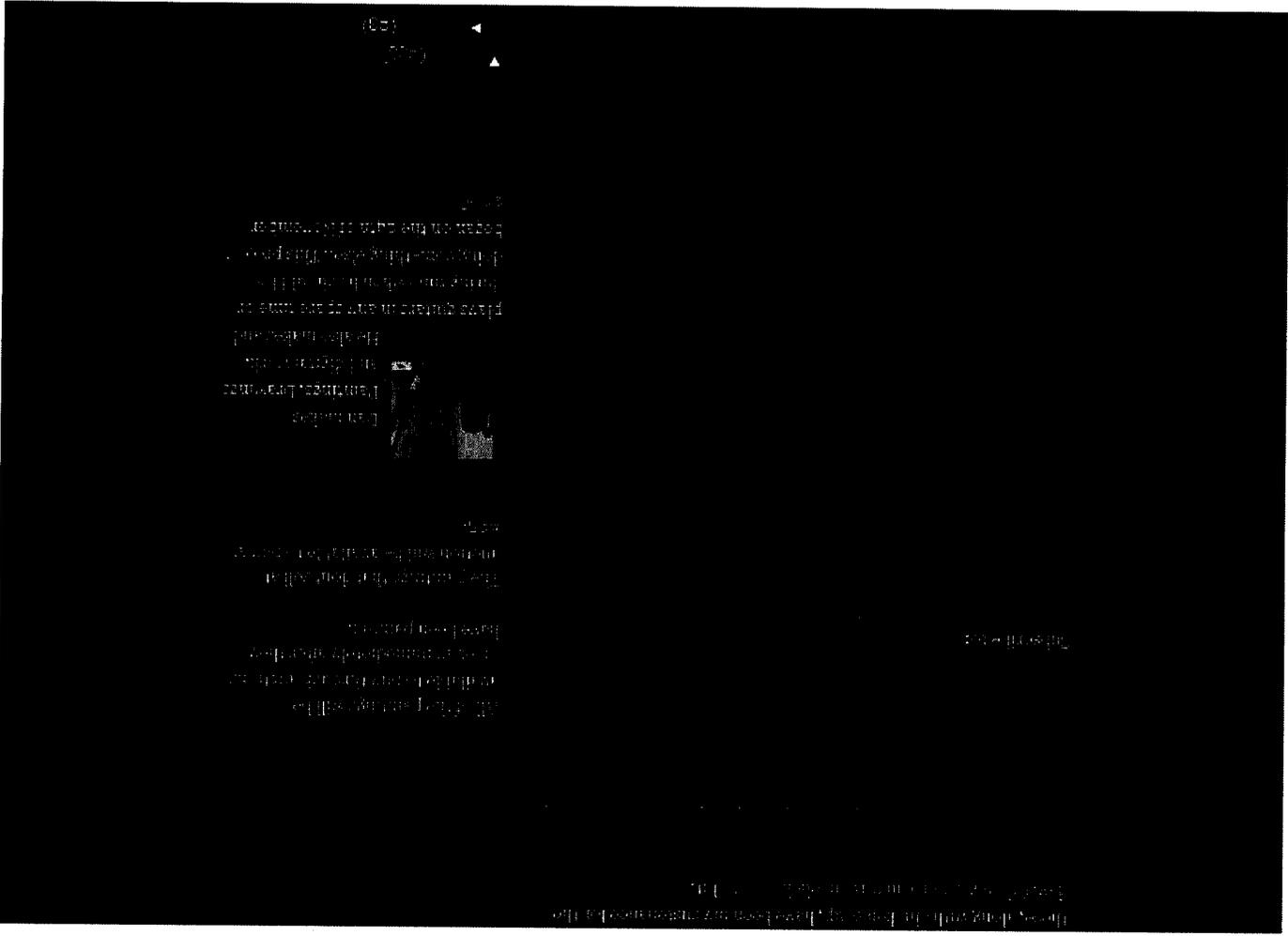
Corn Thin



This blog is the result of my attempt to make a painting a day for a year. Each painting will be the same format: a small object on a white background. The subject will be found or laid out on the day of the painting and will usually have a link to that day.

The past few all the good for the last couple of days, and this is one of the few things I have been able to eat today. A **corn thin**, it's a bit like a rice thin, but it's made from corn. It's a bit like eating a piece of cake, but it's quite bland and easy to digest so these days with what's going on, I have been very quiet for a few days.





<http://74.125.93.132/search?cache:nZyP6cwUUHsJ:danyoungdaily.blogspot.com/2009/07/242-corn-thin.html+%22corn+thin%22&cd=3&hl=en&ct=clnk&gl=us> 09/18/2009 11:24:36 AM

Corn Thin

- ▶ (20)
- ▶ (20)
- ▶ (20)
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Food Tags - **corn thin**

Similar to [corn thins](#), [crackers](#), [rice cake](#), [snack](#), [lunch](#)

- [\(Real Foods\) Crackers - Corn Thins](#)
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http://74.125.93.132/search?cache:0yFBv9AGlKk:www.thedailyplate.com/nutrition-calories/food/suzies/puffed-corn-thin-cakes+%22corn+thin%22&cd=6&hl=en&cl=clnk&gl=us 09/18/2009 11:26:37 AM

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Enter any food, restaurant, or activity:

Type search here

search

Example: Archer Farms (Target Brand) | Band - Baton.
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The Daily Plate > [suzies](#) > Puffed **Corn Thin** Cakes

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NO IMAGE

Suzie's Puffed Corn Thin Cakes

New! Contribute a photo of this item!

PENDING REVIEW

This item has not yet been reviewed by The Daily Plate's staff or moderators.

Whole grain, gluten free, fat free

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High Fructose Corn Syrup

HFCS Offers Many Benefits Other Than its Sweet Taste. Learn More.
www.SweetSurprise.com

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Nutrition Facts

Serving Size: 3 Cakes (14g)

Fruit2Day - Fruit Snack

Introducing the New Way to Snack. 2 Servings of Fruit. Only 120 Cals
Fruit2day.com

Beautiful Corn Snake Cage

Unique attractive custom enclosures Request a free color catalog today!
www.cagesbydesign.com

Book looks at calories

In-depth information on foods, burning fat, calories, etc.
www.nutritionbook.webs.com

Nutrition at a glance

There are **38** calories in the Suzie's Puffed Corn Thin Cakes.

If you choose the Puffed Cakes instead, you would save about 16 calories.

Have you eaten this food today? If so, then add it to your MyPlate calorie counter.

We encourage you to write a review of this food item to contribute



today | yesterday

Healthy Alternatives with fewer Calories

Tips: Try one of these other items from Suzie's instead of the Puffed Corn Thin Cakes to consume fewer calories.

- Puffed Cakes (16 fewer calories)
- Kamut Puffed Cakes (8 fewer calories)
- Kumut Puffed Cakes Agave Sweetened (8 fewer calories)
- Spelt Puffed Cakes - Agave Sweetened (5 fewer calories)

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BMI Calculator

Calculate Your BMI in Seconds. What is Your Ideal Weight?
www.FindMyBMI.com

Nutrition Services in Washington



Jillian Michaels Online
TV's toughest fitness guru has a nutrition plan to drop that weight!
www.jillianmichaels.com

Amount per Serving	
Calories 38	Calories from Fat 0
	% Daily Value *
Total Fat 0g	0%
Saturated Fat 0g	0%
Monounsaturated Fat 0g	
Polyunsaturated Fat 0g	
Trans Fat 0g	
Cholesterol 0mg	0%
Sodium 11mg	0%
Potassium 0mg	0%
Total Carbohydrate 8g	3%
Dietary Fiber 1g	4%
Sugars 0g	
Protein 1.5g	3%
<hr/>	
Vitamin A	0%
Vitamin C	0%
Calcium	0%
Iron	0%
<hr/>	
Est. Percent of Calories from:	
Fat 0.0%	Carbs 84.2%
Protein 15.8%	
<input type="button" value="Send to A Friend"/>	

Recommended Articles

Calorie breakdown:



Members who've eaten this:

TAP PROBIOTIC

Food item to contribute to The Daily Plate community.
Feel free to browse more foods from Suzie's.

You could burn off the 36 calories from this Puffed Corn Thin Cakes in a variety of ways:

Groceries - putting away for 14 minutes

Snowmobiling for 10 minutes

Wiring and plumbing for 9 minutes

These are estimates based on a 145lb person. For more accurate information, tell us your weight.



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Diets: OneHealthyLifestyle.com
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Related Items from Suzie's

Tip: Use the list below to compare the different complementary foods you might enjoy with this meal.
No related items are available.

[See all items from Suzie's »](#)

User Reviews of Puffed Corn Thin Cakes

Sort reviews by: **Helpfulness**

Nutrition Facts on Suzie's Puffed Corn Thin Cakes provided by LIVESTRONG.COM



Popular Items

- Fat Free Skim Milk
 - French Fries - Medium French Fries
 - Red/green Grapes
 - Guacamole
 - Reese's Peanut Butter Cups
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Sudden changes in diet and nutrition may pose health risks that only your doctor can evaluate. Prior to changes in your diet and nutrition you should consult with your doctor to evaluate your personal health situation. We here at the Daily Plate do not offer health advice, but we strive to make nutritional information more accessible to you. While we constantly try to ensure the accuracy of the information posted on this site, we cannot verify the accuracy of every item submitted, and all information is used by you at your own risk.

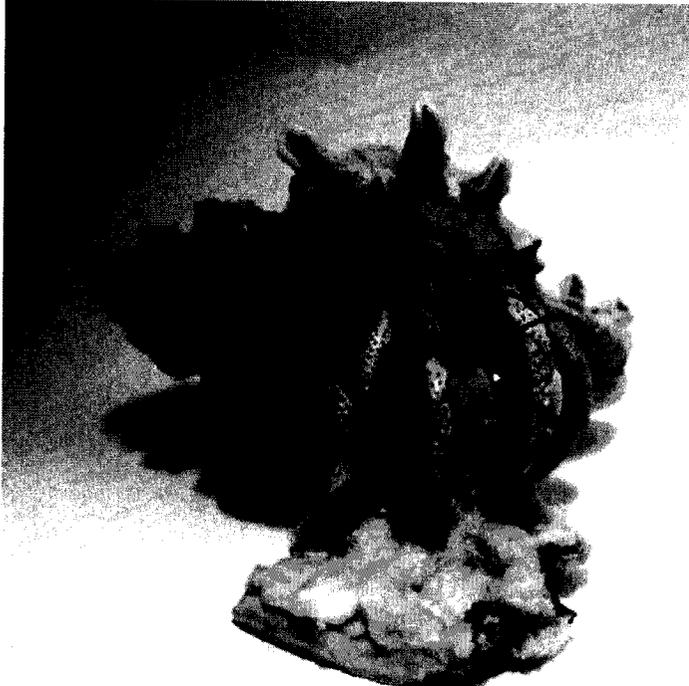
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These search terms are highlighted: **corn thin**

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hermit crab eating a corn thin

ALL SIDES



Uploaded on April 20, 2007
by **Vanessa Pike-Russell**

Vanessa Pike-Russell's
photostream

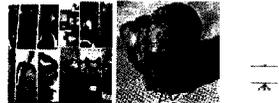


This photo also belongs to:

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Most interesting views (00+ views):



DSCF9522_hermitcrab

Comments



paperbullet pro says:

hee hee, cool!

Posted 29 months ago | [permlink](#)



nyomee wallen pro says:

So neat and sharp quality shot...Impressive one.



Your photo is "A" Class
please, consider adding this photo to

www.flickr.com/groups/a-class/



You are my winner!

Please add this photo to

www.flickr.com/groups/mywinners/

Posted 29 months ago | [permlink](#)



April (Jumping Bean Photography) pro says:

sweet!!

Posted 29 months ago | [permlink](#)



jessedharris pro says:

very cool hermit crab.

Posted 29 months ago | [permlink](#)



Randy Son Of Robert pro says:

That is so cool and the colors are so coordinating too.

Seen in my contacts' photos. (?)

Most interesting animal photos (Set)



Animals hermit crabs (Set)



Crabby Photos (Pool)

National Geographic Magazine (Pool)

Avatar 3.0 (Pool)

The World Daily Jr. Magazine (Pool)

The Crab Great Journal Photo Group (Pool)

A-Class (Flickr) - Unshared To (Pool)

Archie's group (Pool)

hermit crabs (Pool)

Rust-Aunt-Lis Hermit Crab Channel (Pool)

Tags

Seen in my contacts' photos. (?)

Posted 20 months ago. | [permalink](#)



Vanessa Pike-Russell [pro](#) says:

thanko everyone! I wasn't sure a night time photo session would produce any good results but I was happy with this one shot. I just did another session with them today and just about to upload them. They sure are fast little critters!

Posted 22 months ago. | [permalink](#)



L. Orlando [pro](#) says:

Nice!!!!

Posted 18 months ago. | [permalink](#)

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Rice Range

Microwave Rices

Pour & Store

Rice Cakes

- > Original Thick
- > Corn & Sesame Thick
- > Original Thin
- > Mixed Grain Thin
- > **Rice & Corn Thin**
- > 5 Grains Thin

Flavoured Rice & Corn Cakes

Other Brands

Rice & Corn Thin

Product Overview **Recipes** Nutritional Information



Made with puffed corn and Australian grown wholegrain brown rice SunRice Rice and **Corn Thin** Rice Cakes have the unique light crisp texture of rice cakes with the added crunch of corn. For a scrumptious light lunch top SunRice Rice and **Corn Thin** Rice Cakes with pesto, mozzarella cheese, roasted red capsicum and snow pea sprouts.

SunRice Rice & **Corn Thin** Rice Cakes are 97% fat free, cholesterol free, gluten free and carry the National Heart Foundation Tick.

Ricegrowers Limited

ABN 55 007 481 156
Trading as SunRice

SunRice Consumer Relations

Freecall 1800 255 999 in Australia or 0800 114 760 in New Zealand
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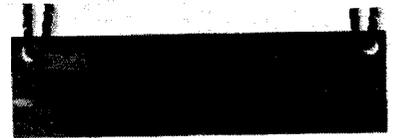
These search terms are highlighted: **corn thin**

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<http://glutenfreecrackers.com>

Gluten Free Crackers

Great crackers without the wheat



Corn Thins as Gluten Free Crackers



Posted by [Gluten Free Guy](#) | Posted in [Gluten Free Crackers](#) | Posted on 08-07-2009

Tags: [Corn Thins](#), [GF Crackers](#), [Gluten Free Crackers](#), [Wheat Free Corn Thins](#)

Corn thins are large wafers of corn pressed into a shape that resembles a rice cake, but unlike rice cakes corn thins have flavor. We like them plain, but many people use them as a platform for things like hummus, peanut butter, jam, or salsa. If you like the shape of rice cakes but you find they are too bland for your tastes, you might prefer corn thins. We certainly do.

While corn thins are not literally crackers you are likely to find them very near the crackers in your local supermarket, so we are including them here on Gluten Free Crackers to expand your options.

Corn thins are almost always gluten free, but as with any other prepared food we strongly encourage people with celiac disease to *read the ingredients*. We want to help you stay gluten free and healthy.

Here is a list of **corn thin** products that are described as gluten free by Amazon.

Pages

- [Brown Rice Snaps](#)
- [Glutino Crackers](#)
- [Mary's Gone!](#)
- [Orgran](#)

Sponsors

Smooth Jazz MP3s
Legit Downloads: MP3 files with no DRM, 100% legal and honest

Glutino Gluten Free Pasta
Nothing but GF Pasta at Gluten Free Pastas

Gluten Free Dry Soup
many brands of dry GF soups



Real Foods Organic Corn Thins, Multigrain Flavor, Gluten/Wheat-Free, 5.3-Ounce Bag (Pack of 12)

List Price: \$39.64

Sale Price: \$33.03

Average Rating: ★★★★★

Fat free. The great taste of organic corn and sesame in every crispy-thin slice. Contains no genetically modified ingredients. GMO free. Gluten free. 23 Calories per slice. We regularly test our corn and ingredients, and receive assurances from our suppliers to confirm that no ingredients used in our Corn thins contain materials developed using bio-engineering (rDNA) technology. Real Foods Multigrain Corn Thins are the best tasting wholegrain crackers you can buy. We have selected five grains that have been staple foods throughout the world since ancient times, and blended them into a great recipe for maximum crunch and flavor. Our Multigrain Corn Thins are made simply by popping our special blend of five grains under high temperature. As Real Foods Corn Thins are fat free, they really are good for you. The staff of life. Real Foods is proud to be producing wholesome and natural products for people who enjoy great tasting real food. Product of Australia.

MORE DETAILS



Real Foods Organic Corn Thins, Flax Flavor, Gluten/Wheat-Free, 5.3-Ounce Bag (Pack of 12)

List Price: \$39.64

Sale Price: \$33.03

Average Rating: ★★★★★

Fat free. The great taste of corn, flaxseed and soy in every crispy-thin slice. Contains no genetically modified ingredients. GMO free. Gluten free. 23 Calories per slice. We regularly test our corn and ingredients, and receive assurances from our suppliers to confirm that no ingredients used in our Corn thins contain materials developed using bio-engineering (rDNA) technology. Real Foods Flax & Soy Corn Thins are the best tasting wholegrain crackers you can buy. Made with a great recipe for maximum crunch and flavor, they taste sensational on their own, or with any number of delicious toppings. Our Flax & Soy Corn Thins are made simply by popping grains of corn with added flaxseed and soy under high temperature. As Real Foods Corn Thins are fat free, they really are good for you. 110 mg of Omega-3 Fatty Acid per serving. 250 mg of Omega-6 Fatty Acid per serving. Taste terrific. Linolenic Acid (Omega-3) and Linoleic Acid (Omega-6), in our unique blend of corn, flaxseed and soy, are both important nutrients in

GF soups

Gluten Free Cookies because you deserve a treat

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Gluten Free Pure Bar a top selling GF energy bar

Ads by Steve

Pretzels

GF Pretzels

 Glutino Gluten-Free Pretzel Twists, 14.5-Ounce Bag
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 Ener-G Foods Sesame Pretzel Ring
Ener-G Foods
\$35.54

 Ener-G Foods Crisp Pretzels, Gluten-Free
Ener-G Foods
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Yummy and Gluten Free

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Ener-G Foods
\$36.92

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corn, flaxseed and soy, are both important nutrients in maintaining health and vitality. Phytoestrogens, including isoflavonoids found in flaxseed, are natural plant compounds. Studies have indicated that there are associated health benefits in including phytoestrogens in the daily diet. Real Foods is proud to be producing wholesome and natural products for people who enjoy great tasting real food. Product of Australia.

MORE DETAILS



Real Foods Organic Corn Thins, Original Flavor, Wheat-Free, 5.3-Ounce Bag (Pack of 12)

List Price: \$39.64

Sale Price: \$17.65

Average Rating: ★★★★★

USDA Organic. Fat Free. The great taste of golden, sun-ripened corn in every crispy-thin slice. Contains no genetically modified ingredients. GMO Free. 23 calories per slice. Real Foods Corn Thins are the best tasting wholegrain crackers you can buy. Made with a great recipe for maximum crunch and flavor, they taste sensational on their own, or with any number of delicious toppings. Our Original Corn Thins are made simply by popping grains of corn under high temperature. Fat free and all natural, Real Foods Corn Thins really are good for you. Australian Certified Organic. Product of Australia.

MORE DETAILS



Real Foods Organic Corn Thins, Sesame Flavor, Gluten/Wheat-Free, 5.3-Ounce Bag (Pack of 12)

List Price: \$39.64

Sale Price: \$33.03

Average Rating: ★★★★★

Fat free. The great taste of organic corn and sesame in every crispy-thin slice. Contains no genetically modified ingredients. GMO free. Certified organically grown. Gluten free. 24 Calories per slice. We regularly test our corn and ingredients, and receive assurances from our suppliers to confirm that no ingredients used in our Corn thins contain materials developed using bio-engineering (rDNA) technology. Real Foods Sesame Corn Thins are the best tasting wholegrain crackers you can buy. Made with a great recipe for maximum crunch and flavor, they taste sensational on their own, or with any number of delicious toppings. Our Sesame Corn Thins are made simply by popping grains of corn under high temperature. Taste

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popping grains of corn under high temperature. Taste sensational. Real Foods is proud to be producing wholesome and natural products for people who enjoy great tasting real food. USDA Organic. Australian Certified Organic. Product of Australia.

MORE DETAILS

Technorati Tags: [corn thins](#), [gluten free crackers](#), [gf crackers](#), [wheat free corn thins](#)

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These search terms are highlighted: **corn thin**

[Text-only version](#)

Main Product List and Description:

CANNED PEPPERS, CHILES AND SPECIALTIES			
MFG Code	Product Description	Pack Size	Unit/Case
130001	Whole Jalapeno, Adelita	6x100 oz	600
130002	Jalapeno Nacho Sliced, Adelita	6x100 oz	600
180010	Jalapeno Nacho Sliced, Del Sol	6x100 oz	600
180001	Diced Green Chiles, Del Sol	12x27 oz	324
130004	Refried Beans, Adelita	6x112 oz	672
620023	Refried Beans Vegetarian, Rosarita	6x102 oz	612
130033	Pinto Beans, Adelita	6x112 oz	672
130003	Achiote Paste, Adelita package	1x3 oz	
130005	Chipotle in Adobo, Adelita	24x7 oz	168
130009	Nopalitos (Cactus), Adelita	12x28 oz	336
130010	White Hominy, Adelita	12x29 oz	348
650026	Tomatillos Whole, San Marcos	6x100 oz	600
100080	Avocado Pulp, Yucatan	4x6 lb	24
100095	Picante Guacamole, Yucatan	12x1 lb	12
TBA	Dried Chiles	Bulk	lb.
Cheese Sauces (top of page)			
MFG Code	Product Description	Pack Size	Unit/Case
620021	Hungerford, Aged Cheddar Cheese	6 * 112 oz.	672
620022	Hungerford, Nacho Cheese	6 * 112 oz.	672
Corn Shells - Heat and Serve (top of page)			
MFG Code	Product Description	Pack Size	Unit/Case
240000	Taco Shells	200 ct.	200
Frozen Corn Tortillas (top of page)			

MFG Code	Product Description	Pack Size	Unit/Case
220006	Corn Thin Yellow	18x50	900
220007	Corn Thick Yellow	18x50	900
220008	5"x9" Corn Oval	8x60	480
220009	Corn Thin White	18x50	900
220018	Corn Thin Blue	18x50	900
220019	Corn Thick White	18x50	900
220022	Corn Thin Red	18x50	900
220023	Corn Super Thin Blend	6x200	1200
220079	Corn Thin Blue Dye	18x50	900
220080	Corn Thin Green	18x50	900
220024	Pre-cut Corn White	1x20 lb.	20 lb.
220063	Pre-cut Corn Mix two color	1x20 lb.	20 lb.
220065	Pre-cut Corn Yellow	1x20 lb.	20 lb.
220069	Pre-cut Corn tri-color	1x20 lb.	20 lb.
220092	Pre-cut Corn White four cut thick	1x20 lb.	20 lb.

Flavored And Flour Tortillas (Heat Pressed) (top of page)

MFG Code	Product Description	Pack Size	Unit/Case
220000	6 1/2" Flour	42x12	504
220040	6 1/2" Apple Cinnamon	42x12	504
220058	6 1/2" Tomato	42x12	504
220059	6 1/2" Southwest Chile	42x12	504
220060	6 1/2" Jalapeno Coriander	42x12	504
220066	6 1/2" Chocolate	42x12	504
220067	6 1/2" Strawberry	42x12	504
220102	7" Flour	42x12	504
220003	8" Flour	20x12	240
220004	10" Flour	12x12	144
220029	10" Tomato	12x12	144
220030	10" Spinach	12x12	144
220034	10" Jalapeno Coriander	12x12	144
220035	10" Mustard	12x12	144
220039	10" Apple Cinnamon	12x12	144
220042	10" Tomato Basil	12x12	144
220052	10" Strawberry	12x12	144
220053	10" Chocolate	12x12	144
220057	10" Multigrain	12x12	144
220062	10" Whole Wheat	12x12	144
220087	10" Pesto	12x12	144

220087	10" Pesto	12x12	144
220005	12" Flour	12x12	144
220028	12" Whole Wheat	12x12	144
220043	12" Mustard	8x12	96
220044	12" Tomato Basil	8x12	96
220045	12" Jalapeno Coriander	8x12	96
220046	12" Tomato	8x12	96
220047	12" Spinach	8x12	96
220048	12" Southwest Chile	8x12	96
220049	12" Black Beans	8x12	96
220050	12" Multigrain	8x12	96
220051	12" Pesto	8x12	96
220061	12" Red Bell Pepper	8x12	96
220071	12" Garlic Herb	8x12	96
220077	12" Cheese	8x12	96
220078	12" Sundried Tomato	8x12	96
220038	14" Whole Wheat	10x12	120
220041	14" Flour	10x12	120
220073	14" Tomato	10x12	120
220076	14" Garlic Herb	10x12	120
220020	Frozen Flour Dough Balls	400 ct	400 ct

Pre-Cut Nacho Chips (top of page)

MFG Code	Product Description	Pack Size	Unit/Case
220012	6 cut White Triangle	4 * 1.5 lb.	6 lb.
220013	6 cut Blue Triangle	4 * 1.5 lb.	6 lb.
220014	Round Yellow	4 * 1.5 lb.	6 lb.
220015	6 cut Yellow Triangle	4 * 1.5 lb.	6 lb.
220016	4 cut White Triangle	4 * 1.5 lb.	6 lb.
220032	6 cut Red Triangle	4 * 1.5 lb.	6 lb.
220036	6 cut Green Triangle	4 * 1.5 lb.	6 lb.
220037	4 cut Yellow Triangle	4 * 1.5 lb.	6 lb.

Prepared Foods (top of page)

MFG Code	Product Description	Pack Size	Unit/Case
120010	Chicken Burritos	48x5 oz	48
120011	Beef Burritos	48x5 oz	48
120012	Cheese Burritos	48x5 oz	48
120013	Hot Beef Burritos	48x5 oz	48
120014	Cocktail Chicken Burritos	75x3 oz	75

120015	Cocktail Beef Burritos	75x3 oz	75
160001	Beef Enchiladas	44x4 oz	44
160002	Chicken Enchiladas	44x4 oz	44
160003	Chicken Chimichanga	48x5 oz	48
160004	Beef Fajitas	48x3.5 oz	48
160005	Chicken Fajitas	48x3.5 oz	48
160006	Vegetarian Fajitas	48x3.5 oz	48
550077	Churros	100 ct.	100

Salsas, Picante And Other Sauces (top of page)

MFG Code	Product Description	Pack Size	Unit/Case
150001	Salsa Mexicana, Adelita (Mild)	6 * 102 oz.	612
150002	Salsa Picante, Adehita (Medium)	6 * 102 oz	612
150003	Salsa Ranchero, Adelita (Hot)	6 * 102 oz.	612
150004	Taco Sauce, Ebro	6 * 100 oz	600
150005	Enchilada Sauce, Ebro	6 * 100 oz.	600
420001	Salsa Poblana, Moctezuma	4 * 1 gal	4
420002	Salsa Picante, Moctezuma	4 * 1 gal.	4
620039	Mild Green Chile Sauce, Rosarita	4 * 128 oz	512
800001	Arizona Gunslinger Habanero Pepper Sauce	24x3 oz	72
800002	Arizona Gunslinger Habanero Pepper Sauce	4x3.78 lt	15.12
800003	Arizona Gunslinger Jalapeno Pepper Sauce	24x3 oz	72
800004	Arizona Gunslinger Jalapeno Pepper Sauce	12x6 oz	72
800005	Arizona Gunslinger Jalapeno Pepper Sauce	4x3.78 lt	15.12

Other Products (top of page)

MFG Code	Product Description	Pack Size	Unit/Case
110088	Mesquite Wood, Logs (Box)	40-50 lb	20.25" x15.75" x15"
110089	Mesquite Wood, Chips (Bag)	40-50 lb	Bag



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post Oct 3 2006, 10:39 PM

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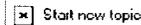
I'm wondering if this might be more appropriate in the "you know you a celiac when" thread but oh well
(IMG:style_emoticons/default/rolleyes.gif)

Here are the ingredients:

- 2 corn thins
- 1/2 avocado
- plain hummus

put the avocado on one **corn thin**, the hummus on the other, put em together... and there you have it...a really random sandwich. They just happened to be the only ingredients I had handy and I was hungry...but it was good! I'm thinking the addition of some turkey or chicken and salt and pepper might make it even better and less strange, but anyway, just thought I'd share...

(corn thins in my opinion are MUCH better than gluten-free bread in sandwich type situations....)



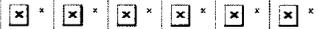
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megzmc3611

post Oct 4 2006, 09:59 AM

Post #2

Advanced Community Member



Group: Advanced Members
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I put peanut butter on one **corn thin** and cream cheese on another **corn thin** and made a sandwich...sounds kind of strange but it was really good in my opinion! (IMG:style_emoticons/default/smile.gif)



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Gluten free kids lunches

April 2008

My 12 yo son is gluten free as of about 6 months ago. He does not like most of the gluten free breads. I'm out of school lunch ideas. He's so tired of rolled up turkey slices, rice crackers, etc. I can't give him anything that needs to be heated cause there's no access to a microwave at school. Also soupy stuff leaks into his lunchbox and then he won't eat it. He doesn't eat most vegies. Sometimes his lunch comes home untouched. I'm so tired of throwing out untouched food that's been sitting in a lunch box all day. Any ideas? Much appreciated, June

Have you tried the bread at Mariposa Bakeshop in Oakland? (Telegraph at 55th, mariposabaking.com) Mariposa is a gluten-free bakery. Because the bread is fresh, rather than the frozen loaves at Whole Foods or mail order, your son might like it better. You might also try brown rice pasta (Tinkyada is good). If the shells or rotini are stored in tomato sauce (especially if you make it or microwave it in the morning), it should be okay for lunch, if your son doesn't mind it cold. My celiac daughter (now 17) often relies on string cheese, fresh fruit, dried fruit, and organic corn chips when she can't find anything else. Leslie

In terms of heated lunches, you might try a thing called a "lunch jar" by Zojirushi (Japanese in origin -- even has kana writing on it).

It doesn't leak, it keeps things warm, and it allows me to pack things like stir-fries with rice, pasta with sauce (does rice pasta work for your child?), jambalaya with sausage and shrimp, various dinner leftovers, and other such stuff, for my kid who simply won't eat sandwiches, and doesn't like cheese... There are several sizes (I use the petite size but there are two others, one of which is as large as a standard-sized thermos). I simply could not live without this item

I also find that hardboiled eggs, with homemade muffins -- I'm sure you could find gluten-free quick bread recipes -- corn tortillas with stuff rolled in them (a bit fragile but tasty),
cup out up hot dogs, w/ut OK for kids (Koran

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even cut up hot dogs, work OK for kids Karen

No specific food suggestions, but a few serving tips - "Soupy stuff" can be kept quite nicely warm in a stainless steel wide-mouth thermos. It works best if you pre-warm the thermos by pouring some boiling water into it (cover) for about 5 minutes before you put the warm soup in. I got mine at Target a few years ago.

Also - your son may not care as much as you think about warm things being warm. Some things we usually eat warm taste just fine cold/room temperature (think cold pizza and leftover Chinese food). R.K.

I don't deal with the gluten issue, but do pack cold lunches for my daughter, and about 3/4 of what I pack for her is gluten free. I usually pack her 2 pieces of fruit (sometimes carrot sticks instead, but my daughter is also not a huge veggie fan). I usually pack either string cheese or yogurt (Go-gurt types, even though I think they're junky). If I have them on hand, she likes hard-boiled eggs and luncheon meat (we were using up some dry salami left over from a picnic).

What about cold corn-on-the-cob, cut corn, or a corn-based salad? Or sushi? Edamame? Or a grain-based salad using quinoa or millet (think tabouleh, but gluten-free). Chicken or tuna salad. Tortilla chips & guacamole. Carrie

We are gluten-free, too. Things I pack in my daughter's lunch:

- almond butter (or other nut butter) in a small bowl, eat it with a spoon. Sometimes I mix ghee and/or honey into it (we're also casein-free)
- beef or pork patties that I get from Three Stone Hearth (www.threestonehearth.com)
- granola (Lydia's Organics, grain-free), sometimes dry, sometimes with water, so by the time she eats it, it is soft
- sausage
- quinoa or rice with ghee (or butter) and/or coconut oil
- nuts and seeds, such as walnuts, pumpkin seeds, sunflower seeds
- sliced apple w/ dip made from nut butter or tahini (tahini + honey + cinnamon is great)
- chicken cut in pieces, each stabbed with a toothpick (more fun to eat)

I use a Thermos brand stainless steel food container--nothing leaks out. Plus, it keeps warm things well, if you "preheat" the thermos by filling with hot water for a few minutes before filling with your food. I usually don't preheat it, and most warm things (the beef patties, sausage, quinoa) end up at room temperature, and are just fine that way.

Our staple veggies at lunch are red, orange and yellow peppers (bright, slightly sweet), cucumbers, carrot sticks, and cultured veggies (Cultured brand, can find at Berkeley Tuesday farmers market and at Whole Foods; Three Stone Hearth also offers cultured veggies). I know age 12 can be more difficult than age 4 to get a child to eat something new (assuming cultured veggies are new in your house), but at least at age 12, you can reason with him... Anyway, they add a nice tang to the meal, and of course are loaded with good bacteria which aid digestion.

Occasionally, I make buckwheat-millet pancakes or waffles (recipe from Rebecca Wood--<http://www.rwood.com>, she has a great cookbook, too) on the weekend and put leftovers of those in her lunch--that's a nice treat.

Best gluten-free bread I've found is by Grindstone Bakery in Sonoma, available at Berkeley Bowl, and, again, Three Stone Hearth. Best wishes, Tracy

We are fifteen months into dealing with gluten free school lunches. My 6 year old daughter also does not care for gluten free bread. However, she does like breadsticks made from Chebe mix (a brazilian product made from tapioca flour). You can roll out the dough into stick form ahead of time, store the sticks in the freezer and bake them in the morning before school so they taste fresh. She likes to dip them in ranch dressing. I also make pizza using this dough and she will eat it at room temperature. I purchase Chebe mix at our local natural foods store but you can get it online as well (or, enter your zip code from the Chebe website to find the nearest store). Some stores carry frozen dough if you don't care to mix it up yourself.

<http://74.125.93.132/search?q=cache:4V4pA-i7aKQJ:parents.berkeley.edu/recommend/where2buy/gluten.html+%22com+thin%22&cd=59&hl=en&ct=clnk&gl=us> 09/18/2009 11:35:18 AM

My daughter also likes Trader Joe's gluten free turkey maple sausages - cook them ahead of time then store in the frig, they taste fine at room temperature and better than cold cuts. Sometimes I wrap them in Chebe dough and bake them like a "pig in a blanket".

If bread is out, how about cheese with gluten free crackers? (Giutino is our favorite brand of cracker with Laughing Cow cheese wedges). My daughter also makes her own "nachos" with corn tortilla chips and shredded or sliced cheese (at room temperature). A thick salsa will stay in a tiny Glad plastic container without leaking (or, place the whole tiny container in a ziploc bag to capture the leak)

We use a small Thermos I bought at Target to send warm gluten free pasta - haven't had any problems with leaks. However, I'm not sure if it would hold enough food for a 12 year old. You could also make a gluten free pasta salad using Italian dressing or some other non-mayonnaise containing dressing that can be eaten at room temp. You can purchase salad dressing in individual packets as minimus.com to avoid leaks.

If your son likes hard boiled eggs, these are easy to send with a little salt and pepper in a ziploc bag.

Good luck, I know how challenging this diet is and I too am at my wits end regarding school lunches. mom of 6 yr old celiac who hates to eat

correction to the link for salad dressing in packets (as well as other items such as gluten free soy sauce). Also be sure to review the ingredients list of all products as not all items at this site are gluten free. The url is: minimus.biz (not minimus.com) mom of 6 year old celiac who hates to eat

I have a GF child, here are some lunch ideas:

string cheese
salami
rice cakes
apples bananas, all other dried or fresh fruits
carrot sticks
potato chips
corn chips
corn tortillas

berkeley one

Yes, it's a challenge, especially since he can't heat things up. Here are some ideas:

- japanese style rice balls - look up 'onigiri' in Wikipedia - basically, a rice 'sandwich.' The ones I've had were filled with tuna salad.
- california rolls
- pasta salad - many good gluten free pastas out there - and you can mix with whatever you like
- boiled potatoes
- hard-boiled eggs, cheese, gluten-free crackers, fruit, yogurt

for more ideas and products, check out <http://www.glutenfreemail.com/>, if you haven't already tofu (you will probably have to season and cook your own - most of the baked/smoked tofu varieties out there contain wheat)

Also, at Whole Foods, you can ask customer service for a list of gluten-free products, which may give you more ideas. Hope this helps

I wonder what kind of gluten-free bread you have tried. The ones that most health food stores carry around here are pretty awful. There are a few exceptions however. You might try the Whole Foods brand (Bakehouse). All Bakehouse gluten-free products are quite good, but expensive. They are in the frozen food section. The only other brand of decent bread that I know of that you can get around here is the fresh baked bread from Mariposa Bakery in Oakland. I usually bake my own bread. Sometimes I mail order bread. My favorite for on-line orders is Kinickinick bread from Canada. They also make really good gluten-free bagels and donuts. Your son grew up eating wheat bread, so it's going to take him a while to get used to a different flavor. Making sandwiches from gluten free bread is challenging, especially when it comes right out of the cold fridge. I sometimes mix with water and

<http://74.125.93.132/search?q=cache:4V4pA-i7aKQJ:parents.berkeley.edu/recommend/where2buy/gluten.html+%22corn+thin%22&cd=59&hl=en&ct=clink&gl=us> 09/18/2009 11:35:18 AM

while to get use to a different flavor. Making sandwiches from gluten-free bread is challenging, especially when it comes right out of the cold fridge. I spritz mine with water and then toast on the lightest setting to soften it up. Then I make sure the sandwich isn't over-stuffed with meat or lettuce. I keep them simple so they hold together more easily.

My daughter was getting bored with my lunches that I made, because all I could think of were sandwiches. Then I discovered the wide-mouth thermos! Having the hot lunch option was a savior. I never experienced our thermos leaking. Maybe the one you have is faulty. My daughter loves homemade soups or canned soups, pasta, mac & cheese, etc. You should find out what your son does like to eat. Try to think outside the lunch menu box and maybe offer him things that you might eat at dinner time that you know he likes. Americans get stuck on sandwiches, which are really not my favorite type of food anyway. Sometimes to cut corners on time and effort I will heat up Amy's frozen gluten-free Mac & cheese entree and put that in the thermos. Or I might put in baked beans, or left over stew or soup from the night before. Veggies are tasty if you offer some yummy dip to dip them into. Anyway, I know it's a challenge. My daughter still doesn't eat everything in her lunch from time to time. And I think you will find that is true for all parents, regardless of whether or not the food is gluten-free. We can get stuck in a rut, and our kids can quickly get bored with their food. What's important is to vary it. Hope that helps. Laurey

Gluten-free diet for twins' chronic loose stools

April 2004

My husband and I are thinking about looking into a gluten and dairy free diet for our 4 year old twins to see if this helps relieve them of chronic ear infections and chronic loose stools (we are not sure if these are related issue or not). I was hoping to get some recommendations on favorite foods/recipes and where to buy such products- especially breads. Thanks, tired of feeling helpless

I have celiac disease and I'm on a gluten-free diet for life. It is really important to put children on this diet if they show any symptoms at all. There are many other health related problems besides gastrointestinal that occur with celiac disease. I have some great resources for you, all are on-line. All the health food stores in the bay area don't seem to have a large enough selection of gluten-free products, and the GF breads they carry around here are simply awful! I was so frustrated and disappointed that I ended up having to bake my own bread with the help from several good books written by Betty Hagman. But being a mother has made it difficult to find time to bake. So luckily I found a great source for bread from Kinnikinnick Foods based in Canada. So far it is the best source for gluten-free and dairy-free bread you can find without having to bake it yourself. Here is their link:

<http://www.kinnikinnick.ca/>

Another great source for gluten-free products is the Gluten Free Pantry. They also have a good resource for other celiac links, including resources for Autism:

<http://www.glutenfreepantry.com/>

Link to gluten-free cook books. I recommend ones from Betty Hagman, the Gluten-Free Gourmet series. Also look for ones about children with celiac disease.

And for an all purpose starting point, check out:

<http://www.celiac.com/>

For local support group information and news:

SF Bay Area Celiacs
Martha Deutsch
341 Central Avenue
Half Moon Bay, CA 94019
deutschm AT earthlink.net

If you just want to pick things up at the market, look for Pamela's GF baking mix and cookies. Also, Tinkyada pasta is really good. Goodluck. If you have any questions feel free to contact me directly. Laurey

For bread: I eat a lot of herb waffles (several flavors), corn tortillas, and whole grain rumpnickel (found in the frozen section). I guess there is gluten in waffles, but it doesn't get the

<http://74.125.93.132/search?q=cache:4V4pA-i7aKQJ:parents.berkeley.edu/recommend/where2buy/gluten.html+%22corn+thin%22&cd=59&hl=en&ct=clnk&q=us> 09/18/2009 11:35:18 AM

For bread: I eat a lot of Van's waffles (several flavors), corn tortillas, and whole grain pumpernickel (found in the frozen section). I guess there is gluten in rye, but it doesn't act the same for me as does wheat. Keep in mind that spelt and kamut are really older varieties of wheat. Rice crackers. I sure feel better when I don't eat wheat. May be hard to adjust to no sandwiches for lunch, but I just make up extra veges with dinner and eat that and some sort of protein. As for dairy, I use soy creamer, soy yogurt, and soymilk and have no complaints. I do still eat a bit of regular cheese. Bonnie

I'm not sure it's gluten free, but it is wheat-free and dairy-free: Mochi. This is available from grainaissance and is sold at Whole Foods near tofu and the wheat-free refrigerated breads at the back. My daughter loves the raisin cinnamon flavor and I like the seeded ones. Plain is too blah, and garlic a little too garlic. You slice or break it into little 1" x1" squares, pop it in the toaster oven for about 6 minutes at 450 and you get these puffy chewy steamy little muffins. I also like a wheat free **corn thin** that is like a super thin rice cake. They come in a bright yellow-y package just like rice cakes. They are organic, made in Australia or New Zealand and my tot likes them too. We use the rice pastas sold at Whole Foods. Lundberg tends to be super thick and taste different. The asian brand is smoother and more similar to wheat pastas. We also like the Quinoa pastas that also contain corn sold at Whole Foods and Berkeley Bowl. It's a better deal than the rice ones. None of these pasta products store well. You can make wrap sandwiches from corn tortillas. You can do a lot of baking with Bob's Redmill oat flour. Great pancake recipe on the package. There's a bakery in Petaluma that makes gluten free cookies. occasionally wheat free

I'm not sure what the original post asked, but I was just shopping online for a few favorite gluten-free items and remember that I had meant to respond to this earlier. Here is a great site for buying GF products you might not find easily in local health-food stores: <http://www.glutenfree-supermarket.com/>. My two favorites are the Garfava Flour (you need to add Xanthan gum to provide the "chew") and the MollinodiFerro Corn Pasta. Both of these even please the discriminating wheat eaters in my family. Favorites I buy mainly at Whole Foods include Tinkyada rice pasta (beats ALL the others), Lifestream MegaSunrise Waffles (SO MUCH better than Vans!), Primavera Corn Tortillas (great for pizza), and "Instant" la polenta Beretta (an Italian polenta in a box that cooks in just a few minutes). maria

Wheat-Free ideas for 10-month-old

August 2003

Does anyone have any suggestions for some wheat-free recipes and foods that I can try with my 10 month old? She is pretty attached to the wheat-free O's cereal and not too interested in rice pasta. I want to move beyond the baby rice and oat and barley cereals to something with a bit more substance. I am feeling like her diet is pretty limited. She hates all the green veggies I have tried (she is only now cutting her first tooth). She eats a lot of the organic baby foods- carrots, sweet potatoe, squash, pears and applesauce. Also she eats bananas, peaches and sometimes avocado. She doesn't like tofu or cheese much at all either. I am trying to keep her away from wheat and corn due to my own history with some sensitivity to those foods. seeking baby culinary diversity

If she is still nursing well (and/or taking infant formula), don't worry too much. Some folks suggest staying away from cow's milk dairy foods (including cheese), and even soy until 1 year, especially if there are allergy concerns. Some ideas to offer (if she wants to try): try seasoning the tofu with a little sesame oil, large-curd cottage cheese (if you do dairy), melon; non-baby-food vegetables cut small or mashed (soft cooked sweet potatoes, steamed, thawed frozen or canned green beans, etc.). No specific recipe suggestions, but if you do a web search for "wheat free recipes", lots of things come up! R.K.

We too kept our baby off of wheat (and all gluten, including oats) until she was one. We gave her rice puffs as a snack. We also gave her lots of polenta. It is a good baby food (if they can handle corn) because it is easily made into finger foods and a creamy (we used water instead of milk) was good for spoon feeding. We also gave her lots of corn tortillas which she loved!

If you go to the Berkeley or El Cerrito Natural Grocer you can buy other types of pasta (besides rice) that do not contain wheat. They make a lentil pasta that has lots of protein (it does smell kind of bad) and there is a polenta pasta which is quite good. good luck. anon

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Last updated: May 26, 2008

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Trademark/Service Mark Application, Principal Register

Serial Number: 77776347

Filing Date: 07/08/2009

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77776347
MARK INFORMATION	
*MARK	<u>CORN THINS</u>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	CORN THINS
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	SunFoods, LLC
*STREET	P.O. Box 8729
*CITY	Woodland
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	95776
LEGAL ENTITY INFORMATION	
TYPE	limited liability company
STATE/COUNTRY WHERE LEGALLY ORGANIZED	California
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	

*IDENTIFICATION	Corn cakes
FILING BASIS	SECTION 1(b)
ATTORNEY INFORMATION	
NAME	Bradley P. Heisler
ATTORNEY DOCKET NUMBER	09051.022
FIRM NAME	Heisler & Associates
STREET	3017 Douglas Blvd., Suite 300
CITY	Roseville
STATE	California
COUNTRY	United States
ZIP/POSTAL CODE	95661
PHONE	916 781-6634
FAX	916 645-7634
CORRESPONDENCE INFORMATION	
NAME	Bradley P. Heisler
FIRM NAME	Heisler & Associates
STREET	3017 Douglas Blvd., Suite 300
CITY	Roseville
STATE	California
COUNTRY	United States
ZIP/POSTAL CODE	95661
PHONE	916 781-6634
FAX	916 645-7634
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	325
*TOTAL FEE DUE	325
*TOTAL FEE PAID	325
SIGNATURE INFORMATION	
SIGNATURE	/brad heisler/
SIGNATORY'S NAME	Bradley P. Heisler

SIGNATORY'S POSITION	Attorney
DATE SIGNED	07/08/2009

Trademark/Service Mark Application, Principal Register

Serial Number: 77776347

Filing Date: 07/08/2009

To the Commissioner for Trademarks:

MARK: CORN THINS (Standard Characters, see mark)

The literal element of the mark consists of CORN THINS.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, SunFoods, LLC, a limited liability company legally organized under the laws of California, having an address of

P.O. Box 8729

Woodland, California 95776

United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class _____: Corn cakes

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant's current Attorney Information:

Bradley P. Heisler of Heisler & Associates

3017 Douglas Blvd., Suite 300

Roseville, California 95661

United States

The attorney docket/reference number is 09051.022.

The applicant's current Correspondence Information:

Bradley P. Heisler

Heisler & Associates

3017 Douglas Blvd., Suite 300

Roseville, California 95661

916 781-6634(phone)

916 645-7634(fax)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /brad heisler/ Date Signed: 07/08/2009

Signatory's Name: Bradley P. Heisler

Signatory's Position: Attorney

RAM Sale Number: 7556

RAM Accounting Date: 07/08/2009

Serial Number: 77776347

Internet Transmission Date: Wed Jul 08 11:42:54 EDT 2009

TEAS Stamp: USPTO/BAS-208.106.65.252-200907081142549

72869-77776347-400587f2f1cbc06541bb2adec

1e9e5384-CC-7556-20090708113616756573

CORN THINS

SunFoods, LLC's Application for RICE THINS
Registration No. 3931828
Relevant Excerpts of TTAB Proceeding and
Prosecution History

Generated on: This page was generated by TSDR on 2015-01-19 10:31:37 EST

Mark: RICE THINS

RICE THINS

US Serial Number: 77776356
US Registration Number: 3931828
Register: Principal
Mark Type: Trademark
Status: Registration cancelled under Section 18 by the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.
Status Date: Apr. 17, 2013
Publication Date: Jun. 01, 2010
Date Cancelled: Apr. 17, 2013
Application Filing Date: Jul. 08, 2009
Registration Date: Mar. 15, 2011
Notice of Allowance Date: Jul. 27, 2010

Mark Information

Mark Literal Elements: RICE THINS
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
Disclaimer: "RICE"

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: Rice cakes
International Class(es): 030 - Primary Class
U.S Class(es): 046
Class Status: SECTION 18 - CANCELLED
Basis: 1(a)
First Use: Jan. 2010
Use in Commerce: Jan. 2010

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: SunFoods, LLC
Owner Address: P.O. Box 8729
Woodland, CALIFORNIA 95776
UNITED STATES
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: CALIFORNIA

Attorney/Correspondence Information

Attorney of Record
Attorney Name: Bradley P. Heisler
Docket Number: 09052.022
Correspondent
Correspondent Name/Address: SUNFOODS LLC
PO BOX 8729

WOODLAND, CALIFORNIA 95776
UNITED STATES

Phone: 916 781-6634

Fax: 916 645-7634

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 17, 2013	CANCELLED SECTION 18-TOTAL	
Apr. 17, 2013	CANCELLATION TERMINATED NO. 999999	56603
Apr. 08, 2013	CANCELLATION GRANTED NO. 999999	56603
Dec. 27, 2012	CANCELLATION INSTITUTED NO. 999999	56603
Mar. 15, 2011	REGISTERED-PRINCIPAL REGISTER	
Feb. 08, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE MAILED	
Feb. 07, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	70468
Feb. 04, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 20, 2011	STATEMENT OF USE PROCESSING COMPLETE	76873
Dec. 27, 2010	USE AMENDMENT FILED	76873
Jan. 20, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76873
Dec. 27, 2010	TEAS STATEMENT OF USE RECEIVED	
Jul. 27, 2010	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 01, 2010	PUBLISHED FOR OPPOSITION	
May 12, 2010	NOTICE OF PUBLICATION	
Apr. 27, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	70468
Apr. 24, 2010	ASSIGNED TO LIE	70468
Apr. 10, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 23, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 22, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 22, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 09, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Dec. 02, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 21, 2009	NON-FINAL ACTION MAILED	
Sep. 19, 2009	NON-FINAL ACTION WRITTEN	74307
Sep. 17, 2009	ASSIGNED TO EXAMINER	74307
Jul. 13, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TTAB

Date in Location: Apr. 17, 2013

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: SunFoods, LLC

Assignment 1 of 2

Conveyance: SECURITY AGREEMENT

Reel/Frame: 4104/0223

Pages: 12

Date Recorded: Nov. 27, 2009

Supporting Documents: [assignment-tm-4104-0223.pdf](#)

Assignor

Name: SUNFOODS, LLC

Execution Date: Nov. 23, 2009

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where: CALIFORNIA

Organized:

Assignee

Name: BANK OF AMERICA, N.A., AS AGENT

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where Organized: CALIFORNIA

Address: 55 SOUTH LAKE AVENUE, SUITE 900
PASADENA, CALIFORNIA 91101

Correspondent

Correspondent Name: MCGUIREWOODS LLP

Correspondent Address: 1800 CENTURY PARK EAST, 8TH FLOOR
ATTN: KIRT PETERSON, ESQ.
LOS ANGELES, CA 90067

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4440/0498

Pages: 7

Date Recorded: Dec. 23, 2010

Supporting Documents: assignment-tm-4440-0498.pdf

Assignor

Name: BANK OF AMERICA, N.A.

Execution Date: Nov. 23, 2010

Legal Entity Type: A NATIONAL BANKING ASSOCIATION

State or Country Where Organized: UNITED STATES

Assignee

Name: SUNFOODS, LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: CALIFORNIA

Address: 194 WEST MAIN STREET, SUITE 202
WOODLAND, CALIFORNIA 95695

Correspondent

Correspondent Name: KATHERINE OBERLE

Correspondent Address: 1331 N. CALIFORNIA BLVD., SUITE 200
WALNUT CREEK, CA 94596

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Cancellation

Proceeding Number: 92056603

Filing Date: Dec 20, 2012

Status: Terminated

Status Date: Apr 17, 2013

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: SunFoods, LLC

Correspondent Address: SUNFOODS LLC
PO BOX 8729
WOODLAND CA, 95776
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
CORN THINS	Cancelled - Section 18	<u>77776347</u>	<u>3931827</u>
RICE THINS	Cancelled - Section 18	<u>77776356</u>	<u>3931828</u>

Plaintiff(s)

Name: Real Foods Pty. Ltd.

Correspondent Address: BRUCE S LONDA
NORRIS MCLAUGHLIN & MARCUS PA
875 THIRD AVENUE, 8TH FLOOR
NEW YORK NY, 10022
UNITED STATES

Correspondent e-mail: bslonda@nmmlaw.com

Associated marks

Mark
CORN THINS

Application Status
Opposition Pending
Prosecution History

Serial Number
79111074

Registration Number

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 20, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 27, 2012	Feb 05, 2013
3	PENDING, INSTITUTED	Dec 27, 2012	
4	NOTICE OF DEFAULT	Feb 20, 2013	
5	BD DECISION: GRANTED	Apr 08, 2013	
6	COMMR ORDER CANCELLING REG	Apr 17, 2013	
7	TERMINATED	Apr 17, 2013	

U. S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Real Foods Pty. Ltd.

v.

SunFoods, LLC

Cancellation No. 92056603

Bruce S. Londa of Norris McLaughlin & Marcus PA for Real
Foods Pty. Ltd.

SunFoods, LLC, pro se.

The petition of Real Foods Pty. Ltd. having been
granted on April 8, 2013, Registrations Nos. 3931827 and
3931828 are hereby cancelled.

APR 17 2013



Deborah S. Cohn
Commissioner for Trademarks

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

CV

Mailed: April 8, 2013

Cancellation No. 92056603

Real Foods Pty. Ltd.

v.

SunFoods, LLC

On February 20, 2013, the Board sent a notice of default to respondent because no answer had been filed.

The record shows no response thereto.

Accordingly, judgment by default is hereby entered against respondent, the petition to cancel is granted, and Registrations Nos. 3931827 and 3931828 will be cancelled in due course. See Fed. R. Civ. P. 55, and Trademark Rule 2.114(a).

***By the Trademark Trial
and Appeal Board***

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

Mailed: February 20, 2013

Cancellation No. 92056603

Real Foods Pty. Ltd.

v.

SunFoods, LLC

Clara Vela, Paralegal Specialist:

Answer was due in this case on February 5, 2013.

Inasmuch as it appears that no answer has been filed, nor has respondent filed a motion to extend its time to answer, notice of default is hereby entered against respondent under Fed. R. Civ. P. 55(a).

Respondent is allowed until thirty days from the mailing date of this order to show cause why judgment by default should not be entered against respondent in accordance with Fed. R. Civ. P. 55(b).

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

Mailed: December 27, 2012

Cancellation No. 92056603
Registration Nos. 3931827
3931828

SUNFOODS LLC
PO BOX 8729
WOODLAND, CA 95776
UNITED STATES

Real Foods Pty. Ltd.

v.

SunFoods, LLC

BRUCE S LONDA
NORRIS MCLAUGHLIN & MARCUS PA
875 THIRD AVENUE
8TH FLOOR
NEW YORK, NY 10022
UNITED STATES

Veronica P. White, Paralegal Specialist:

A petition to cancel the above-identified registration has been filed. A service copy of the petition for cancellation was forwarded to registrant (defendant) by the petitioner (plaintiff). An electronic version of the petition for cancellation is viewable in the electronic file for this proceeding via the Board's TTABVUE system:
<http://ttabvue.uspto.gov/ttabvue/>.

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations ("Trademark Rules"). These rules may be viewed at the USPTO's trademarks page: **<http://www.uspto.gov/trademarks/index.jsp>**. The Board's main webpage (**<http://www.uspto.gov/trademarks/process/appeal/index.jsp>**) includes information on amendments to the Trademark Rules applicable to Board proceedings, on Alternative Dispute Resolution (ADR), Frequently Asked Questions about Board proceedings, and a web link to the Board's manual of procedure (the TBMP).

Plaintiff must notify the Board when service has been ineffective, within 10 days of the date of receipt of a returned service copy or the date on which plaintiff learns that service has been ineffective. Plaintiff has no subsequent duty to investigate the defendant's whereabouts, but if plaintiff by its own voluntary investigation or

through any other means discovers a newer correspondence address for the defendant, then such address must be provided to the Board. Likewise, if by voluntary investigation or other means the plaintiff discovers information indicating that a different party may have an interest in defending the case, such information must be provided to the Board. The Board will then effect service, by publication in the Official Gazette if necessary. See Trademark Rule 2.118. In circumstances involving ineffective service or return of defendant's copy of the Board's institution order, the Board may issue an order noting the proper defendant and address to be used for serving that party.

Defendant's ANSWER IS DUE FORTY DAYS after the mailing date of this order. (See Patent and Trademark Rule 1.7 for expiration of this or any deadline falling on a Saturday, Sunday or federal holiday.) **Other deadlines the parties must docket or calendar are either set forth below (if you are reading a mailed paper copy of this order) or are included in the electronic copy of this institution order viewable in the Board's TTABVue system at the following web address: <http://ttabvue.uspto.gov/ttabvue/>.**

Defendant's answer and any other filing made by any party must include proof of service. See Trademark Rule 2.119. **If they agree to, the parties may utilize electronic means, e.g., e-mail or fax, during the proceeding for forwarding of service copies.** See Trademark Rule 2.119(b)(6).

The parties also are referred in particular to Trademark Rule 2.126, which pertains to the form of submissions. **Paper submissions, including but not limited to exhibits and transcripts of depositions, not filed in accordance with Trademark Rule 2.126 may not be given consideration or entered into the case file.**

Time to Answer	2/5/2013
Deadline for Discovery Conference	3/7/2013
Discovery Opens	3/7/2013
Initial Disclosures Due	4/6/2013
Expert Disclosures Due	8/4/2013
Discovery Closes	9/3/2013
Plaintiff's Pretrial Disclosures	10/18/2013
Plaintiff's 30-day Trial Period Ends	12/2/2013
Defendant's Pretrial Disclosures	12/17/2013
Defendant's 30-day Trial Period Ends	1/31/2014
Plaintiff's Rebuttal Disclosures	2/15/2014
Plaintiff's 15-day Rebuttal Period Ends	3/17/2014

As noted in the schedule of dates for this case, the parties are required to have a conference to discuss: (1) the nature of and basis for their respective claims and defenses, (2) the possibility of settling the case or at least narrowing the scope of claims or defenses, and (3) arrangements relating to disclosures, discovery and introduction of evidence at trial, should the parties not agree to settle the case. See Trademark Rule 2.120(a)(2). Discussion of the first two of these three subjects should include a discussion of whether the parties wish

to seek mediation, arbitration or some other means for resolving their dispute. Discussion of the third subject should include a discussion of whether the Board's Accelerated Case Resolution (ACR) process may be a more efficient and economical means of trying the involved claims and defenses. Information on the ACR process is available at the Board's main webpage. Finally, if the parties choose to proceed with the disclosure, discovery and trial procedures that govern this case and which are set out in the Trademark Rules and Federal Rules of Civil Procedure, then they must discuss whether to alter or amend any such procedures, and whether to alter or amend the Standard Protective Order (further discussed below). Discussion of alterations or amendments of otherwise prescribed procedures can include discussion of limitations on disclosures or discovery, willingness to enter into stipulations of fact, and willingness to enter into stipulations regarding more efficient options for introducing at trial information or material obtained through disclosures or discovery.

The parties are required to conference in person, by telephone, or by any other means on which they may agree. A Board interlocutory attorney or administrative trademark judge will participate in the conference, upon request of any party, provided that such participation is requested no later than ten (10) days prior to the deadline for the conference. See Trademark Rule 2.120(a)(2). The request for Board participation must be made through the Electronic System for Trademark Trials and Appeals (ESTTA) or by telephone call to the interlocutory attorney assigned to the case, whose name can be found by referencing the TTABVue record for this case at <http://ttabvue.uspto.gov/ttabvue/>. The parties should contact the assigned interlocutory attorney or file a request for Board participation through ESTTA only after the parties have agreed on possible dates and times for their conference. Subsequent participation of a Board attorney or judge in the conference will be by telephone and the parties shall place the call at the agreed date and time, in the absence of other arrangements made with the assigned interlocutory attorney.

The Board's Standard Protective Order is applicable to this case, but the parties may agree to supplement that standard order or substitute a protective agreement of their choosing, subject to approval by the Board. The standard order is available for viewing at:

<http://www.uspto.gov/trademarks/process/appeal/guidelines/stndagmnt.jsp>. Any party without access to the web may request a hard copy of the standard order from the Board. The standard order does not automatically protect a party's confidential information and its provisions must be utilized as needed by the parties. See Trademark Rule 2.116(g).

Information about the discovery phase of the Board proceeding is available in chapter 400 of the TBMP. By virtue of amendments to the Trademark Rules effective November 1, 2007, the initial disclosures and expert disclosures scheduled during the discovery phase are required only in cases commenced on or after that date. The TBMP has not yet been amended to include information on these disclosures and the parties are referred to the August 1, 2007 Notice of Final Rulemaking (72 Fed. Reg. 42242) posted on the Board's webpage. The deadlines for pretrial disclosures included in the trial phase of the schedule for this case also resulted from the referenced amendments to the Trademark Rules, and also are discussed in the Notice of Final Rulemaking.

The parties must note that the Board allows them to utilize telephone conferences to discuss or resolve a wide range of interlocutory matters

that may arise during this case. In addition, the assigned interlocutory attorney has discretion to require the parties to participate in a telephone conference to resolve matters of concern to the Board. See TBMP § 502.06(a) (2d ed. rev. 2004).

The TBMP includes information on the introduction of evidence during the trial phase of the case, including by notice of reliance and by taking of testimony from witnesses. See TBMP §§ 703 and 704. Any notice of reliance must be filed during the filing party's assigned testimony period, with a copy served on all other parties. Any testimony of a witness must be both noticed and taken during the party's testimony period. A party that has taken testimony must serve on any adverse party a copy of the transcript of such testimony, together with copies of any exhibits introduced during the testimony, within thirty (30) days after the completion of the testimony deposition. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing after briefing is not required but will be scheduled upon request of any party, as provided by Trademark Rule 2.129.

If the parties to this proceeding are (or during the pendency of this proceeding become) parties in another Board proceeding or a civil action involving related marks or other issues of law or fact which overlap with this case, they shall notify the Board immediately, so that the Board can consider whether consolidation or suspension of proceedings is appropriate.

ESTTA NOTE: For faster handling of all papers the parties need to file with the Board, the Board strongly encourages use of electronic filing through the **Electronic System for Trademark Trials and Appeals (ESTTA)**. Various electronic filing forms, some of which may be used as is, and others which may require attachments, are available at <http://estta.uspto.gov>.

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Real Foods Pty. Ltd.		
Entity	proprietary limited company	Citizenship	Australia
Address	47 Campbell Road St. Peter's, NSW 2044 AUSTRALIA		

Attorney information	Bruce S. Londa Norris, McLaughlin & Marcus, P.A. 875 Third Avenue New York, NY 10022 UNITED STATES bslonda@nmmlaw.com Phone:2128080700
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Registrations Subject to Cancellation

Registration No	3931827	Registration date	03/15/2011
Registrant	SunFoods, LLC P.O. Box 8729 Woodland, CA 95776 UNITED STATES		

Goods/Services Subject to Cancellation

Class 030. First Use: 2010/01/00 First Use In Commerce: 2010/01/00 All goods and services in the class are cancelled, namely: Corn cakes

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)		
Registration No	3931828	Registration date	03/15/2011
Registrant	SunFoods, LLC P.O. Box 8729 Woodland, CA 95776 UNITED STATES		

Goods/Services Subject to Cancellation

Class 030. First Use: 2010/01/00 First Use In Commerce: 2010/01/00 All goods and services in the class are cancelled, namely: Rice cakes

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Marks Cited by Petitioner as Basis for Cancellation

U.S. Application No.	79111074	Application Date	01/19/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	CORN THINS		
Design Mark	CORN THINS		
Description of Mark	NONE		
Goods/Services	Class 030. First use: Crispbread slices predominantly of corn		

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	CORN THINS		
Goods/Services	crispbread slices primarily made of corn		

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	RICE THINS		
Goods/Services	crispbread slices primarily made of rice		

Attachments	79111074#TMSN.jpeg (1 page)(bytes) corn thins cancellation petition.pdf (4 pages)(51483 bytes)
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Certificate of Service

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

Signature	/bsl/
Name	Bruce S. Londa
Date	12/20/2012

Petitioner has significant common law and statutory rights in the mark CORN THINS.

2. Since at least 2007, Petitioner has been selling in U.S. commerce, continuously and exclusively, 'crispbread slices primarily made of rice', under its trademark "RICE THINS". Because of the longstanding, continuous and exclusive use of the mark RICE THINS in connection with its product, Petitioner has established valuable goodwill in the mark, and the consuming public recognizes Petitioner as being the sole source of these quality products sold under the mark RICE THINS. In view of the above, Petitioner has significant common law and statutory rights in the mark RICE THINS.

3. Petitioner is the owner of pending U.S. trademark application no. 79111074 ("Petitioner's Application") for CORN THINS, which application currently stands rejected in view of Respondent's U.S. Registration No. 3931827.

4. Respondent filed its application for its CORN THINS registration on July 8, 2009, claiming an alleged date of first use as of January 2010. Respondent filed its application for its RICE THINS registration on July 8, 2009, claiming an alleged date of first use as of January 2010. Accordingly, Applicant's earliest possible priority date is 2009. Petitioner's respective dates of first use for its CORN THINS and RICE THINS marks are well prior to Respondent's respective date of first use in commerce. Accordingly, Petitioner's rights are superior to those of Respondent.

5. The respective marks of the parties, CORN THINS and CORN THINS, and RICE THINS and RICE THINS, are identical.

6. The respective goods of the parties, associated with the respective marks, namely: corn cakes and rice cakes on the one hand; and crispbread slices made primarily

of corn, and crispbread slices made primarily of rice, are highly related or essentially identical.

7. Thus, a consumer looking to purchase Petitioner's products would certainly be confused by Respondent's mark for the very same goods. Such a consumer may mistakenly believe that both parties' goods derive from the same source, causing damage to Petitioner's reputation, and resulting in loss of sales and goodwill for Petitioner.

8. Accordingly, when Respondent's marks CORN THINS and RICE THINS are used in connection with the goods covered in the Registrations, such use is likely to cause confusion, or to cause mistake, or to deceive purchasers and potential purchasers as to the source, authorization or sponsorship of the Respondent's goods.

9. The registration of Respondent's marks damages Petitioner by recognizing rights in its alleged marks CORN THINS and RICE THINS, and conferring legitimacy on Respondent's use thereof, in violation of Petitioner's superior rights, and in detriment to Petitioner.

WHEREFORE, Petitioner prays that this cancellation be sustained and that U.S. Reg. Nos. 3931827 and 3931828 be cancelled.

Respectfully submitted,

NORRIS, MCLAUGHLIN & MARCUS, P.A.



Dated: December 20, 2012

By:

Bruce S. Londa
875 Third Avenue, 8th floor
New York, NY 10022
Phone: 212-808-0700
Fax: 212-808-0844
Attorneys for Petitioner

Generated on: This page was generated by TSDR on 2015-01-19 10:12:49 EST

Mark: RICE THINS

RICE THINS

US Serial Number: 77776356
Application Filing Date: Jul. 08, 2009
US Registration Number: 3931828
Registration Date: Mar. 15, 2011
Register: Principal
Mark Type: Trademark
Status: Registration cancelled under Section 18 by the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.
Status Date: Apr. 17, 2013
Publication Date: Jun. 01, 2010
Notice of Allowance Date: Jul. 27, 2010
Date Cancelled: Apr. 17, 2013

Mark Information

Mark Literal Elements: RICE THINS
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
Disclaimer: "RICE"

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: Rice cakes
International Class(es): 030 - Primary Class
U.S Class(es): 046
Class Status: SECTION 18 - CANCELLED
Basis: 1(a)
First Use: Jan. 2010
Use in Commerce: Jan. 2010

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: SunFoods, LLC
Owner Address: P.O. Box 8729
Woodland, CALIFORNIA 95776
UNITED STATES
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: CALIFORNIA

Attorney/Correspondence Information

Attorney of Record
Attorney Name: Bradley P. Heisler
Docket Number: 09052.022
Correspondent
Correspondent Name/Address: SUNFOODS LLC
PO BOX 8729

WOODLAND, CALIFORNIA 95776
UNITED STATES

Phone: 916 781-6634

Fax: 916 645-7634

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 17, 2013	CANCELLED SECTION 18-TOTAL	
Apr. 17, 2013	CANCELLATION TERMINATED NO. 999999	56603
Apr. 08, 2013	CANCELLATION GRANTED NO. 999999	56603
Dec. 27, 2012	CANCELLATION INSTITUTED NO. 999999	56603
Mar. 15, 2011	REGISTERED-PRINCIPAL REGISTER	
Feb. 08, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE MAILED	
Feb. 07, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	70468
Feb. 04, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 20, 2011	STATEMENT OF USE PROCESSING COMPLETE	76873
Dec. 27, 2010	USE AMENDMENT FILED	76873
Jan. 20, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76873
Dec. 27, 2010	TEAS STATEMENT OF USE RECEIVED	
Jul. 27, 2010	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 01, 2010	PUBLISHED FOR OPPOSITION	
May 12, 2010	NOTICE OF PUBLICATION	
Apr. 27, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	70468
Apr. 24, 2010	ASSIGNED TO LIE	70468
Apr. 10, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 23, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 22, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 22, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 09, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Dec. 02, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 21, 2009	NON-FINAL ACTION MAILED	
Sep. 19, 2009	NON-FINAL ACTION WRITTEN	74307
Sep. 17, 2009	ASSIGNED TO EXAMINER	74307
Jul. 13, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TTAB

Date in Location: Apr. 17, 2013

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: SunFoods, LLC

Assignment 1 of 2

Conveyance: SECURITY AGREEMENT

Reel/Frame: 4104/0223

Pages: 12

Date Recorded: Nov. 27, 2009

Supporting Documents: [assignment-trn-4104-0223.pdf](#)

Assignor

Name: SUNFOODS, LLC

Execution Date: Nov. 23, 2009

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where CALIFORNIA

Organized:

Assignee

Name: BANK OF AMERICA, N.A., AS AGENT

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where Organized: CALIFORNIA

Address: 55 SOUTH LAKE AVENUE, SUITE 900
PASADENA, CALIFORNIA 91101

Correspondent

Correspondent Name: MCGUIREWOODS LLP

Correspondent Address: 1800 CENTURY PARK EAST, 8TH FLOOR
ATTN: KIRT PETERSON, ESQ.
LOS ANGELES, CA 90067

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4440/0498

Pages: 7

Date Recorded: Dec. 23, 2010

Supporting Documents: assignment-tm-4440-0498.pdf

Assignor

Name: BANK OF AMERICA, N.A.

Execution Date: Nov. 23, 2010

Legal Entity Type: A NATIONAL BANKING ASSOCIATION

State or Country Where Organized: UNITED STATES

Assignee

Name: SUNFOODS, LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: CALIFORNIA

Address: 194 WEST MAIN STREET, SUITE 202
WOODLAND, CALIFORNIA 95695

Correspondent

Correspondent Name: KATHERINE OBERLE

Correspondent Address: 1331 N. CALIFORNIA BLVD., SUITE 200
WALNUT CREEK, CA 94596

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Cancellation

Proceeding Number: 92056603

Filing Date: Dec 20, 2012

Status: Terminated

Status Date: Apr 17, 2013

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: SunFoods, LLC

Correspondent Address: SUNFOODS LLC
PO BOX 8729
WOODLAND CA, 95776
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
CORN THINS	Cancelled - Section 18	<u>77776347</u>	<u>3931827</u>
RICE THINS	Cancelled - Section 18	<u>77776356</u>	<u>3931828</u>

Plaintiff(s)

Name: Real Foods Pty. Ltd.

Correspondent Address: BRUCE S LONDA
NORRIS MCLAUGHLIN & MARCUS PA
875 THIRD AVENUE, 8TH FLOOR
NEW YORK NY, 10022
UNITED STATES

Correspondent e-mail: bslonda@nmmlaw.com

Associated marks

Mark
CORN THINS

Application Status
Opposition Pending
Prosecution History

Serial Number
79111074

Registration Number

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 20, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 27, 2012	Feb 05, 2013
3	PENDING, INSTITUTED	Dec 27, 2012	
4	NOTICE OF DEFAULT	Feb 20, 2013	
5	BD DECISION: GRANTED	Apr 08, 2013	
6	COMMR ORDER CANCELLING REG	Apr 17, 2013	
7	TERMINATED	Apr 17, 2013	

U. S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Real Foods Pty. Ltd.

v.

SunFoods, LLC

Cancellation No. 92056603

Bruce S. Londa of Norris McLaughlin & Marcus PA for Real
Foods Pty. Ltd.

SunFoods, LLC, pro se.

The petition of Real Foods Pty. Ltd. having been
granted on April 8, 2013, Registrations Nos. 3931827 and
3931828 are hereby cancelled.

APR 17 2013



Deborah S. Cohn
Commissioner for Trademarks

United States of America

United States Patent and Trademark Office

RICE THINS

Reg. No. 3,931,828

Registered Mar. 15, 2011

Int. Cl.: 30

TRADEMARK

PRINCIPAL REGISTER

SUNFOODS, LLC (CALIFORNIA LIMITED LIABILITY COMPANY)
P.O. BOX 8729
WOODLAND, CA 95776

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

FIRST USE 1-0-2010; IN COMMERCE 1-0-2010.

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 "RICE", APART FROM THE MARK AS SHOWN.

SN 77-776,356, FILED 7-8-2009.

CAROL SPILS, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

Side - 1



NOTICE OF ACCEPTANCE OF SOU
MAILING DATE: Feb 8, 2011

The statement of use (SOU) filed for the trademark application identified below has been accepted. This acceptance means that the mark identified below is entitled to be registered. Accordingly, the registration will issue in due course barring any extraordinary circumstances.

For further information, visit our website at: <http://www.uspto.gov> or call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 77776356
MARK: RICE THINS
OWNER: SunFoods, LLC

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS
MAIL
U.S. POSTAGE
PAID

BRADLEY P. HEISLER
HEISLER & ASSOCIATES
3017 DOUGLAS BLVD STE 300
ROSEVILLE, CA 95661-3850

Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77776356
LAW OFFICE ASSIGNED	LAW OFFICE 104
EXTENSION OF USE	NO
MARK SECTION	
MARK	RICE THINS
OWNER SECTION (no change)	
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	030
CURRENT IDENTIFICATION	Rice cakes
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	01/00/2010
FIRST USE IN COMMERCE DATE	01/00/2010
SPECIMEN FILE NAME(S)	<u>\\TICRS\EXPORT11\IMAGEOUT</u> <u>11\777\763\7776356\xml3\ SOU0002.JPG</u>
SPECIMEN DESCRIPTION	A photograph of packaging for the goods
REQUEST TO DIVIDE	NO
PAYMENT SECTION	
NUMBER OF CLASSES IN USE	1
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	100
TOTAL AMOUNT	100
SIGNATURE SECTION	
DECLARATION SIGNATURE	/brad heisler/
SIGNATORY'S NAME	Bradley P. Heisler

SIGNATORY'S POSITION	Attorney
DATE SIGNED	12/27/2010
FILING INFORMATION	
SUBMIT DATE	Mon Dec 27 18:38:52 EST 2010
TEAS STAMP	USPTO/SOU-208.106.65.135- 20101227183852141792-7777 6356-470301313cd67e63f691 0d4e247ed9ec0ee-CC-3263-2 0101227183513401048

**Trademark/Service Mark Statement of Use
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

MARK: RICE THINS
SERIAL NUMBER: 77776356

The applicant, SunFoods, LLC, having an address of
P.O. Box 8729
Woodland, California 95776
US

is submitting the following allegation of use information:

For International Class 030:
Current identification: Rice cakes

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 01/00/2010, and first used in commerce at least as early as 01/00/2010, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) A photograph of packaging for the goods.

[Specimen File1](#)

The applicant is not filing a Request to Divide with this Allegation of Use form.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the allegation of use for 1 class.

Declaration

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /brad heisler/ Date Signed: 12/27/2010

Signatory's Name: Bradley P. Heisler

Signatory's Position: Attorney

RAM Sale Number: 3263

RAM Accounting Date: 12/28/2010

Serial Number: 77776356

Internet Transmission Date: Mon Dec 27 18:38:52 EST 2010

TEAS Stamp: USPTO/SOU-208.106.65.135-201012271838521

41792-77776356-470301313cd67e63f6910d4e2

47ed9ec0ee-CC-3263-20101227183513401048

THIN
FRESHER



HINODE
est 1934

RICE
THINS

*Sour Cream &
Maui Onion
flavored*

MADE WITH
WHOLE GRAIN
RICE



Side - 1



NOTICE OF PUBLICATION UNDER §12(a)
MAILING DATE: May 12, 2010
PUBLICATION DATE: Jun 1, 2010

The mark identified below will be published in the Official Gazette on Jun 1, 2010. Any party who believes they will be damaged by registration of the mark may oppose its registration by filing an opposition to registration or a request to extend the time to oppose within thirty (30) days from the publication date on this notice. If no opposition is filed within the time specified by law, the USPTO may issue a Notice of Allowance.

To view the Official Gazette online or to order a paper copy, visit the USPTO website at <http://www.uspto.gov/web/trademarks/tmog/> any time within the five-week period after the date of publication. You may also order a printed version from the U.S. Government Printing Office (GPO) at <http://bookstore.gpo.gov> or 202-512-1800. To check the status of your application, go to <http://tarr.uspto.gov/>.

SERIAL NUMBER: 77776356
MARK: RICE THINS
OWNER: SunFoods, LLC

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS
MAIL
U.S POSTAGE
PAID

BRADLEY P. HEISLER
HEISLER & ASSOCIATES
3017 DOUGLAS BLVD STE 300
ROSEVILLE, CA 95661-3850

Trademark Snap Shot Amendment & Mail Processing Stylesheet
 (Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

SERIAL NUMBER	77776356	FILING DATE	07/08/2009
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	SPILS, CAROL A	L.O. ASSIGNED	104

PUB INFORMATION

RUN DATE	03/24/2010		
PUB DATE	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	03/23/2010		
LITERAL MARK ELEMENT	RICE THINS		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	RICE THINS

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	SunFoods, LLC
ADDRESS	P.O. Box 8729 Woodland, CA 95776
ENTITY	16-LTD LIAB CO
CITIZENSHIP	California

GOODS AND SERVICES

INTERNATIONAL CLASS	030
DESCRIPTION TEXT	Rice cakes

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	030	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	"RICE"

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
03/23/2010	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	009
03/22/2010	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	008
03/22/2010	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
12/09/2009	ASCK	I	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	006
12/02/2009	ASCK	I	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	005
09/21/2009	CNRT	F	NON-FINAL ACTION MAILED	004
09/19/2009	CNRT	R	NON-FINAL ACTION WRITTEN	003
09/17/2009	DOCK	D	ASSIGNED TO EXAMINER	002
07/13/2009	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	001

IN TRAM

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Bradley P. Heisler
CORRESPONDENCE ADDRESS	BRADLEY P. HEISLER HEISLER & ASSOCIATES 3017 DOUGLAS BLVD STE 300 ROSEVILLE, CA 95661-3850
DOMESTIC REPRESENTATIVE	NONE

RICE THINS

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77776356
LAW OFFICE ASSIGNED	LAW OFFICE 104
MARK SECTION (no change)	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
JPG FILE(S)	<u>\\TICRS\EXPORT9\IMAGEOUT9\777\763\77776356\xml1\ROA0012.JPG</u>
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	<u>\\TICRS\EXPORT9\IMAGEOUT9\777\763\77776356\xml1\ROA0020.JPG</u>
ORIGINAL PDF FILE	<u>evi_2081066480-161036845_Remarks_Arguments.pdf</u>
CONVERTED PDF FILE(S) (10 pages)	<u>\\TICRS\EXPORT9\IMAGEOUT9\777\763\77776356\xml1\ROA0002.JPG</u>
	<u>\\TICRS\EXPORT9\IMAGEOUT9\777\763\77776356\xml1\ROA0003.JPG</u>
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	<u>\\TICRS\EXPORT9\IMAGEOUT9\777\763\77776356\xml1\ROA0011.JPG</u>
DESCRIPTION OF EVIDENCE FILE	Remarks/Arguments Exhibits A-I
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	030
DESCRIPTION	Rice cakes
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	030
DESCRIPTION	Rice cakes
FILING BASIS	Section 1(b)
ADDITIONAL STATEMENTS SECTION	
DISCLAIMER	No claim is made to the exclusive right to use RICE apart from the mark as shown.
SIGNATURE SECTION	
RESPONSE SIGNATURE	/brad heisler/
SIGNATORY'S NAME	Bradley P. Heisler
SIGNATORY'S POSITION	Attorney
DATE SIGNED	03/22/2010
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Mar 22 16:42:07 EDT 2010
TEAS STAMP	USPTO/ROA-208.106.64.80-2 0100322164207530269-77776 356-46099a16b6c7864f1d60c 2206cb7ce798e-N/A-N/A-201 00322161036845157

Response to Office Action To the Commissioner for Trademarks:

Application serial no. **77776356** has been amended as follows:

EVIDENCE

Evidence in the nature of Remarks/Arguments Exhibits A-I has been attached.

JPG file(s):

Evidence-1

Evidence-2

Evidence-3

Evidence-4

Evidence-5

Evidence-6

Evidence-7

Evidence-8

Evidence-9

Original PDF file:

evi 2081066480-161036845 . Remarks Arguments.pdf

Converted PDF file(s) (10 pages)

Evidence-1

Evidence-2

Evidence-3

Evidence-4

Evidence-5

Evidence-6

Evidence-7

Evidence-8

Evidence-9

Evidence-10

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 030 for Rice cakes

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed: Class 030 for Rice cakes

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

ADDITIONAL STATEMENTS

Disclaimer

No claim is made to the exclusive right to use RICE apart from the mark as shown.

SIGNATURE(S)**Response Signature**

Signature: /brad heisler/ Date: 03/22/2010

Signatory's Name: Bradley P. Heisler

Signatory's Position: Attorney

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 77776356

Internet Transmission Date: Mon Mar 22 16:42:07 EDT 2010

TEAS Stamp: USPTO/ROA-208.106.64.80-2010032216420753

0269-77776356-46099a16b6c7864f1d60c2206c

b7ce798e-N/A-N/A-20100322161036845157

REMARKS/ARGUMENTS

(Serial No. 77/776,356)

Applicant has carefully reviewed the Office action mailed on September 21, 2009. Applicant has further amended this application as indicated above. Applicant respectfully submits that when the amendment to this application is considered together with the remarks herein, that the application will be in proper form for approval of this application for publication and other further processing of this application toward registration. Accordingly, reconsideration of the above-identified Office action is respectfully requested.

The examining attorney had identified a single grounds for refusal of the trademark application for the mark "RICE THINS" in this case. In particular, the examining attorney refused registration, taking the position that "the applied-for mark merely describes a feature of applicant's goods." The examining attorney provided both statutory and case law rationale for the examining attorney's position. The examining attorney stated in relevant part "the proposed mark RICE THINS describes the goods which are rice thins." The examining attorney also supplied evidence in two forms including "X-Search evidence" of other federally registered trademarks and internet evidence.

Applicant has carefully studied the examining attorney's rationale and the evidence supplied by the examining attorney in this case. Applicant agrees with the examining attorney to the extent that the term "rice" is descriptive. However, applicant's careful review of all relevant evidence indicates that the entire composite mark "RICE THINS" is only suggestive of a characteristic of the goods, and not descriptive, and thus respectfully submits that the mark is not merely descriptive, and with the included disclaimer of the term "rice," that this mark warrants registration.

Applicant agrees with the examining attorney's recitation of the relevant legal standard and acknowledges that marks that are merely descriptive are not registerable on the Principal Register. However, to provide the full legal standard, it is important to also recognize that marks that are "suggestive" are registerable on the Principal Register. In particular, TMEP §1209.01(a) identifies suggestive marks as marks "that, when applied to the goods or services at issue, require imagination, thought or perception to reach a conclusion as to the nature of those goods or services." See *In Re Shutts*, 217 USPQ 363 (TTAB 1983) (SNO-RAKE held not merely descriptive of a snow removal hand tool). Applicant submits that "RICE THINS" is such a suggestive mark that requires imagination, thought or perception to reach a conclusion as to the nature of the goods. The suggestive nature of this composite mark "RICE THINS" is distinct from the clearly descriptive term "rice" which has been disclaimed as identified above.

Applicant appreciates the detailed evidence provided by the examining attorney in this case, and respectfully submits that a careful review of this evidence, and a few additional relevant evidentiary submissions contained herein, flows to the conclusion that the mark "RICE THINS" is a suggestive mark warranting registration on the Principal Register.

Office Practice in Prior Cases Supports "Suggestiveness" of "THINS" Marks.

The examining attorney included citations to six other registered trademarks, for the proposition "that the word 'THIN(S)' is treated as descriptive and disclaimed for goods in Int'l Class 30." Initially, applicant notes that four of these six registered trademarks are for marks including the term "thin" rather than including the term "thins."

1. Important distinction between "thin" and "thins."

Applicant urges the examiner to fairly consider the subtle but crucial difference between the terms "thin" and "thins." Often the addition of the letter "s" at the end

of a term merely signifies adjustment of the word from singular to plural form. In such instances, other than the plural/singular nature of the word form being used, terms with the “s” present or absent are essentially identical. This apparent similarity is absolutely not the case between the term “thin” and “thins.”

Applicant has included herein as Exhibit A the entry from www.dictionary.com for the term “thin.” Note that the term “thin” is primarily an adjective, and as such is a word used to modify a noun. In particular it identifies the subject noun as being one that has a small dimension in at least one direction. When one uses the term “thin” as an adjective, it is typically descriptive in nature (e.g. “*thin* crackers”). While less common, the term “thin” can also be an adverb, and usually with an “ly” ending (e.g. Jane *thinly* sliced the bread). Even less common is the utilization of the term “thin” as a verb. For instance, “Jane added water to *thin* the soup.”

Only when the term “thin” is in its most rare form being used as a verb does it have one form with an “s” at the end, as “thins.” In particular, when the verb form of the term “thin” is being used in the active tense, the term “thins” is used (e.g. Jane *thins* the soup by adding water). The term “thins” includes an “s” at the end not to identify the plural form of the word, but rather to distinguish it from the past tense (e.g. Jane *thinned* the soup) or the present tense (e.g. Jane *is thinning* the soup).

Conspicuous by its absence is the presence of any term “thin” or “thins” as a noun. Nouns are most often descriptive of goods (e.g. cheese crackers), with adjectives also used with nouns to identify characteristics of goods (e.g. *thin* crackers). Applicant acknowledges that the term “thin” can be used as an adjective to describe a characteristic of goods, but such a descriptive form is never used as “thins” with an “s” at the end. For instance, it would never be proper to use the phrase “*thins* crackers.” Rather, when used as an adjective, the term “thin” is always without the “s” (i.e. “*thin* crackers”).

Upon seeing or hearing the word “THIN,” especially adjacent a noun (e.g. *thin* crackers) a consumer immediately recognizes a descriptive meaning. However, upon

seeing or hearing the word “THINS,” a customer will be thinking “THINS” is a verb and look for the “object” (e.g. What is being thinned?). Without an object, such marks “require imagination, thought or perception to reach a conclusion as to the nature of [the goods]” (the TTAB standard enunciated in *In Re Shutts*). Applicant respectfully submits that all of the examining attorney’s evidence which focuses on the term “thin” rather than the term “thins” fails to consider the important distinction between the words “THIN” and “THINS” and is thus not particularly probative in determining the registerability of this mark for “RICE THINS.”

2. Interpretation of evidence.

With this distinction between “thin” and “thins” in mind, applicant respectfully submits that four of the six records of prior registrations identified by the examining attorney as evidence in this rejection are not particularly relevant to this mark directed to “RICE THINS.” Two of the registrations cited by the examining attorney do include the term “thins” in a plural form. These include Registration No. 3,568,922 for the mark “ANNA’S GINGER THINS . . .” and Registration No. 2,863,802 for the mark “EMMA’S THINS.” Applicant respectfully submits that the disclaimers in these cases were not required by the relevant case law and facts present in these prior registration cases.

With regard to these two registrations, applicant has studied these registrations and notes that these marks were never rejected as being considered to be descriptive under Trademark Act §2(e). Rather, the examining attorney merely included a requirement of a disclaimer with little or no rationale therefore. Applicants did not argue the point but merely agreed to the disclaimers required by the examining attorneys. In the case of “EMMA’S THINS” the examining attorney did make reference to the dictionary definition of the term “*thin*” as evidence for the descriptiveness of the mark “EMMA’S THINS” (see Exhibit B). Applicant respectfully submits that the examining attorneys in these cases were not correct in requiring these disclaimers and that such incorrectness is

exemplified by the examining attorney's misuse of the www.dictionary.com definition of "thin" rather than applying the proper definition for the term "thins." Rather, in at least the "EMMA'S THINS" case the examining attorney failed to make the subtle distinction between "thin" and "thins" the same as in this case.

Furthermore, applicant notes that the marks cited by the examining attorney conspicuously left out other "thins" marks which have not required disclaimers for the term "thins" and which have been allowed to register on the Principal Register. In particular, applicant notes registrations for "WHEAT THINS" (Registration No. 1,022,799), "STONED WHEAT THINS" (Registration No. 1,718,484), "OAT THINS" (Registration No. 1,584,988) and "BRAN THINS" (Registration No. 1,651,988) (see Exhibits C, D, E and F), each of which either are currently registered or were at one time registered by the Office.

In addition, trademark applications for the marks "CORN THINS" (Application No. 74/525,698), "RICE THINS" (Application No. 74/004,806) and "RYE THINS" (Application No. 74/004,805) (see Exhibits G, H and I), were approved by the Trademark Office for publication, indicating no objection to the registerability of these marks within an intent-to-use trademark application. While the applicant in those cases abandoned those applications before completing the registration process, these marks, including one mark "RICE THINS" (Exhibit H) identical to the mark of this application, were approved for publication in a prior case.

Thus, prior practice within the Trademark Office regarding the registerability of marks including the word "thins," is strongly in favor of the registerability of marks including the term "thins." This prior practice has recognized the suggestive nature of the term "thins," distinct from the descriptive term "thin."

Internet Evidence Supports "Suggestive" Conclusion for "THINS" Marks

Applicant next turns to the examining attorney's internet evidence, which examining attorney postulated "refers to 'rice thins' as a type of food." Applicant

initially notes with great appreciation the detail with which the examining attorney has researched the internet to find examples of use of the phrase “*rice thins*” in prior practice. In general, applicant notes that many of these references are to the term “*rice thin*” rather than “*rice thins*” and so not as pertinent to the registerability of marks with the term “thins,” as described above. In other instances where the phrase “*rice thins*” is used, the evidence shows that the phrase “*rice thins*” is not being used to identify an ingredient, quality or characteristic of the goods (other than for the descriptive term “rice” disclosed herein), but rather is functioning as a trademark for the associated goods. As such trademark uses on the internet, the term “rice thins” is being used to identify source and is not descriptive of the goods themselves.

In particular, and considering the internet evidence in sequence, the first reference (pages 2-9) is to “Sesmark Rice Thins” from www.amazon.com. In this evidence, the mark “rice thins” is functioning as a common law trademark of the Sesmark company. The terms “rice” and “thins” are run together and in a distinctive font with the phrase “RiceThins” centered on a circular background. In small print beneath this trademark, the descriptive phrase “rice crackers” is included.

One can logically ask the question: “why did Sesmark feel it necessary to include the phrase ‘rice crackers’ under the trademark ‘RiceThins’ if a viewer of the package would understand what the goods are from seeing the trademark ‘RiceThins’ alone.” In fact, the phrase “rice crackers” is added because customers would not immediately understand that “RiceThins” relates to crackers. Rather, it would require some imagination, thought or perception to reach this conclusion, so that this mark is suggestive.

Other references in this evidence relating to this product consistently present the mark “Rice Thins” with capital letters, such as the product description section of this entry. Furthermore, statements such as “Sesmark RiceThins are crispy light crackers” further emphasize that readers need to be told what the product is because the trademark “RiceThins” is not sufficiently descriptive. Overall, Sesmark’s “RiceThins”

trademark in this www.amazon.com reference is a suggestive common law trademark that identifies the source of the goods, and is not merely descriptive of the goods themselves (other than the disclaimed term “RICE”).

Perhaps most enlightening is the string of customer reviews provided following the entry for Sesmark RiceThins. Repeatedly the customer reviews (likely ordinary customers who have viewed the packaging and enjoyed the goods) refer to the product as “these *crackers*.” If the term “*thins*” was descriptive, the customers would be repeatedly stating “these thins” to describe the goods. That is not the case. This amazon.com internet evidence describing the Sesmark “RiceThins” product clearly utilizes the term “rice thins” as a suggestive trademark for the cracker goods associated therewith.

The next internet evidence entry (pages 10-11) is from www.wholeandnatural.com and is an entry describing Real Foods “Rice Thins.” As with the Sesmark RiceThins entry discussed above, the term “rice thins” is again being used as a trademark. In the first sentence describing the goods. The phrase “Rice Thins are a great tasting wholegrain rice cake” is stated. If customers knew that the term “thins” referred to a cracker or cake-like product, no such description would be required. This entry from wholeandnatural.com repeatedly uses the phrase “rice thins” as a trademark for the goods of Real Foods. As with Sesmark “RiceThins,” such a trademark use is only suggestive of the goods, and not merely descriptive.

The third entry (pages 12-14) is from www.associatedcontent.com and is a review of Sesmark “RiceThins.” As with previous internet references to this product, the term “RiceThins” is being used as a trademark for this Sesmark product. Repeatedly this phrase is capitalized. In a singular instance on the second page, the phrase “Sesmark Rice Thin” is utilized by a reviewer. Applicant submits that this was an instance where the trademark was used in the singular rather than the plural to refer to a single cracker and the reviewer used the trademark improperly. A corollary example would be to refer to a single “HUGGIES” diaper by stating “the Huggie I used was very high quality.”

The entry was capitalized in this instance as “Sesmark Rice Thin” to further emphasize the trademark nature of this phrase. Furthermore, within this review the product is referred to as a rice cracker. If the term “thins” was descriptive, the reviewer would consistently refer to the goods as “thins.” The conspicuous absence of any such generic use illustrates that the term “rice thins” is being used as a trademark by a reviewer in this associatedcontent.com article.

The fourth internet evidence entry (pages 15-17) is from www.calories-nutrition.buddyslim.com and is a reference to a product referred to as “white cheddar rice thins.” Apparently a product from a company referred to as “back to nature” is being referenced. Such a connection is not apparent from this entry but from the next entry at www.accessmylibrary.com (pages 18-19) where a similar entry relating to a rice thins product from Back to Nature Foods Co. is referenced.

Note that in the buddy slim entry, the phrase “back to nature” is not capitalized. Applicant respectfully submits that the designer of this web page was for some reason improperly emphasizing the lower case when capitalization of letters should have been utilized. For instance, a company by the name of “back to nature” should have the words “back” and “nature” have their initial letters capitalized (i.e. Back to Nature). Furthermore, this entry refers to the rice thins as “baked crackers” again illustrating how the reviewer felt it necessary to use the descriptive term “crackers” because readers could not understand what the term “thins” refers to. Very little additional information is provided from this buddyslim.com entry, such that applicant cannot draw any concrete conclusions from this internet reference.

The fifth entry (pages 18-19) is from www.accessmylibrary.com where a review of Rice Thins is provided. Apparently the Back to Nature Foods Rice Thins product was the subject of a product recall which generated some news evidence. An overwhelming majority of entries related to this recall consistently utilize the phrase “Rice Thins” with capitalization of the term “Rice” and the term “Thins,” and following this phrase by the descriptive term “crackers,” which is sometimes capitalized and sometimes not. In a

singular instance the phrase “rice thins” is listed without capitalization (fourth and fifth identical news wire story leads on the second page of the accessmylibrary.com entry). This occurs in two entries on the middle of the page and appears to be an instance where a common news wire entry was repeated and included a typo where the phrase should have been capitalized based on the consistent usage throughout all other references of capitalization of the phrase “Rice Thins.” Much remaining evidence from the internet selections cited by the examiner (pages 20-27) appears to be continued reference to Back to Nature Foods “Rice Thins” product and further illustrates how the phrase “Rice Thins” is consistently capitalized and consistently used preceding the term “crackers” leading to the logical conclusion that the term “Rice Thins” is functioning as a trademark and not being used to merely describe goods.

A sixth internet evidence entry (pages 28-29) is from www.helloglutenfree.blogspot.com. This entry includes the phrase “Say hello to . . . Christie’s rice thins.” In this entry the term “rice thins” is not capitalized. However, a picture of the box is provided which illustrates the proper usage of this phrase. The front of the box is dominated by the phrase “Rice Thins” which is provided in a distinctive font in the primary trademark space of the package in large letters with capitalization of the “r” and “t” in “Rice Thins.” This product is described as “baked crisps.” This entry appears to be an individual internet user’s personal journal entry. This personal journey entry shows improper capitalization, such as choosing to capitalize terms such as “Sesame, Cheddar, and Multigrain” which are flavors of the Christie’s goods. Ordinarily, common names for flavors would not be capitalized. Such improper grammar in other instances legitimately calls into question the writer’s grammar, more than indicating the state of mind of the writer as to the trademark function of the mark “Rice Thins.” The author’s use of the term “crisps” rather than “thins” to describe the goods further illustrates the writer saw the mark “Rice Thins” as a trademark.

Overall, the internet evidence is extensive and in almost all cases includes use of the phrase "Rice Thins" consistently as a common law trademark identifying the source of goods, and not as a descriptive term merely describing an ingredient or characteristic of the goods. This internet evidence is consistent with the definition of "*thin*" and "*thins*" found at dictionary.com (Exhibit A). In particular, while the term "thin" is a commonly used adjective, the term "thins" is a rather obscure verb in the English language and nothing else. When this verb "thins" is placed on a package or otherwise used in conjunction with goods, a viewer of such a package or other user cannot logically reach a conclusion as to the nature of the goods without some use of imagination, thought or perception to reach a conclusion as to the likely nature of the goods.

Accordingly, and based on the above analysis as well as the significance of the disclaimer of the term "RICE," applicant respectfully submits that the mark "RICE THINS" is not descriptive, but rather is suggestive of the goods and warrants registration in compliance with the requirements of Trademark Act §2(e)(1). Applicant respectfully requests that the examining attorney find that this case is now in a form which warrants approval for publication and further processing by the Office. Should the examining attorney have questions with regard to the undersigned's position, require further evidence or have other matters which would benefit from a conversation with the undersigned, the undersigned invites the examining attorney to contact the undersigned by telephone to expeditiously resolve any such remaining issues.

Dictionary Thesaurus Encyclopedia Translator Web Login Register Help

thin

Related Searches

- Dying to be thin
- Pro ana
- Thin models anorexic ...
- Skinny
- Too thin
- Thin people
- Thin women
- Diet how to get thin
- Thin girls
- Anorexic nation
- How to get thin fast
- Skinny girl models su...

Synonyms

- unsubstantial
- subtle
- unbelievable
- unconvincing
- sparse
- irrigate
- feeble

More Synonyms >

Slang

- thin dime
- thin-skinned
- walk on thin ice

Nearby Words

- thimbu
- thimerosal
- thimphu
- thin**
- thin air
- thin as a rail
- thin client

thin

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thin (thin) *Show IPA* **adjective, thin-ner, thin-ness, adverb, verb, thinned, thin-ning.**

-adjective

- having relatively little extent from one surface or side to the opposite; not thick: *thin ice.*
- of small cross section in comparison with the length; slender: *a thin wire.*
- having little flesh; spare; lean: *a thin man.*
- composed of or containing objects, particles, etc., widely separated; sparse: *thin vegetation.*
- scant; not abundant or plentiful.
- of relatively slight consistency or viscosity: *thin soup.*
- rarefied, as air.
- without solidity or substance; flimsy: *a very thin plot for such a long book.*
- lacking fullness or volume; weak and shrill: *a thin voice.*
- without force or a sincere effort: *a thin smile.*
- lacking body, richness, or strength: *a thin wine.*
- lacking in chroma; of light tint.
- Photography.** (of a developed negative) lacking in density or contrast through underdevelopment or underexposure.

-adverb

- in a thin manner.
- sparsely; not densely.
- so as to produce something thin: *Slice the ham thin.*

-verb (used with object)

- to make thin or thinner (often fol. by *down, out*, etc.).

-verb (used without object)

- to become thin or thinner; become reduced or diminished (often fol. by *down, out, off*, etc.): *The crowd is thinning out.*

Use thin in a Sentence

Origin:
 bef. 900 (adj. and adv.) ME *thyn(ne)*, OE *thynne*, c. D *dun*, G *dunn*, ON *thunnr*, (v.) ME *thynnen*, OE *thynnian*, deriv. of the adj.; cf. MD *dunnen*, ON *thynna*, akin to OIr *tana*, L *tenuis* thin, Gk *tany-* long

-Related forms

- thinly, *adverb*
- thinness, *noun*
- o-ver-thin, *adjective*
- o-ver-thin-ly, *adverb*
- o-ver-thin-ness, *noun*
- self-thinning, *adjective*
- su-per-thin, *adjective*
- un-thinned, *adjective*
- un-thin-ning, *adjective*

-Synonyms

3. slim, slender, skinny, lank, scrawny. **THIN**, **GAUNT**, **LEAN**, **SPARE** agree in referring to one having little flesh. **Thin** applies often to one in an unnaturally reduced state, as from sickness, overwork, lack of food, or the like: *a thin, dirty little wife*. **GAUNT** suggests the angularity of bones prominently displayed in a thin face and body: *to look ill and gaunt*. **LEAN** usually applies to a person or animal that is naturally thin: *looking lean but healthy after an outdoor vacation*. **SPARE** implies a muscular leanness with no diminution of vitality: *Lincoln was spare in body*. 5. meager. 8. weak.

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KASER PERMANENTE



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Typed Drawing

Word Mark EMMA'S THINS
Goods and Services IC 030. US 046. G & S: Cookies. FIRST USE: 20030501. FIRST USE IN COMMERCE: 20030501
Mark Drawing Code (1) TYPED DRAWING
Serial Number 78258333
Filing Date June 4, 2003
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition January 6, 2004
Registration Number 2863802
Registration Date July 13, 2004
Owner (REGISTRANT) Anna's of North America Calgary Ltd. CORPORATION CANADA P.O. Box 5880 High River, Alberta CANADA T1V 1P6
Attorney of Record Norman J.K. Bishop
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "THINS" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark WHEAT THINS
Goods and Services IC 030. US 046. G & S: CRACKERS. FIRST USE: 19471231. FIRST USE IN COMMERCE: 19471231
Mark Drawing Code (1) TYPED DRAWING
Serial Number 73045498
Filing Date February 28, 1975
Current Filing Basis 1A
Original Filing Basis 1A
Registration Number 1022799
Registration Date October 14, 1975
Owner (REGISTRANT) NABISCO, INC. CORPORATION NEW JERSEY 7 CAMPUS DRIVE PARSIPPANY NEW JERSEY 070540311
 (LAST LISTED OWNER) KRAFT FOODS GLOBAL BRANDS LLC LIMITED LIABILITY COMPANY DELAWARE THREE LAKES DRIVE NF 584 NORTHFIELD ILLINOIS 60093
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Douglas W. Cherry
Disclaimer APPLICANT DISCLAIMS RIGHTS IN THE WORD "WHEAT" APART FROM THE MARK AS SHOWN.
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20060301.
Renewal 2ND RENEWAL 20060301
Live/Dead Indicator LIVE

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Start List At: OR **Jump** to record: **Record 7 out of 9**

TARR Status ASSIGN Status TDR TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark STONED WHEAT THINS
Goods and Services IC 030. US 046. G & S: crackers. FIRST USE: 19840801. FIRST USE IN COMMERCE: 19840801
Mark Drawing Code (1) TYPED DRAWING
Serial Number 74210925
Filing Date October 9, 1991
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition June 30, 1992
Registration Number 1718484
Registration Date September 22, 1992
Owner (REGISTRANT) Nabisco, Inc. CORPORATION NEW JERSEY 7 Campus Drive Parsippany NEW JERSEY 070540311
 (LAST LISTED OWNER) KRAFT FOODS GLOBAL BRANDS LLC LIMITED LIABILITY COMPANY DELAWARE THREE LAKES DRIVE NF 584 NORTHFIELD ILLINOIS 60093
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record DOUGLAS W CHERRY
Prior Registrations 1022799
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "STONED WHEAT" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20030110.
Renewal 1ST RENEWAL 20030110
Live/Dead Indicator LIVE

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TARR Status | ASSIGN Status | TDR | TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark OAT THINS
Goods and Services (CANCELLED) IC 030. US 046. G & S: CRACKERS. FIRST USE: 19890517. FIRST USE IN COMMERCE: 19890517
Mark Drawing Code (1) TYPED DRAWING
Serial Number 73814475
Filing Date July 24, 1989
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition December 5, 1989
Registration Number 1584988
Registration Date February 27, 1990
Owner (REGISTRANT) NABISCO, INC. CORPORATION NEW JERSEY 100 DE FOREST AVENUE EAST HANOVER NEW JERSEY 07936
 (LAST LISTED OWNER) NABISCO BRANDS COMPANY CORPORATION ASSIGNEE OF DELAWARE ONE SOUTH WACKER DR. SUITE 2740 CHICAGO ILLINOIS 60606
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record KATHLEEN J. GALLAGHER
Prior Registrations 1022799;1244724
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "OAT" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator DEAD
Cancellation Date April 28, 2001

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Typed Drawing

Word Mark BRAN THINS
Goods and Services (CANCELLED) IC 030. US 046. G & S: CRACKERS. FIRST USE: 19901008. FIRST USE IN COMMERCE: 19901008
Mark Drawing Code (1) TYPED DRAWING
Serial Number 74004804
Filing Date November 24, 1989
Current Filing Basis 1A
Original Filing Basis UNKNOWN
Published for Opposition July 31, 1990
Registration Number 1651988
Registration Date July 23, 1991
Owner (REGISTRANT) NABISCO, INC. CORPORATION NEW JERSEY 100 DE FOREST AVENUE EAST HANOVER NEW JERSEY 07936
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record ARTHUR A. SILVERSTEIN
Prior Registrations 1022799;1244724
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BRAN" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator DEAD
Cancellation Date January 26, 1998

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Typed Drawing

Word Mark CORN THINS
Goods and Services (ABANDONED) IC 030. US 046. G & S: crackers
Mark Drawing Code (1) TYPED DRAWING
Serial Number 74525698
Filing Date May 17, 1994
Current Filing Basis 1B
Original Filing Basis 1B
Published for Opposition February 21, 1995
Owner (APPLICANT) Nabisco, Inc. CORPORATION NEW JERSEY 7 Campus Drive Parsippany NEW JERSEY 070540311
Attorney of Record Steven H. Hartman
Prior Registrations 1584988;1651988;AND OTHERS
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CORN" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator DEAD
Abandonment Date November 20, 1996

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Typed Drawing

Word Mark RICE THINS
Goods and Services (ABANDONED) IC 030. US 046. G & S: CRACKERS
Mark Drawing Code (1) TYPED DRAWING
Serial Number 74004806
Filing Date November 24, 1989
Current Filing Basis 1B
Original Filing Basis 1B
Published for Opposition July 31, 1990
Owner (APPLICANT) NABISCO, INC. CORPORATION NEW JERSEY 100 DE FOREST AVENUE EAST HANOVER NEW JERSEY 07936
Attorney of Record ARTHUR A. SILVERSTEIN, ESQ.
Prior Registrations 1022799;1244724
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "RICE" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator DEAD
Abandonment Date November 18, 1991

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TARR Status ASSIGN Status TOR TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark RYE THINS
Goods and Services (ABANDONED) IC 030. US 046. G & S. CRACKERS
Mark Drawing Code (1) TYPED DRAWING
Serial Number 74004805
Filing Date November 24, 1989
Current Filing Basis 1B
Original Filing Basis 1B
Published for Opposition July 31, 1990
Owner (APPLICANT) NABISCO, INC. CORPORATION NEW JERSEY 100 DE FOREST AVENUE EAST HANOVER NEW JERSEY 07936
Attorney of Record ARTHUR A. SILVERSTEIN, ESQ.
Prior Registrations 1022799;1244724
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "RYE" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator DEAD
Abandonment Date January 16, 1992

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UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/776356

MARK: RICE THINS

77776356

CORRESPONDENT ADDRESS:

BRADLEY P. HEISLER
HEISLER & ASSOCIATES
3017 DOUGLAS BLVD STE 300
ROSEVILLE, CA 95661-3850

RESPOND TO THIS ACTION:

<http://www.uspto.gov/teas/eTEASpageD.htm>

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: SunFoods, LLC

CORRESPONDENT'S REFERENCE/DOCKET

NO:

09052.022

CORRESPONDENT E-MAIL ADDRESS:

OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE:

SEARCH OF OFFICE'S DATABASE OF MARKS

The Office records have been searched and there are no similar registered or pending marks that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

SECTION 2(e)(1) REFUSAL – MERELY DESCRIPTIVE

Registration is refused because the applied-for mark merely describes a feature of applicant's goods. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); *see* TMEP §§1209.01(b), 1209.03 *et seq.*

In addition to being merely descriptive, the applied-for mark appears to be generic in connection with the identified goods and, therefore, incapable of functioning as a source-identifier for applicant's goods. *In re Gould Paper Corp.*, 834 F.2d 1017, 5 USPQ2d 1110 (Fed. Cir. 1987); *In re Pennzoil Prods. Co.*, 20 USPQ2d 1753 (TTAB 1991); *see* TMEP §§1209.01(c) *et seq.*, 1209.02. Under these circumstances, neither an amendment to proceed under Trademark Act Section 2(f) nor an amendment to the Supplemental Register can be recommended. *See* TMEP §1209.01(c).

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the specified goods. TMEP §1209.01(b); *see In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005); *In re Gyulay*, 820 F.2d 1216, 1217-18, 3 USPQ2d 1009, 1010 (Fed. Cir. 1987).

The proposed mark RICE THINS describes the goods which are rice thins. Applicant's identification of goods is "rice cakes." Please see the attached X-Search evidence which illustrates that the word "THIN(S)" is treated as descriptive and disclaimed for goods in International Class 30. Please see the attached Internet evidence which refers to "rice thins" as a type of food.

Two major reasons for not protecting descriptive marks are (1) to prevent the owner of a descriptive mark from inhibiting competition in the marketplace and (2) to avoid the possibility of costly infringement suits brought by the trademark or service mark owner. *In re Abcor Dev. Corp.*, 588 F.2d 811, 813, 200 USPQ 215, 217 (C.C.P.A. 1978); TMEP §1209. Businesses and competitors should be free to use descriptive language when describing their own goods and/or services to the public in advertising and marketing materials. *See In re Styleclick.com Inc.*, 58 USPQ2d 1523, 1527 (TTAB 2001).

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

CLASSIFICATION OF GOODS/SERVICES

Applicant did not classify the goods. Applicant must amend the application to classify the goods in International Class 30. *See* 37 C.F.R. §§2.32(a)(7), 2.85; TMEP §§1401.02(a), 1401.03(b).

/Carol Spils/
Trademark Attorney
United States Patent and Trademark Office
Law Office 104
(571)272-9226

RESPOND TO THIS ACTION: Applicant should file a response to this Office action online using the form at <http://www.uspto.gov/teas/eTEASpageD.htm>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For *technical* assistance with the form, please e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the

complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

Print: Sep 17, 2009

73830923

DESIGN MARK

Serial Number
73830923

Status
REGISTERED AND RENEWED

Word Mark
SCHMIDT BLUE RIBBON THIN

Standard Character Mark
No

Registration Number
1614111

Date Registered
1990/09/18

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner
SCHMIDT BAKING COMPANY, INC. CORPORATION MARYLAND 7801 FITCH LANE
BALTIMORE MARYLAND 21236

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: BREAD, AND BREAD
PRODUCTS NAMELY, ROLLS, PASTRIES. First Use: 1989/05/15. First Use
In Commerce: 1989/05/15.

Prior Registration(s)
0810855;AND OTHERS

Disclaimer Statement
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "THIN" APART FROM THE
MARK AS SHOWN.

Lining/Stippling Statement
THE DRAWING OF THE MARK IS LINED FOR THE COLORS BLUE, RED, AND YELLOW.
THE STIPPLING IN THE DRAWING IS FOR SHADING PURPOSES ONLY. THE DOTTED
LINES IN THE DRAWING ARE FOR THE PURPOSE OF SHOWING THE POSITION OF
THE MARK ON THE PACKAGING AND ARE NOT INTENDED TO BE A PART OF THE
MARK.

Print: Sep 17, 2009

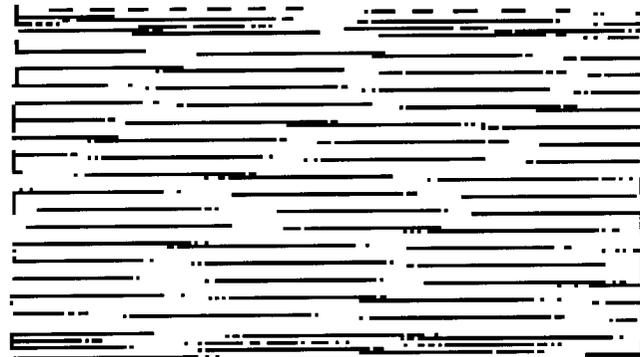
73830923

Filing Date

1989/10/12

Examining Attorney

FICKES, JERI J.



THE
BEEHIVE
MAGAZINE

Print: Sep 17, 2009

76530924

DESIGN MARK

Serial Number
76530924

Status
REGISTERED

Word Mark
PRIMO THIN

Standard Character Mark
No

Registration Number
2985869

Date Registered
2005/08/16

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
Palermo Villa, Inc. CORPORATION WISCONSIN 551 West Historic Mitchell
Street Milwaukee WISCONSIN 53204

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: frozen pizza.
First Use: 2003/11/11. First Use In Commerce: 2003/11/11.

Disclaimer Statement
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "THIN" APART FROM THE
MARK AS SHOWN.

Filing Date
2003/07/21

Examining Attorney
GEARIN, AMY

Attorney of Record
Daniel E. Kattman

PRIMO THIN

Print: Sep 17, 2009

76576759

DESIGN MARK

Serial Number
76576759

Status
REGISTERED

Word Mark
PALERMO'S VERI THIN

Standard Character Mark
Yes

Registration Number
3369803

Date Registered
2008/01/15

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Palermo Villa, Inc. CORPORATION WISCONSIN 551 West Historic Mitchell
Street Milwaukee WISCONSIN 53204

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Frozen pizza.
First Use: 2007/01/01. First Use In Commerce: 2007/01/01.

Prior Registration(s)
2695589;2697721;2864549

Disclaimer Statement
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "VERI THIN" APART FROM
THE MARK AS SHOWN.

Section 2f Statement
as to "PALERMO"

Filing Date
2004/02/23

Examining Attorney

Print: Sep 17, 2009

76576759

MATTHEWS, AMOS THOMAS

Attorney of Record
Daniel E. Kattman

PALERMO'S VERI THIN

Print: Sep 17, 2009

77166579

DESIGN MARK

Serial Number

77166579

Status

REGISTERED

Word Mark

ANNA'S GINGER THINS DELGADITAS DE JENGIBRE O TRANS FAT

Standard Character Mark

No

Registration Number

3568922

Date Registered

2009/02/03

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

AB Annas Pepparkakor JOINT STOCK COMPANY SWEDEN Raiovagen 23 135 48
Tyreso SWEDEN

Goods/Services

Class Status -- ACTIVE. IC 030. US 046. G & S: Cookies,
gingerbread biscuits, and biscuits. First Use: 1997/09/00. First Use
In Commerce: 1997/09/00.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GINGER THINS
DELGADITAS DE JENGIBRE" AND "O TRANS FAT" APART FROM THE MARK AS
SHOWN.

Description of Mark

The mark consists of "ANNA'S" in red, outlined in white at the top.
Under the word "ANNA'S" is a space or cut-out in the shape of a
gingerbread biscuit outlined in red. The white color and lines shown
in the biscuit-shaped cut-out is meant to symbolize transparent
packaging and does not indicate that the cut-out space is white in
color. Under the biscuits are the words "GINGER THINS" and "DELGADITAS
DE JENGIBRE" in white. In the wording "O TRANS FAT", the "O" is white

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77166579

and "TRANS FAT" is black. The wording "0 TRANS FAT" is inside a yellow banner to the left of the space or cut out. The dotted lines in the drawing are not part of the mark and only serve to show the position of the mark on the packaging.

Colors Claimed

The color(s) RED, WHITE, BLACK AND YELLOW is/are claimed as a feature of the mark.

Translation Statement

The foreign wording in the mark translates into English as "gingerbread thins".

Filing Date

2007/04/26

Examining Attorney

SPARACINO, MARK

Attorney of Record

B. Brett Heavner



ANNA'S

NO TRANS FAT

GINGER THINS

DUGADIT LASSIE JENGIBRE

ANNA'S

Print: Sep 17, 2009

78258333

TYPED DRAWING

Serial Number
78258333

Status
REGISTERED

Word Mark
EMMA'S THINS

Standard Character Mark
No

Registration Number
2863802

Date Registered
2004/07/13

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
Anna's of North America Calgary Ltd. CORPORATION CANADA P.O. Box 5880
High River, Alberta CANADA T1V 1P6

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Cookies. First
Use: 2003/05/01. First Use In Commerce: 2003/05/01.

Disclaimer Statement
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "THINS" APART FROM THE
MARK AS SHOWN.

Filing Date
2003/06/04

Examining Attorney
FERRAIUOLO, DOMINIC J.

Attorney of Record
Norman J.K. Bishop

Print: Sep 17, 2009

78401125

DESIGN MARK

Serial Number

78401125

Status

REGISTERED

Word Mark

ALL NATURAL FALWASSER WATER THIN CRISPBREAD MADE IN AUSTRALIA

Standard Character Mark

No

Registration Number

3044676

Date Registered

2006/01/17

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Freeco Pty Ltd. CORPORATION AUSTRALIA 10 La Scala Court, Isle Capri
Surfers Paradise Queensland AUSTRALIA 4217

Goods/Services

Class Status -- ACTIVE. IC 030. US 046. G & S: crispbread. First
Use: 1991/08/15. First Use In Commerce: 2001/00/00.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ALL NATURAL", WAFER
THIN CRISPBREAD", AND "MADE IN AUSTRALIA" APART FROM THE MARK AS
SHOWN.

Description of Mark

The mark consists of the words FALWASSER WAFER THIN CRISPBREAD, the
words ALL NATURAL, a representation of a kangaroo with the words MADE
IN AUSTRALIA appearing within a circle, the representation of a palm
tree, all in an arbitrary logo.

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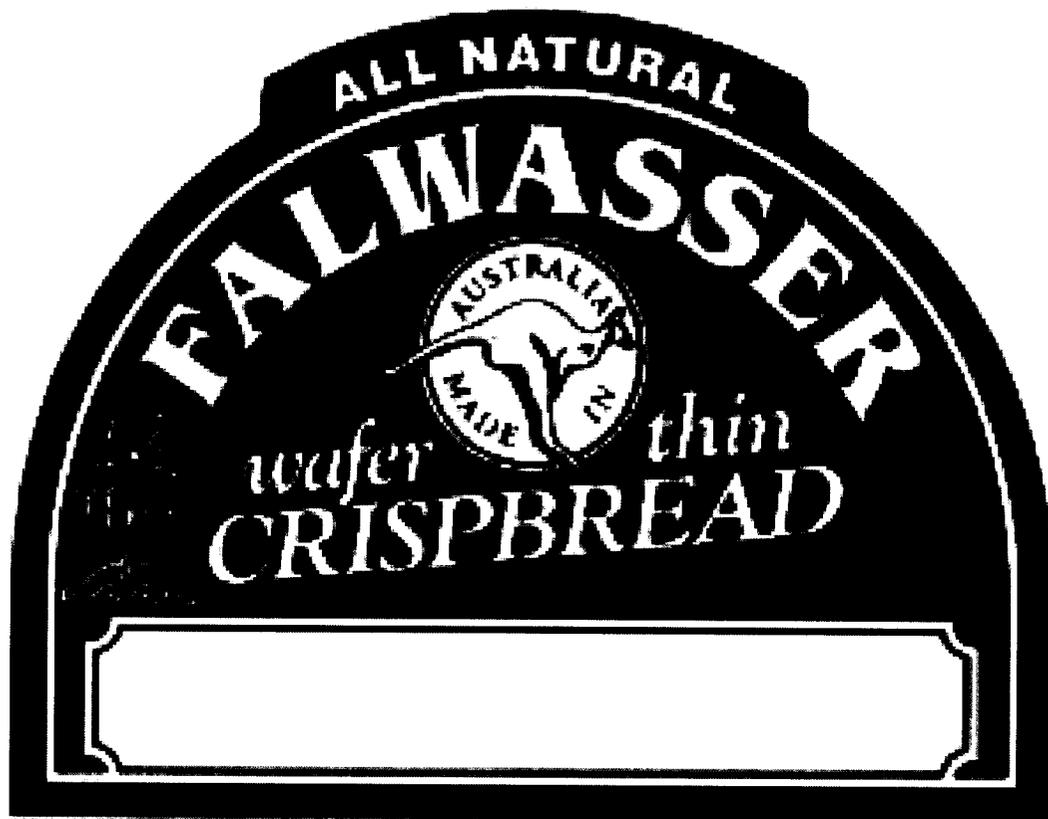
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Sesmark Rice Thins, Sesame, 4.25-Ounce Packages (Pack of 12)

Other products by [Sesmark](#)

[Nutrition Facts](#) | ★★★★★ (11 customer reviews)



List Price: ~~\$35.28~~

Price: **\$27.14** & this item ships for **FREE** with Super Saver Shipping. [Details](#)

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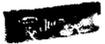
Product Features

- Case of 12 4.25-ounce packages of crackers (total of 51 ounces)
- Oven-baked crackers made with rice flour and sesame seeds
- No added gluten or wheat; contains no trans fats or hydrogenated oils
- Crisp and light; perfect for pairing with dips, soups, and salads
- Wholesome, all-natural snack with no preservatives; made in the United States

Frequently Bought Together

Customers buy this item with [Sesmark Rice Thins, Brown Rice, 3.5-Ounce Packages \(Pack of 12\)](#) by Sesmark

Price For Both: \$54.27



+



Add both to Wish List

This item: Sesmark **Rice Thins**, Sesame, 4.25-Ounce Packages (Pack of 12) by Sesmark

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Customers Who Bought This Item Also Bought



[Sesmark Rice Thins, Teriyaki, 4.25-Ounce Packages \(Pack of 12\)](#)

★★★★☆ (5) \$27.14



[Sesmark Savory Thins, Original, 3.2-Ounce Packages \(Pack of 12\)](#)

★★★★☆ (11) \$25.66



[Ka-Me Rice Crunch, Sesame, 3.5-Ounce Units \(Pack of 12\)](#)

★★★★☆ (9) \$27.14



[Ener-G Foods Light Brown Rice Loaf, 8-Ounce Units \(Pack of 6\)](#)

★★★★☆ (30) \$20.03



[Calbee Snack Salad Snapea Crisps, Original Flavor, 3.3-Ounce Bags \(Pack of 12\)](#)

★★★★☆ (94) \$18.50

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Product Specifications

Product Information

Brand:	Sesmark
Item Package Quantity:	12

Important Information

Important Information

Safety Information

May contain trace amounts of tree nuts, dairy and wheat.

Ingredients

Rice Flour, Sesame Seeds, Sesame Flour, Expeller Pressed Safflower Oil, Tamari Soy Sauce Powder[wheat Free Tamari Soy Sauce(soy Beans, Salt), Maltodextrin(from Corn)], Salt and Garlic Powder.

Legal Disclaimer

Actual product packaging and materials may contain more and different information than what is shown on our website. We recommend that you do not rely solely on the information presented and that you always read labels, warnings, and directions before using or consuming a product. Please [see our full disclaimer](#) below.

Nutrition Facts

[Click here for nutritional information from the product packaging.](#)

Product Description

Product Description

All natural. No trans fat. Oven baked. No wheat added. Enjoy Sesmark **Rice Thins** right out of the package, with soup and salads, or with your favorite dips and toppings. Sesmark RiceThins combine healthy rice flour with natural and wholesome ingredients and savory seasonings. Baked to perfection. Sesmark RiceThins are crispy light crackers--packed with flavor for a low-fat alternative to most chips and crackers. Sesmark has a crunch for every craving and a taste for every palate!

Product Details

Product Dimensions: 10 x 14 x 6.4 inches

Shipping Weight: 4.2 pounds ([View shipping rates and policies](#))

Shipping: This item can only be shipped to the 48 contiguous states. We regret it cannot be shipped to APO/FPO, Hawaii, Alaska, or Puerto Rico.

Note: Gift-wrapping is not available for this item.

ASIN: B000ETGBOQ

Average Customer Review: ★★★★★ (11 customer reviews)

Amazon.com Sales Rank: #5,709 in Grocery (See [Bestsellers in Grocery](#))

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~~\$35.28~~ \$27.14



Sesmark Savory Thins, Toasted Onion and Garlic, 3.2-Ounce

In Stock and eligible for FREE Super Saver Shipping

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Sesmark Sesame Thins, Garlic, 7-Ounce Packages (Pack of 12)

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Customers Who Viewed This Item Also Viewed



Sesmark Sesame Thins, Original, 7-Ounce Packages (Pack of 12)
☆☆☆☆ (4) \$25.66



Sesmark Savory Thins, Original, 3.2-Ounce Packages (Pack of 12)
☆☆☆☆ (11) \$25.66



Sesmark Savory Rice Minis, Sesame Garlic, 5.25-Ounce Boxes (Pack of 6)
☆☆☆☆ (2) \$14.68



Ka-Me Rice Crunch, Sesame, 3.5-Ounce Units (Pack of 12)
☆☆☆☆ (9) \$27.14



Sesmark Savory Rice Minis, Lightly Salted, 5.25-Ounce Boxes (Pack of 6)
☆☆☆☆ (6) \$14.68

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Customer Reviews

11 Reviews

5 star: (9)
4 star: (1)
3 star: (0)
2 star: (0)
1 star: (1)

Average Customer Review
★★★★☆ (11 customer reviews)

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Most Helpful Customer Reviews

4 of 4 people found the following review helpful:

★★★★☆ **You Can't Eat Just One Package**, January 23, 2007

By [The Straw Man "J.E. Hoppock"](#) (Aloof October on April's Birthday) - [See all my reviews](#)
REAL NAME

I think Depeche Mode said it the best "I Just Can't Get Enough" and that is how I feel about these crackers. They have a WONDERFUL flavor and are low in fat and calories. A serving size is 17 crackers. These are a great alternative to basic potato chips, macaroni salad and/or french fries. Great by themselves, with dip or along your favorite sandwich. Once you open a package you will be amazed how long before you're opening another.

1 of 1 people found the following review helpful:

★★★★☆ **Yummy.**, April 4, 2007

By [Readstochildren](#) (San Francisco) - [See all my reviews](#)

My entire family loves these crackers. Great with cheese. Delicious alone too.

1 of 1 people found the following review helpful:

★★★★☆ **Sesmark Sesame Rice Thins**, January 26, 2007

By [M. Gargan](#) (Naples, FL) - [See all my reviews](#)
REAL NAME

These crackers are great, too! Again, especially for people who can't tolerate wheat! Others like them, too! They stay crunchy. You save money buying by the case.

Most Recent Customer Reviews

★★★★☆ **Delicious**

Crispy with the light flavor of rice and sesame. Lightly salted. I love these crackers.

Published 19 days ago by [HR](#)

★★★★☆ **Excellent Rice Crackers**

As good as any in grocery stores and more reasonably priced. But, you do have to get a cartful of them.

Published 11 months ago by [Lawrence Harman](#)

★★★★☆ **Awesome wheat free alternative to crackers**

I have to eat a gluten free diet and these crackers are the best I have come across. I eat them with cheese or hummus. Very good!!

Published 13 months ago by [M. Ward](#)

★★★★☆ **mfr skimpin on ingredients**

I ordered 2 cases as always. Rvc'd the 2 cases and the crackers were saltless, tasteless. Amazon was kind to send 2 more cases and they were the same. BLAH!

Published 17 months ago by [P. Peek](#)

★★★★☆ **Love the flavor and crunch**

Great flavor and love the snap! When your looking for something crunchy that isn't high in calories (a little high in carbs though) these are amazing and you can have 17 crackers...

Published 19 months ago by [Denise Soriano Birch](#)

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Published 19 months ago by Denise Soriano Brini

☆☆☆☆☆ **The only crackers**

There is no other brand is comparable to this brand. Whoever I gave the crackers to, would become addicted. I keep urder them over and over again.

Published on September 4, 2007 by H. Pham

☆☆☆☆☆ **Best crackers ever!!!!**

These crackers are very addictive! The flavor is superb and the crunch is great.

Published on September 23, 2006 by CThompson

☆☆☆☆☆ **A Great Snack Cracker!!**

These are great crackers. They have a great crunch when you bite into them, and they are loaded with a wonderful toasted sesame flavor.

Published on July 26, 2006 by Katt A Shopper

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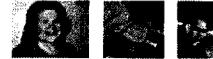
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The Organic community

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health Do you think bears are mammals?	203	10 minutes ago
health Does anyone think that walrus are plants?	61	17 minutes ago
health So how can we ban marijuana off the planet since we've discovered that it kills people, productivity, and ambition?	17	23 minutes ago
health Is Spanking a lovable or harmful form of discipline?	5494	34 minutes ago
gluten free gluten free pasta	25	6 days ago
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The Organic community



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Real Foods Rice Thins Wholegrain, 5.3 oz



Real Foods Wholegrain **Rice Thins** are a great tasting wholegrain rice cake, with a smooth texture and a subtle and delicate flavour, that combines so well with your favourite spread or topping.

Our **Rice Thins** are made simply by popping grains of whole brown rice under high temperature, to give the real taste and wholegrain goodness of brown rice in every crispy-thin slice.

- Fat Free
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- 4% Dietary Fiber
- GMO Free
- All Natural
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Net Wt: 5.3 oz. (150g)

Ingredients: Wholegrain Brown Rice (99%), Sunflower Oil, Sea Salt, Natural Herb Extract.

Price: \$

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Nutrition Facts

Serving Size 2 slices (12g)	
Serving Per Container 13	
Amount Per Serving	% Daily Values
Calories 46	
Calories from Fat 0	
Total Fat 0g	0%
Saturated Fat 0g	0%
Trans Fat 0g	
Cholesterol 0mg	0%
Sodium 20mg	1%
Total Carb. 9.6g	3%
Dietary Fiber 0.5g	2%
Sugars 0g	
Protein 1g	
Vitamin A 0%	Calcium 0%
Vitamin C 0%	Iron 0%

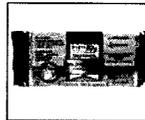
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Sesmark Rice Thins, Brown Rice: Review

April 22, 2008 by [The Great Reviewer](#)

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I like rice crackers and some time back I discovered the Sesmark **Rice Thins**, Brown Rice and was totally bowled over it. This has a refreshing taste and is not like other rice crackers that that are loaded with fat and salt. Having said that, I am hooked to this mainly because, this is relatively healthy. It would be an exaggerated statement to tell that these are heavenly and absolutely delicious like the way it has been reported in some of the reviews. Do not get me wrong, this is palatable and at the same time far from tasty. Those of you who find the Sesmark **Rice Thins** delectable are either lying or have not tasted good rice crackers.

I usually have them straight out of the packet without adding any toppings so that this does not come in the way of my restricted slimming diet. Adding cheese, salted butter or some sauce with peeper will definitely add to the taste but then you are adding more calories too. As such these are not that tasty to have non stop and there is nothing great about the taste or flavor to make it irresistible. That is actually good for [weight watchers](#) as 5 of these

Rice Thins add only 40 calories and that is not a big deal. This is quite filling and is a healthy alternative to munching oil soaked chips or syrupy brownies.

Subtle flavor sesame coupled with some salt makes it taste ok or else it would have been yet another cardboard tasting cracker. This is not salty like the Lundberg Original Sea Salt Rice Chips. However the Lundberg is crispier than the Sesmark. Texture is neither smooth nor rough, I am glad that it is not greasy. In fact it is a bit stale. It is

Related information

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- ▶ [Success Natural Whole Grain Brown Rice VS. Publix Beef Flavored Rice Mix](#)

than the Sesmark. Texture is neither smooth nor tough, I am glad that it is not greasy. In fact it is a bit stale. It is understandable because the Sesmark Rice Thin does not contain hydrogenated oil and Trans fat. Moreover it is baked and not deep fried.

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Written by The Great Reviewer

Freelance author, hobbyist web programmer/developer, - Full profile



How to Cook
Brown Rice

By 5min



Brown Rice
Recipe

By 5min



Dashi-Braised
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By 5min

Rice a Roni Nature's Way Long Grain & Wild Rice Vs. Near East Rice Pilaf

Comparison of the new Rice A Roni Nature's Way brand and Near East Rice Pilaf.

By Pam Gaulin | Published 6/28/2007

How to Cook Rice Perfectly Every Time

The following tips and tricks will help to ensure that you cook perfect rice every time from now on.

By Scott Kessman | Published 7/12/2007

The Health Benefits of Brown Rice



Brown rice is often thought of as a "health" food, and for good reason! Brown rice is far more healthy for our bodies than white rice is.

By Lisa S | Published 8/28/2007

The Rice Diet: It's More Than Just Rice

There are so many diets out there. Some people jump from diet to diet in order to try to lose weight. But have you tried the rice diet yet?

By Julie Wenzel | Published 10/19/2007

Success Natural Whole Grain Brown Rice VS. Publix Beef Flavored Rice Mix

The battle of finding the best rice is on! Here is a review of Success Natural Whole Grain Brown Rice VS. Publix Beef Flavored Rice Mix!

By Bridgitte Williams | Published 11/1/2007

By [Ernie Williams](#) | Published 11/17/2009

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Calories in white cheddar rice thins

Category: Snacks

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(No Ratings Yet)

back to nature: lightly crisped baked crackers, no hydrogenated oils, no artificial preservatives, flavors, or colors

Nutrition Facts	
Serving Size 1 serving	
Amount Per 1 Serving	
Calories 130	
% Daily Value *	
Total Fat 2.5g	4%
Saturated Fat 0.0g	0%
Trans Fat 0.0g	
Polyunsaturated Fat 0.0g	
MonoUnsaturated Fat 0.0g	
Cholesterol 0.0mg	0%
Sodium 260.0mg	11%
Total Carbohydrates 24.0g	8%
Dietary Fiber 0.0g	0%
Protein 2.0 g	4%

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white cheddar rice thins

Servings: 1 | Serving Size: 1 serving

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* Based on a 2,000 calorie diet.

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Nutritional Information, Diet Info and Calories in **Back To Nature Rice Thins Cracker, Tomato Herb**

lightly crisped baked cracker

Nutritional Information

Additional Nutritional Information

Measurement Unit 15.0 cracker

Measurement Unit 15.0 cracker

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Measurement Unit	Value
Cal.	130
Cal. from Fat	18
Total Fat	2.0
Sat. Fat	0.0
Trans Fat	0.0
Cholesterol	0.0
Sodium	150.0
Total Carb.	25.0
Dietary Fiber	0.5
Sugars	0.5
Protein	2.0
Vit A	0.0
Vit C	0.0
Calcium	0.0
Iron	0.0

Measurement Unit	Value
Food Energy (kj)	543.92
% Calories from Fat	14.29
Calories from Carbohydrates	103.17
Monounsaturated Fat (g)	1.5
% Calories from Carbohydrates	79.37
Calories from Protein	8.25
Est. Net Carbs (g)	25.0
Starch	1.63
% Calories from Protein	6.35

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Rice Thins.

Publication: [Stagnito's New Products Magazine](#)

Format: Online

Publication Date: 01-JUN-05

Delivery: Immediate Online Access

Full Article Title: **Rice Thins** (Back To Nature Foods Co. introducing rice products)(Brief Article)

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Article Excerpt

Back To Nature recently introduced a new variety to its **Rice Thins** cracker line. The new flavor, Tomato Herb, has the same nutritional profile as other Back To Nature Crackers: zero grams of trans fat, with no artificial flavors, preservatives or colors. In terms of caloric intake, 15 Tomato...

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Recall Issued on Back to Nature Sesame Ginger Rice Thins Crackers

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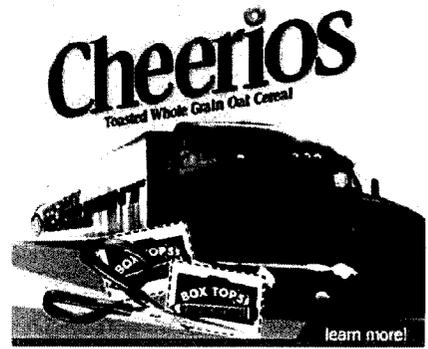
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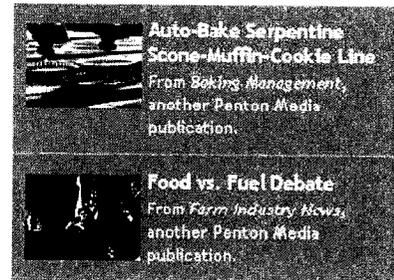
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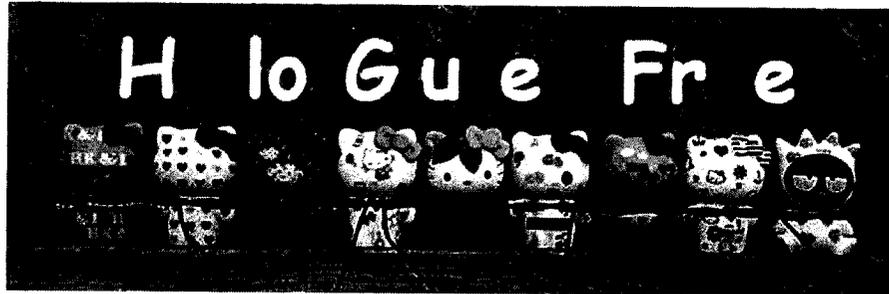
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MONDAY, SEPT 14, 2009

Say hello to...Christie's **rice thins**.



Last month my parents sent me a gluten-free care package. Not only was I excited to get some gluten-free treats, but I also wanted to see what they included. This time they included Christie's **rice thins**, which I had never tried before since they aren't listed as gluten-free. Although they aren't labeled gluten-free, there is no gluten included in the ingredients list. I checked them out online and everything seemed fine. Aside from being pretty salty, I was suprised at how tasty these baked crisps were. I tried Sesame, Cheddar, and Multigrain. Very tasty!

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POSTED BY JIGOODFEELGUY AT 7:00 AM
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MARK INFORMATION	
*MARK	<u>RICE THINS</u>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	RICE THINS
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	SunFoods, LLC
*STREET	P.O. Box 8729
*CITY	Woodland
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	95776
LEGAL ENTITY INFORMATION	
TYPE	limited liability company
STATE/COUNTRY WHERE LEGALLY ORGANIZED	California
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	

*IDENTIFICATION	Rice cakes
FILING BASIS	SECTION 1(b)
ATTORNEY INFORMATION	
NAME	Bradley P. Heisler
ATTORNEY DOCKET NUMBER	09052.022
FIRM NAME	Heisler & Associates
STREET	3017 Douglas Blvd., Suite 300
CITY	Roseville
STATE	California
COUNTRY	United States
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PHONE	916 781-6634
FAX	916 645-7634
CORRESPONDENCE INFORMATION	
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FIRM NAME	Heisler & Associates
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STATE	California
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NUMBER OF CLASSES	1
FEE PER CLASS	325
*TOTAL FEE DUE	325
*TOTAL FEE PAID	325
SIGNATURE INFORMATION	
SIGNATURE	/brad heisler/
SIGNATORY'S NAME	Bradley P. Heisler

SIGNATORY'S POSITION	Attorney
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Trademark/Service Mark Application, Principal Register

Serial Number: 77776356

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To the Commissioner for Trademarks:

MARK: RICE THINS (Standard Characters, see mark)

The literal element of the mark consists of RICE THINS.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, SunFoods, LLC, a limited liability company legally organized under the laws of California, having an address of

P.O. Box 8729

Woodland, California 95776

United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class _____: Rice cakes

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant's current Attorney Information:

Bradley P. Heisler of Heisler & Associates

3017 Douglas Blvd., Suite 300

Roseville, California 95661

United States

The attorney docket/reference number is 09052.022.

The applicant's current Correspondence Information:

Bradley P. Heisler

Heisler & Associates

3017 Douglas Blvd., Suite 300

Roseville, California 95661

916 781-6634(phone)

916 645-7634(fax)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /brad heisler/ Date Signed: 07/08/2009

Signatory's Name: Bradley P. Heisler

Signatory's Position: Attorney

RAM Sale Number: 7599

RAM Accounting Date: 07/08/2009

Serial Number: 77776356

Internet Transmission Date: Wed Jul 08 11:46:49 EDT 2009

TEAS Stamp: USPTO/BAS-208.106.65.252-200907081146494

64788-77776356-40013077edb53ba539abfb6b6

a8428fb-CC-7599-20090708114349173618

RICE THINS

COMPOSITE EXHIBIT C

Prosecution History of Real Foods' post-proceeding
Application for CORN THINS
Serial No. 86378052

Generated on: This page was generated by TSDR on 2015-01-20 18:17:32 EST

Mark: CORN THINS

CORN THINS

US Serial Number: 86378052

Application Filing Date: Aug. 27, 2014

Register: Principal

Mark Type: Trademark

Status: Review prior to publication completed.

Status Date: Dec. 29, 2014

Publication Date: Feb. 03, 2015

Mark Information

Mark Literal Elements: CORN THINS

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

Disclaimer: "CORN"

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: popped corn cakes

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: May 22, 2000

Use in Commerce: May 22, 2000

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Real Foods Pty Ltd.

Owner Address: 47 Campbell Road
St. Peters, NSW 2044
AUSTRALIA

Legal Entity Type: proprietary limited company (p/l or pty. ltd.)

State or Country Where Organized: AUSTRALIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jeanne Hamburg

Docket Number: 114590-4

Attorney Primary Email Address: jhamburg@nmmlaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JEANNE HAMBURG
NORRIS MCLAUGHLIN & MARCUS, P.A.
875 3RD AVE FL 8

NEW YORK, NEW YORK 10022-7238
UNITED STATES

Phone: 212.808.0700

Fax: 212.808.0844

Correspondent e-mail: jhamburg@nmmlaw.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 14, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 29, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	73797
Dec. 29, 2014	ASSIGNED TO LIE	73797
Dec. 11, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 11, 2014	EXAMINER'S AMENDMENT ENTERED	88888
Dec. 11, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Dec. 11, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Dec. 11, 2014	EXAMINERS AMENDMENT -WRITTEN	82413
Dec. 11, 2014	ASSIGNED TO EXAMINER	82413
Sep. 09, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 30, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Attorney: BULLOFF, TOBY ELLEN

TM Staff Information

Law Office Assigned: LAW OFFICE 119

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Dec. 29, 2014



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

Jan 14, 2015

NOTICE OF PUBLICATION

1. Serial No.:
86-378,052
2. Mark:
CORN THINS
(STANDARD CHARACTER MARK)
3. International Class(es):
30
4. Publication Date:
Feb 3, 2015
5. Applicant:
Real Foods Pty Ltd.

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the *Official Gazette* containing the publication of the mark may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
PO Box 371954
Pittsburgh, PA 15250-7954
Phone: 202-512-1800

By direction of the Commissioner.

Email Address(es):

jhamburg@nmmlaw.com

To: Real Foods Pty Ltd. (jhamburg@nmmlaw.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86378052 - CORN THINS - 114590-4
Sent: 12/11/2014 11:53:46 AM
Sent As: ECOM119@USPTO.GOV
Attachments:

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

U.S. APPLICATION SERIAL NO. 86378052 MARK: CORN THINS	*86378052*
CORRESPONDENT ADDRESS: JEANNE HAMBURG NORRIS MCLAUGHLIN & MARCUS, P.A. 875 3RD AVE FL 8 NEW YORK, NY 10022-7238	CLICK HERE TO RESPOND TO THIS http://www.uspto.gov/trademarks/index.js VIEW YOUR APPLICATION FILE
APPLICANT: Real Foods Pty Ltd.	
CORRESPONDENT'S REFERENCE/DOCKET NO : 114590-4 CORRESPONDENT E-MAIL ADDRESS: jhamburg@nmmlaw.com	

EXAMINER'S AMENDMENT

ISSUE/MAILING DATE: 12/11/2014

DATABASE SEARCH: The trademark examining attorney has searched the USPTO's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d).

APPLICATION HAS BEEN AMENDED: In accordance with the authorization granted by Jeanne Hamburg on December 11, 2014, the trademark examining attorney has amended the application as indicated below. Please advise the undersigned immediately of any objections. Otherwise, no response is necessary. TMEP §707. Any amendments to the identification of goods and/or services may clarify or limit the goods and/or services, but may not add to or broaden the scope of the goods and/or services. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*

DISCLAIMER

The following disclaimer statement is added to the record:

No claim is made to the exclusive right to use "CORN" apart from the mark as shown.

See 15 U.S.C. §1056(a); TMEP §§1213, 1213.08(a)(i).

/Toby E. Bulloff/
Trademark Examining Attorney
Law Office 119
(571) 270-1531
toby.bulloff@uspto.gov

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the Trademark Electronic Application System (TEAS) form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

To: Real Foods Pty Ltd. (jhamburg@nmmlaw.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86378052 - CORN THINS - 114590-4
Sent: 12/11/2014 11:53:47 AM
Sent As: ECOM119@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

**IMPORTANT NOTICE REGARDING YOUR
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED
ON 12/11/2014 FOR U.S. APPLICATION SERIAL NO. 86378052

Please follow the instructions below:

(1) **TO READ THE LETTER:** Click on this [link](#) or go to <http://tsdr.uspto.gov/>, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) **QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail TSDR@uspto.gov.

WARNING

PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION: Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see

http://www.uspto.gov/trademarks/solicitation_warnings.jsp

Trademark/Service Mark Application, Principal Register

Serial Number: 86378052

Filing Date: 08/27/2014

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86378052
MARK INFORMATION	
*MARK	<u>CORN THINS</u>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	CORN THINS
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Real Foods Pty Ltd.
*STREET	47 Campbell Road
*CITY	St. Peters, NSW
*COUNTRY	Australia
*ZIP/POSTAL CODE (Required for U.S. applicants only)	2044
PHONE	212.808.0700
LEGAL ENTITY INFORMATION	
TYPE	proprietary limited company (p/l or pty. ltd.)
STATE/COUNTRY	

WHERE LEGALLY ORGANIZED	Australia
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	030
* IDENTIFICATION	popped corn cakes
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 05/22/2000
FIRST USE IN COMMERCE DATE	At least as early as 05/22/2000
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	<u>SPE00-6919320630-20140826133808420332 . Corn Thins.pdf</u>
CONVERTED PDF FILE(S) (1 page)	<u>\\TICRS\EXPORT16\IMAGEOUT16\863\780\86378052\xml1\APP0003.JPG</u>
SPECIMEN DESCRIPTION	Photograph of goods bearing the mark in use
ATTORNEY INFORMATION	
NAME	Jeanne Hamburg
ATTORNEY DOCKET NUMBER	114590-4
FIRM NAME	Norris McLaughlin & Marcus, P.A.
INTERNAL ADDRESS	8th Floor
STREET	875 Third Avenue
CITY	New York
STATE	New York
COUNTRY	United States
ZIP/POSTAL CODE	10022
PHONE	212.808.0700
FAX	212.808.0844
EMAIL ADDRESS	

EMAIL ADDRESS	jhamburg@nmmlaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	
NAME	Jeanne Hamburg
FIRM NAME	Norris McLaughlin & Marcus, P.A.
INTERNAL ADDRESS	8th Floor
STREET	875 Third Avenue
CITY	New York
STATE	New York
COUNTRY	United States
ZIP/POSTAL CODE	10022
PHONE	212.808.0700
FAX	212.808.0844
EMAIL ADDRESS	jhamburg@nmmlaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	325
*TOTAL FEE DUE	325
*TOTAL FEE PAID	325
SIGNATURE INFORMATION	
SIGNATURE	/michael pels/
SIGNATORY'S NAME	Michael Pels
SIGNATORY'S POSITION	Managing Director
DATE SIGNED	08/27/2014

Trademark/Service Mark Application, Principal Register

Serial Number: 86378052

Filing Date: 08/27/2014

To the Commissioner for Trademarks:

MARK: CORN THINS (Standard Characters, see mark)

The literal element of the mark consists of CORN THINS.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Real Foods Pty Ltd., a proprietary limited company (p/l or pty. ltd.) legally organized under the laws of Australia, having an address of

47 Campbell Road
St. Peters, NSW 2044
Australia

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 030: popped corn cakes

In International Class 030, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 05/22/2000, and first used in commerce at least as early as 05/22/2000, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Photograph of goods bearing the mark in use.

Original PDF file:

SPE00-6919320630-20140826133808420332 . Corn Thins.pdf

Converted PDF file(s) (1 page)

Specimen File1

The applicant's current Attorney Information:

Jeanne Hamburg of Norris McLaughlin & Marcus, P.A.

8th Floor
875 Third Avenue
New York, New York 10022
United States

The attorney docket/reference number is 114590-4.

The applicant's current Correspondence Information:

Jeanne Hamburg
Norris McLaughlin & Marcus, P.A.
8th Floor
875 Third Avenue
New York, New York 10022
212.808.0700(phone)
212.808.0844(fax)
jhamburg@nmmlaw.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. Section 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce on or in connection with the goods/services in the application, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application 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.

Declaration Signature

Signature: /michael pels/ Date: 08/27/2014
Signatory's Name: Michael Pels
Signatory's Position: Managing Director
RAM Sale Number: 86378052
RAM Accounting Date: 08/27/2014

Serial Number: 86378052
Internet Transmission Date: Wed Aug 27 09:35:09 EDT 2014
TEAS Stamp: USPTO/BAS-69.193.206.30-2014082709350914
9788-86378052-500bc687bfb28fcd8255493599
e2f8b3d2384fe140927451e2c296a2df129433ad
-DA-12017-20140826133808420332

CORN THINS



Prosecution History of Real Foods' post-proceeding
Application for RICE THINS
Serial No. 86378053

Generated on: This page was generated by TSDR on 2015-01-20 18:18:29 EST

Mark: RICE THINS

RICE THINS

US Serial Number: 86378053

Application Filing Date: Aug. 27, 2014

Register: Principal

Mark Type: Trademark

Status: Review prior to publication completed.

Status Date: Dec. 29, 2014

Publication Date: Feb. 03, 2015

Mark Information

Mark Literal Elements: RICE THINS

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

Disclaimer: "RICE"

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: rice cakes

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 28, 2007

Use in Commerce: Feb. 28, 2007

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Real Foods Pty Ltd.

Owner Address: 47 Campbell Road
St. Peters, NSW 2044
AUSTRALIA

Legal Entity Type: proprietary limited company (p/l or pty. ltd.)

State or Country Where Organized: AUSTRALIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jeanne Hamburg

Docket Number: 114590-5

Attorney Primary Email Address: jhamburg@nmmlaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JEANNE HAMBURG
NORRIS MCLAUGHLIN & MARCUS, P.A.
875 3RD AVE FL 8

NEW YORK, NEW YORK 10022-7238
UNITED STATES

Phone: 212.808.0700

Fax: 212.808.0844

Correspondent e-mail: jhamburg@nmmmlaw.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 14, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 29, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	73797
Dec. 29, 2014	ASSIGNED TO LIE	73797
Dec. 11, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 11, 2014	EXAMINER'S AMENDMENT ENTERED	88888
Dec. 11, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Dec. 11, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Dec. 11, 2014	EXAMINERS AMENDMENT -WRITTEN	82413
Dec. 11, 2014	ASSIGNED TO EXAMINER	82413
Sep. 09, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 30, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Attorney: BULLOFF, TOBY ELLEN

TM Staff Information

Law Office Assigned: LAW OFFICE 119

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Dec. 29, 2014



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

Jan 14, 2015

NOTICE OF PUBLICATION

1. Serial No.:
86-378,053
2. Mark:
RICE THINS
(STANDARD CHARACTER MARK)
3. International Class(es):
30
4. Publication Date:
Feb 3, 2015
5. Applicant:
Real Foods Pty Ltd.

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the *Official Gazette* containing the publication of the mark may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
PO Box 371954
Pittsburgh, PA 15250-7954
Phone: 202-512-1800

By direction of the Commissioner.

Email Address(es):

jhamburg@nmmlaw.com

To: Real Foods Pty Ltd. (jhamburg@nmmlaw.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86378053 - RICE THINS - 114590-5
Sent: 12/11/2014 11:54:05 AM
Sent As: ECOM119@USPTO.GOV
Attachments:

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

U.S. APPLICATION SERIAL NO. 86378053 MARK: RICE THINS	*86378053*
CORRESPONDENT ADDRESS: JEANNE HAMBURG NORRIS MCLAUGHLIN & MARCUS, P.A. 875 3RD AVE FL 8 NEW YORK, NY 10022-7238	CLICK HERE TO RESPOND TO THIS I http://www.uspto.gov/trademarks/index.js VIEW YOUR APPLICATION FILE
APPLICANT: Real Foods Pty Ltd.	
CORRESPONDENT'S REFERENCE/DOCKET NO : 114590-5 CORRESPONDENT E-MAIL ADDRESS: jhamburg@nmmlaw.com	

EXAMINER'S AMENDMENT

ISSUE/MAILING DATE: 12/11/2014

DATABASE SEARCH: The trademark examining attorney has searched the USPTO's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d).

APPLICATION HAS BEEN AMENDED: In accordance with the authorization granted by Jeanne Hamburg on December 11, 2014, the trademark examining attorney has amended the application as indicated below. Please advise the undersigned immediately of any objections. Otherwise, no response is necessary. TMEP §707. Any amendments to the identification of goods and/or services may clarify or limit the goods and/or services, but may not add to or broaden the scope of the goods and/or services. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*

DISCLAIMER

The following disclaimer statement is added to the record:

No claim is made to the exclusive right to use "RICE" apart from the mark as shown.

See 15 U.S.C. §1056(a); TMEP §§1213, 1213.08(a)(i).

/Toby E. Bulloff/
Trademark Examining Attorney
Law Office 119
(571) 270-1531
toby.bulloff@uspto.gov

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the Trademark Electronic Application System (TEAS) form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

To: Real Foods Pty Ltd. (jhamburg@nmmlaw.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86378053 - RICE THINS - 114590-5
Sent: 12/11/2014 11:54:06 AM
Sent As: ECOM119@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

**IMPORTANT NOTICE REGARDING YOUR
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED
ON 12/11/2014 FOR U.S. APPLICATION SERIAL NO. 86378053

Please follow the instructions below:

(1) **TO READ THE LETTER:** Click on this [link](#) or go to <http://tsdr.uspto.gov/>, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) **QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail TSDR@uspto.gov.

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PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION: Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see

http://www.uspto.gov/trademarks/solicitation_warnings.jsp

Trademark/Service Mark Application, Principal Register

Serial Number: 86378053

Filing Date: 08/27/2014

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86378053
MARK INFORMATION	
*MARK	<u>RICE THINS</u>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	RICE THINS
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Real Foods Pty Ltd.
*STREET	47 Campbell Road
*CITY	St. Peters, NSW
*COUNTRY	Australia
*ZIP/POSTAL CODE (Required for U.S. applicants only)	2044
PHONE	212.808.0700
LEGAL ENTITY INFORMATION	
TYPE	proprietary limited company (p/l or pty. ltd.)
STATE/COUNTRY	

WHERE LEGALLY ORGANIZED	Australia
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	030
* IDENTIFICATION	rice cakes
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 02/28/2007
FIRST USE IN COMMERCE DATE	At least as early as 02/28/2007
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	<u>SPE00-6919320630-20140826111444374812 . Rice Thins Specimen.pdf</u>
CONVERTED PDF FILE(S) (1 page)	<u>\\TICRS\EXPORT16\IMAGEOUT16\863\780\86378053\xml1\APP0003.JPG</u>
SPECIMEN DESCRIPTION	Photograph of goods bearing the mark in use
ATTORNEY INFORMATION	
NAME	Jeanne Hamburg
ATTORNEY DOCKET NUMBER	114590-5
FIRM NAME	Norris McLaughlin & Marcus, P.A.
INTERNAL ADDRESS	8th Floor
STREET	875 Third Avenue
CITY	New York
STATE	New York
COUNTRY	United States
ZIP/POSTAL CODE	10022
PHONE	212.808.0700
FAX	212.808.0844
EMAIL ADDRESS	

EMAIL ADDRESS	jhamburg@nmmlaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	
NAME	Jeanne Hamburg
FIRM NAME	Norris McLaughlin & Marcus, P.A.
INTERNAL ADDRESS	8th Floor
STREET	875 Third Avenue
CITY	New York
STATE	New York
COUNTRY	United States
ZIP/POSTAL CODE	10022
PHONE	212.808.0700
FAX	212.808.0844
EMAIL ADDRESS	jhamburg@nmmlaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	325
*TOTAL FEE DUE	325
*TOTAL FEE PAID	325
SIGNATURE INFORMATION	
SIGNATURE	/michael pels/
SIGNATORY'S NAME	Michael Pels
SIGNATORY'S POSITION	Managing Director
DATE SIGNED	08/27/2014

Trademark/Service Mark Application, Principal Register

Serial Number: 86378053

Filing Date: 08/27/2014

To the Commissioner for Trademarks:

MARK: RICE THINS (Standard Characters, see mark)

The literal element of the mark consists of RICE THINS.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Real Foods Pty Ltd., a proprietary limited company (p/l or pty. ltd.) legally organized under the laws of Australia, having an address of

47 Campbell Road
St. Peters, NSW 2044
Australia

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 030: rice cakes

In International Class 030, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 02/28/2007, and first used in commerce at least as early as 02/28/2007, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Photograph of goods bearing the mark in use.

Original PDF file:

[SPE00-6919320630-20140826111444374812 . Rice Thins Specimen.pdf](#)

Converted PDF file(s) (1 page)

[Specimen File 1](#)

The applicant's current Attorney Information:

Jeanne Hamburg of Norris McLaughlin & Marcus, P.A.

8th Floor
875 Third Avenue
New York, New York 10022
United States

The attorney docket/reference number is 114590-5.

The applicant's current Correspondence Information:

Jeanne Hamburg
Norris McLaughlin & Marcus, P.A.
8th Floor
875 Third Avenue
New York, New York 10022
212.808.0700(phone)
212.808.0844(fax)
jhamburg@nmmlaw.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

Declaration

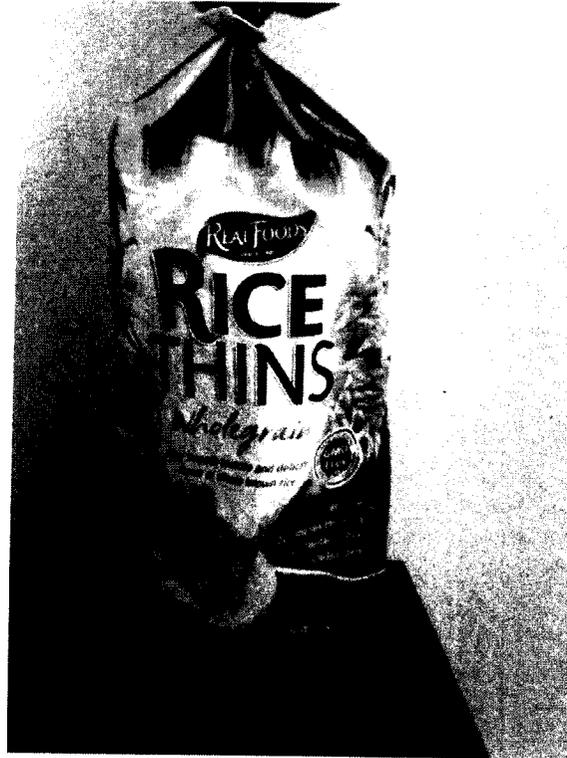
The signatory believes that: if the applicant is filing the application under 15 U.S.C. Section 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce on or in connection with the goods/services in the application, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application 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.

Declaration Signature

Signature: /michael pels/ Date: 08/27/2014
Signatory's Name: Michael Pels
Signatory's Position: Managing Director
RAM Sale Number: 86378053
RAM Accounting Date: 08/27/2014

Serial Number: 86378053
Internet Transmission Date: Wed Aug 27 09:38:45 EDT 2014
TEAS Stamp: USPTO/BAS-69.193.206.30-2014082709384524
4874-86378053-500537a30f36b253190f443111
cdb56d0e6be5eebbdf1a396d1baa84caa1bbebe-
DA-12027-20140826133202966381

RICE THINS



Sampling of Blogs Posts Discussing CORN THINS
and RICE THINS

GLUTEN FREE Boston GIRL

HOME ABOUT ME RECIPES EVENTS HOLIDAY GIFT GUIDE PRODUCTS RESTAURANTS GIVEAWAYS

PRODUCT REVIEW: GLUTEN FREE REAL FOODS ORGANIC CORN THINS

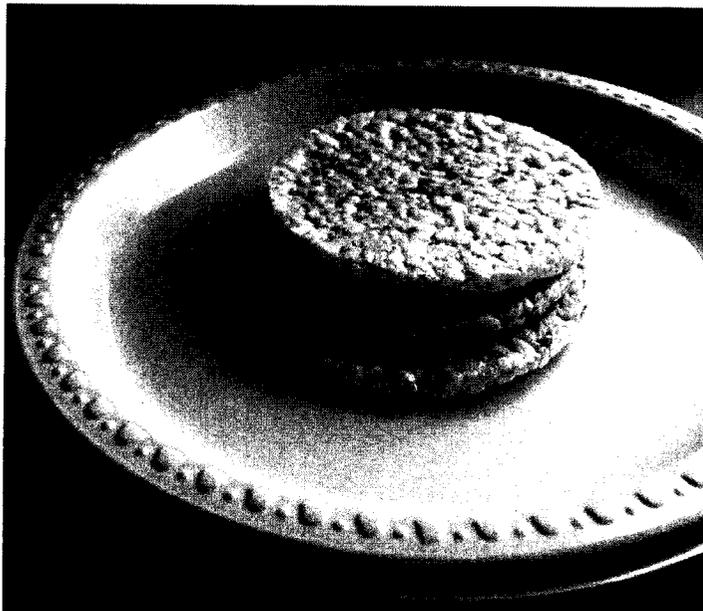
Hi I'm Jessica



Organic Corn Thins are a deliciously healthy crispbread made from corn.



Corn Thins are somewhat like rice cakes, but thinner, crunchier, and obviously (as the name suggests) are made out of corn instead of rice. Corn Thins are made with all natural ingredients and have no artificial flavors, no artificial colors, no preservatives, and no added sugar.



These are my thoughts of being a 20-something year old in the gluten-free world and trying new foods, all while trying to NOT eat...

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Real Foods manufactures 7 varieties of Corn Things and 1 variety of Rice Thins, including: Original, Flax & Soy, Multigrain, Sesame, Honey Soy, Tasty Cheese, Sour Cream and Chives, and Rice Thins. All Corn Thins and Rice Thins are low in fat, high in fiber, gluten free, and GMO-free.

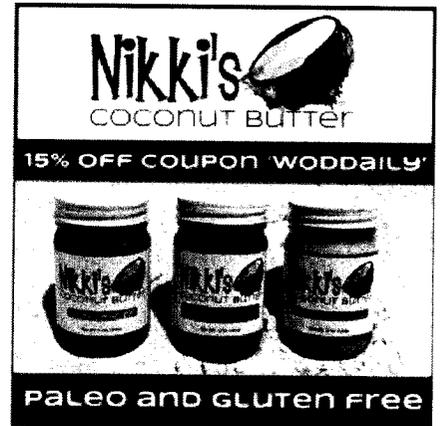


Corn Thins taste great on their own or topped with hummus, nut butters, dips, spreads, cheeses, meats, smoked salmon and cream cheese (my favorite), etc. You name it and it works great with these crackers.

As long as you close the bag tightly after use, the pack will keep fresh for a few weeks after opening.

Nutrition Facts			
Serving Size 2 slices (12g)			
Servings Per Container 13			
Amount Per Serving			
Calories 44	Calories from Fat 0		
* Daily Value*			
Total Fat	0g 0%		
Saturated Fat	0g 0%		
Trans Fat	0g		
Cholesterol	0g 0%		
Sodium	30mg 1%		
Total Carbohydrate	8g 2%		
Dietary Fiber	1g 2%		
Sugars	0g		
Protein	1g		
Not a significant source of saturated fat, total sugars, vitamin A, vitamin C, calcium or iron.			
*Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs.			
	Calorie	2,000	2,500
Total Fat	Less Than	5g	80g
Saturated Fat	Less Than		25g
Cholesterol	Less Than	30g	300mg
Sodium	Less Than	2400g	1,000mg
Total Carbohydrate		300g	175g
Dietary Fiber		25g	30g
INGREDIENTS: ORGANIC CORN (98%), ORGANIC EXPELLER PRESSED SUNFLOWER OIL*, SEA SALT*			

BADGES



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Real Foods uses only a select number of corn and rice suppliers to provide them with the high quality, clean, and pure grain required. Each supplier has provided a written guarantee that they have the systems in place to

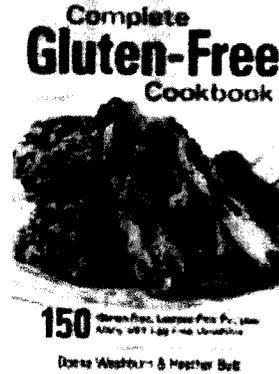
prevent the cross-contamination of their corn and rice grains with allergens.

Real Foods products are available for sale throughout the U.S. Click [here](#) to find a store near you.

STORE	ADDRESS	CITY	STATE	ZIP
WHOLE FOODS	181 CAMBRIDGE ST	BOSTON	MA	02114
SHAW'S	45 MORRISSEY BLV	DORCHESTER	MA	02124
HARVEST COOP- WASHING ST	3815 WASHINGTON STREET	ROSLINDALE	MA	02130
HARVEST COOP-JAMAICA P	57 SOUTH ST.	JAMAICA PLAIN	MA	02130
ALL FOODS BC	87 FAYERWEATHER ST	CAMBRIDGE	MA	02138
VINEYARD GROCER	C/O CHELSEA PRODUCE CENTR	CHELSEA	MA	02150

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<a
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Sunday, May 25, 2014

Real Foods Corn Thins Review!



It all began in 1980 in Sydney Australia with founder of Real foods corn thins Michael Pels.

Real Foods is in charge of distribution, marketing and production of their popped grain snacks.

Their also sold in Australia, United States and other countries around the world!

Their corn snacks are made from popped corn which in fact are made with all natural ingredients.

Their mission is to provide people from around the world with a healthy snack that tastes great!

I love rice cakes so when I came across these in my local food store I just had to try them out!

I then looked them up online and my mouth began to water due to all the yummy flavors they make!

I was sent a box of their corn thins for review to try out myself and couldn't wait to try all the flavors!

Never give up

On your dreams

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 - Nuzest clean lean protein review!
 - Real Foods Corn Thins Review
 - Influenster SpringFling Voxbox!

Here are some facts below:

Made with:

- No artificial colors, flavorings or preservatives
- All natural
- High in fibre
- No added sugar

Here are the flavors I was sent for review

Sesame corn thins:



I couldn't wait to try out this corn thin because I love food with sesame seeds in them whether it's a bagel, crackers or corn thins! So after I worked out in the gym for awhile I came home and made a nutritious snack of a corn thin with some Cinnamon raisin swirl peanut butter and it was amazingly delicious and was just what I needed for a snack! I loved how the corn thin was not big like other corn snacks and also that they didn't taste like cardboard.

Flax and soy:



This flax and soy Delicious corn thin made a great snack with some organic cream cheese spread on top with frozen organic blueberries and a drizzle of honey!

Sour cream and chive:

Sour cream and chive is my favorite chip flavor, which isn't healthy but with these corn thins I feel good about eating them! Bursting with sour cream and chive flavor! You can spread on some of your favorite cream cheese for a delightful snack or even lunch!

Original:

Snuggly Scent Booster smiley360 mission!

Special K moments bzzagent campaign!

Hampton Creek Just Mayo Review!

Tastymakes review!

Growing Naturals organic rice and pea protein revl...

Detour Smart Bars cranberry flax review!

Wumlnwtr review!

Bakemmm bagels review!

Fun in the sun with CrowdTap and my Summer Concoct...

Gaiam: Jillian Michael's Ripped in 30 review!

Threewins organic ice cream review!

BIC SmileGlow razors bzzagent campaign!

EnergyFruits review!

Mint-X rodent repellent tall kitchen trash bags re...

UB Super Dietary supplements review!

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About Me

 **Kelli Bliss**

Hello everyone, kelli here! Welcome to my world. I love to hang with my family and friends, laugh, watch movies, take walks, work out and to test products and share my reviews on them for you all to see!

[View my complete profile](#)



I went to the store bought some cottage cheese and thought that the original corn thin would be great with it so I spread some cottage cheese on the thins and then sprinkled some ground cinnamon and topped it off with some plump juicy organic raisins and it was delicious!

Tasty cheese:

Bursting with cheesy goodness! I love how the cheese isn't too powdery as some cheeses are on rice cakes and such giving it an artificial taste to them. These were amazing and was the perfect snack to get me through the day!

Multigrain:

Great for anything from cheese to peanut butter even jam!

They also have a honey soy flavor!

Check them out on their website and see where you can buy them !

Website:

<http://www.cornthins.com>

Facebook:

<https://www.facebook.com/cornthins>

Twitter:

<https://twitter.com/cornthins>

Posted by Kelli Bliss at 4:07 PM

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Real Foods Corn Thins

by Leslie Morris, January 18, 2013

[3 Comments](#) [Share this](#)

One of my close friends is Australian and her food picks are always spot on. So while she didn't bring Corn Thins to my attention, they got some decent mindshare since they are Australian-made. What exactly are Corn Thins? They're a natural, low-fat crispbread made from popped corn. And even though they're made in Australia, they're widely available at retailers in the US and beyond.



This taste test took place during a break at a dance competition where I happened to have access to hungry kids and gluten-free ones, too. The company's Tasty Cheese Flavor disappeared before everyone got a taste — a very good sign. The Original Flavor was next to disappear. They also come in Organic Flax & Soy, BBQ, Cracked Pepper & Lemon, Sesame, Sun Dried Tomato & Feta, Multigrain, and Sour Cream & Chives.

One of our testers — a parent — mentioned that she liked the double packaging. The Corn Thins are packaged in foil which is, in turn, packaged in a plastic bag similar to bread.

They're a great substitute for bread and topped with some protein such as peanut butter, cheese or salmon they'd be a filling, healthy snack. Our testers also suggested they'd be good with salsa.

The company, which has been around since 1980, only makes gluten-free products.

9/5/2014



41



9



so I can find this place?"

Debby: "I wish I'd know about this before today. I have a friend who was just diagnosed with Celiac Disease who lives in Indianapolis...."

Yvonne: "You missed "Sweet Maries" GF Bakery/Café in Lihue, Kauai. Very good and does special order cakes too. Y"

Sue: "Rice wine vinegar is gf."

Ida Dohoney: "I would like to see comments updated from all of the resturants listed. Nearly all are at least three years old."



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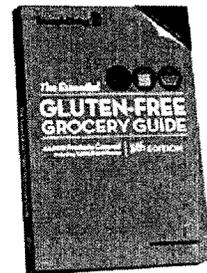
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We can — and we did, in *The Essential Gluten-Free Grocery Guide*. Our compact, user-friendly grocery guide will help you shop with confidence. We've included products from popular name brands and store brands. Having a barbeque? Turn to our "hot dog" section and find out which brands, like Oscar Mayer and Hormel, are gluten-free. Craving gluten-free crackers? We've got over 76 types, some of which may surprise you. Stop being stumped with the newest *Essential Gluten-Free Grocery Guide*.



See what people who've bought our guide have to say »

There are 3 comments...

Feel free to add your own!

Never heard of Corn Thins. Would be willing to try them, but where do I look? Would prefer not to have to buy them online if possible. Have lots of grocery stores close by – Krogers, Food Lion, and Food City plus many others within 25 miles – Trader Joes, Publix, Ingles, Fresh Market, and Benefit Your Health (a specialty store).

Jennifer Pomerance January 24, 2013 at 2:17 pm

Fred Meyers stores (part of the Krogers family) in the northwest have carried Corn Thins for years. I've been gluten free for many years and they used to be the only bread substitute useful for sandwiches when toasters and / or microwaves were not available (e.g. picnics or lunches at day camps). I used to spread them with low fat cream cheese and add sliced sandwich meat. Delicious!

Clare January 24, 2013 at 5:04 pm

I live in Irvine, Ca., which is southern Ca., and I too would like to know where I can find these Corn Thins. Thank you so much!

Joyce Sommers January 24, 2013 at 10:56 pm

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The Celiathlete

A healthy, light snack from Real Foods Tasty Cheese Flavored Corn Thins

POSTED ON MARCH 26, 2013 BY THE CELIATHLETE



http://i1091.photobucket.com/albums/i392/veggiefoodlover/Products/011-18_zps7ce45550.jpg

Real Foods Tasty Cheese Flavored Corn Thins

Product: Real Foods Tasty Cheese Flavored Corn Thins – \$3.29+

I admit it...I am an oddball. I actually *like* rice cakes. I always have. I grew up eating them. My mom kept them in the pantry, and I would eat them plain, or sometimes give the top a light schmear of peanut butter. Rice cakes were one of my favorite snacks. Still are. As long as they don't taste like cardboard.

My roommate and I have this bad habit. It is a very, very bad habit. We see a product labeled gluten-free that we haven't seen before at any of our stores and we immediately pile it into our shopping basket and take it home...just adding to the stash. That was what happened when we brought home Real Foods Tasty Cheese Flavored Corn Thins.

We weren't actually seeking to buy more snack foods while out at Dorothy Lane Market in Dayton, Ohio. We just ducked inside to see what the grocery store had to offer, as there were a few of them scattered throughout Dayton and we were killing some time. Lo and behold, they have one of the most amazing gluten-free sections I have seen at a local grocery store. I was blown away. Local baked goods. Products of which I have never seen before. Awesome.

One of the products we grabbed, for reasons I still don't know, were the Tasty Cheese Flavored Corn Thins from Real Foods. I actually forgot about them. Whoops. But I was checking the pantry list and noticed them under crackers...and that was why I overlooked them. Wrong category. Definitely *not* crackers. But since the expiration date was approaching, it was time to use them as my afternoon snack.

Corn Thins are amazingly good for you. Yes, even the Tasty Cheese Flavored ones. These little rice-cake like thins (they are about 1/3 the thickness of a rice cake), made from corn and rice that are popped under high pressure, are honestly a guilt-free snack. I was *shocked* that I liked these, despite being such a fan of rice cakes. I don't know why I was so worried.

Anyway...these little cakes have a rice cake texture, but are sweeter thanks to the addition of the popped corn. The cheese flavored topping is lightly dusted on top, not overpowering the corn cake itself. I loved how thin these are cut, because it makes them easy to handle and very light. They have this gentle crunch when you break into them or bite into them. I was very impressed with these.

And yes...guilt-free my friends. Real Foods Tasty Cheese Flavored Corn Thins are 28 calories per cake. For my snack, I took 3 of them, racking up a total of 84 calories for my snack. Not bad. And only 1 gram of fat in that serving. NICE! These are very low in sodium, have no preservatives, no artificial or nature identical flavors, made with all natural ingredients, are gluten-free and non-GMO. My three corn thins gave me 3 grams of protein and 1.5 grams of fiber.

But the true surprise was just how much I enjoyed these. Texture-wise, they are awesome. Just the right amount of crunch. And taste-wise...they are quite tasty. After all, with a name like Tasty Cheese...you better live up to your name.

I hope I can find more flavors that are offered in stores around here. I'll be searching high and low. And if not...next time I'm in Dayton...you better believe that I'll be stopping into Dorothy Lane Market.

Real Foods does healthy snacks right with their Corn Thins. Flavor them like cheese...and you have a winning combination!



(http://i1091.photobucket.com/albums/i392/veggiefoodlover/Products/012-13_zpsc790c9a0.jpg)

Three of Real Foods Tasty Cheese Flavored Corn Thins

POSTED IN CHEESE, CHIPS, CRACKERS, FOODS GLUTEN FREE, PRODUCTS REVIEW, RICE, SNACKS, VEGETARIAN (<http://theceiliathlete.com/2013/03/26/a-healthy-light-snack-from-real-foods-tasty-cheese-flavored-corn-thins/> these ads/)



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AUGUST 15, 2012

Healthy Snacking: Real Foods Organic Corn Thins



I recently returned from a backpacking trip with my daughter. Her favorite snack on the trip was [Real Foods Organic Corn Thins](#).

Original Corn Thins contain the great taste of golden sun-ripened corn, and are made simply by popping grains of maize under high temperature. Prepared with a great recipe for maximum crunch and flavour, they taste sensational on their own or with any number of delicious toppings. With more dietary fibre per gram than wholemeal bread, Original Corn Thins really are good for you.

- 97% fat free
- Made with all natural ingredients
- Free from artificial colours and preservatives
- Gluten free
- GMO free
- Contain 10% dietary fibre

We love to eat Corn Thins plain, but they are also really good with toppings, such as avocado. They are a great alternative to rice cakes and are much tastier.

Read More in: [Food](#) | [Product review](#)

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Posted by Jennifer Lanch at August 15, 2012 11:04 AM

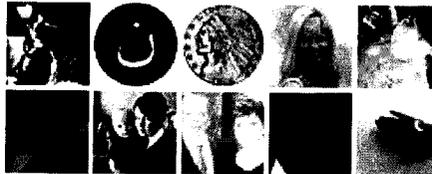
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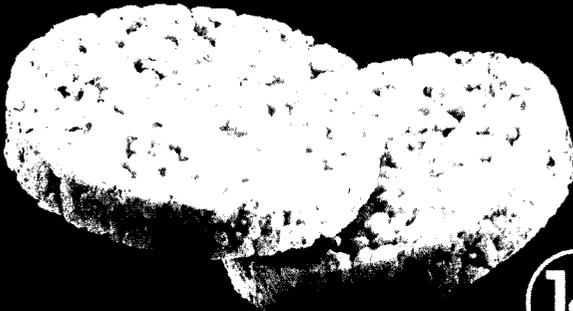
COMPOSITE EXHIBIT D

Samples of Mother's-Brand Product Packaging

mother's
gone to trust since 1895

salted
plain
whole grain brown rice cakes

no
preservatives



14
cakes

8g
whole grain
per cake

fat free
gluten free

PER CAKE

35	0g	15mg	0g
CALORIES	FAT FAT	SODIUM	SUGARS

NET WT 4.4 OZ (126g)

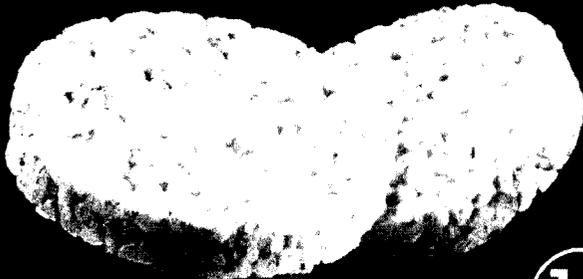
OPP - 000214

mother's
someone to trust since 1895

sodium
free

no
preservatives

plain
whole grain brown rice cakes



14
cakes

9g
whole grain
per cake

fat free

gluten free

Per cake

35 CALORIES	0g SAT FAT	0mg SODIUM	0g SUGARS
----------------	---------------	---------------	--------------

NET WT. 4.47 OZ (127 g)

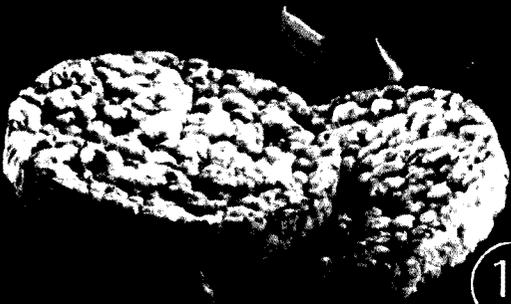
OPP-000215

mother's
someone to trust since 1895

no
artificial
flavors

caramel

peppermint chocolate granola cakes



14

PER SERVING
50 CALORIES
4g SAT FAT
30mg SODIUM
4g SUGARS

NET WT 6.5 OZ (185g)

mother's
someone to trust since 1895

no
artificial
flavors

caramel

peppermint chocolate granola cakes

OPP - 000216

mother's
someone to trust since 1895

no
artificial
flavors

caramel

crisped corn and whole grain rice cereal

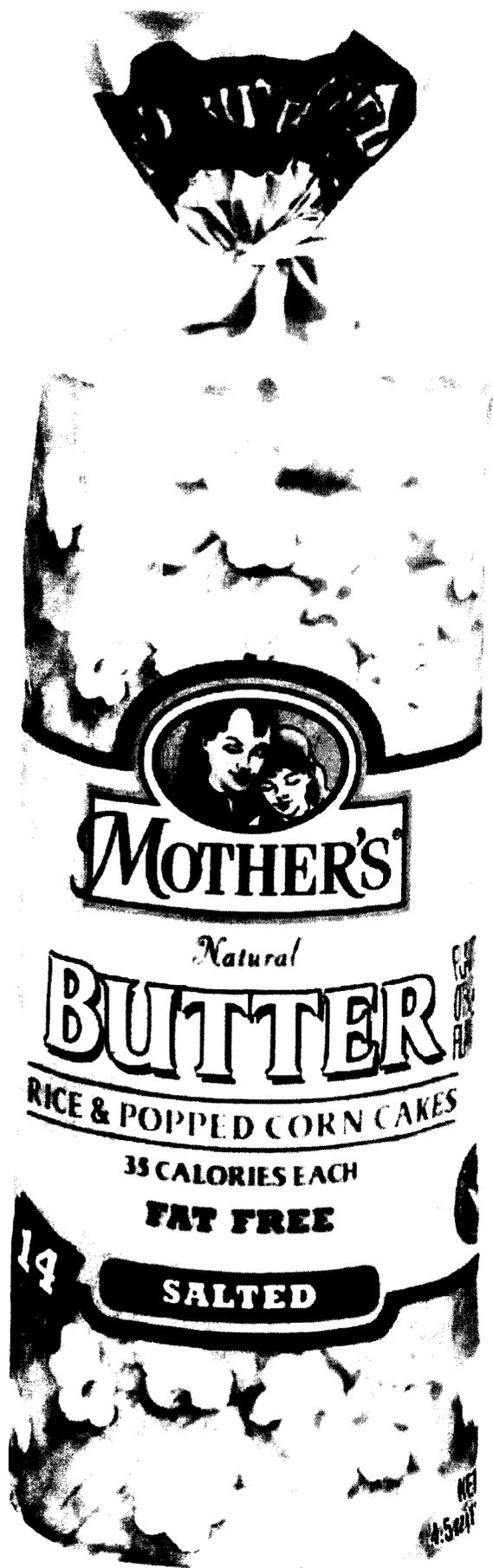


14
pieces

50 CALORIES
0g SAT FAT
30mg SODIUM
4g SUGARS

NET WT. 5.5 OZ (155 g)

OPP-000217



OPP-000218

Samples of Quaker-Brand Product Packaging



QUAKER

apple cinnamon



• 50
CALORIES

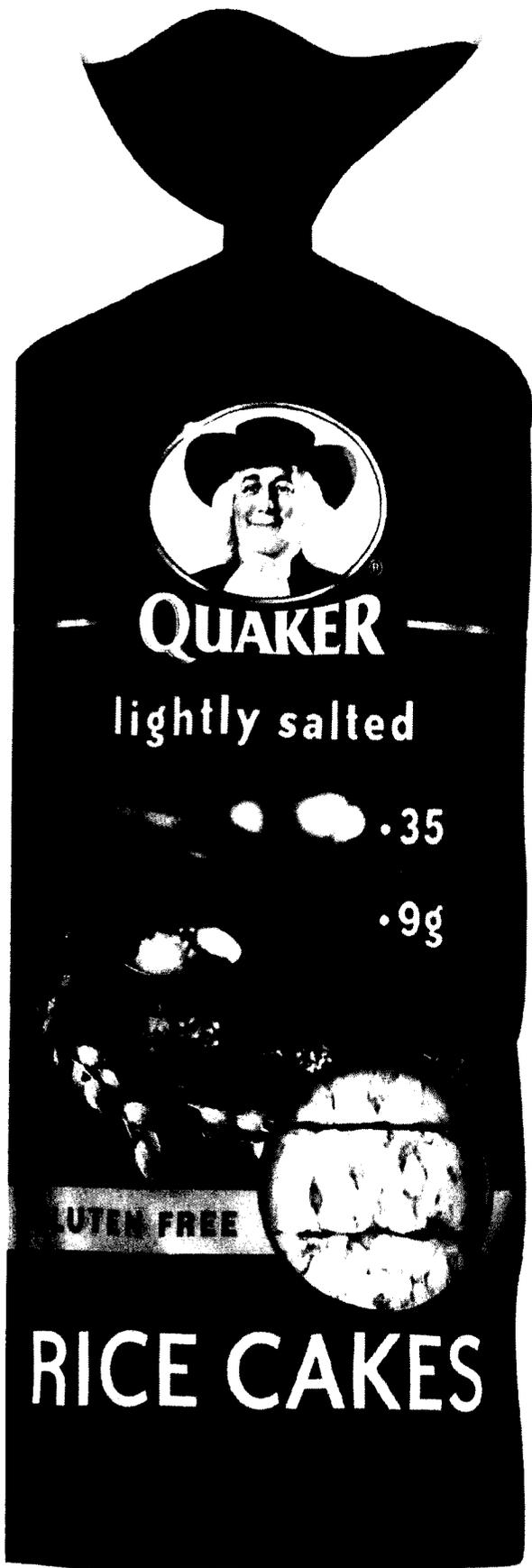
• 11g
WHOLE
GRAIN
PER CAKE



GLUTEN FREE

RICE CAKES

OPP - 000219



QUAKER

lightly salted

.35

.9g

GLUTEN FREE

RICE CAKES



QUAKER

salt free

35
CALORIES

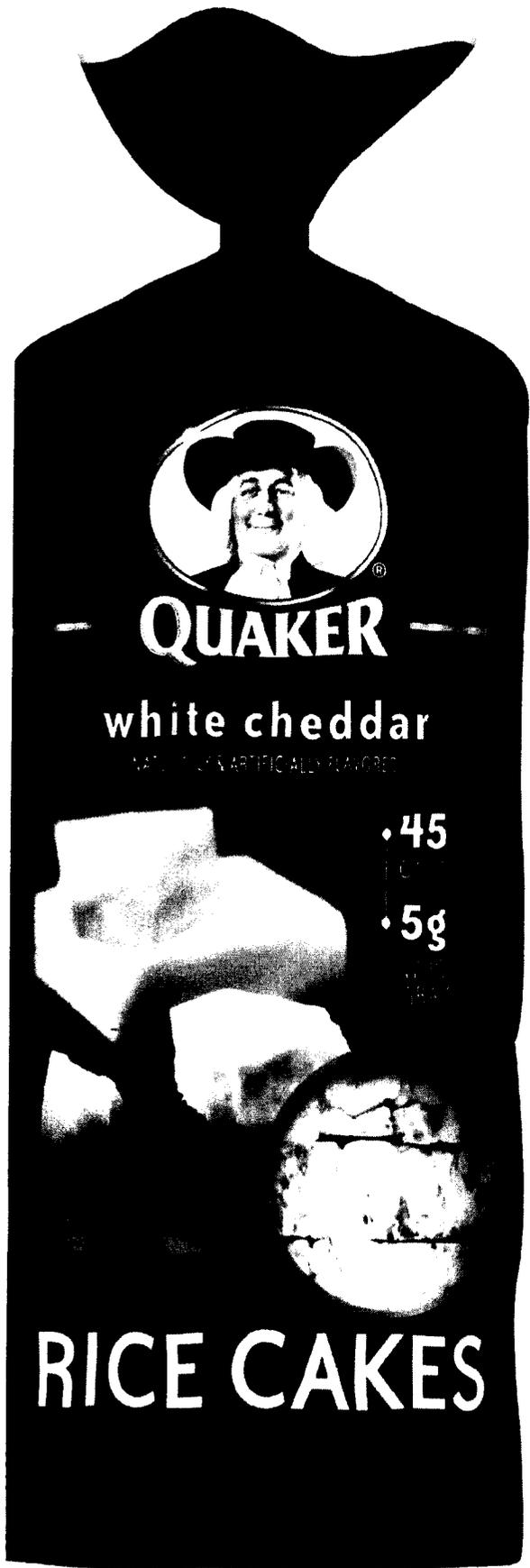
9g
WHOLE
GRAIN
PER CAKE

GLUTEN FREE



RICE CAKES

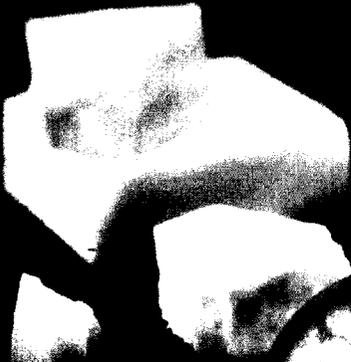
OPP-000221



QUAKER

white cheddar

NATURALLY & ARTIFICIALLY FLAVORED



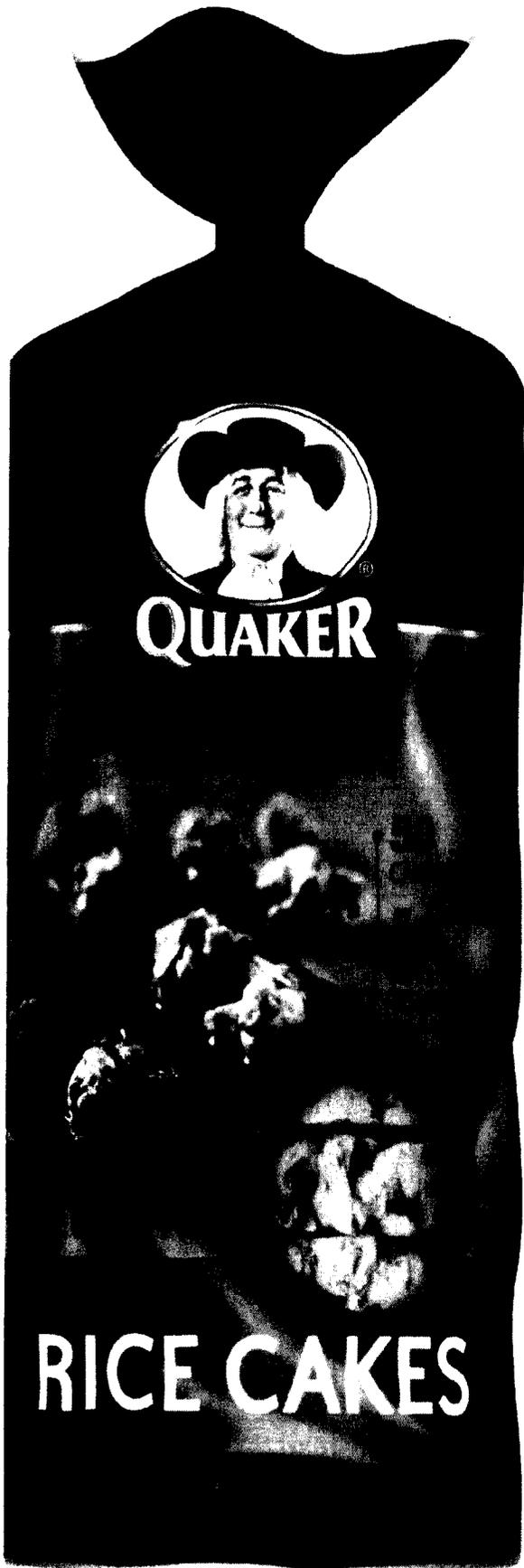
• 45

• 5g



RICE CAKES

OPP - 000222



OPP-000223



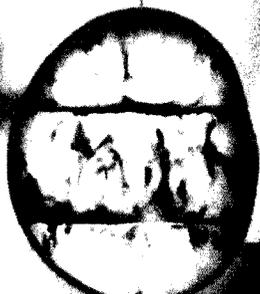
QUAKER

buttered popcorn

FLAVOR WITH OTHER NATURAL FLAVORS

• **35**
CALORIES

• **5g**
WHOLE
GRAIN
PER CAKE

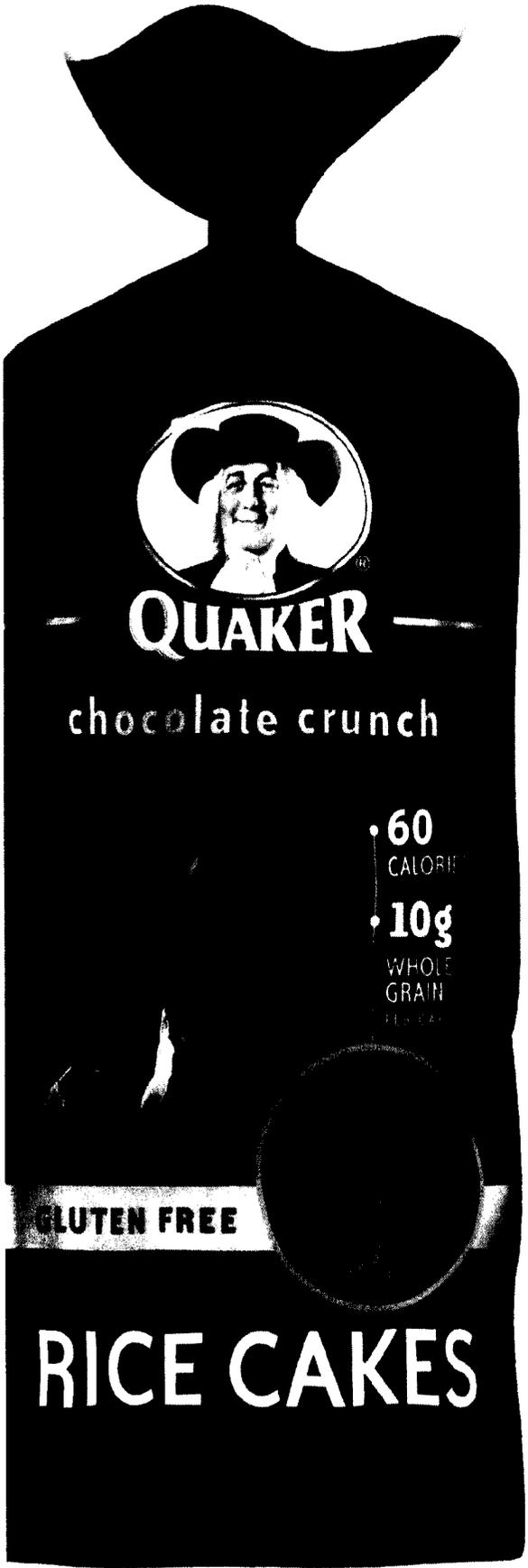


GLUTEN FREE

MINIS

NET WT 4.47 OZ (127g)

OPP-000224



QUAKER

chocolate crunch

• 60
CALORIES

• 10g
WHOLE
GRAIN
FIBER

GLUTEN FREE

RICE CAKES

OPP - 000225