ESTTA Tracking number: **ESTTA660866**

Filing date: **03/13/2015**

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

Proceeding	91212680
Party	Plaintiff Frito-Lay North America, Inc.
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Signature	/Paul Madrid/
Date	03/13/2015
Attachments	Continuation slip sheet.pdf(5851 bytes) Evidentiary Appendix (Public Version)_Part11.pdf(5234678 bytes) Evidentiary Appendix (Public Version)_Part12.pdf(5149409 bytes) Evidentiary Appendix (Public Version)_Part13.pdf(5215900 bytes) Evidentiary Appendix (Public Version)_Part14.pdf(5190889 bytes) Evidentiary Appendix (Public Version)_Part15.pdf(5178007 bytes) Evidentiary Appendix (Public Version)_Part16.pdf(5191493 bytes) Evidentiary Appendix (Public Version)_Part17.pdf(5238251 bytes) Evidentiary Appendix (Public Version)_Part18.pdf(5223778 bytes) Evidentiary Appendix (Public Version)_Part19.pdf(5232116 bytes) Evidentiary Appendix (Public Version)_Part20.pdf(5129013 bytes)

CONTINUATION OF EVIDENTIARY APPENDIX

(PUBLIC VERSION)

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Review: Nature Valley Dark Chocolate Peanut Butter...
Review: Fiber One 90 Calorie Chocolate Peanut Butt...
Review: LUNA Fiber Chocolate Raspberry Bar
Review: Fiber One 90 Calorie Chocolate Caramel & P...
Review: Nature Valley Chewy Trail Mix Cranberry & ...
Review: Turkey Hill Coconut Cream Pie Ice Cream
Review: Fiber One 90 Calorie Chocolate Chip Cookie...
Review: Nature Valley Protein Peanut, Almond & Dar...
Site News: General Mills Week
Review: KIND Nuts & Spice Dark Chocolate Nuts & Be...
Butter ...
Review: Kashi Cherry Vanilla Soft-Baked Cereal Bar...
Review: Kraft MilkBite Chocolate Milk & Granola Ba...
Review: Breyers Blasts! Reese's Peanut Butter Cups...
Review: Sunbelt Bakery Fudge Dipped Chocolate Chip...
► 2012 (420)
► 2011 (75)

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Product Manufacturers

180 snacks (1) 479° (1) ananda (1) arctic zero (2) atkins (7) balance (21) bear naked (2) bell plantation (3) belvita (3) ben and jerry's (28) better oats (4) blue bell (9) blue bunny (8) boca (2) body fortress (2) bora bora (4) breyers (12) cadbury (2) cascadian farm (7) caveman (3) chef robert irvine (1) chobani (16) clif bella (2) CLIF (54) fusion (1) fruitfare (6) fullbar (5) ganuksbars (1) gatorade (1) general mills (39) genisoy (2) good 'n natural (5) good greens (4) good humor (1) gorton's (5) green giant (3) haagen-dazs (13) hannahmax (3) health valley (4) healthy choice (1) honey p. nutty (4) honey stinger (4) hunt's (4) isaton (1) jell-o (18) kashi (21) kellogg's (81) kemp's (3) KIND (13) klondike (3) kozy shack (6) kraft (30) lala (2) larabar (21) lean cuisine (2) lenny and larry's (3) liberte (3) life choice (1) lifeway (2) luna (15) magnum (10) marathon (3) met-rx (10) morningstar farms (10) muller (12) muscle milk (6) nabisco (3) nature valley (17) nature's bakery (3) nestle (41) new orleans ice cream company (7) nostimo (3) now (2) nugo (4) odwalla (6) ohyeah (2) pataki's (4) planters (6) power crunch (1) powerbar (9) pr bar (2) premier protein (4) private selection (8) promax (3) puse (4) pure fitness nutrition (2) pure protein (12) quaker (59) quest (3) raw revolution (4) rickland orchards (6) rise (2) saffron road (4) silk (2) simple truth (2) six star (2) skinny cow (19) smartfood (3) SmartForLife (1) sneaky pete's (2) snickers (6) so delicious (3) south beach diet (4) SOYJOY (6) starbucks (2) stonyfield (5) sunbelt bakery (4) talenti (3) toby (1) that's it (1) thinkthin (7) thrive (2) tiger's milk (2) turkey hill (10) udra (1) van de kamp's (1) velvet ice dream company (3) voskos (4) walden farms (27) weight watchers (9) wholesoy and co (2) yocrunch (8) yoplait (14) zone perfect (16)

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Cavenders All Purpose Greek Seasoning, Salt Free(No MSG), 7oz

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Praline Chocolate Gift Box, VOLIM TE, 180g

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Petit Beurre Biscuit with Butter (Kras) 960g (2.11 lb)

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Balady Green Cracked Olives (Ziyad) 16 oz (454g)

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Napolitanke Hazelnut Wafers 330g

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Lady Fingers (Savoiardi) Marini, 500g (17oz)

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Fennel Seed, Whole (Castella) 5oz

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Isleri with Eurocrem Cookies (Takovo) 140g

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Milka Naps Mix, Singles 147g new pack

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Fig Jam (Vava) with Whole Fruit, 380g

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Cream of Mushroom Soup, 2.5oz

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La Chinata Smoked Paprika, 70g

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Greek Sweet Bread, Long, Tsoureki, 1lb with Almonds

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Milka Choco Dessert, Orange Jelly, 147g

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Cajna Kobasica, Smoked Tea Sausage (Sabah Brand) approx. 0.85 lb

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Mayonnaise Thomy 200ml tube

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Extra Virgin Olive Oil (Bonelli) 1 L (34 fl oz)

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Rolling Out Dough

New Annie's Microwavable Mac & Cheese Cup!

September 17, 2013 By Nicole | Disclaimer: This post may contain affiliate links • Leave a Comment

Annie's has introduced new microwavable Mac & Cheese – and yes they come in a gluten free version. They are giving away 5,000 samples, go here to enter for chance to win!

There is also a coupon to go with this! Print this coupon to save $0.35 on any One Annie's Homegrown Microwavable Mac & Cheese Cup.

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Hi! I'm Nicole, thanks for visiting my blog! I am a busy mom who hopes to encourage others to save money. I love cooking yummy gluten free recipes! I have a wonderful family and love reading and spending time with friends.
Learn more here

New Nabisco Gluten Free Rice Thins!

August 21, 2013 By Nicole | Disclaimer: This post may contain affiliate links Leave a Comment

So I was doing some quick grocery store shopping and came along these new crackers from Nabisco! Thought I would share everyone.

These were in the cracker/chip aisle at my local Hy Vee and were priced $2/5 which seemed to be a sale price.

Rice Thins are available in three flavors: White Rice Original, Brown Rice Sea Salt and Pepper and Brown Rice White Cheddar.

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Print these Gluten-Free Coupons!

Rolling Out Dough

New Gluten Free Chicken Nuggets at Aldi's!

August 14, 2013 By Nicole | Disclaimer: This post may contain affiliate links Leave a Comment

So I was shopping at Aldi's yesterday and noticed a new special buy! They have Gluten Free Chicken Nuggets for $4.99. I checked the package which was 16 ounces and it looks like it was about 36 chicken nuggets. That is a great price for that quantity.

Aldi's special buys are available while quantities last.

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Popular Posts

Gorton's Seafood announces their Grilled line is gluten free!

June 19, 2013 By Nicole | Disclaimer: This post may contain affiliate links Leave a Comment

Gorton's Seafood has announced that its Grilled line of fish is now gluten free, with a variety of flavors and grilled fish species including Grilled Salmon, Grilled Tilapia, All Natural Grilled Fillets made from Alaska Pollock, and Grilled Haddock. Each fillet is expertly flame-grilled and seasoned, with the same taste millions have come to know and love, but with the added assurance that they are now gluten free. Go here to view all their gluten free products!

There is also a printable coupon available to save $1.00 off any Two Gorton's Items.

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Two new Gluten Free products from Betty Crocker!

May 27, 2013 By Nicole | Disclaimer: This post may contain affiliate links Leave a Comment

Betty Crocker will have two new gluten free products in stores soon! They have come out with two new products in their gluten free line: Gluten Free Sugar Cookie Mix and All Purpose Rice Flour Blend. These will be hitting stores in August.

You can sign up here to receive a free newsletter from Betty Crocker and up to $250 a year in coupon savings.

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Gluten Free at Aldi's!

May 15, 2013 By Nicole | Disclaimer: This post may contain affiliate links 1 Comment

Aldi's is a great store to help you save money. Over the last year they have introduced more gluten free and organic foods. I went today and thought I would share a few of my finds.

I found Millville Gluten Free Corn and Rice Squares priced at $2.19 at my store.

Lunch Buddies All Natural Fruit Twist- $1.99 at my store. Great find for gluten free kids!

Aldi's currently has gluten free pancakes, blueberry and buttermilk for $2.89. These are a special buy so that means while supplies last!

A few of my other favorites at Aldi's include pickles, jalapeno peppers and banana peppers, butter, Greek yogurt, frozen berries,

peppers and banana peppers, butter, Greek yogurt, frozen berries, frozen bell peppers, little cartons of refrigerated orange juice, hummus. I look for great quality and a low price. Please share what you love at Aldi's!

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Wegman's Gluten Free line!

May 11, 2013 By Nicole | Disclaimer: This post may contain affiliate links Leave a Comment

If you have a Wegman's near you check out their gluten free line. They offer great products and make them easy to find with their little orange "dot- (shown above)" ! These are on Wegmans products and recipes that are free of gluten-containing ingredients and have been produced without the risk of cross contact with gluten-containing ingredients.

Shopping store brands is a great way to save. For more information on Wegman's gluten free products go here.

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Rudi's Gluten Free Happy Camper essay contest!

May 7, 2013 By Nicole | Disclaimer: This post may contain affiliate links Leave a Comment

Rudi's Gluten-Free Bakery Celebrates National Celiac Awareness Month by Awarding 10 Gluten-Free Summer Camp Scholarships! **Rudi's Gluten-Free** is now accepting entries to the Gluten-Free 'Happy Camper' essay contest on Facebook. Go **here** to enter.

Boulder, Colo. – (May 1, 2013) –Rudi's Gluten-Free Bakery® is ready for summer vacation and can't wait to help kids across the country enjoy their summer camp experience, even if they eat gluten-free. According to the American Camp Association, 10 million kids attend a summer camp every year. Since it's a part of so many kids' summer vacations, Rudi's Gluten-Free is inviting Facebook fans to visit the "Rudi's Gluten-Free Happy Camper" application this May, National Celiac Awareness Month, to submit a 200-word essay from their child for a chance to win one of 10 scholarships to a gluten-free summer camp.

"Enthusiastically giving back to our communities has long been an important part of our business, and this is the third year we've made a commitment to the gluten-free community during Celiac Awareness Month," said Doug Radi, senior vice president of marketing and sales for Rudi's Organic Bakery. "Summer camp is all about making memories that last, and a child's dietary restrictions shouldn't prevent them from having the experience of a lifetime. We're thrilled that the Rudi's Gluten-Free Happy Camper program will provide 10 deserving kids with a gluten-free camp experience."

Parents with eligible children, ages 8-17, can enter the contest by 'liking' Rudi's Gluten-Free on Facebook and submitting an essay from their child explaining what going to a gluten-free summer

from their child explaining what going to a gluten-free summer camp would mean to them. As an additional incentive to enter in early May, Rudi's Gluten-Free has promised to give the first 250 eligible fans that enter an official Rudi's Gluten-Free Happy Camper water bottle. The 10 winners will be selected by Rudi's Gluten-Free Bakery and announced on Facebook on June 10, 2013, giving parents and campers time to plan and pack up for a summertime camp adventure.

"Having a special dietary need like celiac disease can make the simple act of going to camp far more challenging," said Alice Bast, founder and president, National Foundation for Celiac Awareness (NFCA). "Fortunately, there are more options today than ever before, whether it's a dedicated gluten-free summer camp or a 'mainstream' camp that has been properly trained to serve gluten-free campers. Rudi's Gluten-Free Bakery has done an excellent job supporting the gluten-free community, and we are glad to see them continuing that work with their camp scholarship program."

In the spirit of summer camps, National Foundation for Celiac Awareness (NFCA) also offers a gluten-free training program called GREAT Schools, Colleges and Camps. The online course will prepare camp directors and kitchen staff to safely accommodate your child's gluten-free dietary needs. Learn more at CeliacCentral.org/GREAT/schools

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Pillsbury has introduced three new gluten free products!

May 6, 2013 By Nicole | Disclaimer: This post may contain affiliate links 14 Comments

I learned this weekend that Pillsbury has introduced three new gluten free products! Woohoo I am excited to see more companies becoming aware of the need for gluten free food. The three new products are:

- Gluten Free Chocolate Chip Cookie Dough
- Gluten Free Pie and Pastry Dough
- Gluten Free Thin Crust Pizza Dough

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Aldi's selling gluten free baking mixes!

April 23, 2013 By Nicole | Disclaimer: This post may contain affiliate links 3 Comments

Aldi's is now selling gluten free baking mixes! Apparently these are temporary and prices are about $2.99. I haven't tried these yet but wanted share! I noticed Aldi is carrying more organic items lately also!

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Cinnamon Thin

Dr. Lucy's Cinnamon Thin

When we bake our cinnamon thins to crunchy perfection, delicious cinnamon fills the neighborhood air and smells divine. We have lots of friends around here! Many fans eat a whole box at a time. Beware!

Ingredients

All ingredients are from natural sources:
All Ingredients Are From Natural Sources: Organic Cane Sugar, Dr. Lucy's Flour Blend (Gluten-Free Oat, Garbanzo/Chickpea, Potato Starch,*

Garbanzo/Chickpea, Potato Starch, Tapioca, Sorghum And Fava Flours), Soy Milk, Sustainable Palm Fruit Oil, Expeller Pressed Canola Oil, Olive Oil, Filtered Water, Flavoring And Citric Acid From Non-GMO Corn, Sunflower Lecithin, Cinnamon, Non-Dairy Lactic Acid, Baking Powder, Baking Soda, Potassium Bitartrate, Salt, Xanthan Gum, Calcium Carbonate, Annatto Extract Color, Cellulose Gum.*

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Real Foods, Organic Corn Thins, Original, 25 Slices, 5.3 oz (150 g)

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25 Reviews
In Stock: Yes

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Specifications

- Shipping Weight: 0.98 lbs (0.44 kg)
- Product Code: RLF-00001
- UPC Code: 671959000016
- Package Quantity: 25 Slices, 5.3 oz (150 g)
- Dimensions: 3.7 x 3.7 x 7.3 in, 0.35 lbs (0.16 kg)
- Expiration Date: Oct 2014

Top 10 Reasons to Shop at iHerb!

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Nutiva, Organic Chia Seed, 12 oz (340 g)
$11.89 664

Honees, Milk & Honey Filled Drops, 1.50 oz (42 g)
$2.00 286

Y.S. Eco Bee Farms, 100% Certified Organic Raw Honey, 2.0 lbs (907 g)
$15.10 827

Product Overview

Description

- Since 1980
- The Great Taste of Golden Sun-Ripened Corn

- The Great Taste of Golden Sun-Ripened Corn
- GMO Free-Contains No Genetically Modified Ingredients
- USDA Organic
- Fat Free
- 23 Calories Per Slice
- 10% Dietary Fiber
- Gluten Free
- 25 Slices* Popped Corn Cakes
- Kosher Pareve
- Certified Organic By Australian Certified Organic

* 25 Slices on average packed by weight

Real Foods Original Corn Thins are the best tasting wholegrain popped corn cakes 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 organic corn under high temperature. Being fat free and all natural, Real Foods Corn Thins really are good for you.

Real Food is proud to be producing wholesome and natural products for people who enjoy great tasting real food.

Suggested Use

Delicious with grilled mushrooms, spinach and grated parmesan cheese.

Baked sliced turkey, Swiss cheese and honey mustard.

Other Ingredients

Organic corn (98%), organic expeller pressed sunflower oil†, sea salt
†Adds an insignificant amount of fat.
May be present: Soy

Warnings

Caution: Do not heat in toaster

Caution: Closure may be a choking hazard

To maintain freshness, reseal pack after opening or store in an airtight container.

Supplement Facts

Serving Size: 2 slices (12 g)

Servings Per Container: 12.5

	Amount Per Serving	% Daily Value*
Calories	45	
Calories from fat	0	
Total Fat	0 g	0%
Saturated Fat	0 g	0%
Trans Fat	0 g	
Cholesterol	0 g	0%

Sodium	30 mg	1%
Total Carbohydrate	8 g	3%
Dietary Fiber	1 g	5%
Sugars	0 g	
Protein	1 g	

Not a significant source of saturated fat, cholesterol, sugars, vitamin A, vitamin C, calcium and 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.

	Calories	2000	2500
Total Fat	Less than	65 g	80 g
Saturated Fat	Less than	20 g	25 g
Cholesterol	Less than	300 mg	300 mg
Sodium	Less than	2400 mg	2400 mg
Total Carbohydrate		300 g	375 g
Dietary Fiber		25 g	30 g

Customer Reviews

☆☆☆☆☆ (25 Reviews)

5 Stars	(17)
4 Stars	(5)
3 Stars	(2)
2 Stars	(0)
1 Stars	(0)

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BREAKING EATALY: TAKING A BITE OF ITALY IN CHICAGO

Would You Rather? Saltines vs. Stoned Wheat Thins

Eick November 9, 2011 Would You Rather? 9 Comments

It's Wednesday, which means it's Would You Rather time.

altines again.

oned Wheat Thins again.

MOST POPULAR

There are many knock-off and imitation versions of Premium brand saltine crackers. For the purposes of this vote, saltines=saltines, no matter who the brand or label. Anything you would define as in that category counts. Stoned Wheat Thins, in contrast, are one specific brand. Feel free to vote on any criteria you want, taste, cost, avallability,variety of uses etc.

Please share in the comments the logic behind the choice you made.

ich option would you choose?

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9 RESPONSES

brian

November 9th, 2011

Haven't ever had the 'stoned' ones, so i probably won't miss having t that I eat saltines that often... they get used soup (would rather have oyster crackers), or as cracker recipes.

Peter

November 9th, 2011

I've eaten Wheat Thins stoned, but never Stoned Wheat Thins.

REPLY

Are you interested in writing for a food site that gets millions of visits a year? Then contact us today and see your guest post published tomorrow.

Stoned Wheat Thins are probably my #1 favorite cracker. And like any cracker, they are in fact, better when stoned.

REPLY

Mark

November 9th, 2011

...heat thins, they are one of my favorites for a cheese and ... a party. However there are always saltines in my house ...as a snack with just about anything. And of course you ...one to eat 6 stoned wheat thins with any kind of fun.

REPLY

Cindy

June 7th, 2012

What happened to would you rathers? I really enjoyed these, and I don't know why you stopped doing them. ☹

March 20d, 2013

Saltines all the way, the perfect vehicle for Campbells New England Clam Chowder, or dipped into bouillon when sick..

REPLY

Lois

...13

...ers go this has been my favourite cracker for years ... ...seems they changed the recipe for them in the past while

g them again ... I bought these crackers because they were great tasting and no matter how you ate them they were just a great cracker. If I wanted what they changed their recipe to I could have already bought it ... so for me I am out looking for another cracker ... although I doubt that they can be replaced

REPLY

s Stoned Wheat Thins are history.
with your complaint to get a refund of your purchase
o-off.

REPLY

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Trader Joe's Meyer Lemon Cookie Thins

by Trader Joe's

★★★★☆ 30 customer reviews

Price: $8.94 ($0.99 / oz) & FREE Shipping

In Stock.
Ships from and sold by Happeee Shopper23.

Size: **Pack of 1**

Pack of 1 | Pack of 3

- Old world recipe
- No artificial colors or flavors
- No preservatives

15 new from $3.79

Share

Qty: 1

$8.94 + Free Shipping
In Stock. Sold by **Happeee Shopper23**

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Price for all three: $32.88

Add all three to Cart | Add all three to Wish List

These items are shipped from and sold by different sellers. Show details

- ☑ **This item:** Trader Joe's Meyer Lemon Cookie Thins $3.91 ($0.43 / oz)
- ☑ Trader Joe's Old World Recipe Toasted Coconut Cookie Thins $9.98 Add-on Item
- ☑ Trader Joe's Triple Ginger Snap cookies (2pk) $18.99 ($9.50 / Item)

Customers viewing this page may be interested in these sponsored links (What's this?)

• **Meyer Lemon Tree - Potted** - 2-3 Ft Grafted Tree - Only $39.99 3 Yr Warranty - Fruit Bearing Age www.lemoncitrustree.com/Sale

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Customers Who Bought This Item Also Bought

Trader Joe's Old World Recipe Toasted Coconut Cookie Thins
(11)
$9.98

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(22)
$10.49 *Prime*

Trader Joe's Cookie Thins Triple Ginger
(4)
$11.13 *Prime*

Trader Joe's Meyer Lemon Cookie Thins (Pack Of 2)
(4)
$16.97

Trader Joe's Triple Ginger Snap cookies (2pk)
(40)
$18.99 *Prime*

Carrs Cookies, Ginger Lemon Creme, 7.5-Ounce Boxes
(76)
$10.29 *Prime*

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Product Description

Size: Pack of 1

How can a cookie be so astonishingly thin, yet so chocked full of lemony goodness? it's Trader Joe's time-honored old world recipe straight out of the days of yore. We've scoured the universe for abundantly juicy lemons and fresh ingredients to squeeze into these thrilling thins. Trader Joe's meyer lemon cookie thins. Thin is the new cookie.

Product Details

Size: Pack of 1

Shipping Weight: 12 ounces (View shipping rates and policies)

ASIN: B0080AS25W

UPC: 000092890800

Average Customer Review: (30 customer reviews)

Amazon Best Sellers Rank: #17,226 in Grocery & Gourmet Food (See Top 100 in Grocery & Gourmet Food)
#9 in Grocery & Gourmet Food > Snack Foods > Cookies > **Fruit**

Would you like to **give feedback on images** or **tell us about a lower price**?

Customers Who Viewed This Item Also Viewed

Carrs Cookies, Ginger Lemon Creme, 7.5-Ounce Boxes

Trader Joe's Meyer Lemon Cookie Thins (Pack Of 2)
(4)

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(7)

Trader Joe's Old World Recipe Toasted Coconut Cookie Thins

Trader Joe's Triple Ginger Snap cookies (2pk)
(40)

Trader Joe's Cookie Thins Triple Ginger
(4)

(76) $10.29 Prime | $16.97 | $6.49 | (11) $9.98 | $18.99 Prime | $11.13 Prime

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$4.58
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Netrition, Inc.

Promax Bars Chocolate Chip Cookie Dough - 12 Bars
(211)
$14.80
+ $4.99 Est. shipping
Dps Nutrition

Dang Original Toasted Gluten-Free Coconut Chips
(68)
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+ $13.00 Est. shipping
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germanShop24

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Typical questions asked about products:
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(30)
3.8 out of 5 stars

5 star	16
4 star	2
3 star	6
2 star	3
1 star	3

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Most Helpful Customer Reviews

9 of 9 people found the following review helpful

Yummo

By Crabigail Cassidy TOP 500 REVIEWER VINE VOICE on November 15, 2012

Advertisement

Product Images from Customers

By Craddgall Cassidy TOP 500 REVIEWER VINE VOICE on November 15, 2012

Size Name: Pack of 1

I just bought ten boxes of these cookies. I'm getting a jump on my holiday gift baskets.
These are thin little discs of crisp cookie that is pure lemon heaven. While I'd like to say I only eat one, the truth is I never can. If you love lemon (and these cookies scream lemon) and want a light and satisfying snack, these are wonderful cookies. Just try to exercise self-control.

3 Comments Was this review helpful to you? Yes No

4 of 4 people found the following review helpful

★★★★☆ **Thin, crispy, light cookies**

By Summerroll on May 11, 2013

Size Name: Pack of 1

Delicious thin cookies with a light lemon taste, not overpowering, very crumbly, not super sweet. Each cookie is about 2.5 inch diameter.

I would like a more tangy cookie, but I don't have a sweet tooth and this is probably to more people's liking.

The cookies go very well with tea or coffee. These would be beautiful with a dish of sorbet or gelato. Also would go great with Italian soda.

Comment Was this review helpful to you? Yes No

2 of 2 people found the following review helpful

★★☆☆☆ **These are just ok -**

By D. M. Kimura on October 12, 2013

Size Name: Pack of 1 Amazon Verified Purchase

The cookies are not very lemony and most of the cookies came in as crumbles.

Would not buy it again.

1 Comment Was this review helpful to you? Yes No

1 of 1 people found the following review helpful

★★★★★ **Lemony heaven!**

By Suz on August 25, 2013

Size Name: Pack of 1 Amazon Verified Purchase

As a lemon lover I'm always looking for new lemon products. I'm so glad I tried these cookies. They are thin, crisp and delicious. They're very close to my Aunt Dora's lemon drop cookies and brought back memories of long hot summer afternoon's spent in her backyard with my cousins. I'm also looking forward to enjoying them with a cup of coffee in front of a roaring fire this coming winter. Although they are a fragile cookie they arrived in perfect condition with not one broken cookie in the whole box.
If you're a lemon person, like I am, I highly recommend you try these cookies. I don't believe you'll be disappointed.

Comment Was this review helpful to you? Yes No

1 of 1 people found the following review helpful

★★☆☆☆ **Crumbs.**

By S. Cowan on July 25, 2013

Size Name: Pack of 1 Amazon Verified Purchase

The flavor of these wafer-thin cookies was good, but almost all of them were broken and many were just crumbs. While the product tastes good, I'll try to pick them up at Trader Joe's instead of having them shipped...They aren't packaged for travel.

Comment Was this review helpful to you? Yes No

Add a product image

Most Recent Customer Reviews

★★★☆☆ **Poor packaging...Yummy Cookies**
These cookies are the BEST, if you like crisp lemon-flavored cookies! This is the second time I have ordered these DELICIOUS cookies. Read more
Published 1 month ago by Janice K. Wood

★★★★☆ **Very good cookies**
Buy these at Trader Joe's. I can't believe the mark up on this product. Usually Amazon has good prices. Read more
Published 1 month ago by lesguild

★☆☆☆☆ **Lemon**
These lemon cookies were not that good. They were way too strong and just overwhelming. If you like strong lemon go for it.
Published 2 months ago by Mary

★★★★★ **great flavor**
great flavor that is what these cookies have. the lemon flavor is strong. definitely more than a hint of flavor.
Published 2 months ago by bre

★★★★★ **DELICIOUS**
I PURCHASED THIS TO STICK IN WITH ANOTHER GIFT FOR A FRIEND.....I HEARD FROM HER AND SHE ABSOLUTELY LOVED THESE. Read more
Published 3 months ago by P. GILMAN

★★★★★ **Fantastic taste**
crispy,tasty, crunchy and lemony- what more can you want. Trader Joes is the best.
I wished they made another flavor.
Published 3 months ago by Wise shopper

★★★☆☆ **Only $3.99 at Trader Joe's!**
Good lemon cookies even though they do not have actual lemon juice in them. If you call these cookies "Meyer Lemon" cookies how hard is it to actually put some Meyer lemon... Read more
Published 3 months ago by Shazzar Kallie. M.A

★★★★★ **So thin and delicious and subtle taste of lemon pound cake**
I got these for my husband who lives and deserves a little treat w his coffee. He fell in love and so did I!!
Published 4 months ago by Rather Read Than Breathe

★★★☆☆ **nothing to write home about, could it be the**

1 of 1 people found the following review helpful

★★☆☆☆ **Very unhappy**

By Marilyn O. Bucci on June 9, 2013

Size Name: Pack of 1 Amazon Verified Purchase

It arrived crumbled and stale. I have had them before and are delicious when fresh, but these must have been a year old. I threw most of them away.

Comment Was this review helpful to you? Yes No

★★★★★ **Spectacular**

By sittingbull on April 1, 2014

Size Name: Pack of 1 Amazon Verified Purchase

Addictive, delightful cookies. I loved these. Lemony and rich but very thin and crumbly. IMPOSSIBLE NOT TO LIKE THESE LITTLE GUYS.

Comment Was this review helpful to you? Yes No

★★★★★ **Yummy!**

By Deborah C. on March 15, 2014

Size Name: Pack of 1 Amazon Verified Purchase

These are delicately flavored cookies but not so much you can't taste the amazing lemon. They are thin enough that you can just pop a whole one in your mouth. They melt in your mouth...so tasty. I would highly recommend them, and will definitely buy it again. These are perfect for a tea party and a big munch fest.

Comment Was this review helpful to you? Yes No

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Write a customer review

name?

i believe i rated the cookies before. they're nothing special in my opinion. i prefer a tarter taste like mother's lemon cookies.

Published 4 months ago by kristine arruda

★★★☆☆ **nice and lemony**

I love lemon, so I thought i would try a few different brands These were really good, very thin and crispy, but I did not find a difference at all between these and Salem. Read more

Published 5 months ago by amazon lover

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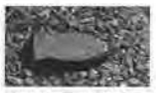
Summit 20-Pack Mosquito Dunk
★★★★½ (264)
$17.98 √Prime



Mosquito Torpedo 5-Pack 300 Day...
★★★★½ (21)
$11.10 √Prime

Mosquito Bits-30 ounce
★★★★½ (152)
$17.60 √Prime

Mosquito Repellent Coil 10
★★★★☆ (40)
$5.47

Cutter Lemon Eucalyptus Insect...
★★★★½ (55)
$4.92

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*Based on a 2000 calorie diet

Cookie Thins Calories and Health Benefits

BAD POINTS

- Very high in sugar

Tex-Mex Summer Squash Casserole
Flourless Banana Mish-Mash Muffins!
Chewy Oatmeal Cookies
Apple Crumble
Pumpkin Pie
Diet French Toast
Diet Cola Cupcakes

(Almondina) **Cookie - Ginger Spice**
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(Upper Crust) **Cookies - Crescent Moon, Ginger Spice**
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(Salem Baking Co.) **Cookies - Moravian, Ginger Spice**
(Home Made Brand) **Ginger Spice Cookies**
(Julian Bakery) **Zero! Cookies - Ginger Spice**
(Brent & Sam's) **Pure Naturals Gourmet Cookies - Ginger Spice**
(Salem Baking Co.) **The Signature Collection Cookies - Moravian, Ginger Spice**
(Asda) **Ginger Thins Biscuits**
(Jules Destrooper) **Ginger Thins**
(Anna's) **Ginger Thins**
(Ikea) **Pepparkaka Ginger Thins**
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(Cookies) **Praeventia Ginger Cookies**

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Low-Fat Grilling
by Melanie Barnard
Low-fat cooking and grilling two American passions, are combined in this book of more than one hundred recipes, with tempting results.

A Cooks Recommended Cookbook

1 - 10 of 504 for **thin cake**

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1. **GERMAN APPLE CAKE**
Preheat oven to ... in center of **cake** comes out clean. ... constantly, until mixture thickens enough to coat the back of a spoon. Serve warm over **cake**.
Ingredients: 14 (cinnamon .. eggs .. extract .. flour .. half .. oil ...)

2. **CHOCOLATE NUT CAKE FILLING FOR "8 THIN" LAYER CAKE**
Cook 8 **thin cake** layers and let ... filling until all 8 layers are finished. Cut a 1 1/2 inch hole in center for easy slicing. The center piece goes to hubby!
Ingredients: 8 (bits .. creme .. layers .. milk .. nuts .. sugar ...)

3. **OLD FASHION THIN LAYER CHOCOLATE CAKE**
Prepare **cake** mix according to ... layers will be **thin**. Prepare frosting ... frosting between each layer. Spread remaining frosting on sides and top of **cake**.
Ingredients: 5 (cocoa .. milk .. sugar ...)

4. **THIN LAYER CHOCOLATE CAKE**
Mix well; bake in **thin** layers about 500 degrees. Cook until sugar is completely melted. Spread on layers.
Ingredients: 12 (buttermilk .. cocoa .. eggs .. flour .. sugar .. syrup ...)

5. **THIN LAYER CAKE AND FILLING**
Grease and flour ... Cook at 500 degrees about 5 minutes. Makes 8 or 9 layers. Mix and boil for 1 minute. Cool slightly, beat, spread on layers of **cake**.
Ingredients: 12 (buttermilk .. cocoa .. flour .. milk .. salt .. soda ...)

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Ingredients: 12 (buttermilk .. cocoa .. flour .. milk .. salt .. soda ...)

6. **THIN LAYER CHOCOLATE BROWNIE CAKE**
Heat together in ... sugar, then add heated ingredients. Bake in a greased 16"x10"x1" pan at 400 degrees for 20 minutes. While **cake** is baking mix icing.
Ingredients: 11 (buttermilk .. cocoa .. eggs .. flour .. oil .. salt ...)

7. **12-14 LAYER CHOCOLATE THIN LAYER CAKE**
Mix all ingredients together. Put 4 large tablespoons batter to each pan. If you make 14 layers, put 3 tablespoons batter to each pan. Bake layers. ...
Ingredients: 11 (eggs .. flour .. milk .. oil .. salt .. sugar ...)

8. **THIN LAYER CHOCOLATE CAKE**
Beat oil, sugar ... at 350 degrees. **Thin** layers takes only ... for about 2 minutes. Beat with mixer for about 2 minutes. Spread on **cake** layers while hot.
Ingredients: 11 (cocoa .. eggs .. flour .. milk .. oil .. sugar ...)

9. **BUTTER THIN HOT CAKES**
Mix all ingredients, except melted butter. Beat well. Stir in melted butter. Yields 5-6 generous portions.
Ingredients: 7 (eggs .. flour .. salt .. sugar ...)

10. **LIGHT THIN HOT CAKES**
Beat eggs together. Add sour cream. Blend in flour and baking powder. Bake on hot ungreased griddle.
Ingredients: 6 (cream .. eggs .. flour .. salt .. soda ...)

Result Page: 1 2 3 4 5 6 7 8 9 10 11 12 Next

top of page

EASTER PASKA
UKRAINIAN EASTER PAMPUSHKY
MIXED BEAN SALAD
EASTER BUNNY CAKE
UKRAINIAN USHKA PYROHY (MUSHROOM PIEROGI)
STUFFED VEAL BREAST
GREEK EASTER BREAD (TSOUREKI)
RICOTTA PIE
PORTUGUESE SWEET EASTER BREAD
ITALIAN EASTER PIE (PIZZAGAINA)
IRISH BREAD ROLLS
POTATO BATTER BREAD
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TUTORIAL: CREPES {& SMITH FAMILY THIN CAKES}

69 comments

POSTED IN SARA, WAFFLES, PANCAKES, AND CREPES 06.15.2010

As Kate mentioned in her Caramel Cake post, this week as an ode to Father's Day, we're sharing signature recipes from our own fathers! Now looking at the picture to the right that might seem strange, but stick with me here.

Growing up I had no idea what a "crepe" was. But what I did know was "Thin Cakes". They were my Dad's most famous dish and everyone in our family looked forward to thin cake Saturdays when he would stand at the stove-top with an enormous bowl of batter and a few hot skillets in front of him. The rest of us would stand around the island just waiting to be next in line for a hot one to land on our plate. He never used a recipe, but rather "a little of this and some of that, but not too much of that...etc" The thin cake tradition, as I understand it, started with my Dad's family when he was just a boy. They would meet on the family farm and make Thin Cakes, a recipe passed down from his Aunt's Danish heritage. My Dad always told us a story about his uncle saying "Boy, you must have a wooden leg because I don't know where else you're stuffing so many thin cakes!" To this day no one makes a thin cake quite like my Dad Bill, but I think I've come up with a darn good recipe.

Growing up I assumed everyone ate Thin Cakes, but it wasn't until I was a little older that I realized that was a family specialty. I also learned that the rest of the world knew something nearly identical but by a much fancier reputation: Crepes. I learned that essentially we were eating crepes, but in a slightly non-traditional form (explained below) and years of Thin-Cake making actually trained me to be one heck of a crepe maker!

Some people are intimidated by crepes, but they couldn't be easier. Like many foods, success is really in the technique. So below I'll show you some of my tips to get perfect crepes every time. I've also used fancy recipes and fancy equipment, but this recipe is the most basic form that any home cook can make. Chances are you have everything you need right now! Eggs, sugar, oil, flour, and milk.

Here we go...

Mixing a Lump-Free Batter: A good batter is essential for a good crepe. While lumps are just fine (and sometimes desired) in *pancake* batter, it's not such a plus in crepes. For this recipe you can throw everything in a blender, but if you're doing it by hand, follow these tips for lump-free batter

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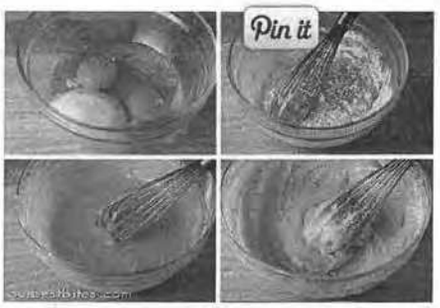
every time.

1. First mix eggs, sugar, and oil.

2. While whisking, slowly add flour. The problem most people have is that they add everything at once and there is too much liquid for the flour to break up so it stays in clumps. Keep adding flour and whisking. You'll have a very thick paste (but no lumps!) The resistance is what helps incorporate all of the flour.



3. Keep adding flour until it's becoming too thick to whisk, then slowly add milk a little at a time and whisk to incorporate. If you still have some flour left, alternate it with the milk.

When everything is whisked together you should have a lump-free batter. It will be **very** thin. A very common mistake people make with crepes is adding too much flour because they're used to a pancake or waffle batter consistency. Growing up making these with my Dad, he always told me the consistency was the key and he was right!

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hello!

We're just two girls who love to cook! We're also both wives and mothers balancing home management, part-time work, church and community involvement, and a myriad of other things. So we're probably just like you!

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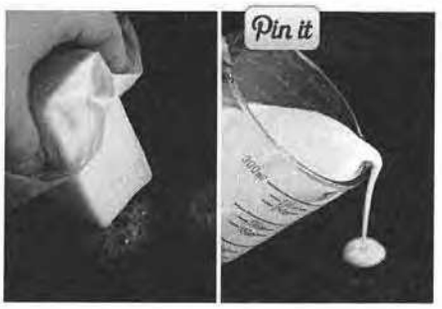
OUR BEST BITES

TOUR SARA'S KITCHEN

The Pan: I have a fancy crepe pan, but the pan I use most often is a regular ol' non-stick skillet. You can vary the size depending on how large you want the finished product. I keep a stick of butter with the wrapper half off right next to it for easy greasing. Just give the hot pan a quick rub and then pour in your batter. It's essential that your pan is pre-heated before you put the batter in.



This is the other key element. **Don't use too much batter!** Again, people are used to making pancakes here. You only want just enough batter to **coat the bottom of the pan**. Hold the pan with one hand and the batter with the other and as you pour the thin batter, twirl the pan around in a circular motion just until the batter coats the entire bottom. You don't need to actually measure the batter, you just want to pour it in, but in case you're needing a visual, I've noted that you'll need roughly these amounts for the skillet size:

8" skillet: 2 1/2 Tablespoons batter
10" skillet: 3 1/2 Tablespoons batter

Cooking and Flipping: Again, I have an official wooden "Crepe Flipper" but a rubber spatula is what I use most. Look at the edges of my crepe in the picture below. It doesn't take long at all for the crepe to set and you'll be able to run the edge of your spatula around the entire edge of the crepe. One you can do that and it easily lifts, you can then flip. I use my spatula to gently lift up the edge and then I grab it with my fingers and just flip it over.

TOUR KATE'S KITCHEN

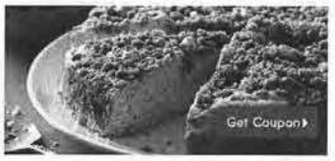
A MUST-READ ON MOTHERHOOD

Cooking the second side literally only takes about 15 seconds and after that you can flip it onto a plate. Either keep them warm in the oven or stack them and let them cool.

Thin Cakes: Alright, I promised "Thin Cake" details. In our house growing up a thin cake was made in the largest pan we had. They were as big as the plate. And they're eaten hot off the skillet. Right when it gets plopped on your plate, do this:

After that's rubbed around, dump some maple syrup on it,

and then roll it up burrito style. I know, super complicated.



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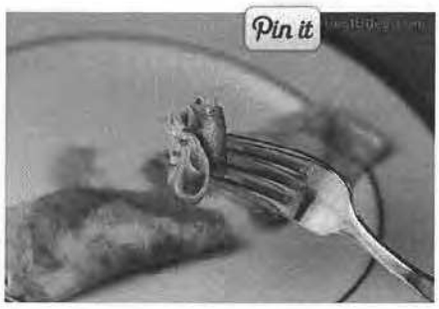
But that thin, buttery, syrup-y roll is heaven on earth I tell ya. There was a time during my second pregnancy when I ate these every. single. day. Almost always at about 4pm. My then 2 1/2 year old knew the recipe by heart! In fact, we eat thin cakes way more often than we eat pancakes or waffles.



If you want to take a more traditional route and eat "crepes" then you can make them pretty. You can fill and either fold them up into quarters, or roll burrito style. They can also be made ahead of time. Just stack them between sheets of waxed paper, pop them in a zip-lock bag, and store in the fridge or freezer.

Crepes can be eaten either savory or sweet, and hot or cold. Most people in the US are used to sweet crepes, but meat,cheese, and vegetable fillings are delicious too! More traditional sweet fillings you can try are pastry cream, pudding, nutella, the chocolate mousse from this cake, and fruit of all kinds. Try topping with Strawberry Sauce, Buttermilk Caramel Syrup, Hot Fudge, or just a dusting of powdered sugar and sweetened whipped cream.

Print This!

Basic Crepes
Recipe by Our Best Bites

2 eggs
2 Tbs canola oil
3 Tbs sugar (omit if making savory crepes)
1 C flour

1 1/3 C milk

Combine all ingredients in a blender and blend on low speed until combined, or whisk by hand until there are no lumps.

Heat a non stick skillet to medium high heat. Hold pan with one hand while you pour the batter with the other hand. Twirl the pan in a circular motion pouring just enough batter to coat the bottom of the pan. Place on cooking surface and cook until edges are set and you can easily run a rubber spatula around the edge of the pan, 30 seconds. Flip crepe and cook an additional 15-20 seconds. Remove crepe from pan and either keep warm in the oven or cool to room temperature.

Fill with your choice of savory (meat, cheese, vegetable) or sweet (pudding, mousse, pastry cream, fruit) filling. Top sweet crepes with with Strawberry Sauce, Buttermilk Caramel Syrup, Hot Fudge, or just a dusting of powdered sugar and sweetened whipped cream.

Unfilled crepes can be stacked between sheets of waxed paper and refrigerated or frozen. To thaw, leave at room temperature.

Makes 12-14 8" crepes

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-Sara

69 COMMENTS

1 **Me** *says:*
06.15.2010 at 11:15 pm

My very very favorite to-die-for topping for a crepe is my mom's homemade chokecherry syrup (similar to elderberry if you've never heard of it), and softened cream cheese. Oh, I LOOOOOVE!

Reply

2 **Beth** *says:*
06.15.2010 at 11:44 pm

Oh thanks so much for sharing! I love crepes but I've never tried to make them. This doesn't seem tooo hard!

Reply

3 **acte gratuit** *says:*
06.15.2010 at 11:49 pm

Syrup? Are you people out of your minds? The IDEAL topping for Crepes (and I'm gonna assume for Thin Cakes and Swedish Pancakes as we called them growing up) is ....

NUTELLA!!!

My favorite combo is Nutella with bananas and whipped cream or Nutella with strawberries and whipped cream.

It's mostly just important to have NUTELLA!

P.S. Here in Japan you can get savory crepes with fishy fillings! YUM! (for them.)

P.P.S. I make my Crepes/Swedish Pancakes with whole wheat, soy milk, and no sugar these days. Helps off-set the guilt of having what is essentially a dessert for dinner. (We're Brinner fans around here.)

Reply

3.1 **Amy** *says:*
07.30.2011 at 10:04 am

EXACTLY!! I wanted to know what was wrong with these people! Nutella is the way to go! It's soooo delicious! I love it with bananas too! And it's more authentic. That's how I had them in Paris.

Reply

4 **LollyChops** *says:*
06.16.2010 at 5:52 am

Ok girls... it's my birthday this weekend and I plan on cooking entirely from this site! I'll post some pics next week and let you know how it goes!!! My mom and I are gonna tackle this one together (with my sister who is visiting too)!

Saturday morning we are gonna start off at 6am with a trip to a blackberry farm! I see a blackberry galette in our future!

HUGS and thanks for the many many many amazing recipes and tips!

XO!

Reply

5 [illegible]

4 **LollyChops** *says:*
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XO!

Reply

5 **CaSaundraLeigh** *says:*
06.16.2010 at 5:55 am

I love crepes because you can make them either sweet or savory. Super photo tutorial too!

Reply

6 **Jasey** *says:*
06.16.2010 at 6:04 am

Love it!

Reply

7 **Melissa** *says:*
06.16.2010 at 6:14 am

Wow! Someone else had thin pancakes growing up! My family has a recipe for thin pancakes & whenever I make them for someone else, I have to tell them they're similar to crepes! But the best way to eat them is to put lots of butter & then sugar- and if a buttery sugary mixture drips very slowly out the bottom as you eat them (rolled up), then you know you did it right

Reply

8 **Krista** *says:*
06.16.2010 at 6:41 am

my dad made crepes every sunday while i was growing up... i think he still does. i think its the 'frenchie' in him. he always makes his batter in the blender. maybe i'll have to make some this week to honor him. thanks for sharing!

Reply

9 **Brooke** *says:*
06.16.2010 at 6:44 am

We love us some crepes in our house... I have one of these

http://www.amazon.com/Villaware-VS225-VillaWare-Crepe-Maker/dp/B00005R85W

that makes beautiful, easy crepes with no flipping necessary. Our favorite filling is Sour Cream with some granulated or brown sugar mixed in until it is just a little sweet. DELISH!!

Reply

10 **The Double Dipped Life** *says:*
06.16.2010 at 7:59 am

This looks great! Thanks for the great tips. I love "crepes" and collect recipes... but have never made them!

Reply

11 **Shanon** *says:*
06.16.2010 at 8:06 am

I love your site! I have made quite a few recipes from it including both fish tacos! and I love crepes!

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Reply

12 **Ellen** *says:*
06.16.2010 at 8:11 am

I have always made these, and grew up eating them as well. When my kids were small and I made them for the kids, they just called them "roll up things." So that is what they are known as at our house. My daughter, when she was old enough to write, got the recipe out and crossed out the original title and wrote in "Roll up Things."

Reply

13 **Crystal** *says:*
06.16.2010 at 8:17 am

My mom made these all growing up, but we called them "Swedish pancakes." And we filled ours with strawberries and whipped cream–mmmmmm. My husband is the designated crepe–maker at our house, so I don't know if these will work for Father's Day . . . ☺

Reply

14 **cassie** *says:*
06.16.2010 at 8:28 am

My grandpa made these, "Danish Hotcakes" every Christmas morning. I love them! We also put syrup on them, or butter and sugar. But my new favorite is pears and chocolate sauce. Yum

Reply

15 **The Nelsen Family:** *says:*
06.16.2010 at 8:59 am

Mmmm. In my house we called them Swedish pancakes (my dad served his mission in Sweden).

Reply

16 **Memória** *says:*
06.16.2010 at 9:05 am

I can't believe I've still never eaten or made crêpes before. I must change this soon. Your crêpes are lovely!

Reply

17 **Amber** *says:*
06.16.2010 at 9:41 am

I love crepes! We make them Christmas morning and I love to fill mine with sausage and powdered sugar and then smother them in syrup! So good!

Reply

18 **Lisa Marie** *says:*
06.16.2010 at 10:38 am

Interesting that a lot of comments are about dads/grandpas making these...my dad also made these for us growing up, but in our house, they were "skinny pancakes" (I have 2 brothers who have asperger's syndrome, so change is UNwelcome–renaming these was the only way dad could get them to even try them) *Side note– French toast was renamed "pan toast"

My fav filling–2 Tbsp cottage cheese, and 1–2 tsp favorite jam, then roll burrito–style and dust with powdered sugar if you like it sweeter. YUM!

Reply

19 **whitney** *says:*
06.16.2010 at 11:43 am

I had to laugh when I read this post. We had "jelly rolls" all the time growing up (my Austrian great-grandmother's specialty). I was a very confused young adult when I realized my "jelly rolls" were actually crepes and everyone else's jelly rolls were something else entirely.

Reply

20 **Aimee** *says:*
06.16.2010 at 12:13 pm

My favorite crepe filling is some sweetened cream cheese in the center. Then you roll up the crepe and put homemade apple pie filling on top. YUM!

Reply

21 **Lisa** *says:*
06.16.2010 at 12:51 pm

Ours growing up were called Flinzin, with cinnamon and sugar. So good!!

Reply

22 **THE GIFFORDS** *says:*
06.16.2010 at 1:13 pm

I love crepes! My all time favorite is butter, powdered sugar, and fresh lemon juice. Yumm!

Reply

23 **Julia** *says:*
06.16.2010 at 1:25 pm

Being Polish, my mom never made pancakes. Instead we always had crepes for breakfast on the weekends. Or sometimes, when I begged, for dinner. When I went to my first sleepover and realized that pancakes were actually much thicker and not as delicious tasting, I realized that I was in the minority. Crepes are much more decadent and delectable.

Ideal toppings? Ummm NUTELLA with strawberries and homemade whip.

Reply

24 **Heidi G** *says:*
06.16.2010 at 1:45 pm

Swedish Pancakes as we call them is my absolute favorite Saturday evening meal from growing up. The picture with the butter and syrup are exactly how we ate them. Can't wait to make them again. My family love them. I took pictures of my mom making them the last time she made them for us before she passed away and had her write the recipe 3 times in her handwriting so each of my kids would have it directly from her hand.

Reply

25 **kirsten** *says:*
06.16.2010 at 2:04 pm

When I was a kid, my mom had a crepe maker. It was like a plug in frying pan, except instead of being concave, it was convex. You just heated it up, the dipped the whole convex surface in the batter, waiting a couple of minutes, then peeled off your perfect crepe. I'm totally going to search for it & steal it next time I go home.. dad's not allowed stuff like this for breakfast anyway....

Reply

26 **Stacey** *says:*
06.16.2010 at 2:50 pm

What a coincidence. This is my dad's specialty too! He always made them saturday mornings for us. He gets a little crazy with the fillings though. Sausage biscuit sauce, spaghetti sauce etc as well as the normal. Since I've married and moved away I crave these things. But every time I try to make them I ruin them. I can't seem to get them to swirl around the pan. Am I using too little or is the pan too hot? Help! I want these so much my teeth hurt!

Reply

26.1 **Sammi** *says:*
06.14.2012 at 7:42 pm

When I made these my first time only a few turned out. Most of them were either burnt or a mushy mess. But the second time I made them they were sooo good! I found that when I put too much batter in the pan, I couldn't flip the crepes. Also make sure you butter/spray the pan every time.

Reply

27 **Sara @ Our Best Bites** *says:*
06.16.2010 at 3:27 pm

Stacey, it could be a combination of both of those things. Are you using a non-stick pan? That helps, as does buttering it well. Then just keep pouring batter until you get it to cover the bottom - you may just not be using enough. Good luck!

Reply

28 **ificould** *says:*
06.16.2010 at 7:44 pm

Love crepes - the recipe I have makes them a little too thick though. Can't wait to try this. I'm featuring this recipe tomorrow - thanks for sharing!

Reply

29 **smalltownoven** *says:*
06.16.2010 at 8:48 pm

I love crepes! I've tried them a few times and they've always tasted great but I've never truly loved the ones I make. They're never as thin as I'd like them. Maybe this recipe will be "the one" for me! Thanks!

Reply

30 **Myrnie** *says:*
06.16.2010 at 10:21 pm

Your dad is the best, Sara...AND he cooks? Fabulous I think you're my new hero for admitting you ate these so often during your pregnancy- that's awesome (I'm waaay too lazy to do anything that ambitious Hope everything is going well!

BTW...best crepe topping ever is a bit of sugar and lemon juice, then fold it up so the sugar melts...amazing.

Reply

31 **Cami** *says:*
06.17.2010 at 12:28 am

We have Thin Cakes for dinner at least twice a month, if not more. Maybe I will make these for dinner tomorrow.

Reply

32 **Carrie** *says:*
06.17.2010 at 8:01 am

In my family we make something similiar, but call it egg pancakes. I like them much more than a traditional crepe - they are more rich. We make the batter in a blender, and use a regular pan to cook them in, but we never use syrup. It may sound strange, but we either use butter and sugar, or jelly and sometimes with a strip of bacon down the center with the jelly and rolled up like a burrito. A family favorite for sure!

Reply

33 **Thinker** *says:*
06.17.2010 at 5:52 pm

That looks so good!

Reply

34 **Holly & Matt** *says:*
06.17.2010 at 8:51 pm

Ok here it goes. I was given a link to your blog about 5 weeks back by someone who made the chocolate mousse cake (which was obviously divine). I almost went out of my mind as I perused the site and couldn't wait to get started cooking and baking! The mint brownies and thai peanut noodles were among the first of the recipes I tried, and how could I go back from there?! In just over a month, I've use 19 of your recipes! I can't be stopped! Everything is so cilantro-y and garlic-y and chocolate-y and just utterly heavenly. I made these crepes tonight for dinner/dessert, and I just knew it was time to tell you how I feel. I love everything about this website and your recipes, and I could not be happier about finding your blog. I've always loved baking (and eating), but now I LOVE it and I LOVE cooking too, and as a new mommy of a 10 month old, it was just getting to the point where I needed to find something I love doing, while being at home. Anyway, that was a crazy rant, but I just thought you both should know how much you are impacting people's lives! I'm serious! Can't wait to see what's to come!

Reply

35 **Sara @ Our Best Bites** *says*
06.17.2010 at 9:16 pm

Thank you sweet Holly! We're so glad you're enjoying our food- comments like that make our day!

Reply

36 **Samantha** *says:*
06.18.2010 at 6:54 am

I think I might try these out. I have had horrible experiences with crepes in the past, I can never figure out the proper time to flip them.

Reply

37 **The Nedrys** *says:*
06.18.2010 at 9:57 am

I made these this morning with nutella and bananas and they were delicious and super easy! So glad I can add crepes to my repetoire! Thanks for sharing!

Reply

38 **Angie** *says:*
06.18.2010 at 10:34 pm

Oh wow! You make it look so easy. When I get some more flour in my pantry I am definitely going to be trying this!

Reply

Reply

39 **One Girl** *says:*
06.19.2010 at 8:35 am

I just made these crepes for breakfast! So tasty and wonderful!

Reply

40 **Shannon** *says:*
06.22.2010 at 12:42 pm

I LOOOVE crepes. I use melted butter in my crepes instead of oil, and I use vanilla extract. I love to put nutella in them or peanut butter mixed with a little powdered sugar!

Reply

41 **Bunny Wilson** *says:*
07.11.2010 at 3:27 pm

http://henleythegreatdane.blogspot.com/2010/07/caramel-cake.html I made it and had to post about it.

Reply

42 **winterflamingo** *says:*
07.20.2010 at 7:26 pm

I have been making crepes with a different recipe for about a year now - I like this one MUCH better! The texture is so tender and crispy in the middle and fabulous. I ate 5 of them by myself after dinner tonight (each with a different filling). A spoonful of nutella is a clear winner.

Reply

43 **tyandbrandie** *says:*
09.30.2010 at 2:05 pm

I am going to try this recipe this weekend. I make them all the time but yours look different than how mine turn out. We always put a flavored yogurt inside with fresh blackberries or strawberries, roll them up and top it with powdered sugar and chopped pecans. They are tradition for General Conference. I love your blog by the way. Go to it nearly everyday! Thanks for all the good tips!

Reply

44 **end the fiasco!** *says:*
11.27.2010 at 4:21 pm

Holy crepe! Making these this morning was madness with two snotty kiddos & a sleepy dad but my "terrible two-year-old" sous chef got so excited when he found me digging for my whisk that my sometimes unwisely supportive husband decided Aunt Jemima could have the morning off. A stubbed toe, a time out, my eight month old little girl saying momma for the first time & about an hour and a half later... We had crepes! Plain butter & maple syrup crepes but they were delish! I'll take another run at them on a morning when everyone sleeps in & get fancy with the filling.

Reply

45 **The Contes** *says:*
02.08.2011 at 8:30 am

Mmmmm! I love this Smith tradition! Growing up my mom would always make these and when she did, she would tell us the story of Uncle Bill and how he just kept eating and eating thin cakes. My brothers, still to this day try to beat Uncle Bill's record. I just made these this past Saturday and it still is "a little of this and a little of that" around these parts in Nevada. Lol. And they never get old! Mmmm!

Reply

Reply

46 **Jennifer** *says:*
02.19.2011 at 5:21 pm

when I was growing up we used to make crepes only slightly thicker and then take butter and sprinkle with cinnamon sugar and the roll them up. we dubbed them roll up pancakes and still have them every year for Christmas breakfast.

Reply

47 **Nikki** *says*
08.12.2011 at 10:56 am

I made these for lunch today and they were fabulous! We filled them with ham and cheese- so yummy! Quick question though, what is the best way to store and reheat them if you have leftovers that have already been filled?
Thanks again for the super yummy recipes!

Reply

48 **Lindsey** *says:*
07.30.2011 at 9:16 am

my favorite way to eat crepes is with lemon juice and sugar. Divine! Or as the french would say "trop gourmandise!"

Reply

49 **Nancy Morrison** *says:*
07.30.2011 at 9:27 am

These are lovingly referred to in our home as "Daddy Pancakes". Every Sunday after church my husband makes crepes for the family and the kids have just always called them that so they don't accidentally "order" the regular type of pancakes that are called, "Mommy Pancakes".

Reply

50 **Susan Bateman** *says:*
07.30.2011 at 11:20 am

We fill ours with "sticks" of ice cream, put them in the freezer, and serve them with hot fudge (or caramel) and nuts! We got the idea from a restaurant in Olympia, Washington called Falls Terrace. You have to buy ice cream in square cartons and cut it into 1 inch slices, then 1 inch "sticks". Sometimes we top them with sliced strawberries. It's our kids' favorite birthday dessert!

Reply

50.1 **Lisa** *says:*
07.30.2011 at 11:23 am

This variation is one I'll eagerly try. Sounds amazing!

Reply

51 **Lisa** *says:*
07.30.2011 at 11:31 am

Crepes are my husband's specialty (he served an LDS mission in France). We usually fill them with Nutella, sliced bananas, REAL whipped cream and crushed almonds. DELICIOUS!

Reply

52

52 **Abish** *says:*
07.30.2011 at 1:43 pm

Thanks a bunch!!!! I like the no blender instructions. I made them and they came out perfect and delicious!!!

Reply

53 **Becky** *says:*
07.30.2011 at 3:04 pm

I grew up calling these Hungarian Pancakes and then discovered that others called them crepes. They are my kids favorite food and ask for them for dinner as well as breakfast. Although I use a slightly different recipe, I do them just like you! 8" no-stick skillet (10" seems a little too big), not too much flour,& lots of butter!! My kids like them plain, with jam, or with powdered sugar. Yum!! Maybe that's what I'll make for dinner tomorrow when the whole family comes!

Reply

54 **Molly** *says:*
07.30.2011 at 7:20 pm

I just made these last week and paired them with Kate's Mediterranean Egg Scramble = YUMMY!!! Loved the eggs (I'm not usually an egg fan) and loved the crepes!

Reply

55 **Roxanne Calloway** *says:*
07.30.2011 at 9:21 pm

I am from the Utrecht, The Netherlands and this is pretty much the only way we eat pancakes. We put a thicker syrup on it, roll it up, then shake powder sugar on top. Another thing I used to do it put brown sugar on the pancake and roll it up. My favorite is eating it plain. And its so funny that there every kids party has crepes (we call it pancakes).

Reply

56 **Karin** *says:*
08.11.2011 at 5:53 pm

My parents are from Germany, so crepes have always been ...you guessed it, German Pancakes. Your crepes are almost identical but he insisted on cooking them in vegetable oil, his poor fore arms! Splatter alert! But the only way I knew to eat them was with applesauce and cinnamon and sugar, wrapped like a burrito. Still my favorite way but I am loving the new combos! Thanks for all your delicious posts!

Reply

57 **Mandy** *says:*
08.10.2012 at 8:24 am

Just made these for breakfast and they were a huge hit! I am tired of the usual pancakes, muffins or french toast and was wanting something a little different. This hit the spot. We love your recipes, please keep them coming!

Reply

58 **emily** *says:*
06.14.2012 at 5:32 pm

Wow! These crepes were AMAZING and really easy! Me and my sis put fresh raspberries, hot maple syrup, and coconut whipped cream (leftover from your coconut lime cheesecake which by the way was DELISH!) and it was to die for!!!!

Oh and I just been meaning to say.....I absolutely LOVE this website! I'm 16 and I've always liked to cook but it wasn't until my mom bought your cookbook that I really started LOVING it! Each of us kids has our own "dinner night" at our house where we pick and make dinner. So whenever it was my turn I just turned to your book! And I loved every single recipe (except for the ones I screwed up on which kinda happens a lot lol!

book! And I loved every single recipe (except for the ones I screwed up on which kinda happens a lot lol! But I've got years to learn right?) Anyway I was in heaven with all those yummy recipes....but that was before I found this blog and HOLY COW!! I just can't tell you how much I love everything on here! You two are amazing!!! I love just looking at the mouth watering pictures and I can't wait to make every recipe!! Haha I'm kinda on this website a lot and sometimes my mom'll ask me to get off the computer...."Mom I'm just on Best Bites".....honey get off".....I'll make dinner...)" and you can take it from there haha:) Me and my sister have made a ton of your recipes and sometimes when we just feel like cooking somethin we just pull out the cookbook or the computer. Haha once she made your Guiltless Alfredo Sauce with fettuccine and it was soooooooo good! Our whole fam loved it! Now our little 3 yr old brother calls it "Megan's Pasta" lol! Well I could go on forever on this blog but I probably should get goin on making dinner! Probably Creamy Chicken Taquitos tonight! =)

Reply

59 **kylie** *says*:
06.14.2012 at 6:08 pm

Wow you two are great! I loved this recipe and it was so easy to make! My hubby and kids loved it! Definitely a keeper!

Reply

60 **telise** *says*:
06.14.2012 at 7:19 pm

Kylie I totally agree! I made these and they were delish!!! Ooooh coconut whipped cream would be divine! Nice idea emily! Wait....I just have to ask Kylie as in Kylie Sumter from Oregon?

Reply

61 **emily** *says*:
06.14.2012 at 7:28 pm

Sorry, that made sense in my head! I love every one of your recipes! And the one's that I mess up on and don't taste so great are all because of me and the fact that I really can't cook haha! I've remade a lot of them and they are so good!! =)

Reply

62 **Rebecca** *says*:
06.15.2012 at 7:07 am

These were delicious – just like I remember from my childhood! In my family we spinkle them with sugar, lemon juice and then roll them up!

Reply

63 **Stephanie Nichols** *says*:
10.23.2012 at 7:25 pm

We were married a couple of weeks ago and we were given your cookbook as a wedding gift. I started thumbing through it, in hopes of find something simple to make and stumbled upon this recipe. We've had them for breakfast, lunch, and dinner! Thankfully we had the ingredients for it as we are still getting settled in. They were great! Love your work, please keep it coming! Next up...dinner rolls and honey butter.

Reply

64 **Leopard Girl** *says*:
11.17.2012 at 12:17 pm

Made these this morning for my parents and they were a big hit! I used 1 cup 1% milk and 1/3 cup whole milk, plus about 2 tablespoons sugar. Turned out great! THanks for the awesome recipe!

Reply

65 **Laura** *says:*
12.05.2012 at 1:07 am

This last summer I had a thing with lemonade everything. I kept home-made lemonade, and sweetened strawberries in the fridge for strawberry lemonade ALL summer. It was fantastic. That being said, I made strawberry lemonade crepes... low fat cream cheese, sweetened strawberry juices, lemon zest, and sugar for the filling. Topped with fresh strawberries. Soooooooo good.

Reply

66 **Ava** *says:*
04.20.2013 at 10:55 am

Made crepes for the first time this morning!! It was so much fun and they turned out great!! Thank you!

Reply

LEAVE A COMMENT

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← Caramel Cake

Grilled Potatoes and Onions →

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Thin Sponge Cake Layer for Junior's Cheesecake

Info

Course: Dessert

Total Time: Under 1 Hour

Skill Level: Moderate

Cost: Inexpensive

Favorited: 13 Times

Author

ARTHUR SCHWARTZ

View Profile

Cookbook

Published by Stewart, Tabori & Chang

Photo by: Joseph DeLeo

Comments: 0

Recipe

Watch this cake carefully while it's baking. There's not much batter, so it needs only about 10 minutes of baking—just enough time for the cake to turn light golden and set on the top. The cake should not brown on top.

Yield : Makes one 9-inch sponge cake, about ¾ inch high, enough for 1 cheesecake

Ingredients

- ½ cup sifted cake flour
- 1 teaspoon baking powder
- Pinch of salt
- 3 extra-large eggs, separated
- 1/3 cup plus 2 tablespoons sugar (divided)
- 1 teaspoon pure vanilla extract
- 3 drops lemon extract (optional)
- 3 tablespoons unsalted butter, melted
- ¼ teaspoon cream of tartar

Directions

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Chicken with Thyme and Lemon

Directions

Preheat the oven to 350 degrees.

Generously butter a 9-inch springform pan.

Into a medium bowl, sift together the flour, baking powder, and salt. Set aside.

In a large bowl, beat the egg yolks with an electric mixer on high for 3 minutes. Then, with the mixer still running, gradually add 1/3 cup of the sugar, and continue beating until thick light-yellow ribbons form in the bowl, about 5 minutes more.

Beat in the vanilla and lemon extracts.

Sift the flour mixture over the batter, and stir it in by hand until no more white flecks appear. Then blend in the butter.

In a clean bowl, using clean dry beaters, beat the egg whites and cream of tartar together on high until frothy. Less than a tablespoon at a time, add the remaining 2 tablespoons of sugar and continue beating until stiff peaks form.

Stir about 1/3 cup of the whites into the batter, then gently fold in the remaining whites (don't worry if a few white specks remain).

Gently spoon the batter into the pan.

Bake the cake just until the center springs back when lightly touched, only about 10 minutes (watch carefully). Let the cake cool in the pan on a wire rack while you continue making the cheesecake filling. Do not remove the cake from the pan.

© 2004 Arthur Schwartz

Nutritional Information

Nutrients per serving (% daily value)
Nutritional information is based on 12 servings.

Calories	95kcal (5%)
Calcium	32mg (3%)
Vitamin C	0mg (0%)
Vitamin A	44mcg RAE (1%)
Potassium	37mg
Magnesium	3mg
Protein	2g
Sugar	7g
Fiber	0g
Total Carbohydrate	12g
Cholesterol	67mg (22%)

Chicken with Thyme and Lemon

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Spicy Roasted Squash

by Jamie Oliver

Parmesan Crackers

by Joyce Goldstein

Lemon Cheesecake Cupcakes

by Julie Hasson

Cholesterol	67mg (22%)
Sodium	85mg (4%)
Saturated Fat	2g (11%)
Fat	4g (7%)
Iron	1mg (4%)

Would you like to leave a comment about this recipe?

Other Recipes You Might Like

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by Bill Yosses and Melissa Clark

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by Matt Lewis and Renato Poliafito

Yellow Cake
by George Geary

Junior's Sponge Cake Crust
by Beth Allen and Alan Rosen

All-Butter Pie Pastry Dough
by George Geary

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To:	That's How We Roll, LLC (hbalmat@balmatlaw.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 86186891 - CAKE THINS - 00304
Sent:	4/11/2014 2:02:29 PM
Sent As:	ECOM108@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 **4/11/2014** FOR U.S. APPLICATION SERIAL NO. 86186891

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) TIMELY RESPONSE IS REQUIRED: Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from **4/11/2014** (*or sooner if specified in the Office action*). For information regarding response time periods, see http://www.uspto.gov/trademarks/process/status/responsetime.jsp.

Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System (TEAS) response form located at http://www.uspto.gov/trademarks/teas/response_forms.jsp.

(3) 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

Failure to file the required response by the applicable response deadline will result in the

ABANDONMENT of your application. For more information regarding abandonment, see http://www.uspto.gov/trademarks/basics/abandon.jsp.

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.

EXHIBIT 48

To the Declaration of Diana L. Rausa

To:	Truco Enterprises, LP (trademarks@carrip.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 85930930 - CANTINA THINS - TRUCO
Sent:	9/3/2013 6:05:08 PM
Sent As:	ECOM113@USPTO.GOV
Attachments:	Attachment - 1 Attachment - 2 Attachment - 3 Attachment - 4 Attachment - 5 Attachment - 6 Attachment - 7 Attachment - 8 Attachment - 9 Attachment - 10 Attachment - 11

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION SERIAL NO. 85930930

MARK: CANTINA THINS

85930930

CORRESPONDENT ADDRESS:
GREGORY W. CARR
CARR LLP
6170 RESEARCH RD STE 111
FRISCO, TX 75033-3512

CLICK HERE TO RESPOND TO THIS LETTER

http://www.uspto.gov/trademarks/teas/response_forms.jsp

APPLICANT: Truco Enterprises, LP

CORRESPONDENT'S REFERENCE/DOCKET NO :

TRUCO

CORRESPONDENT E-MAIL ADDRESS:

trademarks@carrip.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 9/3/2013

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SEARCH OF OFFICE'S DATABASE OF MARKS

The trademark examining attorney has searched the Office'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).

SUMMARY OF ISSUES THAT APPLICANT MUST ADDRESS

- Ø Disclaimer Required
- Ø Classification and Identification of Goods
- Ø Multiple Class Application Requirements

Applicant must respond to the requirement(s) set forth below.

DISCLAIMER REQUIRED

Applicant must disclaim the descriptive wording "THINS" apart from the mark as shown because it merely describes a feature and characteristic of applicant's goods. *See* 15 U.S.C. §1056(a); TMEP §§1213, 1213.03(a).

The computerized printing format for the Office's *Trademark Official Gazette* requires a standardized format for a disclaimer. TMEP §1213.08(a)(i). The following is the standard format used by the Office:

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

TMEP §1213.08(a)(i); *see In re Owatonna Tool Co.*, 231 USPQ 493 (Comm'r Pats. 1983).

A "disclaimer" is a statement that applicant does not claim exclusive rights to an unregistrable component of a mark; it does not affect the appearance of the mark. TMEP §1213. An unregistrable component of a mark includes wording and designs that are merely descriptive of the goods and/or services, and is wording or an illustration that others would need to use to describe or show their goods and services in the marketplace. 15 U.S.C. §1052(e); *see* TMEP §§1209.03(f), 1212.02(a), 1213.03 *et seq*.

Wording is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the specified goods and/or services. 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 applied-for mark is "CANTINA THINS" for "chips." "Thins" is defined as "not thick." *See* the attached definition from http://www.dictionary.com. Accordingly, the wording "thins" immediately conveys the idea that applicant's goods are not thick in nature. In fact, applicant's identification of goods is broadly identified to encompass not thick chips. For this reason, the wording "THINS" merely describes a presumed feature and characteristic of applicant's goods.

In order to demonstrate that the term "THINS" is a merely descriptive term when used in connection with "chips," the examining attorney has attached a sampling of a search conducted on the Internet. *See* the attached websites from: http://www.fritolay.com/our-snacks/tostitos-cantina-thin-crispy.html; http://www.fronterafiesta.com/store/handmade-tortilla-chips/thin-and-crispy-tortilla-chips/26-61 and http://caloriecount.about.com/calories-mission-foods-super-thin-tortilla-i140760. The attached internet evidence indicates that the term "THINS" is commonly used to describe a feature and characteristic of applicant's goods.

Based on the dictionary definition, applicant's identification of goods and attached internet evidence, the wording "THINS" merely describes a presumed feature and characteristic of applicant's goods. For this

reason, applicant is required to disclaim this wording apart from the mark as a whole.

CLASSIFICATION AND IDENTIFICATION OF GOODS

The identification of goods is indefinite and must be clarified because it is vague and does not clearly identify the exact type or nature of the goods. *See* TMEP §1402.01. In addition, the wording must be clarified because it is too broad and could include goods in other international classes. *See* TMEP §§1402.01, 1402.03. Applicant must amend the identification to specify the common commercial name of the goods. If there is no common commercial name, applicant must describe the product and its intended uses. *See id.* A more detailed explanation is as follows.

Applicant should further specify the type of chips. For instance, if the goods are in the nature of taco chips, tortilla chips, pita chips or pretzel chips, applicant may indicate accordingly. Alternatively, if the goods are in the nature of potato chips, shrimp chips, vegetable chips, banana chips or fruit chips, applicant may indicate accordingly. Applicant should note that the aforementioned identification of goods are correctly classified in International Class 29. Accordingly, if applicant adopts the wording, it must add one the above International Class 29 to the application, and reclassify the above goods therein. *See* 37 C.F.R. §§2.86, 6.1; TMEP §§1403 *et seq.*

If applicant adds one or more International Classes to the application, applicant must comply with the multiple-class requirements specified in this Office action.

If accurate, applicant may adopt the following identification of goods:

> Class 29: Chips, namely, ***{further specify the exact type of chips, for example, potato chips, shrimp chips, vegetable chips, banana chips or fruit chips};***
>
> Class 30: Chips, namely, ***{further specify the exact type of chips, for example, taco chips, tortilla chips, pita chips or pretzel chips}.***

An applicant may amend an identification of goods and services only to clarify or limit the goods and services; adding to or broadening the scope of the goods and/or services is not permitted. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*, 1402.07 *et seq.*

For assistance with identifying and classifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at http://tess2.uspto.gov/netahtml/tidm.html. *See* TMEP §1402.04.

MULTIPLE – CLASS APPLICATION REQUIREMENTS

The application identifies goods that are classified in at least two classes; however, the fees submitted are sufficient for only one class. In a multiple-class application, a fee for each class is required. 37 C.F.R. §2.86(a)(2); TMEP §§810.01, 1403.01.

Therefore, applicant must either (1) restrict the application to the number of classes covered by the fee(s) already paid, or (2) submit the fees for the additional class(es).

For an application with more than one international class, called a "multiple-class application," an applicant must meet all the requirements below for those international classes based on an intent to use the mark in commerce under Trademark Act Section 1(b):

(1) LIST GOODS AND/OR SERVICES BY INTERNATIONAL CLASS: Applicant must list the goods and/or services by international class.

(2) PROVIDE FEES FOR ALL INTERNATIONAL CLASSES: Applicant must submit an application filing fee for each international class of goods and/or services not covered by the fee(s) already paid (confirm current fee information at http://www.uspto.gov/trademarks/tm_fee_info.jsp).

See 15 U.S.C. §§1051(b), 1112, 1126(e); 37 C.F.R. §§2.34(a)(2)-(3), 2.86(a); TMEP §§1403.01, 1403.02(c).

RESPONSE GUIDELINES

For this application to proceed toward registration, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options for responding to a refusal and should consider such options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements.

If applicant does not respond to this Office action within six months of the issue/mailing date, or responds by expressly abandoning the application, the application process will end, the trademark will fail to register, and the application fee will not be refunded. *See* 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a), 2.209(a); TMEP §§405.04, 718.01, 718.02. Where the application has been abandoned for failure to respond to an Office action, applicant's only option would be to file a timely petition to revive the application, which, if granted, would allow the application to return to live status. *See* 37 C.F.R. §2.66; TMEP §1714. There is a $100 fee for such petitions. *See* 37 C.F.R. §§2.6, 2.66(b)(1).

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

/Ameen Imam/

Examining Attorney

Law Office 113

(571) 272-1942

ameen.imam@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

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 TEAS form at http://www.uspto.gov/trademarks/teas/correspondence.jsp.

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thin [thin] Show IPA ***adjective,*** **thin·ner, thin·nest,** ***adverb, verb,*** **thinned, thin·ning.**

adjective
1. having relatively little extent from one surface or side to the opposite; not thick: *thin ice.*
2. of small cross section in comparison with the length; slender: *a thin wire.*
3. having little flesh; spare; lean: *a thin man.*
4. composed of or containing objects, particles, etc., widely separated; sparse: *thin vegetation.*
5. scant; not abundant or plentiful.

EXPAND

Relevant Questions

How To Be Thin	What Makes Blood Thin?	How To Thin Latex Paint
What Causes Thin Blood?	How To Thin Chocolate	How To Thin Hair At Home

adverb
14. in a thin manner.
15. sparsely; not densely.

Example sentences
Beyond these, the exosphere **thins** out into the magnetosphere.

MORE Thesaurus.com

16. so as to produce something thin: *Slice the ham thin.*

★ FAVORITES RECENT search dictionary

a printed punctuation mark (‽), available only in some typefaces, designed to combine the question mark (?) and the exclamation point (!), indicating a mixture of query and interjection, as after a rhetorical question.

a calculus or concretion found in the stomach or intestines of certain animals, esp. ruminants, formerly reputed to be an effective remedy for poison.

LEARN MORE UNUSUAL WORDS WITH WORD DYNAMO...

verb (used with object)

17. to make thin or thinner (often followed by *down, out,* etc.).

verb (used without object)

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

Origin:

★ FAVORITES RECENT search dictionary

Compare Middle Dutch *dunnen,* Old Norse *þynna,* akin to Old Irish *tanu,* Latin *tenuis* thin, Greek *tanyi-* long

Related forms

thin·ly, ***adverb***
thin·ness, ***noun***
o·ver·thin, ***adjective***
o·ver·thin·ly, ***adverb***
o·ver·thin·ness, ***noun***

EXPAND

Synonyms

3. slim, slender, skinny, lank, scrawny. THIN, GAUNT, LEAN, SPARE agree in referring to one having little flesh.

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Quote Of The Day

"Mixing one's wines may be a mistake, but old and new wisdom mix admirably."

▸ MORE

THIN applies often to one in an unnaturally reduced state, as from sickness, overwork, lack of food, or the like: *a thin, dirty little waif.* 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.

Dictionary.com Unabridged
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World English Dictionary

Collins

thin (θɪn) [?]

— ***adj*** **, thinner , thinnest**

1. of relatively small extent from one side or surface to the other; fine or narrow
2. slim or lean
3. sparsely placed; meagre: *thin hair*
4. of relatively low density or viscosity: *a thin liquid*
5. weak; poor; insufficient: *a thin disguise*
6. (of a photographic negative) having low density, usually insufficient to produce a satisfactory positive
7. *mountaineering* a climb or pitch on which the holds are few and small
8. **thin on the ground** few in number; scarce

— ***adv***

9. in order to produce something thin: *to cut bread thin*

— ***vb*** **, thinner , thinnest , thins , thinning , thinned**

10. to make or become thin or sparse

[Old English *thynne*; related to Old Frisian *thenne*, Old Saxon, Old High German *thunni*, Old Norse

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— ***adv***

'thinness

— ***n***

Collins English Dictionary - Complete & Unabridged 10th Edition
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Publishers 1998, 2000, 2003, 2005, 2006, 2007, 2009
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Word Origin & History

Etymonline

thin
O.E. þynne "narrow, lean, scanty," from P.Gmc. *thunnuz, *thunw- (cf. W.Fris. ten, M.L.G. dunne, Du. dun, O.H.G. dunni, Ger. dünn, O.N. þunnr), from PIE *tnus-, *tnwi-, from weak grade of base *ten- "stretch" (cf. L. tenuis "thin, slender;" see tenet).

EXPAND

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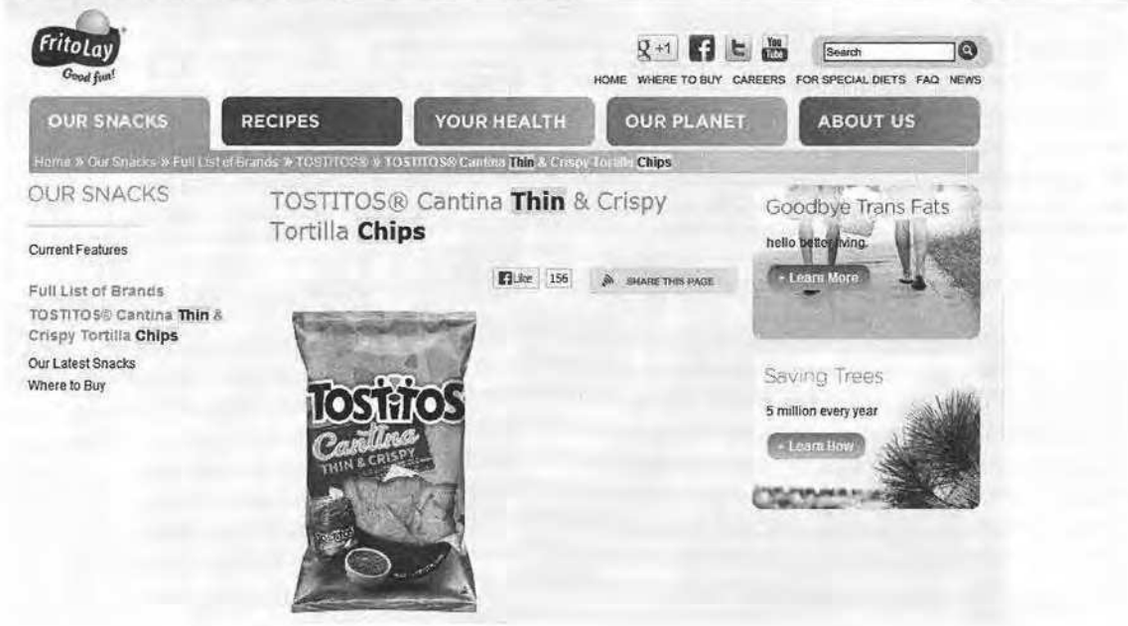
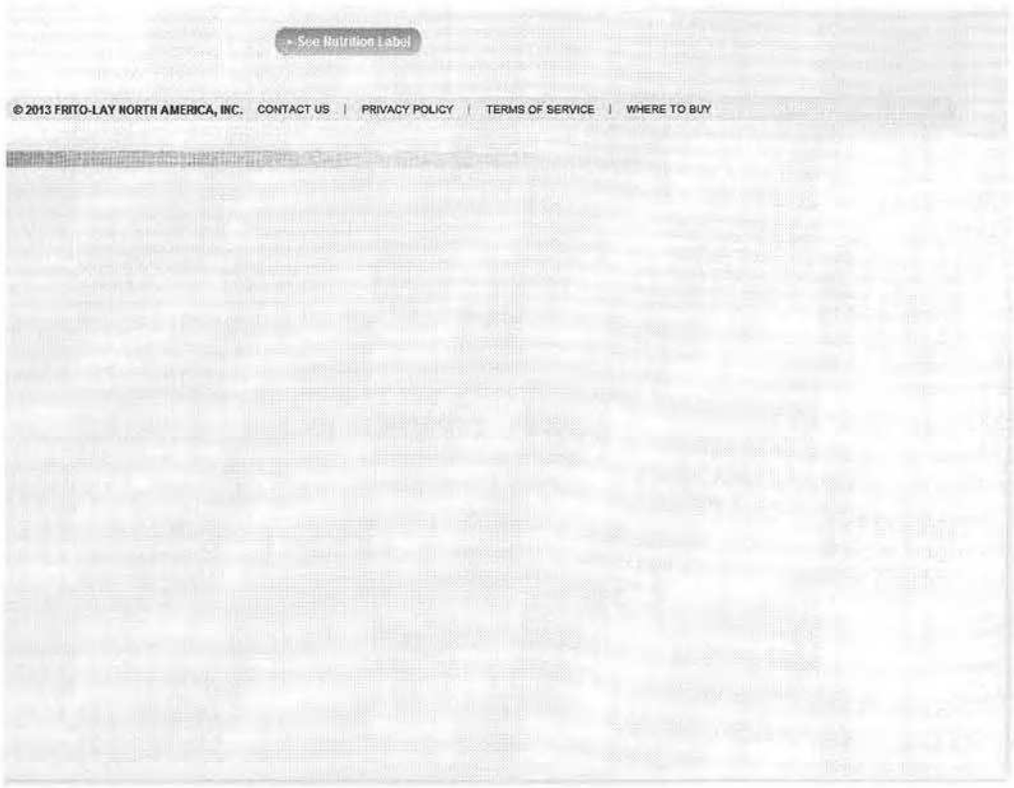
http://webcache.googleusercontent.com/search?q=cache:on12lMFnjaUJ:www.fritolay.com/our-snacks/tostitos-cantina-thin-crispy.html+chips+and+thin&cd=1&hl=en&ct=clnk&gl=us 08/30/2013 04:08:10 PM

This is Google's cache of http://www.fritolay.com/our-snacks/tostitos-cantina-thin-crispy.html. It is a snapshot of the page as it appeared on Aug 24, 2013 08:34:00 GMT. The current page could have changed in the meantime. Learn more
Tip: To quickly find your search term on this page, press Ctrl+F or ⌘-F (Mac) and use the find bar.

These search terms are highlighted: chips thin Text-only version



http://webcache.googleusercontent.com/search?q=cache:on12lMFnjaUJ:www.fritolay.com/our-snacks/tostitos-cantina-thin-crispy.html+chips+and+thin&cd=1&hl=en&ct=clnk&gl=us 08/30/2013 04:08:10 PM



http://webcache.googleusercontent.com/search?q=cache:ztx0POyN3WAJ:www.fronterafiesta.com/store/handmade-tortilla-chips/thin-and-crispy-tortilla-chips/26-61+chips+and+thin&cd=5&hl=en&ct=clnk&gl=us
08/30/2013 04:08:49 PM

This is Google's cache of http://www.fronterafiesta.com/store/handmade-tortilla-chips/thin-and-crispy-tortilla-chips/26-61. It is a snapshot of the page as it appeared on Aug 24, 2013 13:45:48 GMT. The current page could have changed in the meantime. Learn more
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These search terms are highlighted: chips thin

http://webcache.googleusercontent.com/search?q=cache:zlx0POyN3WAJ:www.fronterafiesta.com/store/handmade-tortilla-chips/thin-and-crispy-tortilla-chips/26-61+chips+and+thin&cd=5&hl=en&ct=clnk&gl=us
08/30/2013 04:08:49 PM

Name:
Email:
Sign me up!

FIND US ON FACEBOOK Like 7.2k

Product Information	Nutrition Facts	Product Recipes	Reviews

NET WT. 10 OZ. (280g)

INGREDIENTS: Stone Ground Yellow Corn, 100% Corn Oil, Sea Salt, Trace of Lime.

You may also be interested in these products:

Lime and Sea Salt Tortilla **Chips**

Indigo Blue Corn Tortilla **Chips**

Authentic Taqueria Tortilla **Chips**

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http://webcache.googleusercontent.com/search?q=cache:lu-Xgpd5TIAJ:caloriecount.about.com/calories-mission-food
s-super-thin-tortilla-i140760+chips+and+thin&cd=15&hl=en&ct=clnk&gl=us 08/30/2013 04:09:20 PM

This is Google's cache of http://caloriecount.about.com/calories-mission-foods-super-thin-tortilla-i140760. It is a snapshot of the page as it appeared on Aug 24, 2013 18:14:28 GMT. The current page could have changed in the meantime. Learn more
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These search terms are highlighted: chips thin

calorie count
There's strength in numbers

Advertisement

Home | Logging | Community | Foods | Exercise | Tools | Advice | Blog | Foods

OVERVIEW | FOOD BROWSER | RECIPE BROWSER | NEW RECIPE | UNIT CONVERTER | Create FREE Account | Existing User: Login

Calorie Count Members Have Lost Over 4,000,000 lbs!

Join us for FREE and get the tools and support you need on your weight loss journey.

Join Calorie Count for FREE

PREMIUM SERVICES Get Healthy and Learn to Keep the Weight Off For Good! Learn more →

Calories in Super **Thin** Tortilla **Chips**

Foods > Snacks > **Chips** > Corn and Tortilla **Chips**

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http://webcache.googleusercontent.com/search?q=cache:lu-Xgpd5TIAJ:caloriecount.about.com/calories-mission-foods-super-thin-tortilla-i140760+chips+and+thin&cd=15&hl=en&ct=clnk&gl=us 08/30/2013 04:09:20 PM

Foods > Snacks > **Chips** > Corn and Tortilla **Chips**

Wondering how many calories are in Super Thin Tortilla Chips?

Manufactured by Mission Foods

12 ch... to Log

Super Thin Tortilla Chips

tortilla **chips**, super **thin** tortilla **chips**, **chips**, snacks

D+ Grade | 140 Calories

Nutrition Facts

Serving Size 12 **chips** (28 g)

Per Serving	
Calories 140	% Daily Value*
Calories from Fat 54	
Total Fat 6.0g	
Saturated Fat 2.0g	9%
Cholesterol 0mg	10%
Sodium 70mg	0%
Carbohydrates 18.0g	3%
Dietary Fiber 1.0g	6%
Sugars 0.0g	4%
Protein 2.0g	

Vitamin A 0% · Vitamin C 0%

Get Nutritional Facts and the Health Benefits for Super Thin Tortilla Chips

Related Foods & Categories

Related Categories
- Potato **Chips**
- Corn and Tortilla **Chips**
- Multigrain **Chips**
- Pita and Bagel **Chips**
- Cheese Puffs
- Banana and Plantain **Chips**
- Popcorn

Related Recipes
- Course - Snacks
- Course - Appetizers
- Preparation - Quick
- Banana Milkshake
- Low-Cal Banana Muffins
- Oatmeal Cookies -- The C-C Way!
- Tex-Mex Summer Squash Casserole
- Flourless Banana Mish-Mash Muffins!
- Bran Muffins
- Tomato & Basil Pita Pizzas
- Crab Cakes
- Low Cal Chicken Burrito with Veggies
- Apple Crumble

(Tostitos) Natural Yellow Corn Restaurant Style Tortilla Chips
(Lay's) Potato Chips - Classic Tortilla Chips
(Baked!) Original Potato Crisps
(Lay's) Light Original Potato Chips
(Sunchips) Harvest Cheddar Flavored Multigrain Snacks
(Doritos) Nacho Cheesier Flavored Tortilla Chips
(Baked!) KC Masterpiece BBQ Flavor Potato Crisps - Lay's

Advertisement

Advertisement

What to Eat with COPD

- Benefits of Mini-Meals for COPD
- Can You Drink Alcohol with COPD?

Calcium 4% · Iron 2%

*Based on a 2000 calorie diet

Super Thin Tortilla Chips Calories and Health Benefits

GOOD POINTS

- No cholesterol
- Low in sodium
- No sugar

Potato Crisps - Lay's
(Tostitos) **Restaurant Style Tortilla Chips**
(Ruffles) **Regular Potato Chips**
(Sunchips) **Original Flavor Multigrain Snacks**
(Ruffles) **Light Original Potato Chips**
(Baked!) **Sour Cream & Onion - Lays**
(Lay's) **Wavy Regular Potato Chips**
(Cheetos) **Crunchy Cheese Flavored Snacks - Baked**
(Cheetos) **Cheetos Crunchy**
(Tostitos) **Bite Size Rounds Tortilla Chips**
(Ruffles) **Original Potato Crisps - Baked**
(Doritos) **Nacho Cheesier Flavored Tortilla Chips**
(Tostitos) **Tortilla Chips - Scoops**

- Cured Meats Linked to COPD Flare-ups
- Nutrition Guide for COPD

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To:	Truco Enterprises, LP (trademarks@carrip.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 85930930 - CANTINA THINS - TRUCO
Sent:	9/3/2013 6:05:09 PM
Sent As:	ECOM113@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 **9/3/2013** FOR U.S. APPLICATION SERIAL NO. 85930930

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) TIMELY RESPONSE IS REQUIRED: Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from **9/3/2013** (*or sooner if specified in the Office action*). For information regarding response time periods, see http://www.uspto.gov/trademarks/process/status/responsetime.jsp.

Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System (TEAS) response form located at

http://www.uspto.gov/trademarks/teas/response_forms.jsp.

(3) 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

Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application. For more information regarding abandonment, see http://www.uspto.gov/trademarks/basics/abandon.jsp.

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.

EXHIBIT 49

To the Declaration of Diana L. Rausa

To:	That's How We Roll, LLC (hbalmat@balmatlaw.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 86161729 - COOKIE THINS - 00287
Sent:	4/11/2014 2:29:02 PM
Sent As:	ECOM108@USPTO.GOV
Attachments:	Attachment - 1 Attachment - 2 Attachment - 3 Attachment - 4 Attachment - 5 Attachment - 6 Attachment - 7 Attachment - 8 Attachment - 9 Attachment - 10 Attachment - 11 Attachment - 12 Attachment - 13 Attachment - 14 Attachment - 15 Attachment - 16 Attachment - 17 Attachment - 18 Attachment - 19 Attachment - 20 Attachment - 21 Attachment - 22 Attachment - 23 Attachment - 24 Attachment - 25 Attachment - 26 Attachment - 27 Attachment - 28 Attachment - 29 Attachment - 30 Attachment - 31 Attachment - 32 Attachment - 33 Attachment - 34

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

U.S. APPLICATION SERIAL NO. 86161729

MARK: COOKIE THINS

86161729

CLICK HERE TO RESPOND TO
http://www.uspto.gov/trademarks/teas/r

CORRESPONDENT ADDRESS:
HEATHER E BALMAT
BALMAT LAW, PLLC
977 SEMINOLE TRL # 342
CHARLOTTESVILLE, VA 22901-2824

APPLICANT: That's How We Roll, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO :
00287
CORRESPONDENT E-MAIL ADDRESS:
hbalmat@balmatlaw.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 4/11/2014

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

Search Results

The trademark examining attorney has searched the Office'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).

Refusal – Merely Descriptive

Registration is refused because the applied-for mark merely describes features 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.*

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the specified goods and/or services. 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 determination of whether a mark is merely descriptive is considered in relation to the identified goods and/or services, not in the abstract. *In re Abcor Dev. Corp.*, 588 F.2d 811, 814, 200 USPQ 215, 218 (C.C.P.A. 1978); TMEP §1209.01(b); *see, e.g.*, *In re Polo Int'l Inc.* , 51 USPQ2d 1061 (TTAB 1999) (finding DOC in DOC-CONTROL would be understood to refer to the "documents" managed by applicant's software, not "doctor" as shown in dictionary definition); *In re Digital Research Inc.*, 4 USPQ2d 1242 (TTAB 1987) (finding CONCURRENT PC-DOS merely descriptive of "computer programs recorded on disk" where relevant trade used the denomination "concurrent" as a descriptor of a particular type of operating system). "Whether consumers could guess what the product is from consideration of the mark alone is not the test." *In re Am. Greetings Corp.*, 226 USPQ 365, 366 (TTAB 1985).

"A mark may be merely descriptive even if it does not describe the 'full scope and extent' of the applicant's goods or services." *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004) (citing *In re Dial-A-Mattress Operating Corp.*, 240 F.3d 1341, 1346, 57 USPQ2d 1807, 1812 (Fed. Cir. 2001)); TMEP §1209.01(b). It is enough if the term describes only one significant function, attribute or property. *In re Oppedahl*, 373 F.3d at 1173, 71 USPQ2d at 1371; TMEP §1209.01(b).

Here, applicant's mark is "COOKIE THINS" in standard characters for "crispy dessert snacks consisting of cookies, cakes, donuts, brownies or muffins" in International Class 030. As cookies are listed in the identification of goods, it is clear that "COOKIE" merely denotes the type of dessert snack.

Attached definitional evidence from www.collinsdictionary.com shows that "thin" refers to things that are slim or lean. Additional attached evidence shows that in the snack market, "THINS" are snack that are slim or lean and that many snack items are sold as "THINS". Further evidence shows that many recipes for cookies described as "thin" appear on the internet showing that consumers would immediately understand applicant's goods to be slim or lean cookies.

Finally, evidence consisting of third-party registrations containing "THINS" is attached. Third-party registrations featuring goods the same as or similar to applicant's goods are probative evidence on the issue of descriptiveness where the relevant word or term is disclaimed, registered under Trademark Act Section 2(f) based on acquired distinctiveness, or registered on the Supplemental Register. *See Inst. Nat'l des Appellations D'Origine v. Vintners Int'l Co.* , 958 F.2d 1574, 1581-82, 22 USPQ2d 1190, 1196 (Fed. Cir. 1992); *In re Box Solutions Corp.*, 79 USPQ2d 1953, 1955 (TTAB 2006); *In re Finisar Corp.*, 78 USPQ2d 1618, 1621 (TTAB 2006).

In sum, based on the arguments and evidence, the mark is refused registration on the Principal Register as being merely descriptive of the goods.

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

Supplemental Register Suggested

Should applicant use the proposed mark in commerce and file an amendment to allege use, applicant may then respond to this refusal by amending the application to seek registration on the Supplemental Register. Trademark Act Section 23, 15 U.S.C. §1091; 37 C.F.R. §§2.47 and 2.75(a); TMEP §§801.02(b), 815 and 816 *et seq*. Note that applicant's proposed mark is not eligible for registration on the Supplemental Register until an acceptable amendment to allege use under 37 C.F.R. §2.76 has been timely filed. 37

C.F.R. §2.47(d); TMEP §§815.02, 816.02 and 1102.03. Please also note that amending to the Supplemental Register does not preclude applicant from submitting evidence and arguments against the refusal.

If applicant files an amendment to allege use and also amends to the Supplemental Register, please note that the effective filing date of the application will then be the date of filing of the amendment to allege use. 37 C.F.R. §2.75(b); TMEP §§206.01 and 816.02.

To amend to the Supplemental Register, applicant need only provide a request to do so.

Although Supplemental Register registration does not afford all the benefits of registration on the Principal Register, it does provide the following advantages:

- The registrant may use the registration symbol ®;
- The registration is protected against registration of a confusingly similar mark under §2(d) of the Trademark Act, 15 U.S.C. §1052(d);
- The registrant may bring suit for infringement in federal court; and
- The registration may serve as the basis for a filing in a foreign country under the Paris Convention and other international agreements.

NOTE: Applicant is advised that, if the application is amended to seek registration on the Principal Register under Trademark Act Section 2(f) or on the Supplemental Register, applicant must disclaim "COOKIE" because such wording appears to be generic in the context of applicant's goods and/or services. *See* 15 U.S.C. §1056(a); *In re Wella Corp.*, 565 F.2d 143, 196 USPQ 7 (C.C.P.A. 1977); *In re Creative Goldsmiths of Wash., Inc.*, 229 USPQ 766 (TTAB 1986); TMEP §1213.03(b).

The following is the standardized format for a disclaimer:

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

TMEP §1213.08(a)(i).

Response Guidelines

For this application to proceed toward registration, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options for responding to a refusal and should consider such options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements.

If applicant has questions about the application or this Office action, please contact the assigned trademark examining attorney at the telephone number or email address below. Applicant is encouraged to contact the examining attorney via email or telephone to make required changes to the application through an examiner's amendment.

To expedite prosecution of the application, applicant is encouraged to file its response to this Office action online via the Trademark Electronic Application System (TEAS), which is available at

http://www.uspto.gov/trademarks/teas/index.jsp. If applicant has technical questions about the TEAS response to Office action form, applicant can review the electronic filing tips available online at http://www.uspto.gov/trademarks/teas/e_filing_tips.jsp and email technical questions to TEAS@uspto.gov.

/Andrea Hack/
Trademark Examining Attorney
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andrea.hack@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

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 TEAS form at http://www.uspto.gov/trademarks/teas/correspondence.jsp.

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

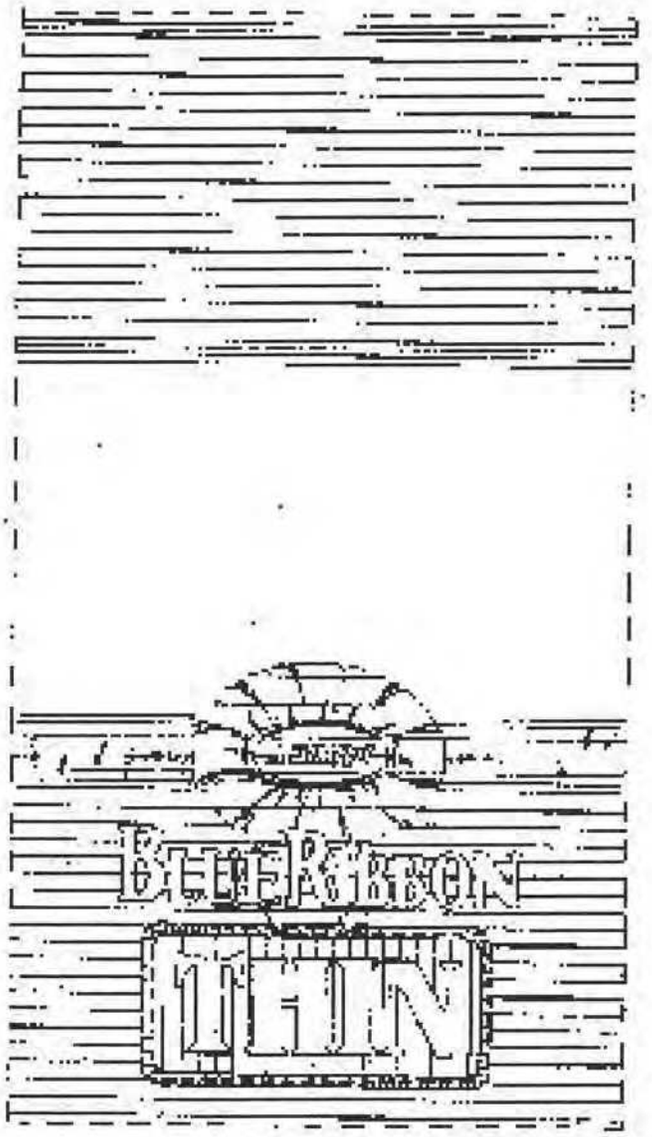
Disclaimer Statement
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "THIN" APART FROM THE MARK AS SHOWN.

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.

Filing Date
1989/10/12

Examining Attorney
FICKES, JERI J.

Attorney of Record
/RMF/



DESIGN MARK

Serial Number
76702065

Status
REGISTERED

Word Mark
COCO THIN

Standard Character Mark
No

Registration Number
3898318

Date Registered
2011/01/04

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
COCO DISTRIBUTION, LLC LIMITED LIABILITY COMPANY NEW JERSEY 1021 Hudson Avenue Ridgefield NEW JERSEY 07657

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: grain-based snack foods; multi-grain cakes; rice cakes; expanded-grain cakes; flavored, cereal grain cakes. First Use: 2010/05/14. First Use In Commerce: 2010/05/14.

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

Description of Mark
The color orange appears in the background for the wording "COCO THIN" and the design of a star, the color yellow appears in the arch below the stars, the color grey appears in the borders for the arc and the background for the word "COCO" and in the design of the stars, the color green appears in the design of the stars and the emanating rays, and the color white appears in the background for the mark, the letters "COCO", and in the center of the stars, and in the stylized

word "THIN".

Colors Claimed
The color(s) orange, yellow, grey, green and white is/are claimed as a feature of the mark.

Filing Date
2010/03/15

Examining Attorney
BIBB, SCOTT

Attorney of Record
Siegmar Silber

cocoThin

DESIGN MARK

Serial Number
77166579

Status
REGISTERED

Word Mark
ANNA'S GINGER THINS DELGADITAS DE JENGIBRE 0 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 "0 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 "0 TRANS FAT", the "0" is white

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.

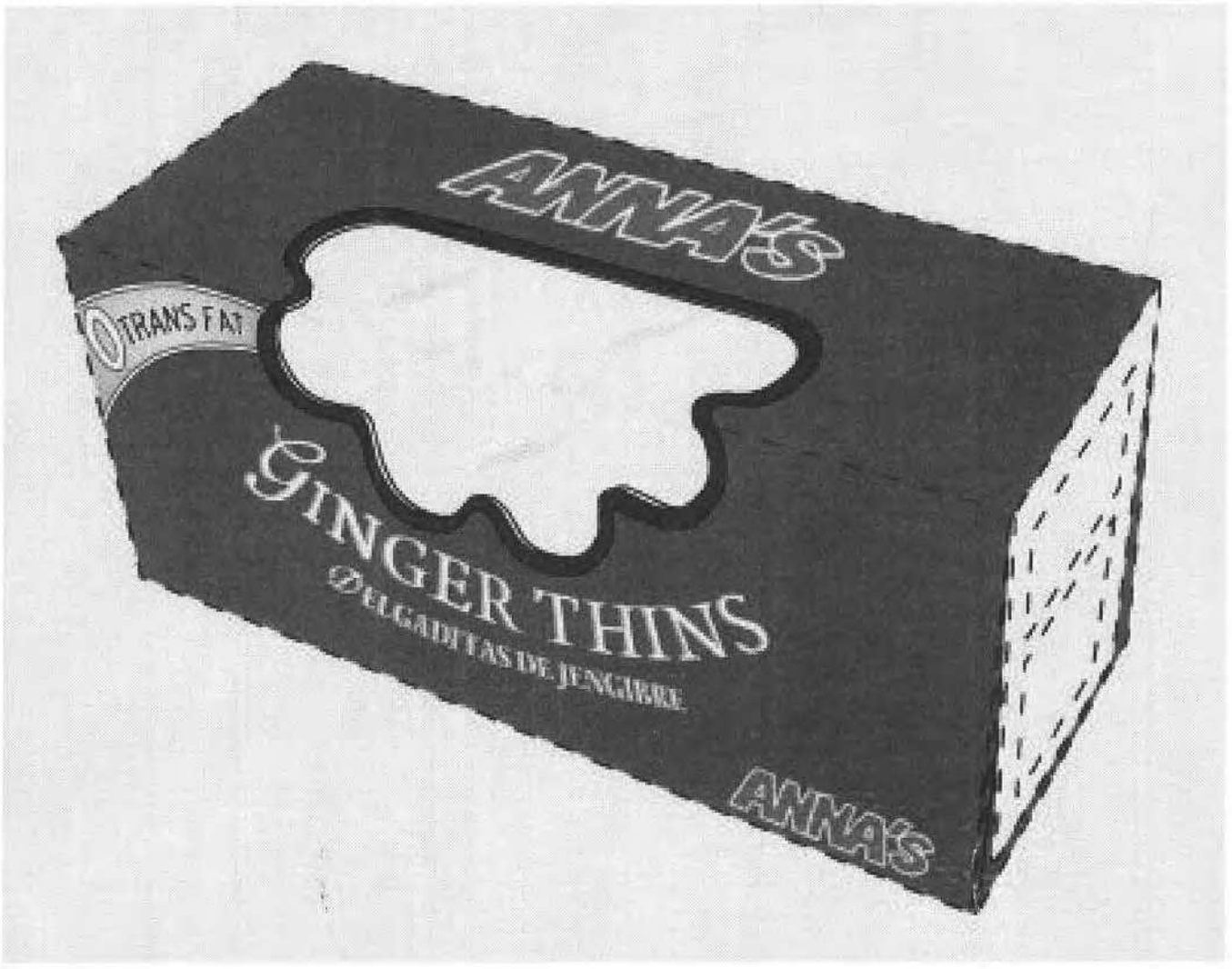
Colors Claimed
The color(s) RED, WHITE, BLACK AND YELLOW is/are claimed as a feature of the mark.

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
0 TRANS FAT
GINGER THINS
DÉLICIEUX AU GINGEMBRE
ANNA'S

DESIGN MARK

Serial Number
85006318

Status
REGISTERED

Word Mark
BLUE THINS

Standard Character Mark
Yes

Registration Number
3870613

Date Registered
2010/11/02

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
El Trigal S.A. CORPORATION URUGUAY Av. Gral. San Martin 3270 Montevideo URUGUAY

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: cookies, biscuits, crackers. First Use: 2004/12/00. First Use In Commerce: 2004/12/00.

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

Filing Date
2010/04/05

Examining Attorney
CALLAGHAN BRIAN

Attorney of Record
Leigh Ann Lindquist

BLUE THINS

DESIGN MARK

Serial Number
85181047

Status
REGISTERED

Word Mark
NEWTON'S FRUIT THINS

Standard Character Mark
Yes

Registration Number
4043300

Date Registered
2011/10/18

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
INTERCONTINENTAL GREAT BRANDS LLC LIMITED LIABILITY COMPANY DELAWARE
100 DEFOREST AVENUE EAST HANOVER NEW JERSEY 07936

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Cookies. First Use: 2011/04/01. First Use In Commerce: 2011/04/01.

Prior Registration(s)
0098178;1669627;3624027

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

Filing Date
2010/11/19

Examining Attorney
MCMORROW, RONALD

Attorney of Record

Matthew A. Griffin

NEWTON'S FRUIT THINS

DESIGN MARK

Serial Number
85264664

Status
REGISTERED

Word Mark
BROWNIE PM

Standard Character Mark
Yes

Registration Number
4043570

Date Registered
2011/10/18

Type of Mark
TRADEMARK

Register
SUPPLEMENTAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
JJL Health Products, LLC LIMITED LIABILITY COMPANY TEXAS 3675 Roberts Street Beaumont TEXAS 77701

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Brownies containing calming agents for promoting relaxation. First Use: 2011/05/01. First Use In Commerce: 2011/05/01.

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

Filing Date
2011/03/11

Amended Register Date
2011/08/18

Examining Attorney
WIENER, MICHAEL

Attorney of Record
Jay T. Iler

BROWNIE PM

DESIGN MARK

Serial Number
85440704

Status
REGISTERED

Word Mark
THE EDGELESS BROWNIE

Standard Character Mark
Yes

Registration Number
4204798

Date Registered
2012/09/11

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
LAD ENERGY, LLC DBA SUGARDADDY'S SUMPTUOUS SWEETIES LIMITED LIABILITY COMPANY OHIO 3721 HIDDEN COVE CIRCLE LEWIS CENTER OHIO 43035

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: bakery goods. First Use: 2005/09/00. First Use In Commerce: 2005/09/00.

Prior Registration(s)
3022181

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

Section 2f Statement
2(F) ENTIRE MARK

Filing Date
2011/10/06

Examining Attorney

DUBOIS, MICHELLE

Attorney of Record
B. Joseph Schaeff

THE EDGELESS BROWNIE

DESIGN MARK

Serial Number
85603172

Status
REGISTERED

Word Mark
BROWNIE FIX

Standard Character Mark
Yes

Registration Number
4440941

Date Registered
2013/11/26

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Jungle Treats, Inc. CORPORATION NEW YORK 21 Juniper Place Huntington NEW YORK 11743

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Brownie mixes; brownies. First Use: 2012/08/09. First Use In Commerce: 2013/08/16.

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

Filing Date
2012/04/19

Examining Attorney
FELDMAN, DAWN

BROWNIE FIX

DESIGN MARK

Serial Number
85743949

Status
REGISTERED

Word Mark
THE BROWNIE REINVENTED

Standard Character Mark
No

Registration Number
4402656

Date Registered
2013/09/17

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Owner
FCG Foods, LLC LIMITED LIABILITY COMPANY NEW YORK 275 Madison Avenue Suite 627 New York NEW YORK 10016

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Thin brownie pieces. First Use: 2012/04/00. First Use In Commerce: 2012/04/00.

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

Description of Mark
The mark consists of the term "THE BROWNIE REINVENTED" in stylized form.

Colors Claimed
Color is not claimed as a feature of the mark.

Filing Date
2012/10/02

Examining Attorney
ALFIERI, AMY

Attorney of Record
Erica D. Klein

The Brownie Reinvented

DESIGN MARK

Serial Number
85757756

Status
REGISTERED

Word Mark
BROWNIE MAGIC

Standard Character Mark
Yes

Registration Number
4385589

Date Registered
2013/08/13

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Banu Suresh INDIVIDUAL AUSTRALIA 300 East 40th Street #24K New York NEW YORK 10016

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Brownies. First Use: 2012/07/08. First Use In Commerce: 2013/05/22.

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

Filing Date
2012/10/18

Examining Attorney
DOMBROW, COLLEEN

Brownie Magic

DESIGN MARK

Serial Number
85805674

Status
REGISTERED

Word Mark
CLASSIC FUDGE BROWNIE BAKERS ON A MISSION GREYSTON BAKERY SINCE 1982

Standard Character Mark
No

Registration Number
4487188

Date Registered
2014/02/25

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
Greyston Bakery, Inc. CORPORATION NEW YORK 104 Alexander Street
Yonkers NEW YORK 10701

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Baked goods, namely, cookies, brownies, cakes and cupcakes. First Use: 2012/03/31. First Use In Commerce: 2012/05/11.

Prior Registration(s)
3183685

Disclaimer Statement
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CLASSIC FUDGE BROWNIE", "BAKERY", AND "SINCE 1982" APART FROM THE MARK AS SHOWN.

Description of Mark
The mark consists of a configuration of the product packaging in which the goods are sold, namely, a rectangle running across the bottom quarter of the mark. Above the rectangle appear the words "BAKERS ON A MISSION" located inside a horizontal stripe also running across the mark. Above the horizontal stripe on the right-hand side there are

three wheat stalks bound together located above the words "GREYSTON BAKERY SINCE 1982" all located inside a double lined circle. To the left of the double lined circle appear the words "CLASSIC FUDGE BROWNIE". The broken lines depicting the side closures of the packaging indicate placement of the mark on the goods and are not claimed as part of the mark.

Colors Claimed
Color is not claimed as a feature of the mark.

Filing Date
2012/12/18

Examining Attorney
HELLA, AMY

Attorney of Record
Gary H. Fechter

CLASSIC
FUDGE
BROWNIE
Greyston Bakery
Since 1982
Bakers on a mission

DESIGN MARK

Serial Number
77798364

Status
REGISTERED

Word Mark
BAGEL THINS

Standard Character Mark
Yes

Registration Number
4259364

Date Registered
2012/12/11

Type of Mark
TRADEMARK

Register
SUPPLEMENTAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

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

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: bakery products, not including cookies. First Use: 2010/01/07. First Use In Commerce: 2010/01/07.

Prior Registration(s)
3427797

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

Filing Date
2009/08/06

Amended Register Date
2012/11/08

Examining Attorney
HUSSAIN, TASNEEM

Attorney of Record
Scott J. Slavick

BAGEL THINS

AVEDA
Damage Remedy Trio w/ $30 Order
aveda give relief
$58 | SHOP NOW

English Dictionary

Pioneers in dictionary publishing since 1819

Word Frequency ●●●●○

thin (θɪn)

Definitions

adjective
Word forms: **thinner, thinnest**

1. of relatively small extent from one side or surface to the other; fine or narrow
4. of relatively low density or viscosity ⇒ *a thin liquid*
5. weak; poor; insufficient ⇒ *a thin disguise*
6. (of a photographic negative) having low density, usually insufficient to produce a satisfactory positive
7. (*mountaineering*) a climb or pitch on which the holds are few and small
8. See thin on the ground

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Latest New Word Submissions

donk

8. See thin on the ground

adverb

9. in order to produce something thin ⇒ *to cut bread thin*

verb

Word forms: **thins, thinning, thinned**

Suggested by barrylittle (10 Apr 2014)

rooves

Suggested by barrylittle (10 Apr 2014)

ecumene

Suggested by Tomaquinaten (9 Apr 2014)

non-binary

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- aloo
- Ashton

Derived Forms

'**thinly** *adverb*

'**thinness** *noun*

Word Origin

Old English *thynne;* related to Old Frisian *thenne,* Old Saxon, Old High German *thunni,* Old Norse *thunnr,* Latin *tenuis* thin, Greek *teinein* to stretch

Synonyms

View thesaurus entry

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emaciated, spindly, underweight, scrawny, lank, undernourished, skin and bone, scraggy, thin as a rake, macilent,

= **wafer-thin**, paper-thin, papery

= **watery**, weak, diluted, dilute, runny, rarefied, wishy-washy,

= **meagre**, sparse, scanty, poor, scattered, inadequate, insufficient, deficient, paltry,

= **fine**, delicate, flimsy, sheer, transparent, see-through, translucent, skimpy, gossamer, diaphanous, filmy, unsubstantial,

= **unconvincing**, inadequate, feeble, poor, weak, slight, shallow, insufficient, superficial, lame, scant, flimsy, scanty, unsubstantial,

= **weak**, faint, feeble, small, low, soft, high-pitched, reedy

= **wispy**, thinning, sparse, scarce, scanty

= **prune**, trim, cut back, weed out

15 results

- thin skin
- thin-film
- paper-thin
- thin client
- thin-lipped

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Browse nearby words

- thin-lipped
- thin-skinned
- thinclad

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All English words that begin with 'T'

Translations for 'thin'

"thins" photos from Flickr

British English: thin If something is *thin*, it is narrow between one side and the other.The book is printed on very thin paper.θɪn ADJECTIVEnot measuring much from one side to the other

Show more

Arabic: رفيع
Brazilian Portuguese: fino *fina*
Chinese: 薄的
Croatian: tanak
Czech: tenký
Danish: tynd
Dutch: dun
European Spanish: fino

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Finnish: ohut
French: mince
German: dünn
Greek: λεπτός *λεπτή*
Italian: sottile
Japanese: 薄い 厚み
Korean: 얇은
Norwegian: tynn
Polish: cienki *cienka*
Portuguese: fino *fina*
Romanian: subțire *subțire, subțiri*
Russian: тонкий *тонкая*
Spanish: fino *fina*delgado

Example Sentences Including 'thin'

Dexter wore an expression of smug satisfaction as he touched his water to his thin bloodless lips.
Stuart Harrison BETTER THAN THIS (2002)

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HEALTHY AND CONFIDENT (2002)

Her long neck was livid; white blisters already visible above and below the thin silver collar.
Jennifer Fallon TREASON KEEP (2001)

The post mortem had confirmed cause of death as a single stab wound from a long thin knife.
Anthony Masters CASCADES - THE DAY OF THE DEAD (2001)

Anthony Masters CASCADES - THE DAY OF THE DEAD (2001)

The thin layer of liquid on the book's surfaces also evaporated quickly.
NEW SCIENTIST (2004)

The volume is based on work already published which is thin on the ground
GLASGOW HERALD (2001)

The walls are spattered with thin paper posters ripped from cheap magazines.
GLASGOW HERALD (2001)

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GLOBE AND MAIL (2003)

With the exception of an occasional flicker of activity among the income trusts, financing activity is thin.
GLOBE AND MAIL (2003)

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Huge Selection at Great Low Prices Vitamins, Personal Care and More
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Almond Breeze®
Nut Thins®
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NUT THINS®
Now available at supercenters nationwide!
Gone are the days when gluten-free meant boring. Nut Thins are a crunchy cracker loaded with nutritious almonds and baked to perfection. Wonderful as an appetizer and ideal for snacking. With 3 grams of protein per serving, they're a great afternoon pick-me-up.
*Each production run is sampled and tested to confirm gluten levels do not exceed 20 PPM.
Celeste, 39, diagnosed with celiac disease six years ago. Manages her gluten-free diet well, but hates making special requests and saying no to foods. Heard about Nut Thins through a support group. Loves them as snacks and with dips.
NEW Flavor!
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NUT-THINS
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Wheat Thins

From Wikipedia, the free encyclopedia

This article has multiple issues. Please help **improve it** or discuss these issues on the **talk page**. [hide]

- This article **relies on references to primary sources**. *(October 2012)*
- This article **needs additional citations for verification**. *(October 2012)*

Wheat Thins are a popular baked cracker snack found in North America, distributed by Nabisco in the US and Canada, and in Australia through wholesaler USA Foods.[1] Vegetable Thins, Oat Thins, Pita Thins, and Rice Thins, which are all spinoffs of Wheat Thins, are available in Canada and some regions of the United States. Wheat Thins come in many variations.

The snack is still well known by some for its late 1970s ad campaign starring Sandy Duncan. A more recent commercial aired during Super Bowl XLVI featuring Brian and Stewie from cartoon series *Family Guy*, in which Stewie puts emphasis on the "H" in "Wheat", saying "Hwheat Thins."

Wheat Thins

Contents [hide]

1 Varieties
2 See also
3 References
4 External links

Varieties [edit]

There are several flavors available:[2]

There are several flavors available:[2]

- Artisan cheese: Wisconsin Colby
- Artisan cheese: Vermont White Cheddar
- Fiber Selects 5-Grain
- Flatbread Garlic & Parsley
- Flatbread Tuscan Herb
- Hint of Salt
- Honey Mustard
- Lime (limited time 2013)
- Multigrain
- Ranch
- Reduced Fat
- Smoky BBQ
- Spicy Buffalo
- Sundried Tomato & Basil
- Zesty Salsa

Additional discontinued/changed flavors:

- Baked Snack Reduced Fat
- Cream Cheese & Chives
- Harvest 5-Grain
- Harvest 7-Grain
- Honey[3]
- Manly Low-Mein
- Harvest Garden Vegetable
- Lightly Cinnamon
- Low Sodium
- Parmesan Basil

See also [edit]

- Crackers
- Kraft Foods
- Nabisco
- Stoned Wheat Thins

References [edit]

1. ^ http://www.usafoods.com.au/p3525/cookies-crackers/wheat-thins/
2. ^ http://brands.nabisco.com/WheatThins/
3. ^ http://voices.yahoo.com/product-review-original-wheat-thins-875121.html

External links [edit]

- Red Oval Farms
- Snackworks
- Wheat Thins

V · T · E	Mondelēz International brands	[show]

This brand-name food or drink product–related article is a stub. You can help Wikipedia by expanding it.

Categories: Nabisco brands | Brand name crackers | 1970 introductions | Mondelēz brands | Brand name food products stubs

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Sandwich Thins® Rolls

100% Whole Wheat

UPC 7341013418

Description

The benefits of whole wheat and a delicious soft pita-style flatbread -- what's more to love?

Like 5 Tweet Pin it 8+1

Print Email

Nutritional Highlights

- *0g trans fat*
- *Cholesterol free*
- *No high fructose corn syrup*
- *Excellent source of fiber*

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Specialty Rolls Multi-Grain Kaiser Rolls

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Pocket Thins® Flatbread 100% Whole Wheat

The benefits of whole wheat and a

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100% Whole Wheat
100 Calories per Serving
PER 1/2 FLATBREAD SERVING
100 CALORIES
0g
8% DV
2g SUGARS
CONTAINS 8 POCKETS
ARNOLD
Pocket Thins
FLATBREAD
Looking for a different brand? BROWNBERRY® OROWEAT®
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0g trans fat Cholesterol free No high fructose corn syrup Excellent source of fiber

Recipes | Ingredients & Nutrition Facts | Displaying 1 - 1 of 1 recipes

Egg and Spinach Breakfast Pocket Thin

Ingredients

- 1/2 Arnold® Pocket Thins® Flatbread 100% Whole Wheat flatbread
- 1 medium egg, beaten
- 1 spray cooking spray

Serving Size: 1 serving

Directions

Heat a large skillet over medium-high heat. Spray with cooking spray, add spinach and cook, tossing often, until just wilted, about 1 minute. Add egg, salt and pepper and cook, tossing gently, until fluffy and cooked through, 3 to 4 minutes. Remove from heat. Spoon egg mixture into Pocket Thin®.

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Looking for a different brand? BROWNBERRY® OROWEAT® Sign-up for Email Sandwich Thins® Rolls Arnold® Bread

Featured Ingredients

- Product Ingredients
  Use our Grain and Seed Guide to learn more about individual nutritional benefits.
- Nutrition Facts
  Make more informed choices about what you eat by understanding Nutrition Labels.

Arnold® Recommends

Whole Grains Double Fiber
Make a sandwich with two slices of our 100% whole...
View Product

Specialty Steak Rolls
These rolls are your steak's

Looking for a different brand? BROWNBERRY® OROWEAT® Sign-up for Email Sandwich Thins® Rolls Arnold® Bread

Whole Grains 7 Grain
Get the benefits of seven different grains in...
View Product

Flax & Fiber

UPC 7341013534
Description
Take a bite out of the 100-calorie roll that balances whole grains and fiber with the warm and nutty flavor of flaxseed.

Like 5 Tweet Pin it 8+1

Looking for a different brand? BROWNBERRY® OROWEAT® Sign-up for Email Sandwich Thins® Rolls Arnold® Bread

Nutritional Highlights
- Excellent source of fiber
- No high fructose corn syrup
- 5g of fiber per serving
- 0g trans fat

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Arnold Product Image

Looking for a different brand? BROWNBERRY® OROWEAT® Sign-up for Email Sandwich Thins® Rolls Arnold® Bread

Excellent source of fiber	No high fructose corn syrup	5g of fiber per serving	0g trans fat

Recipes | Ingredients & Nutrition Facts | Displaying 1 - 1 of 1 recipes

Thai-Grilled Chicken Sandwich

Ingredients

Looking for a different brand? BROWNBERRY® OROWEAT® Sign-up for Email Sandwich Thins® Rolls Arnold® Bread

- 2 oz. uncooked boneless skinless chicken breast
- ¼ cup cucumber slices
- 2 Tbsp fresh basil, chopped
- 2 Tbsp fresh cilantro, chopped
- 1 Tbsp fresh lime juice
- 1 Tsp finely chopped ginger root
- 1/2 cup shredded carrots
- 1 spray cooking spray

Serving Size: 1 serving

Directions

In a mini chopper or food processor, combine basil, cilantro, lime juice, ginger; pulse until smooth.
Add water, 1 teaspoon at a time, to thin sauce (if desired). Spoon sauce in a small bowl and add
carrots; toss to combine and set aside. Coat a grill or grill pan with cooking spray; preheat

once,
about 2 to 3 minutes per side. Place 1 piece of chicken on bottom half of Sandwich Thins® slice;
top with carrot mixture, cucumber slices and Sandwich Thins® top.

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Featured Ingredient:

▶ Product Ingredients
Use our Grain and Seed Guide to learn more about individual nutritional

Make more informed choices about what you eat by understanding Nutrition Labels.

Arnold® Recommends

Whole Grains 7 Grain
Get the benefits of seven different grains in...
View Product

Country Sourdough
Enjoy this rustic bread with rich, deep flavor...
View Product

Stuffing Seasoned
Make any meal special with

Made with Whole Grain White

Excellent source of fiber | 0g trans fat | No high fructose corn syrup

UPC 7341011617
Description
As the go-to choice for sandwiches, white bread is always a favorite. Now, get the flavor you love and the whole grains you need with the grown-up, 100-calorie

whole grains you need with the grown-up, 100-calorie version of a classic.

Like 5 Tweet Pin it 8+1

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Looking for a different brand? BROWNBERRY® OROWEAT® Sign-up for Email Sandwich Thins® Rolls Arnold® Bread

- 6g whole grains per serving
- 0g trans fat
- No high fructose corn syrup

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Recipes Ingredients & Nutrition Facts Displaying 1 - 1 of 1 recipes

Hawaiian Island Whammy Sammee!

Looking for a different brand? BROWNBERRY® OROWEAT® Sign-up for Email Sandwich Thins® Rolls Arnold® Bread

Ingredients

- 1 Arnold® Sandwich Thins® Rolls Made with Whole Grain White roll
- 2 tsp. reduced-fat peanut butter (smooth or chunky)
- 3 slices turkey bacon, cooked
- 3 oz. pineapple (canned or fresh), thinly sliced
- 1/2 small banana, sliced

Serving Size: 1 serving

Directions

Toast the separated Sandwich Thins® roll to a light golden brown. Spread peanut butter

onto one side of the roll. Layer turkey bacon, pineapple, and banana. Place other side of the roll and enjoy!

subsidiaries.

Featured Ingredient:

- Product Ingredients
  Use our Grain and Seed Guide to learn more about individual nutritional benefits.
- Nutrition Facts
  Make more informed choices about what you eat by understanding Nutrition Labels.

Arnold® Recommends

Specialty Rolls 100% Whole Wheat Sandwich Rolls

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View Product

Specialty Dinner Rolls

Make any dinner special with our select dinner...

View Product

Sandwich Thins® Rolls 100% Whole Wheat

How about a whole wheat option for your...

View Product

100% Whole Wheat

UPC 7341013546

Description

How about a whole wheat option for your sandwiches

Looking for a different brand? BROWNBERRY® OROWEAT® Sign-up for Email Sandwich Thins® Rolls Arnold® Bread

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Nutritional Highlights

- *No high fructose corn syrup*
- *0g trans fat*
- *19g whole grains per serving*
- *Cholesterol free*
- *Excellent source of fiber*

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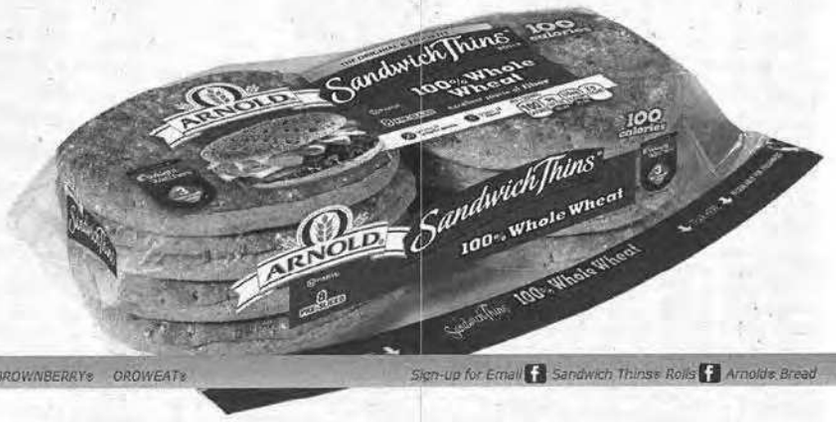

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No high fructose corn syrup | 0g trans fat | 19g whole grains per serving | Cholesterol free | Excellent source of fiber

Recipes | Ingredients & Nutrition Facts | Displaying 1 - 1 of 1 recipes

Egg Sandwich

Ingredients

- 1 Arnold® Sandwich Thins® Rolls 100% Whole Wheat roll
- 1 over easy egg
- 2 slices tomato
- 1 cup spinach leaves

Serving Size: 1 serving

Directions

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Directions

leaves onto bottom half of a Sandwich Thins® roll. Top with over easy egg; replace top half of the Sandwich Thins® roll and enjoy.

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Arnold® Recommends

Real Jewish Rye Marble Rye
This delicious combination pairs wholesome rye...
View Product

Whole Grains Health Nuts
This hearty bread is made with premium...
View Product

Soft Family Honey Wheat
This soft bread gives you the goodness of wheat...
View Product

Looking for a different brand? BROWNBERRY® OROWEAT® Sign-up for Email Sandwich Thins® Rolls Arnold® Bread

UPC 7341013543
Description
It's almost too good to be true: a 100-calorie flatbread with the nutrition of whole wheat and a delicate touch of honey – just the right combination.

Like 5 Tweet Pin it g+1

Print Email

Nutritional Highlights
- *No high fructose corn syrup*
- *11g whole grains per serving*
- *Cholesterol free*
- *Made with real honey*
- *Excellent source of fiber*

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Looking for a different brand? BROWNBERRY® OROWEAT® Sign-up for Email Sandwich Thins® Rolls Arnold® Bread

No high fructose corn syrup

11g whole grains per serving

Cholesterol free

Excellent source of fiber

Recipes | Ingredients & Nutrition Facts | Displaying 1 - 1 of 1 recipes

Orchard Grilled Cheese

Ingredients

- 1 Arnold® Sandwich Thins® Rolls Honey Wheat roll
- 3 thin slices Granny Smith apple
- 1 oz. pear, such as Bosc
- nonfat canola oil nonstick spray

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Serving Size: 1 serving

Directions

Place apple slices on bottom half of the Sandwich Thins® roll. Top with cheese, pear slices, and lastly, the top Sandwich Thins® roll side.

Spray nonstick skillet with nonfat canola oil spray. Add the sandwich to the pan and cook over medium heat until light brown. Flip to cook and brown on the other side. After the cheese has completely melted, remove from the pan and enjoy!

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Arnold® Recommends

Specialty Rolls Potato Sandwich Rolls

These wholesome rolls are low in fat and full of...

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Sandwich Thins® Rolls Flax & Fiber

Take a bite out of the 100-calorie roll that...
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Whole Grains 12 Grain

Each slice is loaded with wholesome ingredients,...
View Product

Multi-Grain

UPC 7341013547
Description
The possibilities are endless with this tasty, 100-calorie choice that gives you the benefits of several types of

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Nutritional Highlights

Nutritional Highlights
- *No high fructose corn syrup*
- *0g trans fat*
- *11g whole grains per serving*
- *Cholesterol free*
- *Excellent source of fiber*

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Looking for a different brand? *BROWNBERRY®* *OROWEAT®* *Sign-up for Email* *Sandwich Thins® Rolls* *Arnold® Bread*

Looking for a different brand? *BROWNBERRY®* *OROWEAT®* *Sign-up for Email* *Sandwich Thins® Rolls* *Arnold® Bread*

No high fructose corn syrup	0g trans fat	11g whole grains per serving	Cholesterol free	Excellent source of fiber

Recipes | Ingredients & Nutrition Facts | Displaying 1 - 1 of 1 recipes

Heirloom Tomato Caprese Panini

Ingredients

- 1 Arnold® Sandwich Thins® Rolls Multi-Grain roll
- 8 thin slices of heirloom tomatoes (choose different colors for visual appeal)
- 2 oz. fat free mozzarella cheese, thinly sliced
- 1 tbsp. fresh basil, chopped

Serving Size: 1 serving

Directions

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one sliced tomato, one slice of mozzarella cheese, and basil. Repeat placement of ingredients until three layers are stacked. Finally, top with the other half of the Sandwich Thins® roll.

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Arnold® Recommends

Dutch Country® Premium Potato
Enjoy a touch of sweetness from potato flour in...
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Real Jewish Rye Everything
Made with rye flour, our rye has a firm texture...
View Product

Hot Dog Rolls White New England
Bring a touch of the Northeast to the table with...

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Italian Herb

UPC 73410134 16
Description
Baked with delicious herbs, this soft pita-style flatbread is a great way to switch things up.

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Print Email

Nutritional Highlights

- 0g trans fat
- No high fructose corn syrup
- Cholesterol free
- Excellent source of fiber

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0g trans fat No high fructose corn syrup Cholesterol free Excellent source of fiber

Recipes Ingredients & Nutrition Facts Displaying 1 - 1 of 1 recipes

Turkey Sandwich

Ingredients

- 1 Arnold® Pocket Thins® Flatbread Italian Herb Pocket Thins®
- 3 slices low fat Swiss Cheese
- 1 leaf lettuce
- 4 thin slices turkey
- 2 slices tomato
- 1/2 tbsp. light Mayonnaise

Serving Size: 1 serving

Looking for a different brand? BROWNBERRY® OROWEAT® Sign-up for Email Sandwich Thins® Rolls Arnold® Bread

Split the flatbread open and evenly spread mayonnaise along the inside. Then, fill one Pocket Thins® flatbread pocket with lettuce, turkey, tomato, and cheese.

Featured Ingredient:

▸ Product Ingredients

Use our Grain and Seed Guide to learn more about individual nutritional benefits.

▸ Nutrition Facts
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Arnold® Recommends

Real Jewish Rye Melba Thin
If you prefer a thinner slice of
View Product

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Soft Family® 100% Whole Wheat
Enjoy the nutritional benefits of a whole wheat...
View Product

Specialty Rolls Wheat Sandwich Rolls
Classic sandwich rolls get an upgrade with whole...
View Product

8 Grain

UPC 7341013413
Description
Baked with whole grains, this soft pita-style flatbread is a

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Like 5 Tweet Pin it 8+1

Print Email

Nutritional Highlights
- *0g trans fat*
- *Cholesterol free*
- *No high fructose corn syrup*
- *Excellent source of fiber*

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Looking for a different brand? BROWNBERRY® OROWEAT® Sign-up for Email Sandwich Thins® Rolls Arnold® Bread

0g trans fat Cholesterol free No high fructose corn syrup Excellent source of fiber

Recipes | Ingredients & Nutrition Facts | Displaying 1 - 1 of 1 recipes

Chicken Breast Sandwich

- 1 Arnold® Pocket Thins® Flatbread 8 Grain Pocket Thins®
- 1 medium chicken breast, cooked
- 1 leaf lettuce
- 1/2 red bell pepper, sliced
- 2 slices onion
- 1 tbsp. Caesar dressing, low calorie

Serving Size: 1 serving

Directions

Preheat a nonstick griddle or skillet to medium-high. Grill each side of the chicken breast for 5 to 7 minutes, making sure chicken is thoroughly cooked. Split open the Pocket Thins® flatbread pocket and fill it with lettuce, sliced chicken breast, onion and bell peppers. Drizzle Caesar dressing over the top of the sandwich. Enjoy!

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Featured Ingredient:

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Arnold® Recommends

Pocket Thins® Flatbread 100% Whole Wheat

The benefits of whole wheat and a delicious soft...
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Real Jewish Rye Melba Thin

If you prefer a thinner slice of

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Stuffing Unseasoned

Make any meal special with this classic comfort...
View Product

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Snack Brands

The corporate world is a complicated business, and not one we need to concern ourselves with here. Just as Pepsi-Co own Frito-Lay and Frito-Lay own Smiths Crisps, plus numerous other famous national brands around the globe, Snack Brands Australia appears to own several traditional Australian Potato Chips and Snack brands. To keep this brief; Snack Foods Limited was formed in 1999 by owners the Campbell Soup Company, which was in turn a subsidiary of Arnott's Biscuits. In 2008, Campbell Arnott's sold Arnott's Snackfoods to The Real McCoy Snackfood Co. The company is now known as Snack Brands Australia.

The reason it exists at all, is because after The Smith's Snackfood Company was bought out by Frito-Lay, the American owned company agreed with the Australian Competition and Consumer Commission to divest a range of brands to prevent unfair trading practices resulting from a monopoly. The package of brands and subsidiaries was named 'Snack Brands Australia' and was sold to Dollar Sweets Holdings, which is now Snack Foods Limited.

All very complicated, but suffice it to say that while it means the history of some of these brands are now lost in time, the new set-up includes the following brand names: CC's,

Snack Brands Australia
Address: 24 Lexington Drive, Bella Vista NSW 2153
Phone: 1800-501-441
Email: Website Contact Form
Website: www.snackbrands.com.au

AdChoices
► Potato Chips Snack
► Snack Food Brands
► Baked Chips Ingredients
AdChoices
► Chips Crisps
► Chip Chips
► Kettle Chips Lays

Cheezels, Chickadees, French Fries, Jumpy's, Kettle, Natural Chip Co., Samboy and Thins.

Kettle Potato Chips

Natural Chip Company Potato Chips

Samboy Potato Chips

Thins Potato Chips

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Crazy Food Dude

Buy It or Fly By It food reviews from a guy that is a few cards short of a full deck and may need to get some nutrition bar rehab treatment.

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Saturday, January 12, 2013

Review: Nature Valley Dark Chocolate Peanut Butter Granola Thins

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I've been hit by a mad flurry of Nature Valley product recently for some reason, so adding to my already expansive review collection is another one of those reviews as I take a look at this Nature Valley Dark Chocolate Peanut Butter Granola Thins single bar. I got this during the hilarious snack time at work, but having bought these at the store before, I know that they ordinarily come in a box of ten for around $3.00 to $4.00. Each Granola Thin is 0.6 ounces, 80 calories and has a barely perceptible one gram of protein.

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$9.99
$22.99
$9.99
$4.99

Having tested one of these Granola Thins out before, I was pretty sure what I was going to be getting going in. It is a square bar measuring about two inches on each side and it's quite thin, as the name would imply. The bar has a base layer of dark chocolate that lacked any sort of smell that is then topped with a layer of flaky and loose granola that is bound together by peanut butter and honey. The granola itself has a strong smell of peanut butter, so at least one of the promised flavors is present in the smell of this bar.

Biting into this, it fell apart quite quickly and left a bunch of granola crumbs scattered [illegible]. Because it is so small, this might be one of those bars that you just all over the front of your shirt. As for the taste, the peanut butter taste has a thick and hearty texture that leans more toward the salty version of peanut butter. Sweetening that up a bit is a faint hint of honey that works quite well with the peanut butter and brings some additional sweetness to the flat tasting dark chocolate. The dark chocolate's only purpose, it would seem, was to provide a coating for the bar, because it certainly did not bring any flavor. Of course, dark chocolate rarely does, so I guess that should be expected.

Buy It or Fly By It? There's nothing wrong with this bar and the peanut butter and honey flavor work nicely together, so this gets a **BUY IT** rating. While the dark chocolate didn't bring a whole lot to the table, the fact that it coated the flaky granola mixture made for an interesting textural difference in the bar. That said, I do wish it was sweet chocolate that they used, but it's still okay as it is with the dark chocolate. One more gripe: I wish this bar was bigger because it's quite easy to eat multiples of these in one sitting due to the fact that are simultaneously tasty and small/unfilling.

BUY IT!

You might also like:

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Review: Nature Valley Strawberry Yogurt Granola Bar

Review: Nature Valley Vanilla Yogurt Chewy Granola Bar

Posted by IndianapolisEater at 4:45 AM Labels: all natural, bar, Buy It, dark chocolate, food, general mills, granola, honey, nature valley, peanut, peanut butter, protein, review, thins

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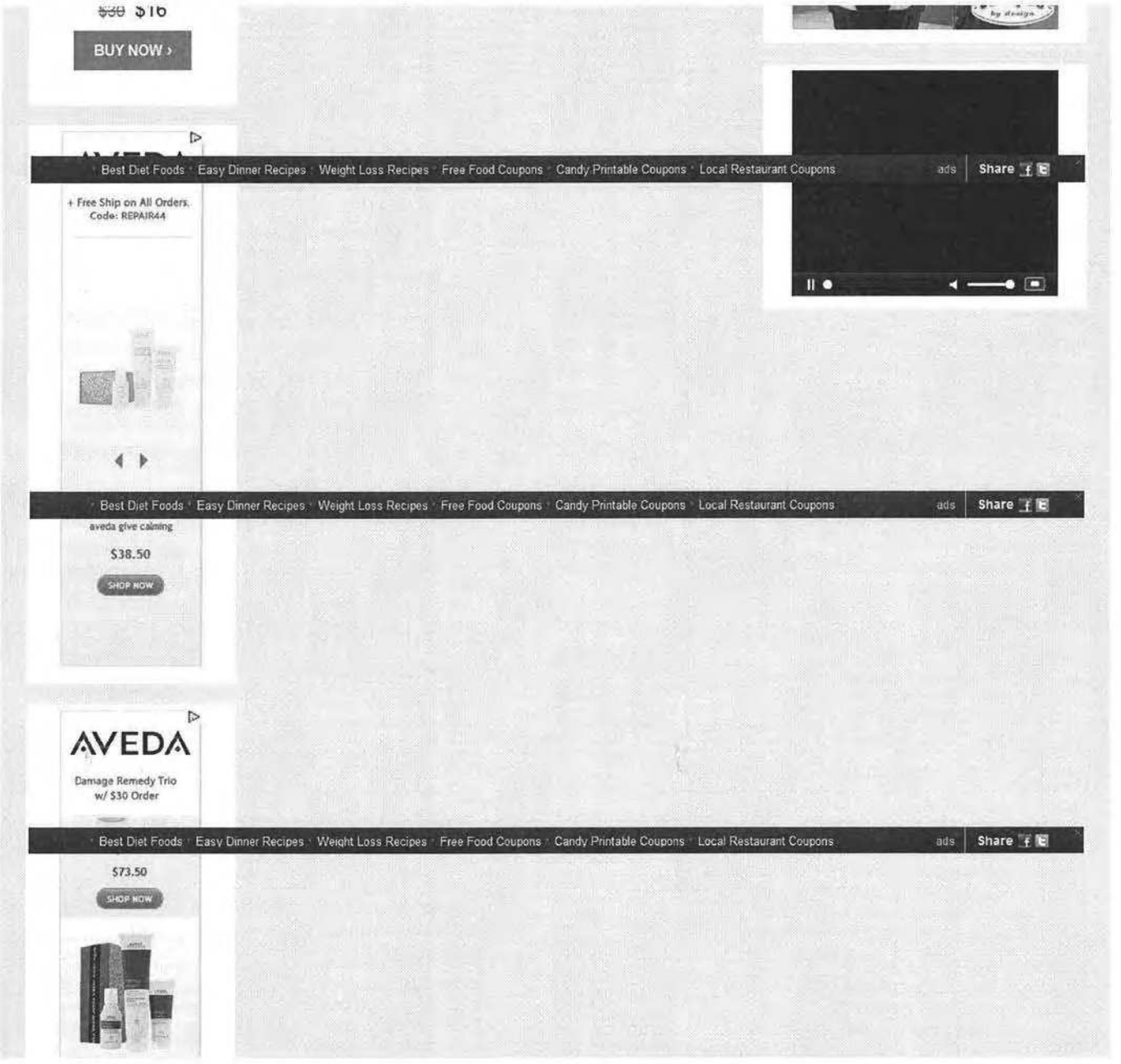
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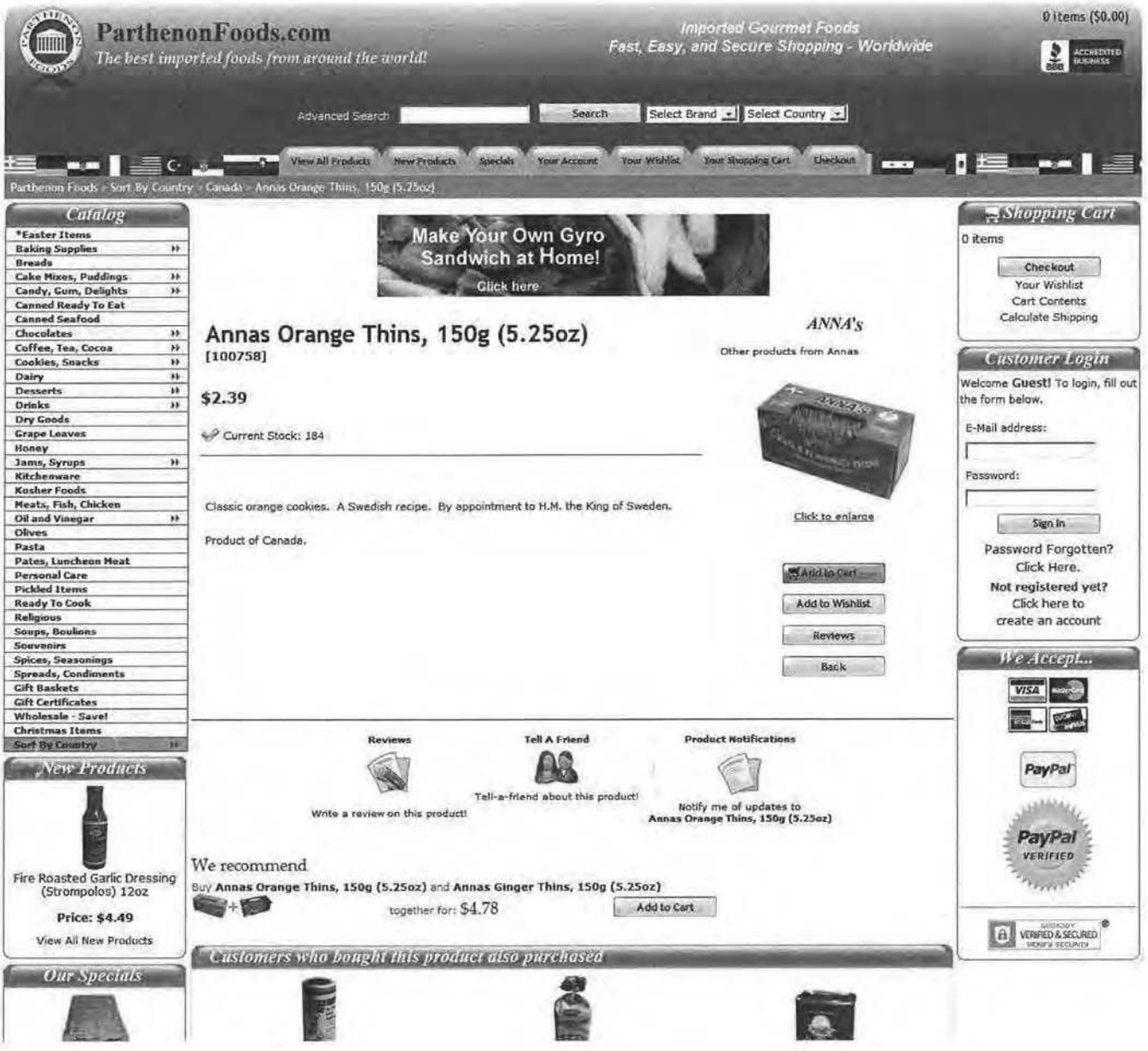
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Rolling Out Dough

New Annie's Microwavable Mac & Cheese Cup!

September 17, 2013 By Nicole | Disclaimer: This post may contain affiliate links
• Leave a Comment

Annie's has introduced new microwavable Mac & Cheese – and yes they come in a gluten free version. They are giving away 5,000 samples, go here to enter for chance to win!

There is also a coupon to go with this! Print this coupon to save $0.35 on any One Annie's Homegrown Microwavable Mac & Cheese Cup.

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Hi! I'm Nicole, thanks for visiting my blog!
I am a busy mom who hopes to encourage others to save money. I love cooking yummy gluten free recipes!
I have a wonderful family and love reading and spending time with friends.

Learn more here

New Nabisco Gluten Free Rice Thins!

August 21, 2013 By Nicole | Disclaimer: This post may contain affiliate links Leave a Comment

So I was doing some quick grocery store shopping and came along these new crackers from Nabisco! Thought I would share everyone.

These were in the cracker/chip aisle at my local Hy Vee and were priced $2/5 which seemed to be a sale price.

Rice Thins are available in three flavors: White Rice Original, Brown Rice Sea Salt and Pepper and Brown Rice White Cheddar.

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Print these Gluten-Free Coupons!

Rolling Out Dough

New Gluten Free Chicken Nuggets at Aldi's!

August 14, 2013 By Nicole | Disclaimer: This post may contain affiliate links Leave a Comment

So I was shopping at Aldi's yesterday and noticed a new special buy! They have Gluten Free Chicken Nuggets for $4.99. I checked the package which was 16 ounces and it looks like it was about 36 chicken nuggets. That is a great price for that quantity.

Aldi's special buys are available while quantities last.

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Popular Posts

Gorton's Seafood announces their Grilled line is gluten free!

June 19, 2013 By Nicole | Disclaimer: This post may contain affiliate links Leave a Comment

Gorton's Seafood has announced that its Grilled line of fish is now gluten free, with a variety of flavors and grilled fish species including Grilled Salmon, Grilled Tilapia, All Natural Grilled Fillets made from Alaska Pollock, and Grilled Haddock. Each fillet is expertly flame-grilled and seasoned, with the same taste millions have come to know and love, but with the added assurance that they are now gluten free. Go here to view all their gluten free products!

There is also a printable coupon available to save $1.00 off any Two Gorton's Items.

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Two new Gluten Free products from Betty Crocker!

May 27, 2013 By Nicole | Disclaimer: This post may contain affiliate links Leave a Comment

Betty Crocker will have two new gluten free products in stores soon! They have come out with two new products in their gluten free line: Gluten Free Sugar Cookie Mix and All Purpose Rice Flour Blend. These will be hitting stores in August.

You can sign up here to receive a free newsletter from Betty Crocker and up to $250 a year in coupon savings.

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Gluten Free at Aldi's!

May 15, 2013 By Nicole | Disclaimer: This post may contain affiliate links 1 Comment

Aldi's is a great store to help you save money. Over the last year they have introduced more gluten free and organic foods. I went today and thought I would share a few of my finds.

I found Millville Gluten Free Corn and Rice Squares priced at $2.19 at my store.

Lunch Buddies All Natural Fruit Twist- $1.99 at my store. Great find for gluten free kids!

Aldi's currently has gluten free pancakes, blueberry and buttermilk for $2.89. These are a special buy so that means while supplies last!

A few of my other favorites at Aldi's include pickles, jalapeno peppers and banana peppers, butter, Greek yogurt, frozen berries,

peppers and banana peppers, butter, Greek yogurt, frozen berries, frozen bell peppers, little cartons of refrigerated orange juice, hummus. I look for great quality and a low price. Please share what you love at Aldi's!

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Wegman's Gluten Free line!

May 11, 2013 By Nicole | Disclaimer: This post may contain affiliate links Leave a Comment

If you have a Wegman's near you check out their gluten free line. They offer great products and make them easy to find with their little orange "dot- (shown above)" ! These are on Wegmans products and recipes that are free of gluten-containing ingredients and have been produced without the risk of cross contact with gluten-containing ingredients.

Shopping store brands is a great way to save. For more information on Wegman's gluten free products go here.

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Rudi's Gluten Free Happy Camper essay contest!

May 7, 2013 By Nicole | Disclaimer: This post may contain affiliate links Leave a Comment

Rudi's Gluten-Free Bakery Celebrates National Celiac Awareness Month by Awarding 10 Gluten-Free Summer Camp Scholarships! **Rudi's Gluten-Free** is now accepting entries to the Gluten-Free 'Happy Camper' essay contest on Facebook. **Go here to enter.**

Boulder, Colo. – (May 1, 2013) –Rudi's Gluten-Free Bakery® is ready for summer vacation and can't wait to help kids across the country enjoy their summer camp experience, even if they eat gluten-free. According to the American Camp Association, 10 million kids attend a summer camp every year. Since it's a part of so many kids' summer vacations, Rudi's Gluten-Free is inviting Facebook fans to visit the "Rudi's Gluten-Free Happy Camper" application this May, National Celiac Awareness Month, to submit a 200-word essay from their child for a chance to win one of 10 scholarships to a gluten-free summer camp.

"Enthusiastically giving back to our communities has long been an important part of our business, and this is the third year we've made a commitment to the gluten-free community during Celiac Awareness Month," said Doug Radi, senior vice president of marketing and sales for Rudi's Organic Bakery. "Summer camp is all about making memories that last, and a child's dietary restrictions shouldn't prevent them from having the experience of a lifetime. We're thrilled that the Rudi's Gluten-Free Happy Camper program will provide 10 deserving kids with a gluten-free camp experience."

Parents with eligible children, ages 8-17, can enter the contest by 'liking' Rudi's Gluten-Free on Facebook and submitting an essay from their child explaining what going to a gluten-free summer

from their child explaining what going to a gluten-free summer camp would mean to them. As an additional incentive to enter in early May, Rudi's Gluten-Free has promised to give the first 250 eligible fans that enter an official Rudi's Gluten-Free Happy Camper water bottle. The 10 winners will be selected by Rudi's Gluten-Free Bakery and announced on Facebook on June 10, 2013, giving parents and campers time to plan and pack up for a summertime camp adventure.

"Having a special dietary need like celiac disease can make the simple act of going to camp far more challenging," said Alice Bast, founder and president, National Foundation for Celiac Awareness (NFCA). "Fortunately, there are more options today than ever before, whether it's a dedicated gluten-free summer camp or a 'mainstream' camp that has been properly trained to serve gluten-free campers. Rudi's Gluten-Free Bakery has done an excellent job supporting the gluten-free community, and we are glad to see them continuing that work with their camp scholarship program."

In the spirit of summer camps, National Foundation for Celiac Awareness (NFCA) also offers a gluten-free training program called GREAT Schools, Colleges and Camps. The online course will prepare camp directors and kitchen staff to safely accommodate your child's gluten-free dietary needs. Learn more at CeliacCentral.org/GREAT/schools

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Pillsbury has introduced three new gluten free products!

May 6, 2013 By Nicole | Disclaimer: This post may contain affiliate links 14 Comments

I learned this weekend that Pillsbury has introduced three new gluten free products! Woohoo I am excited to see more companies becoming aware of the need for gluten free food. The three new products are:

- Gluten Free Chocolate Chip Cookie Dough
- Gluten Free Pie and Pastry Dough
- Gluten Free Thin Crust Pizza Dough

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Aldi's selling gluten free baking mixes!

April 23, 2013 By Nicole | Disclaimer: This post may contain affiliate links 3 Comments

Aldi's is now selling gluten free baking mixes! Apparently these are temporary and prices are about $2.99. I haven't tried these yet but wanted share! I noticed Aldi is carrying more organic items lately also!

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Cinnamon Thin

Dr. Lucy's Cinnamon Thin

When we bake our cinnamon thins to crunchy perfection, delicious cinnamon fills the neighborhood air and smells divine. We have lots of friends around here! Many fans eat a whole box at a time. Beware!

Ingredients

All ingredients are from natural sources:
All Ingredients Are From Natural Sources: Organic Cane Sugar, Dr. Lucy's Flour Blend (Gluten-Free Oat, Garbanzo/Chickpea, Potato Starch,*

Garbanzo/Chickpea, Potato Starch, Tapioca, Sorghum And Fava Flours), Soy Milk, Sustainable Palm Fruit Oil, Expeller Pressed Canola Oil, Olive Oil, Filtered Water, Flavoring And Citric Acid From Non-GMO Corn, Sunflower Lecithin, Cinnamon, Non-Dairy Lactic Acid, Baking Powder, Baking Soda, Potassium Bitartrate, Salt, Xanthan Gum, Calcium Carbonate, Annatto Extract Color, Cellulose Gum.*

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Honees, Milk & Honey Filled Drops, 1.50 oz (42 g)
$2.00 286

Y.S. Eco Bee Farms, 100% Certified Organic Raw Honey, 2.0 lbs (907 g)
$15.10 827

Product Overview

Description

- Since 1980
- The Great Taste of Golden Sun-Ripened Corn

- The Great Taste of Golden Sun-Ripened Corn
- GMO Free-Contains No Genetically Modified Ingredients
- USDA Organic
- Fat Free
- 23 Calories Per Slice
- 10% Dietary Fiber
- Gluten Free
- 25 Slices* Popped Corn Cakes
- Kosher Pareve
- Certified Organic By Australian Certified Organic

* 25 Slices on average packed by weight

Real Foods Original Corn Thins are the best tasting wholegrain popped corn cakes 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 organic corn under high temperature. Being fat free and all natural, Real Foods Corn Thins really are good for you.

Real Food is proud to be producing wholesome and natural products for people who enjoy great tasting real food.

Suggested Use

Delicious with grilled mushrooms, spinach and grated parmesan cheese.

Baked sliced turkey, Swiss cheese and honey mustard.

Other Ingredients

Organic corn (98%), organic expeller pressed sunflower oil†, sea salt
†Adds an insignificant amount of fat.
May be present: Soy

Warnings

Caution: Do not heat in toaster

Caution: Closure may be a choking hazard

To maintain freshness, reseal pack after opening or store in an airtight container.

Supplement Facts

Serving Size: 2 slices (12 g)

Servings Per Container: 12.5

	Amount Per Serving	% Daily Value*
Calories	46	
Calories from fat	0	
Total Fat	0 g	0%
Saturated Fat	0 g	0%
Trans Fat	0 g	
Cholesterol	0 g	0%

Sodium	30 mg	1%
Total Carbohydrate	8 g	3%
Dietary Fiber	1 g	5%
Sugars	0 g	
Protein	1 g	

Not a significant source of saturated fat, cholesterol, sugars, vitamin A, vitamin C, calcium and 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.

	Calories	2000	2500
Total Fat	Less than	65 g	80 g
Saturated Fat	Less than	20 g	25 g
Cholesterol	Less than	300 mg	300 mg
Sodium	Less than	2400 mg	2400 mg
Total Carbohydrate		300 g	375 g
Dietary Fiber		25 g	30 g

Customer Reviews

★★★★½ (25 Reviews)

5 Stars	(17)
4 Stars	(5)
3 Stars	(2)
2 Stars	(0)
1 Stars	(0)

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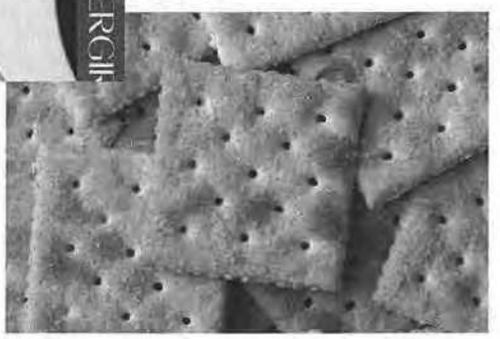
Would You Rather? Saltines vs. Stoned Wheat Thins

Eick November 9, 2011 Would You Rather? 9 Comments

It's Wednesday, which means it's Would You Rather time.

altines again.



oned Wheat Thins again.

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MOST POPULAR

There are many knock-off and imitation versions of Premium brand saltine crackers. For the purposes of this vote, saltines=saltines, no matter who the brand or label. Anything you would define as in that category counts. Stoned Wheat Thins, in contrast, are one specific brand. Feel free to vote on any criteria you want, taste, cost, availability,variety of uses etc.

Please share in the comments the logic behind the choice you made.

ich option would you choose?

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You've Been Cooking Eggs All Wrong

9 RESPONSES

brian

November 9th, 2011

Haven't ever had the 'stoned' ones, so I probably won't miss having t that I eat saltines that often... they get used soup (would rather have oyster crackers), or as cracker recipes.

Peter

November 9th, 2011

I've eaten Wheat Thins stoned, but never Stoned Wheat Thins.

REPLY

Are you interested in writing for a food site that gets millions of visits a year? Then contact us today and see your guest post published tomorrow.

Stoned Wheat Thins are probably my #1 favorite cracker. And like any cracker, they are in fact, better when stoned.

REPLY

Mark

November 9th, 2011

heat thins, they are one of my favorites for a cheese and a party. However there are always saltines in my house as a snack with just about anything. And of course you one to eat 6 stoned wheat thins with any kind of fun.

REPLY

Cindy

June 7th, 2012

What happened to would you rathers? I really enjoyed these, and I don't know why you stopped doing them. ☹

March 2nd, 2013

Saltines all the way, the perfect vehicle for Campbells New England Clam Chowder, or dipped into bouillon when sick..

REPLY

Lois

rs go this has been my favourite cracker for years … seems they changed the recipe for them in the past while

g them again ... I bought these crackers because they were great tasting and no matter how you ate them they were just a great cracker. If I wanted what they changed their recipe to I could have already bought it ... so for me I am out looking for another cracker ... although I doubt that they can be replaced

REPLY

Herh

s Stoned Wheat Thins are history.
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Trader Joe's Meyer Lemon Cookie Thins

by Trader Joe's

★★★★☆ 30 customer reviews

Price: $8.94 ($0.99 / oz) & FREE Shipping

In Stock.

Ships from and sold by Happeee Shopper23.

Size: **Pack of 1**

Pack of 1 | Pack of 3

- Old world recipe.
- No artificial colors or flavors.
- No preservatives.

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- **This item:** Trader Joe's Meyer Lemon Cookie Thins $3.91 ($0.43 / oz)
- Trader Joe's Old World Recipe Toasted Coconut Cookie Thins $9.98 Add-on item
- Trader Joe's Triple Ginger Snap cookies (2pk) $18.99 ($9.50 / Item)

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• **Meyer Lemon Tree - Potted** - 2-3 Ft Grafted Tree - Only $39.99 3 Yr Warranty - Fruit Bearing Age www.lemoncitrustree.com/Sale

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(4)
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Trader Joe's Meyer Lemon Cookie Thins (Pack Of 2)
(4)
$16.97

Trader Joe's Triple Ginger Snap cookies (2pk)
(40)
$18.99 *Prime*

Carrs Cookies, Ginger Lemon Creme, 7.5-Ounce Boxes
(78)
$10.29 *Prime*

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Product Description

Size: Pack of 1

How can a cookie be so astonishingly thin, yet so chocked full of lemony goodness? it's Trader Joe's time-honored old world recipe straight out of the days of yore. We've scoured the universe for abundantly juicy lemons and fresh ingredients to squeeze into these thrilling thins. Trader Joe's meyer lemon cookie thins. Thin is the new cookie.

Product Details

Size: Pack of 1

Shipping Weight: 12 ounces (View shipping rates and policies)

ASIN: B0080AS25W

UPC: 000092890800

Average Customer Review: (30 customer reviews)

Amazon Best Sellers Rank: #17,226 in Grocery & Gourmet Food (See Top 100 in Grocery & Gourmet Food)
#9 in Grocery & Gourmet Food > Snack Foods > Cookies > **Fruit**

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Carrs Cookies, Ginger Lemon Creme, 7.5-Ounce Boxes

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(4)

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(7)

Trader Joe's Old World Recipe Toasted Coconut Cookie Thins

Trader Joe's Triple Ginger Snap cookies (2pk)
(40)

Trader Joe's Cookie Thins Triple Ginger
(4)

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5 star 16
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3 star 6
2 star 3
1 star 3

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Most Helpful Customer Reviews

9 of 9 people found the following review helpful

Yummo
By Crabigail Cassidy TOP 500 REVIEWER VINE VOICE on November 15, 2012

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Product Images from Customers

By Chadgal Cassidy TOP 500 REVIEWER VINE VOICE On November 13, 2012

Size Name: Pack of 1

I just bought ten boxes of these cookies. I'm getting a jump on my holiday gift baskets.
These are thin little discs of crisp cookie that is pure lemon heaven. While I'd like to say I only eat one, the truth is I never can. If you love lemon (and these cookies scream lemon) and want a light and satisfying snack, these are wonderful cookies. Just try to exercise self-control.

3 Comments Was this review helpful to you? Yes No

4 of 4 people found the following review helpful

★★★★☆ **Thin, crispy, light cookies**

By Summerroll on May 11, 2013

Size Name: Pack of 1

Delicious thin cookies with a light lemon taste, not overpowering, very crumbly, not super sweet. Each cookie is about 2.5 inch diameter.

I would like a more tangy cookie, but I don't have a sweet tooth and this is probably to more people's liking.

The cookies go very well with tea or coffee. These would be beautiful with a dish of sorbet or gelato. Also would go great with Italian soda.

Comment Was this review helpful to you? Yes No

2 of 2 people found the following review helpful

★★☆☆☆ **These are just ok -**

By D. M. Kimura on October 12, 2013

Size Name: Pack of 1 Amazon Verified Purchase

The cookies are not very lemony and most of the cookies came in as crumbles.

Would not buy it again.

1 Comment Was this review helpful to you? Yes No

1 of 1 people found the following review helpful

★★★★★ **Lemony heaven!**

By Suz on August 25, 2013

Size Name: Pack of 1 Amazon Verified Purchase

As a lemon lover I'm always looking for new lemon products. I'm so glad I tried these cookies. They are thin, crisp and delicious. They're very close to my Aunt Dora's lemon drop cookies and brought back memories of long hot summer afternoon's spent in her backyard with my cousins. I'm also looking forward to enjoying them with a cup of coffee in front of a roaring fire this coming winter. Although they are a fragile cookie they arrived in perfect condition with not one broken cookie in the whole box.
If you're a lemon person, like I am, I highly recommend you try these cookies. I don't believe you'll be disappointed.

Comment Was this review helpful to you? Yes No

1 of 1 people found the following review helpful

★★☆☆☆ **Crumbs.**

By S. Cowan on July 25, 2013

Size Name: Pack of 1 Amazon Verified Purchase

The flavor of these wafer-thin cookies was good, but almost all of them were broken and many were just crumbs. While the product tastes good, I'll try to pick them up at Trader Joe's instead of having them shipped...They aren't packaged for travel.

Comment Was this review helpful to you? Yes No

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Most Recent Customer Reviews

★★★☆☆ **Poor packaging...Yummy Cookies**
These cookies are the BEST, if you like crisp lemon-flavored cookies! This is the second time I have ordered these DELICIOUS cookies. Read more
Published 1 month ago by Janice K. Wood

★★★★☆ **Very good cookies**
Buy these at Trader Joe's. I can't believe the mark up on this product. Usually Amazon has good prices. Read more
Published 1 month ago by lesguild

★☆☆☆☆ **Lemon**
These lemon cookies were not that good. They were way too strong and just overwhelming. If you like strong lemon go for it.
Published 2 months ago by Mary

★★★★★ **great flavor**
great flavor that is what these cookies have. the lemon flavor is strong. definitely more than a hint of flavor.
Published 2 months ago by bre

★★★★★ **DELICIOUS**
I PURCHASED THIS TO STICK IN WITH ANOTHER GIFT FOR A FRIEND.....I HEARD FROM HER AND SHE ABSOLUTELY LOVED THESE. Read more
Published 3 months ago by P. GILMAN

★★★★★ **Fantastic taste**
crispy,tasty, crunchy and lemony- what more can you want. Trader Joes is the best.
I wished they made another flavor.
Published 3 months ago by Wise shopper

★★★☆☆ **Only $3.99 at Trader Joe's!**
Good lemon cookies even though they do not have actual lemon juice in them. If you call these cookies "Meyer Lemon" cookies how hard is it to actually put some Meyer lemon... Read more
Published 3 months ago by Shazzar Kallie, M.A.

★★★★★ **So thin and delicious and subtle taste of lemon pound cake**
I got these for my husband who lives and deserves a little treat w his coffee. He fell in love and so did I!!
Published 4 months ago by Rather Read Than Breathe

★★★☆☆ **nothing to write home about, could it be the**

1 of 1 people found the following review helpful

★★☆☆☆ **Very unhappy**

By Marilyn O. Bucci on June 9, 2013

Size Name: Pack of 1 Amazon Verified Purchase

It arrived crumbled and stale. I have had them before and are delicious when fresh, but these must have been a year old. I threw most of them away.

Comment Was this review helpful to you? Yes No

★★★★★ **Spectacular**

By sittingbull on April 1, 2014

Size Name: Pack of 1 Amazon Verified Purchase

Addictive, delightful cookies. I loved these. Lemony and rich but very thin and crumbly. IMPOSSIBLE NOT TO LIKE THESE LITTLE GUYS.

Comment Was this review helpful to you? Yes No

★★★★★ **Yummy!**

By Deborah C. on March 15, 2014

Size Name: Pack of 1 Amazon Verified Purchase

These are delicately flavored cookies but not so much you can't taste the amazing lemon. They are thin enough that you can just pop a whole one in your mouth. They melt in your mouth...so tasty. I would highly recommend them, and will definitely buy it again. These are perfect for a tea party and a big munch fest.

Comment Was this review helpful to you? Yes No

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name?

i believe i rated the cookies before. they're nothing special in my opinion. i prefer a tarter taste like mother's lemon cookies.

Published 4 months ago by kristine arruda

★★★☆☆ **nice and lemony**

I love lemon, so I thought i would try a few different brands These were really good, very thin and crispy, but I did not find a difference at all between these and Salem... Read more

Published 5 months ago by amazon lover

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*Based on a 2000 calorie diet

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BAD POINTS

- Very high in sugar

Tex-Mex Summer Squash Casserole
Flourless Banana Mish-Mash Muffins!
Chewy Oatmeal Cookies
Apple Crumble
Pumpkin Pie
Diet French Toast
Diet Cola Cupcakes

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Almond Thins

READY IN 32 mins

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Recipe by Violet Gibbons

"Thin and delicate, these are perfect for everything from formal parties to your morning coffee."

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Ingredients Edit and Save

Original recipe makes 6 dozen Change Servings

- 1 cup unsalted butter
- 1 egg
- 1 cup white sugar
- 1 3/4 cups all-purpose flour
- 1 teaspoon vanilla extract
- 1 teaspoon salt
- 2 cups sliced almonds

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Directions

1. Preheat oven to 325 degrees F (175 degrees C).
2. In a medium bowl, cream together the butter and sugar until light and fluffy. Add the egg and vanilla and beat until smooth. Sift together the flour and salt and slowly stir into butter mixture until just blended.
3. Divide batter in half and place each half on in the center of two ungreased, flat-sided cookie sheets. Dip a spatula in warm water and spread batter to cover the entire baking sheet, making sure batter is spread evenly. Sprinkle almonds

PREP 15 mins
COOK 17 mins
READY IN 32 mins

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sheet, making sure batter is spread evenly. Sprinkle almonds and press gently into dough.

4. Bake each sheet about 12 minutes, or until edges are lightly browned. Cut hot cookies into 2-inch squares. Return to oven and bake until lightly golden... about 5 minutes. Watch carefully to prevent over baking.

5. Remove from oven to a wire rack. Slide spatula under cookies to loosen. Cool completely on cookie sheets. Store in airtight containers with waxed paper between layers.

Kitchen-Friendly View

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Most Helpful Positive Review

★★★★★ Jan 21, 2004
After finishing a batch of greasy cookies that had 3/4 c of butter, I was reluctant to put... —LZELENAK
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Most Helpful Critical Review

★★★☆☆ Jan 21, 2004
I found and made this recipe after tasting some purchased almond thins. The taste was delicious but... —SMOWER
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14 Ratings

★★★★★ Dec 20, 2005
The main thing about this recipe is that it tastes wonderful. The problem is in the baking. I... —SSilk
See full review »

★★★★★ Aug 12, 2004
These cookies taste great! They are not spreadable though, so I placed the dough in... —SHUGIRL
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★★★★★ Jan 26, 2004
I give this recipe 5 stars, even though I had trouble with it! I bought some almonds at Sam's Club,... —FAITHPCFL
See full review »

★★★★★ Oct 23, 2003
My whole family loves these cookies, I have to make several batches at a time. I also love to... —PinkLady
See full review »

★★★★★ Jan 22, 2010
I followed the recipe as it is and would reduce the salt by half the next time I bake this again. The... —waipeng
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★★★★★ Jun 15, 2011
I made a pecan variation of this recipe that I would have given 4 stars but didn't think I could because... —Alexander
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Nutrition

Calories	61 kcal	3%	**Carbohydrates**	5.6 g	2%
Cholesterol	10 mg	3%	**Fat**	4 g	6%
Fiber	0.3 g	1%	**Protein**	1 g	2%
Sodium	34 mg	1%			

** Percent Daily Values are based on a 2,000 calorie diet.*

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The Thin

Recipe courtesy of Alton Brown
Recipe courtesy Alton Brown
SHOW: Good Eats
EPISODE: Three Chips for Sister Marsha

Skinny Chocolate Chip Cookies (04:16)

Total Time:
35 min
Prep: 20 min
Cook: 15 min

Yield: 2 1/2 dozen cookies

CATEGORIES
Chocolate Dessert Cookie

Ingredients

- 2 1/4 cups all-purpose flour
- 1 teaspoon kosher salt
- 1 teaspoon baking soda
- 1 egg
- 2 ounces milk
- 1 1/2 teaspoons vanilla extract
- 2 sticks unsalted butter
- 1 cup sugar
- 1/2 cup brown sugar

Directions

Heat oven to 375 degrees F. Sift together the flour, salt, and baking soda in a mixing bowl. Combine the egg, milk, and vanilla and bring to room temperature in another bowl.

Cream the butter in the mixer's work bowl, starting on low speed to soften the butter. Add the sugars. Increase the speed, and cream the mixture until light and fluffy. Reduce the speed and add the egg mixture slowly. Increase the speed and mix until well combined.

Slowly add the flour mixture, scraping the sides of the bowl until thoroughly combined. Stir in the chocolate chips. Scoop onto parchment-lined baking sheets, 6 cookies per sheet. Bake for 13 to 15 minutes, checking the

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1/2 cup brown sugar

2 cups semisweet chocolate chips

Hardware:

Ice cream scooper (#20 disher, to be exact)

Parchment paper

Baking sheets

Mixer

cookies after 5 minutes. Rotate the baking sheet for more even browning.

Remove the cookies from the pans immediately. Once cooled, store in an airtight container.

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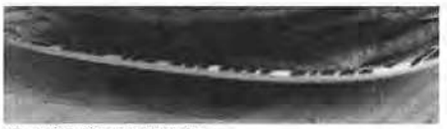
http://www.foodnetwork.com/recipes/thin-and-crispy-chocolate-chip-cookies-recipe.html
04/11/2014 01:39:10 PM



Thin and Crispy Chocolate Chip Cookies

CATEGORIES
Chocolate Dessert Baking

Ingredients

- 2 cups packed light brown sugar
- 1 3/4 cups (3 1/2 sticks) unsalted butter, room temperature
- 1 1/2 cups granulated sugar
- 3 whole eggs
- 1 tablespoon vanilla extract
- 2 1/4 cups white flour
- 1 1/2 teaspoons table salt
- 3/4 teaspoon baking soda
- 1 pound dark chocolate or chocolate chips

Directions

Preheat the oven to 375 degrees F. Line cookie sheets with parchment paper.

In a stand mixer, cream the brown sugar, butter and granulated sugar until pale and fluffy, about 5 minutes. Add the eggs one at a time until well incorporated. Mix in 1/3 cup of water and the vanilla.

In a separate bowl, whisk the flour, salt and baking soda and add to the butter mixture. Mix on low until the flour mixture is incorporated, and then mix in the chocolate pieces.

Scoop out the dough onto the prepared cookie sheet and freeze for an hour. The cookies will spread, so limit 4 cookies for each cookie sheet to give ample room.

Bake until golden brown, 15 to 20 minutes, rotating the trays halfway through. Remove from the oven and cool. Remove the cookies with a flat spatula to prevent breaking.

Cook's Note: The recipe does yield a lot of dough, but it's a great freeze and bake cookie. Once you have scooped all the dough and placed them into the freezer, you can pop them into a zip top bag and just bake off as many as you want when you need to!

This recipe was provided by professional chefs and has been scaled down from a bulk recipe provided by a restaurant. The Food Network Kitchens chefs have not tested this recipe, in the proportions indicated, and therefore, we cannot make any representation as to the results.

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Thin and Crispy Chocolate Chip Cookies

light brown sugar, baking soda, semisweet chocolate chips and 8 MORE

MyRecipes

β 40 mins, 11 ingredients

15

Thin and Crispy Oatmeal Cookies

butter, light brown sugar, baking soda, baking powder, large eggs, rolled oats and 4 MORE

Mel's Kitchen Cafe

40 mins, 10 ingredients

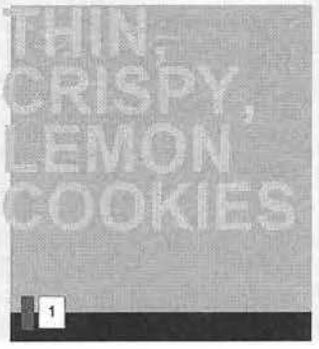
24

Thin and Crispy Chocolate Cookies

baking soda, molasses, unsweetened cocoa, ground cinnamon, eggs, kosher salt and 5 MORE

Simply Recipes

11 ingredients



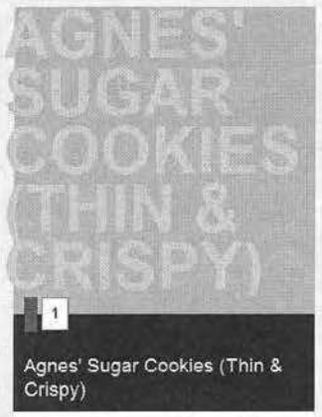
1

Thin, Crispy, Lemon Cookies
butter, baking soda, baking powder, flour, powdered sugar, eggs, sugar, water and 3 MORE
Food.com
50 mins, 11 ingredients
CRISPY ALMOND BUTTER THINS (COOKIES)
2
Crispy Almond Butter Thins (Cookies)
butter, almond extract, salt, sugar, all-purpose flour, large egg yolks and 1 MORE
Food.com
195 mins, 7 ingredients
THIN AND CRISPY CHOCOLATE CHIP COOKIES
1
Thin and Crispy Chocolate Chip Cookies

light brown sugar, baking soda, table salt, eggs, white flour, dark chocolate and 3 MORE

Food Network

B 85 mins, 9 ingredients

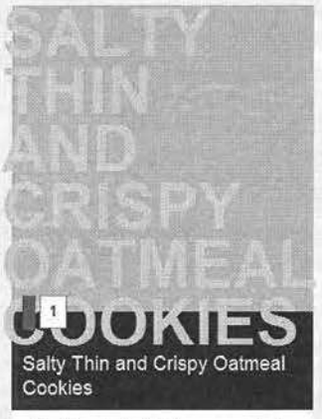


Agnes' Sugar Cookies (Thin & Crispy)

baking powder, heavy cream, unsalted butter, large eggs, salt, granulated sugar and 2 MORE

Food.com

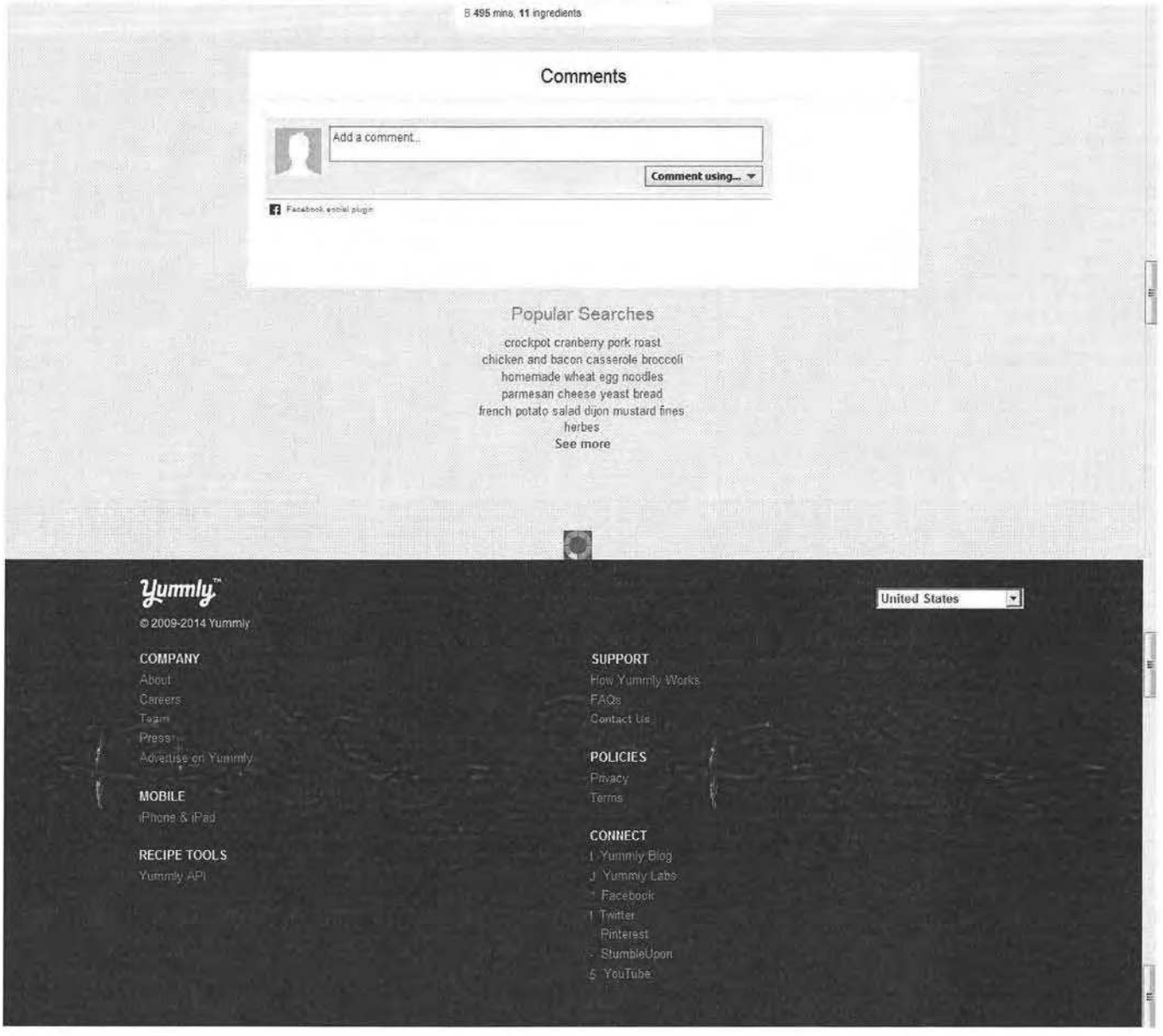
B 195 mins, 8 ingredients



Salty Thin and Crispy Oatmeal Cookies

old-fashioned oats, light brown sugar, baking soda, baking powder, sea salt and 6 MORE

Food.com
60 mins, 11 ingredients
THIN AND CRISPY CHOCOLATE CHIP COOKIES
Thin and Crispy Chocolate Chip Cookies
light brown sugar, baking soda, flour, chopped pecans, unsalted butter, salt and 5 MORE
Food.com
37 mins, 11 ingredients
GINGERSNAP COOKIES (THIN & CRISPY)
1
Gingersnap Cookies (Thin & Crispy)
ground ginger, baking soda, black pepper, molasses, eggs, cinnamon and 5 MORE
Food.com


8 495 mins, 11 ingredients
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To:	That's How We Roll, LLC (hbalmat@balmatlaw.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 86161729 - COOKIE THINS - 00287
Sent:	4/11/2014 2:29:02 PM
Sent As:	ECOM108@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 **4/11/2014** FOR U.S. APPLICATION SERIAL NO. 86161729

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) TIMELY RESPONSE IS REQUIRED: Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from **4/11/2014** (*or sooner if specified in the Office action*). For information regarding response time periods, see http://www.uspto.gov/trademarks/process/status/responsetime.jsp.

Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System (TEAS) response form located at http://www.uspto.gov/trademarks/teas/response_forms.jsp.

(3) 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

Failure to file the required response by the applicable response deadline will result in the

ABANDONMENT of your application. For more information regarding abandonment, see http://www.uspto.gov/trademarks/basics/abandon.jsp.

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.

EXHIBIT 50

To the Declaration of Diana L. Rausa

TESS was last updated on Mon Aug 25 03:20:59 EDT 2014

Record 1 out of 1

CANTINA THINS

Word Mark	CANTINA THINS
Goods and Services	IC 030. US 046. G & S: Chips, namely, tortilla chips. FIRST USE: 20070407. FIRST USE IN COMMERCE: 20070407
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85930930
Filing Date	May 13, 2013
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	November 26, 2013
Registration Number	**4566507**
Registration Date	July 15, 2014
Owner	(REGISTRANT) Truco Enterprises, LP Truco GP, Inc., incorporated in Delaware LIMITED PARTNERSHIP DELAWARE 2727 Realty Road Suite 134 Carrolton TEXAS 75006
Attorney of Record	Gregory W. Carr
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

EXHIBIT 51

To the Declaration of Diana L. Rausa

To:	Sheila G Brands, LLC (trademarks@archerlaw.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 85781237 - BROWNIE THINS - BEL140.00401
Sent:	3/15/2013 11:44:23 AM
Sent As:	ECOM105@USPTO.GOV
Attachments:	Attachment - 1 Attachment - 2 Attachment - 3 Attachment - 4 Attachment - 5 Attachment - 6 Attachment - 7 Attachment - 8 Attachment - 9 Attachment - 10 Attachment - 11 Attachment - 12 Attachment - 13 Attachment - 14 Attachment - 15 Attachment - 16 Attachment - 17 Attachment - 18 Attachment - 19 Attachment - 20 Attachment - 21 Attachment - 22 Attachment - 23 Attachment - 24 Attachment - 25

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

U.S. APPLICATION SERIAL NO. 85781237

MARK: BROWNIE THINS

85781237

CORRESPONDENT ADDRESS:
JOHN F. LETCHFORD
ARCHER & GREINER, P.C.
PO BOX 3000
HADDONFIELD, NJ 08033-0968

CLICK HERE TO RESPOND TO THIS LETTER
http://www.uspto.gov/trademarks/teas/response_forms.jsp

APPLICANT: Sheila G Brands, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO :

BEL140.00401
CORRESPONDENT E-MAIL ADDRESS:
trademarks@archerlaw.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 3/15/2013

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

No Conflicting Marks Found

The trademark examining attorney has searched the Office'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).

Summary of Issues

- Registration refused under Section 2(e)(1) of the Trademark Act.

Registration Refused: Mark is Merely Descriptive

Registration is refused because the applied-for mark merely describes a feature or characteristic 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.*

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature,

purpose, or use of an applicant's goods and/or services. 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, 1009-10 (Fed. Cir. 1987).

The applied-for mark is BROWNIE THINS for "brownies and cookies." A brownie is a flat chocolate cake and something that is thin has a short distance between opposite sides, edges, or surfaces. Please see the attached definitions as evidence of each term's meaning. When the terms are combined in the applied-for mark, they merely identify a thin brownie. The combination is not fanciful or arbitrary; it immediately conveys a significant characteristic of the goods.

The determination of whether a mark is merely descriptive is made in relation to an applicant's goods and/or services, not in the abstract. *In re The Chamber of Commerce of the U.S.*, 675 F.3d 1297, 1300, 102 USPQ2d 1217, 1219 (Fed. Cir. 2012); *In re Bayer Aktiengesellschaft*, 488 F.3d 960, 963-64, 82 USPQ2d 1828, 1831 (Fed. Cir. 2007); TMEP §1209.01(b); *see, e.g.*, *In re Polo Int'l Inc.* , 51 USPQ2d 1061, 1062-63 (TTAB 1999) (finding DOC in DOC-CONTROL would refer to the "documents" managed by applicant's software rather than the term "doctor" shown in a dictionary definition); *In re Digital Research Inc.*, 4 USPQ2d 1242, 1243-44 (TTAB 1987) (finding CONCURRENT PC-DOS and CONCURRENT DOS merely descriptive of "computer programs recorded on disk" where the relevant trade used the denomination "concurrent" as a descriptor of a particular type of operating system). "Whether consumers could guess what the product [or service] is from consideration of the mark alone is not the test." *In re Am. Greetings Corp.*, 226 USPQ 365, 366 (TTAB 1985).

Thus, in this case, BROWNIE THINS is considered in connection with the goods, namely, brownies and cookies. The mark clearly identifies the type of goods; that is, the mark indicates that the goods are thin brownies. The phrase "brownie thins" is in common use to identify a thin brownie. As evidence, please see the following attached screen captures from third-party websites: www.semihomemade.com, www.food.com, www.bonappetit.com, www.vaildaily.com, and www.lavamagazine.com. These show the phrase "brownie thins" used to identify recipes for thin brownies or cookies. These clearly indicate that potential purchasers are accustomed to seeing the phrase "brownie thins" used to identify the type of goods offered by applicant. As a result, purchasers are unlikely to see the applied-for mark as an indicator of source. Therefore, the mark merely describes the goods.

Generally, a mark that merely combines descriptive words is not registrable if the individual components retain their descriptive meaning in relation to the goods and/or services and the combination results in a composite mark that is itself descriptive. TMEP §1209.03(d); *see, e.g.*, *In re King Koil Licensing Co. Inc.*, 79 USPQ2d 1048, 1052 (TTAB 2006) (holding THE BREATHABLE MATTRESS merely descriptive of beds, mattresses, box springs and pillows where the evidence showed that the term "BREATHABLE" retained its ordinary dictionary meaning when combined with the term "MATTRESS" and the resulting combination was used in the relevant industry in a descriptive sense); *In re Associated Theatre Clubs Co.*, 9 USPQ2d 1660, 1663 (TTAB 1988) (holding GROUP SALES BOX OFFICE merely descriptive of theater ticket sales services because such wording "is nothing more than a combination of the two common descriptive terms most applicable to applicant's services which in combination achieve no different status but remain a common descriptive compound expression").

Only where the combination of descriptive terms creates a unitary mark with a unique, incongruous, or otherwise nondescriptive meaning in relation to the goods and/or services is the combined mark registrable. *See, e.g.*, *In re Colonial Stores, Inc.*, 394 F.2d 549, 551, 157 USPQ 382, 384 (C.C.P.A. 1968).

In this case, both the individual components and the composite result are descriptive of applicant's goods and/or services and do not create a unique, incongruous or nondescriptive meaning in relation to the goods and/or services. As explained above, the word "brownie" identifies a type of cake and "thins" identifies something that has a short distance between edges. The combination "brownie thins" immediately identifies applicant's goods as a thin brownie. The mark does not have an incongruous, unique, or nondescriptive meaning as used in connection with the goods. As a result, the mark is merely descriptive of the goods and registration is refused under Section 2(e)(1) of the Trademark Act.

Response Guidelines

For this application to proceed toward registration, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options for responding to a refusal and should consider such options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements.

If applicant does not respond to this Office action within six months of the issue/mailing date, or responds by expressly abandoning the application, the application process will end, the trademark will fail to register, and the application fee will not be refunded. *See* 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a), 2.209(a); TMEP §§405.04, 718.01, 718.02. Where the application has been abandoned for failure to respond to an Office action, applicant's only option would be to file a timely petition to revive the application, which, if granted, would allow the application to return to live status. *See* 37 C.F.R. §2.66; TMEP §1714. There is a $100 fee for such petitions. *See* 37 C.F.R. §§2.6, 2.66(b)(1).

Applicant should include the following information on all correspondence with the Office: (1) the name and law office number of the trademark examining attorney, (2) the serial number and filing date of the application, (3) the date of issuance of this Office action, (4) applicant's name, address, telephone number and e-mail address (if applicable), and (5) the mark. 37 C.F.R. §2.194(b)(1); TMEP §302.03(a).

If applicant has questions regarding this Office action, please email or telephone the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

/Shannon Twohig/
Attorney, USPTO
Law Office 105
shannon.twohig@uspto.gov
Phone: (571) 272-8855

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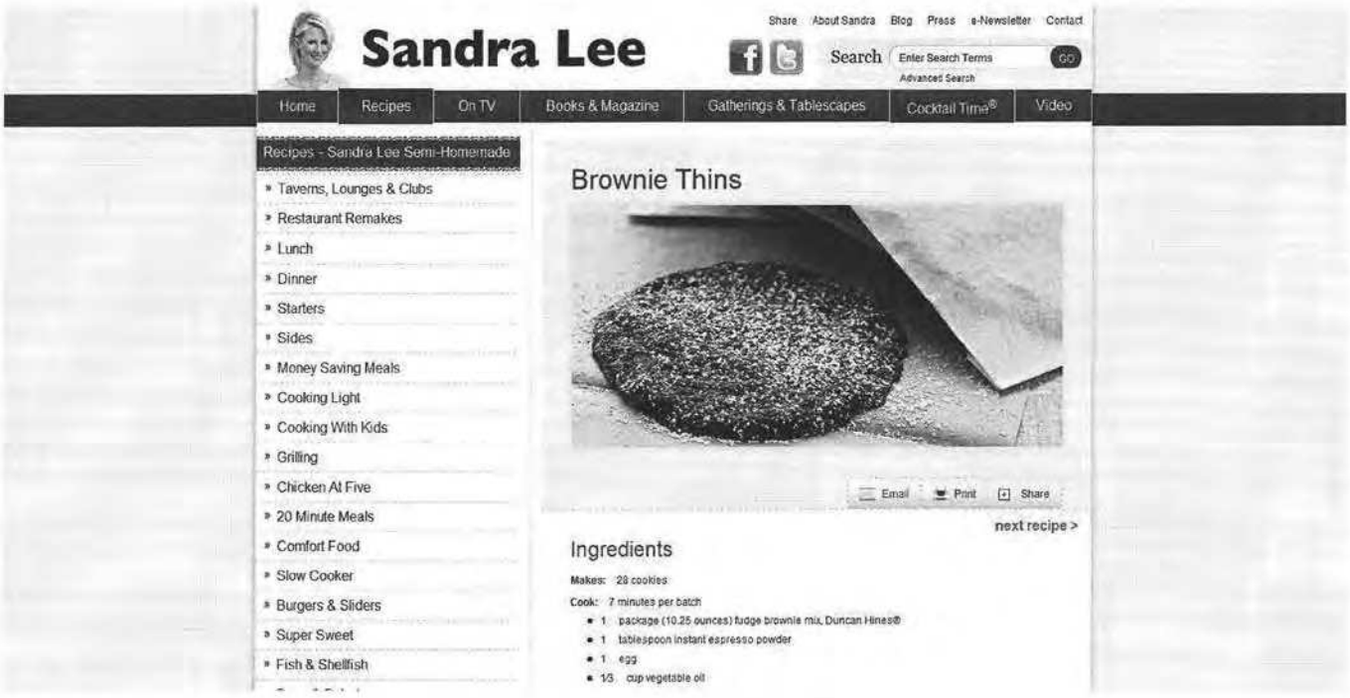
All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

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 TEAS form at http://www.uspto.gov/trademarks/teas/correspondence.jsp.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» Slow Cooker
» Burgers & Sliders
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Ingredients
Makes: 28 cookies
Cook: 7 minutes per batch
• 1 package (10.25 ounces) fudge brownie mix, Duncan Hines®
• 1 tablespoon instant espresso powder
• 1 egg
• 1/3 cup vegetable oil

- Soup & Salad
- After School Snacks
- Chocolate Decadence
- Breakfast
- St. Paddy's Day
- Easter
- Valentine's Day
- Super Bowl
- Thanksgiving

Join in the Fun

From Sandra's Blog

Great Grocery Giveaway

You deserve a Great Grocery Giveaway. That's $5000 at the grocery store to buy the things that you need for the ones that you love.

Check It Out »

- Powdered sugar, Domino®/C&H® (optional)

Directions

1. Preheat oven to 350°F. Line cookie sheet(s) with parchment paper; set aside.
2. In a large bowl, stir together brownie mix, espresso powder, egg, and oil until well mixed.
3. Drop a 2-teaspoon portion of the brownie batter onto prepared cookie sheet; using the back of a spoon, spread evenly into a 3-inch circle. Repeat with the remaining batter, spacing circles 2 inches apart on cookie sheet(s).
4. Bake for 7 to 9 minutes or just until set in center. Cool on cookie sheet(s) for 5 minutes. Transfer cookies to a wire rack; cool completely.
5. If desired, dust tops with powdered sugar.

next recipe >

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Have you been inspired by Sandra Lee Semi-Homemade? Submit your unique part-fresh/part-bought recipe here, and Sandra will highlight the best ones.

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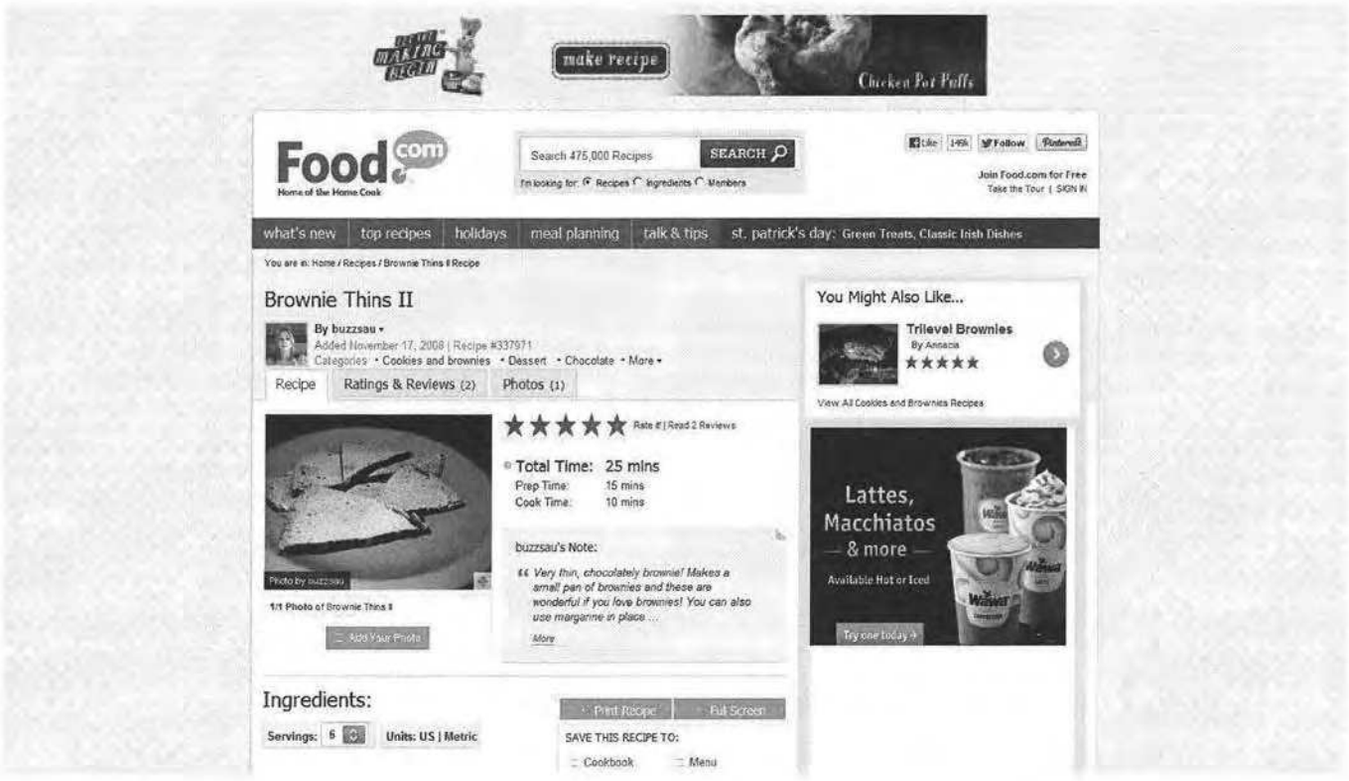
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Brownie Thins II
By buzzsau
Added November 17, 2008 | Recipe #337971
Categories • Cookies and brownies • Dessert • Chocolate • More
Recipe
Ratings & Reviews (2)
Photos (1)
Rate it! | Read 2 Reviews
Total Time: 25 mins
Prep Time: 15 mins
Cook Time: 10 mins
buzzsau's Note:
Very thin, chocolately brownie! Makes a small pan of brownies and these are wonderful if you love brownies! You can also use margarine in place ...
More
1/1 Photo of Brownie Thins II
Add Your Photo
Ingredients:
Servings: 6
Units: US | Metric
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SAVE THIS RECIPE TO:
Cookbook
Menu
You Might Also Like...
Trilevel Brownies
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Try one today

5 tablespoons butter or 5 tablespoons margarine

1/4 cup cocoa

1/2 cup sugar

1 large egg, beaten

1/4 cup flour

1/2 teaspoon vanilla

1/4 cup nuts, chopped

1 pinch salt

powdered sugar

Meal Planner Shopping List

MANAGE THIS RECIPE:

Add a Private Note
Submit a Correction
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Directions:

1. Line bottom of a buttered 9" pan with wax paper and butter top of wax paper.
2. In small saucepan, melt butter, remove from heat.
3. Add cocoa and stir.
4. Stir in sugar, beaten egg, flour, vanilla, pinch of salt and nuts.
5. Spread in pan evenly.
6. Bake at 350 degrees for 10-15 minutes. Don't burn.
7. Let cool . Invert on cutting board and peel off wax paper. Sprinkle with sifted powdered sugar.
8. Cut into wedges or however you like!

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Nutritional Facts for Brownie Thins II

Serving Size: 1 (51 g)
Servings Per Recipe: 6

Amount Per Serving	% Daily Value
Calories 228.8	
Calories from Fat 123	54%
Total Fat 13.7 g	21%
Saturated Fat 6.7 g	33%
Cholesterol 60.6 mg	20%
Sodium 143.9 mg	5%
Total Carbohydrate 24.2 g	8%
Dietary Fiber 1.3 g	5%
Sugars 17.0 g	68%
Protein 3.3 g	6%

Detailed Nutrition Values About Nutrition Info

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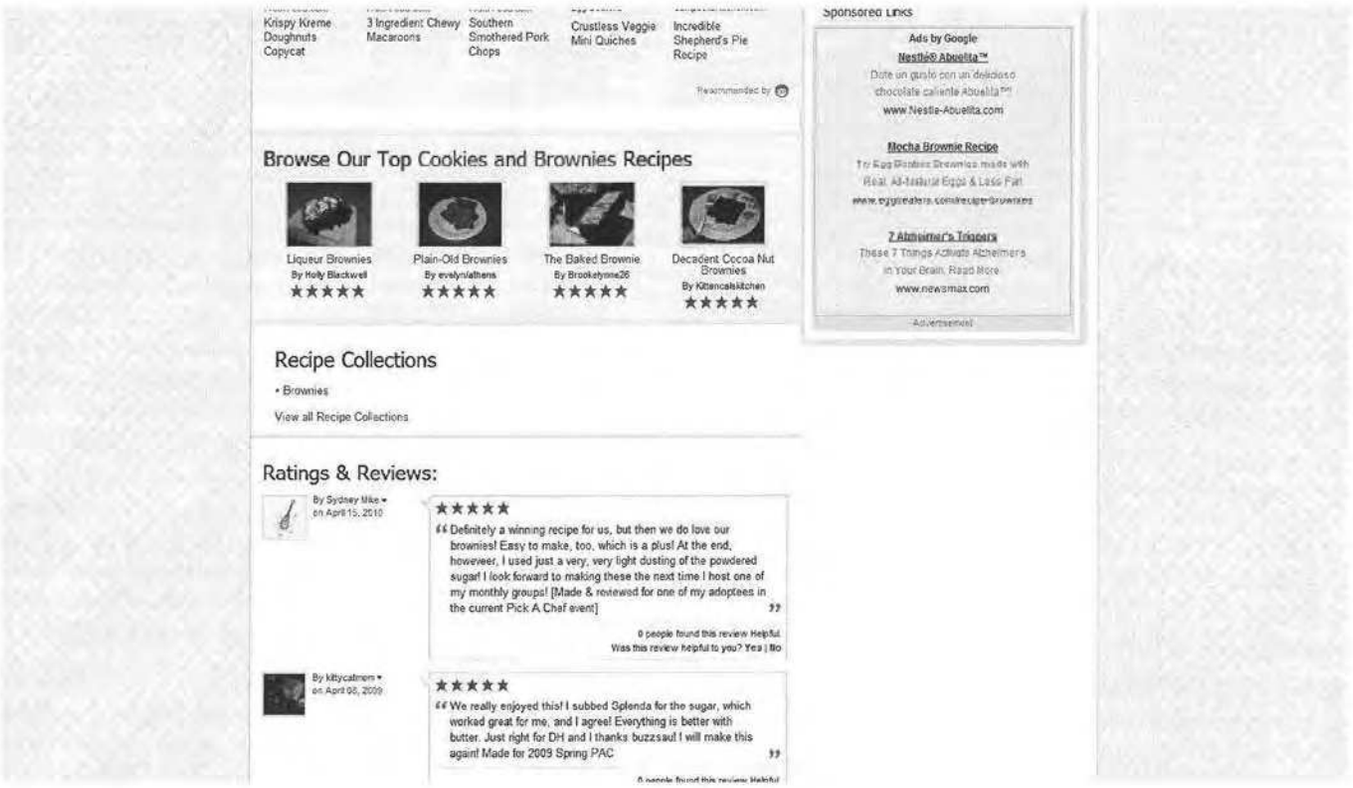

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By Brookelynne26
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Decadent Cocoa Nut Brownies
By Kittencalskitchen
★★★★★

Recipe Collections

• Brownies

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Ratings & Reviews:

By Sydney Mike
on April 15, 2010

★★★★★

"Definitely a winning recipe for us, but then we do love our brownies! Easy to make, too, which is a plus! At the end, howeveer, I used just a very, very light dusting of the powdered sugar! I look forward to making these the next time I host one of my monthly groups! [Made & reviewed for one of my adoptees in the current Pick A Chef event]"

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By kittycatmom
on April 08, 2009

★★★★★

"We really enjoyed this! I subbed Splenda for the sugar, which worked great for me, and I agree! Everything is better with butter. Just right for DH and I thanks buzzsaw! I will make this again! Made for 2009 Spring PAC"

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Brownie Thins

These thin chocolate cookies taste just like the very top layer of a brownie.
Serving Suggestion: *With milk. Make these in 30 minutes*

+ Save Recipe

MAKES 24

RECIPE BY Andrew Schloss
PHOTOGRAPH BY Kana Okada
DECEMBER 2007

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INGREDIENTS

6 tablespoons (3/4 stick) unsalted butter, cut into pieces
2 ounces unsweetened chocolate, chopped
1/2 cup sugar
1 large egg
3 tablespoons plus 1 teaspoon all purpose flour
1/4 teaspoon vanilla extract
1/4 teaspoon almond extract
Pinch of coarse kosher salt
Nonstick vegetable oil spray
1/4 cup chopped pistachios

PREPARATION

Position rack in lowest third of oven; preheat to 350°F. Butter 2 baking sheets. Place butter and chocolate in medium microwave-safe bowl. Microwave on medium-high power until almost completely melted, about 1 minute. Whisk until smooth. Add sugar and egg; whisk until smooth, about 1 minute. Add flour, both extracts, and salt; stir just to blend. Let batter stand 10 minutes.

Scoop rounded teaspoonfuls batter onto prepared baking sheets, spacing apart (12 per sheet). Spray sheet of plastic wrap lightly with nonstick spray. Place, sprayed side down, over cookies. Using fingers, press each mound into 2 1/2- to 2 3/4-inch round. Remove plastic wrap. Sprinkle pistachios over rounds. Bake cookies, 1 sheet at a time, until slightly darker at edges and firm in center, about 7 minutes. Cool on sheet 2 minutes. Transfer cookies to rack; cool completely. **DO AHEAD:** *Can be made 5 days ahead. Store airtight at room temperature.*

Hungry for More? If you have a question about this recipe, **contact** our Test Kitchen at askba@bonappetit.com. To see more recipes like this one, check out our **Gifts from the Kitchen Slideshow**.

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KEYWORDS: Holiday Cookie Recipes, Brownie Recipes, Desserts, Chocolate Recipes, Cookie Recipes

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High Altitude Baking: Brownie Thins

The anti-brownie is one tasty wafer

Vera Dawson
newsroom@vaildaily.com
VAIL CO, Colorado

Send us your news

Tuesday, March 29, 2011

Email Print Recommend 3

ENLARGE

Crisp and crunchy, these thin brownie wafers make for a satisfying treat.

Editor's note: Living in the Colorado high country is pure joy. Baking in it isn't. High altitude makes cookies spread in the pan, cakes fall, and few baked goods turn out as they do at sea level. This twice-monthly column presents recipes and tips to make baking in the mountains successful. ...

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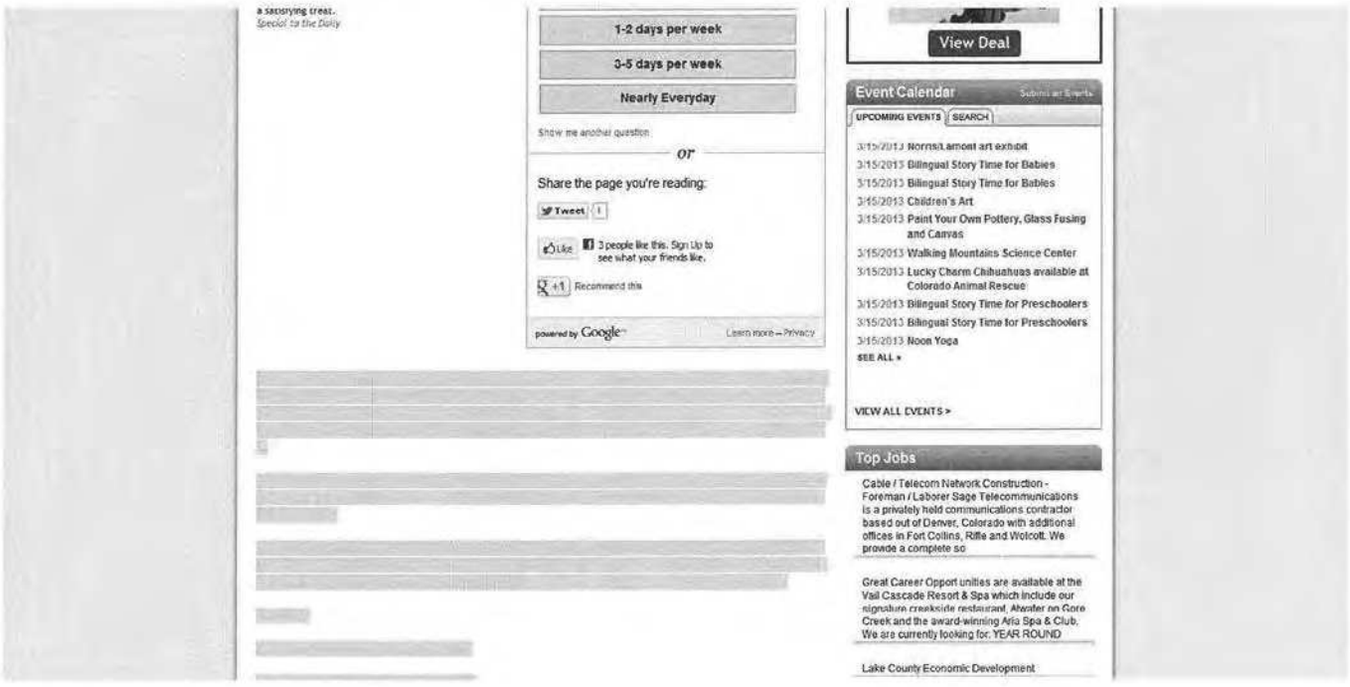
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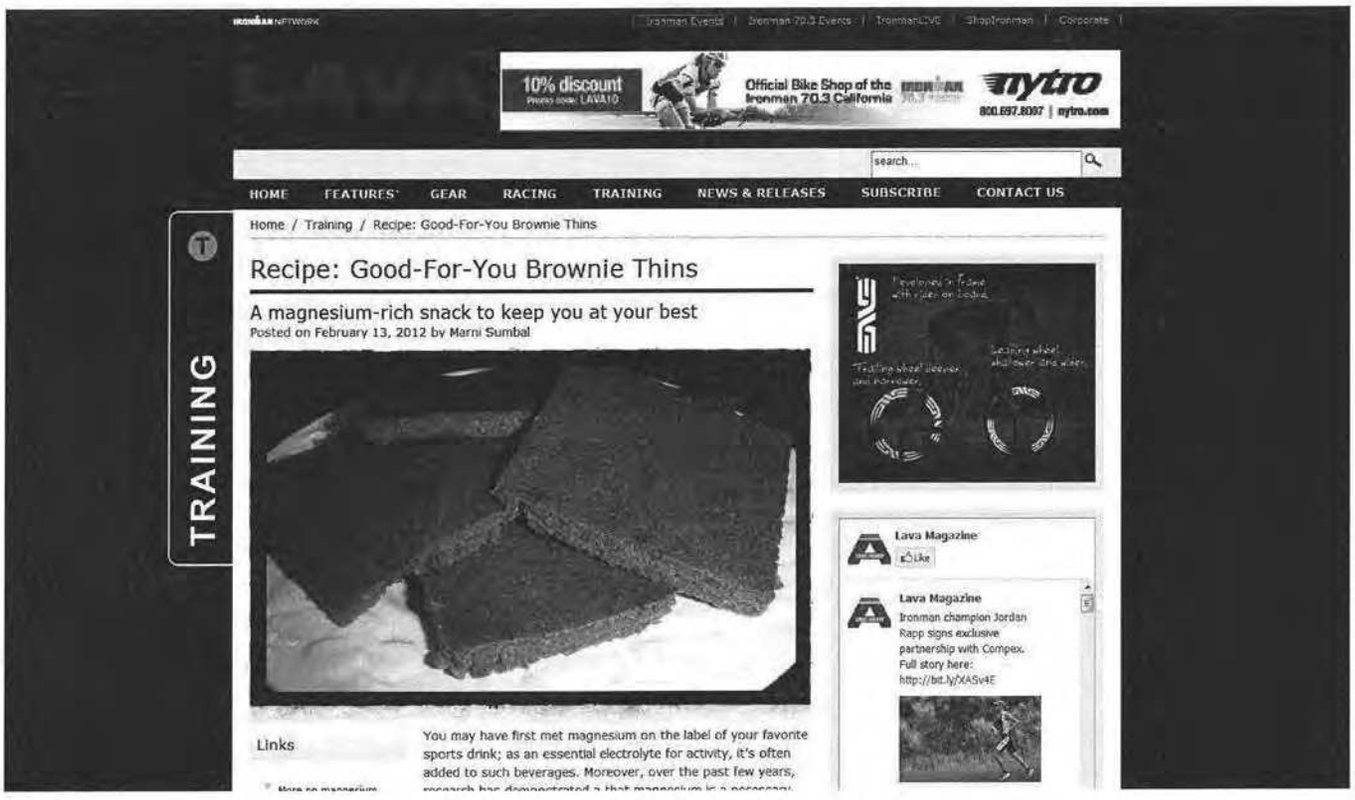

[redacted]

- More on magnesium
- The author's website

research has demonstrated a that magnesium is a necessary ingredient to relax the muscles during exercise.

These brownies features both cocoa and black beans, two ingredients rich in magnesium. While they bake, learn all about what magnesium can do for you as an athlete in my exhaustive article.

Good-for-You Brownie Thins

Makes 28 thins

Ingredients

¾ cup black beans (nutrition facts is for low-sodium canned beans)
⅓ cup olive oil
¼ cup unsweetened applesauce
2 eggs
¼ cup unsweetened cocoa powder
1/3 cup sugar
1 tsp instant coffee
1 tsp vanilla extract
1/3 cup soy flour
½ tsp baking powder
¼ tsp sea salt
1 Tbsp dark chocolate chips

Preparation

1. Preheat oven to 350-degrees. Generously coat a 10 x 14 baking sheet (and edges) with oil.*
2. In blender, puree beans, oil and applesauce. When smooth, add the eggs, cocoa, coffee and vanilla, and blend on medium until smooth.
3. In a small bowl, whisk together baking powder, flour and salt. Add to blender and pulse until incorporated.
4. Add chocolate chips and pulse 5 times (for 1 second each)
5. Spread batter on sheet and move sheet until batter is evenly distributed over the entire sheet.
6. Bake for 16-20 minutes or until top is firm (or test with toothpick so that batter is cooked in the middle)
7. Let cool for 10 minutes before cutting. Top with fresh fruit.

*For thicker brownies, use a smaller baking dish. Oil on baking

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[redacted]

*For thicker brownies, use a smaller baking dish. Oil on baking dish is not included in nutrition info.

Nutritional information per brownie: 44 calories, 2.6 g fat, 15 mg cholesterol, 4.5 g carbohydrate, 1 g fiber, 44 mg sodium, 2.8 g sugar, 1.4 g protein, 12 mg calcium, 8 mg magnesium

Add a comment...

Comment

Marla Young McMahan · Portland, Oregon
I made these a few days ago. Very yummy!
Reply · Like · June 17, 2012 at 8:22pm

Joe Nail · Professor Industrial Education at Elizabethtown Community and Technical College
At 189 lbs, this is the last thing I needed to see!
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Michelle M Buczkowski · Winter Garden, Florida
I'm a little leary since I tend to be a fudgy brownie purist, but I'll give it a shot.
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David Lazar · Principal Manager Business Model Strategy at Adobe
I may try these on a long run or bike ride.
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Karen Graham · Robert Gordon University
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Most definitely!
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Jacynthe Martin · Université du Québec à Montréal
I will try those for sure and will have tasters guess, what's in them???
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NOUN [COUNTABLE/UNCOUNTABLE] Pronunciation /'braʊnɪ/

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a type of flat chocolate cake, served in squares

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a sign that you believe shows whether good or bad things will happen in the future

Word of the Day

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1. short between edges
2. with little fat on body
3. small in number/amount
4. flowing easily
5. without much evidence
6. about hair/fur
7. about voice/sound
8. air: with little oxygen
9. smile: not sincere
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thin NOUN
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razor-thin ADJECTIVE
wafer-thin ADJECTIVE
thin-skinned ADJECTIVE
more dictionary definitions
1 a thin object or material has only a short distance between two opposite sides, edges, or surfaces
The box was covered with a thin layer of dust.
There's a thin crack in the glass.
Cut the cucumbers and tomatoes into thin slices.
Thesaurus entry for this meaning of thin
See also
Synonyms
a. someone with thin features has a long narrow mouth, nose, etc.

thin lips
Thesaurus entry for this meaning of thin

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2 someone who is thin has very little fat on their body
Charles was thin and very tall.
She has been sick and is much too thin.
Thesaurus entry for this meaning of thin

a. a thin part of the body has very little fat on it
thin bony arms
Thesaurus entry for this meaning of thin

3 small in number or amount
Dexter won by a thin margin (=a small number of votes, points etc.)
Thesaurus entry for this meaning of thin

4 a thin liquid contains mostly water, so that it flows easily
a plate of meat covered with thin gravy
Thesaurus entry for this meaning of thin

5 a thin explanation, argument, statement, etc. does not have enough evidence or detail to be effective
Thesaurus entry for this meaning of thin

6 thin hair, fur, or plants do not look solid because there are spaces between the individual hairs or leaves
a thin mustache
Thesaurus entry for this meaning of thin

7 a thin voice or sound is high and unpleasant to listen to
I heard a thin high cry.
Thesaurus entry for this meaning of thin

8 thin air has less oxygen in it than usual
In the mountains, the air is thinner.
Thesaurus entry for this meaning of thin

9 if someone gives a thin smile, their lips move but the feeling is not sincere
Thesaurus entry for this meaning of thin

PHRASES

- **have a thin skin**INFORMAL
  to be very sensitive to criticism or insults
  If you have a thin skin, you'll never survive in politics.
  Thesaurus entry for this meaning of thin

- **into thin air**
  if something disappears into thin air, it disappears suddenly in a mysterious way
  The climbers seem to have disappeared into thin air.
  Thesaurus entry for this meaning of thin

- **(skating) on thin ice**
  doing something dangerous, or something that could have an unpleasant result
  He's on thin ice with those accusations.
  Thesaurus entry for this meaning of thin

- **out of/from thin air**
  if something appears from thin air, it appears suddenly in a mysterious way
  I can't just make money appear out of thin air.
  Thesaurus entry for this meaning of thin

- **thin on the ground**
  not available in large amounts or numbers
  Such experienced nurses are thin on the ground.
  Thesaurus entry for this meaning of thin

- **thin on top**HUMOROUS
  losing your hair
  Dad is starting to look a little thin on top.
  Thesaurus entry for this meaning of thin

DERIVED WORD

thinnessNOUN (UNCOUNTABLE)

See also

- thinly

Synonyms: thin

Other ways of saying thin

slim thin in an attractive way: He was looking much slimmer after his vacation.
slender thin in a graceful way: a tall slender woman in her late 40s
skinny (*informal*) too thin: a skinny little boy of about eight
anorexic extremely thin in a way that does not look healthy, also used by doctors to describe someone who has the illness ANOREXIA NERVOSA: He must have been dieting – he was looking positively anorexic!
lean thin and strong: a lean man wearing a cowboy hat
emaciated extremely thin because you have been sick or do not have enough to eat: emaciated children holding out bowls for food
trim thin in a way that suggests you are careful about what you eat and how much you exercise: His trim figure made him look younger than he was.
gaunt so thin that people can see your bones under your skin: His face was gaunt with lack of sleep.
bony so thin that people can see your bones under your skin: long bony limbs that never seemed to fit his clothes

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an event which is extremely rare and unexpected but has very significant consequences

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a sign that you believe shows whether good or bad things will happen in the future

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To:	Sheila G Brands, LLC (trademarks@archerlaw.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 85781237 - BROWNIE THINS - BEL140.00401
Sent:	3/15/2013 11:44:24 AM
Sent As:	ECOM105@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 **3/15/2013** FOR U.S. APPLICATION SERIAL NO. 85781237

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) TIMELY RESPONSE IS REQUIRED: Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from **3/15/2013** (*or sooner if specified in the Office action*). For information regarding response time periods, see http://www.uspto.gov/trademarks/process/status/responsetime.jsp.

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EXHIBIT 52

To the Declaration of Diana L. Rausa

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MAILING DATE: Oct 11, 2013

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OWNER: BROWNIE BRITTLE, LLC

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To the Declaration of Diana L. Rausa

To:	KRAFT FOODS GLOBAL BRANDS LLC (trademark@kraft.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 85181047 - NEWTON'S FRUIT THINS - 66738 Biscui
Sent:	2/25/2011 11:56:17 AM
Sent As:	ECOM105@USPTO.GOV
Attachments:	Attachment - 1 Attachment - 2 Attachment - 3 Attachment - 4 Attachment - 5 Attachment - 6 Attachment - 7 Attachment - 8 Attachment - 9 Attachment - 10 Attachment - 11 Attachment - 12 Attachment - 13 Attachment - 14 Attachment - 15 Attachment - 16 Attachment - 17 Attachment - 18 Attachment - 19 Attachment - 20 Attachment - 21 Attachment - 22 Attachment - 23 Attachment - 24 Attachment - 25

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

APPLICATION SERIAL NO. 85181047

MARK: NEWTON'S FRUIT THINS

85181047

CORRESPONDENT ADDRESS:
MATTHEW A. GRIFFIN
3 LAKES DR
NORTHFIELD, IL 60093-2753

CLICK HERE TO RESPOND TO THIS LETTER:
http://www.uspto.gov/teas/eTEASpageD.htm

APPLICANT: KRAFT FOODS GLOBAL BRANDS LLC

CORRESPONDENT'S REFERENCE/DOCKET NO:
66738 Biscui
CORRESPONDENT E-MAIL ADDRESS:
trademark@kraft.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 2/25/2011

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

Search Results

The trademark examining attorney has searched the Office'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).

Disclaimer

Applicant must disclaim the descriptive wording "FRUIT THINS" apart from the mark as shown because it merely describes an ingredient, quality, characteristic, function, feature, purpose or use of applicant's goods and/or services. *See* 15 U.S.C. §§1052(e)(1), 1056(a); *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); TMEP §§1213, 1213.03(a). The applicant's goods are "cookies."
When the wording is considered in relation to the goods, it very clearly indicates that the cookies are thin and that they are fruit-flavored and/or include fruit as an ingredient. As evidence in support of the disclaimer requirement, the examining attorney has attached web pages that use the term THINS to advertise and/or otherwise refer to thin cookies. The examining attorney has also attached copies of current Registrations for similar and/or related goods that include a disclaimer of FRUIT or THINS.

The following is the standard format used by the Office:

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

TMEP §1213.08(a)(i); *see In re Owatonna Tool Co.*, 231 USPQ 493 (Comm'r Pats. 1983).

Response

Applicant is encouraged to telephone the assigned trademark examining attorney to resolve the issue raised in this Office action.

TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE: Applicants who filed their application online using the reduced-fee TEAS Plus application must continue to submit certain documents online using TEAS, including responses to Office actions. *See* 37 C.F.R. §2.23(a)(1). For a complete list of these documents, see TMEP §819.02(b). In addition, such applicants must accept correspondence from the Office via e-mail throughout the examination process and must maintain a valid e-mail address. 37 C.F.R. §2.23(a)(2); TMEP §§819, 819.02(a). TEAS Plus applicants who do not meet these requirements must submit an additional fee of $50 per international class of goods and/or services. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04. In appropriate situations and where all issues can be resolved by amendment, responding by telephone to authorize an examiner's amendment will not incur this additional fee.

/Ronald McMorrow/
Examining Attorney
Law Office 105
(571) 272-9306

TO RESPOND TO THIS LETTER: Use the Trademark Electronic Application System (TEAS) response form at http://teasroa.uspto.gov/roa/. Please wait 48-72 hours from the issue/mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

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 Trademark Applications and Registrations Retrieval (TARR) at http://tarr.uspto.gov/. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, 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 TEAS form at http://www.uspto.gov/teas/eTEASpageE.htm.

About Anna's
Our Products
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ANNA'S
of North America
Chocolate Mint Thins
Wafer-like chocolate thins with a subtle hint of mint make this an after-dinner favourite.
Ingredients & Nutritional Info
0 TRANS FAT
CHOCOLATE MINT THINS
DELICADITAS SABOR MENTA CON CHOCOLATE
ANNA'S
Recipes
Swedish Traditions
Contact Us
"Your cookies are too delicious! It's difficult to only have a few!"
- San Francisco, CA
Now Available!
Click on thumbnail to view product details.
NEW
Allergy alert: Anna's Thins may contain milk ingredients, tree nuts, peanuts, shellfish, sesame seeds and soy.

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MixerMate Bowl, reviewed
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Homemade Girl Scout Cookie recipes
Trader Joe's Meyer Lemon Cookie Thins, reviewed
JANUARY 27, 2009
NEW PRODUCTS, PRODUCT REVIEWS
16 COMMENTS
2
Cookie Thins
MEYER LEMON
It's hard to find a good lemon cookie. Either they don't have a particularly strong or distinctive flavor to them, or the cookies have an artificial sweetness to them due to overuse
Spice Things Up
from WILLIAMS-SONOMA
Williams-Sonoma Cloves
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IF YOU LOVE THIS

of (cheap) imitation flavoring. As a result, I was a bit reluctant to try Trader Joe's Meyer Lemon Cookie Thins at first, but was willing to give TJ's the benefit of the doubt because their Ginger Thins are quite good, so the lemon wafers seemed promising.

I wasn't disappointed.

These thins are bright and lemony, and are made with all natural ingredients – including butter and lemon – instead of using artificial flavorings. The wafers themselves are incredibly thin, maybe 1/8th of an inch high, and are very delicate. They break very easily in the package, despite their protective plastic case, so they must be treated with care. They almost shatter into your mouth when you bite into them, then the thin cookies seem to melt onto your tongue, it's a perfect combination of crispy and delicate.

I can't say with certainty that I could distinguish these meyer lemon thins from ordinary lemon thins if given an option, but the lemon flavor is unmistakeably zesty and fresh. The cookies are tasty and very addictive. They're good with tea and work well in place of graham crackers if you want to make a citrus tart crust.

Related Posts

Trader Joe's White Chocolate, Reviewed - FEBRUARY 15, 2011
Bites From Other Blogs - JANUARY 26, 2011
Bites From Other Blogs - JANUARY 19, 2011
Trader Joe's Sugar Cookie Workshop, Reviewed

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No Fat Cookies

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Cakes (126)

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Recipe for all-purpose agave-balsamic vinaigrette salad dressing
Food Photographer Penny De Los Santos on Her Remarkable Free
Eat Like Obama: Recipes Approved by the President

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Andrea's Kitchen
gluten free...but you would never guess!
Home About Me Contact Recipes Shop
Cappuccino Thins Cookies
WRITTEN ON NOVEMBER 27, 2010 BY ANDREA IN COOKIES, RECIPES
ANDREA ON TWITTER
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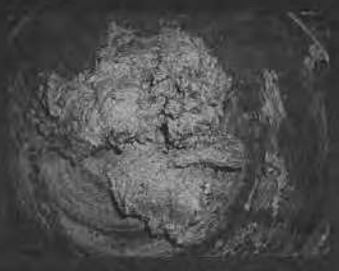
When I started writing this post I realized that I had been making the original recipe of this cookie (with gluten) for 20 years yikes!

These cookies have been one of everyone's favorites that has tried them over the years. I have made them almost every holiday season, either in the original form or gluten free.

Some recipes need tweaking when you convert them from "normal" to gluten free. I got lucky with this one because I don't think I changed anything except for the kind of flour. Some cookies and breads need the addition of more liquid or a little more egg or some xanthan gum to retain the original texture and "chew".



The flavor combination of chocolate and coffee is always good. This cookie is not too sweet and has a firm but tender texture- not cakey at all.

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- June 2010 (6)

TRANSLATOR

Select Language

JEWELRY BLOG

http://www.walkersus.com/products/107-walkers-lemon-shortbread-thins-cookies.aspx
02/25/2011 11:44:09 AM

SKU: 01671W

4.2 oz

Nutritional Info

Add to cart | Add to wishlist

Availability: In stock

Email a friend

SHARE

This is the lightest, most delicate shortbread we've ever created, with a true, zesty lemon flavor only ripe, juicy Sicilian lemons can offer. Lemon Shortbread Thin Cookies are great on their own or when used to create a fantastic dessert. Truly delicious served with a tart lemon mousse and fresh cream. Ideal for the creative home chef.

CUSTOMERS WHO BOUGHT THIS ITEM ALSO BOUGHT

Raspberry Thins

Glenfiddich Highland Whisky Cake

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» Los Angeles Area
» San Diego
» California
» Greater Seattle
See all boards »
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» Quebec (including Montreal)
» Ontario (including Toronto)
» B.C. (including Vancouver)
» Prairie Provinces
» Atlantic Canada
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» South and Central America and the Caribbean
» U.K./Ireland
» France
» Spain/Portugal
See all boards »
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» General Chowhounding Topics
» Food Media and News
» Home Cooking
» Cookware
» Wine
See all boards »
GENERAL CHOWHOUNDING TOPICS
Discuss chow in general, including nationally available products, internet & mail-order, national cuisines and tips for chowhounding.
Recommend
EMAIL PRINT SHARE
Cookie Alert - Anna's Swedish Thins
I got a box of Anna's blueberry cookies in a holiday gift basket this year, and WOW! thin, light, and bursting with blueberry flavor!
there are six other flavors to try, which are your faves?
HNY everyone
Link: http://www.annasthins.ca/
By Jamie D on Jan 02, 2006 12:03PM
Permalink | Reply
PHOTO GALLERY
VIEW
The Most Basic Recipes
VIDEO
+ MORE
TIP

6 Replies so Far

The Ginger Thins! Yumm....

By **susancinsf** on Jan 02, 2006 12:20PM Permalink | Reply

re: susancinsf

I love all the varieties I've tried, but the almond-cinnamon thins are my favorite. The lemon ones and the chocolate mint ones are good, too.

The cookies and a nice sorbet or ice cream make for a nice no-fuss dessert for company.

By **Catherine** on Jan 02, 2006 01:08PM Permalink | Reply

Ginger and orange are the best. Both perfect with a cup of tea or some fruit.

By **Caitlin McGrath** on Jan 02, 2006 06:07PM Permalink | Reply

I think these cookies are available at Ikea stores.

By **id** on Jan 02, 2006 10:42PM Permalink | Reply

re: id

yep, they used to be $.99 and are now $1.29 (price at the Seattle/Renton IKEA)

My husband ate a whole box last time we got some. I didn't get any of the ginger!

By **becky** on Jan 03, 2006 12:29AM Permalink | Reply

Now reduced to $0.79 at Ikea!

By **ekorn** on Jan 13, 2006 08:16PM Permalink | Reply

CHOW Tip: How to Cut Cookies Without a Cookie Cutter

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Ad Info

On Metacritic: Oscar predictions in all 24 categories

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On Metacritic: Oscar predictions in all 24 categories

Tags: holiday, orange, gift, chocolate, blueberry, ginger, general chowhounding topics, mint, flavors, tea, lemon, dessert

GENERAL CHOWHOUNDING TOPICS BOARD DISCUSSIONS

Best packaged non-bakery store bought cookies (182REPLIES)

Best storebought gingersnap cookie? (moved from Home Cooking board) (52REPLIES)

Do You Remember These Commercial Cookies? (47REPLIES)

Van deKamps cookies (59REPLIES)

Yes Yes Cookies (30REPLIES)

Best or Favorite Pies? (93REPLIES)

Fudgetown Cookies - Help! (46REPLIES)

What's your favorite box cookie (88REPLIES)

Favorite Italian Christmas cookies or pastries (49REPLIES)

What Foods Do You Hate/Dislike that Most Hounds Probably Love? (442REPLIES)

» RECIPES

- Winter Vegetable Soup with Watercress Pistou
- Roasted Tomato, Chickpea, and Swiss Chard Soup
- Roasted Garlic and Smoky Greens Soup
- Spicy Miso Soup with Bok Choy Wontons
- Soups with Winter Greens
- Irish Coffee

» DISCUSSION

- Uchi & Uchiko Coupon
- left over ricotta
- NYC/NJ Chowhounder coming to Toronto
- Sicilian cloisters
- Visiting Windsor, CA need recs
- Downtown Louisville Ky

» STORIES

- London Goes Gaga for Breast Milk Ice Cream
- Is It Stupid to Codify Cornish Pasties?
- Olma's Ode to the Twice Baked Potato
- Black Star, a Co-Op for Beer-Lovers
- Don't Trust an Alligator Wearing Sneakers Peddling Pasta
- Natural Peanut Butter Naturally Bad, Says Cook's Illustrated

» VIDEOS

- CHOW Tour Austin: The Next Generation of Austin Cuisine
- CHOW Tour Austin: Tex-Mex or Mex-Tex?
- CHOW Tour Austin: Beards, Butchery, and Salumi
- CHOW Tour Austin: Purple Gold, Texas Wine
- CHOW Tour Austin: Food Trailers Are King
- CHOW Tour Austin: Best Barbecue

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DESIGN MARK

Serial Number
77166579

Status
REGISTERED

Word Mark
ANNA'S GINGER THINS DELGADITAS DE JENGIBRE 0 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 "0 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 "0 TRANS FAT", the "0" is white

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.

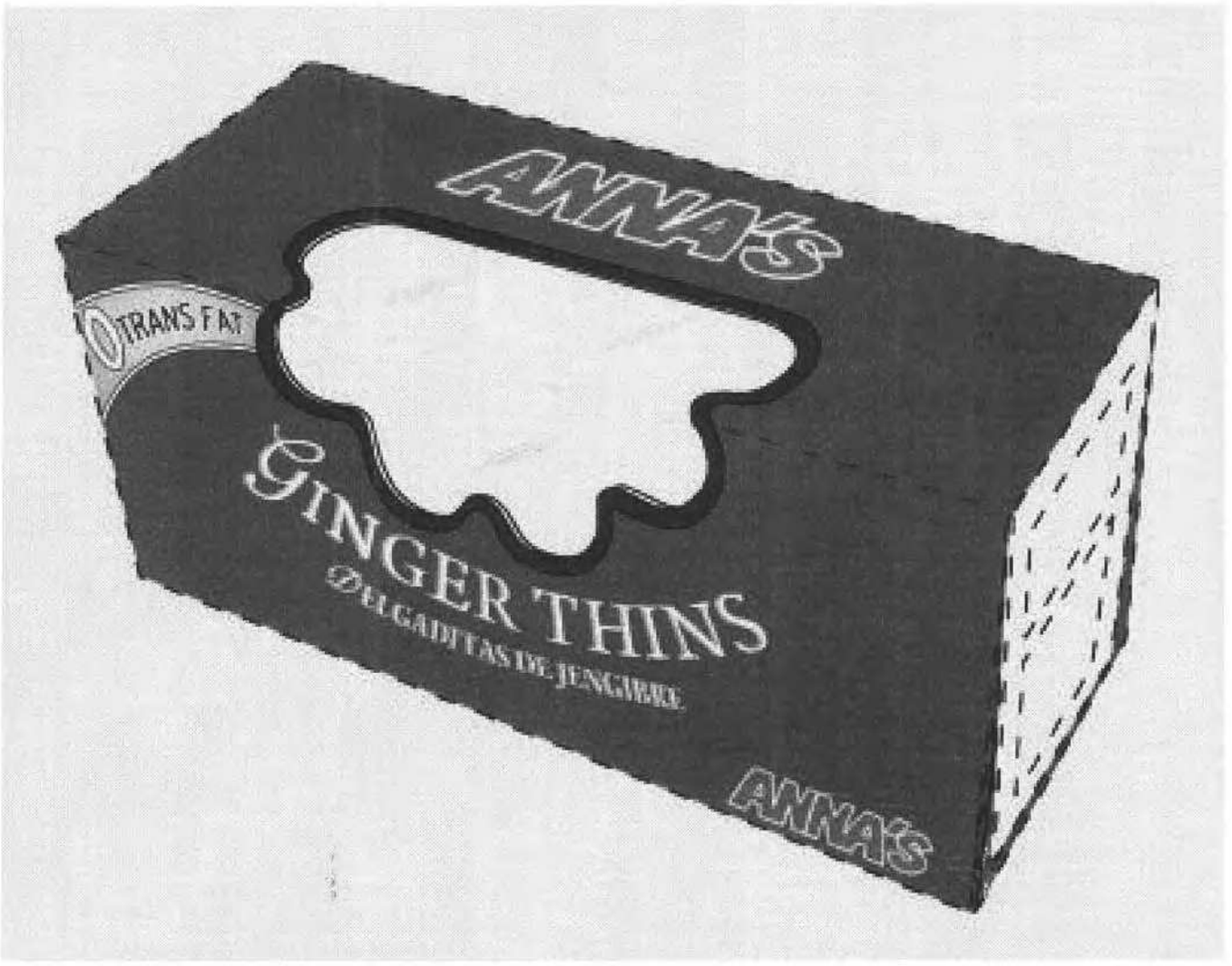
Colors Claimed
The color(s) RED, WHITE, BLACK AND YELLOW is/are claimed as a feature of the mark.

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
0 TRANS FAT
GINGER THINS
DELICATESSE DE GINGEMBRE
ANNA'S

DESIGN MARK

Serial Number
77374123

Status
REGISTERED

Word Mark
FRUIT JEWELS

Standard Character Mark
Yes

Registration Number
3617023

Date Registered
2009/05/05

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Meijer, Inc. CORPORATION MICHIGAN 2929 Walker Ave., N.W. Grand Rapids MICHIGAN 49544

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Cookies. First Use: 2008/06/28. First Use In Commerce: 2008/06/28.

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

Filing Date
2008/01/17

Examining Attorney
ALFIERI, AMY

Attorney of Record
Wendell P. Russell, Jr.

Fruit Jewels

DESIGN MARK

Serial Number
77376466

Status
REGISTERED

Word Mark
NEWTONS FRUIT CRISPS

Standard Character Mark
Yes

Registration Number
3624027

Date Registered
2009/05/19

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
KRAFT FOODS GLOBAL BRANDS LLC LIMITED LIABILITY COMPANY DELAWARE THREE LAKES DRIVE NORTHFIELD ILLINOIS 60093

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Cookies. First Use: 2008/06/00. First Use In Commerce: 2008/06/00.

Prior Registration(s)
1547603;1669627;2915171;AND OTHERS

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

Filing Date
2008/01/21

Examining Attorney
MURRAY, DAVID

Attorney of Record

Demetra Merikas

NEWTONS FRUIT CRISPS

DESIGN MARK

Serial Number
78262809

Status
REGISTERED

Word Mark
COOKIE ORCHARD FRUIT BASE COOKIE DOUGHS

Standard Character Mark
No

Registration Number
2912821

Date Registered
2004/12/21

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
South By Northwest Inc. DBA Cookie Orchard CORPORATION OREGON 4700 S. E. Viewpoint Drive Troutdale OREGON 97060

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Cookies and cookie dough. First Use: 2003/01/12. First Use In Commerce: 2003/01/12.

Disclaimer Statement
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COOKIE and FRUIT BASE COOKIE DOUGHS" APART FROM THE MARK AS SHOWN.

Filing Date
2003/06/16

Examining Attorney
MEIER, SHARON

Attorney of Record
JOHN E. RUSSELL

COOKIE ORCHARD
Fruit Base Cookie Doughs

DESIGN MARK

Serial Number
78909968

Status
REGISTERED

Word Mark
FRUIT SQUARES

Standard Character Mark
No

Registration Number
3312333

Date Registered
2007/10/16

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
Awrey Bakeries, LLC LIMITED LIABILITY COMPANY MICHIGAN 12301 Farmington Rd. Livonia MICHIGAN 48150

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Cookies. First Use: 2006/06/26. First Use In Commerce: 2006/06/26.

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

Description of Mark
The mark consists of the words "FRUIT SQUARES" having a stem with leaves extending from the top of the letter "T".

Filing Date
2006/06/16

Examining Attorney
GRAY, CAROLYN

Attorney of Record
Steve M. Clemmons

Fruit Squares

DESIGN MARK

Serial Number
85006318

Status
REGISTERED

Word Mark
BLUE THINS

Standard Character Mark
Yes

Registration Number
3870613

Date Registered
2010/11/02

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
El Trigal S.A. CORPORATION URUGUAY Av. Gral. San Martin 3270 Montevideo URUGUAY

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: cookies, biscuits, crackers. First Use: 2004/12/00. First Use In Commerce: 2004/12/00.

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

Filing Date
2010/04/05

Examining Attorney
CALLAGHAN BRIAN

Attorney of Record
Leigh Ann Lindquist

BLUE THINS

To:	KRAFT FOODS GLOBAL BRANDS LLC (trademark@kraft.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 85181047 - NEWTON'S FRUIT THINS - 66738 Biscui
Sent:	2/25/2011 11:56:20 AM
Sent As:	ECOM105@USPTO.GOV
Attachments:	

IMPORTANT NOTICE REGARDING YOUR U.S. TRADEMARK APPLICATION

USPTO OFFICE ACTION HAS ISSUED ON 2/25/2011 FOR SERIAL NO. 85181047

Please follow the instructions below to continue the prosecution of your application:

TO READ OFFICE ACTION: Click on this **link** or go to **http://portal.uspto.gov/external/portal/tow** and enter the application serial number to **access** the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this e-mail notification.

RESPONSE IS REQUIRED: You should carefully review the Office action to determine (1) how to respond; and (2) the applicable **response time period**. Your response deadline will be calculated from **2/25/2011** (or sooner if specified in the office action).

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System Response Form.

HELP: For *technical* assistance in accessing the Office action, please e-mail **TDR@uspto.gov**. Please contact the assigned examining attorney with questions about the Office action.

WARNING

Failure to file the required response by the applicable deadline will result in the ABANDONMENT of your application.

EXHIBIT 54

To the Declaration of Diana L. Rausa

United States Patent and Trademark Office

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Record 1 out of 1

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NEWTON'S FRUIT THINS

Word Mark	NEWTON'S FRUIT THINS
Goods and Services	IC 030. US 046. G & S: Cookies. FIRST USE: 20110401. FIRST USE IN COMMERCE: 20110401
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85181047
Filing Date	November 19, 2010
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	May 17, 2011
Registration Number	**4043300**
Registration Date	October 18, 2011
Owner	(REGISTRANT) KRAFT FOODS GLOBAL BRANDS LLC LIMITED LIABILITY COMPANY DELAWARE THREE LAKES DRIVE NORTHFIELD ILLINOIS 60093 (LAST LISTED OWNER) INTERCONTINENTAL GREAT BRANDS LLC LIMITED LIABILITY COMPANY DELAWARE 100 DEFOREST AVENUE EAST HANOVER NEW JERSEY 07936
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Matthew A. Griffin
Prior Registrations	0098178;1669627;3624027
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FRUIT THINS" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

EXHIBIT 55

To the Declaration of Diana L. Rausa

To:	GRUPO BIMBO, S.A. B. DE C.V. (officeactions@brinkshofer.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 85175717 - THOMAS' BAGEL THINS - 14254
Sent:	9/26/2011 2:58:55 PM
Sent As:	ECOM115@USPTO.GOV
Attachments:	Attachment - 1 Attachment - 2 Attachment - 3 Attachment - 4 Attachment - 5 Attachment - 6 Attachment - 7 Attachment - 8 Attachment - 9 Attachment - 10 Attachment - 11 Attachment - 12 Attachment - 13 Attachment - 14 Attachment - 15 Attachment - 16 Attachment - 17 Attachment - 18 Attachment - 19 Attachment - 20 Attachment - 21 Attachment - 22 Attachment - 23 Attachment - 24 Attachment - 25 Attachment - 26 Attachment - 27 Attachment - 28 Attachment - 29 Attachment - 30 Attachment - 31 Attachment - 32 Attachment - 33 Attachment - 34

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

APPLICATION SERIAL NO. 85175717

MARK: THOMAS' BAGEL THINS

85175717

CLICK HERE TO RESPOND TO THIS LETTER:
http://www.uspto.gov/trademarks/teas/response_forms.jsp

CORRESPONDENT ADDRESS:
SCOTT J. SLAVICK
BRINKS HOFER GILSON & LIONE
PO BOX 10395
CHICAGO, IL 60610-0395

APPLICANT: GRUPO BIMBO, S.A. B. DE C.V.

CORRESPONDENT'S REFERENCE/DOCKET NO:
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CORRESPONDENT E-MAIL ADDRESS:
officeactions@brinkshofer.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 9/26/2011

THIS IS A FINAL ACTION.

This Office Action replies to applicant's response dated August 26, 2011. In its response applicant

entered a disclaimer of the descriptive/generic term "bagel" and amended the identification of goods both of which are accepted and made of record. The applicant also argued against the requirement to disclaim the term "THINS". The examining attorney has considered the applicant's arguments and evidence carefully and is not persuaded. As such, the requirement for a disclaimer of "BAGEL THINS" is maintained and now made **FINAL**.

Disclaimer Requirement:

The examining attorney required a disclaimer of the terms "BAGEL THINS". The applicant provided only a disclaimer of the term "BAGEL". Applicant acknowledges that the term "THINS is descriptive when applied to "Cookies" but argues that "THINS" is merely suggestive when used in connection with "bakery products excluding cookies" and by association "bagels". Such is not the case.

The applicant argues that the term "THINS" has been treated inconsistently on the register in class 30 and that the office should therefore allow the registration of "THINS" in this application in order to be consistent. The examining attorney notes that the register is in fact mixed when it comes to the determination of descriptiveness of "THINS" in relationship to class 30 food products not including cookies. However, while the Trademark Office tries to be consistent in the examination and treatment of applications and issues, this does not mean that the office will as a matter of routine allow descriptive matter to be registered when it was previously allowed or when a word has come to be descriptive when it may have been treated as being suggestive previously.

In that regard the applicant is reminded that previous decisions of examiners allowing other marks are without evidentiary value and are not binding on the agency of the Board. Each case must be decided on its own merits. In Re National Novice Hockey League, Inc. 222 USPQ 638, 639 (TTAB 1984). In looking at how consumers and the industry now look and treat the term THINS in today's marketplace it is clear that the term is merely descriptive and perhaps generic in relationship to the goods identified. In support of this conclusion and the disclaimer requirement in general the examining attorney provides several different types of evidence.

This evidence includes multiple recipes for "BAGEL THINS". These recipes all indicate that the bagel should be sliced into 3 to 5 *thin* rounds. See attached and a recipe excerpt below:

Directions:

1 Using a very sharp serrated knife, slice bagel into very thin rounds.
2 Arrange in single layer on baking sheet; brush with margarine.
3 Sprinkle with oregano.
4 Bake in 350F oven for 12 minutes.
5 Let cool and store in airtight container for up to 1 week.

Read more: http://www.food.com/recipe/crispy-and-easy-bagel-thins-7606#ixzz1Z4wMisXP

In further support, the examining attorney also attaches internet evidence of the wording used in the food industry and for the exact goods identified here, evidence of past Office practice regarding disclaimers of the wording or registration on the Supplemental Register or the Principal Register 2(f) with respect to related or identical goods. See:

- U.S. Registration No. 3568922 which includes a disclaimer for "THINS" in connection with "cookies, gingerbread biscuits, and biscuits."

- U.S. Registration No. 3870613 which includes a disclaimer for "THINS" in connection with "cookies, biscuits, crackers."
- U.S. Application No. 77798540 approved for publication pursuant to Section 2(f) in connection with "bakery products, not including cookies." *Owned by the applicant.*
- U.S. Application No. 77798364 Pending and pursuant to Section 2(f) in connection with "bakery products, not including cookies." *Owned by the applicant.*
- A recipe from www.bigoven.com for "FIERY GARLIC BAGEL THINS" where bagels are sliced into fifths in order to be thin.
- A recipe from www.foodista.com for "Bagel Thins, Lo Cal, Lo Salt" where the bagels are sliced into "very thin rounds."
- A recipe from www.fitnessandfreebies.com for "Baked Bagel Thins" where the bagels are sliced into four crosswise slices.
- An article from The New York Times published on February 14, 1982 discussing Bagel Boss offering "bags of "bagel thins," crisp, toasted thin bagel slices."

As to the applicant's approved and pending applications pursuant to section 2(f), t hird-party registrations featuring the same or similar goods as applicant's are probative evidence on the issue of descriptiveness where the relevant word or term is disclaimed, registered under Trademark Act Section 2(f) based on a showing of acquired distinctiveness, or registered on the Supplemental Register. *See Sweats Fashions, Inc. v. Pannill Knitting Co.*, 833 F.2d 1560, 1564-65, 4 USPQ2d 1793, 1797 (Fed. Cir. 1987); *In re Box Solutions Corp.*, 79 USPQ2d 1953, 1955 (TTAB 2006); *In re Finisar Corp.*, 78 USPQ2d 1618, 1621 (TTAB 2006). Clearly the applicant itself has concluded previously that the wording THINS was merely descriptive of the exact goods.

In the original Office Action the examining attorney provided the dictionary definitions of the several word elements at issue from the Encarta® online dictionary. As the definitions indicated, BAGEL is defined as "glazed ring-shaped bread roll with a slightly chewy texture" while THIN is defined as "shallow or narrow"; "of small diameter" and "slim." See dictionary definitions from www.encarta.com previously attached. When viewed in the context of the applicant's identified "Bakery goods, excluding cookies", "BAGEL THINS" is merely descriptive of a feature or characteristic of the applicant's goods, namely, the goods include slim bagels or bagels that are shallow or narrow or bagels of a small diameter.

The examining attorney also previously provided evidence of third party usage of "BAGEL THINS" in connection with all bagels in particular:

Einstein Bros offering New Bagel Thins Lunch Sandwich
Bagel Country offering bagel thins on its menu
Manhattan bagel Company offering bagel thins on its menu

However, The applicant maintains that the term "THINS" is suggestive and that a multiple reasoning process is required to determine the meaning of "THINS". This is not the case as all of the evidence clearly shows that a consumer encountering the wording "BAGEL THINS" in connection with applicant's goods would immediately understand at least one feature and/or characteristic of the goods. There is no multiple reasoning process, mental leap or imagination required to determine at least one attribute or characteristic of the goods identified. Additionally, the fact that the word may have other meanings in other contexts is not controlling. The applicant is reminded that the determination of whether a mark or element of a mark is merely descriptive is considered in relation to the identified goods, not in the abstract. *In re Abcor Dev. Corp.*, 588 F.2d 811, 814, 200 USPQ 215, 218 (C.C.P.A. 1978); TMEP §1209.01(b); *see, e.g., In re Polo Int'l Inc.* , 51 USPQ2d 1061 (TTAB 1999) (finding DOC in DOC-

CONTROL would be understood to refer to the "documents" managed by applicant's software, not "doctor" as shown in dictionary definition); *In re Digital Research Inc.*, 4 USPQ2d 1242 (TTAB 1987) (finding CONCURRENT PC-DOS merely descriptive of "computer programs recorded on disk" where relevant trade used the denomination "concurrent" as a descriptor of a particular type of operating system). "Whether consumers could guess what the product is from consideration of the mark alone is not the test." *In re Am. Greetings Corp.*, 226 USPQ 365, 366 (TTAB 1985).

Additionally, the applicant manufactures regular bagels and bagel thins along with other bagel products. A review of the applicant's products show that the regular bagels and thin bagels are the same circumference but the regular bagels are wider or thicker and weigh 96 grams while the bagel thins are thinner or slimmer than the regular counterpart and weigh only 46 grams. See attached evidence. Thus, the visual difference in the goods shows that the "BAGEL THINS" are thinner or slimmer than the regular bagels.

In further support of the requirement the examining attorney provides additional evidence where third parties refer to bagel thins generically. See attached:

- An article by Alison Sherwood, *Sweet Potato Black Bean Spread, a PCK Original*, where the author writes about a recipe for a spread used on crackers, toast, and also **bagel thins** as a generic food item.
- An article by Lauren R. Hartman, *Bakery Market Stays in the Game*, June 1, 2011 focuses on how bakers and bakeries are trying to improve their products and what they are doing to get their sales up in this economy. The article includes a portion dedicated to new bakery products that are having a "positive effect on the bakery category," which include "Sandwich rounds and **thin bagels**" and states "SymphonyIRI data supports the popularity of these items. For the latest 52 weeks ending March 20, dollar sales of sandwich rounds/thins were up 45% versus the previous year, while new **bagel thin** products drove overall bagel segment growth."
- An article titled *Slicers do more for less Baking Management,* June 23, 2011 which discusses recent bakery product machinery trends and states "Ryan has seen this reflected through a move to "thinner" bread products at retail. "Something we have noticed in past years is the move toward thinner products like **bagel thins** and hamburger bun thins," she says."
- An article *Reap Benefits from Better Food Picks*, CONSUMER REPORTS, June 2011 in which a discussion on how to eat healthier and includes advice such as "Craft a savvy sandwich. "Think of a sandwich as a chance to eat salad without a fork, and pile it high with vegetables," Greaves says. Trade a kaiser roll for a whole-grain wrap with fewer calories and more fiber. Other options include a whole-grain **bagel thin**, a mini-pita, a light English muffin, or a lettuce wrap made of two sturdy romaine leaves."
- An article *Flowers Foods Earnings Conference Call* - Final FD (Fair Disclosure) Wire May 19, 2011 discussing the company's business and stating "We are pleased with the performance of our sandwich rounds, our **bagel thins**, and our other new products."
- ABA's Shiver: *Economy Demands Action from Bakers*, SNACK FOOD & WHOLESALE BAKERY, Apr. 1, 2010 focuses on the chairman of the American Bakers Association calling for the baking industry to become more involved in economic policy. Notes consumer response to the baking industry: "'Consumer response is still strong in all segments of the baking business and recent new products such as **bagel thins** and sandwich rounds are bringing a lot of excitement to the bread aisle.'"
- Klosterman Baking Company announces the addition of Flat Bread type products including "Flat Bread, **Bagel Thins**, Sandwich Slims, Pita Breads, and Pizza Crusts."

Emphasis added. The single agreement between applicant and Einstein Noah Restaurant Group, Inc. does

not obviate the entire body of evidence that clearly indicates that many third parties use "BAGEL THINS" in connection with or in discussions of bakery products, not including cookies and including bagels and thus the wording is descriptive if not generic.

Conclusion

Based on the evidence of record and the clear and plain meaning of the word elements taken in context, the wording is merely descriptive, if not generic as applied to the applicant goods. *See* 15 U.S.C. §§1052(e)(1), 1056(a); *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); TMEP §§1213, 1213.03(a). Because the words immediately and directly conveys information about the applicant's goods, the requirement for a disclaimer of both the word elements "BAGEL THINS" is maintained and now made FINAL.

Applicant may submit the following standardized format for a disclaimer:

> **No claim is made to the exclusive right to use "BAGEL THINS" apart from the mark as shown.**

TMEP §1213.08(a)(i); *see In re Owatonna Tool Co.*, 231 USPQ 493 (Comm'r Pats. 1983).

Responding to a FINAL Refusal:

If applicant does not respond within six months of the date of issuance of this final Office action, the application will be abandoned. 15 U.S.C. §1062(b); 37 C.F.R. §2.65(a). Applicant may respond to this final Office action by:

(1) Submitting a response that fully satisfies all outstanding requirements, if feasible; and/or

(2) Filing an appeal to the Trademark Trial and Appeal Board, with an appeal fee of $100 per class.

37 C.F.R. §§2.6(a)(18), 2.64(a); TBMP ch. 1200; TMEP §714.04.

In certain rare circumstances, a petition to the Director may be filed pursuant to 37 C.F.R. §2.63(b)(2) to review a final Office action that is limited to procedural issues. 37 C.F.R. §2.64(a); TMEP §714.04; *see* 37 C.F.R. §2.146(b); TBMP §1201.05; TMEP §1704 (explaining petitionable matters). The petition fee is $100. 37 C.F.R. §2.6(a)(15).

To Respond to this Letter:

Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

Who Must Sign the Response:

It must be personally signed by (1) an individual applicant; (2) someone with legal authority to bind applicant (i.e., a corporate officer, a general partner, all joint applicants); or (3) an authorized attorney, if one is appointed to represent applicant.

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 Trademark Applications and Registrations Retrieval (TARR) at http://tarr.uspto.gov/. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, 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 TEAS form at http://www.uspto.gov/teas/eTEASpageE.htm.

Informal Communication:

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney.

All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §2.191; TMEP §§709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

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Food; ONION BAGELS, YES- AND NOW, SPINACH OR CHOCOLATE CHIP

By FLORENCE FABRICANT
Published: February 14, 1982

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HOW do you like your bagels? Sesame? Onion? Pumpernickel? How about spinach? And are you ready for chocolate chip? Countless bagel bakeries on the Island have bagels in several flavors, but at Bagel Boss in Hicksville, the varieties definitely break new ground. Chocolate chip and spinach bagels, which they bake regularly, might appeal to the curious, ready to sample anything new.

The spinach is salt-free, slightly vegetal-tasting and good with cheese. As for the chocolate chip, it ranks fairly low on my list of culinary delights, about on a par with chocolate cream cheese.

Cinnamon raisin, on the other hand, while no longer a novelty, is given distinctive character at Bagel Boss with the cinnamon traced in deep swirls and plenty of big juicy raisins throughout. These can become addictive.

The cinnamon raisin bagels - like the chocolate chip, spinach, rich egg, savory rye and excellent whole wheat bagels - are huge, almost twice the size of a common bagel. And unlike what Mel Rosner, the owner of Bagel Boss, estimates to be 95 percent of the bagels sold today, they are made by hand, not machine.

"Someone invented a bagel machine about 15 years ago, and that changed the whole business," Mr. Rosner said. "Until then, bagels were always made by hand, but now the handmade is dying out."

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The large bagels made and sold at Bagel Boss are all hand-rolled by Sol Sapadin, a baker, who estimates that he makes 72,000 bagels a week by hand to accommodate retail sales and wholesale accounts. A new vegetable flavor, combining sweet potatoes, carrots, broccoli and spinach in the dough, will be introduced shortly. Smaller bagels, the plain classic plus six other flavors (onion, garlic, salt, sesame, poppyseed and pumpernickel), are stamped out by machine.

Bagel Boss, which does a lively wholesale business, also makes minibagels and even miniature bialys, these particularly appealing for elegant brunches. Onion boards, regular bialys, bialy sticks, onion and garlic breads and caraway-flavored braided bagel rolls, ideal for sandwiches, are some other specialties.

For parties, Bagel Boss will take orders for giant bagels, two feet in diameter, that can be split and layered with various fillings to feed about a dozen guests. These are priced at $5.

Fillings for bagels - whether giant, mini, extra large or normal - include the whitefish salad, baked salmon salad or all-natural vegetable cream cheese spread also made by Bagel Boss. Bags of "bagel thins," crisp, toasted thin bagel slices, are 79 cents each. If you buy two bags, the third one is free.

Similarly, purchasing a dozen bagels, either of the hand-rolled varieties at 30 cents each or the regular ones at 20 cents, entitles you to an extra one. Minibagels and minibialys are $1.30 a dozen, and many of the other specialty items are 40 cents each.

Mr. Rosner's partners in the business are two of his sons, Randy and Jerry. A third son, Adam, who is 17 years old, is apprenticing. "We bought what was a very ordinary and not particularly well-run bagel bakery about five years ago," said Mr. R osner, who has been inthe business for 35 years. "Almost from the beginning we started adding flavor s and sizes, but it's been gradual. The salads and cheese are th e newest line."

Bagel Boss, which also sells hot coffee, daily newspapers, dairy products and some very dreary commercial pastries that really do not deserve to be displayed alongside the bagels, is open every day, 24 hours a day. The address is 432 South Oyster Bay Road, Hicksville. The telephone number is 681-1856 or 935-9879.

Illustrations: photo of Mel Rosner

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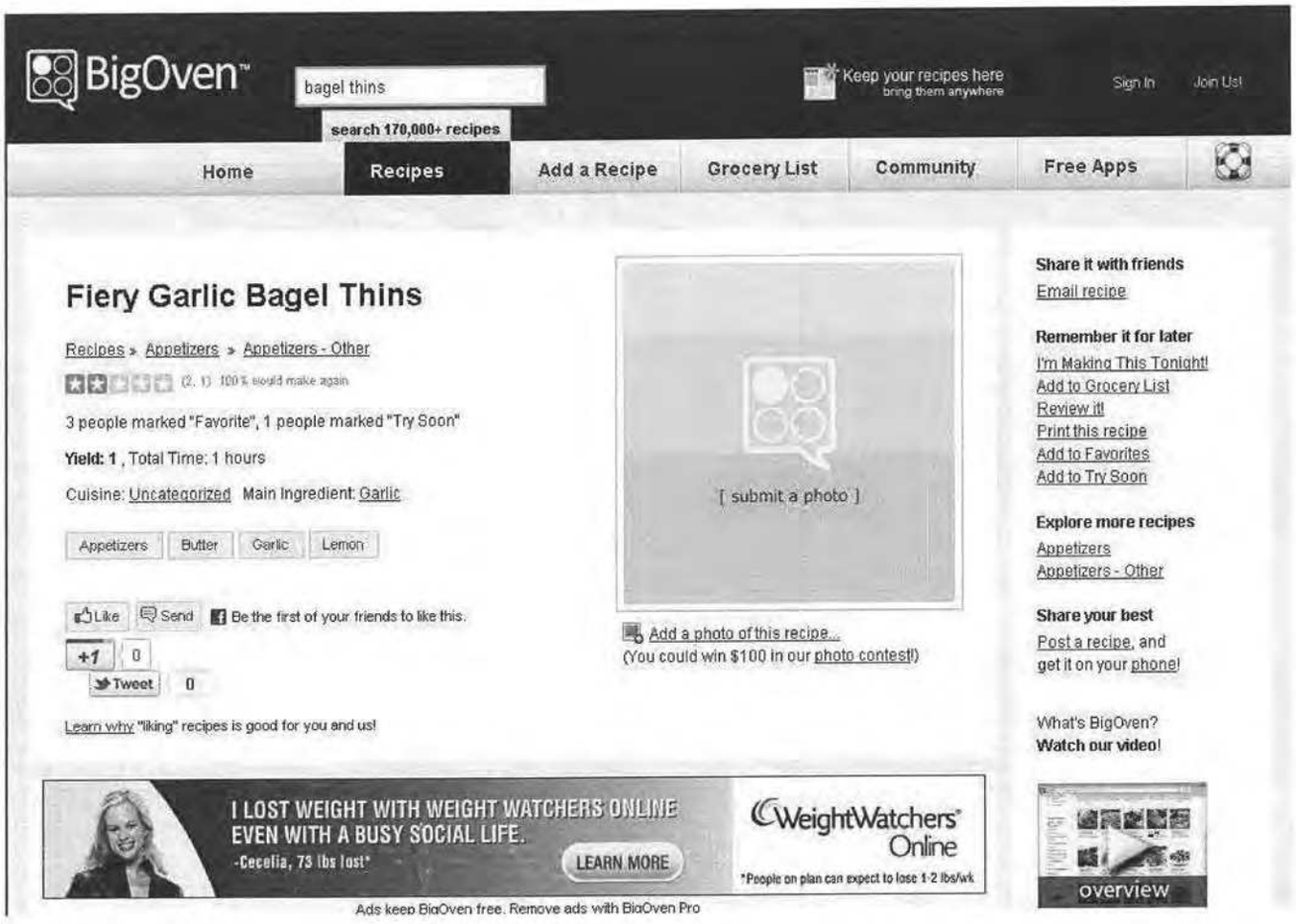
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Ingredients

[View Metric]

- Salt to taste
- 2 tb Lemon juice
- 5 Bagels
- 1/2 ts TABASCO pepper sauce
- 1/2 c Butter
- 6 Garlic; minced

★ pro **Calories Per Serving**: 831
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How to Prepare Fiery Garlic Bagel Thins

Preheat broiler. Slice bagels crosswise into fifths. In small saucepan, melt butter with garlic and simmer over very low heat 2 minutes or until garlic has softened. Add lemon juice, Tabasco pepper sauce and salt to taste. Liberally brush one side of each bagel with lemon-garlic butter. Broil bagels on one side until golden. Watch carefully; this takes only a minute. Turn bagels over and broil until golden. Serve hot or store in an air-tight container. Makes 25 bagel thins. Busted by Karen Sonnessa Recipe by: Tabasco www.tabasco.com Posted to MC-Recipe Digest by "Karen Sonnessa" on Mar 29, 1998

Food Glossary

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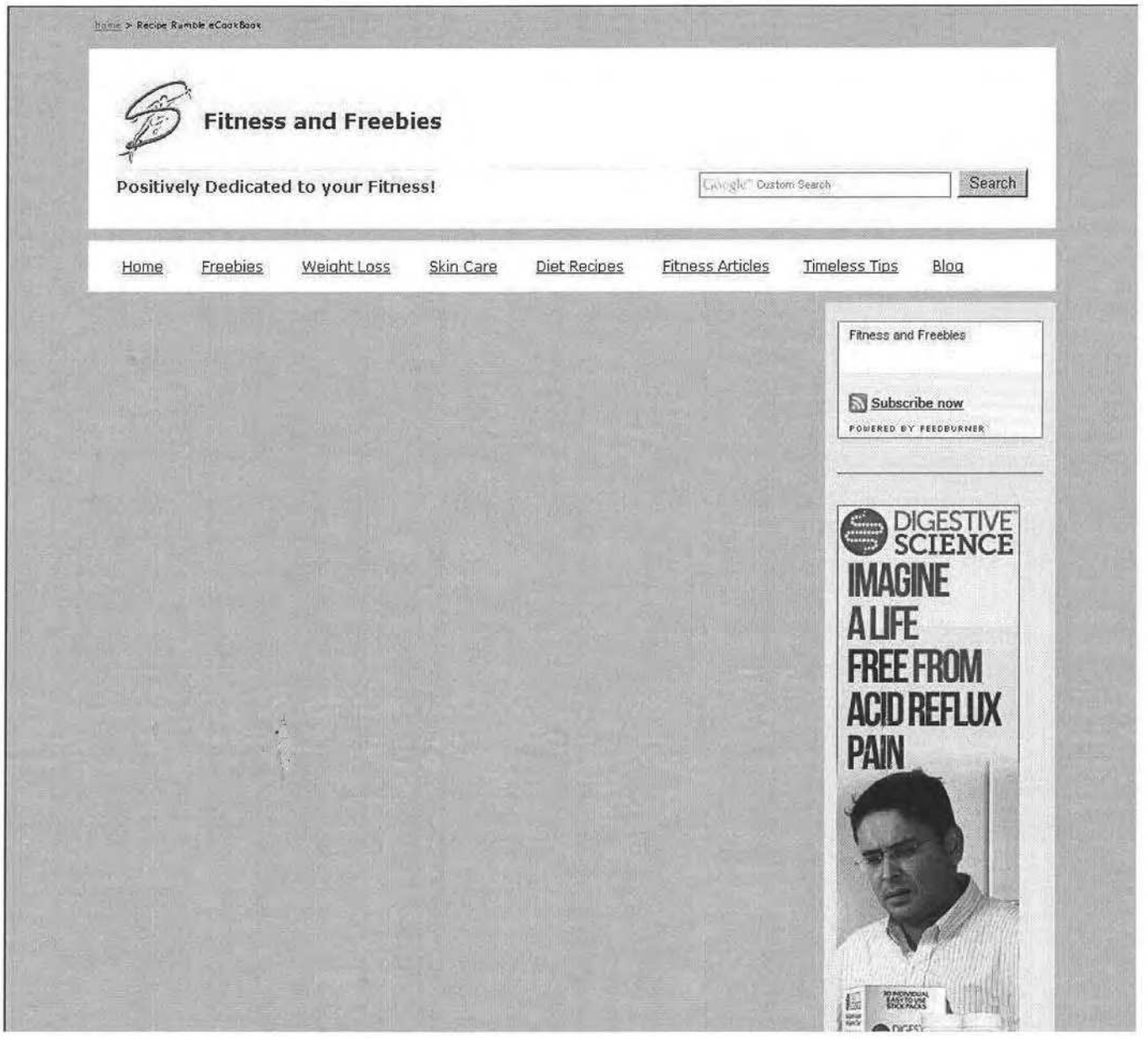
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What should Americans eat to stay healthy? The Dietary Guidelines Advisory Committee recommend that Americans continue to maintain or improve their weight by balancing their diet with moderate physical activity and a healthy diet.

The Recipe Rumble eCookBook contains over 265 healthful recipes that reduce fat, carbs, calories, sugar and even some vegetarian and vegan friendly recipes. You surely don't have to practice one of those diets to enjoy them, though! Go meatless one night a week - it lends variety and offers you many new taste sensations!

In fact, you could pick one from each of the five categories for each week night, and two from the just plain healthy for the weekends and be eating healthy seven nights a week!

PLUS YOU GET AN ADDITIONAL 189 RECIPES AS A BONUS!. These are from the now-discontinued Recipe eZine.

ONLY $4.95!

The eCookBook is in PDF format, is under 1 MB (quick and easy to download) and will be made available to you immediately after payment.

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Contents

We get right to business - the recipes! No frills, easily printable pages without heavy images that will waste your printer ink. Don't miss out on this great collection of healthful recipes. ***All of these are healthier for anyone****, but some hone in a little more on a certain dietary need, such as especially low in fat, sugar, carbs, etc. Recipe included are...*

Lower in fat...

- *Picadillo*
- *Chili Cheese Braid*
- *Apple-Cranberry Strudel*

Just Plain Healthy!

- *Garlic Parsley Rolls*
- *Wild Rice Soup*
- *Spanish Rice*

- Apple-Cranberry Strudel
- Grand Slam Sundae
- Summer Garden Stir Fry
- Pepper Quesadillas
- Banana Mousse Dessert
- Crunchy French Toast
- Florentine Potato Casserole
- Fresh Tuna Salad
- Turkey Burger
- Treasure-Filled Apples
- Fruit Bowl with Marshmallow Dip
- Enlightened Peach Duff
- Summer Corn Salad
- Fresh Fruit Salad wih Citrus Sauce
- Apple Spice Bread
- Moist Apple Cake
- Mexican Chicken Casserole
- New Potatoes Salad
- Mediterranean Alfredo Pizza
- Angel Food Cake
- Cherry Rice Pilaf
- Just Peachy Crisp
- Apple, Banana or Pumpkin Oat Bran Muffins
- Spinach and Rice Frittata
- Apricot Salad
- Carrot-Oatmeal Cookies
- Apple Bran Muffins
- Lemon Blueberry Scones
- Beef Taco Skillet
- Whole Wheat Blueberry Pancakes
- Apple Pancakes
- Cherry Angel Trifle
- Orange Pineapple Salad
- Breakfast Bagel Sandwich
- Lemon Ice
- 30 Minute Strawberry Freezer Jam
- Spanish Rice
- Watermelon Ice
- Vanilla Custard Sauce with Strawberries
- Fruit Salad
- Turkey Tostadas
- Merry Cherry Dessert
- Green Bean Casserole
- Oven Baked Fish and Chips
- Moroccan Stew
- Garden Clam Chowder
- Easy Cherry Jelly
- Broccoli, Tomato and Basil Frittata
- Great Garlic Potatoes
- Cheesecake Dainties
- Sauteed Apples Supreme
- Gourmet Golden Squash
- Parmesan Fillets
- Fried Tomatoes
- Blintz Pancakes
- Pineapple Breakfast Cake
- Easy Pinwheel Cookies
- Fried Green Tomatoes
- Applesauce Pancakes
- Buttermilk Pancakes
- Norwegian Nut Bread
- Watermelon Fire and Ice Salsa
- Hearty Mexican Spaghetti
- Pizza Dogs
- No Cook Garden Tomato Sauce
- School Days Fruit Roll Ups
- Vegetable Drawer Stir-Fry
- Artichoke Veal Chops
- Fresh Berries with Sweet Vinegar Sauce
- Steakhouse Onion Beef and Pepper Stir-Fry
- Herby Roasted Potato Wedges
- Whole Wheat Blueberry Pancakes

- Easy Herb Focaccia
- Champage Citrus Sorbet
- Dill Sour Cream Potato Salad

Lower in Carbs...

- Rueben Quiche
- Rhubarb Syrup For Pancakes
- Antipasto Quiche
- Chocolate Amaretto Cheesecake
- No-Roni
- Deep Dish Quiche Pizza
- Low Carb Pizza
- Pan Grilled Salmon with Pineapple Salsa
- Pecan Pancakes
- Blueberry Orange Sorbet
- White Castle Hambugers
- Mock Potato Salad
- Puffed Oven Pancake
- Low Carb Maple Syrup
- Cinnamon Roll Ups
- Dijon Asparagus
- Crab And Asparagus Quiche
- Broccoli With Orange Peel And Walnuts
- Gourmet Greek Omelet
- Chicken Fingers with Honey Mustard Dipping Sauce
- Chicken Caesar Salad
- Orange Creamsicles
- Marinated Three Bean Salad
- Light Beef Stroganoff
- Low Carb Fajitas
- Cowboy Steak
- Flax Shortbread Cookies
- Black Forest Parfait
- Coconut Macaroon Snowballs
- I Can't Believe It's Not Fudge
- Old Fashioned "Sugar" Cookies
- Yogurt Fruit Dip
- Scalloped Cabbage
- Bananas in Caramel Sauce
- Chicken Cacciatore
- Open Faced Warm Egg Salad on Toast
- Peach-Raspberry Pecan Crisp
- Great Garlic Knots
- Greek Pasta Salad
- Lamb/Beef Steaks
- Tex-Mex Pork Chops
- Rum Ba Fruit Skewers
- No Ice-Cream Maker Ice Cream
- Berry Calcium Smoothie
- Sinful Spring Salad
- Asparagus Lasagna
- Quick Marinated Chicken
- Chicken Caesar Fresh Stuffed Pita
- Cranberry Raspberry Sorbet
- Tortellini Soup
- Broiled Parmesan Tomatoes
- Rice Cereal Energy Bars
- Crisp Oven Friend Chicken
- Pork Tenderloin Parmigiana
- Brunch Fruit Salad
- Apple Cobblestone Cookies
- Healthy Corn Dogs
- Luscious Kiwi Strawberry Salad
- Frozen Banana-Berry Parfait
- Watermelon Sorbet
- Old-Fashioned Beef Stew
- Southwest Chicken Stew
- Mexican Lasagna
- Moroccan Spiced Sweet-Potato Medley
- Carolina Chicken Pilau
- Pork, Cabbage and Apple Saute

- Old Fashioned Sugar Cookies
- Beef And Mushroom Quiche
- Rosemary Fish Bundles for Two
- Chocolate Chunk Cookies

Lower in calories...

- Baked Applesauce
- Beef and Barley with Mushrooms
- Ultimate Simplicity Strawberries
- Tart Cherry Pie
- Lime Sherbet
- Coffee Pops
- Broccoli Dip In A Bread Bowl
- Brownie Snack Cake
- Fluffy Fruit Salad
- Low Calorie Special
- Fruited Pasta Salad
- Stir Fry Pepper Steak
- Chicken 'N' Biscuits
- Baked Bagel Thins
- Apricot Sticky Buns
- Carrot Zucchini Bread
- Tangy Citrus Chicken
- Corn Muffins
- Fisherman's Stew
- Crustless Apple Pie
- Confetti Crunchies
- Mango and Salsa
- Coleslaw
- Apples, Cranberries and Yams
- Ball Park Style Pretzels
- Cranberry Banana Muffins
- Angel Strawberry Bavarian
- Anadama Bread
- Corn Salad with Cilantro Vinaigrette
- Crusty Potato Wedges
- Broccoli Pasta Salad
- Skillet Chicken Potpie
- Shrimp Etouffee
- Fast Tortellini Soup
- Mediterranean Eggplant Pizza
- Baked Potato Supreme
- Citrus and Sweet Onion Salad
- Creamy Tomato-Basil Pasta Sauce
- Thai-Style Salmon Stir-Fry
- Stir-Fried Chicken and Cashews
- Herbed Beef Tenderloin
- Turkey with Country Ham Stuffing
- Roasted Potatoes with Garlic
- Sweet Potatoes and Bananas
- Scallops with Tomato Sauce
- Chicken Nuggets
- Five Minute Fruit Smoothie
- Fresh Salsa
- Easy Taco Pizza
- Peanut Butter Bars
- Potatoes Au Gratin
- Lemon And Lime Rice
- Oat-Bran French Toast
- Pork Tenderloin

Vegetarian/Vegan Friendly...

- Vegan Refried Beans
- Boston Cream Pie
- Snow Peas and Pearl Onions
- Spud Stuffers
- Super Veggie Wrap
- Vegan/Vegetarian Pancakes
- Vegan Reduced Fat French Silk Pie
- Veggie Pancakes
- Almond-Green Bean Salad
- Lemon Angel Pie
- Vegan Bisquits

- Broccoli Pasta Salad
- Classic Pineapple Lime Mold
- Banana Apricot Loaf
- Cheddar-Polenta Puff
- Collard Greens
- Baked Beans Espanol
- Pleasing Peas and Asparagus

Low in sugar/Diabetic friendly...

- Banana Yogurt Pie
- Sugar Free Orange-Banana Smoothy
- Gingered Orange Carrots
- Pepper Quesadillas
- Easy Diabetic Pizza
- Mexican Rice
- Cranberry Pear Chutney
- Lemon Poppy Seed Cake
- Chocolate Bundt Cake
- Refreshing Iced Mint
- Strawberry Shortcakes
- Chocolate Cheesecake
- Baking Powder Biscuits
- The New Layered Salad
- No-Guilt Chocolate Brownies
- Brownie Cake Delight
- Cornmeal Pancakes with Serrano and Ginger
- Blueberry Cobbler
- Chocolate-Berry Cheesecake
- Fresh and Healthy Salsa
- Old-Fashioned Custard Pie
- Baked Apples
- Cheese and Rice Stuffed Peppers
- Orange and Chocolate Chip Bread
- Splenda Spice Cookies
- Old-Fashioned Country Style Cornbread
- Sugar-Free Oatmeal Cookies
- Hot Mocha Dream

- Fresh Vegetable Pita Pizza
- Vegan Snickerdoodles
- Guiltless Guacamole
- Guacamole
- Strawberry Stuffed French Toast
- Easy Vegan Pasta Sauce
- Easy Cheese Hors-d'oeuvre
- Seven Layer Dip
- Basic Grilled Tomatoes
- Tofu Tacos
- Vegetable Pita Sandwich
- Vegan Oatmeal Chocolate Chip Cookies
- Easy Vegetable Frittata
- Veggie Bites
- Vegan Gravy
- Vegetable Lasagna

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- Blueberry Muffins
- Peach Burritos
- Caramel Apple Crisp
- Peanut Butter Chocolate Pudding
- Red Snapper Provencal
- Southern Fried Chicken
- Wild Rice Blueberry Dessert
- Orange Cake
- Cranberry-Nut Tea Cake
- Streusel French Toast
- Heritage Pumpkin Pie
- West Coast Chicken Breast
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- Strawberry Banana Sorbet

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Baked Lasagna

Diabetic Recipes : Baked Bagel Thins

(Recipe makes 6 servings)

Ingredients

- 3 (3 oz.) whole wheat bagels, slice each bagel into 4 crosswise slices
- refrigerated butter-flavored cooking spray

Preparation:

- Preheat oven to 450 degree F.
- Spray a non stick cookie sheet. Place the slices in a single layer

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Diabetic Recipes :

on the sheet and spray again.

- Bake until lightly browned (about 5 minutes). Serve immediately.

Nutrition score per serving:

112 calories (4% calories from fat), 5 g protein, 1 g total fat (0 saturated fat), 24 g carbohydrate, 4 g dietary fiber, 0 cholesterol, 200 mg sodium

Diabetic exchanges:

1 ½ carbohydrate (bread/starch)

Posted by Salikup at 5:31 AM
Labels: Appetizers and Snacks

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October 30th, 2005, 10:36 PM #1 (permalink)

Kitchen Witch
Master Chef

Join Date: Aug 2005
Location: www.foodpals.com (profile)
Posts: 27,834
Thanks: 41
Thanked 1,020 Times in 835 Posts

Baked Bagel Thins

Baked Bagel Thins

(makes 6 servings)

3 3-ounce (90 g) whole wheat bagels
refrigerated butter-flavored cooking spray

1. Preheat oven to 450Â°F (230Â°C), Gas Mark 8.
2. Slice each bagel into 4 crosswise slices. Spray a non stick cookie sheet with spray. Place the slices in a single layer on the sheet and spray again.
3. Bake for 5 minutes, until lightly browned. Serve immediately.

Per serving: 112 calories (4% calories from fat), 5 g protein, 1 g total fat (0 saturated fat), 24 g carbohydrate, 4 g dietary fiber, 0 cholesterol, 209 mg sodium
Diabetic exchanges: 1 1/2 carbohydrate (bread/starch)

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Bagel Thins Recipe
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Serves/Makes: 20
20
change servings
reset
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Gone Fishing
Spiced Apple Pie Party Mix
INGREDIENTS:
1 bagel
1 teaspoon dried oregano
2 teaspoons soft margarine -- melted
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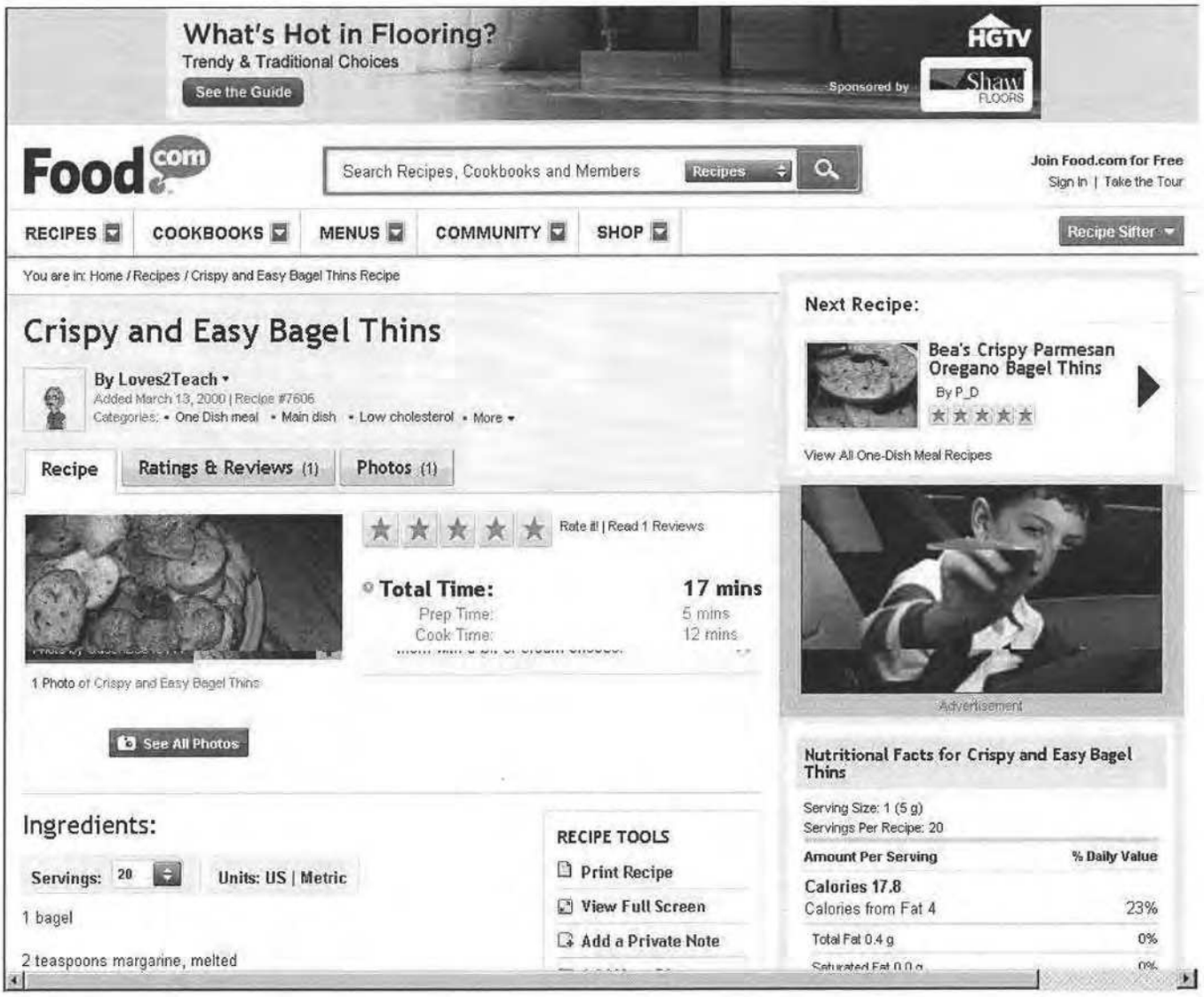
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Crispy and Easy Bagel Thins
By Loves2Teach
Added March 13, 2000 | Recipe #7606
Categories: • One Dish meal • Main dish • Low cholesterol • More
Recipe
Ratings & Reviews (1)
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Total Time: 17 mins
Prep Time: 5 mins
Cook Time: 12 mins
1 Photo of Crispy and Easy Bagel Thins
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Ingredients:
Servings: 20
Units: US | Metric
1 bagel
2 teaspoons margarine, melted
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Serving Size: 1 (5 g)
Servings Per Recipe: 20
Amount Per Serving
% Daily Value
Calories 17.8
Calories from Fat 4
23%
Total Fat 0.4 g
0%

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Thomas'® Plain Bagel Thins™ Bagels

Nutrition Facts and Ingredients

Light texture and delicious taste in a 110 calorie bagel.

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Thomas'® Plain Bagels

Nutrition Facts and Ingredients

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- Cholesterol Free
- Good Source of Vitamins and Minerals
- Low Fat

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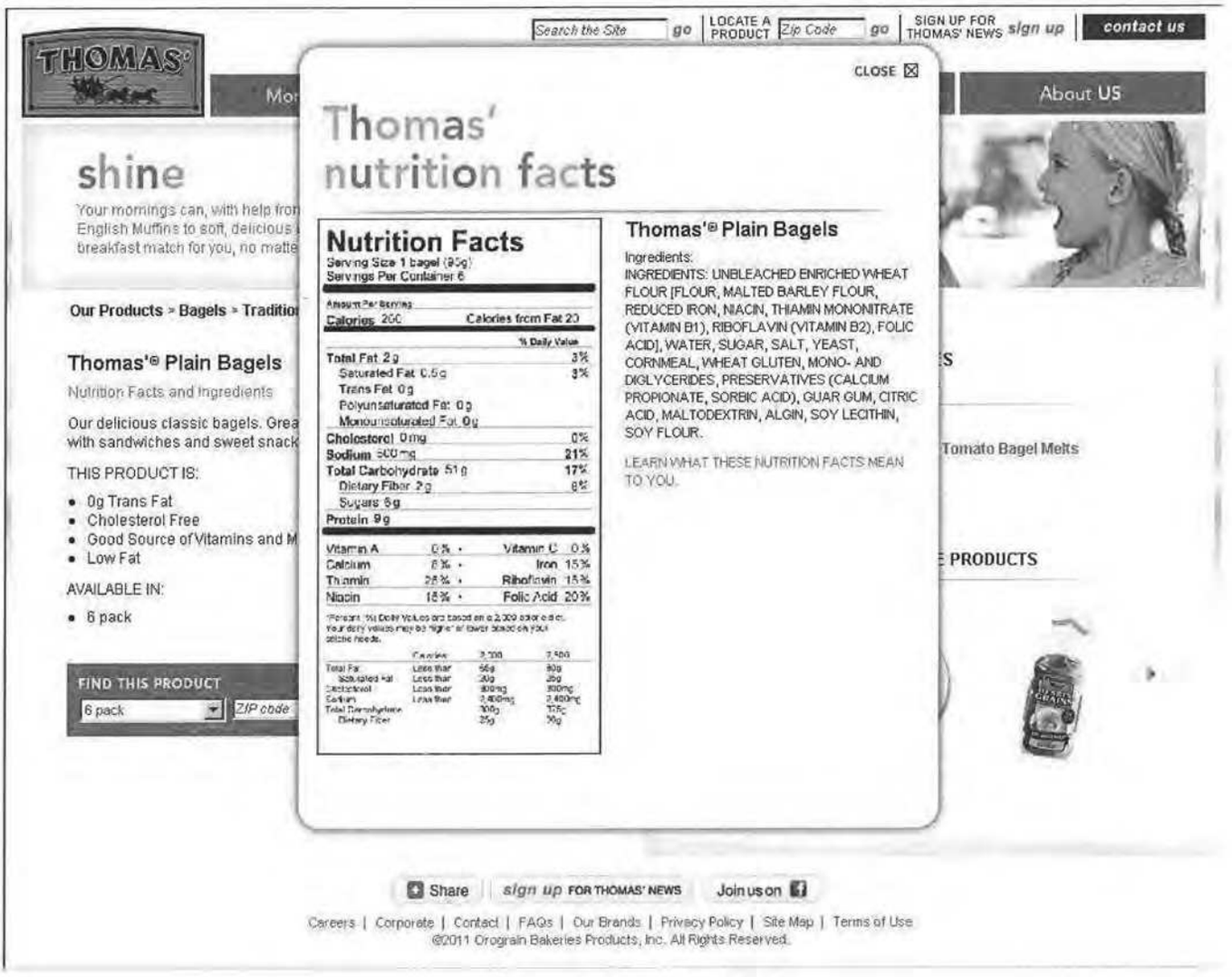
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Thomas' nutrition facts
Nutrition Facts
Serving Size 1 bagel (85g)
Servings Per Container 6
Amount Per Serving
Calories 200 Calories from Fat 20
% Daily Value
Total Fat 2g 3%
Saturated Fat 0.5g 3%
Trans Fat 0g
Polyunsaturated Fat 0g
Monounsaturated Fat 0g
Cholesterol 0mg 0%
Sodium 300mg 21%
Total Carbohydrate 51g 17%
Dietary Fiber 2g 8%
Sugars 5g
Protein 9g
Vitamin A 0% • Vitamin C 0%
Calcium 6% • Iron 15%
Thiamin 28% • Riboflavin 15%
Niacin 18% • Folic Acid 20%
Thomas'® Plain Bagels
Ingredients:
INGREDIENTS: UNBLEACHED ENRICHED WHEAT FLOUR [FLOUR, MALTED BARLEY FLOUR, REDUCED IRON, NIACIN, THIAMIN MONONITRATE (VITAMIN B1), RIBOFLAVIN (VITAMIN B2), FOLIC ACID], WATER, SUGAR, SALT, YEAST, CORNMEAL, WHEAT GLUTEN, MONO- AND DIGLYCERIDES, PRESERVATIVES (CALCIUM PROPIONATE, SORBIC ACID), GUAR GUM, CITRIC ACID, MALTODEXTRIN, ALGIN, SOY LECITHIN, SOY FLOUR.
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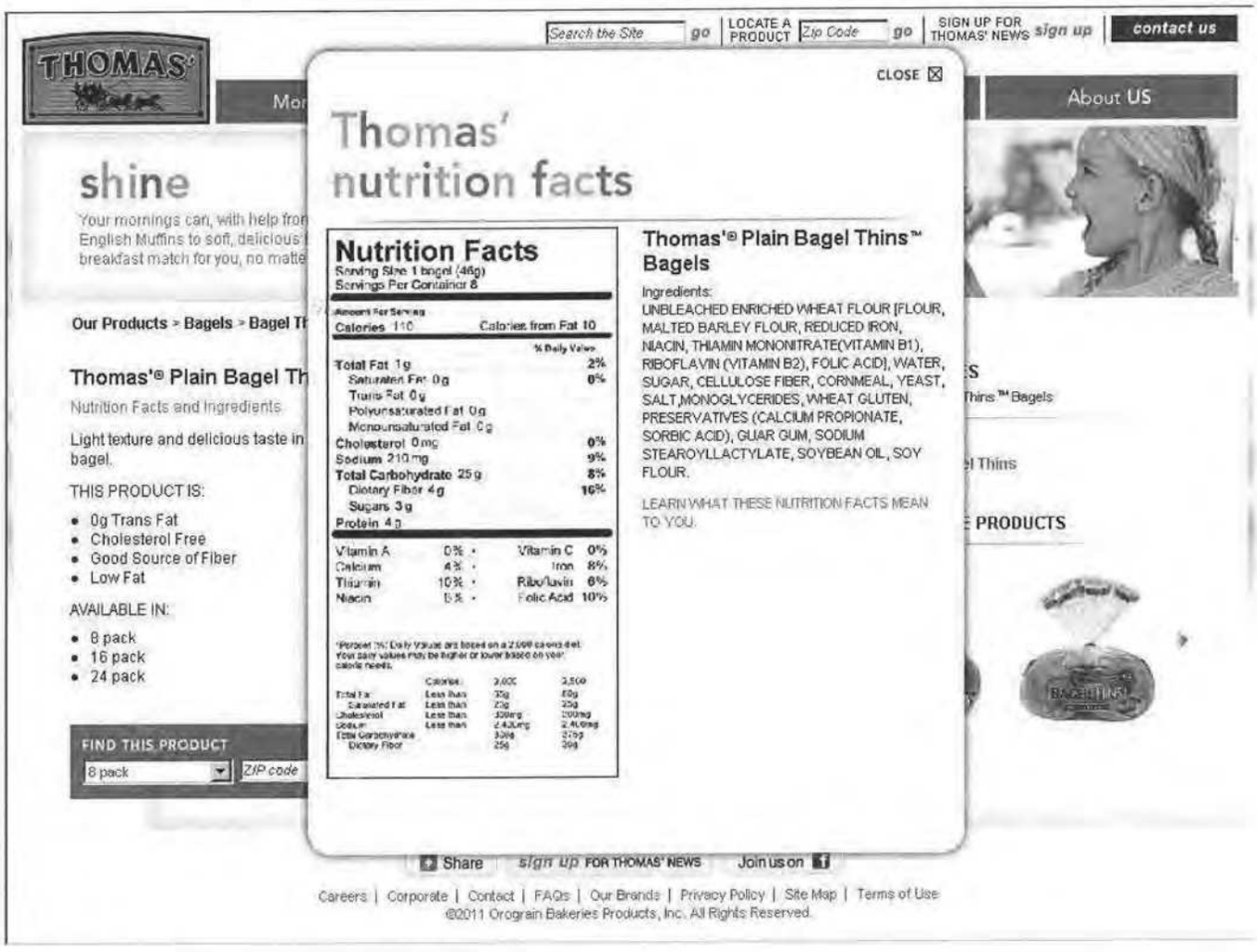

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Class Status -- ACTIVE. IC 032. US 046. G & S: Fruit Juices-Namely, Grapefruit Juice, Orange Juice. First Use: 1971/10/00. First Use In Commerce: 1971/10/00.

Prior Registration(s)
0663880;0945843;AND OTHERS

Section 2f Statement
2(F) ENTIRE MARK

Filing Date
1978/06/13

Examining Attorney
UNKNOWN

Attorney of Record
JOSEPH MAKUCH

shurfresh

DESIGN MARK

Serial Number
77166579

Status
REGISTERED

Word Mark
ANNA'S GINGER THINS DELGADITAS DE JENGIBRE 0 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 "0 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 "0 TRANS FAT", the "0" is white

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.

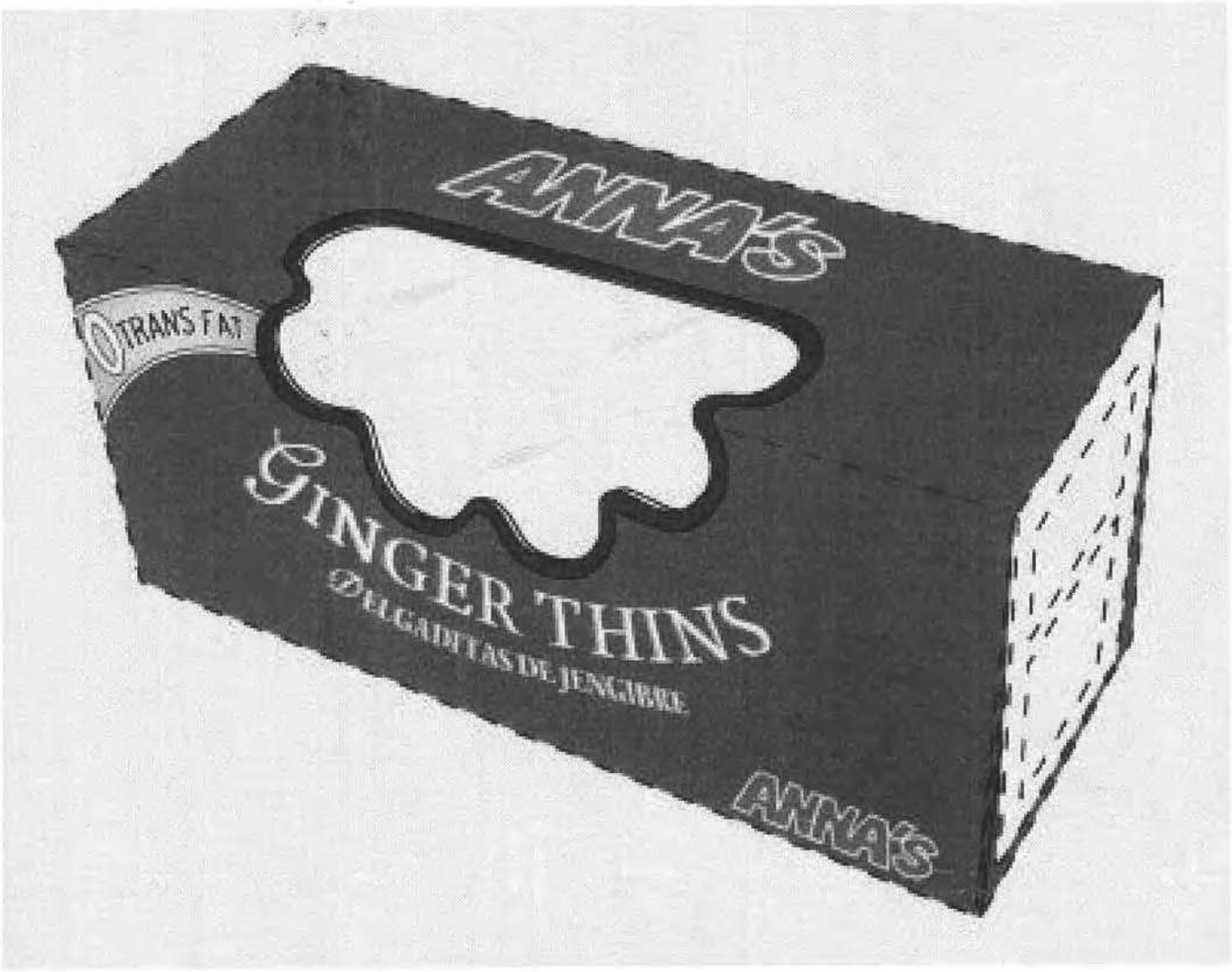
Colors Claimed
The color(s) RED, WHITE, BLACK AND YELLOW is/are claimed as a feature of the mark.

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
0 TRANS FAT
GINGER THINS
DELGADITAS DE JENGIBRE
ANNA'S

DESIGN MARK

Serial Number
77798364

Status
SUBSEQUENT FINAL MAILED

Word Mark
BAGEL THINS

Standard Character Mark
Yes

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

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

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: bakery products, not including cookies. First Use: 2010/01/07. First Use In Commerce: 2010/01/07.

Prior Registration(s)
3427797

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

Section 2f Statement
2(F) ENTIRE MARK

Filing Date
2009/08/06

Examining Attorney
HUSSAIN, TASNEEM

Attorney of Record
Scott J. Slavick

BAGEL THINS

DESIGN MARK

Serial Number
77798540

Status
NON-FINAL ACTION - MAILED

Word Mark
BREAKFAST THINS

Standard Character Mark
Yes

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

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

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: bakery products, not including cookies. First Use: 2011/05/12. First Use In Commerce: 2011/05/12.

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

Section 2f Statement
2(F) ENTIRE MARK

Filing Date
2009/08/06

Examining Attorney
HUSSAIN, TASNEEM

Attorney of Record
Joshua S. Frick

BREAKFAST THINS

DESIGN MARK

Serial Number
85006318

Status
REGISTERED

Word Mark
BLUE THINS

Standard Character Mark
Yes

Registration Number
3870613

Date Registered
2010/11/02

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
El Trigal S.A. CORPORATION URUGUAY Av. Gral. San Martin 3270 Montevideo URUGUAY

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: cookies, biscuits, crackers. First Use: 2004/12/00. First Use In Commerce: 2004/12/00.

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

Filing Date
2010/04/05

Examining Attorney
CALLAGHAN BRIAN

Attorney of Record
Leigh Ann Lindquist

BLUE THINS

DESIGN MARK

Serial Number
85285262

Status
NON-FINAL ACTION - MAILED

Word Mark
BAKED IN BROOKLYN

Standard Character Mark
No

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Owner
Aladdin Bakers, Inc. CORPORATION NEW YORK 240 25th Street Brooklyn NEW YORK 11232

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Breads, bread rolls, bread crisps, bread thins, bread sticks, ancient grain chips, bagel chips, ciabatta chips, focaccia chips, pita chips, toast, flatbreads, sandwich wraps, tortillas.

Description of Mark
The mark consists of the phrase BAKED IN BROOKLYN in stylized letters.

Colors Claimed
Color is not claimed as a feature of the mark.

Filing Date
2011/04/04

Examining Attorney
CARLSON, KRISTIN

Attorney of Record
George Gottlieb

BAKED IN BROOKLYN

JSOnline
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2011, 2010, 2008 Pulitzer Prize Winner

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Lifestyle and Features Blogs

TEXT SIZE AA

Post-College Kitchen

Alison Sherwood shares her struggles, triumphs, musings and more while trying new recipes and improving her kitchen skills

Sweet Potato Black Bean Spread, a PCK original

Recommend 4 Tweet 2
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By Alison Sherwood of the Journal Sentinel

March 23, 2011 | (1) COMMENTS

print e-mail

I am always envious of people who can whip together a fantastic meal off the top of their head - no recipe, no nothing, save a vision for what that meal will taste like.

Usually when I try to do that, it ends up tasting nowhere near as good as I envision, and I'm left with a mediocre dinner. Like the other night, for instance, I had this great vision for veggie pasta with marinara, black beans and sweet potatoes.

It didn't turn out bad by any means, but it was just kind of like... well, black beans, sweet potatoes, marinara and pasta in a bowl together. It lacked that special oomph I was hoping the combination of those great ingredients would have.

With half a sweet potato and half a can of black beans left, a new inspiration hit. And this one was not lackluster at all - hurrah!

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LATEST POST-COLLEGE KITCHEN POSTS

- Post-College Kitchen guide to wedding registries: Part Two
- Tips for planting a vegetable garden
- A delicious weekend in New York City
- Slow cooker coconut curry chicken
- Fun, yum at an afternoon American tea
- Web Bites: Wedding cake; DIY outdoor table; Creme Brulee French toast
- Kid-friendly, one-pot mac and cheese
- Pulitzer Pies
- Web Bites: Royal cake; Asparagus tortellini salad; Cinco de Mayo; Apron giveaway
- Raspberry scones for the royal wedding - or spring

This super simple sweet potato black bean spread has that sweet/savory combo that I die for. I originally intended it as dip, but it ended up thick enough to spread on crackers, wraps, sandwiches, toast, etc. Last night I made a sandwich that solely consisted of a huge slathering of this spread on a whole wheat bagel thin. It was lacking nothing.

Sweet Potato Black Bean Spread

1 medium-large sweet potato
1 15-ounce can black beans, drained and rinsed
1/4 teaspoon sea salt
1/4 teaspoon garlic powder
1/2 teaspoon chili powder
1/2 teaspoon ground cumin
3/4 teaspoon dried onion flakes
1 teaspoon dried Mexican oregano
3 to 4 tablespoons extra-virgin olive oil

Peel and chop the sweet potato into 1-inch pieces. Place in a microwave-safe bowl and cover with a damp paper towel. Microwave 5 to 7 minutes or until cooked. Alternatively you could cook the potato whole with the skin on (be sure to pierce it in a few places) and scoop out the insides once it's cooked.

Place cooked sweet potato, beans and seasonings in a food processor and pulse until combined. Add olive oil and blend until mixture sticks together in a thick paste. Serve warm or chilled, spread on crackers, as a veggie dip or on a sandwich or wrap.

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Tags: healthy : lunch : sandwiches : recipes
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2010 AFJ ASSOCIATION OF FOOD JOURNALISTS
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VIDEOS

Making a tortilla

An authentic margarita

Page 1 of 6

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Post-College Kitchen Here's the long awaited part two of my wedding registry advice.

Post-College Kitchen guide to wedding registries: Part Two
www.jsonline.com
I wrote a guide to wedding registries last year, and seeing as it's apparently engagement season, it's time to follow up with some more registry advice.

June 8 at 12:19pm

Post-College Kitchen In honor of all of my recently engaged friends, I'm working on a part two to my guide to wedding registries. Here's part one from last year.

Post-College Kitchen

Sort by: **Oldest** | Newest | Most Thumbs Up

DevonSellers - Mar 27, 2011 3:19 PM » Report abuse 0 0

I know exactly what you mean. My original recipes never taste quite how I picture them, but this looks fantastic. Great job!

Sort by: **Oldest** | Newest | Most Thumbs Up

Post a comment

We encourage your comments but will strive to remove discussion that contains personal attacks, racial slurs, profanity or other inappropriate material as outlined in our guidelines. We post-moderate comments on most content, but may choose to pre-moderate some comments so please be patient if you don't see yours appear right way. We also ask for your help by reporting comments you think are inappropriate.

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ALISON'S FAVORITE RECIPES

Here are some of my favorite recipes that I've blogged about.

Breakfast

- Chocolate Peanut Butter Oatmeal
- Coconut Oatmeal Pancakes
- Cranberry, Almond & Honey Granola
- Creme Brulee French Toast
- French Toast Waffles
- Hotel Room Oatmeal
- Jamie Oliver's Granola
- Joyful Pancakes
- No-Bake Granola Bars
- Oatmeal Combinations
- Peach Scones
- Pumpkin Bread
- Pumpkin Chocolate Chip Scones

Appetizers & sides

- Baked Onion Dip
- Drew's Salad
- Egg Rolls
- Mediterranean Dip
- Minty Fruit Salad
- Oriental Salad
- Parmesan Asparagus
- Parsley Hummus
- Pear and Pomegranite Guacamole
- Roasted Red-Pepper Hummus
- Rosemary French Fries
- Strawberry, Walnut & Goat Cheese Salad
- Sun-Dried Tomato Basil Bread
- Sweet Potato Fries
- Two-Minute Creamy Guacamole
- Veggie Pizza

Soups & Chili

- Curried Pumpkin Soup
- Election Day Chili
- Green Bay Chili
- Lentil-Corn Soup
- Pumpkin Chili
- Split Pea Soup
- Sweet Potato Chorizo Soup
- Taco Soup
- Tortellini and Bean Soup

Slow Cooker

Slow cooker

- Meat Sauce
- Memphis-style BBQ Pulled Pork
- Split Pea Soup

Main meals

- Artichoke Bow Tie Pasta
- Baked Rotini and Cheese
- Barbecue Turkey Pizza
- Black Bean Burgers
- Caramelized Mushroom Pesto Pizza
- Chicken Nuggets
- Cold Beef Tenderloin with Tarragon Cream
- Egg Rolls
- Fajitas on the Fly
- Fried Egg Noodles with Shrimp
- Garlic Scape Pesto
- Grilled Oregano Salmon
- Grilled Whole Turkey
- Island Teriyaki Marinade
- Lasagna
- Lentil Burritos
- Lentil Salad
- Lime-Marinated Shrimp with Mango Salsa
- Marinated Grilled Chicken (3 ingredients)
- Pizza Crust
- Shrimp and Pasta with Feta
- Shrimp Scampi
- Squash Lasagna
- Squash Quesadillas
- Sweet Potato Gnocchi
- Tandoori Chicken

Dessert

- Apple-Cranberry Crisp Pie
- Brownie Drops
- Carrot Cake
- Chocolate Covered Strawberries
- Cinnamon Sugar Pecans
- Crispy Packers Oat Drops
- Easy Peanut Butter Cookies
- Fresh Strawberry Cupcakes
- German Chocolate Brownies
- Guilt-Free Truffles
- Homemade Oreos
- Layers of Love Brownies
- Magic Cookie Bars
- No-Bake Oatmeal Chocolate Bars
- Oatmeal Chocolate Chip Cookies
- Oreo Bites
- Peach Crumble for One
- Peanut Butter Cup Cookies
- Red Velvet Cake

- Rhubarb Surprise Cake
- Tiramisu

THE GREAT FARMERS MARKET CHALLENGE

"I officially challenge myself, and all who wish to join me, to try a new fruit or veggie from a farmers market at least twice a month from now until the end of the summer."

- Rhubarb
- Garlic Scapes
- Patty Pan Squash
- Swiss Chard
- Okra

Farmers Market Reviews:

- Brookfield Farmers Market
- Cozumel Mercado
- Delafield Farmers Market
- New Berlin Farmers Market
- Santa Fe Farmers Market
- West Allis Farmers Market
- West Town Farmers Market

Map: Farmers markets in southeastern Wisconsin

BLOGROLL

Here's a list of some local food blogs. Wisconsin food bloggers, send me an e-mail if you'd like to be included on this list.

Wisconsin Food Blogs:

- A Duo of Chefs
- A Serving of Life
- A Taste of Life
- A Year of Inconvenience
- Anna's Recipe Box
- Backstage Pass to Health and Happiness
- Burp! Where Food Happens
- Cake Walk
- Celiac in the City
- Cook's Corner
- Cream City Cuisine
- Daily Bites
- Eat Wisconsin
- Edible Antics
- Haute Apple Pie
- Healthy Living, One Day at a Time
- Milwaukee Brunch Reviews
- On My Table
- Stream of Consciousness

Other Wisconsin Blogs I Read:

- Bananzattack
- Beer Runner
- Between the Bars
- Fit Milwaukee
- Losing It Without Losing Me
- Milwaukee Consumer
- MS Run the US
- The Creative Cooler

Other Food Blogs I Read:

- $5 Dinners
- ChiaSeedMe
- Coconut & Lime
- Dula Notes
- Eat, Live, Run
- food loves writing
- Free Samples Blog
- Healthy in College
- Healthy Tipping Point
- Iowa Girl Eats
- Leading the Good Life
- Love and Olive Oil

- Maureen Clancy
- Meals and Miles
- More Than Easy Mac
- On a Lobster Placemat
- smitten kitchen
- Tallgrass Kitchen
- The Pioneer Woman Cooks
- Whisk Her Away

LIFESTYLE BLOGS

Off the Couch
Wisconsin riders Huang, Schneider add national titles

Animal Magnetism
Milwaukee dogs and Big Guys are finalists in national contest

Taste Buds
Recipe clicks = calls home for troops

Post-College Kitchen
Post-College Kitchen guide to wedding registries: Part Two
(10)

Readers' Restaurant Picks
Mother's Day Brunch in Milwaukee
(16)

FAVORITE RECIPE SITES

- Epicurious
- Better Recipes
- All Recipes
- Cooking for 2
- Recipe Maker
- RecipeZaar

Foodie BlogRoll
Total Food Blogs: 11861
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Current Promotions:
- Win a FBR Tote Bag
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Most Recent 5 Blogs:
- Daisy's Galley
- Broke & Healthy
- rein.note
- Simply Living Modestly
- The Omnivore Experiences

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Great Milwaukee Summer

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Snack Food & Wholesale Bakery

June 1, 2011

Bakery market stays in the game; STATE OF THE INDUSTRY: Overview

Hartman, Lauren R.

Whether they're playing a no-hitter or just making double plays, bakers aren't sitting on the sidelines--they're listening to consumersand making improvements to their products. Some are using non-traditional ingredients or taking a more organic approach, while others arefocusing on healthful benefits, authenticity and quality. But there's one thing they all have in common: They have been impacted by the economy and commodity price surges.

Major-league bakers are rolling with the hit of the economy, sluggish sales and soaring commodity prices and somehow see a light at theend of the tunnel oven. The economy has slugged bakery operations inthe chest over the last few years because many are institutional andrestaurant-based, and several restaurants and other facilities throughout the country have closed. "People are just now starting to go out to restaurants again--finally," observes Larry Marcucci, president of Chicago-based Alpha Baking Co. "So the economy has definitely had its affect on us. We had to sell to a lot more customers to keep the same level of volume."

"One of the biggest challenges we are seeing is volatility in commodities," admits Richard Spencer, director of new products development at Dawn Food Products, Jackson, Mich. "The degree of uncertainty isproviding new hurdles for all aspects of the organization, from procurement to product development and production to sales and customer service. From a product development standpoint, we are continuing to look at innovative ways to deliver the great taste and quality that are necessary to drive consumer purchase, but still achieve the financial requirements of the organization. It's a delicate balance that mandates honest cross-functional dialogue and a willingness to challengesometimes long-held assumptions or beliefs about a product offering."

[ILLUSTRATION OMITTED]

[ILLUSTRATION OMITTED]

Dorothy Radlicz, director of marketing at artisan bakery Chabaso Bakery in New Haven, Conn., says she believes that the more difficult economic climate may be causing a sensitivity to waste and portion control (some of which is price-point driven). "I believe this will continue to be translated into an increased interest in smaller items. At the same time, people are more inclined to treat themselves to higher quality breads, for example, then maybe some items that are perceived as not so necessary. Bread is more of a daily

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then maybe some items that are perceived as not so necessary. Bread is more of a daily staple."

Commodity costs are also a great challenge because they keep on increasing, says Alon Ozery, co-founder of Toronto-based Ozery Bakery. His company is positioned in the commercial bakery segment and also makes private-label products, as well as a recently introduced line ofpre-sliced, organic ancient grain buns made of kamut, spelt and whole wheat.

But Ozery says his company is growing and increasing its baking capacity by adding more baking equipment lines to its new facility. Bakers are definitely starting to think outside the "bread box," as consumers are very nutritionally savvy, more sophisticated and more label-conscious. Thus, new breads are being developed, and bakers are coming up with products that contain better-for-you twists, more whole grains, new inclusions, artisan styles and new shapes, including a recent plethora of rounds.

At Flowers Foods, Thomasville, Ga., the biggest challenges facing companies that compete in the bread aisle category are rising costs of commodities and fuel combined with a slow economy and tough competition in the baking category, says Janice Anderson, vice president of marketing. "This is putting a lot of pressure on wholesale bakers. Our company's response is to remain focused on continually improving the efficiency and performance of all areas of our business so we can continue to offer baked foods of quality and value to our consumers and long-term return to our shareholders."

[ILLUSTRATION OMITTED]

Healthy, wholesome players

With the new U.S. Dietary Guidelines of Americans that went into affect beginning of this year, healthy, wholesome bread products are taking on a Most Valuable Player role in the trends of 2011. Consumersare demanding less sodium, trans-fat and cholesterol and more fiber-rich ingredients, and bakers are faced with challenges to reformulateproducts, create new products or eliminate others. Studies also showthat shoppers tend to eat more of foods they believe are natural, sothe term "natural" is being adopted more and more. "I would like theindustry as a whole to commit to using less chemicals in baked goods," says Ozery.

"Right now, the industry is still riding the whole grain trend," Anderson reports. "Whole grain bakery foods continue to be popular with consumers as are products that offer portion-control, reduced calories or other types of healthy option, such as higher fiber. In the sweet goods category, consumers seem to be opting more for indulgent snacks, perhaps as a reward for healthy eating."

Anderson sites data from Chicago-based SymphonyIRI Group, for the 52 weeks ending March 20, where dollar sales of total fresh packaged breads (loaf bread, rolls, bagels and English muffins) were up 0.6%. Bread products with a whole grain claim were up 5.4% over the previous year.

"The whole nutritional issue is still out there, with front-of-pack [labeling] being pushed, and there is more focus in restaurants forthat information," adds Marcucci.

"Better-for-you products will continue their ascent," echoes Radlicz. "This is not only ingredient driven, but freshness is also an important factor."

Experts agree that whole grains are also a home run on the baking game field. "Eat whole grains more often," suggests nutrition researcher Joanne Slavin of the University of Minnesota, Minneapolis. "We are finding that things in whole grains like antioxidants and lignans and various phytochemicals may help reduce the risk of heart disease and

cancer." Harvard researchers report that research participants whoate more whole grains had a lower risk of diabetes.

"When you eat whole grains, you get more fiber and more micronutrients like folic acid, magnesium and vitamin E," says Walter Willett, chairman of the Nutrition Department at the Harvard School of Public Health, Boston.

Chabaso Bakery has been using whole grains and seeds in some of its artisan recipes for the East Coast market since it opened in the mid-1990s. Using "old-world" ovens, the best natural ingredients available and no trans-fats, founder Charles Negaro and a crew of bakers set out to match the best ciabattas, loaves, batards, rolls, baguettes and boules in the world.

[ILLUSTRATION OMITTED]

"Because whole grains are proving to be so beneficial, I'm often asked why more people don't eat them more often," reports Radlicz. "People don't know enough about them, where to find them or how to incorporate them into their diets in a reasonable way. We're very familiarwith old-world recipes and baking techniques using all-natural ingredients, but we succeed in business by being guided by our customers' choices. Whole grain bread sales have grown significantly in recent years," she explains.

"Because we trust that our customers are making smart choices, we are committed to providing a wide range of whole grain products to meet the growing demand," she says.

The tortilla industry has witnessed strong growth in the last fiveyears, making it one of the fastest growing segments in the baking industry. Tortillas made of whole grains are also being introduced. However, rising commodity prices and bad weather have affected corn crops this year, which has tortilla marketers concerned. Yet despite theproblems, tortilla manufacturers are coping by keeping up with the latest trends in the food industry.

"The cost of commodities used in making tortillas has gone up significantly, some of it due to excessive speculation among commodity traders and some of it, particularly in the case of corn, due to non-food demands such as corn ethanol as an alternative or additive to gasoline," attests Jim Kabbani, chief executive officer of the Tortilla Industry Association (TIA), Arlington, Va. "But meanwhile, this cost pressure has forced a number of changes on tortilla manufacturers, in particular small to mid-size companies. Unable to raise prices to thesame degree as rising costs, they have sought to lower other costs through increased efficiencies, both in-plant and in business, such asoptimizing distribution channels, co-packing and the movement towardlarger customers."

Still, he says, while there's great disagreement regarding the economy overall, including the nature and extent of any economic recovery, the tortilla industry has grown from $6 billion a year a few yearsago to an estimated volume of $11 billion by end of this year. "At least as big part of this grown driver has been the rapid adoption of tortilla consumption by non-Hispanic consumers," Kabbani says.

Old school is cool

Some of the sweet goods out there such as Hostess Twinkles and CupCakes, from Hostess Brands, Irving, Texas, are harking back to earlier times, with retro packaging, the reintroduction of earlier flavors or formulations or new recipes that have an old-fashioned but memorable taste.

[ILLUSTRATION OMITTED]

"Hostess set the standard for timeless treats loved form generation to generation," says Amy Clark, director of snack marketing for Hostess. "The 'old-school cool' packaging and retro recipe Twinkies celebrate the brand's amazing history and tap into the nostalgia consumers feel with every sweet bite."

Likewise, Flowers Foods hopes to shake things up with Blue Bird and Mrs. Freshley's treats, featuring those familiar and popular standbys--Hersbey's cocoa and chocolate chips. "Adding the great taste of Hersbey's chocolate and its strong brand recognition to delicious snack items brings something new and fun to our cake lineup," explains Anderson. "We are also targeting the portion-controlled trend with [our] Nature's Own sandwich rounds. This thinner version of a traditionalbun has been one of the more exciting new products to hit the bakerycategory in recent years. It appeals to consumers who want less bread with their sandwiches. It also has a unique texture similar to flatbread."

[ILLUSTRATION OMITTED]

Sandwich rounds and thin bagels are also having a positive effect on the bakery category. "We've found that consumers are using them for breakfast, lunch, dinner and snacks, and are purchasing them in addition to their regular bakery items," Anderson says. "SymphonyIRI data supports the popularity of these items. For the latest 52 weeks ending March 20, dollar sales of sandwich rounds/thins were up 40% versus the previous year, while new bagel thin products drove overall bagel segment growth."

Flowers is also fielding a consumer request--one of its most common received, according to Anderson--for a smaller sized loaf of bread targeted at consumers in smaller households. In the fall of 2010, thecompany rolled out a 16-oz. Nature's Own 100% Whole Wheat with Honeysoft variety bread with 11 g. of whole grains per slice.

Pitching to a younger audience

Radlicz thinks the demographics for artisan breads are beginning to expand but are "skewing" younger fans for higher-quality products from a nutritional and freshness standpoint. "This has been the stronghold of an older population in the past," she says. "There is a growing openness for various types of foods but also for better quality. Besides parents introducing these items more readily at home, some school systems for all age groups and preschools to colleges are beginning to execute better food offerings for the children via the food they are providing for daily consumption."

Cindy Lawson, vice president of trade development/foodservice at Flowers Bakeries, says that while Flowers doesn't produce true "hand-made" artisan breads, it does purchase artisan-style breads and rolls from other vendors. "Artisan breads are a niche category across retail, in-store and foodservice segments, and our research shows sales tobe relatively flat, year-over-year," she says. "But in foodservice, high-end, full-service restaurants bake artisan breads from scratch, and we believe this trend will continue. Some restaurant operators use frozen dough breads and rolls that are proofed and baked in-house, producing artisan-style products. However, as the foodservice industry continues to contract because of the economy, more restaurants may move way from frozen doughs to reduce costs."

Over the years, gluten-free products have substantially improved in taste, with bakers pitching new products that now deliver richer flavors, honey, ancient grains, sorghum and other taste-enhancing ingredients, as well a springier texture and a stronger nutritional profile. Lower-sodium product offerings are developed to have all of the flavor, quality and taste consumers still want. Single-serve and portion-controlled baked goods are allowing consumers to enjoy and indulge,but to a lesser degree.

"We continue to see interest in pretzel roll-type products," affirms Marcucci, who has noticed several bakeries making new pretzel rollproducts. "They are also showing up

noticed several bakeries making new pretzel roliproducts. They are also showing up more often in retail now. But flatbreads are still a big trend, and anything in the reduced-calorie or good-for-you variety bread line is still doing well."

Marcucci also notices that the surge in the artisan category seemsto be coming from the chain restaurants that want different but consistent offerings that can be frozen and shipped nationwide.

New at Alpha Baking is a just-installed low-stress production line, Marcucci points out. "We're just beginning to understand its capabilities. It will allow us to make product at [higher] speeds, as well as produce a greater diversity of products than we could before. We also set it up so do a variety of toppings because so many customers today are looking for that point of differentiation."

The private-label pickoff

Perhaps because of the economic slump, many private-label productscontinue to gain strength, Marcucci adds. "Some brands produce private-label products to enhance their position in the stores. Many private-label bakeries have closed up because the owners have found betterquality and more innovation from branded companies that do private-label products.

"Private label is strong in times of economic stress, and we sure are seeing that in the marketplace right now," says Radlicz. "This, of course, is driven by people's frugality, but these days they still expect good quality. Contrary to what might seem instinctive, as longas intelligence is used in product selection, coupling branded and private-label serve to raise the market, not to cannibalize it. We have found that the combinations of private label and branded strategy are indeed very complimentary."

The role of private label in the category has really grown in the past few years, evolving from offering generic "me-too" versions of successful branded offerings to helping embody and reinforce the attributes and personality of a retailer's brand itself, reports Jennifer Gardner, brand manager at Dawn Food Products. "To successfully compete, manufacturers of traditional branded offerings have to innovate--not just in the arena of product development, but also in how they interact with and respond to a customer's needs and direction."

[ILLUSTRATION OMITTED]

Those choosing the in-store bakery (ISB) over the bread aisle are in search of freshness and quality, she adds. "The most popular itemsare those that are generally consumed quickly while they are fresh. Consumers are looking for more 'indulgent' (sweets) as well as healthier products in the ISB. Those that cater to the local population arefinding good traction also."

"Store brands continue to be an important category to our retail customers and to a segment of consumers," add Anderson. "Overall, however, store brand breads, buns and rolls are declining as a category."

So what gives a product or a brand staying power? Today more than ever, authenticity of brands and core values are key. "We stick to bakery basics with whole grains," says Negaro. "Sometimes it doesn't take a drastic change or a rigorous regimen to make a positive difference." Chabaso bakers hand-mix whole grains and other wholesome ingredients, taking the time to make bread the old-fashioned way.

"We have both streamlined and expanded our operation to meet the demands of the marketplace," Radlicz explains. "Expansion has occurredin the bakery operation as well as in management, and we anticipate that will continue."

She would like to see the industry get even more inventive. "Because of my personal background as a first-generation American of parents who cook almost everything from scratch and my educational background in food and nutrition, I'd like the industry to get even more innovative as well as health-oriented."

[ILLUSTRATION OMITTED]

Bakeries are aware of the quality and authenticity mantras, Negaroattests, yet they must be careful to try not to be everything to everyone. And that's difficult, Marcucci says, because it's one of the biggest challenges facing companies that compete in the bread aisle. "Everyone wants something different, and it makes it tough to produce all of these things efficiently."

Anderson says that Flowers always looks for ways to do things better--to increase efficiencies by improving processes. "We do this by opening new bakeries, adding new production lines or closing down or relocating lines, depending on what's the best way to serve the market. Our goal is to put production where the people are. This is an operational strategy we've held for many years."

The company's most recent growth plan is to expand its direct-store-delivery territory, which currently reaches about 50% of the U.S. population. "By 2016, the goal is to expand that territory, so at least 75% of the U.S. population will have access to our fresh bakery foods through acquisitions and new bakeries."

She adds that brands and products that pass the test of time deliver on what they promise. "When it comes to food, those promises usually involve consistent quality, taste and a fair price," she says. "Between them, taste always takes precedence."

Dawn Foods' Rzeszut says he would like to change some consumers' long-held perceptions that better-for-you options cannot taste good. "Our Weight Watchers line of sweet bakery products has attempted, and succeeded in my mind, to demonstrate to consumers that it's possible to have a great tasting product that fits within their weight management program."

The bread producers are thriving today and will continue to do so in the future in order to go above and beyond home plate to score a run in innovations. They get it, and listen to their audience, which is a win-win result for everyone.

short

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Slicers do more for less Baking Management June 23, 2011

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BYLINE: By Maggie Shea, Associate Editor

BODY:

As many operators are hesitant to upgrade slicing equipment unless absolutely necessary, manufacturers are focusing on user-friendly machinery that is easy to maintain. Sandra Ryan, vice president of sales and marketing at Ryan Technology, Hillsboro, Ore., says customers will call for a quote but keep working with existing equipment if they can't justify the price. "If bakers see business growing, some will try to get by with multiple tabletop shoot slicers instead of upgrading to one of our machines," she says. "Instead of having 20 people on the shoot slicers, they could have two working the machine and the other 18 doing something else. But there is a line they have to cross to justify the cost of upgrading." For Chris Clemens, marketing manager for FoodTools Inc., Santa Barbara, Calif., operators look for cost savings through product versatility.

"Our customers want to be able to portion a wider variety of products on the same machine in order to avoid buying separate machines for each product being sliced," he says. "Our new machine models are focused on creating one platform that can perform several cutting styles. Our inline models are capable of cutting a large volume of product on high-speed conveyors." Wellness also has become a top concern among consumers; Ryan has seen this reflected through a move to "thinner" bread products at retail. "Something we have noticed in past years is the move toward thinner products like **bagel thins** and hamburger bun thins," she says. "People are more conscious of how many carbs they're eating, though they're not going without them completely, as they did with the Atkins craze. I have seen more and more of them in the store." The wellness trend also has translated to a demand for smaller portion sizes. Ryan Technology recently modified its Model 793 to accommodate growing demand for small products like slider buns. "They are a more difficult product, just because of the size," she says. "The way we did it was upgrading to a combination between hand-fed and automated. It took a little training on the customer's part." Luc Imberechts, president of Bakon USA, Torrance, Calif., agrees with the trend toward "smaller product and one-bite items...which probably is driven by a healthier approach to food and a demand for convenience and 'snackable' items." He notes that ultrasonic cutters help meet this demand–the blades' rapid vibrations reduce pressure on the product, ensuring accurate slicing of harder-to-cut small products. He forecasts that ultrasonic slicing will remain in high demand in the coming years as bakers look to turn out consistent product quickly. "I believe we will still see an increasing demand for ultrasonic cutting as this technique offers a quality of cut and a speed that one cannot achieve with other technologies," he says. Ryan says that ease of use will always rank high with operators, particularly when it comes to altering blade heights on large slicers. "A lot of people on our machines want an easier way of changing blade height," she says. "But you have to offset that with how much more they are willing to pay for additional automation." Meanwhile, Clemens predicts that the coming years will see increased importance placed on safety and sanitation, reflecting improvements in both association and industry standards, he notes. "We manufacture equipment to the safety and sanitation recommendations specified by AIB International, CE and BISSC," he says. "The developments and advances we are making with our products will reduce labor, risk and the environmental footprint, which will positively affect our customers'

advances we are making with our products will reduce labor, risk and the environmental footprint, which will positively affect our customers' bottom line with a better return on investment." [b]BETTER LOAF PORTIONING[/b] The new FoodTools Accusonic-100FS inline ultrasonic machine can slice up to 36 loaves per minute, pending product specifications. With automatic loading and unloading conveyors, this machine can improve the efficiency of a loaf portioning production line by automating the cutting process. The ultrasonic blades can cut a wide range of products at various temperatures, making it a versatile, high-production machine. [b]FoodTools
[/b] 877 836 6386
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www.amfbakery.com [b]SLICE RECTANGULAR CAKES IN-TRAY[/b] Bakon USA's ultrasonic cutting machine for rectangular products is designed to slice cakes baked in a 600-mm by 400-mm baking tray. A conveyor belt moves the trays underneath the ultrasonic slicing blade and into the optimum position. Mounted on a servo-driven bridge, the blade can be positioned in any desired slicing position, allowing for multiple portion sizes. Individual cake portions can be controlled via the unit's LCD touch screen. [b]Bakon USA
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Reap benefits from better food picks; Eating healthier doesn't have to be complicated. Consumer Reports on Health June 2011

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HEADLINE: Reap benefits from better food picks;
Eating healthier doesn't have to be complicated.

BODY:

Whether you're looking to trim your waistline, cut your cholesterol levels, or just feel better, you'd probably like to eat healthier. As tempting as it might be to swear off entire food components like carbs or fats, you'll do better by simply trading less-healthful choices for others that offer greater nutritional value.

You can benefit from making healthy food choices in many ways. But reaching your goals might seem challenging at first. Here's a meal-by-meal guide to some smart trade-offs.

BREAKFAST

Ideally, your first meal of the day should consist of foods that contain a mix of protein, carbs, and fat, which gives you plenty of options.

"The classic breakfast, a bowl of cold cereal and milk, is a great opportunity to get more nutrients," says Sari Greaves, a registered dietitian and spokeswoman for the American Dietetic Association.

Favor fiber. If you normally eat 1 1/2 to 2 cups of a high-sugar cereal with 2 percent or whole milk, Greaves suggests substituting a serving of whole-grain cereal with at least 5 grams of fiber and fewer than 10 grams of sugar. Replace half a cup of the cereal with a quarter-cup of raisins and a quarter-cup of almonds. Choose skim milk, which is healthier and has nine essential vitamins, as well as calcium and other minerals.

Turn up the heat. Hot cereals are another good choice. Oatmeal is high in fiber and has a low glycemic index (meaning it doesn't tend to raise blood sugar acutely). Make it in a slow cooker, suggests Jeannette Bessinger, of the website Real Food Moms (www.realfoodmoms.com), and sweeten it by cooking it in apple cider, not water.

You can also add chunks of raw pumpkin or sweet potato before cooking oatmeal for extra fiber and antioxidants. If you're in a hurry, use instant oatmeal, Cream of Rice, or Cream of Wheat. For a different take, try leftover rice or quinoa reheated and served with milk, nuts, dried fruit, and spices like cinnamon or cardamom.

Flip those flapjacks. For pancakes or waffles, use whole-grain mixes with 3 grams of fiber or more per serving. Eating a plain waffle could raise your blood sugar immediately, Bessinger warns, which can cause rebound hunger. Instead, spread a toasted waffle with nut butter and top it

your blood sugar immediately, Bessinger warns, which can cause rebound hunger. Instead, spread a toasted waffle with nut butter and top it with slices of fruit and ground flaxseed. Protein and fat from the nuts will cause the sugar to be released more gradually. For gluten-free pancakes, waffles, and quick breads, Tracee Yablon-Brenner, a registered dietitian and the other Real Food Mom, recommends using teff, a tiny grain that's high in protein and fiber. To replace toast or bagels, she suggests organic brown rice mochi, a Japanese glutinous rice cake, sliced in half, baked in a toaster oven, and served with a dollop of nut butter, jam, or cream cheese.

Try a new side. A heart-healthy move is to eat soy sausage or turkey bacon rather than beef or pork products, although sodium will still be an issue.

Boost your dairy. Low-fat cottage cheese with sliced fruit is already a healthful breakfast, and you'll get more than three times the calcium by substituting part-skim ricotta cheese.

Savor a smoothie. A breakfast smoothie is an easy nutritional bonanza if you start with a milk base (try almond or soy) or water instead of juice. To give it staying power, Bessinger says, add a scoop of whey-protein powder and some heart-healthy fat, such as flaxseed oil or avocado. You won't taste the avocado, she says, and it makes the smoothie creamy. To boost fiber, add whole raw oats or wheat germ.

LUNCH

Whether it's a major meal or grabbed on the run, lunch can be a dietary disaster or a gold mine, depending on your choices.

Start out right. If you are in a restaurant, order broth-based vegetable soup instead of appetizers like chicken wings or potato skins. It will help you feel fuller with fewer fat calories.

If you're craving, say, nachos, try a cup of bean-based chili instead with a tablespoon of shredded cheese and 10 high-fiber tortilla chips. You'll still get the cheesy flavor and crunch but also more fiber and protein, fewer calories, and less fat.

Craft a savvy sandwich. "Think of a sandwich as a chance to eat salad without a fork, and pile it high with vegetables," Greaves says. Trade a kaiser roll for a whole-grain wrap with fewer calories and more fiber. Other options include a whole-grain **bagel thin**, a mini-pita, a light English muffin, or a lettuce wrap made of two sturdy romaine leaves.

Go fish. In place of high-sodium, high-fat processed meats, Greaves suggests mixing canned salmon with dill and low-fat sour cream or mayo.

Pick poultry. At the deli, cut fat by ordering turkey bologna or turkey pastrami, although "you won't escape the sodium trap," Greaves warns. "A serving packs in 400 to 500 mg sodium, and the daily guideline is under 2,300 mg. Have only a slice or two, or buy reduced-sodium chicken breast."

Veg out. Replace meats with hearty vegetables like grilled eggplant, portobello mushrooms, or falafel, made from ground chickpeas. Tempeh, a fermented soy product, can look and taste remarkably like meat.

Super-power your salad. When building an entrée salad, create a rainbow on your plate. Toss chopped red and green peppers, carrots, and zucchini over mesclun, radicchio, or other greens. If you'd normally add pieces of high-fat cheese, boost protein and cut fat by adding in black beans, fresh edamame, garbanzo beans, shrimp, sliced chicken, or sliced lean steak.

DINNER

If the day's food choices have been less than perfect, you still have a chance to make healthy ones at dinner.

Sip your starter. If you trade the bread basket or chips and dip for a cup of broth-based soup, it will curb your appetite and give you another serving of veggies.

Build a better burger. For cardiovascular health, reduce your intake of beef or fatty pork. Make a healthier meatloaf or chili con carne using ground turkey and reduced-sodium canned tomatoes.

Swap in seafood. Serving fish high in omega-3s, like salmon, provides anti-inflammatory nutrients, cuts calories, and reduces total fats.

Power up pasta. Make sure the pasta is whole-grain. As for a sauce, Bessinger suggests using silken tofu instead of the artery-clogging cream of Alfredo sauce.

"Thin the tofu with milk, then simmer it with onions, garlic, and wine for a creamy sauce loaded with protein and fiber," she says.

SIDE DISHES

Make every bite count. Don't butter your bread; dip it in olive oil. Nix iceberg lettuce in your salad and opt for greens like spinach, which have antioxidants that might lower the risk of developing macular degeneration.

BEVERAGES

Ease up on sugar. Limit your consumption of sodas and other sugary beverages because they're linked to a number of conditions, including metabolic syndrome, heart disease, and gout, Greaves says. She recommends replacing them with diet beverages or water flavored with sliced lemons or cucumbers.

Sip wisely. Wine, in moderation, can benefit your heart. Men should have no more than two drinks a day; women no more than one.

DESSERTS

"Ideally, dessert should carry its own nutritional weight," Bessinger says. That makes fruit the perfect choice.

Fix a fruit finale. In place of cakes or pies, serve pears poached in honey and vanilla, apple or peach compotes, berry crumbles with oat-nut topping, or fruit sorbets. Sauté bananas in butter-flavored spray, then coat with sesame seeds, nuts, or a bit of maple syrup. Make strawberry shortcake with whole-grain scones.

Make over baked goods. When baking chocolate cakes, brownies, cookies, or other baked treats, use cocoa (which is lower in fat and higher in antioxidants and flavor) rather than baking chocolate.

To boost antioxidants and fiber, replace plain white cake with a sweet-potato muffin or zucchini bread. And to slash dessert calories considerably, serve angel food cake. Made of whipped egg whites and small amounts of flour and sugar, it's one cake that's fat-free. "

Use festive fruits: Instead of sweetening iced tea with sugar, opt for sliced apples, blueberries, oranges, pears, and strawberries.

Just a bit: Replace mega-helpings with petite portions. For instance, offer shot-glass servings of dark chocolate mousse or pudding.

GRAPHIC: Renewing a classic: Try making oatmeal in a slow cooker, adding chunks of raw sweet potato, pumpkin, or yam to boost fiber and antioxidants.
Use festive fruits: Instead of sweetening iced tea with sugar, opt for sliced apples, blueberries, oranges, pears, and strawberries.
Just a bit: Replace mega-helpings with petite portions. For instance, offer shot-glass servings of dark chocolate mousse or pudding.

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Q1 2011 Flowers Foods Earnings Conference Call - Final FD (Fair Disclosure) Wire May 19, 2011 Thursday

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Corporate Participants

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Presentation

OPERATOR: Greetings. Welcome to the Flowers Foods first quarter 2011 earnings conference call and webcast. (Operator Instructions). As a reminder, this conference is being recorded.

It is now my pleasure to introduce your host, Marta Jones Turner, Executive Vice President, Corporate Relations for Flowers Foods. Thank you, Ms. Jones Turner, you may begin.

MARTA JONES TURNER, EVP OF CORPORATE RELATIONS, FLOWERS FOODS: Thank you, Rob, and good morning, everyone. Our first quarter results were released earlier today. If you need a copy, of course, you'll find that release posted on our website, www.FlowersFoods.com. During the call today, we'll be using a PowerPoint presentation to support our speaker's comments. You can access that presentation on the webcast listen page. We also filed the 10-Q this morning, so you'll find that information available with our SEC filings. As we begin, you know that I must remind you our presentation today may include forward-looking statements about our Company's performance. Although we believe our segments to be reasonable, they are subject to risks and uncertainties that could cause actual results to differ materially. And in addition to the matters we will discuss during the call, important factors relating to Flower Food's business are detailed fully in our SEC filings.

A quick review of our agenda. George Deese, Flower Foods' Chairman and CEO, will give opening remarks. Steve Kinsey, our Chief Financial Officer will give you more details on the financials we filed this morning, and the look ahead. Allen Shiver, President of Flowers Foods will report on sales and operations, and then George will finish up our prepared remarks, and open the call for your questions. I'm now pleased to turn the call over to Flowers Foods' Chairman and CEO, George Deese.

GEORGE DEESE, CHAIRMAN OF THE BOARD AND CEO, FLOWERS FOODS: Thank you, Marta. Good morning. Thank you, ladies and gentlemen,

for joining our call and for your continued interest in Flowers Foods. It was an eventful quarter. I'm very pleased to report our sales increased [this morning of]1%, and earnings per share was up 13.6%, excluding one-time charges for our bakery closing and the pending Tasty merger. As is our practice, we took pricing action ahead of our higher commodity costs and energy costs. This action did effect our volume and our branded retail channel.

I'm sure we're all aware food manufactures are impacted tremendously by higher input costs and rising energy costs. As a result, consumers are seeing more food inflation. And I think you can see that's well-publicized by the media. More specifically, we're seeing inflation in the bakery category. With high unemployment and gasoline around $4.00 per gallon, we know consumers are looking for value. We will continue to make certain our products are perceived as a good value, by offering quality products at a fair price. As previously announced, we did close an old and inefficient bakery in the quarter, which will improve our cost structure going forward.

As most of you know, we reset our long term goals at our March Analyst day for sales growth of 5% to 10% annually, which includes acquisitions as well as organic growth. We believe this will translate into double digit earnings per share growth annually, and we expect to achieve an EBITDA margin as a percent of sales of 11% to 13%. As part of resetting our goals, we told you that we did expect to reach at least 75% of the US population through our DSD network by 2016. On April 11, we announced our agreement to merge with Tasty Baking Company.

Tasty brings us access in new markets in the heart of the mid-Atlantic, where we'll introduce our Nature's Own brand. We will leverage the iconic TastyKake brand across Flowers' DSD footprint. We look forward to completing the transaction so we can get started. And with that merger, we have been talking about historically, we've been serving about 38% of US population. We said at our meeting, we had 53%. Once we started serving in this market, this will give us 61%. So, as you can see we're well on our way to the 75%.

Before Steve and Allen discuss our performance for the quarter, I want to address the questions I believe are at the top of your mind. First, when will this Tasty transaction be complete? What about other acquisition opportunities? Next, what is happening with consumers, as they face higher costs for fuel, as well as food and other goods? Third, has Flowers been impacted by recent weather events; the tornadoes in late April, and the flooding in recent weeks?

Let me give you an update on acquisitions. We expect to complete the Tasty acquisition soon. Our hope is to close the transaction within the next few weeks, so we can move forwards with integration. Steve and Allen will give you more details about the Tasty merger. We continue to see heightened activity around possible acquisitions, although we cannot predict timing, we do expect mergers and acquisitions to be an important part of our growth, as we outlined in our long-term objectives in New York.

Next, what are we seeing in the marketplace? Consumers are seeing impact of higher prices for fuel, food and other consumer goods, on top of high unemployment. The results appear to be heightened focus on value, as more consumers migrate to other channels in the food segment.

Finally, we have had a dramatic weather event, or events in recent weeks. Late in April, devastating tornadoes swept through the Southern states. Alabama had significant loss of life and property, other states also experienced losses. We have bakeries in Tuscaloosa, and Birmingham, two cities hit hard by the storm. Fortunately, our bakeries were not directly damaged, and none of our employees or distributors lost their lives. For that, we're thankful. We did have power outages in Tuscaloosa and Birmingham, and in other bakeries in the near path of the storm. Most outages were short-term. However, our Tuscaloosa bakery was without power for several days, but now back on stream, and doing well.

As you have seen in the news report, some smaller towns along the path of the storm were completely destroyed. That does cause disruptions, as some store locations are simply not there to serve. The strength of the Flowers way was evident, as our other bakers in Alabama, Georgia rallied to supply the Alabama market and other areas affected. We were able to serve our customers, but it took extra effort on the part of our team members and distributors. I want to take this opportunity to thank our team members, our distributors, our vendors, and others who truly made the impossible happen after the storms, as we serve the market, and offer help to the thousands who were directly impacted by the storm.

In addition, as you know, we now have flooding all along the Mississippi River. None of our three bakeries in Louisiana have been impacted at this point, but with the same spirit that I mentioned as our response to the tornado damage in April, our people are producing profit and our distributors are doing a great job of serving the marketplace. Now, I'm happy to turn the call over to Steve Kinsey for the financial report. Steve?

Steve?

STEVE KINSEY, EVP AND CFO, FLOWERS FOODS: Thank you, George, and good morning, everyone. As Marta said, this morning, I'll provide you a brief review of the financial information, but first I wanted to let you know that we filed our first quarter Form 10-Q with the SEC this morning, simultaneous with our earnings release.

Now, turning to the financial information. First quarter sales were up approximately 1%. As discussed in the press release, sales were driven by an increase in net price mix of 2.1%. Strong pricing actions were somewhat offset by negative mix in the quarter. Volume in the quarter was down 1.2%. The negative mix and decline in volume reflect the pressure the consumer is experiencing, as they continue to shop for that value. As George mentioned in keeping with our strategy, we took pricing actions leading into our 2011 cost increases. This action affected volume as well, as the overall category lagged our pricing initiatives.

GAAP EBIT of $61.5 million was down approximately 0.8% compared to the same quarter last year. However, excluding the one-time costs with the Bluefield plant closure, and costs associated with the pending Tasty merger, EBIT on an adjusted basis was up 9.7%, and increased to 8.5% of sales on an adjusted basis. GAAP EPS was $0.45 per share, up 2.3% over the same quarter last year. And as George mentioned, excluding the one-time cost of the plant closure and the pending merger, EPS was up 13.6% on an adjusted basis. So, overall, we're very pleased with the quarter, and the strong performance in the first quarter.

Gross margin improved in absolute dollars, as well as a percentage of sales, in the quarter compared to same quarter last year. As a percent of sales, gross margin improved 80 basis points, compared to the same quarter last year. The decline in cost was driven by reduction in input costs, offset somewhat by higher workforce-related costs. Overall, input costs which we define as ingredients, packaging, and natural gas were down approximately 3% for the quarter, driven by pricing and volume declines. As a reminder, input costs will be up 8% to 10% for the full-year.

Also included in the gross margin is cost of approximately $2.8 million or 30 basis points net of the operational savings related to the Bluefield plant closure. And as discussed at our March New York meeting, the overall effect of the Bluefield plant closure is expected to be neutral to slightly dilutive on the full-year. We are pleased that in a challenging environment, EBITDA improved to 11.2% of sales in the quarter, compared to 11% in the same quarter last year. The improvements in the EBITDA dollars and percentage was driven by the sales increase and gross margin improvements.

Negatively impacting the EBITDA margin was an increase in selling, distribution and administrative expenses, to 37.4% of sales, compared to 36.8% of sales in the same quarter last year. This increase was driven primarily by costs associated with the Bluefield plant closure, and costs associated with the pending merger of Tasty Baking Company. Excluding the effect of these items, selling, distribution and admin costs as a percent of sales would have been relatively flat quarter-over-quarter. On an adjusted basis, excluding the one-time costs, the EBITDA margin as a percent of sales would have been 11.9%.

Briefly commenting on the balance sheet and cash flow. Cash flow from operations during the quarter was strong, even though it declined slightly. The decrease of roughly $10 million in cash flows from operations quarter-over-quarter, was primarily a result of hedging activity. As you can see, we continue to execute on our strategies for uses of cash. During the quarter, we spent roughly $22 million on capital expenditures, paid $18 million in dividends to our shareholders, and also repurchased approximately $18 million of Flowers Foods shares. We believe the strength of our balance sheet continues to offer us the flexibility to continue to execute on our cash strategies, as well as provide for future growth potential.

Looking ahead in 2011. Our guidance is still in line with what I presented at the New York meeting. Sales growth of roughly 3% to 6%, forecasted down gross margins, full-year tax rate of 35% to 35.5%, and EPS growth of 5% to 10%. As a reminder, this guidance does not include the effect of the one-time cost associated with the Tasty merger, or the operations impact of the pending Tasty Baking merger. Guidance on the operation effects of the merger is included in the press release. As George said, we do anticipate the transaction to close soon. We will update guidance once the transaction is closed. Now, I'll turn the call to Allen to update you on sales and operations. Thank you.

ALLEN SHIVER, PRESIDENT, FLOWERS FOODS: Thank you, Steve, and good morning. Just a few weeks ago, at our Analyst day in New York, we shared detailed information about the category, and how our brands are positioned. We also talked in depth about our growth strategies and our operations. For that reason, my comments today are brief, and simply intended to bring you up-to-date since our Analyst day.

In the quarter, IRI reports the fresh packaged bread category in the total US was down 3% in units, and up 0.3% in dollars. In IRI South, the

In the quarter, IRI reports the fresh packaged bread category in the total US was down 3% in units, and up 0.3% in dollars. In IRI South, the fresh bakery category at retail was down 4.1% in units, and down 1.2% in dollars. In IRI South, lower sales of white bread drove the category's dollar sales decline. In the total US market, IRI shows that Flowers was down 5.6% in units and 0.1% in dollars. And IRI South shows that Flowers branded sales in reported channels were down 6.4% in units and 0.9% in dollars. Again, you will remember that we took pricing in October, for our higher input cost in 201, that impacted our units.

I am pleased to report that IRI shows that our market share holds steady in the South market. We have 22.8% share of dollars and 18.7% share of units. For the total US, Flowers dollar share is 7.9% and unit share is 7%. You might think with consumers seeking value, that store brands would be experiencing growth. That is not the case in this category. IRI shows that store brands declined 60 basis points in dollar share, 40 basis points in unit share of fresh packaged breads in IRI South.

Flowers overall store brand business increased as a result of a snack cake agreement with a key customer, and also some new store brand business in the DSC segment. Our internal sales data shows growth in channels not reported by IRI. As a reminder, IRI data only captures 48% of our retail sales, and only 24% of Flowers Foods total sales. With consumers responding to a difficult economy, we are seeing growth in alternative distribution channels, such as dollar stores, drug stores, and other limited assortment small format retailers.

In branded retail, our total soft variety business was up in dollars, and Nature's Own continues to grow. As I mentioned, our pricing action did impact units, but that is a short-term situation that we expect to improve as we go forward. We are pleased with the performance of our sandwich rounds, our **bagel thins,** and our other new products. We continue to refine our product mix, to be certain that we are offering the varieties that consumers want.

Our total food service sales were down, driven by softer sales to our quick serve customers. Industry predictions are that food service category sales will improve this year, and we are poised to grow as our food service customers grow. In the second half of the year, we have new business coming online with several new food service customers. We also will be adding additional business through expanded distribution with several of our current existing food service customers.

Our new markets are also performing well. In the first quarter, new markets contributed 3% of our total DSC sales. Growth in our new markets was in line with our goal of 0.5% to 1%. As George and Steve mentioned, we look forward to getting started on the Tasty/Flowers integration. We are developing plans for how and when we will introduce the TastyKake brand through Flowers DSC territory. At the same time, we are exploring possibilities for Nature's Own in Tasty's DSC markets, as we also evaluate options to add bread and roll production capacity. With the strength of the TastyKake brand, we will have the opportunity to gain a greater share of the $4.1 billion fresh cake category.

Tasty Cake is a 100 year old brand with loyal consumers who buy the product because of specific taste and texture characteristics. We understand this important point, and we do not plan to change the TastyKake recipes or product characteristics. We do plan to leverage Tasty's positive customer relationships, and their distribution strengths to provide a solid platform for the introduction of our Nature's Own brand in the key markets in the Northeast. In short, with our operational strengths, Flowers Foods is well-positioned in the marketplace, both for today, and more importantly for tomorrow. Thank you for your attention, and I'll now turn the call back over to George.

GEORGE DEESE: Thank you, Steve and Allen. I want to get to your questions now -- excuse me -- but before we open the line, I do want to say our team is very confident in the five-year growth plan we presented in March. As a reminder, our sales goal is for 5% to 10% annual growth, including acquisitions and mergers and organic growth. We expect that to equate to double digit earnings per share growth, and an EBITDA margin as a percent of sales of 11% to 13%. By 2016, we expect 75% of the US population to have access to Flowers Foods fresh bakery breads.

I'm sure you're asking, what makes us confident in our growth plan. I'd say that we have opportunities to grow through acquisitions. The first step is Tasty Baking, and we believe more will follow. New markets offer growth opportunities as well. In our new markets, we have room to grow, and strengthen our brands. Our product quality and our distribution network will make growth happen in those markets. And as Allen mentioned, we have new business coming on later in the year, which helps us to grow in our core markets, as well as in the new markets.

We are focused on our cost, on implementing pricing to help cover higher commodities, and on completing the Tasty merger so we can get to work on the integration, and take advantage of opportunities. I am so proud of Flowers' team. And when we face challenges brought on by natural disasters or other crisis, the Flowers spirit is a great advantage, as we work together to serve our customers, to protect our Company, and to help our fellow team members and our communities. We are determined to grow Flowers Foods, and by doing so, create value for Flowers Foods shareholders. Rob, we will now open the lines for questions, please.

value for Flowers Foods shareholders. Rob, we will now open the lines for questions, please.

Questions and Answers

OPERATOR: Thank you.

(Operator Instructions).

Thank you. Our first question is coming from the line of Farha Aslam with Stephens. Please state your question.

FARHA ASLAM, ANALYST, STEPHENS INC.: Hi, good morning.

GEORGE DEESE: Good morning, Farha.

FARHA ASLAM: George, could you comment on how the competitive dynamics are developing in the baking category as the quarter progressed?

GEORGE DEESE: I will, and I'll let Allen follow up as well. I would say, and I think that either Steve or Allen did mention in their prepared remarks, that we were ahead of the curve from a pricing standpoint. But I would report to you, that in fact two or three weeks, and I'm just -- I've got IRI report before me, I do see that in the fresh bakery category as described by IRI, in total US, that the average price per unit from prior year was up 6.1%. So I think it took a while for the inflation to come around. But as I did say in my prepared remarks, this is true with anybody that's dealing with oil and energy and grains and healthcare, and whatever the tremendous costs continue to be coming into the arena. And we are absorbing those costs, and we're doing our best to leverage that the best we can, to make sure that we recover, and try to keep our margins the best we can. So summing up that, I'd say, again, based on IRI, that category has seen quite a bit of inflation, in just the past few weeks.

FARHA ASLAM: So competitors are now following, and are also increasing pricing cost at commodities?

GEORGE DEESE: As evidenced by IRI.

FARHA ASLAM: Okay. Thank you. And Allen, you had mentioned a couple of different new business wins that you had in both retail and foodservice. Could you just help put some numbers around those, so that we can model that better?

ALLEN SHIVER: Farha, the -- we have had success in picking up some new business, both on the foodservice side, and in some other areas. But I think it probably is not appropriate on this call to be able to give you the specifics on the numbers or the details. I will tell you -- say that the overall customer opinion of the consolidation in the category I think is favorable for Flowers Foods. And a lot of the business that we have picked up, is based on the positive reputation that Flowers has built through many, many years. So we're encouraged about progress in that area.

FARHA ASLAM: Thank you very much.

OPERATOR: Thank you. Our next question is from the line of Heather Jones of BB&T Capital Markets. Please state your question.

BRETT HUNDLEY , ANALYST, BB&T CAPITAL MARKETS: Hi, good morning. This is Brett Hundley, standing in for Heather this morning. How is everyone doing?

GEORGE DEESE: Fine, Brett. Thank you.

BRETT HUNDLEY : I guess -- I wanted to go to the comment that you made, George, about increasing prices to offset higher costs going forward. And I just want you to address whether that was taking further price increases, or just getting better realization of the price increases that you've already taken?

GEORGE DEESE: Well, I think I would say both. Obviously, we did take pricing, as we stated back in October. As we know, commodities was at one price, and they're another price today. So therefore, we will be looking for future price realization. And again, as we look out, even

beyond 2011, we see there's very much volatility in the overall grain and energy market. We see more volatility in one day than we'd see in a whole year, just as an example. So it is volatile, but I think in the long-term because of weather patterns, because of more usage of grains, because of more corn going to ethanol -- in that 40% -- 38% 40% of that crop is going to ethanol, there's tremendous pressure in the overall grain markets. And therefore, we're seeing tremendous inflation on commodities. And we'll have to see more food inflation as you go down the road.

BRETT HUNDLEY : Okay. And then I wanted to look at gross margin progression, specifically as it relates to your DSD segment. Just using some of the numbers from the Q, I can back into a DSD margin of around -- over 10.5%. And clearly, pricing more than offset costs here, possibly due to favorable hedges as well. And so, I guess is it a fair assumption then, to assume as we go forward through the year again, specifically to DSD, that input costs are going to continue to rise, and thus you'll see that gross margin decrease year-on-year as we go forward?

ALLEN SHIVER: That's correct, Brett. I think if you look at -- there is a slot on gross margin in the presentation. And as you can tell, the first quarter was down somewhat -- slightly -- but as far as input cost, and the margin had improved in the quarter, but the overall full-year margin, we're forecasting to be under pressure and down, as we've said earlier. So as the year progresses, the costs do continue to increase, at the end warehouse. So both those divisions will be under some pressure.

BRETT HUNDLEY : All right, thank you. And then I guess, just my last one, George. I'd just like to get your opinion. We get a lot of questions on new market growth, and you talked a little bit about new markets for the Company. And I guess I would just like to hear your view on gaining shelf space in the mid-Atlantic northeast markets? And I'd like to get a better idea of how Tasty positions you there? And ask the question of, if quicker turns offset the need for equivalent shelf space there?

GEORGE DEESE: Yes, thank you. Number one, Tasty brings a wonderful reputation and relationship advantage to Flowers Foods. I think that's transferable. They will be having us develop the Flowers brands in the mid-Atlantic market. But I'd give evidence to shelf space, if you look back four or five years ago to northern Virginia, if you looked at Washington and Baltimore, we were basically zero. And we've -- we went in with -- based on our reputation of great service and great quality into those markets, and the customers did give us a fair shot at ample space going in, which is not a lot going in. You have to prove yourself. But we're just real pleased with what we've been able to accomplish in northern Virginia, and beginning to in the Baltimore, and the Maryland market. So we feel like with that reputation of great quality and great execution, great service, that we will have the same acceptance, as we move into the Pennsylvania and the adjoining markets in the future.

BRETT HUNDLEY : Thanks, George.

GEORGE DEESE: Thank you.

OPERATOR: Thank you. Our next question is from the line of Akshay Jagdale with KeyBanc. Please state your question.

AKSHAY JAGDALE, ANALYST, KEYBANC CAPITAL MARKETS: Good morning, thanks.

GEORGE DEESE: Good morning, Akshay.

AKSHAY JAGDALE: Hi, I just wanted to ask on the sales guidance for the year, what was your -- did the quarter come in better or worse than expected on sales? And why do you still have confidence in sales growth accelerating meaningfully over the remainder of the year, which is what is implied by your guidance? And then I have a follow-up for Allen.

GEORGE DEESE: I'll take a stab at it maybe first, and Steve can follow up if he'd like -- he or Allen, either one. I think we all know, as you can -- that we have discussed, that inflation did not go in total bakery category the first quarter. We do see total inflation, and that has hit. And we do see some differences now, that every -- the category has gone up. We had depended on new business as part of that growth. And as Allen said, we can't discuss that any further because of competitive reasons, but we have confidence in that. And as we've said, we also know they promise some more inflation coming, as a result of higher input costs. And as our footprint changes somewhat from our adjoining markets, and as we continue to get stronger day by day in those new markets that we have just been serving for less than a year or 18 months, those gain speed as we go along. So we still feel confident about the sales guidance that we've given, and longer term of the 5% to10%, we feel comfortable with, based on all of the above.

AKSHAY JAGDALE: Okay. And then just a follow-up for Allen. I mean, I would love to know what your guidance for sales implies for volume and

AKSHAY JAGDALE: Okay. And then just a follow-up for Allen. I mean, I would love to know what your guidance for sales implies for volume and pricing, but I'm assuming you're not going to go there today. But just what are you modeling, or what are you thinking of the white bread category, because the volumes have been pretty weak? Volumes generally have been pretty weak, so as pricing accelerates, you'd think volumes would get weaker. Is that included in your guidance? And what specifically are your thoughts, Allen, on the white bread category, and why it's so weak, from a volume standpoint?

ALLEN SHIVER: Akshay, that is a good question. We have been watching the white bread category decline for several years now. And there may be, it's probably a combination of reasons, but certainly the consumer who -- the demographics of the consumer who is a heavy white bread user is usually a middle to lower income individual that may be impacted more by the tough economy, than perhaps some other demographic groups. But I think the reason we have confidence, is that we do have extremely good visibility on the markets, and the areas that where we're down in our white bread category. And we plan to add some promotional activity back in those areas, so that we can make sure our volume stabilizes. But I think the overall trend we're seeing in the total white bread category will probably continue, until we see a turnaround in the overall economy situation.

AKSHAY JAGDALE: Thank you. I'll get back in line.

ALLEN SHIVER: Thanks, Akshay.

OPERATOR: Thank you. Our next question is from the line of Alton Stump of Longbow Research. Please state your question.

ALTON STUMP, ANALYST, LONGBOW RESEARCH: Yes, thank you. Good morning.

GEORGE DEESE: Good morning.

ALTON STUMP: Just on the volume front, it sounds like based on our checks, and the sum of your comments this morning, that a good portion of the [support] from your competitors on the pricing front, equates to mid to maybe late part of the first quarter. So is there any opportunity here, maybe for your volume performance to get a bit better, just off of that competitor backing in the coming quarters?

GEORGE DEESE: Yes, we always see that. Once the category does that completely, and again as evidenced in IRI, we're seeing that now. And we -- I think Allen mentioned, that in the past two or three weeks we can certainly see some changes in our unit change in the retail side of the market.

ALTON STUMP: Okay, thanks. And then just a real quick follow-up on the cost front. Was that 3% lower input cost number for the first quarter, was that embedded in your full-year mid to high single digit cost guidance?

GEORGE DEESE: It was.

ALTON STUMP: Okay. Thanks, guys.

OPERATOR: Thank you. Our next question is from the line of Tim Ramey of D.A. Davidson. Please state your question.

TIM RAMEY, ANALYST, D.A. DAVIDSON & CO.: Hi, good morning.

GEORGE DEESE: Good morning, Tim.

TIM RAMEY: I was interested your comments that in the IRI data, we aren't seeing a shift to private label. But it sounds like in your business, you may be a little bit -- and of course as you point out IRI only captures 48% of your sales I think you said. Do you think the shift to private label is occurring at the dollar stores, at the club stores, at the mass channel, or do you just think it's not happening?

ALLEN SHIVER: Tim, this is Allen. I believe that it's not happening. When we looked at our business, and those other channels are not monitored by IRI, we are really focused on branded growth. And I would say the trends in those categories are not dramatically different than what we're seeing in the overall category. If you have an individual customer who decides to introduce the private label that he might not of have had in the past, that could change things temporarily. But I don't see any big consumer change in the non-monitored categories, that we're seeing in the IRI category.

TIM RAMEY: And can you give us a sense of what you think the volume to price elasticity is? Traditionally, we thought of the bread category as not very elastic, but we are seeing some elasticity here. Do you have any studies on that, or thoughts on that?

ALLEN SHIVER: Tim, each market is very different. You've got a different set of competitors, you've got a different set of trade customers. We really don't -- the uniqueness of pricing and the impact of pricing is really a market to market situation, and I don't think any overall trends or studies would really apply.

GEORGE DEESE: Tim, I do believe this. I believe as the lower economic people in the United States has felt with unemployment and with higher costs in general to their family, I believe there's a seriousness of zero waste. I don't believe there's any pantry loading. I don't think people buy it and put it in the freezer, and pull it out later. So I will point to that area of concern. And we hope that we'll -- the consumer will have more confidence at some point in the future, but it's hard to see at this point.

We really see -- and I think this is driven by that lower income bracket as I just mentioned, that it's amazing if you look at IRI, and look at the first of the month, and see the amount of product units sold. And you follow it week by week to the end of the month, and I've heard retailers say this as well -- and I have started saying it more -- you really see a big difference between the first of the month and last of the month. And we've always seen some difference, but it's broadening more and more. So I think that's just part of the economic cycle that we were in, and we just need to hope for better to come, but I think that's part of the issue.

TIM RAMEY: Thank you.

GEORGE DEESE: Thank you, Tim.

OPERATOR: Thank you. Our next question is from the line of Mike Schwartz of SunTrust Robinson. Please state your question.

MICHAEL SCHWARTZ, ANALYST, SUNTRUST ROBINSON HUMPHREY: Hi, good morning, everyone.

GEORGE DEESE: Good morning.

MICHAEL SCHWARTZ: Could you guys just maybe quantify the impact of some of the April weather issues in the Southeast, what they had on the quarter? And was there any kind of shift effect into the second quarter, of some of that volume?

GEORGE DEESE: Let me say this. It's immaterial from a -- it was pretty tough from people -- not just pretty tough, it was devastating to the people in the eye of the storm, people who lost homes, people who lost roots, death. We'll never minimize the devastation that happened. But for Flowers Foods' benefit, it's minimal on -- and I'll let Steve follow it from a true financial standpoint.

STEVE KINSEY: And actually, Mike it came after the end of the first quarter, so there was no effect in the first quarter. It all happened in the second quarter. And other than, as George mentioned the market disruption, which we seem to have been able to manage that fairly well, I would say overall, it's fairly insignificant or immaterial, at this point on the quarter.

MICHAEL SCHWARTZ: Okay, great. Thank you.

GEORGE DEESE: Thank you.

OPERATOR: Thank you. Our next question is from the line of Amit Sharma of BMO Capital Markets. Please state your question.

AMIT SHARMA, ANALYST, BMO CAPITAL MARKETS: Thank you, good morning, everyone.

GEORGE DEESE: Good morning.

AMIT SHARMA: George, can you please provide us, what's your outlook on re-prices? I mean, we've seen prices kind of stabilize, and even come down a little bit from high levels in the first quarter. How do you see that? And I heard Steve saying that 8% to 10% caused inflation, you even stated that, but are you a little bit more secure in that number?

GEORGE DEESE: I think you said, are we secure in that number? Yes, we are secure in that number for 2011. But beyond that, I think you said

GEORGE DEESE: I think you said, are we secure in that number? Yes, we are secure in that number for 2011. But beyond that, I think you said it did go down for a while and stabilize, that's true. But I think the day before yesterday, for this week, we're probably up $0.60 or $0.70 just this week. Yesterday, I think it was up like $0.40. I think we're up again this morning. So, everything we continue to read and study, and the fact that our procurement expert is in the field in Kansas as we speak, trying to get the better handle on the longer term proposition. But again, with all of the weather issues around the world, and with the ethanol issue, and with more people eating grains and protein around the world, I think that there just will be tremendous pressure for a while on the commodities.

High prices in commodities usually brings lower prices at some point. The question is when. And I can't find anybody who thinks that's going to be short-term, short-term meaning, probably won't be there 2012, unless it could be on the new 2012 crop -- looks like it could be a boomer. But you can't certainly can't predict that yet. So we do expect, more of the same -- will be volatile. And we'll be 2 X to 3 X what it has been normally, and when I say normal, the past 35 years. So it is extremely high compared to the average of 35 years. So the new norm, three years ago, we talked about the new norm might be $5.00 to $6.00. With what is going on, the new norm could be quite a bit higher.

AMIT SHARMA: All right. Now, given your view of the higher volatility, can we expect you to increase coverage from six or nine months or a little bit longer?

GEORGE DEESE: We take opportunities, as we see them. If we think that it's a -- if all of a sudden, we saw some cheap prices, we'll probably look at it longer. But we find out that six to nine months is probably in the sweet spot for us. And sometimes you might think it's a cheap price, and go into long-term, but then if you see more downturn, sometimes you end up being uncompetitive. But what we do try to do though, is make sure that we do know our cost, so that we can make those adjustments in the marketplace, as well as continue to work on cost as always.

AMIT SHARMA: And just one more question. On the competitive environment, are you seeing some turbulence in the Sara Lee business, as that acquisition comes? Is the new business that you're getting, is it somehow related to what's happening at that competitor, or is it completely different or not?

GEORGE DEESE: Yes, I wouldn't comment on that. I don't know the Sara Lee business. And we stay focused on our business, and we're always calling on customers. And that's about as far as I would go with that.

AMIT SHARMA: Okay, I appreciate it. Thank you very much.

GEORGE DEESE: Thank you.

OPERATOR: Thank you.

(Operator Instructions).

Our next question is a follow-up from the line of Akshay Jagdale with KeyBanc Capital Markets. Please state your question.

AKSHAY JAGDALE: Thanks for taking the follow-up. George, I just wanted to -- you didn't answer my question directly, when I asked you if you were happy with this quarter's sales performance. If you would start with that, that would be great. I just want to know how the quarter compared to your internal expectations on sales?

GEORGE DEESE: Well, I'd address it this way. There's probably a reason I didn't give you at direct answer, but I will give you the direct answer this way. And to say that as you look back over the past two years, quarter-over-quarter we made improvement over the prior year. And we felt that volume as indicated was down 1%, wish it had been better. But nothing we can do about that at this point, we are just focusing on the future, and still feel comfortable at this point, with the guidance we've given.

AKSHAY JAGDALE: That's helpful. And how are this year's volume gains through new business different than last year? Because you had similar commentary earlier last year, where you said there's going to be new product wins. And I'm sure you got those, but your sales came in below what you had guided for. So I'm just trying to gauge how much more -- you must be more confident this year, probably because of the magnitude and the nature of these contracts relative to last year. That's what I'm trying to gauge.

GEORGE DEESE: Yes, Akshay, I'd say that -- and again, I've said I can't say, about the new business coming on because of competitive reasons. We are confident though, in what is coming, and what we think we'll see the rest of the year.

reasons. We are confident though, in what is coming, and what we think we'll see the rest of the year.

AKSHAY JAGDALE: Okay, great. And one last one, for Steve, on the cost side, can you give us some sense of how on a quarterly basis, the costs are going to trend? I mean, is it going to be very different in 2Q versus the back half? Because at least from my expectations, I didn't expect costs to be down as significantly as they were this quarter on the commodity and ingredients side. So I was surprised by that. I just want to help -- I need your help in modeling 2Q, in terms of understanding whether we're going to see a similar trend to what we saw in 1Q, because you did have higher wheat costs I believe in 2Q 2010. But just any guidance as to how that cost is going to flow through for the remainder of the year would be very helpful?

STEVE KINSEY: Well, what I can say, Akshay, we have said -- early on we did say the back half would really be a lot tougher than the first half. But we -- the first quarter, we had some very favorable hedges. So now those hedges have rolled off, so progressively you'll see the cost, on input costs begin to get worse. And then in the back half, it's going to be the tougher half.

AKSHAY JAGDALE: Okay. Thank you very much. I'll pass it on.

GEORGE DEESE: Thank you.

OPERATOR: Thank you. There are no further questions at this time. I would now like to turn the floor back over to Mr. Deese for closing comments.

GEORGE DEESE: Thank you, Rob for hosting this call today. And thank you for joining our call this morning. We appreciate your interest, and look forward to our next meeting. Thank you.

OPERATOR: This concludes today's teleconference. You may disconnect your lines at this time. Thank you for your participation.

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LOAD-DATE: May 23, 2011

Source: **News & Business > Combined Sources > News, Most Recent 90 Days (English, Full Text)**
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SNACK FOOD & WHOLESALE BAKERY

SFWB — April2010

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Business Briefs

ABA's Shiver: Economy Demands Action from Bakers

In a year in which business, the economy and government policy seem intrinsically linked, the new chairman of the American Bakers Association calls for the baking industry to become more involved in the process.

Allen Shiver, ABA chairman and president of Flowers Foods, would like the Washington, D.C., association to bring in new members and get current members more involved to multiply its effectiveness in shaping key policy decisions that can potentially impact bakers' bottom lines.

The Employee Free Choice Act, which is also known as the Card Check bill, tops Shiver's list of key legislative and government issues. The proposed law would change how unions are allowed to organize employees, partly by taking away the secret ballot provision that is now in place.

Shiver's list of top legislative and governmental concerns also includes food safety legislation. ABA and eight other groups have teamed together to sponsor workshops on food safety and improve the sanitary design of the equipment that produces snack and bakery products. For producers of bread products, Shiver says, the issue requires ongoing vigilance.

Additionally, ABA is currently developing a sustainability scorecard that will be available later this year as a resource for both bakers and bakery suppliers.

Another vital area this year will be nutrition labeling and dietary guidelines, the latter of which is being reviewed along with the Food Guide Pyramid. In addition, First Lady Michelle Obama launched a childhood

reviewed along with the Food Guide Pyramid. In addition, First Lady Michelle Obama launched a childhood obesity initiative that could impact the industry along with efforts by the Food & Trade Commission to monitor and regulate how food companies advertise to children.

Overall, Shiver notes that he's optimistic about the year ahead, despite the economic collapse of last year and the slow road to recovery.

"If you look at the rough waters the industry navigated over the last two years, it's pretty remarkable that we've weathered the storm as well as we have," he says. "Consumer response is still strong in all segments of the baking business and recent new products such as bagel thins and sandwich rounds are bringing a lot of excitement to the bread aisle."

Supplier News

Archer Daniels Midland Co. Was ranked the most admired company in the food production industry by Fortune magazine for the second consecutive year. ADM also took the top spot in the food production industry in seven of the nine categories by which companies were evaluated by innovation, use of corporate assets, social responsibility, quality of management, financial soundness, long-term investment and quality of products/services.In addition, ADM improved its overall score from its 2009 industry-leading ranking.

Bradman Lake Inc. relocated its Charlotte,
N. C., manufacturing plant to a new 40,000-sq.- ft. Factory in Rock Hill, S.C. The new address is 3050 Southcross Boulevard, Rock Hill, SC 29730. Bradman Lake manufactures a wide range of packaging machinery for the bakery, frozen food, chocolate and confectionery industries in North and South America. Bradman Lake is the U.S. production and sales operating unit of U.K.-based Bradman Lake Group, a wholly owned subsidiary of U.K. engineering group Langley Holdings plc.

Atlas Copco was named one of the Global 100 Most Sustainable Corporations in the World for the fifth consecutive year. The Rock Hill, S.C., company was evaluated against an objective "sustainable path" standard for energy, carbon, water and waste ratios and judged by who was the most proactive in managing environmental, social and governance issues.The Global 100 Most Sustainable Corporations in the World is a project initiated by Canada's Corporate Knights magazine and Innovest Strategic Value Advisors Inc., a New York-based research firm.

Cargill's flavor footprint now extends worldwide with the opening of a manufacturing plant in Pinghu, China. The new plant has been built on the same site as Cargill's existing starches and sweeteners plant, enabling customers to benefit from synergies in development and production and to maximize use of Cargill's wide-ranging expertise.

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How can I make more appealing school lunches?

August 31, 2010 | By CAROL VERAVANICH

Q. My fourth-grade son asked me if there were any cookbooks for kids' lunches. I think he is trying to give me a nice subtle (not!) hint that I need a little help in the lunch department. Should I let him do the school lunches? They really do not look all that healthy.

A. I might get in trouble here, but I would recommend making your child's lunch whenever possible. Kids really want to eat quickly, and standing in long lunch lines cuts down on their time to play. Also, if you are packing the lunch, you know what your child is eating and if it is healthy.

At snack time, send something nutritious and substantial, but again something the children can eat quickly so that they have time to play. Homemade granola bars make wonderful snacks. Yes these might take some time when you bake a big batch, but you can freeze them so that they are ready to grab and cool to eat by the time snack comes around.

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Nutrition for Kids

Are school meals healthy meals? Get the facts.

www.TrayTalk.org

Store-bought items like bagel thins with cream cheese or peanut butter, lunch meat rolled around a piece of cheese, or some fruit and yogurt would also be good examples of balanced, quick snacks. When making lunches, look at the question below for some packaging tips, but have fun with different ideas.

Your son is old enough to explore some websites with you and choose items he would like to eat, and also some he might like to make himself. My two favorite recipe sites for school lunches are **www.school-lunch-ideas.com/** and **www.amazingmoms.com/htm/baglunches.htm**.

Q. My daughter's teacher next year already posted a challenge on her webpage: Summer's end Challenge: Go Green, and show me ways you can reduce your waste this year in your school snacks and lunches. She will be in a fourth-grade GATE class and is very competitive. We are not the "greenest family," but we really wanted this teacher so now we need to embrace it. Any ideas on the angle this teacher is trying to take so we can impress her?

A. Your daughter could research starting a composting system for her school. This is a big endeavor, but your daughter could explore it with research to present to the teacher and principal.

There are some ways to "go green" when packing your child's lunch. Try wrapping your children's lunch items in aluminum foil rather than plastic baggies. When the children unwrap sandwiches in this, it makes a little plate for them so they do not get things dirty on the lunch table. Also, after, they can bring this home and recycle it.

You can also use washable containers for food rather than disposable items. We all know by now that the plastic water bottles we buy from the store are not supposed to be reused. You can recycle them, but you can also buy BPA-free plastic water bottles to use over and over.

Also, when sending lunch items, send homemade, real food rather than prepackaged items to reduce the amount of packaging waste as well as reducing the amount of preservatives your child will be eating. Even though you say your family is not very "green," I bet you are doing some of these things already.

Contact the writer at www.goasktheteacher.com.

More Like This

School lunch tables stacked, vandalized
September 8, 2010

Hot Lunch Lady goes into restaurant business
August 10, 2010

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July 12, 2009

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Quick Snacks

Try A Variety Of Flavors Made With 8g Of Whole Grain! Explore Newtons.

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generations of great taste.
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ing Company launches new flat bread line
May 11, 2011 – Klosterman Baking Company, a family-owned bakery headquartered in Cincinnati, Ohio, is proud to announce the addition of Flat Bread type products to our large variety of fresh and frozen baked goods. Our new state of the art, best of class Flat Bread line is now producing quality product at the Klosterman facility located in Springboro, Ohio. This new line has numerous capabilities including Flat Bread, Bagel Thins, Sandwich Slims, Pita Breads, and Pizza Crusts. These products are distributed fresh and frozen nationally to restaurants, co-packers, retailers, institutions and food service customers. Full text »
Ohio Bread Company Searches For The Ultimate "Family Secret"
Klosterman Baking Company launches original recipe contest
October 31, 2009 – Klosterman Baking Company, a family-owned bakery headquartered in Cincinnati, Ohio, is launching the first annual "Family Secret Recipe Contest." Throughout the month of November, consumers across the Midwest are encouraged to submit an original recipe, via Klosterman Baking Company's Facebook page, using any variety of Klosterman bread for a chance to win free Klosterman bread for a year.
FEATURED ITEM
NEW FLAT BREAD LINE
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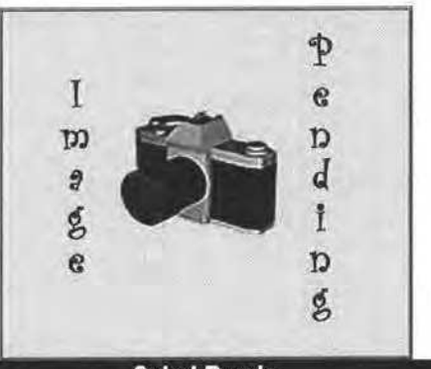
pj's deli

home on the menu catering contact us

trays & bowls of good food

- Salad Bowls
- Meat Tray
- Bagel & Fruit Tray
- Boxed Lunches
- Other Stuff
- Bagel & Bread Choices

please allow 24hr notice on all orders



Salad Bowls

5-8 people	**23.99**
10-12 people	**29.99**

- Salad Choices:Garden, Chef, Betty's Salad
- Dressing Choices:Betty's, Ranch, Blue Cheese, Raspberry Vinaigrette, Catalina, Lite Ranch, Lite Italian, Fat Free Catalina
- Includes: 2 Dressings of your choice, bagel thins & paper products

back >>

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Prices subject to change

GUNN'S BAKERY

DID YOU KNOW...

The origin of cabbage rolls or prakes can be traced back to the hillsides of Palestine, where ripened grape leaves were stuffed with various meats and cooked slowly in the hot ashes of a fire. Holishkes in Eastern Europe and Galuptze in Russia are enjoyed all around the world.

Bagels

« Back to main Products

Breakfast, lunch, dinner, or for a snack, bagels are good at any time of the day.

While you're at it, why don't you take home a tub of cream cheese? Available in Plain, Light Plain, Garden Vegetable, Light Garden Vegetable, Spinach & Feta Cheese, Light Spinach & Feta Cheese, Garlic & Herb, and Jalapeno & Cheddar.

Below are the different kinds of bagels that we make. Please click on the item name for more information. For any information not listed here, or to order, **visit or call us at the bakery**.

* Original Egg
* Water
* Whole Wheat
* Pumpernickel
* Onion

Bagel Thins

* Onion
* Multigrain
* Philadelphia
* Toronto Sesame
* Toronto Poppyseed
* New York
* Twister
* Boston
* Cheese & Onion
* Spinach & Mozzarella
* Pizza
* Cranberry
* Cinnamon Raisin
* Mini Bagels
* Bagel Thins

Our apologies...

The photo for this item is currently being updated.

** Blueberry, Cranberry, Cinnamon Raisin, and Water bagels are low in cholesterol and have no eggs in the recipe.*

*** Original Egg, Philadelphia, New York, and Whole Wheat bagels are also available as Crusty-Top bagels. (Special Order Only)*

**** Toronto Poppyseed, Cheese & Onion, and Spinach & Mozarella bagels are available in limited quantities. Please order in advance to ensure that you recieve this product.*

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Melissa Nibbles

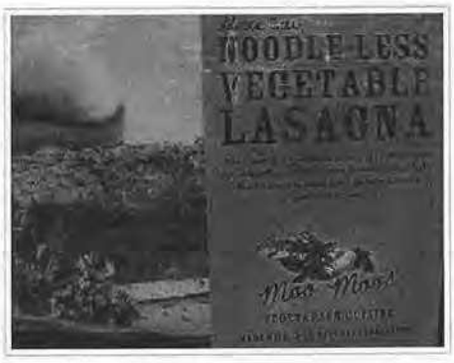
A Lazy Girl's Guide to a Healthy Lifestyle

THURSDAY, SEPTEMBER 16, 2010

Three Things Thursday

Happy Thursday to you and yours! Thanks for your supportive comments and emails on yesterday's post. I feel like I say this everyday, but you really don't know how much it means to me. Thank you!

I wasn't feeling in the mood to cook last night so I picked up a frozen meal for dinner. I chose Moo Moo's Vegetarian, Gluten Free Lasagna.



The main ingredients were eggplant, portabella mushrooms,

A WORD FROM MY SPONSOR - ALL PROCEEDS GO TO THE NATIONAL EATING DISORDERS ASSOCIATION

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zucchini, tofu, marinara, and Parmesan. Yum!

Uh...not so much. It tasted just as disgusting as it looks. The sauce wasn't bad, but there was so much water on the bottom of the dish that everything else was soaked. The very few vegetables that were in it were flavorless from so much water and whatever the heck was supposed to be the cheese on top didn't taste like cheese. The layer of tofu on the bottom looked and tasted like a soaked sweatsock. I will NOT be buying this again. Zero Jersey Shore fist pumps for Moo Moo's.

Today's Thursday and we know what that means....Three Things Thursday! If you're new to the blog, this is a post where I list three things that are annoying me this week. You get your chance in the comments.

1. I Want My Days Off Too! Everytime I put in for a day off at work, they tell me yes, then two days later come back and tell me no. They offer to let me leave early or come in late that day, but I need the entire day off! EVERYONE else I work with gets their requested days, comes in when they want, leaves when they want, and nevermind the fact that they don't do their work when they are here. I threw a tantrum over it this morning because I'm mature like that and they're working on it. Whatever. I'm protesting by doing nothing all day. See how they like when people don't do their work!!

2. Sandwich And Bagel Thins. I tweeted about this yesterday and was surprised that a lot of people actually agreed with me.

Run Eat R

FARM

EGG·L

BE

check it o

ABOUT ME

MELISSA
BOSTON, MA, UNITED STATES

Inspired by the many healthy living blogs that I read each day, I decided to start my own. I thought it would be a great way to keep myself on track towards my goals of maintaining a healthy, balanced, and fun life. I'm not sure what will come from this blog, but I think it will be a fun journey! Email me at melissanibbles@gmail.com

VIEW MY COMPLETE PROFILE

CHECK ME OUT ON THESE OTHER SITES!

BSW
boston sports woman

featured blog
urbanspoon

These piece of crap excuses for bread are a huge hit in the blog world, so I'm not sure if many of you readers will agree though. I don't want my sandwich or my bagel to be thin. I want it to be able to support all the yummy fillings I put in it. I also want my bread to be something of substance and yummy, carby goodness. I know y'all love it because "Whee! It's only 100 calories!!" God forbid ladies eat more than 100 calories! Why is 100 this magic number? Why not 120 or 110 or 90? I don't see the difference between this bread and 100 calorie snack packs. One person tweeted "At least they're not full of artificial ingredients." Well, neither is um....regular bread! These sandwich things are diet food. Why not just eat Weight Watchers bread if you're that concerned with calories? I hate seeing these things on blogs because it sends a bad message. Hey, eat what you want, but I worry young girls see the "cool" bloggers eating these things and think they should be too. I don't know when eating bread went out of style, maybe the 90s sometime? Let's bring it back.

3. No Dogs Allowed. My boyfriend doesn't want to get a dog with me. He doesn't want to put in the time and money it takes to give a dog a good home. I get where he's coming from, but I really want one. I had a pug named Borkie that died a few years ago and now I'm finally ready for another little cuddle monster to take care of. Oh well, it wouldn't be fair to the dog I guess. I'll just have a baby instead.

I really wanted to make today 20 Things Thursday because I'M BOTHERED!!! like Robert Pattinson. Oh well, now it's your turn. Let it out in the comments.

POSTED BY MELISSA AT 9:20 AM
LABELS: PRODUCT REVIEW, THREE THINGS THURSDAY

55 COMMENTS:

Dori said...

You know I am with you on the sandwich and bagel thins. And the last I looked, they did have some ingredients I do NOT agree with. Eat a normal sized portion of real whole grain or spelt bread with real ingredients and I promise you will not gain weight. Your body knows how to absorb the nutrients from products it recognizes!

BECAUSE I HAVE TOO MUCH TIME ON MY HANDS

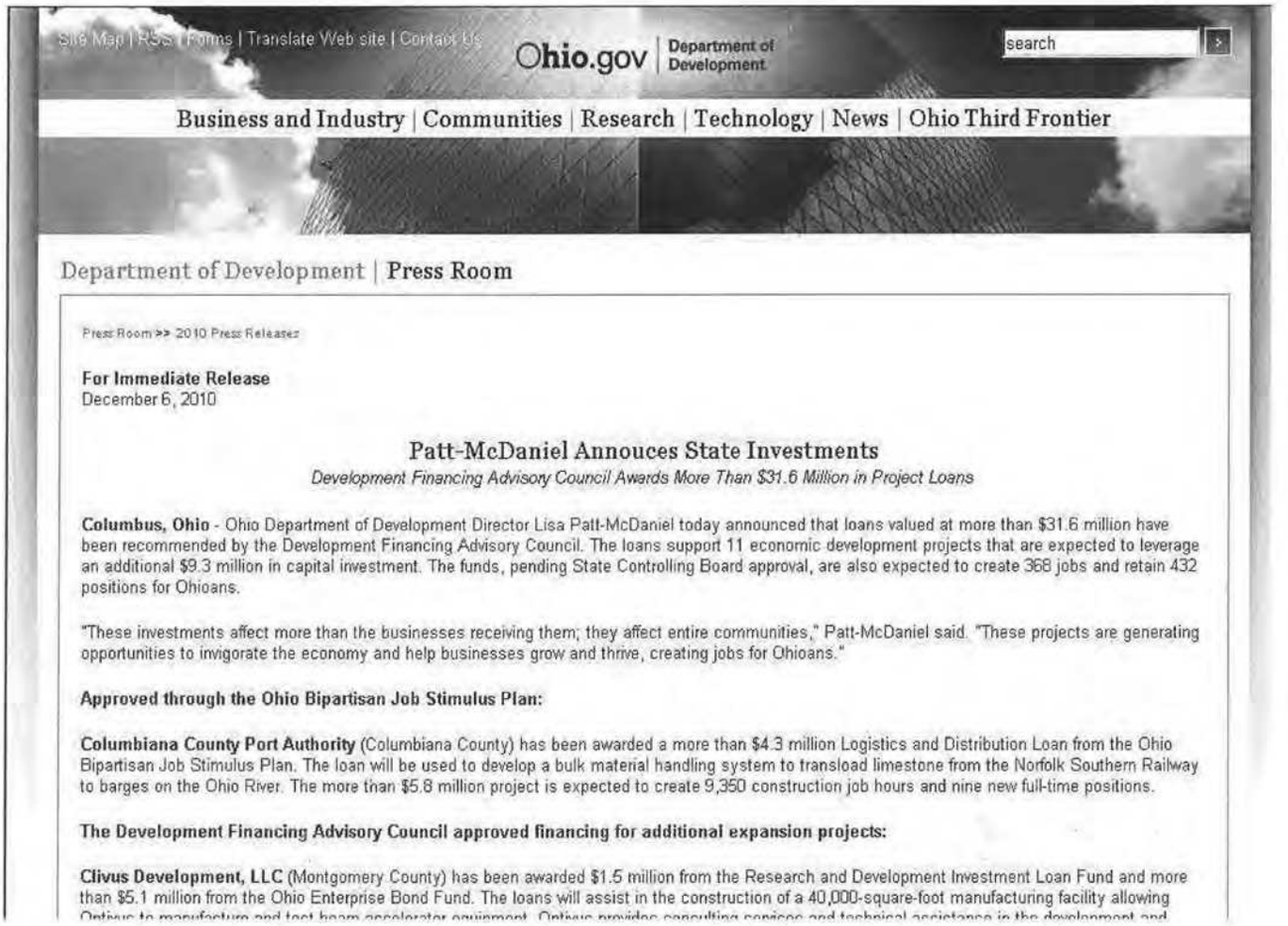
http://melissanibbles.tumblr.com/

STALK ME ON TWITTER

I LIKE THESE PEOPLE

- A Cambridge Story
- Angry Runner
- Cheaper Than Therapy
- Delicious Dishings
- Dori's Shiny Blog
- eat, drink, run
- Fashionably Fit
- Fun and Fearless in Beantown
- Healthy and Sane
- Hollaback Health
- How Sweet It Is
- Indulge Inspire Imbibe
- MissyMaintains
- Second City Randomness...
- Shedding It & Getting It
- The Clean Plate Club
- The Cookie Battle
- the Non-Dairy Queen
- Travel, Wine, and Dine

BLOG ARCHIVE



Department of Development | **Press Room**

Press Room >> 2010 Press Releases

For Immediate Release
December 6, 2010

Patt-McDaniel Annouces State Investments

Development Financing Advisory Council Awards More Than $31.6 Million in Project Loans

Columbus, Ohio - Ohio Department of Development Director Lisa Patt-McDaniel today announced that loans valued at more than $31.6 million have been recommended by the Development Financing Advisory Council. The loans support 11 economic development projects that are expected to leverage an additional $9.3 million in capital investment. The funds, pending State Controlling Board approval, are also expected to create 368 jobs and retain 432 positions for Ohioans.

"These investments affect more than the businesses receiving them; they affect entire communities," Patt-McDaniel said. "These projects are generating opportunities to invigorate the economy and help businesses grow and thrive, creating jobs for Ohioans."

Approved through the Ohio Bipartisan Job Stimulus Plan:

Columbiana County Port Authority (Columbiana County) has been awarded a more than $4.3 million Logistics and Distribution Loan from the Ohio Bipartisan Job Stimulus Plan. The loan will be used to develop a bulk material handling system to transload limestone from the Norfolk Southern Railway to barges on the Ohio River. The more than $5.8 million project is expected to create 9,350 construction job hours and nine new full-time positions.

The Development Financing Advisory Council approved financing for additional expansion projects:

Clivus Development, LLC (Montgomery County) has been awarded $1.5 million from the Research and Development Investment Loan Fund and more than $5.1 million from the Ohio Enterprise Bond Fund. The loans will assist in the construction of a 40,000-square-foot manufacturing facility allowing Optivus to manufacture and test beam accelerator equipment. Optivus provides consulting services and technical assistance in the development and

Optivus to manufacture and test beam accelerator equipment. Optivus provides consulting services and technical assistance in the development and maintenance of the proton-beam therapy treatment center, located at Loma Linda University Medical Center. The proton-beam treatment center delivers a highly sophisticated, non-invasive proton radiation beam used in the treatment of cancer patients. The more than $7.68 million project is expected to create 78 jobs.

Columbus-Franklin County Finance Authority (Franklin County) has been awarded $3 million from the Research and Development Investment Loan Fund. The loan will be used for the purchase of machinery and equipment. The Finance Authority will purchase the XSTAR radar system from Star Dynamics and lease the system back to the company, providing the upfront cash needed to continue the development and commercialization of new technology. Star Dynamics is a defense and commercial electronics manufacturing company, specializing in radar and aerospace technology. The more than $4 million project is expected to create 20 jobs and retain 81 positions.

Hearth Grains Bakery, LLC (Warren County) has been awarded more than $5.5 million from the Ohio Enterprise Bond Fund. The loan will assist in the acquisition of a new state-of-the-art baking line for the production of flat bread products, including sandwich thins, bagel thins, and other products to be installed at Klosterman's Springboro location. Klosterman is one of the largest family owned bakeries in the Midwest, employing more than 500 people, and producing more than 400 varieties of fresh baked goods. The more than $5.5 million project is expected to create 31 jobs.

Intellinetics, Inc. (Franklin County) has been awarded $750,000 from the Innovation Ohio Loan Fund. The loan will assist in capitalizable software development costs to bolster its product line by fully commercializing its redaction software, "Redactivue," and offering it both as a system add-on and as a stand-alone document management enhancement module. Intellinetics is a content management software developer offering a product that reduces paper files and increases search capabilities within existing archived files. The $1 million project is expected to create 15 jobs and retain 25 positions.

iStatus, LLC dba Transactiv.com (Hamilton County) has been awarded $1.6 million from the Innovation Ohio Loan Fund. The loan will assist in capitalizable software development to support the development of an automated transaction system for small- to medium-sized businesses. Transactiv.com is a Limited Liability Company established to provide affordable, automated business-to-business transaction solutions to small and medium sized establishments. The more than $2.1 million project is expected to create 44 jobs and retain four positions.

Nobel County Community Improvement Corporation (Noble County) has been awarded a $453,125 Rural Industrial Park Loan and a $271,875 Rural Development Initiative Grant. The loan and grant will assist in the implementation of a long-term economic development plan that could potentially produce hundreds of sustainable jobs and promote economic growth for the community. Noble County Community Improvement Corporation is an Ohio not-for-profit corporation formed for the sole purpose of advancing, encouraging, and promoting the industrial, economic, commercial, and civic development of Noble County. This is a $1.11 million project.

Paulding-Putnam Electric Cooperative, Incorporated (Paulding County) has been awarded an $850,000 166 Direct Loan. The loan will assist the design, site preparation, purchase, and renovation of an existing facility in the Village of Paulding. Paulding-Putnam Electric is a member-owned, member-controlled, nonprofit electric distribution utility founded in 1935. The company purchases power and distributes it to residential and corporate members of the cooperative. The more than $4.4 million project is expected to create five jobs and retain 30 positions.

PRC Medical, LLC (Summit County) has been awarded more than $1.7 million from the Innovation Ohio Loan Fund. The loan will assist in capitalizable software development costs necessary to produce the next generation of a fully integrated, government-certified software application that is delivered via the Internet in a purely hosted environment. PRC is a provider of technology-driven business services to the healthcare industry, streamlining the management of clinical and billing processes. The more than $2.3 million project is expected to create 126 jobs and retain 60 positions.

Reineke Advanced Technology, Ltd. (Ashland County) has been awarded a more than $1.12 million 166 Direct Loan. The loan will assist in the

Reineke Advanced Technology, Ltd. (Ashland County) has been awarded a more than $1.12 million 166 Direct Loan. The loan will assist in the purchase of a 141,928-square-foot building on a nearly 21-acre site. Reineke Advanced is the real estate holding company for Ashland Investment Properties, which is engaged in the production and shipment of carbon and graphite products to customers worldwide. The $1.5 million project is expected to create 30 jobs and retain 74 positions.

Wilbert Plastic Services (Huron County) has been awarded $5.29 million from the Ohio Enterprise Bond Fund. The loan will assist in the purchase of an existing facility as well as machinery and equipment. Wilbert Plastic Services is a diverse, injection mold and thermoforming manufacturer, supplying highly designed and technically innovative plastic products to a wide variety of markets. The $5.29 million project is expected to create 10 jobs and retain 158 positions.

*The **Logistics and Distribution Stimulus Loan** assists in the creation of a seamless multimodal transportation infrastructure across the state as part of the **Ohio Bipartisan Job Stimulus Plan**.*

*The **Development Financing Advisory Council** approves all low-interest, long-term, fixed-asset loans for companies considering expanding in or relocating to Ohio. The **166 Direct Loan** program provides loans for land and building acquisition, expansion or renovation, and equipment purchase. The **Innovation Ohio Loan Fund** assists existing Ohio companies in developing next-generation products in industry sectors that include: advanced materials; instrument, controls, and electronics; power and propulsion; biosciences; and information technology. **Rural Industrial Park Loan** provides direct loans and loan guarantees to rural, distressed local communities and other eligible applicants committed to creating well-planned industrial parks. **The Research and Development Investment Loan Fund** provides financing for projects primarily engaging in research and development activity. **The Rural Development Initiative Fund** provides grants to eligible applicants who also qualify and receive funding under the Rural Industrial Park Loan program. **The Ohio Enterprise Bond Fund** provides funding for land and building acquisition, construction, expansion or renovation, and equipment purchases for commercial or industrial projects between $1.5 million and $10 million.*

*Working with our partners across business, state and local governments, academia, and the nonprofit sector, the **Ohio Department of Development** works to attract, create, grow, and retain businesses through competitive incentives and targeted investments. Engaged every day in marketing, innovating, investing, and collaborating, the **Ohio Department of Development** works at the speed of business to accelerate and support the teamwork that is necessary for success by providing financial, informational, and technical assistance to those making an investment in Ohio's future.*

###

Media contacts: Bethany McCorkle at (614) 466-6610
or the Communications and Marketing Office at (614) 466-2609

RUN YOUR OWN RACE
100+ pounds lost, a lifetime to go

Grocery List

MARCH 10, 2011

1 6 Tweet Like

Earlier in the week, I tried to give a coherent explanation of why I don't post my food on this blog regularly. One thing that I do feel comfortable with, however, is posting my current grocery list. I hate grocery shopping, so hubs and I get through there pretty quickly. I try to stay on the perimeter of the grocery store, and these are my go-to items. Hopefully the order doesn't seem too crazy- I am writing them as if I were going from one side of the store to the other!

Produce:

- cucumbers
- green onions
- cilantro
- apples
- bananas
- limes
- white or yellow onions
- garlic
- spinach

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my plus size fashion blog

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- red pepper
- clementines (if in season)
- sweet potatoes
- 1 sushi roll (usually tuna and avocado in brown rice, if possible)

Natural food section:

- Bear Naked granola
- almond milk
- Blue Diamond Nut Thins
- natural peanut butter (Justin's is my fave, but will get whatever)

Baked Goods:

- bagel thins – not the crunchy ones, but the ones in the bread section- they're 110 calories and look like a squished bagel

Protein:

- ground chicken (occasionally)
- Laura's Lean ground beef (occasionally, if I want a hamburger)

Dairy:

- Chobani yogurt
- reduced fat plain cream cheese
- reduced fat (2%) shredded cheddar
- reduced fat sour cream
- eggs (I know, not dairy, but next to the dairy section!)

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Lucky Dress
Etsy Accessories, June 2011

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To:	GRUPO BIMBO, S.A. B. DE C.V. (officeactions@brinkshofer.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 85175717 - THOMAS' BAGEL THINS - 14254
Sent:	9/26/2011 2:59:00 PM
Sent As:	ECOM115@USPTO.GOV
Attachments:	

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TO READ OFFICE ACTION: Click on this **link** **or** go to **http://portal.uspto.gov/external/portal/tow** and enter the application serial number to **access** the Office action.

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RESPONSE IS REQUIRED: You should carefully review the Office action to determine (1) how to respond; and (2) the applicable **response time period**. Your response deadline will be calculated from **9/26/2011** (or sooner if specified in the office action).

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System Response Form.

HELP: For *technical* assistance in accessing the Office action, please e-mail **TDR@uspto.gov**. Please contact the assigned examining attorney with questions about the Office action.

WARNING

Failure to file the required response by the applicable deadline will result in the ABANDONMENT of your application.

EXHIBIT 56

To the Declaration of Diana L. Rausa

To:	GRUPO BIMBO, S.A. B. DE C.V. (officeactions@brinkshofer.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 85175717 - THOMAS' BAGEL THINS - 14254
Sent:	2/24/2011 3:08:08 PM
Sent As:	ECOM115@USPTO.GOV
Attachments:	Attachment - 1 Attachment - 2 Attachment - 3 Attachment - 4 Attachment - 5 Attachment - 6 Attachment - 7 Attachment - 8 Attachment - 9 Attachment - 10 Attachment - 11 Attachment - 12 Attachment - 13 Attachment - 14 Attachment - 15 Attachment - 16 Attachment - 17 Attachment - 18 Attachment - 19 Attachment - 20 Attachment - 21 Attachment - 22 Attachment - 23 Attachment - 24 Attachment - 25 Attachment - 26 Attachment - 27 Attachment - 28 Attachment - 29 Attachment - 30 Attachment - 31 Attachment - 32 Attachment - 33 Attachment - 34

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

APPLICATION SERIAL NO. 85175717

MARK: THOMAS' BAGEL THINS

85175717

CORRESPONDENT ADDRESS:
SCOTT J. SLAVICK
BRINKS HOFER GILSON & LIONE
PO BOX 10395
CHICAGO, IL 60610-0395

CLICK HERE TO RESPOND TO THIS LETTER:
http://www.uspto.gov/teas/eTEASpageD.htm

APPLICANT: GRUPO BIMBO, S.A. B. DE C.V.

CORRESPONDENT'S REFERENCE/DOCKET NO:
14254
CORRESPONDENT E-MAIL ADDRESS:
officeactions@brinkshofer.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 2/24/2011

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

Search:

The trademark examining attorney has searched the Office'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).

Disclaimer:

Applicant must disclaim the descriptive wording "BAGEL THINS" apart from the mark as shown because it merely describes a characteristic and/or feature of applicant's goods. *See* 15 U.S.C. §§1052(e)(1), 1056(a); *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); TMEP §§1213,

1213.03(a).

Specifically, the attached dictionary evidence from Encarta® shows this wording is descriptive when used in connection with applicant's type of goods identified in the application. As the attachments indicate, BAGEL is defined as "glazed ring-shaped bread roll with a slightly chewy texture" while THIN is defined as "slim." See dictionary definitions from www.encarta.com attached. As such, bagel thins is merely descriptive of a feature or characteristic of the applicant's goods, namely, slim bagels.

The following is the standard format used by the Office:

> **No claim is made to the exclusive right to use "BAGEL THINS" apart from the mark as shown.**

TMEP §1213.08(a)(i); *see In re Owatonna Tool Co.*, 231 USPQ 493 (Comm'r Pats. 1983).

For applicant's convenience, the examining attorney also attaches Internet evidence of the wording used in the industry, and evidence of past Office practice regarding disclaimer of such wording or registration on the Supplemental Register or the Principal Register 2(f) with respect to related goods. See, for example,

U.S. Registration No. 3568922 which includes a disclaimer for "THINS" in connection with "cookies, gingerbread biscuits, and biscuits." Several recipes discussing making your own bagel thins. A recipe from www.foodista.com for "Bagel Thins, Lo Cal, Lo Salt" where the bagels are sliced into "very thin rounds."

The examining attorney also provides evidence of third party usage of "BAGEL THINS" in connection with bakery goods such as:

Einstein Bros offering New Bagel Thins Lunch Sandwich
Bagel Country offering bagel thins on its menu
Manhattan bagel Company offering bagel thins on its menu

The evidence of record clearly indicates that third parties use "BAGEL THINS" in connection with bakery goods and thus the wording is descriptive if not generic.

Phone Response:

Applicant is encouraged to telephone the assigned trademark examining attorney to resolve the issues raised in this Office action.

To Respond to this Letter:

Use the Trademark Electronic Application System (TEAS) response form at http://teasroa.uspto.gov/roa/. Please wait 48-72 hours from the issue/mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov.

Who Must Sign the Response:

It must be personally signed by (1) an individual applicant; (2) someone with legal authority to bind

applicant (i.e., a corporate officer, a general partner, all joint applicants); or (3) an authorized attorney, if one is appointed to represent applicant.

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 Trademark Applications and Registrations Retrieval (TARR) at http://tarr.uspto.gov/. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, 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 TEAS form at http://www.uspto.gov/teas/eTEASpageE.htm.

For other inquiries or questions about this office action, please contact the assigned examining attorney.

/Jeffrey S. DeFord/
Jeffrey S. DeFord
Examining Attorney
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noun
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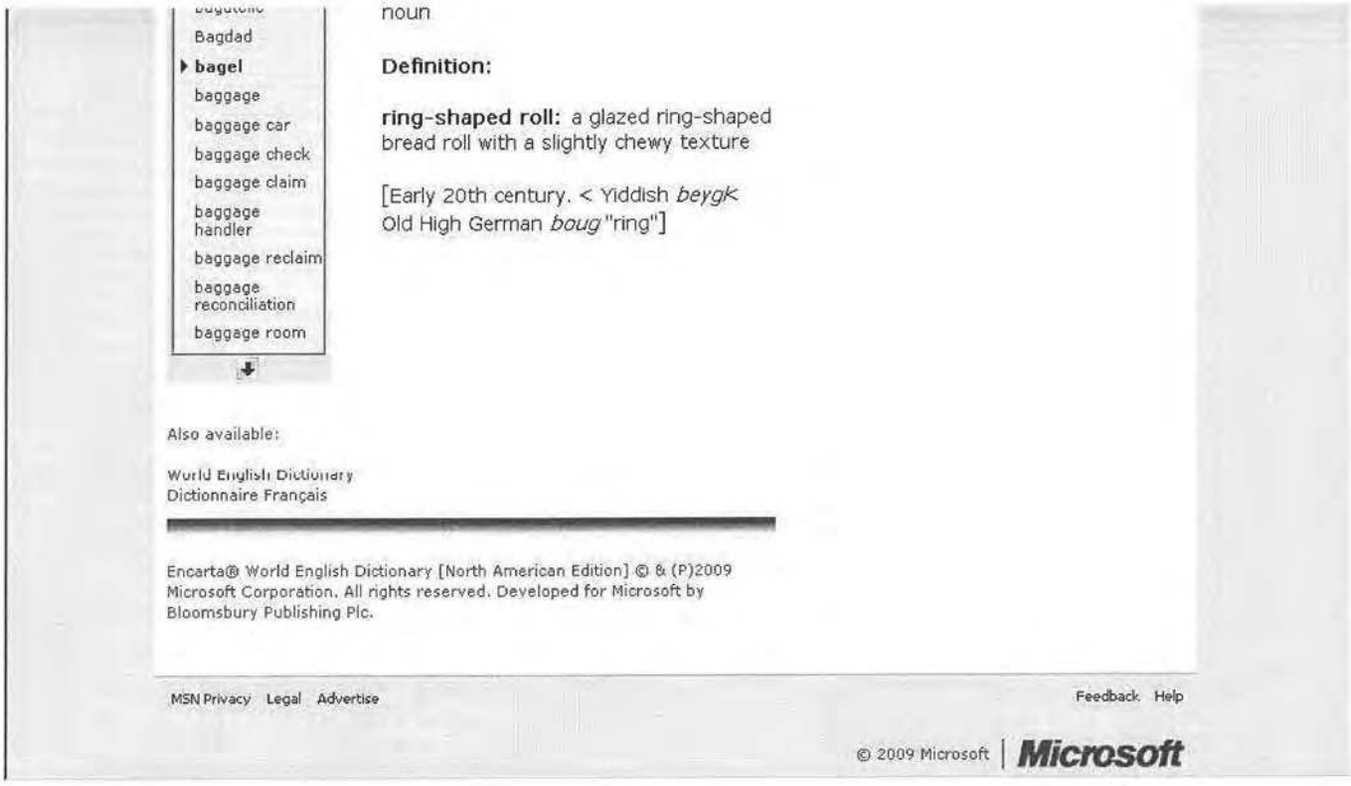
Bagdad
bagel
baggage
baggage car
baggage check
baggage claim
baggage handler
baggage reclaim
baggage reconciliation
baggage room
noun
Definition:
ring-shaped roll: a glazed ring-shaped bread roll with a slightly chewy texture
[Early 20th century. < Yiddish beygk< Old High German boug "ring"]
Also available:
World English Dictionary
Dictionnaire Français
Encarta® World English Dictionary [North American Edition] © & (P)2009 Microsoft Corporation. All rights reserved. Developed for Microsoft by Bloomsbury Publishing Plc.
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thimbleberry
thimbleful
thimblerig
thimbleweed
Thimbu
thimerosal
Thimphu
thin
thin edge
thin-skinned
thine
thinfilm technology
thing
thing-in-itself
thingamabob
thingamajig
thin
thin
thin [thin]
adjective (comparative thin·ner, superlative thin·nest)
Definition:
1. shallow or narrow: of relatively small extent from surface to surface or side to side
• A thin layer of snow covered the path.
• Draw a thin line.
2. of small diameter: having a small diameter
• thin wire
3. slim: having very little body fat
4. sparse: composed of few things widely spaced
• thin hair
• a thin forest
Also available:
World English Dictionary
Dictionnaire Français
Advertisement
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bing
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Microsoft

- a thin forest

5. watery: with a free-flowing consistency similar to that of water
- *a thin soup*
- *thin paint*

6. lightweight: made of light or flimsy material
- *a thin summer dress*
- *thin cotton socks*

7. easy to see through: permitting light to enter or pass through
- *thin mist*

8. quiet in noise volume: lacking volume or resonance
- *a thin sound*

9. unconvincing: lacking credibility or adequacy
- *a thin excuse*

10. *U.S.* **weak:** lacking intensity or color

11. PHOTOG **lacking contrast:** of a photographic negative, lacking density or contrast

adverb

Definition:

in thin manner: in a way that produces something shallow, narrow, or sparse
- *Spread the paint thin.*

transitive and intransitive verb (*past and past participle* thinned, *present participle* thin·ning, *3rd person present singular* thins)

Definition:

make or become thinner: to reduce something in thickness or number, or become reduced in thickness or number
- *You can thin the paint before you use it.*

• *You can thin the paint before you use it.*
• *The crowd started to thin out in the evening.*

[Old English *þynne*< Indo-European, "stretch"]

• **thin·ly** *adverb*
• **thin·ness** *noun*

Word Key: Synonyms

thin, lean, slender, slim, emaciated, scraggy, scrawny, skinny
CORE MEANING: without much flesh, the opposite of fat

thin having very little body fat;
• *I was surprised at how thin her face had become.*
lean having no excess body fat and looking muscular and fit;
• *a tall lean runner*
slender gracefully and attractively thin;
• *A tall, slender model walked down the fashion-show runway.*
slim slender and well-proportioned;
• *Tall and slim, the ballerina's body had the tautness of an athlete's.*
emaciated extremely thin, especially because of starvation or illness;
• *Aid officials in the war zone reported seeing seriously undernourished, even emaciated people.*
scraggy
scrawny thin and bony;
• *a scraggy neck*
• *A scraggy old cat lives in the barn.*
skinny thin, especially in an unappealing or unhealthy way;
• *I think my arms and legs are too skinny.*
• *A new-born chimpanzee looks like a skinny little thing compared with a human baby.*

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Hot Diets

DIET COLUMN

Einstein Bros. Reveal New Bagel Thins

Like | One like. Sign Up to see what your friends like.

Taking a cue from the 100-calorie flat sandwich breads from Arnold Bread, Pepperidge Farm and Earth Grain, Einstein Bros. Bagels has just unveiled their new Bagel Thin sandwiches.

This food find is cause for celebration for the bagel lover in you. Since some of Einstein Bros. Bagels can have as many as 330 calories, and that's without cream cheese, these new bagel thins are a lower calorie sandwich option available at participating Einstein Bros Bagels and Noah's New York Bagels locations.

The new product line is available in three options: Turkey-Bacon and Avocado Thin (380 calories), Tuna Salad (250 calories), and the Turkey Thin (250 calories).

The problem with most restaurant sandwiches is that they weigh you down thanks to the huge amounts of dough, meat, cheese and fat-laden toppings.

"Smart nutrition is a part of the Einstein Noah Restaurant Group DNA and we are leading the way with our new bagel thin sandwiches and partnership with the Healthy Weight Commitment Foundation," said Jeff O'Neill, CEO, Einstein Noah Restaurant Group, Inc. "While we recognize that our customers are looking for simple ways to eat better, they don't want to sacrifice great taste. We are committed to this consumer insight as we develop new, innovative lower calorie and lower fat menu items."

I have yet to try the new bagel thin sandwiches, but from the buzz around the Internet and the long lunch lines I see at my local Einstein's, these sandwiches are

Top Stories

New Biggest Loser Trainers

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internet and the long lunch lines I see at my local Einstein's, these sandwiches are a hit! Plus, they are whole-grain and made-to-order, so load yours up with the super low-calorie fresh veggie toppings like lettuce, tomatoes, sprouts, cucumbers and more.

I predict that in the coming months, other bagel chains will follow suit and offer lighter versions of these beloved holey rounds of dough.

Happy noshing!

Also read:

How to Choose Healthy Eats and Drinks at a Coffee House

July 26th, 2010

Tags: Food Finds, Product Reviews, restaurants, sandwich
Posted in Diet and Nutrition

by heather
Yoga Expert

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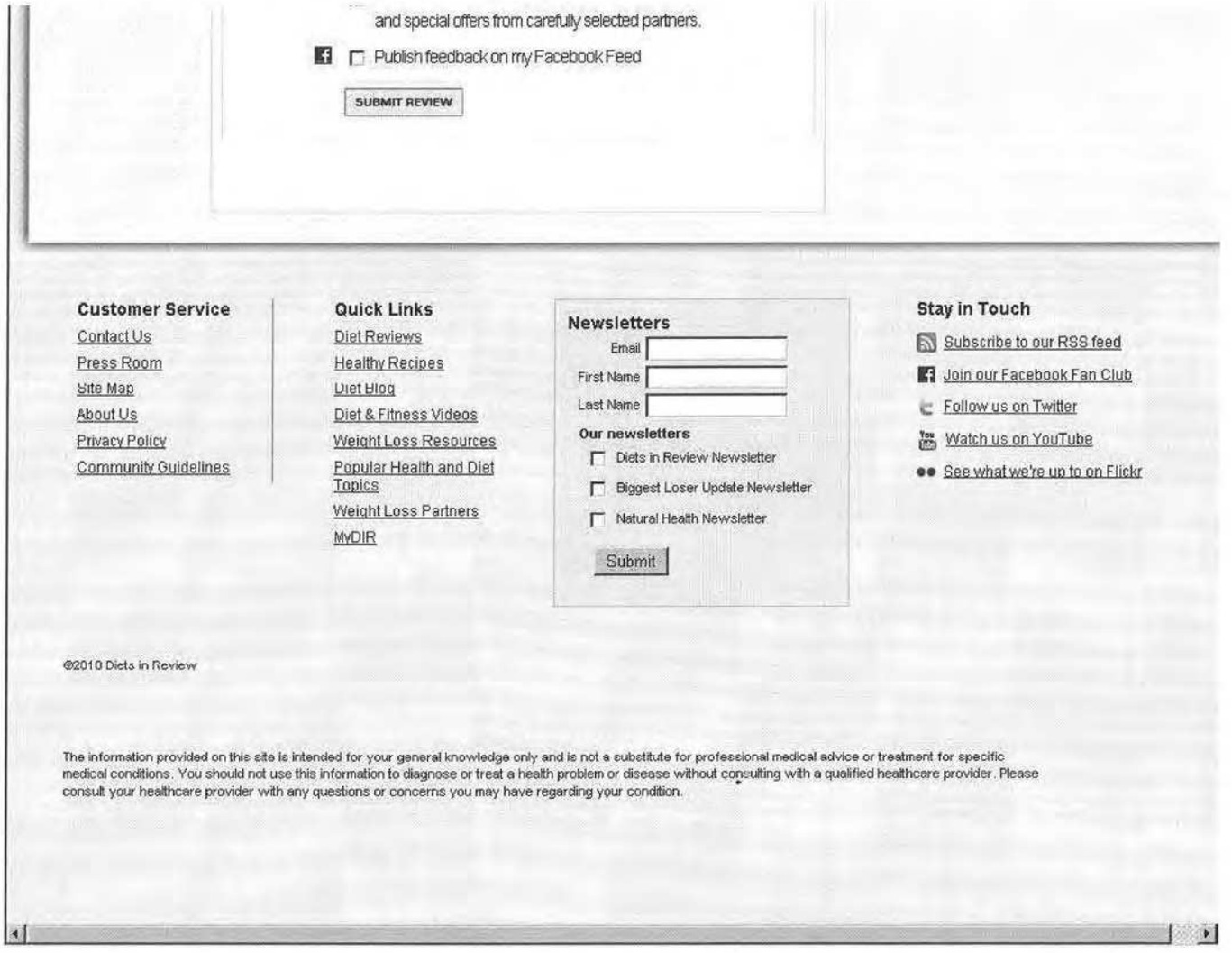
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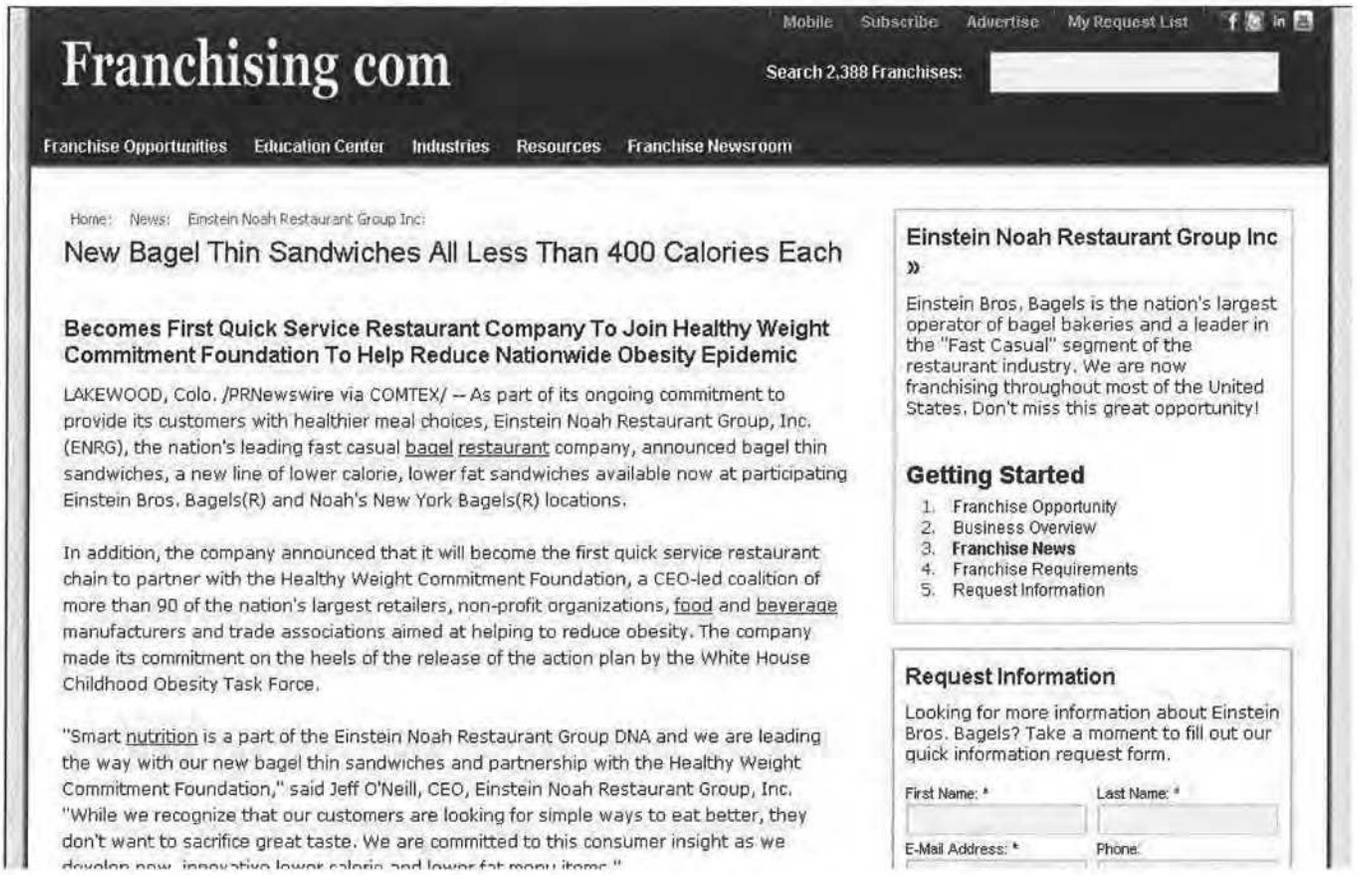

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Home: News: Einstein Noah Restaurant Group Inc:

New Bagel Thin Sandwiches All Less Than 400 Calories Each

Becomes First Quick Service Restaurant Company To Join Healthy Weight Commitment Foundation To Help Reduce Nationwide Obesity Epidemic

LAKEWOOD, Colo. /PRNewswire via COMTEX/ -- As part of its ongoing commitment to provide its customers with healthier meal choices, Einstein Noah Restaurant Group, Inc. (ENRG), the nation's leading fast casual bagel restaurant company, announced bagel thin sandwiches, a new line of lower calorie, lower fat sandwiches available now at participating Einstein Bros. Bagels(R) and Noah's New York Bagels(R) locations.

In addition, the company announced that it will become the first quick service restaurant chain to partner with the Healthy Weight Commitment Foundation, a CEO-led coalition of more than 90 of the nation's largest retailers, non-profit organizations, food and beverage manufacturers and trade associations aimed at helping to reduce obesity. The company made its commitment on the heels of the release of the action plan by the White House Childhood Obesity Task Force.

"Smart nutrition is a part of the Einstein Noah Restaurant Group DNA and we are leading the way with our new bagel thin sandwiches and partnership with the Healthy Weight Commitment Foundation," said Jeff O'Neill, CEO, Einstein Noah Restaurant Group, Inc. "While we recognize that our customers are looking for simple ways to eat better, they don't want to sacrifice great taste. We are committed to this consumer insight as we develop new, innovative lower calorie and lower fat menu items."

Einstein Noah Restaurant Group Inc »

Einstein Bros. Bagels is the nation's largest operator of bagel bakeries and a leader in the "Fast Casual" segment of the restaurant industry. We are now franchising throughout most of the United States. Don't miss this great opportunity!

Getting Started

1. Franchise Opportunity
2. Business Overview
3. **Franchise News**
4. Franchise Requirements
5. Request Information

Request Information

Looking for more information about Einstein Bros. Bagels? Take a moment to fill out our quick information request form.

First Name: * Last Name: *

E-Mail Address: * Phone:

develop new, innovative lower calorie and lower fat menu items."

"We applaud Einstein Noah Restaurant Group for their leadership in becoming the first quick service restaurant to join the Healthy Weight Commitment Foundation," said Lisa Gable, executive director of the Healthy Weight Commitment Foundation. "The message is clear: The private sector can come together and provide healthier food options while continuing to meet consumers' needs for taste, convenience and value."

Available in three options, the Turkey-Bacon and Avocado thin, the Tuna thin, and the Turkey thin, bagel thins are available at participating locations for $4.29 a la carte or a combo for $5.99 including chips and a regular beverage. All bagel thin sandwiches are made fresh to order, with quality ingredients.

About Einstein Noah Restaurant Group, Inc.

Einstein Noah Restaurant Group is a leading company in the quick casual restaurant industry that operates locations primarily under the Einstein Bros. Bagels(R) and Noah's New York Bagels(R) brands and primarily franchises locations under the Manhattan Bagel(R) brand. The company's retail system consists of more than 600 restaurants, including more than 175 license locations, in 38 states plus the District of Columbia. It also operates a dough production facility. The company's stock is traded under the symbol BAGL.

SOURCE Einstein Noah Restaurant Group, Inc.

###

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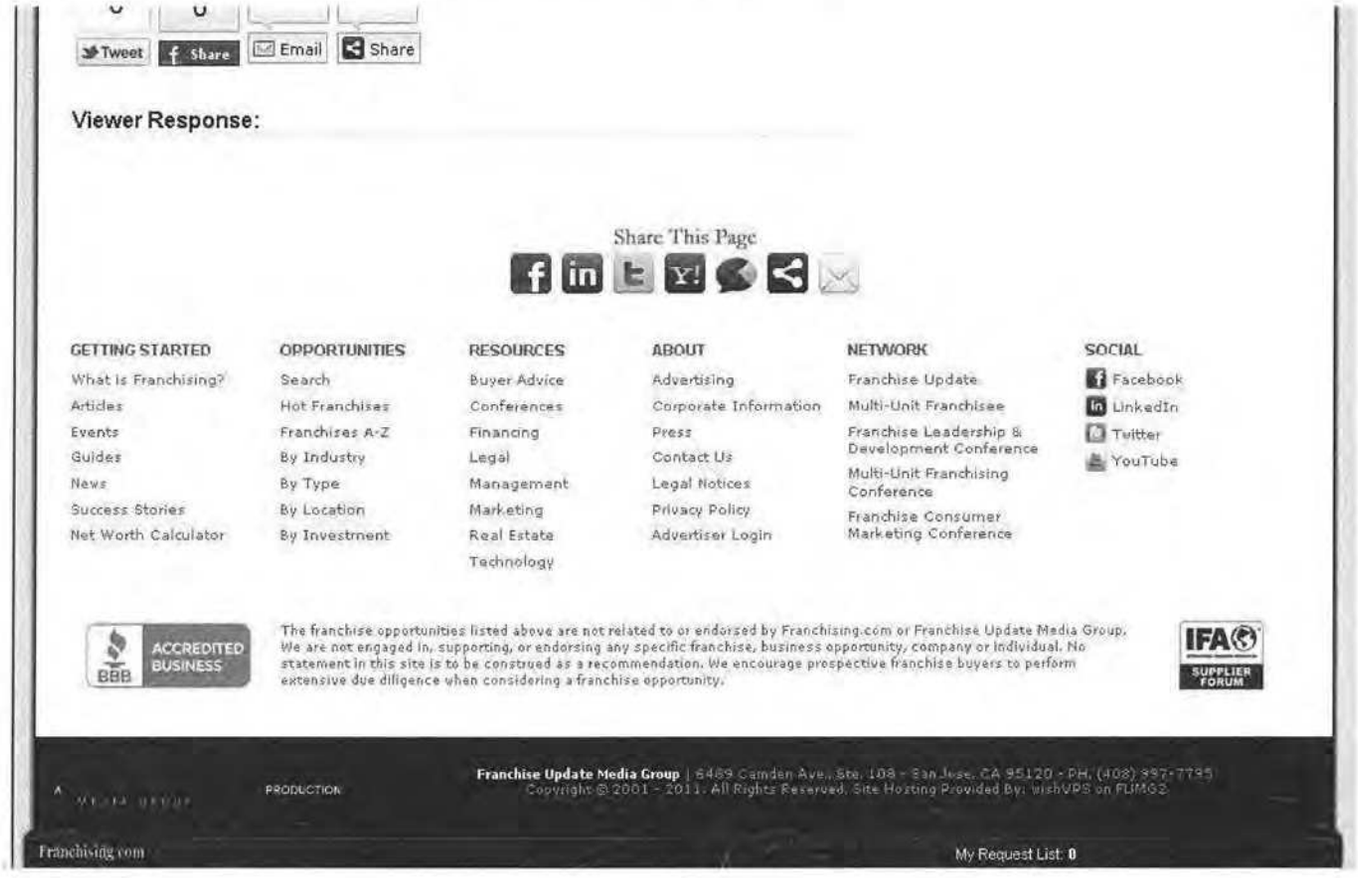
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Bagel Country

9306 Skokie Blvd
Skokie IL 60077

Bagels Etc...

10: Individual Sliced Bagel 0.90
Blueberry, Caraway Rye, Chocolate Chip, Cinnamon Raisin, Egg, 8 Grain, Everything Garlic, Jalapeno, Marble, Onion, Plain, Poppy, Pumpernickel, Salt, Sesame, Sourdough, Whole Wheat, Zahtar Or Bagel Sticks.

11: Dozen Sliced Bagel 10.80
Choices Of Blueberry, Caraway Rye, Chocolate Chip, Cinnamon Raisin, Egg, 8 Grain, Everything, Garlic, Jalapeno, Marble, Onion, Plain, Poppy, Pumpernickel, Salt, Sesame, Sourdourgh, Whole Wheat, Zahtar

10M: Individual Sliced Mini Bagel 0.72

11M: Dzn Mini Bagels 8.65

15P: Bagel Thins Large Bag 9.90

16S: Bialy 0.90
Your Choice Of Plain Or Onion Bialy.

16L: Dozen Bialys 10.80
Your Choice Of Plain Or Onion Bialys.

17S: Pretzel 1.02

17L: Dozen Pretzels 12.25

18S: Jerusalem Bagel 1.02
Plain Or Wheat Bagel.

18L: Dozen Jerusalem Bagels 12.25
12 Plain Or Wheat Bagels.

120: Low Carb Roll 0.90

121: Dzn Low Carb Roll 10.80

Breakfast

90R: Eggel Bagel 4.35
Egg With Cheese On A Bagel Of Your Choice; Blueberry, Caraway Rye, Choc. Chip, Cinnamon Raisin, Egg, 8 Grain, Everything, Garlic, Jalapeno, Marble, Onion, Plain, Poppy, Pumpernickel, Salt, Sesame, Sourdough, Whole Wheat Or Zahtar. You can also request to have your eggel bagel with egg beaters.

90D: Deluxe Eggel Bagel 5.95
Egg With Cheese, Onions, Green Pepper And Mushrooms.

92R: Pancakes 6.30

91: French Toast 6.30
Made With Challah.

92D: Deluxe Pancake 6.80

93: Spinach Frittata 9.90
Eggs With Spinach And Cheese Served On A Flour Tortilla.

94: Oatmeal 2.60

95: Side Hash Brown 2.60

Challah

12C: Plain Challah 3.30
a loaf of white bread containing eggs and leavened with yeast

12P: Poppy Challah 3.30
a loaf of white bread containing eggs and leavened with yeast covered with poppy seeds.

12S: Sesame Challah 3.30
a loaf of white bread containing eggs and leavened with yeast covered with sesame seeds.

13R: Raisin Challah 3.70
a loaf of white bread containing eggs and leavened with yeast cooke with plump juicy raisins.

14: Challah Roll 0.90
A roll of white bread containing eggs and leavened with yeast

Cheese Schmeers / Bulk

20M: Md Cream Cheese 3.50

20L: Lg Cream Cheese 7.10

21M: Md Lox Cheese Spread 4.80

21L: Lg Lox Cheese Spread 9.50

22M: Md Flvrd Cream Cheese 4.20
Chive, Garlic Dill, Vegetable, Low Fat Chive, Strawberry Or Low Fat Vegetable.

22L: Lg Flvrd Cream Cheese 8.30
Chive, Garlic Dill, Vegetable, Low Fat Chive, Strawberry Or Low Fat Vegetable

Ctrng Add On's

840: Homemade Cheese Blintzes 5.55
Priced per person. 2 blintzes per person. Sweet homemade cheese blintzes served with applesauce

841: Potato Latkes 3.15
Priced per person. Potato Pancakes. Served 2 latkes per person. Homemade latke's served hot with applesauce and sour cream.

842: Fruit Tray 6.30
Priced per person. An assortment of seasonal fruit.

and sour cream.

Ctrng Breakfast

800: Mini Muffins & Bagels 5.90
Priced per guest. An assortment of mini muffins and mini bagels made fresh. This tray is accompanied with 3 flavors of cream cheese and a variety of fresh vegetables.

801: Silver Dollar Pancakes 5.90
Priced per guest. Silver Dollar Pancakes, 3" round pancakes made from Bagel country challah. Served hot with butter or margarine and syrup.

802: French Toast 5.90
Priced per guest. French Toast made from Bagel country challah. Served hot with butter or margarine and syrup.

804: Lox and Bagel 12.35
Priced per guest. Nova lox and 3 flavors of cream cheese. Served with an array of fresh vegetables and bagels.

Ctrng Cheesecake

P898M: 9" Round Plain Cheesecake 33.60
Serves 8 to 12. Big slices. Try our delicious toppings strawberry or blueberry for +5.60

F898M: 9" Round Choc Chip Cheesecake 39.30
Serves 8 to 12. Big slices. Try our delicious toppings strawberry or blueberry for +5.60

P898S: 7" Round Plain Cheesecake 8.40
Serves 6 to 8. Try our delicious toppings strawberry or blueberry for +1.02

C898S: 7" Round Choco Chip Cheesecake 9.25
Serves 6 to 8. Try our delicious toppings strawberry or blueberry for +.102

P898X: Sheet Plain Cheesecake 70.20
Serves 60. Cut into mini slices. Try our delicious toppings strawberry or blueberry for +11.20

F898X: Choc Chip Sheet Cheesecake 81.40
Serves 60. Cut into mini slices. Try our delicious toppings strawberry or blueberry for +11.20

P898G: 1/2 Sht Plain Cheesecake 35.10
Serves 30. Cut into mini slices. Try our delicious toppings strawberry or blueberry for +4.80

F898G: 1/2 Sht Choc Chip Cheesecake 40.60
Serves 30. Cut into mini slices. Try our delicious toppings strawberry or blueberry for +4.80

Ctrng Final Touches

890: Cinnamon Roll Tray 3.00
Priced at each. Pastry tray.

C891: Cheese Danish Tray 3.00
Priced at each. Pastry tray.

F891: Fruit Danish Tray 3.00
Priced at each. Pastry tray.

892: Brownies Tray 3.00
Priced at each. Pastry tray.

893: Muffin Tray 3.00
Priced at each. Pastry tray.

894: 1/2 Sz Cinnamon Roll Tray 1.40
Priced at each. Pastry tray.

C894: 1/2 Sz Cheese Danish Tray 1.40
Priced at each. Pastry tray.

F894: 1/2 Sz Fruit Danish Tray 1.40
Priced at each. Pastry tray.

896: Mini Brownies Tray 0.85
Priced at each. Pastry tray.

897: Mini Muffin Tray 0.85
Priced at each. Pastry tray.

Ctrng Hors D'oeuvres

810: Spinach Swirl Pinwheels 4.50
Priced per guest. Our blend of perfectly seasoned spinach, potatoes and shredded cheese enclosed in a flour tortilla and artfully displayed.

811: Mock Liver & Hummus Tray 5.20
Priced per guest. Mounds of delicious hummus and mock liver served with fresh bagel chips. Choice of seasoned or unseasoned bagel chips.

812: Herring Tray 5.20
Priced per guest. Matjes herring served with a mountain of fresh vegetables.

813: Lox Lu Lu 4.50
Priced Per Person. Lox, cream cheese and vegetables wrapped in a flour tortilla.

814: Mediterranean Tray 5.50
Priced Per Person. Authentic falafel balls with hummus and tahini sauce. Served with homemade bagel chips or nachos.

Ctrng Kugel

832: Potato Kugel 24.90
Serves 12 to 15 people. Homemade delicious kugel.

833: Lukshen Noodle Kugel 24.90
Serves 12 to 15 people. Homemade delicious kugel.

834: Atkins Spinach Souffle 30.40
Serves 12 to 15. Homemade, perfectly seasoned and

Ctrng Salad

Ctrng Salad

830: Israeli Salad 48.30
Served in 5 pound bowl.

831: Garden Salad 34.50
Served in 5 pound bowl.

Ctrng Show Stoprs

820: Fabulous Fish 15.15
Priced per guest. Nova lox, tuna salad and whitefish salad accompanied by 3 flavors of cream cheese. Displayed with fresh vegetables and bagels.

821: Deli Delights 12.40
Priced per guest. Mounds of tuna salad, egg salad and whitefish salad, fresh vegetables, 2 flavors of cream cheese and fresh baked bagels.

822: Spectacular Schmeer 8.20
Priced per guest. 3 cream cheese schmeers garnished with tomatoes, cucumbers, red onion slices, black olives and our fresh baked bagels.

823: Lox Super Bagel 90.00
Serves 10 to 12. Super sized bagel filled with your favorite filling. Can be used as a centerpiece or as a fully prepared meal.

824: Whitefish Super Bagel 66.30
Serves 10 to 12. Super sized bagel filled with your favorite filling. Can be used as a centerpiece or as a fully prepared meal.

825: Cream Cheese Super Bagel 55.20
Serves 10 to 12. Super sized bagel filled with your favorite filling. Can be used as a centerpiece or as a fully prepared meal.

826: Tuna Super Bagel 66.30
Serves 10 to 12. Super sized bagel filled with your favorite filling. Can be used as a centerpiece or as a fully prepared meal.

827: Egg Salad Super Bagel 55.20
Serves 10 to 12. Super sized bagel filled with your favorite filling. Can be used as a centerpiece or as a fully prepared meal.

829: Scrambled Eggs Tray 5.50
price per person. Scramble eggs served with hash brown.

Favorites

76: Spinach Trencher 12.90
Creamed Spinach With Melted Cheese On A Large Bialy served with a side salad and two bialys.

77: Stuffed Pizza Trencher 12.90
2 bialys stuffed with Green Pepper, Onion And Mushrooms Sauteed With Pizza Sauce, Topped With Melted Mozzarella Cheese And served with a side salad.

82: Quesadilla Classic 10.40
3 Kinds Of Cheese, Scallions, And Tomatoes In A Flour Tortilla served with a side salad, salsa and sour cream on the side.

83: Quesadilla Deluxe 11.10
3 Kinds Of Cheese, Scallions, Green Peppers, Tomato, Onions And Mushrooms In A Flour Tortilla served with a side salad, salsa and sour cream on the side.

86: Homemade Cheese Blintzes 9.00
Served with sour cream and applesauce on the side.

273: Homemade Macaroni & Cheese 6.30
Pasta Mixed With 2 Kinds Cheese And Served With Bagel Chips served with a side salad.

It A Wrap!

70: Cha Cha Wrap 14.30
Mock Meat, Mushrooms, Carrots, And Celery With Red And Green Peppers Rolled In A Flour Tortilla with shredded mix mozzarella and cheddar cheese.

79: Lox Lu Lu Wrap 14.35
Nova Lox With Cream Cheese, Red Onion, Scallion, Lettuce And Fresh Tomato Rolled In A Flour Tortilla served with a side salad.

00: Guacamole Wrap 14.35
Guacamole, Cheese, Lettuce, Tomato And Scallions Wrapped In A Flour Tortilla served with a side salad.

81: Ora Roll-Up 12.60
Mexican Style Refried Beans, Cheese, Lettuce And Tomato Wrapped In A Flour Tortilla served with a side salad, sour cream and salsa.

271: Garden Wrap 10.50
Lettuce, Tomatoes, Green Pepper, Red Onion And Mushroom With A Tangy Cucumber Chili Sauce Rolled In A Flour Tortilla served with a side salad.

272: Mediterranean Wrap 11.95
Eggplant, Green And Red Peppers, Onion And Dried Tomatoes In A Spicy Sauce, Wrapped In A Flour Tortilla served with a side salad.

85: Tuna Wrap 11.95
Chunk White Tuna Salad Wrapped In A Flour Tortilla With Lettuce And Tomato served with a side salad.

181: Falafel Wrap 12.90
Israeli salad, humus, tahini sauce, mediterranean eggplant salad wrapped in a flour tortillas served with a side salad.

Miscellaneous

905: Allergy Alert!!! 0.00
Please put specific allergy about your food here!!

999: Miscellaneous Item 0.00

900: Additional Instructions 0.00

Sandwich Plates

66: Lox & Cream Cheese 11.40
Served With Your Choice Of Bagel; Blueberry, Caraway Rye, Chocolate Chip, Cinnamon Raisin, Egg, 8 Grain, Everything, Garlic, Jalapeno, Marble, Onion, Plain, Poppy, Pumpernickel, Salt, Sesame, Sourdough, Whole Wheat Or Zahtar And A Side Salad.

67: Tuna Salad 9.90
Served With Your Choice Of Bagel, Blueberry, Caraway Rye, Chocolate Chip, Cinnamon Raisin, Egg, 8 Grain, Everything, Garlic, Jalapeno, Marble, Onion, Plain, Poppy, Pumpernickel, Salt, Sesame, Sourdough, Whole Wheat, Or Zahtar And your choice of regular or low fat tuna salad and a side salad.

68: Tuna Melt 10.50
Choice Of American, Mozzarella, Cheddar Or Muenster. Served With Your Choice Of Bagel, Blueberry, Caraway Rye, Chocolate Chip, Cinnamon Raisin, Egg, 8 Grain, Everything, Garlic, Jalapeno, Marble, Onion, Plain, Poppy, Pumpernickel, Salt, Sesame, Sourdough, Whole Wheat Or Zahtar And A Side Salad.

69: Tuna Rueben 11.40
With Sauer Kraut And Choice Of American, Mozzarella, Cheddar Or Muenster. Served With Your Choice Of Bagel, Blueberry, Caraway Rye, Chocolate Chip, Cinnamon Raisin, Egg, 8 Grain, Everything, Garlic, Jalapeno, Marble, Onion, Plain, Poppy, Pumpernickel, Salt, Sesame, Sourdough, Whole Wheat Or Zahtar And A Side Salad.

270: Mushroom Extravaganza 10.50
Mushroom And More Mushrooms With Red Onion, Thyme And Extra marjoram Served On Onion Bagel And A Side Salad.

70: Egg Salad Sandwich 8.10
Served With Your Choice Of Bagel, Blueberry, Caraway Rye, Chocolate Chip, Cinnamon Raisin, Egg, 8 Grain, Everything, Garlic, Jalapeno, Marble, Onion, Plain, Poppy, Pumpernickel, Salt, Sesame, Sourdough, Whole Wheat Or Zahtar And A Side Salad.

71: Vegetarian Chop Liver 9.30
Served With Your Choice Of Bagel, Blueberry, Caraway Rye, Chocolate Chip, Cinnamon Raisin, Egg, 8 Grain, Everything, Garlic, Jalapeno, Marble, Onion, Plain, Poppy, Pumpernickel, Salt, Sesame, Sourdough, Whole Wheat Or Zahtar And A Side Salad.

72: Whitefish or Salmon Salad 9.90
Served With Your Choice Of, Blueberry, Caraway Rye, Chocolate Chip, Cinnamon Raisin, Egg, 8 Grain, Everything, Garlic, Jalapeno, Marble, Onion, Plain, Poppy, Pumpernickel, Salt, Sesame, Sourdough, Whole Wheat Or Zahtar And A Side Salad.

73: Herring 10.20
Matjes Herring Fillets And Veggies Served With Your Choice Of Bagel, Blueberry, Caraway Rye, Chocolate Chip, Cinnamon Raisin, Egg, 8 Grain, Everything, Garlic, Jalapeno, Marble, Onion, Poppy, Pumpernickel, Salt, Sesame, Sourdough, Whole Wheat Or Zahtar And A Side Salad.

74: Garden Delight Sandwich 10.50
A Mountain Of Fresh Vegetable Topped With Your Choice Of Cheese Melted On Top. Served With Your Choice Of Bagel, Blueberry, Caraway Rye, Chocolate Chip, Cinnamon Raisin, Egg, 8 Grain, Everything, Garlic, Jalapeno, Marble, Onion, Plain, Poppy, Pumpernickel, Salt, Sesame, Sourdough, Whole Wheat Or Zahtar And A Side Salad.

75: Hummus Sandwich 7.15
Served With Your Choice Of Bagel, Blueberry, Caraway Rye, Chocolate Chip, Cinnamon Raisin, Egg, 8 Grain, Everything, Garlic, Jalapeno, Marble, Onion, Plain, Poppy, Pumpernickel, Salt, Sesame, Sourdough, Whole Wheat Or Zahtar And A Side Salad.

Sandwiches

60: Peanut Butter Jelly Sndwch 2.35
Prepared on a bagel of your choice.

61: Bagel & Schmer 3.60
Your Choice Of Blueberry, Caraway Rye, Chocolate Chip, Cinnamon Raisin, Egg, 8 Grain, Everything, Garlic, Jalapeno, Marble, Onion, Plain, Poppy, Pumpernickel, Salt, Sesame, Sourdough, Whole Wheat, Zahtar.

62: Bagel & Flavored Schmeer 3.90
Your Choice Of Chive, Garlic Dill, Vegetable, Low Fat Chive, Strawberry Or Low Fat Vegetable. Served With Your Choice Of Bagel, Blueberry, Caraway Rye, Chocolate Chip, Cinnamon Raisin, Egg, 8 Grain, Everything, Garlic, Jalapeno, Marble, Onion, Plain, Poppy, Pumpernickel, Salt, Sesame, Sourdough, Whole Wheat Or Zahtar.

63: Bagel & Nova Schmeer 4.60
Choice Of Bagel; Blueberry, Caraway Rye, Chocolate Chip, Cinnamin Raisin, Egg, 8 Grain, Everything, Garlic, Jalapeno, Marble, Onion, Plain, Poppy, Pumpernickel, Salt, Sesame, Sourdough, Whole Wheat Or Zahtar

64: Bagel And Cheese 4.20
Served With Your Choice Of Bagel; Blueberry, Caraway Rye, Chocolate Chip, Cinnamon Raisin, Egg, 8 Grain, Everything, Garlic, Jalapeno, Marble, Onion, Plain, Poppy, Pumpernickel, Salt, Sesame, Sourdough, Whole Wheat Or Zahtar and your choice of cheese.

65: Pizza Bagel 4.50
Served With Your Choice Of Bagel; Blueberry, Caraway Rye, Chocolate Chip, Cinnamon Raisin, Egg, 8 Grain, Everything, Garlic, Jalapeno, Marble, Onion, Plain, Poppy, Pumpernickel, Salt, Sesame, Sourdough, Whole Wheat Or Zahtar

Sides

87: Lokshen Kugel 2.40

89: Potato Kugel 2.40

180: French Fries 2.40

Sweet Noodle Pie.

Soups And Salads

40L: Large Soup Of The Day 6.00
Dairy Soups Are Not Cholov Yisroel.

40S: Small Soup Of The Day 4.80
Dairy Soups Are Not Cholov Yisroel.

41: Cobb Salad 10.75
Lettuce, Tomato, Red And Green Pepper, Chopped Eggs, Carrot And Mozzarella Cheese. Your Choice Of Dressing; Low Fat Italian, Russian, Ranch Or 1000 Island.

140: Tuna Bowl Salad 9.00
Large tossed salad with a scoop of tuna with Your Choice Of Dressing; Low Fat Italian, Russian, Ranch Or 1000 Island.

43L: Large Garden Salad 7.20
Lettuce With Fresh Garden Veggies. Your Choice Of Dressing; Low Fat Italian, Russian, Ranch Or 1000 Island.

43S: Small Garden Salad 5.40
Lettuce With Fresh Garden Veggies. Your Choice Of Dressing; Low Fat Italian, Russian, Ranch Or 1000 Island.

44L: Large Israeli Salad 8.35
Marinated Chopped Red And Green Peppers, Cucumbers And Tomatoes.

44S: Small Israeli Salad 4.50
Marinated Chopped Red And Green Peppers, Cucumbers And Tomatoes.

Specialty Meals

90: Veggie Burger 10.75
Served With Grilled Onions And Your Choice Of Bagel, your choice of side salad or french fries.

191: Tuna Burger 11.80
Served With Your Choice Of Bagel and your choice of side salad or french fries.

192: Salmon Teriyaki 15.20
Grilled salmon marinated in teriyaki sesame sauce on a bed of angel hair pasta and served with a salad.

193: Salmon Honey Dijon 15.20
Grilled salmon marinated in honey dijon sauce bed of angel hair pasta and served with a salad.

194: Falafel Plate 12.90
Our authentic falafel balls served with israeli salad, humus, tahini sauce and mediterranean eggplant salad.

195: Taco Bowls 13.10
Deep fried flour tortillas shells filled with salad, vegetarian mexican meat, guacamole, refried beand and served with salsa.

196: Rapidos Tacos 13.10
3 soft shell tacos filled with vegetarian meat and onions served with refried beans and mexican rice.

197: Sweet & Sour Veggie Meatballs 7.75
Served in a sweet and sour sauce on a bed of angel hair pasta.

198: Moroccan Cigars 7.75
Potato cigars

Sweet Treats

30M: Muffin 3.00

30C: Cinnamon Roll 3.00

30B: Brownie 3.00

31: Large Cookies 2.15

32: Cheese Danish 3.00

33: Plain Cheesecake Slice 5.95
Homemade.

34: Flavored Cheesecake Slice 6.60
Homemade.

35: Fruit Danish 3.00

The Spreads / Bulk

23M: Md Fresh Lox 10.80
Lox spread

23L: Lg Fresh Lox 23.90
Lox spread

24M: Md Tuna 6.50
Tuna spread

24L: Lg Tuna 13.00
Tuna spread

25M: Md Egg 3.90
Egg spread

25L: Lg Egg 7.80
Tuna spread

26M: Md Whitefish 6.50
Tuna spread

26L: Lg Whitefish 13.00
Tuna spread

27M: Md Hummus 4.20
Thick Middle Eastern sauce is made from mashed chickpeas seasoned with lemon juice, garlic and olive or sesame oil.

28M: Md Vgtrn Chopped Liver 4.60

27L: Lg Hummus 8.20
Thick Middle Eastern sauce is made from mashed chickpeas seasoned with lemon juice, garlic and olive or sesame oil.

28L: Lg Vgtrn Chopped Liver 9.00

29: One Matjes Herring Fillet 4.20

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Brands > Bagel thins

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Jillian Michaels

Food Search: SEARCH

Search Results for **Bagel thins**

Showing results 1 through 19 of 19

No Image	Bagel Thins (Generic) **Serving Size:** 1 bagel, **Calories:** 110, **Fat:** 1g, **Carbs:** 24g, **Protein:** 6g
	Bagel Thins -Cinnamon Raisin (Thomas) **Serving Size:** 1 bagel, **Calories:** 110, **Fat:** 1g, **Carbs:** 25g, **Protein:** 4g
No Image	1 Point (Thomas (Everything) Bagel Thins) **Serving Size:** 1 bagel, **Calories:** 110, **Fat:** 1g, **Carbs:** 24g, **Protein:** 5g
	Bagel Thins Everything 110 Calories (Thomas') **Serving Size:** 1 bagel, **Calories:** 110, **Fat:** 1g, **Carbs:** 24g, **Protein:** 5g
	Whole Wheat Bagel - Thin Cut (Thomas') **Serving Size:** 1 bagel, **Calories:** 55, **Fat:** 1g, **Carbs:** 12g, **Protein:** 6g

Realize

Learn how you can

DRAW THE LINE.

No Image Ham Sandwich on Bagel Thin (Homemade)
Serving Size: 1 Sandwich, **Calories:** 245, **Fat:** 6g, **Carbs:** 24g, **Protein:** 0g

No Image Flat Thin Bagel 110 Cal (Thomas Thins Flat Bagel)
Serving Size: 1 (46g), **Calories:** 110, **Fat:** 1g, **Carbs:** 25g, **Protein:** 4g

No Image 100% Whole Wheat (Thomas' Bagel Thins)
Serving Size: 1 bagel, **Calories:** 110, **Fat:** 1g, **Carbs:** 24g, **Protein:** 6g

100% Whole Wheat Thin Sliced Bagels (Nature's Own)
Serving Size: 1 BAGEL, **Calories:** 110, **Fat:** 1g, **Carbs:** 23g, **Protein:** 6g

100% Whole Wheat Bagel Thins (Thomas')
Serving Size: 1 bagel, **Calories:** 110, **Fat:** 1g, **Carbs:** 24g, **Protein:** 6g

No Image Bagel Thins Plain With Butter (Bagel Thins)
Serving Size: 1 bagel, **Calories:** 160, **Fat:** 2g, **Carbs:** 24g, **Protein:** 6g

100% Whole Wheat Bagel Thins (Arnold)
Serving Size: 1 bagel, **Calories:** 110, **Fat:** 1g, **Carbs:** 24g, **Protein:** 6g

Everthing Bagel Thin (Thomas')
Serving Size: 1 each, **Calories:** 110, **Fat:** 1g, **Carbs:** 24g, **Protein:** 5g

No Image Thomas Plain Bagel Thins (Generic-Terri)
Serving Size: 1 bagel, **Calories:** 110, **Fat:** 1g, **Carbs:** 24g, **Protein:** 6g

Bagel Thin Plain (Thomas')
Serving Size: 1 bagel, **Calories:** 110, **Fat:** 1g, **Carbs:** 25g, **Protein:** 4g

Cinnamon Raisin Bagel Thins (Thomas)
Serving Size: 1 bagel, **Calories:** 110, **Fat:** 1g, **Carbs:** 25g, **Protein:** 4g

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Egg, Mushroom and Asparagus Thin Wheat Bagel W/ Swiss Cheese (Einstein Bros Bagels)
Serving Size: 1 sandwhich, **Calories:** 290, **Fat:** 13g, **Carbs:** 30g, **Protein:** 18g

No Image

Bagel Thin Sandwich -Turkey Sausage and Egg White (Einstein Brothers)
Serving Size: 1 sandwich, **Calories:** 240, **Fat:** 6g, **Carbs:** 30g, **Protein:** 19g

No Image

Cinnamon (Pepperidge Farm Bagel Thin)
Serving Size: 1 bagel (45g), **Calories:** 100, **Fat:** 1g, **Carbs:** 25g, **Protein:** 4g

Other popular brands:

Abbott EAS nutrition
Hawaiian Plantations nutrition
CR Frank Popcorn Company nutrition
Sun World nutrition
Pilsbury-Grands nutrition
Great Value Lemonade Drink mix nutrition
Trader Joes's - Grande Rio nutrition
La Fabbrica della Pasta di Gragnano nutrition
Thai Chicken Patties nutrition
Organic Sunshine Burgers nutrition
Propel Mind nutrition
Enerhealth Botanicals nutrition
geneva nutrition
Cascade Ice - Cranberry Pomegranate nutrition
MedOp nutrition
Marie Callender's Smokey Cheddar Mac and Uncured Bacon nutrition
Neighbor's nutrition
Michellina's Lean Gourmet nutrition
La Caldera nutrition
Roler nutrition
Pølse nutrition
Roly's nutrition
Maguary nutrition
AVI - PRO 94 nutrition
Pampa Cereal Bars - Fruitty Wheels nutrition
Frieda's Guacamole nutrition
Food.Com adapted by Carol nutrition
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APPENDIX 1111

implementing surveillance cameras and ...

I agree that there is increased serious risk in ...

I thought that this was a great open letter. It ...

A truck can be a powerful brand-building tool ...

We at invasivore.org thank you for your support ...

Great story! The best way to get accurate ...

Yes there are. Too many fast foods and copy cats ...

There's a new mineral salt blend that has half ...

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The 2010 Fast Casual Executive Summit sessions

The 2010 Fast Casual Executive Summit dinner

The 2010 Fast Casual Executive Summit: Check-in and reception

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programs gave restaurants competitive edge

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CiCi's Pizza franchisees get an assist
NRA collaboration aims for zero waste
Menusoft Systems integrates mobile platform into Digital Dining POS

QSRWeb
Major BK franchisee splits up company
Canadian Burger King burgers get stuffed
Arby's introduces salad combo option

Popular on NetWorld Alliance
Fast Casual: State of the Industry Report
Fast Casual Top 100
Social Media ROI for Restaurants
Maximizing ROI for Restaurants with Self-Service Mobile Payments

Other NetWorld Alliance Sites
ATM Marketplace
Church Central
Digital Signage Today
Fast Casual
Fast Casual Executive Summit
Kiosk Marketplace
Pizza Executive Summit
Pizza Marketplace
QSR Web
Retail Customer Experience
Retail Customer Experience Executive Summit
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By Pink Diamond on April 22, 2010
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Ratings & Reviews (6)
Photos (3)
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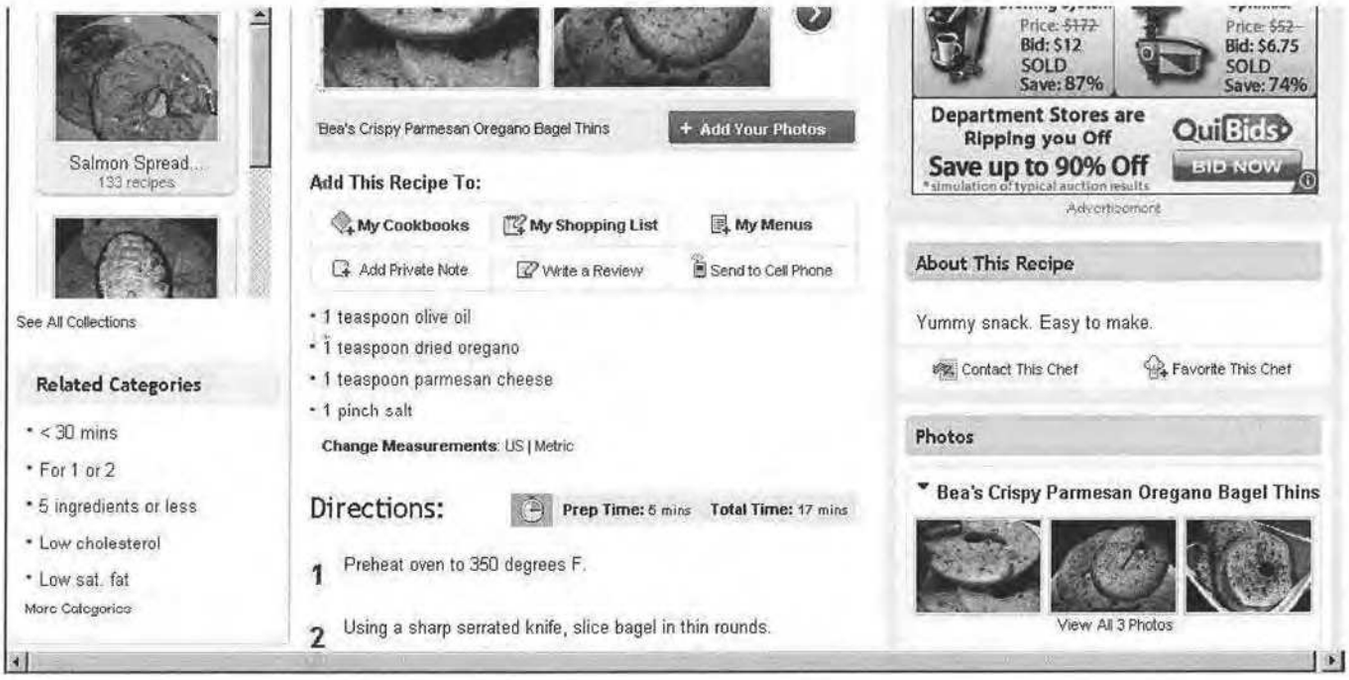
3 Photos
KitchenAid Artisan Mixer
Price: $300
Bid: $18.37
SOLD
Save: 94%
Dyson DC24 Ball Vacuum
Price: $431
Bid: $33
SOLD
Save: 68%
Keurig B70 Brewing System
CE Scarecrow Sprinkler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My Shopping List
My Menus
Add Private Note
Write a Review
Send to Cell Phone
• 1 teaspoon olive oil
• 1 teaspoon dried oregano
• 1 teaspoon parmesan cheese
• 1 pinch salt
Change Measurements: US | Metric
Directions:
Prep Time: 5 mins
Total Time: 17 mins
1 Preheat oven to 350 degrees F.
2 Using a sharp serrated knife, slice bagel in thin rounds.
Price: $172
Bid: $12
SOLD
Save: 87%
Price: $52
Bid: $6.75
SOLD
Save: 74%
Department Stores are Ripping you Off
Save up to 90% Off
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http://www.venturpreneur.com/arnold-sandwich-thins-thomas-bagel-thins-and-vitalicious-muffin-tops/
02/24/2011 03:00:26 PM

Arnold Sandwich Thins, Thomas' Bagel Thins, and Vitalicious Muffin Tops

Posted by Admin on Sunday, April 11, 2010 · Leave a Comment

Carb lovers unite with unanimous delight over the popularity of smaller portion carb treats. These three diet de-lites are sure to tickle your carb tooth, fill up that belly, and make you forget that they're only 100 calories each.

1. Arnold Sandwich Thins: The truth is, if you're going to just have a plain turkey sandwich (or tuna, or whatever), then two slices of most other breads won't bring you too much higher than 100 calories. What these round, flat, bun-like slices are good for, are burgers—hamburgers, chicken patties, salmon croquets, or veggie burgers. They're shaped in a way that the top and bottom slices create a bun-like enclosure around your burger and you get all of the convenience and flavor of a bun, without all the extra, unnecessary breadiness of a bun. They are, of course, also tasty for regular pb&j. The Thins contain 100 calories, 1 gram of fat, 5 grams of dietary fiber, and 4 grams of protein.

2. Thomas' Bagel Thins: You can say the same thing about these Bagel Thins as you can about shaving down the extra breadiness of a hamburger bun. You can have your lox and cream cheese on a bagel thin and get all the satisfaction of having some shmear on bread without loading your belly down with a 240 calorie bagel. The Bagel Thins contain 110 calories each, 1 gram of fat, 5 grams of dietary fiber, and 6 grams of protein.

3. Vitalicious Muffin Tops: Here's your perfect on-the-go dessert, snack you leave in your purse, lunchtime surprise for your kid, and nosh for your very hungry one-year-old. They come in tons of flavors—banana nut, golden corn, chocolate fig, raisin bran, crap bran, etc., and can be eaten hot, cold, or anywhere in between. You can even spread peanut butter, cream cheese

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bran, cran-bran, etc.—and can be eaten hot, cold, or anywhere in between. You can even spread peanut butter, cream cheese, or jam for a more substantial snack. And best of all, they're each only 100 calories and offer a hefty serving of vitamins, minerals, iron, and fiber.

FILED UNDER FAT FREE FOODS, HAPPY SNACKERS, HEALTH FOODS · TAGGED WITH ARNOLD SANDWICH THINS, MUFFIN TOPS, THOMAS BAGEL THINS

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Sandwich and Bagel Thins?

basicflaw
Apr 20 2010 22:31
Member posts
Member groups
Send message
Quote | Reply

I was just wondering if I was the only one to have tried these? Also, if you have tried them what did you think?

The only reason I found out about them was because a few favorite healthy living bloggers had written about them so I wanted to try them out. I like them, most of the varieties I have tried have been around 100 calories with 5 grams of fiber and 5-6 grams of protein, one thing I haven't looked at is the ingredients list.

So, what do you guys think?

13 Replies (last)

beowulf34319 #1
Apr 21 2010 02:40
Member posts
Member groups
Send message
Quote | Reply

Sandwich Thins= Good multipurpose low cal high fiber food.

Bagel thins= horable, nasty, chalk like waffers of uck.

tikitiki46 #2
Apr 21 2010 04:04
Member posts

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1 Tip for a tiny belly :

Cut down a bit of your belly everyday by following this 1 weird old tip
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Managing Diabetes Through Your Diet

Member posts
Member groups
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Quote | Reply

I've only had the whole wheat sandwich thins, and they're really not that great. Sure, you can put sandwich fillings inside, but they're flavorless and really not worth the 100 calories. I'd rather have a whole wheat Thomas English muffin for 130 calories and get some flavor on my sandwich!

bluerandom #3
Apr 21 2010 15:35
Member posts
Member groups
Send message

Quote | Reply

I've tried the thin rolls, but I can't remember the brand. I prefer them to regular bread slices. They fit a veggie burger better and they're awesome for scooping up pasta sauce.

And they're not as sweet as regular bread slices! I find a lot of bread to be offputtingly sweet.

crazy247 #4
Apr 21 2010 17:05
Member posts
Send message

Quote | Reply

i LOVE the sandwhich thins. not sure which brand, but i have tried almost every flavor, honey wheat, multigrain, whole wheat..white wasnt too tasty but i eat these thins everyday!

zefroim #5
Apr 21 2010 19:08
Member posts
Send message

Quote | Reply

I love the sandwich thins, both Arnold and Pepperidge Farm. I've never tried the bagel thins.

susiesher #6
Apr 21 2010 19:22
Member posts
Member groups
Send message

Quote | Reply

Love the sandwich thins. Eat everything from turkey burgers to chicken to lunch meat to beef burgers on them. Haven't tried the bagel thins.

darkbeam #7
Apr 21 2010 19:38
Member posts
Member groups
Send message

Quote | Reply

The sandwich thins are alright I guess, I would rather just go with a lower calorie bread like nature owns white wheat bread instead and make it taste more like a sandwich. I heard the bagel thins are crap though, never tried them.

irishshorty #8

Eat a diet that positively impacts your Type 2 diabetes
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Can you guess which one has *fewer* calories?

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irishlucky
Apr 22 2010 02:28
Member posts
Member groups
Send message

Quote | Reply

I love bagel thins! They're soo good. And I'm probably one of the pickiest eaters ever. But I like them. I've never liked regular bread, and this is really the only bread like item I'll eat.

rsbritt #9
Apr 22 2010 18:43
Member posts
Send message

Quote | Reply

I get the whole wheat ones Arnold's makes from Sam's Club. Love 'em.

They are the same diameter as a Boca-burger, and with fat free sharp cheese, pickles and mustard, you get a quarter-pounder-like, high fiber, high protien burger for less than 250 calories.

I also got a microwave egg-mcmuffin cooking thingie from Walmart that makes a fried or scrambled egg that fits them perfectly too. Great little breakfast on the go.

And, I make these pizza like things by toasting them with a thin layer of manwich and cheese.

fridgelight #10
May 12 2010 13:09
Member posts
Member groups
Send message

Quote | Reply

I like them both.

Bagel Thins:With 3 oz of smoked turkey breast, lettuce tomato,onion,pickles and cole slaw made with no-calorie dressing, I get a very filling sandwich for under 250 calories.

AND I feel like I am getting to eat a bagel, which is something that I seldom can accommodate in my menu plan otherwise.

I used the whole wheat bagel thins by Thomas.

Sandwich thins: I like to use these as the top and bottom of chicken pot pies instead of a full crust. I cook the filling ahead, then place half a thin on the bottom, then the filling and half a thin on top. Smear a bit of the filling sauce over the top one, then bake until golden. Also under 300 calories and a delicious meal.

These are just about the only bread I eat, except for a couple of slices of homemade challah that I make almost every week for the Jewish sabbath.

jenny8484 #11
May 12 2010 16:24
Member posts
Member groups
Send message

Quote | Reply

Send message

i like them both!

mcshan
May 12 2010 19:41
Member posts
Member groups
Send message

#12

Quote | Reply

Haven't tried the bagel thins.

Really like the sandwich thins especially slightly toasted with a smear of sunflower butter - my little ones like this snack as well, 'cept not toasted. I also make breakfast sandwiches with them on the weekend.

I don't buy them all the time - big pack at Costco - but if I feel too many of my calories are going towards bread products, I pick these up to limit the calorie intact, but still feel like I'm having a real sandwich.

meganwilliams2
May 13 2010 03:06
Member posts
Member groups
Send message

#13

Quote | Reply

> Original Post by fridgelight:
>
> **Sandwich thins: I like to use these as the top and bottom of chicken pot pies instead of a full crust. I cook the filling ahead, then place half a thin on the bottom, then the filling and half a thin on top. Smear a bit of the filling sauce over the top one, then bake until golden. Also under 300 calories and a delicious meal.**

This sounds good, can you post this recipe?

13 Replies (last)

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Recipe: Bagel Thins
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Ingredients
Edit
1 bagel
1 teaspoon dried oregano
2 teaspoons soft margarine -- melted
Preparation
Edit
Step 1 Using a very sharp serrated knife, slice bagel into very thin rounds.
Step 2 Arrange in single layer on baking sheet; brush with margarine. Sprinkle with oregano. Bake in 350 F oven for 12 minutes. Let cool and store in airtight container for up to 1 week.
Tools
Edit
Serrated knife
Baking sheet
Oven
Photo helpful? Yes No
Photo: Flickr user dichohecho
Photos
See all photos...
Upload a photo
Yield: 20 servings
Tags: Appetizers, Baking, Bread
Toolbox

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what can i use instead of cormeal

Has anyone been able to make french fries that are good served at room temperature?

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To:	GRUPO BIMBO, S.A. B. DE C.V. (officeactions@brinkshofer.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 85175717 - THOMAS' BAGEL THINS - 14254
Sent:	2/24/2011 3:08:12 PM
Sent As:	ECOM115@USPTO.GOV
Attachments:	

IMPORTANT NOTICE REGARDING YOUR U.S. TRADEMARK APPLICATION

USPTO OFFICE ACTION HAS ISSUED ON 2/24/2011 FOR SERIAL NO. 85175717

Please follow the instructions below to continue the prosecution of your application:

TO READ OFFICE ACTION: Click on this **link** **or** go to **http://portal.uspto.gov/external/portal/tow** and enter the application serial number to **access** the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this e-mail notification.

RESPONSE IS REQUIRED: You should carefully review the Office action to determine (1) how to respond; and (2) the applicable **response time period**. Your response deadline will be calculated from **2/24/2011** (or sooner if specified in the office action).

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System Response Form.

HELP: For *technical* assistance in accessing the Office action, please e-mail **TDR@uspto.gov**. Please contact the assigned examining attorney with questions about the Office action.

WARNING

Failure to file the required response by the applicable deadline will result in the ABANDONMENT of your application.

EXHIBIT 57

To the Declaration of Diana L. Rausa

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

Proceeding	85175717
Applicant	Grupo Bimbo, S.A. B. DE C.V.
Applied for Mark	THOMAS' BAGEL THINS
Correspondence Address	JOSHUA S FRICK BRINKS HOFER GILSON & LIONE PO BOX 10395 CHICAGO, IL 60610-0395 UNITED STATES officeactions@brinkshofer.com
Submission	Notice of Abandonment
Attachments	2012-08-31 - THOMAS BAGEL THINS - Notice of Abandonment.pdf (1 page)(7994 bytes)
Filer's Name	Joshua S. Frick
Filer's e-mail	officeactions@brinkshofer.com
Signature	/Joshua S. Frick/
Date	08/31/2012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Grupo Bimbo S.A. B. de C.V. Serial Number: 85/175,717 Filed: 11/12/2010 Mark: THOMAS' BAGEL THINS	Examining Attorney: Jeffrey S. DeFord Law Office: 115

NOTICE OF ABANDONMENT

Applicant, Grupo Bimbo S.A.B. de C.V. ("Applicant"), hereby notifies the Board that Applicant hereby expressly abandons its application to register the THOMAS' BAGEL THINS mark (Ser. No. 85/175,717).

Respectfully submitted,

Grupo Bimbo S.A. B. de C.V.

Dated: August 31, 2012

By: /Joshua S. Frick/

Scott J. Slavick
Joshua S. Frick
BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, Illinois 60610
Telephone: 312-321-4200
Facsimile: 312-321-4299

Attorneys for Applicant

EXHIBIT 58

To the Declaration of Diana L. Rausa

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: September 6, 2012

In re Grupo Bimbo, S.A. B. DE C.V.

Serial No. 85175717

Filed: 11/12/2010

JOSHUA S FRICK
BRINKS HOFER GILSON & LIONE
PO BOX 10395
CHICAGO, IL 60610-0395

In view of the abandonment filed August 31, 2012, the appeal in the above-identified application is hereby dismissed and the application stands abandoned.[1]

By the Trademark Trial and Appeal Board

[1] Applicant's August 29, 2012 communication notifying the Board of the final determination in exparte appeal proceeding Application SN. 77798364 is noted.

EXHIBIT 59

To the Declaration of Diana L. Rausa

UNITED STATES AND TRADEMARK OFFICE

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

Sep 07, 2012

NOTICE OF ABANDONMENT

TM115

JOSHUA S FRICK
BRINKS HOFER GILSON & LIONE
PO BOX 10395
CHICAGO, IL 60610-0395

ATTORNEY REFERENCE NUMBER: 14254

SERIAL NUMBER:	85/175717
MARK:	THOMAS' BAGEL THINS
APPLICANT:	GRUPO BIMBO, S.A. B. DE C.V.

THE ABOVE IDENTIFIED TRADEMARK APPLICATION WAS ABANDONED ON 09/06/2012 FOR THE FOLLOWING REASON:

APPLICANT'S APPEAL TO THE TRADEMARK TRIAL AND APPEAL BOARD WAS TERMINATED FOR ONE OF THE FOLLOWING REASONS:

(1) APPLICANT WITHDREW THE APPEAL;

(2) THE BOARD DISMISSED THE APPEAL WHEN APPLICANT FAILED TO FILE AN APPEAL BRIEF; OR

(3) THE BOARD AFFIRMED THE EXAMINING ATTORNEY'S REFUSAL TO REGISTER.

EXHIBIT 60

To the Declaration of Diana L. Rausa

To:	FUSION GOURMET, INC. (anniechu@fusiongourmet.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 85427743 - COOKIE THINS - N/A
Sent:	1/17/2012 7:06:53 AM
Sent As:	ECOM107@USPTO.GOV
Attachments:	Attachment - 1 Attachment - 2 Attachment - 3 Attachment - 4 Attachment - 5 Attachment - 6 Attachment - 7 Attachment - 8 Attachment - 9 Attachment - 10 Attachment - 11 Attachment - 12 Attachment - 13 Attachment - 14 Attachment - 15 Attachment - 16 Attachment - 17 Attachment - 18 Attachment - 19 Attachment - 20 Attachment - 21 Attachment - 22 Attachment - 23 Attachment - 24 Attachment - 25 Attachment - 26 Attachment - 27 Attachment - 28 Attachment - 29

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

APPLICATION SERIAL NO. 85427743

MARK: COOKIE THINS

85427743

CLICK HERE TO RESPOND TO THIS LETTER:
http://www.uspto.gov/trademarks/teas/response_forms.jsp

CORRESPONDENT ADDRESS:
FUSION GOURMET, INC.
FUSION GOURMET, INC.
14824 S MAIN ST
GARDENA, CA 90248-1919

APPLICANT: FUSION GOURMET, INC.

CORRESPONDENT'S REFERENCE/DOCKET NO:
N/A

CORRESPONDENT E-MAIL ADDRESS:
anniechu@fusiongourmet.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 1/17/2012

TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE: Applicants who filed their application online using the reduced-fee TEAS Plus application must continue to submit certain documents online using TEAS, including responses to Office actions. *See* 37 C.F.R. §2.23(a)(1). For a complete list of these documents, see TMEP §819.02(b). In addition, such applicants must accept correspondence from the Office via e-mail throughout the examination process and must maintain a valid e-mail address. 37 C.F.R. §2.23(a)(2); TMEP §§819, 819.02(a). TEAS Plus applicants who do not meet these requirements must submit an additional fee of $50 per international class of goods and/or services. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04. In appropriate situations and where all issues can be resolved by amendment, responding by telephone to authorize an examiner's amendment will not incur this additional fee.

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SEARCH OF OFFICE'S DATABASE OF MARKS

The trademark examining attorney has searched the Office'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).

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

Registration is refused because the applied-for mark merely describes the type 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(a). 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 determination of whether a mark is merely descriptive is considered in relation to the identified goods, not in the abstract. *In re Abcor Dev. Corp.*, 588 F.2d 811, 814, 200 USPQ 215, 218 (C.C.P.A. 1978); TMEP §1209.01(b); *see, e.g., In re Polo Int'l Inc.* , 51 USPQ2d 1061 (TTAB 1999) (finding DOC in DOC-CONTROL would be understood to refer to the "documents" managed by applicant's software, not "doctor" as shown in dictionary definition); *In re Digital Research Inc.*, 4 USPQ2d 1242 (TTAB 1987) (finding CONCURRENT PC-DOS merely descriptive of "computer programs recorded on disk" where relevant trade used the denomination "concurrent" as a descriptor of a particular type of operating system). "Whether consumers could guess what the product is from consideration of the mark alone is not the test." *In re Am. Greetings Corp.*, 226 USPQ 365, 366 (TTAB 1985).

A term is merely descriptive if it conveys an immediate idea of the ingredients, qualities, or characteristics of the identified goods. *See In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1422 (Fed. Cir. 2005); *In re Dial-A-Mattress Operating Corp.*, 240 F.3d 1341, 1346, 57 USPQ2d 1807, 1812 (Fed. Cir. 2001).

In this case, the applicant is seeking to register the mark COOKIE THINS for "cookies and crackers."

Analyzed in the context of the identified goods, the applicant's mark simply describes the type of the goods. "As the name says, cookie thins are very thin cookies, generally uniced. Moravian cookies are a tip of cookie thin." In this regard, please see the attached website captions and dictionary definitions.

Material obtained from computerized text-search databases, such as LEXISNEXIS®, is generally accepted

as competent evidence in examination and ex parte proceedings. *See In re Boulevard Entm't Inc.* , 334 F.3d 1336, 1342-43, 67 USPQ2d 1475, 1479 (Fed. Cir. 2003) (LEXISNEXIS® evidence accepted by the Court to show the offensive nature of a term); *In re Giger*, 78 USPQ2d 1405, 1407 (TTAB 2006) (LEXISNEXIS® evidence accepted by the Board to show surname significance); *In re Lamb-Weston Inc.*, 54 USPQ2d 1190, 1192 (TTAB 2000) (LEXISNEXIS® evidence accepted by the Board to show descriptiveness); *In re Wada*, 48 USPQ2d 1689, 1690 (TTAB 1998) (LEXISNEXIS® evidence accepted by the Board to show that geographic location is well-known for particular goods); *In re Decombe*, 9 USPQ2d 1812, 1815 (TTAB 1988) (LEXISNEXIS® evidence accepted by the Board to show relatedness of goods in a likelihood of confusion determination); TBMP §1208.01; TMEP §710.01(a).

The applied-for mark shows the wording in stylized lettering. However, the degree of stylization in this case is not sufficiently striking, unique or distinctive so as to create a commercial impression separate and apart from the unregistrable components of the mark. *See In re Sambado & Son Inc.*, 45 USPQ2d 1312 (TTAB 1997); *In re Bonni Keller Collections Ltd.*, 6 USPQ2d 1224 (TTAB 1987).

Accordingly, as the applicant's mark simply describes the type of goods, the examining attorney concludes that the mark is merely descriptive and that registration must be refused under Trademark Act Section 2(e)(1).

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

Because of the legal technicalities involved in this application, applicant may wish to hire an attorney s pecializing in trademark or intellectual property law. For attorney referral information, applicant may consult the American Bar Association's Consumers' Guide to Legal Help at http://www.abanet.org/legalservices/findlegalhelp/home.cfm or a local telephone directory. The USPTO cannot aid in the selection of an attorney. 37 C.F.R. §2.11.

/Steven W. Jackson/
Steven W. Jackson
Trademark Attorney
Law Office 107
Phone: 571-272-9409
Fax: 571-273-9107
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Trader Joe's Meyer Lemon Cookie Thins, reviewed

JANUARY 27, 2009 NEW PRODUCTS, PRODUCT REVIEWS 12 COMMENTS 2 retweet

It's hard to find a good lemon cookie. Either they don't have a particularly strong or distinctive flavor to them, or the cookies have an artificial sweetness to them due to overuse of (cheap) imitation flavoring. As a result, I was a bit reluctant to try Trader Joe's Meyer Lemon Cookie Thins at first, but was willing to give TJ's the benefit of the doubt because their Ginger Thins are quite good, so the lemon wafers seemed promising.

I wasn't disappointed.

These thins are bright and lemony, and are made with all natural ingredients – including

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These thins are bright and lemony, and are made with all natural ingredients – including butter and lemon – instead of using artificial flavorings. The wafers themselves are incredibly thin, maybe 1/8th of an inch high, and are very delicate. They break very easily in the package, despite their protective plastic case, so they must be treated with care. They almost shatter into your mouth when you bite into them, then the thin cookies seem to melt onto your tongue; it's a perfect combination of crispy and delicate.

I can't say with certainty that I could distinguish these meyer lemon thins from ordinary lemon thins if given an option, but the lemon flavor is unmistakeably zesty and fresh. The cookies are tasty and very addictive. They're good with tea and work well in place of graham crackers if you want to make a citrus tart crust.

Tags: meyer lemon trader joe's

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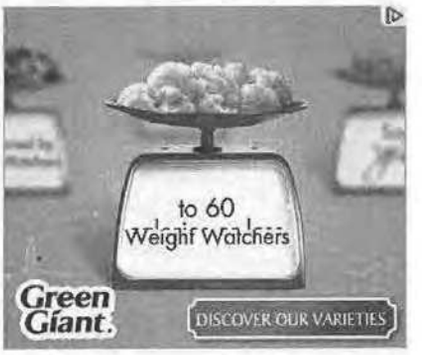
Author: PRO jen7714 (I'm on wordpress!)
I'm just your ordinary next door neighbor who spends free time at the golf course, in her kitchen, or traveling around the world. Mood: Excited to post new Instructables that are coming soon :)



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These cookies are the perfect holiday treat. It is a perfect blend of a chewy cookie on the inside, but slightly crunchy on the outside. The peppermint flavor really works well in these cookies, too. Peppermint Chewy Cookie Thins are a perfect addition to any holiday tradition and they're easy to make.

Make sure to make a large batch as these Peppermint Chewy Cookie Thins won't last long with the family over for the holidays! :)

I would be very grateful if you would please vote for this Instructable in the Cookie Contest. (The vote button at the top of the page is calling to you :)

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For this delightful chewy cookie, you will need:

- 1 1/4 cups plus 1 teaspoon confectioners' sugar
- 1 cup (4 ounces) finely ground blanched almonds
- egg whites from 3 large eggs
- Pinch of salt
- 1/4 cup granulated sugar
- 1/2 teaspoon peppermint extract

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Most of the cookies (almond thins) arrived as crumbs. There was no protective padding inside the outer shipping box, so the rough handling by the USPS reduced the delicate cookies to little more than crumbs.

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Serving Size 4 cookies (28.4 g)

Amount Per Serving	
Calories 140	Calories from Fat 63
	% Daily Value*
Total Fat 7.0g	**11%**
Saturated Fat 4.0g	**20%**
Trans Fat 0.0g	
Cholesterol 5mg	**2%**
Sodium 60mg	**3%**
Total Carbohydrates 19.0g	**6%**
Dietary Fiber 1.0g	**4%**
Sugars 12.0g	
Protein 1.0g	

Vitamin A 0% • Vitamin C 0%
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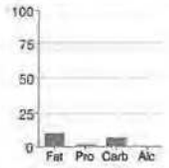
Breakdown

Daily Values



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Trader Joe's Meyer Lemon Cookie Thins, made exclusively for us, are delicate, buttery delights – light & crispy, refreshing and satisfying, sweet & tart. They are astonishingly thin, and full of the sweet-tang of Meyer lemon, courtesy of the natural lemon oil in the recipe. Wonderful with a cup of tea or a tall glass of iced
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tea, these Thins also make a tempting dessert treat with a bowl of ice cream or sorbet. The price of **$3.99** for each nine ounce box makes that temptation even sweeter.

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Afternoon Snack: Oat-Spice Cookie Thins

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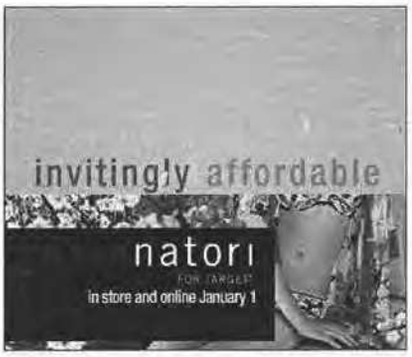
I love cinnamon and oats, so when I spotted a box of cookies that made use of both ingredients--cookies that were pretty low-cal--I thought



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- Germs (103)
- Gynecological Health (41)
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- Happiness (323)
- Health Challenge (42)
- Health

mmmmm. My taste test ...

I recently tasted Nairns Fruit & Spice Oat Biscuits. They're made by a Scottish company, but I found them at my local grocery store. I liked that they were thin cookies, and packed with spices and fruit (currents, etc.), plus they had a thin, delicate crunch that made them perfect with coffee or tea. One serving (one package of 4 cookies) clocks in at under 173 calories.

Enjoy!

P.S. Looking for more snack ideas? Lots of health options to choose from here!

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by Sarah Jio

Categories: Afternoon Snack

Keywords
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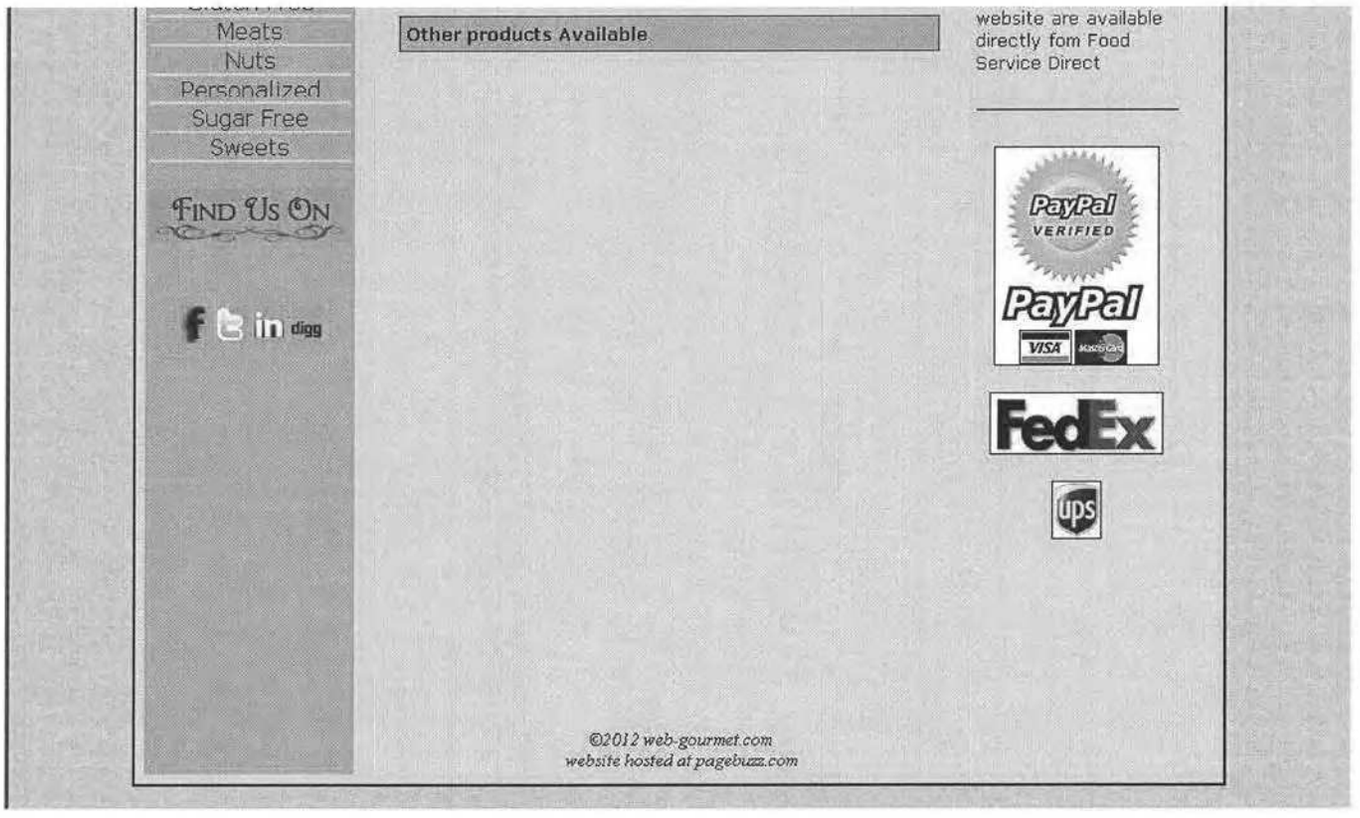
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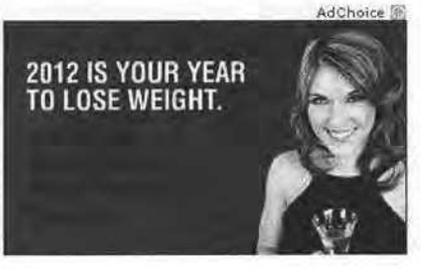

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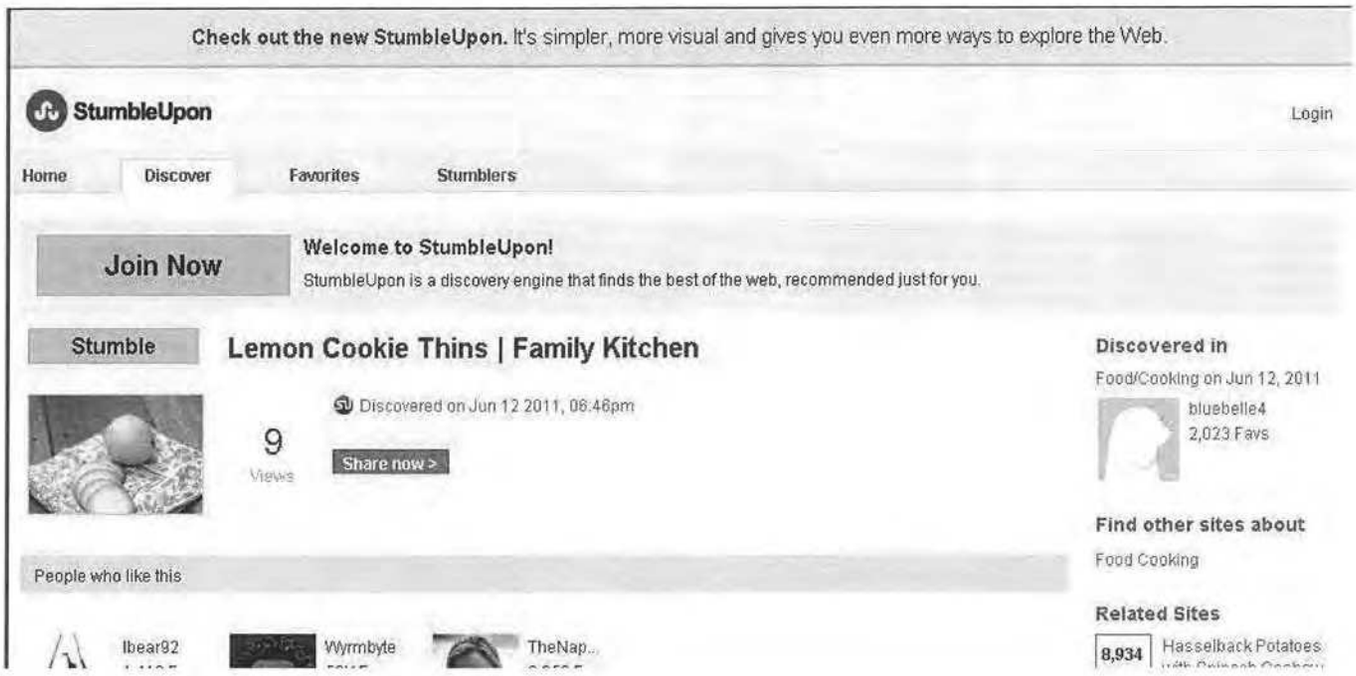

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GIFT GUIDE

For the Sweet Tooth

Trying to figure out what to get for all those people on your gift list this year? We've got ideas for everyone:

Fruit Cake

This is not your average fruitcake. Since, 1984, Berta Scott and her family have been making this fantastically moist and delicious Christmastime favorite from a family recipe that has been tweaked to perfection. These cakes are made in small batches using only premium ingredients like English walnuts, pecans, pineapple, dates and red cherries. Don't be shy, go ahead and try one...you might just become a fan!

Gingerbread House

This traditional Gingerbread House is made with real gingerbread, royal icing and assorted candies - all wraped up and ready to go with a big red bow. Used as a centerpiece or to decorate the mantle, this adorable decoration will fill your home with the scent of gingerbread.

Almost From Scratch Gift Basket

For the baker on your list! Enjoy a hot cup of coffee while whipping up one of our delicious new baking mixes. These mixes include: Red Velvet cupcakes, Carrot Spice cupcakes, and Vanilla Scones. Once baked, enjoy a cup of coffee, tea, or hot chocolate with your dessert. Once empty, this basket makes for a great

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hot chocolate with your dessert. Once empty, this basket makes for a great everyday shelf organizer.

Just Be Claus Gift Bag

Just be Claus it's the perfect snack mix. This bag of goodies is sure to please. These snacks include wasabi nuts, sweet n spicy mix, peanuts, a sweet treat mix, malted milk balls, peppermint sticks, and a sampling of The Republic of Tea teas. *Available mid-November.*

Godiva

Treat someone special on your list with a box of Godiva chocolates and they will love you for life. Each box contains a different selection of chocolates to please everyone on your list

Funky Chunky

Choose from Peanut Butter Pretzels, Chocolate Pretzels, Chocolate Popcorn and the newest addition, Chip-Zel-Pop: Crispy potato chips and crunchy pretzels combined with fresh, buttery caramel popcorn, drizzled wtih chewy caramel and topped with layers of three chocolates: dark, milk, and white.

TFM Cookie Thins 3 Flavor Gift Pack

Baked in the Moravian tradition by the artisan bakers at Salem Baking Company, our **cookie thins are** made with the finest, natural ingredients and are beloved for their thin, hand-crafted style and vivid flavors. Simple enough to enjoy every day, they are a perfect accompaniment to tea or coffee, pair beautifully with artisan cheeses and spreads, or accent seasonal desserts for effortless entertaining. This gift pack contains an assortment of over 70 cookies including Sugar, Ginger and Pumpkin.

Holiday Fruit Sampler

Six delicious fruit mixes packed in a clear container and finished with a bow for a gift that is ready to give. A healthy snack gift suitable for sharing or the perfect teacher gift. Includes Dried Apricots, Cranstachio Blend, Booster Food, Nuts & Berries, Pineapple Chunks, and Cherries & Berries.

TFM Chocolate Bars

TFM Chocolate Bars

Our TFM chocolate bars are made in Italy using the finest ingredients from around the world. Our 72% Dark bar is rich and velvety with the perfect bite, made with 72% cacao and real vanilla. Gianduia - with chopped hazelnuts that are carefully selected and roasted according to the Italian tradition - will deliver the perfect delicate balance of nutty flavors.

Long Grove Candies

You'll be delighted with this vast assortment of holiday treats. The delicious Marshmallow Fellows are chocolate-dipped marshmallows that are hand decorated and topped with cheery felt hats, while the Holiday Crispie Pops make for a great stocking stuffer. The Birch Pretzel Rods are a holiday favorite for hostess gifts and the Jingle Bell Mint Meltaways make for the perfect little gift or stocking stuffer.

Belfine Chocolate

As a result of true passion for chocolate: Belfine is most renowned for its beautiful decorated hollow figures and lollipops for every special occasion. Only premium quality Belgian chocolate based on a strict selection of Madagascar beans is used to create these delicacies. These Madagascar beans enrich the chocolate with a heavenly flavor, which determines the individual character of the creations.

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Tea biscuits, served with a hot cup of tea. Photo: Lena Ivanovic | SXC.

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Cookie Glossary

Page 10: Tea Biscuits, Thumbprint Cookies, Tuiles & Other Types Beginning With T

This page contains cookie types beginning with the letter T, including tea biscuits, thumbprint cookies, tuiles and whoopie pies. You can also see the overview of the different types of cookies and the the history of cookies—how baked delights came to be. See our many other informative food glossaries—especially the Cake Glossary and Pastry Glossary.

There are thousands of different cookies in the world. This glossary's objective is to highlight those found in the U.S. Please use the Contact Us link to report any missing entries.

Click on a letter to go to the appropriate glossary page.

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TEA BISCUIT
In the U.K., a tea biscuit is a small, hard cookie, either unsweetened or lightly sweetened.

TEA COOKIES
Tea cookies refer to any variety of small cookies served with afternoon tea.

THINS
As the name says, **cookie thins are** very thin cookies, generally uniced. Moravian cookies are a tip of cookie thin.

THUMBPRINT COOKIE
A thumbprint cookie is a buttery, shortbread-style cookie that has a well in the center, originally made with one's thumb. The well is filled with jam. The cookies can also be rolled in nuts.

TIGER EYE COOKIE
Another name for a thumbprint cookie.

Moravian Cookies

Moravian cookies are an example of cookie thins. Photo courtesy Salem Baking Co.

TOLL HOUSE COOKIE
America's favorite cookie, the Toll House cookie is the original chocolate chip cookie. It is a drop cookie made with white and brown sugar and filled with chocolate morsels. Many recipes also use chopped nuts. The Toll House cookie was accidentally invented by Cape Cod innkeeper Ruth Wakefield in 1937. See the history of the Toll House cookie. See special recipes for Washington's Birthday and July 4th variations.

TUILE
From the French word for tile, a tuile is a very thin, light, crisp cookie. It can be made in any shape and size; some tuiles are made as food garnishes, rising from ice cream or other dishes like a plume. They can be flavored with just about anything; sliced almond tuiles are a popular inclusion. Tuiles are often molded into cups or other shapes right after they emerge from the oven. They can be sweet or savory. See recipes for Charlie Trotter's goat cheese ice cream with sweet tuiles, a blue cheese ice cream with poached pears in a sweet tuile cup and Ferran Adrià's Parmesan ice cream sandwiches in savory Parmesan tuiles.

WAFER COOKIE

July 2010
Last Updated April 2011

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WAFER COOKIE
Most American children know what a wafer cookie is: a waffle-patterned finger-shaped sandwich cookie. They are made in vanilla, chocolate, strawberry and other flavors. Some are plain, some are filled to make cookie sandwiches. But wafer cookies can also be round, unfilled and savory as well as sweet. See also rolled wafer cookie.

Strawberry wafer cookies. Photo by Irum Shahid | SXC.

WAFFLE COOKIE
See stroopwafel.

WHOOPIE PIE
A sandwich cookie made from cakelike layers and filled with cream. The cream is traditionally made from shortening, but the recent popularity of gourmet whoopie pies has vastly improved the genre with fine buttercream. Here's a whoopie pie recipe.

A gourmet whoopie pie filled with raspberry buttercream. Photo courtesy of Wanna Hava Cookie. Also see our review of Wicked Whoopie Pies.

ZWIEBACK
See rusk.

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How to Bake Thumbprint Cookies

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For more food videos, check out The Nibble's Food Video Collection.

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To:	FUSION GOURMET, INC. (anniechu@fusiongourmet.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 85427743 - COOKIE THINS - N/A
Sent:	1/17/2012 7:06:55 AM
Sent As:	ECOM107@USPTO.GOV
Attachments:	

IMPORTANT NOTICE REGARDING YOUR TRADEMARK APPLICATION

Your trademark application (Serial No. 85427743) has been reviewed. The examining attorney assigned by the United States Patent and Trademark Office ("USPTO") has written a letter (an "Office Action") on 1/17/2012 to which you must respond. Please follow these steps:

1. Read the Office letter by clicking on this **link** **OR** go to **http://tmportal.uspto.gov/external/portal/tow** and enter your serial number to **access** the Office letter.

PLEASE NOTE: The Office letter may not be immediately available but will be viewable within 24 hours of this e-mail notification.

2. Respond within 6 months, calculated from **1/17/2012** (*or sooner if specified in the Office letter*), using the Trademark Electronic Application System **Response to Office Action form.** If you have difficulty using the USPTO website, contact TDR@uspto.gov.

3. Contact the examining attorney who reviewed your application with any questions about the content of the office letter:

/Steven W. Jackson/
Steven W. Jackson
Trademark Attorney
Law Office 107
Phone: 571-272-9409
Fax: 571-273-9107
steven.jackson@uspto.gov

WARNING

Failure to file any required response by the applicable deadline will result in the ABANDONMENT of your application.
Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, please use the Trademark Electronic Application System Response to Office Action form.

EXHIBIT 61

To the Declaration of Diana L. Rausa

Side - 1

NOTICE OF ABANDONMENT
MAILING DATE: Aug 15, 2012

The trademark application identified below was abandoned in full because a response to the Office Action mailed on Jan 17, 2012 was not received within the 6-month response period.

If the delay in filing a response was unintentional, you may file a petition to revive the application with a fee. If the abandonment of this application was due to USPTO error, you may file a request for reinstatement. Please note that a petition to revive or request for reinstatement **must be received within two months from the mailing date of this notice.**

For additional information, go to http://www.uspto.gov/teas/petinfo.htm. If you are unable to get the information you need from the website, call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 85427743
MARK: COOKIE THINS
OWNER: FUSION GOURMET, INC.

Side - 2

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EXHIBIT 62

To the Declaration of Diana L. Rausa

To:	La Tapatia Tortilleria, Inc. (ipmail@kmulaw.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 85215451 - CASERA THINS - 6037.04.UST1
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Sent As:	ECOM107@USPTO.GOV
Attachments:	Attachment - 1 Attachment - 2 Attachment - 3 Attachment - 4 Attachment - 5 Attachment - 6 Attachment - 7 Attachment - 8 Attachment - 9 Attachment - 10 Attachment - 11 Attachment - 12 Attachment - 13 Attachment - 14 Attachment - 15 Attachment - 16 Attachment - 17 Attachment - 18 Attachment - 19 Attachment - 20 Attachment - 21 Attachment - 22 Attachment - 23 Attachment - 24 Attachment - 25 Attachment - 26 Attachment - 27 Attachment - 28 Attachment - 29 Attachment - 30 Attachment - 31 Attachment - 32 Attachment - 33 Attachment - 34

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

APPLICATION SERIAL NO. 85215451

MARK: CASERA THINS

85215451

CORRESPONDENT ADDRESS:
MARK D. MILLER
KIMBLE, MACMICHAEL & UPTON
5260 N PALM AVE STE 221
FRESNO, CA 93704-2210

CLICK HERE TO RESPOND TO THIS LETTER:
http://www.uspto.gov/teas/eTEASpageD.htm

APPLICANT: La Tapatia Tortilleria, Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO:
6037.04.UST1
CORRESPONDENT E-MAIL ADDRESS:
ipmail@kmulaw.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 4/8/2011

TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE: Applicants who filed their application online using the reduced-fee TEAS Plus application must continue to submit certain documents online using TEAS, including responses to Office actions. *See* 37 C.F.R. §2.23(a)(1). For a complete list of these documents, see TMEP §819.02(b). In addition, such applicants must accept correspondence from the Office via e-mail throughout the examination process and must maintain a valid e-mail address. 37 C.F.R. §2.23(a)(2); TMEP §§819, 819.02(a). TEAS Plus applicants who do not meet these requirements must submit an additional fee of $50 per international class of goods and/or services. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04. In appropriate situations and where all issues can be resolved by amendment, responding by telephone to authorize an examiner's amendment will not incur this additional fee.

The examining attorney has reviewed the application and determined the following.

LIKELIHOOD OF CONFUSION

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 3720632. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration. Applicant has applied to register the mark **CASERA THINS** for "corn-based snack foods" in International Class 30, and the registered mark is **CASERA** for "flour, corn flour, instant corn flour mix" in International Class 30.

Taking into account the relevant *du Pont* factors, a likelihood of confusion determination in this case involves a two-part analysis. *See In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361-62, 177 USPQ 563, 567 (C.C.P.A. 1973); *In re 1st USA Realty Prof'ls Inc.* , 84 USPQ2d 1581, 1584 (TTAB 2007); *see also In re Dixie Rests. Inc.*, 105 F.3d 1405, 1406-07, 41 USPQ2d 1531, 1533 (Fed. Cir. 1997). The marks are compared for similarities in their appearance, sound, connotation and commercial impression. TMEP §§1207.01, 1207.01(b). The goods and/or services are compared to determine whether they are similar or commercially related or travel in the same trade channels. *See Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002); *Han Beauty, Inc. v. Alberto-Culver Co.*, 236 F.3d 1333, 1336, 57 USPQ2d 1557, 1559 (Fed. Cir. 2001); TMEP §§1207.01, 1207.01(a)(vi).

The test under Trademark Act Section 2(d) is whether there is a likelihood of confusion. It is unnecessary to show actual confusion in establishing likelihood of confusion. TMEP §1207.01(d)(ii); *e.g., Weiss Assocs. Inc. v. HRL Assocs. Inc.*, 902 F.2d 1546, 1549, 14 USPQ2d 1840, 1842-43 (Fed. Cir. 1990). The Trademark Trial and Appeal Board stated as follows:

> [A]pplicant's assertion that it is unaware of any actual confusion occurring as a result of the contemporaneous use of the marks of applicant and registrant is of little probative value in an ex parte proceeding such as this where we have no evidence pertaining to the nature and extent of the use by applicant and registrant (and thus cannot ascertain whether there has been ample opportunity for confusion to arise, if it were going to); and the registrant has no chance to be heard from (at least in the absence of a consent agreement, which applicant has not submitted in this case).

In re Kangaroos U.S.A., 223 USPQ 1025, 1026-27 (TTAB 1984).

The overriding concern is not only to prevent buyer confusion as to the source of the goods and/or services, but to protect the registrant from adverse commercial impact due to use of a similar mark by a

newcomer. *See In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt regarding a likelihood of confusion determination is resolved in favor of the registrant. TMEP §1207.01(d)(i); *see Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1265, 62 USPQ2d 1001, 1003 (Fed. Cir. 2002); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 464-65, 6 USPQ2d 1025, 1025 (Fed. Cir. 1988).

When comparing the marks, each mark must be considered in its entirety; the descriptive portion of a mark cannot be ignored. *See In re Nat'l Data Corp.* , 753 F.2d 1056, 1058, 224 USPQ 749, 750-51 (Fed. Cir. 1985). However, one feature of a mark may be more significant in creating a commercial impression. *See In re Nat'l Data Corp* ., 753 F.2d at 1058, 224 USPQ at 751; TMEP §1207.01(b), (b)(iii), (b)(viii). Descriptive or generic matter is typically less significant or less dominant in relation to other wording in a mark. *See In re Chatam Int'l Inc.* , 380 F.3d 1340, 1342-43, 71 USPQ2d 1944, 1946 (Fed. Cir. 2004); *In re Binion*, 93 USPQ2d 1531, 1534 (TTAB 2009).

In the present case, as shown by the attached evidence, the wording "THINS" in the applied-for mark is descriptive as applied to the relevant goods and/or services. *See attached* printouts from the USPTO's X-Search database. Thus, this wording is less significant in terms of creating the mark's commercial impression, rendering the wording "CASERA" the dominant, source-indicating element of the mark.

With respect to the goods at issue, there can be little doubt that applicant's corn-based snack foods are related to registrant's flour, corn flour and instant corn flour mix for purposes of §2(d) analysis. Attached are copies of printouts from the USPTO X-Search database, which show third-party registrations of marks used in connection with the same or similar goods and/or services as those of applicant and registrant in this case. These printouts have probative value to the extent that they demonstrate that the goods and/or services listed therein frequently emanate from a single source. *In re Infinity Broad. Corp. of Dallas*, 60 USPQ2d 1214, 1217-18 (TTAB 2001); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB 1988); TMEP §1207.01(d)(iii).

In short, the similarities between the marks and the goods of the respective parties are so great as to create a likelihood of confusion. Accordingly, the examining attorney is compelled to refuse registration under §2(d) of the Trademark Act.

Although applicant's mark has been refused on the Principal Register, applicant may present arguments and evidence in support of registration. If applicant chooses to respond to the refusal, applicant must also respond to the following informality

DISCLAIMER

Applicant must disclaim the descriptive wording "THINS" apart from the mark as shown because it merely describes an ingredient, quality, characteristic, function, feature, purpose or use of applicant's goods and/or services. *See* 15 U.S.C. §§1052(e)(1), 1056(a); *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); TMEP §§1213, 1213.03(a).

Specifically, the attached evidence from the USPTO's X-Search database shows this wording is commonly used in connection with snack foods to refer to their shape or dimensions. Therefore, the wording merely describes a quality or characteristic of the goods.

A disclaimer does not physically remove the disclaimed matter from the mark, but rather is a written

statement that applicant does not claim exclusive rights to the disclaimed wording and/or design separate and apart from the mark as shown in the drawing. TMEP §§1213, 1213.10.

The following is the standard format used by the Office:

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

TMEP §1213.08(a)(i); *see In re Owatonna Tool Co.*, 231 USPQ 493 (Comm'r Pats. 1983).

CONCLUSION
If applicant has any questions or needs assistance responding to this Office action, please do not hesitate to contact the examining attorney.

/Nicholas K. D. Altree/
Trademark Examining Attorney
Law Office 107
(571) 272-9336
nick.altree@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/teas/eTEASpageD.htm. Please wait 48-72 hours from the issue/mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, 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**.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

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 Trademark Applications and Registrations Retrieval (TARR) at http://tarr.uspto.gov/. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, 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 TEAS form at http://www.uspto.gov/teas/eTEASpageE.htm.

DESIGN MARK

Serial Number
77455222

Status
REGISTERED

Word Mark
CASERA

Standard Character Mark
Yes

Registration Number
3720632

Date Registered
2009/12/08

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Marquez Brothers International, Inc. CORPORATION CALIFORNIA 5801 Rue Ferrari San Jose CALIFORNIA 95138

Goods/Services
Class Status -- ACTIVE. IC 029. US 046. G & S: Cheese and dairy products excluding ice cream, ice milk and frozen yogurt. First Use: 1994/09/30. First Use In Commerce: 1994/09/30.

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Flour, corn flour, instant corn flour mix. First Use: 2002/12/06. First Use In Commerce: 2002/12/06.

Prior Registration(s)
1934691

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

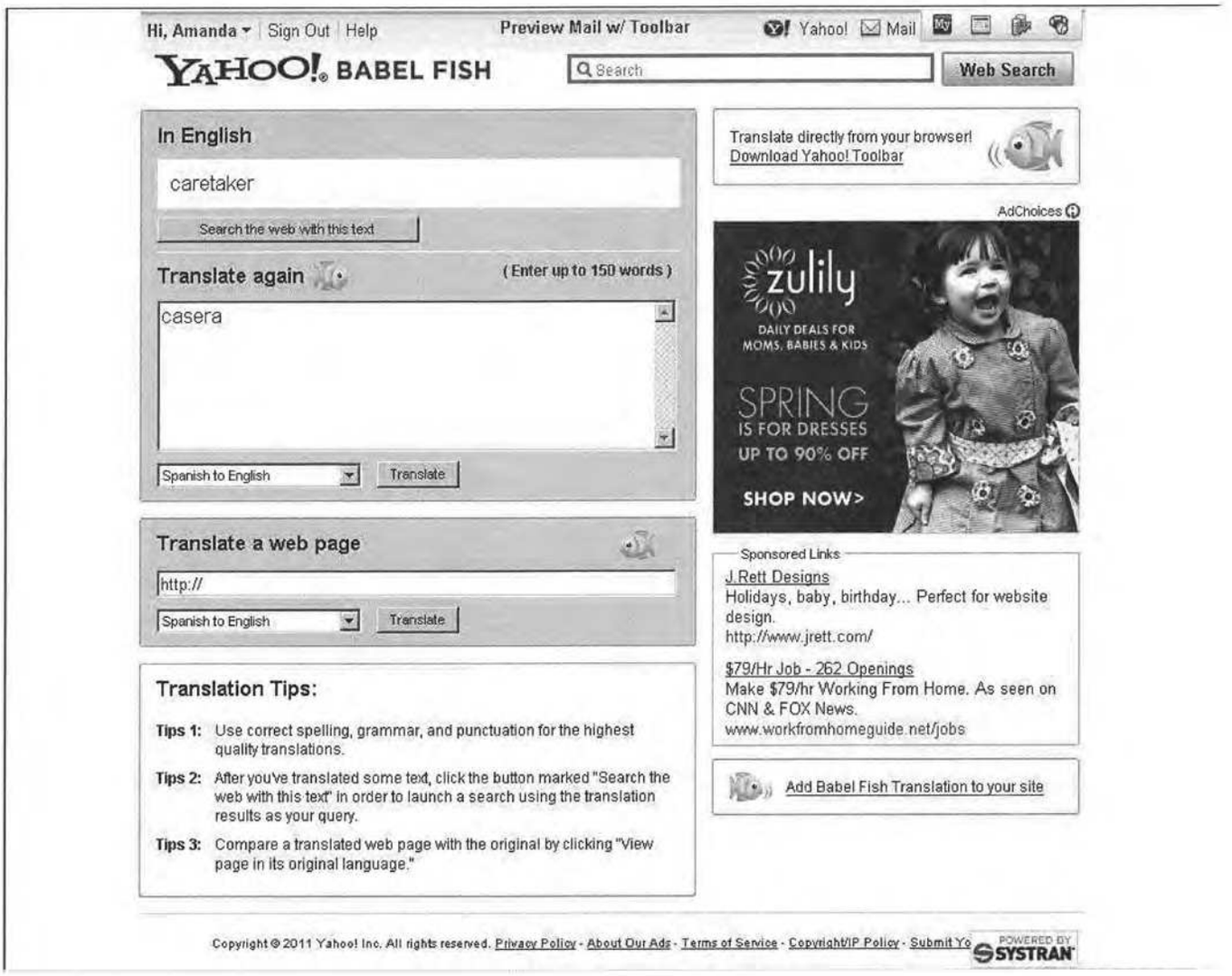
Filing Date

2008/04/22

Examining Attorney
VERHOSEK, WILLIAM

Attorney of Record
Emma Madrid

CASERA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caretaker
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Spanish to English
Translate
Translate a web page
http://
Spanish to English
Translate
Translation Tips:
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Tips 2: After you've translated some text, click the button marked "Search the web with this text" in order to launch a search using the translation results as your query.
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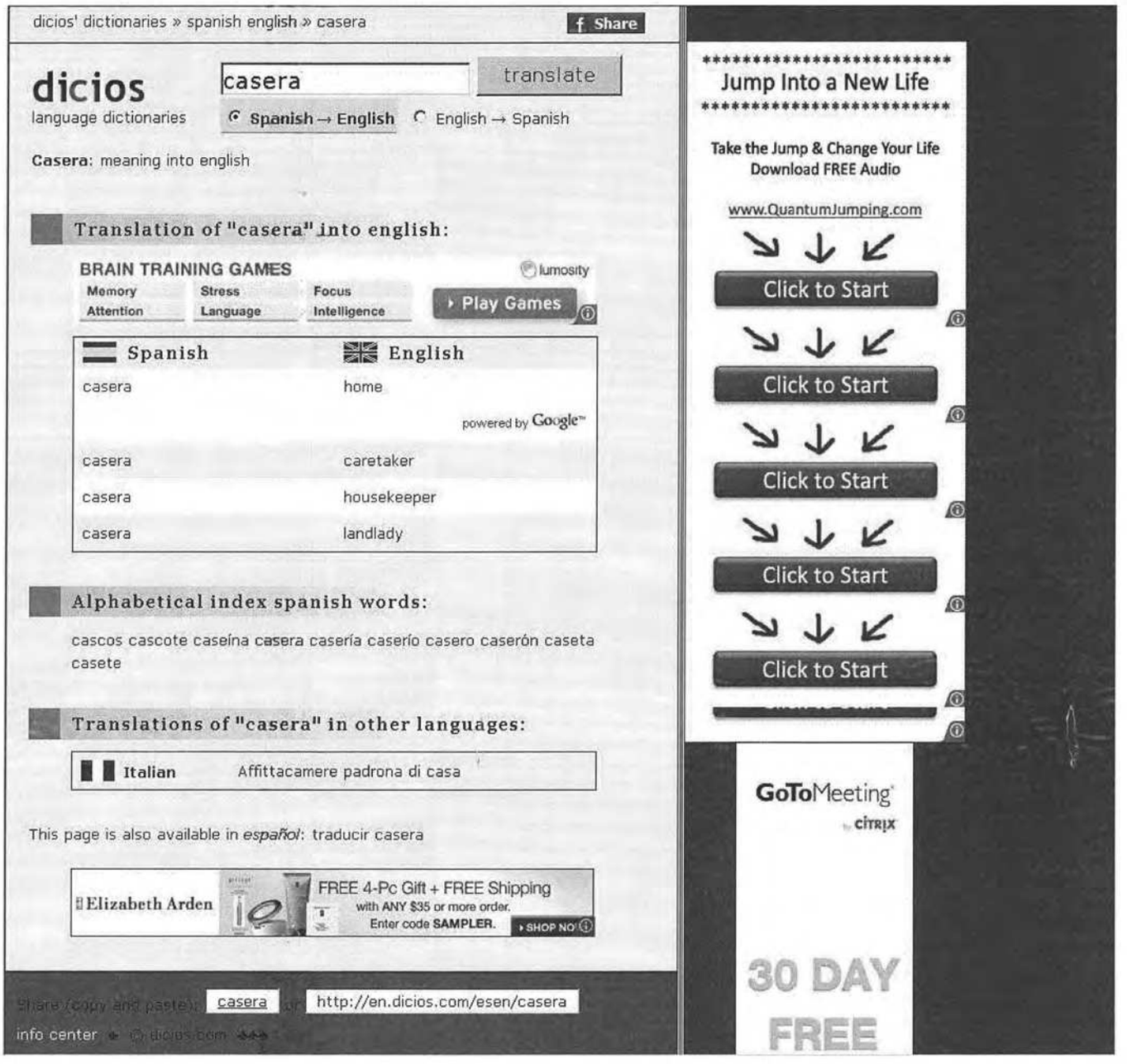

dicios' dictionaries » spanish english » casera

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language dictionaries

casera

translate

Spanish → English English → Spanish

Casera: meaning into english

Translation of "casera" into english:

BRAIN TRAINING GAMES
lumosity
Memory Attention | Stress Language | Focus Intelligence
Play Games

Spanish	English
casera	home
	powered by Google™
casera	caretaker
casera	housekeeper
casera	landlady

Alphabetical index spanish words:

cascos cascote caseína casera casería caserío casero caserón caseta casete

Translations of "casera" in other languages:

Italian	Affittacamere padrona di casa

This page is also available in *español*: traducir casera

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TYPED DRAWING

Serial Number
73082779

Status
CANCELLED - SECTION 8

Word Mark
RAGU ITALIAN DESSERT THINS

Standard Character Mark
No

Registration Number
1070334

Date Registered
1977/07/26

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
RAGU' FOODS, INC. CORPORATION NEW YORK 1680 LYELL AVE. ROCHESTER, N.Y. 14606 ROCHESTER NEW YORK 14606

Goods/Services
Class Status -- SECTION 8 - CANCELLED. IC 030. US 046. G & S: ASSORTED COOKIES. First Use: 1976/03/17. First Use In Commerce: 1976/03/17.

Prior Registration(s)
0870188;0952235;AND OTHERS

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

Filing Date
1976/04/05

Examining Attorney
UNKNOWN

Print: Apr 7, 2011 **73571226**

DESIGN MARK

Serial Number
73571226

Status
CANCELLED - SECTION 8

Word Mark
STEINBERG'S BAGEL THINS

Standard Character Mark
No

Registration Number
1432125

Date Registered
1987/03/10

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
STEINBERG/WFI FOODS CORP. CORPORATION FLORIDA 359 SOUTH COUNTRY ROAD PALM BEACH FLORIDA 33480

Goods/Services
Class Status -- SECTION 8 - CANCELLED. IC 030. US 046. G & S: BAGEL CHIPS AND SLICES. First Use: 1983/07/08. First Use In Commerce: 1983/07/08.

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

Lining/Stippling Statement
THE LINING ON THE DRAWING IS FOR SHADING PURPOSES ONLY, AND DOES NOT REPRESENT COLOR.

Filing Date
1985/12/02

Examining Attorney
ABATE CANDICE A

Attorney of Record
RICHARD B. TURER

Steinberg's
BAGEL
THINS

DESIGN MARK

Serial Number
75913536

Status
CANCELLED - SECTION 8

Word Mark
KAMBLY OF SWITZERLAND ALMOND THINS

Standard Character Mark
No

Registration Number
2568142

Date Registered
2002/05/07

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Owner
KAMBLY SA SPECIALITES DE BISCUITS SUISSES CORPORATION SWITZERLAND
Muhlestrasse 3555 Trubschachen SWITZERLAND

Goods/Services
Class Status -- SECTION 8 - CANCELLED. IC 030. US 046. G & S: Biscuits and cookies. First Use: 2000/05/00. First Use In Commerce: 2000/06/00.

Prior Registration(s)
0942885;1532241;1776677

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

Filing Date
2000/02/09

Examining Attorney
SLOAN, CYNTHIA

Attorney of Record
Lawrence E Abelman

ALMOND THINS

DESIGN MARK

Serial Number
77166579

Status
REGISTERED

Word Mark
ANNA'S GINGER THINS DELGADITAS DE JENGIBRE 0 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 "0 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 "0 TRANS FAT", the "0" is white

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.

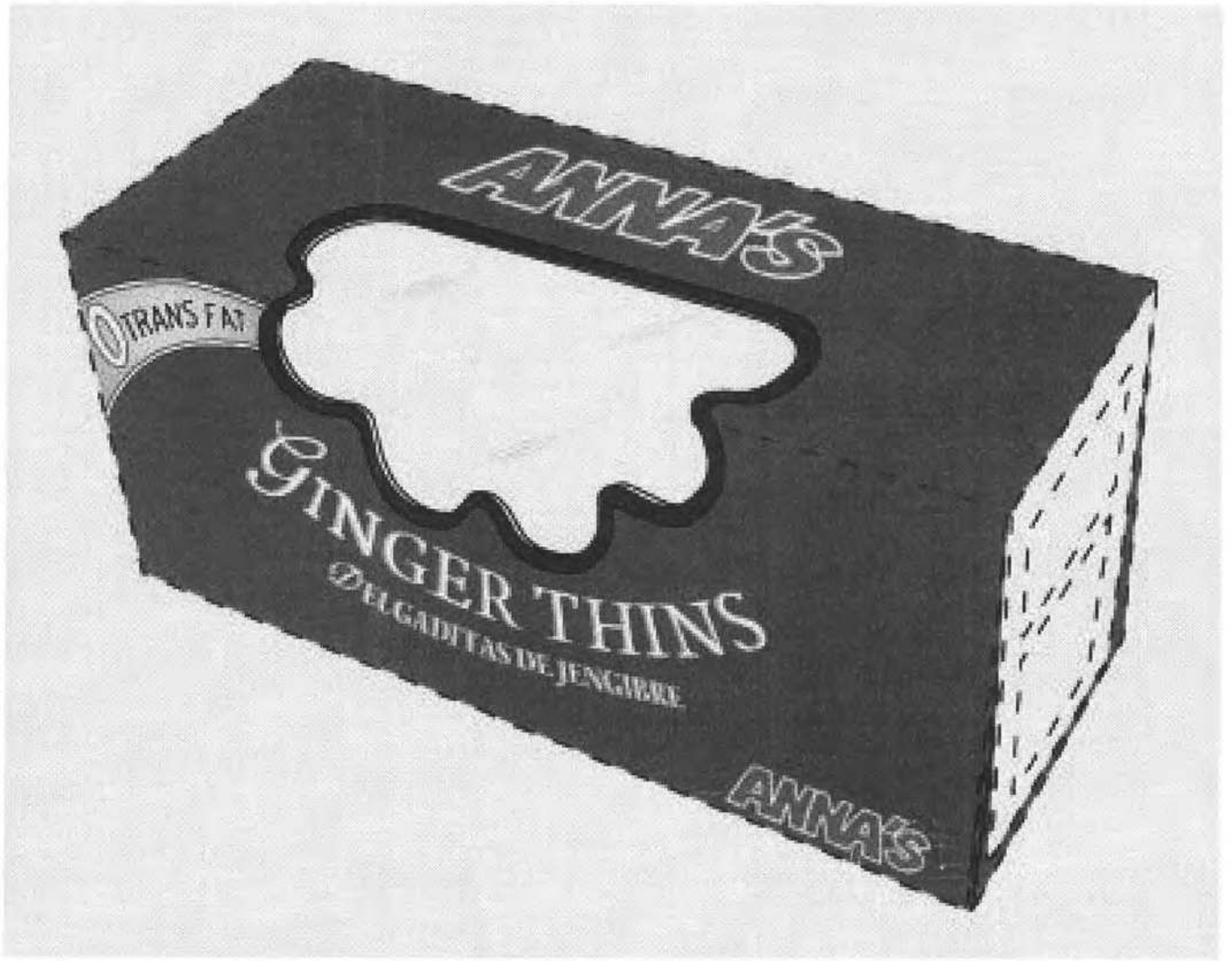
Colors Claimed
The color(s) RED, WHITE, BLACK AND YELLOW is/are claimed as a feature of the mark.

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
0 TRANS FAT
GINGER THINS
ANNA'S

TYPED DRAWING

Serial Number
78258333

Status
CANCELLED - SECTION 8

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 -- SECTION 8 - CANCELLED. 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

DESIGN MARK

Serial Number
85006318

Status
REGISTERED

Word Mark
BLUE THINS

Standard Character Mark
Yes

Registration Number
3870613

Date Registered
2010/11/02

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
El Trigal S.A. CORPORATION URUGUAY Av. Gral. San Martin 3270 Montevideo URUGUAY

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: cookies, biscuits, crackers. First Use: 2004/12/00. First Use In Commerce: 2004/12/00.

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

Filing Date
2010/04/05

Examining Attorney
CALLAGHAN BRIAN

Attorney of Record
Leigh Ann Lindquist

BLUE THINS

DESIGN MARK

Serial Number
76169990

Status
SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

Word Mark
SHUR FINE COMMITTED TO QUALITY

Standard Character Mark
No

Registration Number
2926511

Date Registered
2005/02/15

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
Shurfine Foods, Inc. CORPORATION ILLINOIS 6700 SW Sandburg Street Tigard OREGON 97233

Goods/Services
Class Status -- ACTIVE. IC 029. US 046. G & S: Canned seafood, namely, tuna fish, salmon, oysters, shrimp, sardines; cooking and salad oils, namely, canola oil, corn oil, peanut oil, vegetable oil, [sunflower oil,] olive oil; vegetable oil cooking spray, peanut butter, shortening, sandwich spread, namely, mayonnaise substitute, flaked coconut, edible processed seeds, pickles, processed pimento, dried fruits, processed nuts, fruit-based snack foods, maraschino cherries, whipped dairy topping, fruit-based pie fillings, applesauce, fruit-based spreads, jams, jellies, fruit preserves, instant soup mixes, canned soups, chili, corned beef hash, beef stew, canned fruits, canned vegetables, tomato puree, tomato paste, canned chicken, canned meats, namely, canned corned beef; non-dairy creamer, dairy whipped toppings, processed peppers, processed olives, baked beans, pork and beans, refried beans, dried beans, dried peas, potato mixes, bacon flavor bits, shoestring potatoes, shelled nuts, slivered nuts, bouillon, frozen fish, frozen fruits, frozen vegetables, cheese toppings, cheese food, cheese toppings; frozen onion rings, refried

beans. First Use: 2000/01/15. First Use In Commerce: 2000/01/15.

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Black pepper, salad dressing, mayonnaise, baking products, namely, confectionery chips for baking, pie crust shells, vanilla, baking powder, baking soda, frostings, flavoring extracts, namely, vanilla extract, vanilla extract substitute and lemon extract; flour, sugar, marshmallow creme, pastry shells, lemon extract, corn starch; cake mixes, coffee, tea, instant coffee, corn based snack foods, namely, confections, namely, hard candy, chocolate bits and jellied candies; syrups, namely, chocolate syrup, corn syrup, maple syrup, pancake syrup, strawberry syrup; puffed wheat breakfast cereal, puffed rice breakfast cereal, snack foods, namely, candy, popped popcorn, snack cakes, salsa, cereal-derived ready to eat food bars, trail mix; sauces, namely, seafood cocktail sauce, tartar sauce, picante sauce, taco sauce, cheese sauce, sloppy joe sauce, spaghetti sauce, pizza sauce, pasta sauces, barbecue sauce, tomato sauce, hot sauce, steak sauce, Worcester sauce, soy sauce, teriyaki sauce, chili sauce; catsup, mustard, salt, spices, relish, vinegar, dessert food, namely, pies, pudding mixes, flavored gelatin mixes, dessert toppings, ice cream cones, breakfast foods, namely, waffles, pancakes, oatmeal, hot cereals, toaster pastries, frozen foods, namely, frozen pizza, frozen confections, [pot pies,] croutons, stuffing, gravy mixes, spaghetti sauce mix, seasoning mixes, marinades, seasoned poultry coatings, bread crumbs, stuffing mixes containing bread, pancake mix, pasta pie crust mix, cookies, ready-to-eat breakfast cereals, cornbread mix, corn meal, corn muffin mix, crackers, roasting bag with seasoning blend, pasta, canned pasta with sauce, dry packaged dinner mixes, macaroni and cheese dinner, a mix composed primarily of seasonings, spices and diced potato or pasta to be combined with meat to make a dinner entree, rice, mixes, [tamales,] taco shells, sandwich spread, honey, marshmallow, cocoa, powdered chocolate drink mixes, iced tea mixes. First Use: 2000/06/20. First Use In Commerce: 2000/06/20.

Goods/Services
Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: Breakfast fruit-drink mixes, fruit nectars, fruit drinks, carbonated soft drinks, low calorie soft drinks, soft drink mixes, vegetable juice beverage, frozen fruit juice concentrates, bottled drinking water, lemon juice concentrate. First Use: 2000/04/21. First Use In Commerce: 2000/04/21.

Prior Registration(s)
0558657;0559719;0807575;1134376;1683923;1691599;1820916;1847799;1916702-;1928809;1965622;2170823;AND OTHERS

Filing Date
2000/11/22

Examining Attorney

JENKINS, CHARLES L.

Attorney of Record
Joseph S Makuch

Shur Fine
COMMITTED TO QUALITY

DESIGN MARK

Serial Number
76504350

Status
REGISTERED

Word Mark
THE ORIGINAL LOW CARB LIFESTYLE

Standard Character Mark
No

Registration Number
2912139

Date Registered
2004/12/21

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
Atkins Nutritionals, Inc. CORPORATION NEW YORK 2002 Orville Drive North, Suite A Ronkonkoma NEW YORK 11779

Goods/Services
Class Status -- ACTIVE. IC 005. US 006 018 044 046 051 052. G & S: Food supplements, vitamins, mineral supplements, nutritional supplements, dietary supplements and dietary drink mix for use as a meal replacement. First Use: 2000/01/01. First Use In Commerce: 2000/01/01.

Goods/Services
Class Status -- ACTIVE. IC 029. US 046. G & S: Low carbohydrate dairy based and soy based shake mixes, vegetable based and soy based ready to eat food bars, snack food dips, soups, soup mixes, whipped topping, potato based snack foods, soy based snack foods, beef jerky, meat-based snack foods, nut-based snacks and potato chips. First Use: 2000/01/01. First Use In Commerce: 2000/01/01.

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Grain based, chocolate based, oat based and granola based ready to eat food bars,

cereal based snack foods, rice based snack foods, corn based snack foods, bakery goods, pastries, wheat based crackers, toasted corn snacks, corn chips, grain based chips, biscuits, candy, puffed corn snacks, puffed rice snacks, bagels, baking powder, barbecue sauce, bran, bread, bread sticks, breakfast cereals, cake mixes, cakes, bake mix for making biscuits, bread, muffins, rolls, cakes, pancakes and waffles, processed cereals, flour, cheesecake, flour-based chips, grain based chips, chocolate chips, chocolate powder, chocolate syrup, chocolate topping, cones for ice cream, cookies, crackers, dough, flavoring syrup, ice cream, icing, pancake syrup, marshmallows, pancake mixes, pizza dough, pizza sauce, spaghetti sauce, tomato sauce, pretzels, puddings, salad dressings, taco chips, taco shells, tacos, waffles, pasta, ice cream, packaged side dishes consisting primarily of pasta and sauces, pasta dishes and prepared sauces; nutritional candy bars. First Use: 2000/01/01. First Use In Commerce: 2000/01/01.

Filing Date
2003/04/08

Examining Attorney
GOLDEN, BRETT J.

Attorney of Record
John A. DeMaro

THE ORIGINAL LOW CARB LIFESTYLE

DESIGN MARK

Serial Number
76504621

Status
REGISTERED

Word Mark
NET CARBS G

Standard Character Mark
No

Registration Number
2905655

Date Registered
2004/11/30

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
Atkins Nutritionals, Inc. CORPORATION NEW YORK 2002 Orville Drive North, Suite A Ronkonkoma NEW YORK 11779

Goods/Services
Class Status -- ACTIVE. IC 005. US 006 018 044 046 051 052. G & S: FOOD SUPPLEMENTS, VITAMINS, MINERAL SUPPLEMENTS, NUTRITIONAL SUPPLEMENTS, DIETARY SUPPLEMENTS AND DIETARY DRINK MIX FOR USE AS A MEAL REPLACEMENT. First Use: 2002/03/25. First Use In Commerce: 2002/03/25.

Goods/Services
Class Status -- ACTIVE. IC 029. US 046. G & S: LOW CARBOHYDRATE DAIRY BASED AND SOY BASED SHAKE MIXES, VEGETABLE BASED AND SOY BASED READY TO EAT FOOD BARS, SNACK FOOD DIPS, SOUPS, SOUP MIXES, WHIPPED TOPPING, POTATO BASED SNACK FOODS, SOY BASED SNACK FOODS, AND POTATO CHIPS. First Use: 2002/03/25. First Use In Commerce: 2002/03/25.

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: GRAIN BASED, CHOCOLATE BASED, OAT BASED AND GRANOLA BASED READY TO EAT FOOD BARS, CEREAL BASED SNACK FOODS, RICE BASED SNACK FOODS, CORN BASED SNACK

FOODS, BAKERY GOODS, PASTRIES, WHEAT BASED CRACKERS, TOASTED CORN SNACKS, CORN CHIPS, GRAIN BASED CHIPS, BISCUITS, CANDY, PUFFED CORN SNACKS, PUFFED RICE SNACKS, BAGELS, BAKING POWDER, BARBECUE SAUCE, BRAN, BREAD, BREAD STICKS, BREAKFAST CEREALS, CAKE MIXES, CAKES, BAKE MIX, PROCESSED CEREALS, FLOUR, CHEESECAKE, FLOUR-BASED CHIPS, GRAIN BASED CHIPS, CHOCOLATE CHIPS, CHOCOLATE POWDER, CHOCOLATE SYRUP, CHOCOLATE TOPPING, CONES FOR ICE CREAM, COOKIES, CRACKERS, DOUGH, FLAVORING SYRUP, ICE CREAM, ICING, PANCAKE SYRUP, MARSHMALLOWS, PANCAKE MIXES, PIZZA DOUGH, PIZZA SAUCE, SPAGHETTI SAUCE, TOMATO SAUCE, PRETZELS, PUDDINGS, SALAD DRESSINGS, TACO CHIPS, TACO SHELLS, TACOS, WAFFLES, PASTA, ICE CREAM, BAKE MIX, PACKAGED SIDE DISHES CONSISTING PRIMARILY OF PASTA AND SAUCES, PASTA DISHES, PREPARED SAUCES AND NUTRITIONAL CANDY BARS. First Use: 2002/03/25. First Use In Commerce: 2002/03/25.

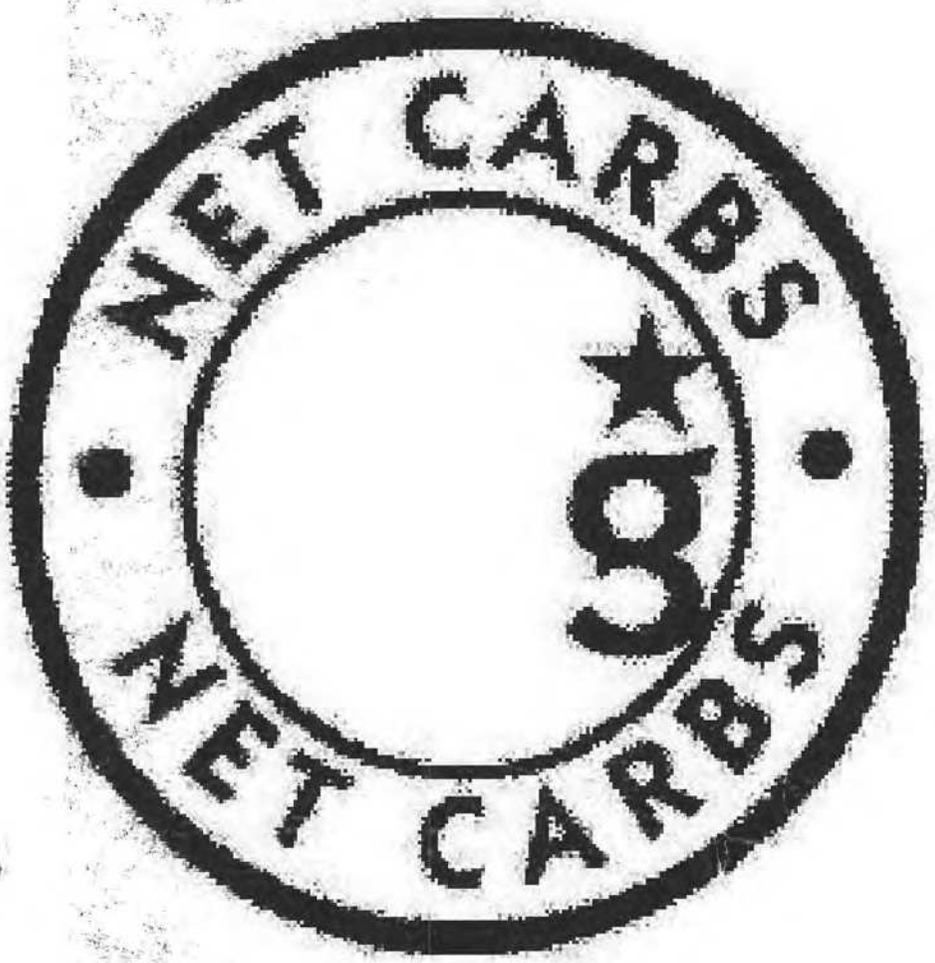
Disclaimer Statement
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "NET CARBS" OR "g" APART FROM THE MARK AS SHOWN.

Description of Mark
The mark consists of an inner circle that contains a star and a lower case "g." Outside of the inner circle the words "NET CARBS" appear on the top and bottom and a bullet appears on the left and right sides. Finally, there is an outer circle.

Filing Date
2003/04/08

Examining Attorney
RADEMACHER, APRIL L.

Attorney of Record
John A. DeMaro


NET CARBS
3
NET CARBS

DESIGN MARK

Serial Number
77086318

Status
REGISTERED

Word Mark
G

Standard Character Mark
No

Registration Number
3279255

Date Registered
2007/08/14

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
Investigacion de Tecnologia Avanzada, S.A. de C.V. CORPORATION MEXICO Ote. Colonia La Purisima Guadalupe Ruiz Cortines No. 2002 N.L. Mexico MEXICO 67100

Goods/Services
Class Status -- ACTIVE. IC 029. US 046. G & S: processed jalapeno peppers, fried pork rinds. First Use: 2005/10/00. First Use In Commerce: 2005/10/00.

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: tortillas, wraps, tortilla chips, taco shells, tostada shells, gorditas, salsas, cheese sauce, corn-based snack foods, wheat-based snack foods, corn masa flour. First Use: 2005/10/00. First Use In Commerce: 2005/10/00.

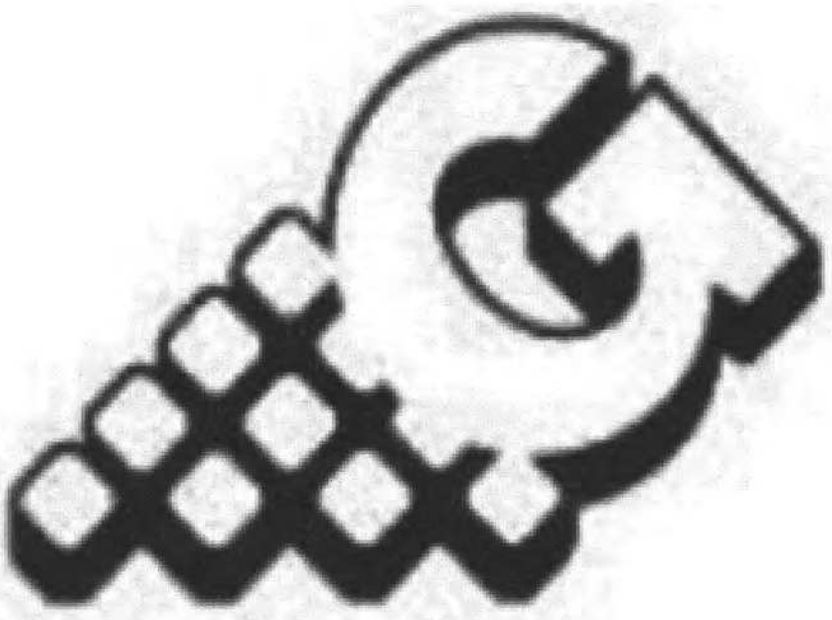
Prior Registration(s)
3121857

Description of Mark
The mark consists of the letter G and blocks.

Filing Date
2007/01/19

Examining Attorney
CARROLL, DORITT L.

Attorney of Record
John M. Cone



DESIGN MARK

Serial Number
77132899

Status
REGISTERED

Word Mark
VEER

Standard Character Mark
Yes

Registration Number
3347474

Date Registered
2007/12/04

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
VR Imports DBA New India Bazar CORPORATION CALIFORNIA 2213 El Camino Real Santa Clara CALIFORNIA 95050

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Baking spices; Cinnamon powder; Cereal based snack food; Cereal-based snack foods; Clove powder; Corn-based snack foods; Curry; Curry pastes; Curry powder; Extruded wheat snacks; Flour; Ginger; Hot pepper powder; Mustard powder; Noodles and sauce mixes combined in unitary packages; Pepper; Pepper powder; Processed ginseng used as an herb, spice or flavoring; Rice-based snack foods; Seasonings; Spice blends; Spices; Wheat-based snack foods; frozen entrees consisting primarily of pasta or rice; frozen meals consisting primarily of pasta or rice. First Use: 2006/08/00. First Use In Commerce: 2006/08/00.

Translation Statement
The foreign wording in the mark translates into English as BROTHER.

Filing Date
2007/03/16

Examining Attorney
ELTON, DAVID

Attorney of Record
John Alumit

VEER

DESIGN MARK

Serial Number
77329317

Status
REGISTERED

Word Mark
MYRYAM

Standard Character Mark
Yes

Registration Number
3592436

Date Registered
2009/03/17

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
PRONATURAMEX, INC CORPORATION CALIFORNIA UNIT 401 12025 FLORENCE AVENUE SANTA FE CALIFORNIA 90670

Goods/Services
Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S: Shampoo-conditioners; Shampoos; Bath oil; Bath oils; Bath oils for cosmetic purposes; Body oil; Body oils; Cosmetic oils; Cosmetic creams for skin care; Skin cream; Skin soap; Medicated soap; Medicated soaps. First Use: 2009/01/01. First Use In Commerce: 2009/01/01.

Goods/Services
Class Status -- ACTIVE. IC 005. US 006 018 044 046 051 052. G & S: Calcium supplements. First Use: 2009/01/01. First Use In Commerce: 2009/01/01.

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Cereal based snack food; Cereal-based snack foods; Coffee flavored syrup used in making food beverages; Corn flour; Corn starch; Corn-based snack foods; Food starch; Herb tea; Herbal food beverages; Herbal tea; Honey; Malt extracts for food; Malt for food purposes; Powdered starch syrup;

Processed cereal-based food to be used as a breakfast food, snack for or ingredient for making other foods; Propolis for food purposes; Seasoned coating mixtures for foods. First Use: 2009/01/01. First Use In Commerce: 2009/01/01.

Filing Date
2007/11/14

Examining Attorney
CONNOLLY, KATHERINE

MYRYAM

DESIGN MARK

Serial Number
77536400

Status
REGISTERED

Word Mark
SHAW'S

Standard Character Mark
Yes

Registration Number
3697642

Date Registered
2009/10/20

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Shaw's Supermarkets, Inc. CORPORATION MASSACHUSETTS 250 E. Parkcenter Blvd. Boise IDAHO 83706

Goods/Services
Class Status -- ACTIVE. IC 016. US 002 005 022 023 029 037 038 050. G & S: Plastic shopping bags. First Use: 2007/01/31. First Use In Commerce: 2007/01/31.

Goods/Services
Class Status -- ACTIVE. IC 029. US 046. G & S: Meats; fish; cheeses; canned, frozen and dried fruits; fruit-based snack foods; milk; soups; yogurt; sour cream; processed potatoes; eggs; whipped topping; nondairy creamer; butter; shelled nuts; peanut butter; jams; dips; edible oils; canned, frozen, processed and dried vegetables; canned pork and beans; fruit-based filling for cakes and pies. First Use: 1991/07/14. First Use In Commerce: 1991/07/14.

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Vinegar; sugars; sugar substitutes; table syrup; sauces; gravy; dough; seasonings; vanilla extract; stuffing mixes containing bread; prepared meals

consisting primarily of rice, noodles or pasta; corn-based snack foods; rice-based snack foods; pasta; pancake mix; pudding; flavored and sweetened gelatins; ice cream cones; topping syrup for ice cream; baking soda; yeast; rice; flour; salad dressings; croutons; catsup; processed cereals; granola snacks; oatmeal; bakery goods; mixes for bakery goods; baking cocoa; cocoa; coffee; tea; crackers; frozen pizza; pie crusts; frozen confections; salsa; ice. First Use: 1991/07/14. First Use In Commerce: 1991/07/14.

Goods/Services
Class Status -- ACTIVE. IC 031. US 001 046. G & S: Fresh fruit; fresh vegetables; kitty litter. First Use: 1993/08/14. First Use In Commerce: 1993/08/14.

Goods/Services
Class Status -- ACTIVE. IC 032. US 045 046 048. G & S: Fruit juices; vegetable juices; soft drinks; seltzer water; drinking water; fruit juice concentrates; smoothies. First Use: 1991/07/14. First Use In Commerce: 1991/07/14.

Prior Registration(s)
1228764;2927109;AND OTHERS

Section 2f Statement
2(F) ENTIRE MARK

Filing Date
2008/07/31

Examining Attorney
HAN, DAWN

SHAW'S

DESIGN MARK

Serial Number
78619768

Status
REGISTERED

Word Mark
CARBOSTAR

Standard Character Mark
Yes

Registration Number
3406680

Date Registered
2008/04/01

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Heartland Health Solutions, LLC LIMITED LIABILITY COMPANY TENNESSEE
9003 Overlook Boulevard Brentwood TENNESSEE 37027

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: food compositions containing wheat starch, tapioca starch, barley starch, oat starch, potato starch, rice starch, corn flour, cereal grain or a mixture thereof, namely, pasta, noodles, breakfast cereals, pancakes, waffles, pastries, cookies, cakes, bread, unleavened bread, pizza dough, tortillas, corn based snack foods, rice based snack foods, flour and food starch, all of which have a reduced glycemic index. First Use: 2007/11/09. First Use In Commerce: 2007/11/09.

Goods/Services
Class Status -- ACTIVE. IC 029. US 046. G & S: food compositions containing potato starch, namely, processed potatoes and potato based snack foods which have a reduced glycemic index. First Use: 2007/11/23. First Use In Commerce: 2007/11/23.

Filing Date
2005/04/29

Examining Attorney
GRIFFIN, JAMES

Attorney of Record
Charles R. Schaub

CARBOSTAR

DESIGN MARK

Serial Number
78837581

Status
REGISTERED

Word Mark
BRITANNIA EAT HEALTHY, THINK BETTER

Standard Character Mark
No

Registration Number
3388929

Date Registered
2008/02/26

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
BRITANNIA INDUSTRIES LIMITED COMPANY INDIA 5/1A, Hungerford Street
Calcutta INDIA 700 017

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Flour; food preparations made from cereals, bread, pastry and confectionery, namely, biscuits, cookies, snacks in the nature of cereal based snack foods, granola based snack foods, corn based snack foods, and doughnuts; sweets made from cereals, namely, cereal derived food bars. First Use: 1997/12/31. First Use In Commerce: 1997/12/31.

Colors Claimed
Color is not claimed as a feature of the mark.

Filing Date
2006/03/15

Examining Attorney
ORNDORFF, LINDA

Attorney of Record

John J. O'Malley

BRITANNIA
Eat Healthy, Think Better

DESIGN MARK

Serial Number
85006731

Status
REGISTERED

Word Mark
INDIAN SNACKS A LITTLE SWEET A LITTLE SALTY A LITTLE SPICY

Standard Character Mark
No

Registration Number
3876729

Date Registered
2010/11/16

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Owner
Hardik Shailesh Thakkar INDIVIDUAL INDIA #114 18540 Plummer Street Northridge CALIFORNIA 91324

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Bread; Cereal based snack food; Chocolate covered fruit; Chocolate covered nuts; Chocolate covered popcorn; Chocolate sauce; Chocolate-based ready-to-eat food bars; Chocolates and chocolate based ready to eat candies and snacks; Chutney; Cinnamon; Coatings for foods made of breading; Cocoa; Coffee; Coffee based beverages; Cookies; Corn starch; Corn-based snack foods; Curry pastes; Flour; Frozen foods, namely, grain and bread based appetizers, hors d'oeuvres, and canapés; Frozen yogurt; Grain-based snack foods; Ketchup; Masala rice for biryani; Noodles; Ready-made sauces; Rice; Rice flour; Rice-based pudding dessert; Rice-based snack foods; Salt; Sauce mixes; Sherbet; Snack cakes; Spice blends; Spices; Sugar; Sweets; Tea; Turmeric; Vinaigrettes; Vinegar; Wafers; Wheat-based snack foods; Prepared meals consisting primarily of pasta or rice. First Use: 2010/03/24. First Use In Commerce: 2010/03/24.

Disclaimer Statement
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "INDIAN SNACKS" AND

"SWEET" AND "SALTY" AND "SPICY" APART FROM THE MARK AS SHOWN.

Description of Mark
The mark consists of the word "INDIAN" centered above "SNACKS", both in stylized font. Below the words, written along an arch in stylized font are the words "A LITTLE SWEET A LITTLE SALTY A LITTLE SPICY".

Colors Claimed
Color is not claimed as a feature of the mark.

Filing Date
2010/04/05

Examining Attorney
GUSTASON, ANNE E.

PB 01160

To:	La Tapatia Tortilleria, Inc. (ipmail@kmulaw.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 85215451 - CASERA THINS - 6037.04.UST1
Sent:	4/8/2011 9:23:39 AM
Sent As:	ECOM107@USPTO.GOV
Attachments:	

IMPORTANT NOTICE REGARDING YOUR U.S. TRADEMARK APPLICATION

USPTO OFFICE ACTION HAS ISSUED ON 4/8/2011 FOR SERIAL NO. 85215451

Please follow the instructions below to continue the prosecution of your application:

TO READ OFFICE ACTION: Click on this **link** **or** go to **http://portal.uspto.gov/external/portal/tow** and enter the application serial number to **access** the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this e-mail notification.

RESPONSE IS REQUIRED: You should carefully review the Office action to determine (1) how to respond; and (2) the applicable **response time period**. Your response deadline will be calculated from **4/8/2011** (or sooner if specified in the office action).

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System Response Form.

HELP: For *technical* assistance in accessing the Office action, please e-mail **TDR@uspto.gov**. Please contact the assigned examining attorney with questions about the Office action.

WARNING

Failure to file the required response by the applicable deadline will result in the ABANDONMENT of your application.

EXHIBIT 63

To the Declaration of Diana L. Rausa

Side - 1

NOTICE OF ABANDONMENT
MAILING DATE: Oct 21, 2011

The trademark application identified below was abandoned in full because a response to the Office Action mailed on Apr 11, 2011 was not received within the 6-month response period.

If the delay in filing a response was unintentional, you may file a petition to revive the application with a fee. If the abandonment of this application was due to USPTO error, you may file a request for reinstatement. Please note that a petition to revive or request for reinstatement **must be received within two months from the mailing date of this notice.**

For additional information, go to http://www.uspto.gov/teas/petinfo.htm. If you are unable to get the information you need from the website, call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 85215451
MARK: CASERA THINS
OWNER: La Tapatia Tortilleria, Inc.

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

Mark D. Miller
Sierra IP Law, PC
PO Box 5637
Fresno , CA 93755

EXHIBIT 64

To the Declaration of Diana L. Rausa

To:	El Trigal S.A. (tm@sughrue.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 85006318 - BLUE THINS - S14571
Sent:	7/15/2010 2:13:16 PM
Sent As:	ECOM108@USPTO.GOV
Attachments:	

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

APPLICATION SERIAL NO. 85006318

MARK: BLUE THINS

85006318

CORRESPONDENT ADDRESS:
LEIGH ANN LINDQUIST
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVE NW
WASHINGTON, DC 20037-3202

GENERAL TRADEMARK INFORMATION:
http://www.uspto.gov/main/trademarks.htm

APPLICANT: El Trigal S.A.

CORRESPONDENT'S REFERENCE/DOCKET NO: S14571

CORRESPONDENT E-MAIL ADDRESS:
tm@sughrue.com

EXAMINER'S AMENDMENT

ISSUE/MAILING DATE: 7/15/2010

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 applicant's attorney, Leigh Ann Lindquist on 07/15/10, 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 "THINS" apart from the mark as shown.

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

/Brian P. Callaghan/
Trademark Examining Attorney
Law Office 108
Phone: (571) 272-4906
Fax: (571) 273-4906

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 Trademark Applications and Registrations Retrieval (TARR) at http://tarr.uspto.gov/. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, 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 TEAS form at http://www.uspto.gov/teas/eTEASpageE.htm.

To:	El Trigal S.A. (tm@sughrue.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 85006318 - BLUE THINS - S14571
Sent:	7/15/2010 2:13:18 PM
Sent As:	ECOM108@USPTO.GOV
Attachments:	

IMPORTANT NOTICE REGARDING YOUR TRADEMARK APPLICATION

Your trademark application (Serial No. 85006318) has been reviewed. The examining attorney assigned by the United States Patent and Trademark Office ("USPTO") has written a letter (an "Office action") on 7/15/2010 to which you must respond (*unless the Office letter specifically states that no response is required*). Please follow these steps:

1. Read the Office letter by clicking on this **link** **http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=85006318&doc_type=EXA&1** **OR** go to **http://tmportal.uspto.gov/external/portal/tow** and enter your serial number to access the Office letter. If you have difficulty accessing the Office letter, contact **TDR@uspto.gov**.

PLEASE NOTE: The Office letter may not be immediately available but will be viewable within 24 hours of this e-mail notification.

2. Contact the examining attorney who reviewed your application if you have any questions about the content of the Office letter (contact information appears at the end thereof).

3. Respond within 6 months, calculated from **7/15/2010** (*or sooner if specified in the Office letter*), using the Trademark Electronic Application System (TEAS) **Response to Office Action form**. If you have difficulty using TEAS, contact **TEAS@uspto.gov**.

ALERT:

Failure to file any required response by the applicable deadline will result in the ABANDONMENT (loss) of your application.

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses.

EXHIBIT 65

To the Declaration of Diana L. Rausa

United States Patent and Trademark Office
Home | Site Index | Search | FAQ | Glossary | Guides | Contacts | eBusiness | eBiz alerts | News | Help

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Mon Aug 25 03:20:59 EDT 2014

TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | SEARCH OG | BOTTOM | HELP

Logout Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

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

BLUE THINS

Word Mark	BLUE THINS
Goods and Services	IC 030. US 046. G & S: cookies, biscuits, crackers. FIRST USE: 20041200. FIRST USE IN COMMERCE: 20041200
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85006318
Filing Date	April 5, 2010
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	August 17, 2010
Registration Number	**3870613**
Registration Date	November 2, 2010
Owner	(REGISTRANT) El Trigal S.A. CORPORATION URUGUAY Av. Gral. San Martin 3270 Montevideo URUGUAY
Attorney of Record	Leigh Ann Lindquist
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

TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | SEARCH OG | TOP | HELP

| HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY

EXHIBIT 66

To the Declaration of Diana L. Rausa

To:	Anna's of North America Calgary Ltd. (n.bishop@bishopmckenzie.com)
Subject:	TRADEMARK APPLICATION NO. 78258333 - EMMA'S THINS - 14,984-51
Sent:	10/20/03 8:39:28 AM
Sent As:	ECom102
Attachments:	

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/258333

APPLICANT: Anna's of North America Calgary Ltd.

CORRESPONDENT ADDRESS:
Norman J.K. Bishop; Bishop & McKenzie
2500, 10104 - 103 Avenue
Edmonton; ABC - ALBERTA
T5J 1V3
CAX - CANADA

RETURN ADDRESS:
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
ecom102@uspto.gov

MARK: EMMA'S THINS

CORRESPONDENT'S REFERENCE/DOCKET NO : 14,984-51

CORRESPONDENT EMAIL ADDRESS:
n.bishop@bishopmckenzie.com

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.

Serial Number 78/258333

The assigned examining attorney has reviewed the referenced application and determined the following.

Search Results
The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

Disclaimer Required

The applicant must insert a disclaimer of THINS in the application. Trademark Act Section 6, 15 U.S.C. §1056; TMEP §1213. This term is merely descriptive of a feature of the identified goods, namely that they are "thin" cookies" and therefore must be disclaimed apart from the mark as shown. A dictionary definition of this term is attached to this office action at Exhibit 1.

If the applicant has any questions or needs assistance in responding to this Office action, please telephone, e-mail or fax the assigned examining attorney.

/DominicJFerraiuolo/
Trademark Examining Attorney
Law Office 102
e-mail: ecom102@uspto.gov
(703) 920-1480
fax: (703) 746-8102

How to respond to this Office Action:

To respond formally using the Office's Trademark Electronic Application System (TEAS), visit **http://www.uspto.gov/teas/index.html** and follow the instructions.

To respond formally via E-mail, visit **http://www.uspto.gov/web/trademarks/tmelecresp.htm** and follow the instructions.

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the serial number, law office and examining attorney's name on the upper right corner of each page of your response.

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at **http://tarr.uspto.gov/**

For general and other useful information about trademarks, you are encouraged to visit the Office's web site at **http://www.uspto.gov/main/trademarks.htm**

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY.

EXHIBIT 1

The American Heritage® Dictionary of the English Language: Fourth Edition. 2000.

thin

Relatively small in extent from one surface to the opposite, usually in the

smallest solid dimension

EXHIBIT 67

To the Declaration of Diana L. Rausa

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Mon Aug 25 03:20:59 EDT 2014

Logout Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

Typed Drawing

Word Mark	EMMA'S THINS
Goods and Services	(CANCELLED) 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 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	DEAD
Cancellation Date	February 18, 2011

EXHIBIT 68

To the Declaration of Diana L. Rausa

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/798364

MARK: BAGEL THINS

77798364

CORRESPONDENT ADDRESS:
RUSSELL N. RIPPAMONTI
FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

RESPOND TO THIS ACTION:
http://www.uspto.gov/teas/eTEASpageD.htm

GENERAL TRADEMARK INFORMATION:
http://www.uspto.gov/main/trademarks.htm

APPLICANT: Bimbo Hungria Zrt

CORRESPONDENT'S REFERENCE/DOCKET NO:
25030-000210
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:

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SEARCH OF OFFICE'S DATABASE OF MARKS

The trademark examining attorney has searched the Office'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).

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

Registration is refused because the applied-for mark merely describes 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.*

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the specified goods and/or services. 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 determination of whether a mark is merely descriptive is considered in relation to the identified goods and/or services, not in the abstract. *In re Abcor Dev. Corp.*, 588 F.2d 811, 814, 200 USPQ 215, 218 (C.C.P.A. 1978); TMEP §1209.01(b); *see, e.g., In re Polo Int'l Inc.* , 51 USPQ2d 1061 (TTAB 1999) (finding DOC in DOC-CONTROL would be understood to refer to the "documents" managed by applicant's software, not "doctor" as shown in dictionary definition); *In re Digital Research Inc.*, 4 USPQ2d 1242 (TTAB 1987) (finding CONCURRENT PC-DOS merely descriptive of "computer programs recorded on disk" where relevant trade used the denomination "concurrent" as a descriptor of a particular type of operating system). "Whether consumers could guess what the product is from consideration of the mark alone is not the test." *In re Am. Greetings Corp.*, 226 USPQ 365, 366 (TTAB 1985).

In this case, applicant intends to use the mark BAGEL THINS on or in connection with "bakery products." To the extent that the goods are thin bagels, the mark is merely descriptive of a salient feature or purpose of the goods.

As the attachments indicate, BAGEL is defined as "glazed ring-shaped bread roll with a slightly chewy texture" while THIN is defined as "slim." See dictionary definitions attached. As such, the mark is merely descriptive of the applicant's goods, namely, slim bagels.

For applicant's convenience, the examining attorney has attached the dictionary definition of the wording, internet evidence of the wording used in the industry, and evidence of past Office practice regarding disclaimers of the wording or registration on the Supplemental Register or the Principal Register 2(f) with respect to related goods.

A consumer encountering the mark BAGEL THINS in connection with applicant's goods would immediately understand the **feature, and characteristic** of the goods. Because the mark immediately and directly conveys information about the applicant's goods, registration is refused under Trademark Act Section 2(e)(1).

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

Advisory Regarding Supplemental Register

A mark in an application under Trademark Act Section 1(b) is **not** eligible for registration on the Supplemental Register **until** an acceptable amendment to allege use under 37 C.F.R. §2.76 has been filed. 37 C.F.R. §§2.47(d) and 2.75(b); TMEP §1102.03. When a Section 1(b) application is amended to the Supplemental Register, the effective filing date of the application is the date of filing of the amendment to allege use. 37 C.F.R. §2.75(b); TMEP §§206.01 and 1102.03.

Although Supplemental Register registration does not afford all the benefits of registration on the Principal Register, it does provide the following advantages:

- The registrant may use the registration symbol ®;

- The registration is protected against registration of a confusingly similar mark under §2(d) of the Trademark Act, 15 U.S.C. §1052(d);
- The registrant may bring suit for infringement in federal court; and
- The registration may serve as the basis for a filing in a foreign country under the Paris Convention and other international agreements.

If applicant chooses to respond to the refusal(s) to register, then applicant must also respond to the following requirement(s).

DISCLAIMER REQUIRED

Applicant must disclaim the descriptive wording "BAGEL" apart from the mark as shown because it merely describes a feature of applicant's "bakery products," namely, bagels. *See* 15 U.S.C. §1056(a); TMEP §§1213, 1213.03(a). The examining attorney has attached for applicant's convenience (a) a dictionary definition, and (b) evidence of past Office practice regarding disclaimers of the wording in the related field including applicant's own prior registration.

The computerized printing format for the Office's *Trademark Official Gazette* requires a standardized format for a disclaimer. TMEP §1213.08(a)(i). The following is the standard format used by the Office:

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

TMEP §1213.08(a)(i); *see In re Owatonna Tool Co.*, 231 USPQ 493 (Comm'r Pats. 1983).

The Office can require an applicant to disclaim an unregistrable part of a mark consisting of particular wording, symbols, numbers, design elements, or combinations thereof. 15 U.S.C. §1056(a). Under Trademark Act Section 2(e), the Office can refuse registration of an entire mark if the entire mark is merely descriptive, deceptively misdescriptive, or primarily geographically descriptive of the goods and/or services. 15 U.S.C. §1052(e). Thus, the Office may require an applicant to disclaim a portion of a mark that, when used in connection with the goods and/or services, is merely descriptive, deceptively misdescriptive, primarily geographically descriptive, or otherwise unregistrable (e.g., generic). *See* TMEP §§1213, 1213.03.

Failure to comply with a disclaimer requirement can result in a refusal to register the entire mark. TMEP §1213.01(b).

A "disclaimer" is a statement that applicant does not claim exclusive rights to an unregistrable component of a mark. TMEP §1213. A disclaimer does not affect the appearance of the applied-for mark. *See* TMEP §1213.10.

CLAIM OF OWNERSHIP OF REGISTRATIONS

If applicant is the owner of U.S. Registration No. 3427797 (see attached), then applicant must submit a claim of ownership. *See* 37 C.F.R. §2.36; TMEP §812. The following standard format is suggested:

Applicant is the owner of U.S. Registration No. 3427797.

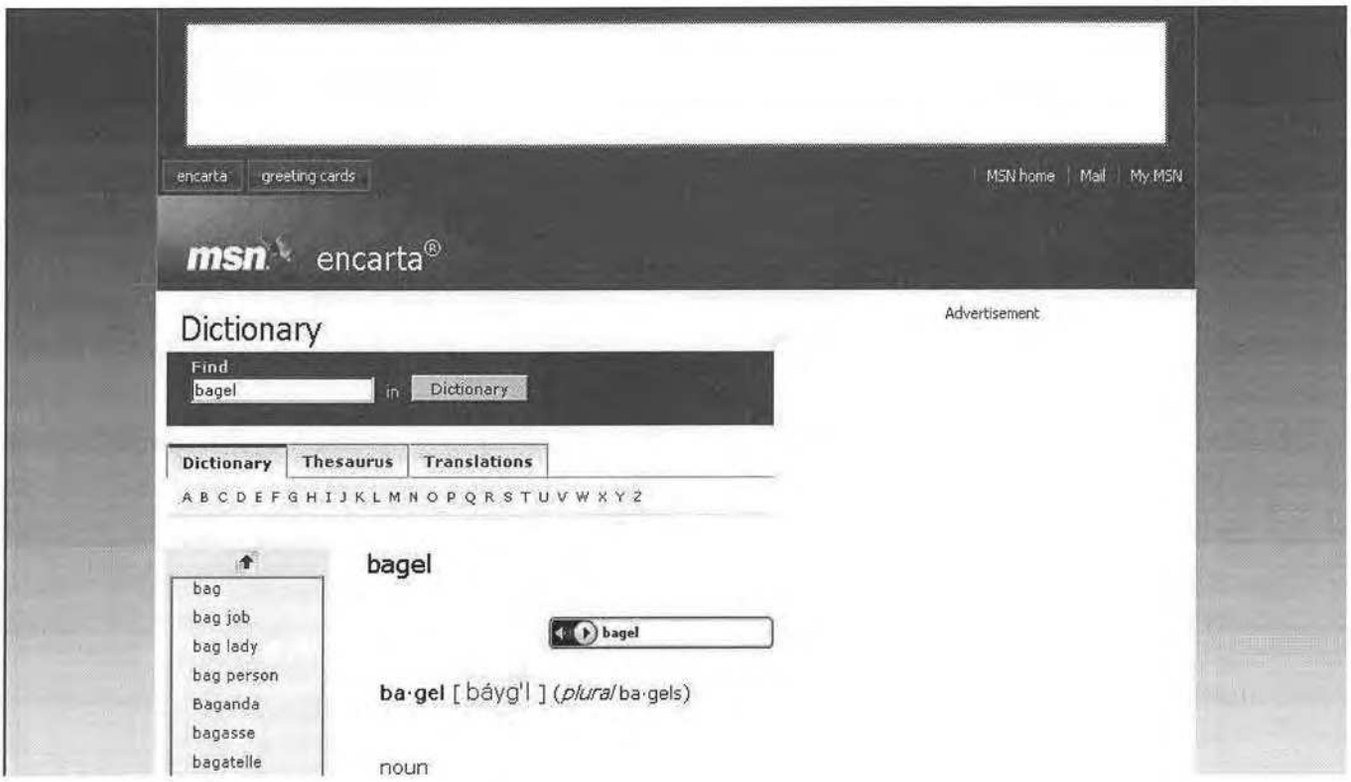
If applicant has questions about its application or needs assistance in responding to this Office Action, please contact the assigned trademark examining attorney directly at the number below or at Tasneem.Hussain@uspto.gov. Please note, however, that substantive matters must be addressed in a formal manner; see below for further instructions on how to respond to this Office Action.

/Tasneem Hussain/
Trademark Examining Attorney
Law Office 105
(571) 272-8273

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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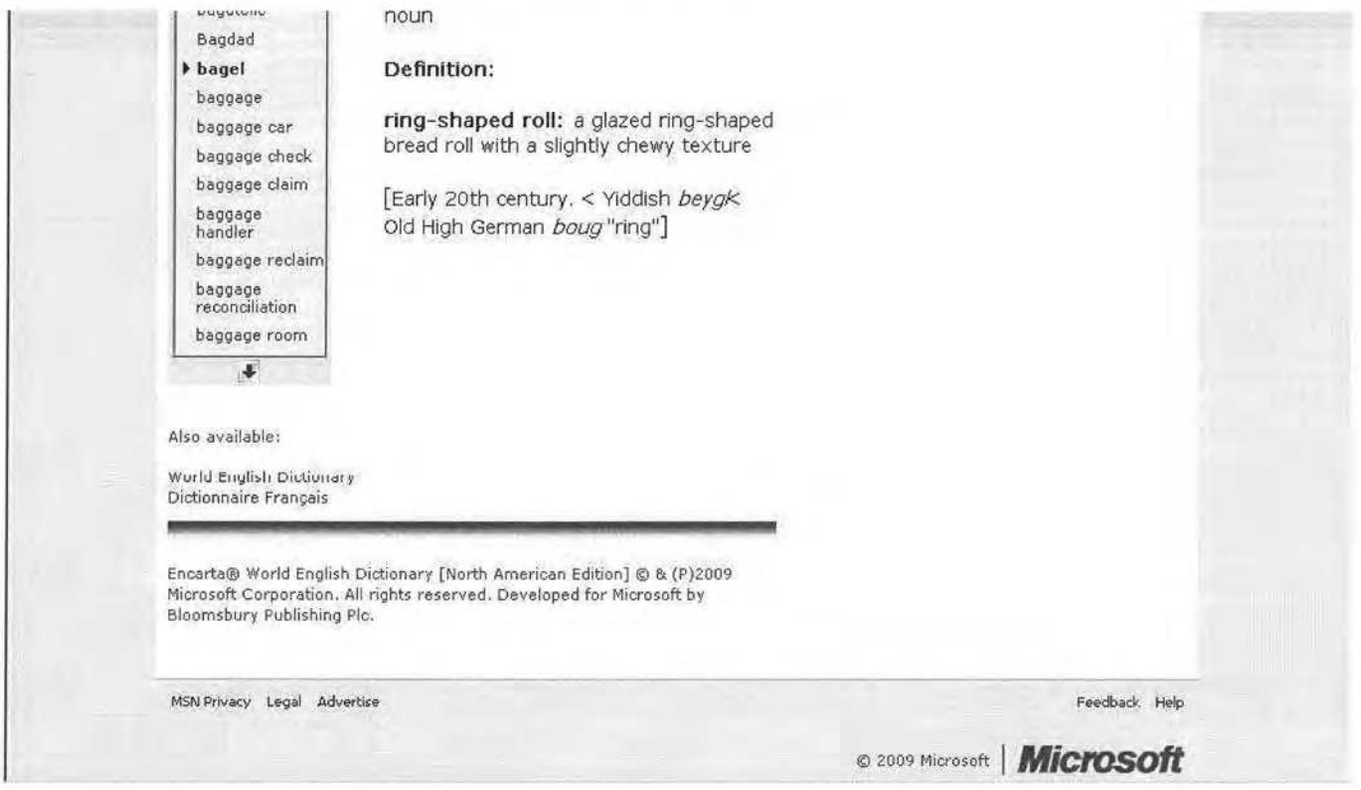
bag person
Baganda
bagasse
bagatelle
bagel
bagel
ba·gel [báyg'l] (plural ba·gels)
noun


Bagdad
bagel
baggage
baggage car
baggage check
baggage claim
baggage handler
baggage reclaim
baggage reconciliation
baggage room
noun
Definition:
ring-shaped roll: a glazed ring-shaped bread roll with a slightly chewy texture
[Early 20th century. < Yiddish beygk< Old High German boug "ring"]
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Dictionnaire Français
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DESIGN MARK

Serial Number
77136261

Status
REGISTERED

Word Mark
BAGEL HOLES

Standard Character Mark
Yes

Registration Number
3427797

Date Registered
2008/05/13

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
BIMBO HUNGRIA ZRT COMPANY HUNGARY PETOFI SANDOR UTCA 40 UJLENGYEL HUNGARY 2724

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Bakery goods. First Use: 2008/03/02. First Use In Commerce: 2008/03/02.

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

Filing Date
2007/03/21

Examining Attorney
DIXON,JENNIFER

Attorney of Record
Ralph D. Chabot

BAGEL HOLES

TYPED DRAWING

Serial Number
74724143

Status
REGISTERED AND RENEWED

Word Mark
BAGEL BUN

Standard Character Mark
No

Registration Number
2042495

Date Registered
1997/03/04

Type of Mark
TRADEMARK

Register
SUPPLEMENTAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
Super Bakery, Incorporated CORPORATION PENNSYLVANIA 5700 CORPORATE DRIVE SUITE 455 Pittsburgh PENNSYLVANIA 15237

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: bakery products, such as bagels. First Use: 1995/08/07. First Use In Commerce: 1995/08/07.

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

Filing Date
1995/08/28

Amended Register Date
1996/11/22

Examining Attorney
BUCHANAN WILL, NORA

DESIGN MARK

Serial Number
76484308

Status
REGISTERED

Word Mark
BAGEL BALLS

Standard Character Mark
No

Registration Number
2829478

Date Registered
2004/04/06

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
HARLAN FILLED BAGELS, LLC LIMITED LIABILITY COMPANY INDIANA 7597 E. U.S. HIGHWAY 36 AVON INDIANA 46123

Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: bakery goods, namely, round hard bread rolls. First Use: 1990/11/01. First Use In Commerce: 1990/11/01.

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

Section 2f Statement
2(F) ENTIRE MARK

Filing Date
2003/01/23

Examining Attorney
PRICE, W. KAY

Attorney of Record
Yate K. Cutliff

BAGEL BALLS

http://encarta.msn.com/encnet/features/dictionary/DictionaryResults.aspx?refid=1861719717
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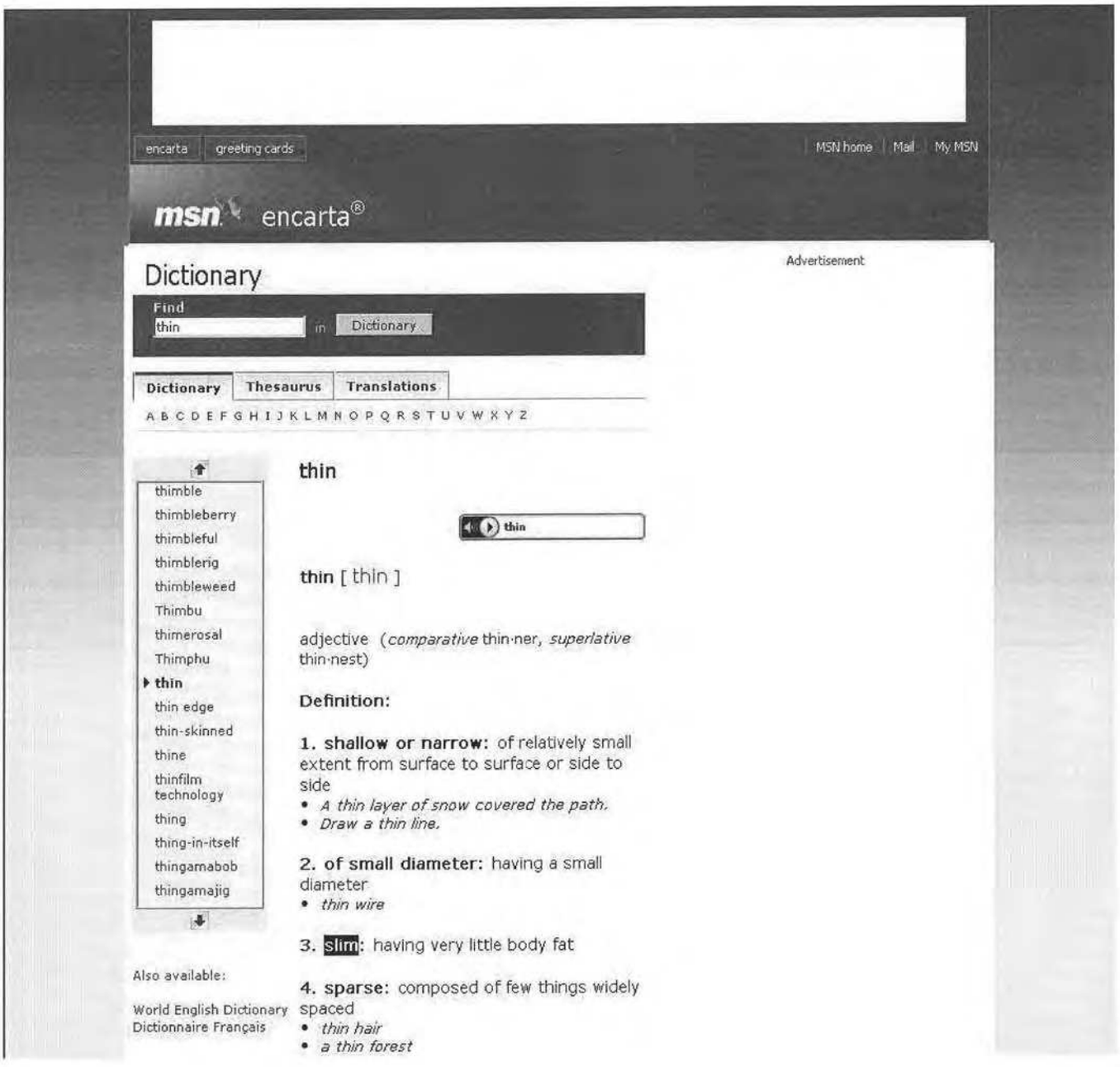

- *a thin forest*

5. watery: with a free-flowing consistency similar to that of water
- *a thin soup*
- *thin paint*

6. lightweight: made of light or flimsy material
- *a thin summer dress*
- *thin cotton socks*

7. easy to see through: permitting light to enter or pass through
- *thin mist*

8. quiet in noise volume: lacking volume or resonance
- *a thin sound*

9. unconvincing: lacking credibility or adequacy
- *a thin excuse*

10. *U.S.* **weak:** lacking intensity or color

11. PHOTOG **lacking contrast:** of a photographic negative, lacking density or contrast

adverb

Definition:

in thin manner: in a way that produces something shallow, narrow, or sparse
- *Spread the paint thin.*

transitive and intransitive verb (*past and past participle* thinned, *present participle* thin·ning, *3rd person present singular* thins)

Definition:

make or become thinner: to reduce something in thickness or number, or become reduced in thickness or number
- *You can thin the paint before you use it.*

• *You can thin the paint before you use it.*
• *The crowd started to thin out in the evening.*

[Old English *þynne*< Indo-European, "stretch"]

• **thin·ly** *adverb*
• **thin·ness** *noun*

Word Key: Synonyms

thin, lean, slender, slim, emaciated, scraggy, scrawny, skinny
CORE MEANING: without much flesh, the opposite of fat

thin having very little body fat;
• *I was surprised at how thin her face had become.*
lean having no excess body fat and looking muscular and fit;
• *a tall lean runner*
slender gracefully and attractively thin;
• *A tall, slender model walked down the fashion-show runway.*
slim slender and well-proportioned;
• *Tall and slim, the ballerina's body had the tautness of an athlete's.*
emaciated extremely thin, especially because of starvation or illness;
• *Aid officials in the war zone reported seeing seriously undernourished, even emaciated people.*
scraggy
scrawny thin and bony;
• *a scraggy neck*
• *A scraggy old cat lives in the barn.*
skinny thin, especially in an unappealing or unhealthy way;
• *I think my arms and legs are too skinny.*
• *A new-born chimpanzee looks like a skinny little thing compared with a human baby.*

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DESIGN MARK

Serial Number
77166579

Status
REGISTERED

Word Mark
ANNA'S GINGER THINS DELGADITAS DE JENGIBRE 0 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 "0 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 "0 TRANS FAT", the "0" is white

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.

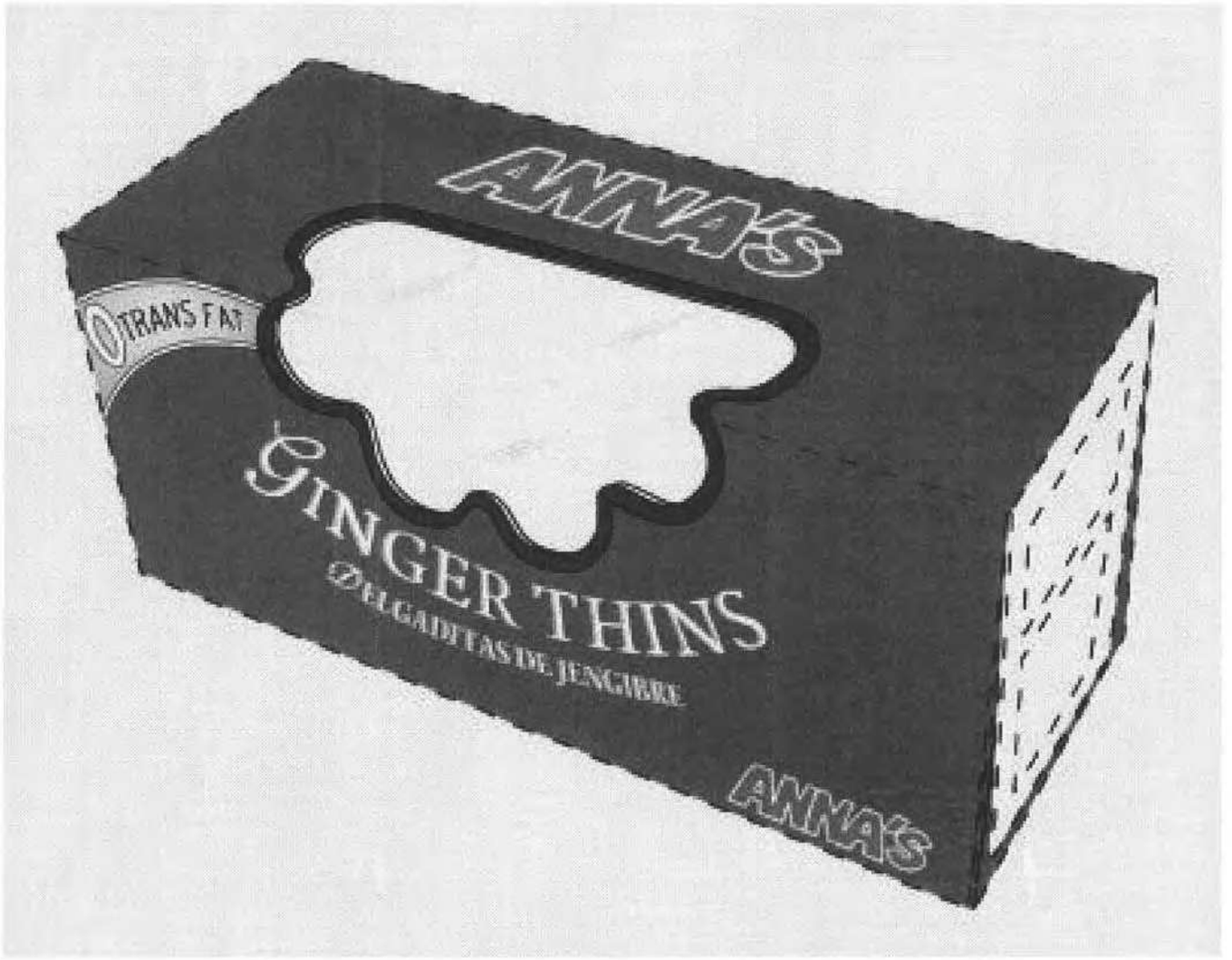
Colors Claimed
The color(s) RED, WHITE, BLACK AND YELLOW is/are claimed as a feature of the mark.

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
0 TRANS FAT
GINGER THINS
ANNA'S

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

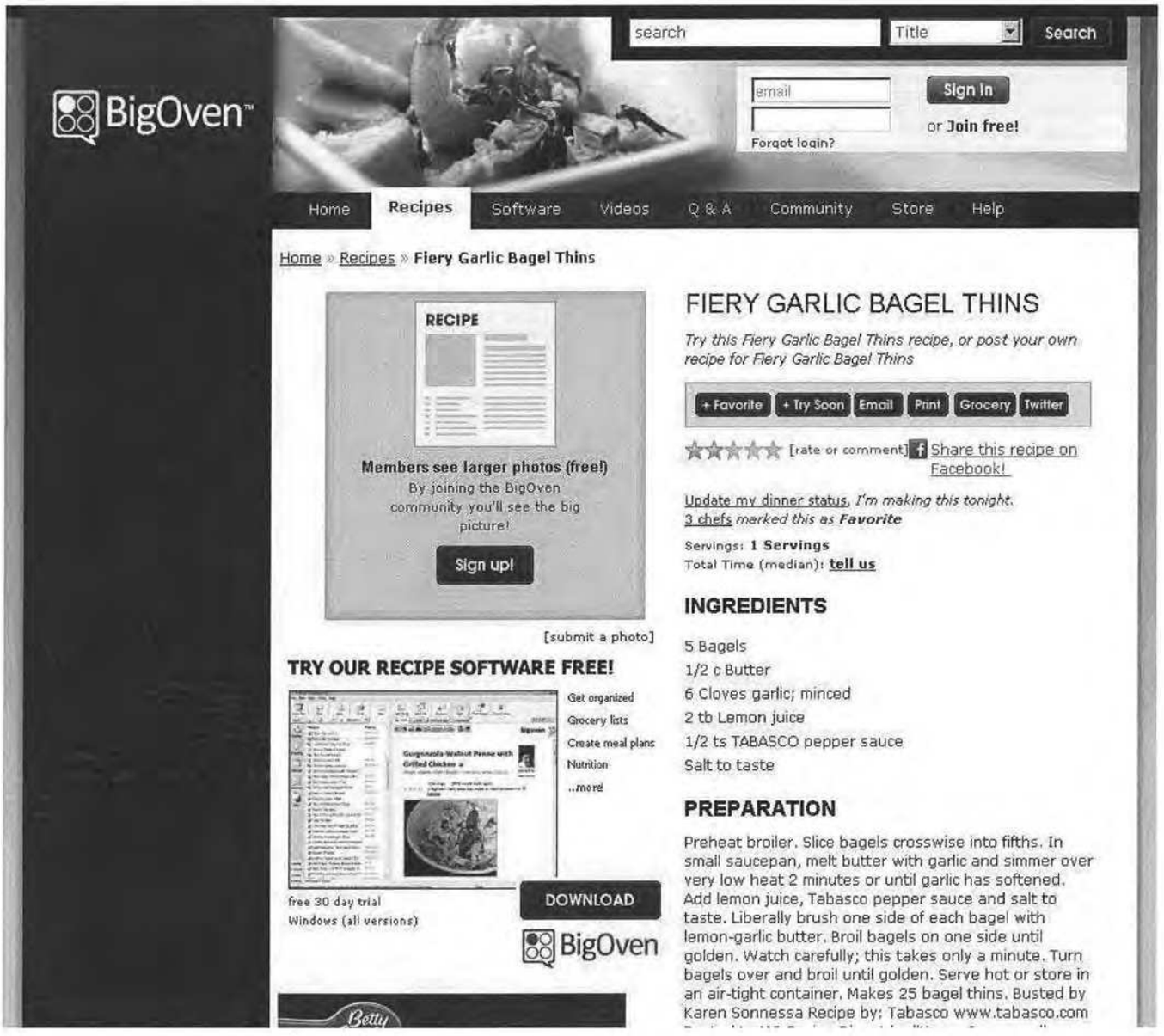
Goods/Services
Class Status -- ACTIVE. IC 030. US 046. G & S: Cookies. First Use: 2003/05/01. First Use In Commerce: 2003/05/01.

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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+ Try Soon
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Print
Grocery
Twitter
[rate or comment]
Share this recipe on Facebook!
Update my dinner status, I'm making this tonight.
3 chefs marked this as Favorite
Servings: 1 Servings
Total Time (median): tell us
INGREDIENTS
5 Bagels
1/2 c Butter
6 Cloves garlic; minced
2 tb Lemon juice
1/2 ts TABASCO pepper sauce
Salt to taste
PREPARATION
Preheat broiler. Slice bagels crosswise into fifths. In small saucepan, melt butter with garlic and simmer over very low heat 2 minutes or until garlic has softened. Add lemon juice, Tabasco pepper sauce and salt to taste. Liberally brush one side of each bagel with lemon-garlic butter. Broil bagels on one side until golden. Watch carefully; this takes only a minute. Turn bagels over and broil until golden. Serve hot or store in an air-tight container. Makes 25 bagel thins. Busted by Karen Sonnessa Recipe by: Tabasco www.tabasco.com

Posted to MC-Recipe Digest by "Karen Sonnessa" on Mar 29, 1998

Cuisine: Uncategorized Main Ingredient: Garlic

Tags: Appetizers, Butter, Garlic, Lemon [edit]

Groups: [edit]

SIMILIAR RECIPES

RECIPE LINKS [ADD RECIPE LINK]

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100% would make "Fiery Garlic Bagel Thins" again.

[add your review]

Lynora1 : ★★★★★ : review posted 3y 38w 4d ago.

Submit Your Review : Fiery Garlic Bagel Thins

Once we validate your email, your comment is published here and emailed to the person who posted this recipe.

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-- Choose --
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YES, I'd make this again
Message
Click here and answer: What did you like? What would you do next time? Please keep it polite and constructive... we'll email it to the person who posted this recipe.
Total Time
h :
m (optional; recipe start-to-finish)
Active Time
h :
m (optional; your "working" time)
Submit Your Review
It may take up to ten minutes to see new comments.
This helps speed up our website. Thanks!
Bloggers, have you written about "Fiery Garlic Bagel Thins"? Add your link to this page.
Recent searches - eggs bacon apple - thanksgiving - chili - cornish hen - casserole - crawfish etouffee - chicken banana - cream cheese cake - olive garden - chicken tortilla soup -
See what people are making tonight with BigOven Foodie Updates
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Ben
"I hope you found this whole web experience enjoyable."
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click for a recipe
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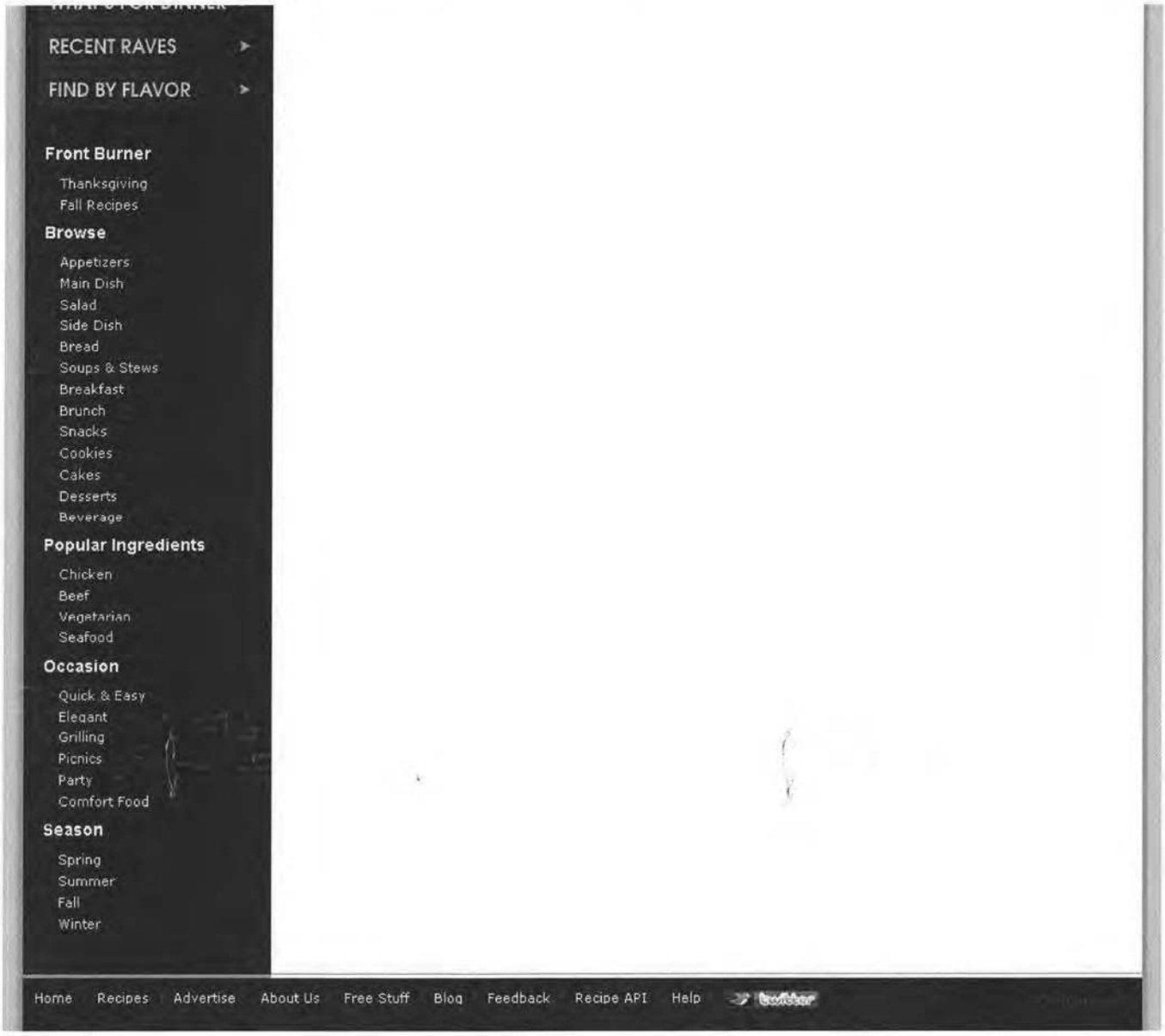
Ready Rice
WHAT'S IN SEASON
USE UP LEFTOVERS
WHAT'S FOR DINNER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Recipe: Bagel Thins, Lo Cal, Lo Salt [edit]

View Photos Widgets History

Tags: Appetizers, Baking, Bread, Calorie, Diet, Fat, Free, Health

Yield: 20 servings

Ingredients [edit]

- 1 Bagel
- 2 teaspoons Soft margarine, melted
- 1 teaspoon Oregano, dried

Preparation [edit]

Step 1 Using a very sharp serrated knife, slice bagel into very thin rounds. Arrange in single layer on baking sheet; brush with margarine

on baking sheet; brush with margarine. Sprinkle with oregano.

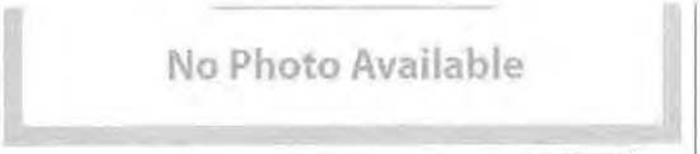
Step 2 Bake in 350F oven for 12 minutes. Let cool and store in airtight container for up to 1 week.

Tools [edit]

Serrated knife
Baking sheet
Oven

About Bagel Thins, Lo Cal, Lo Salt [edit]

Write about Bagel Thins, Lo Cal, Lo Salt



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Comments

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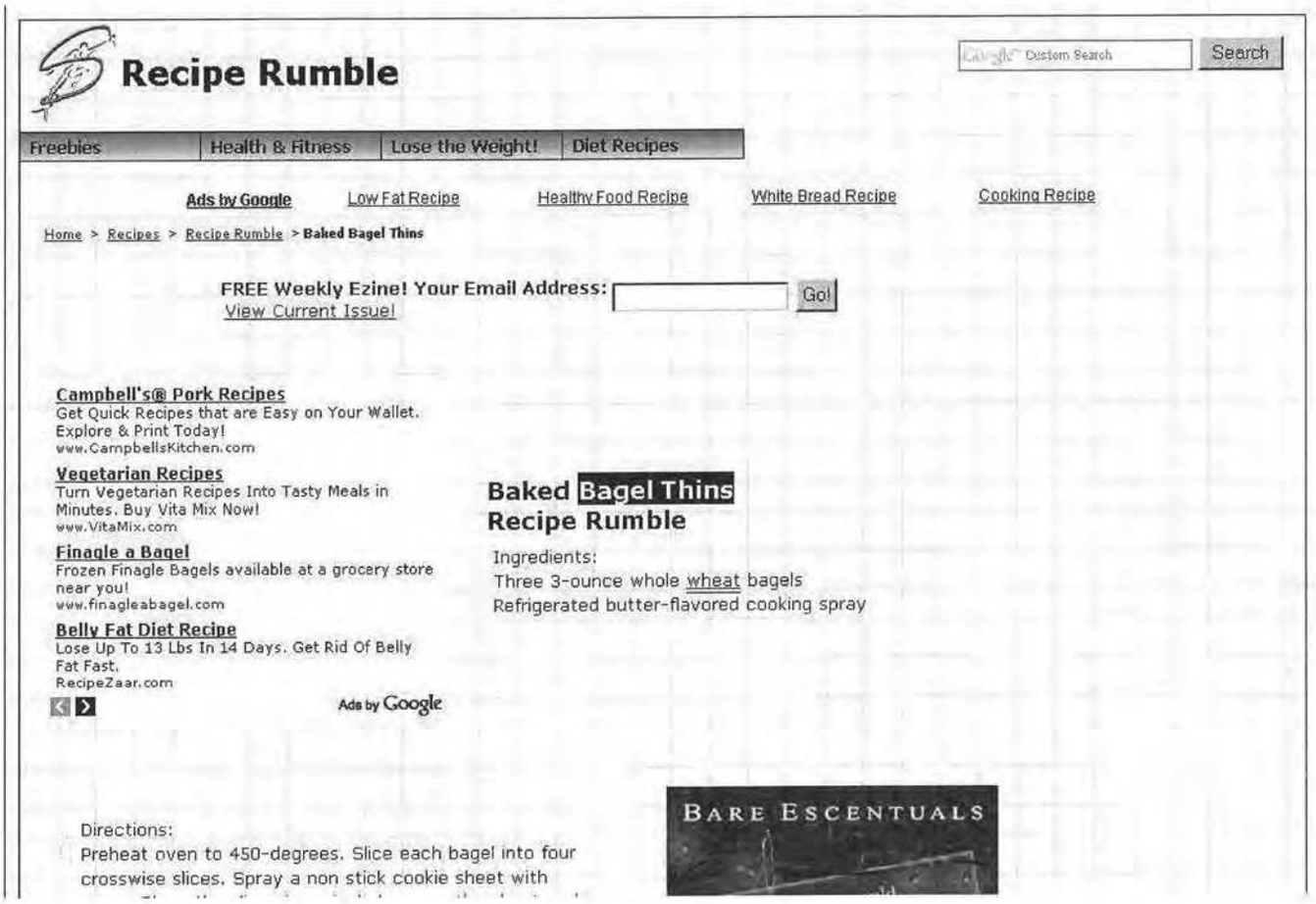

Recipe Rumble

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www.finagleabagel.com

Belly Fat Diet Recipe
Lose Up To 13 Lbs In 14 Days. Get Rid Of Belly Fat Fast.
RecipeZaar.com

Ads by Google

Baked Bagel Thins
Recipe Rumble

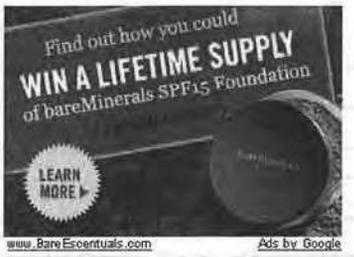
Ingredients:
Three 3-ounce whole wheat bagels
Refrigerated butter-flavored cooking spray

Directions:
Preheat oven to 450-degrees. Slice each bagel into four crosswise slices. Spray a non stick cookie sheet with

BARE ESCENTUALS

spray. Place the slices in a single layer on the sheet and spray again. Bake for five minutes, until lightly browned. Serve immediately.

Nutrients per serving:
Calories: 112
Total fat: 1g
Cholesterol: 0mg
Sodium: 209mg



See also:
Low Calorie Recipes: Section One
Low Calorie Recipes: Section Two

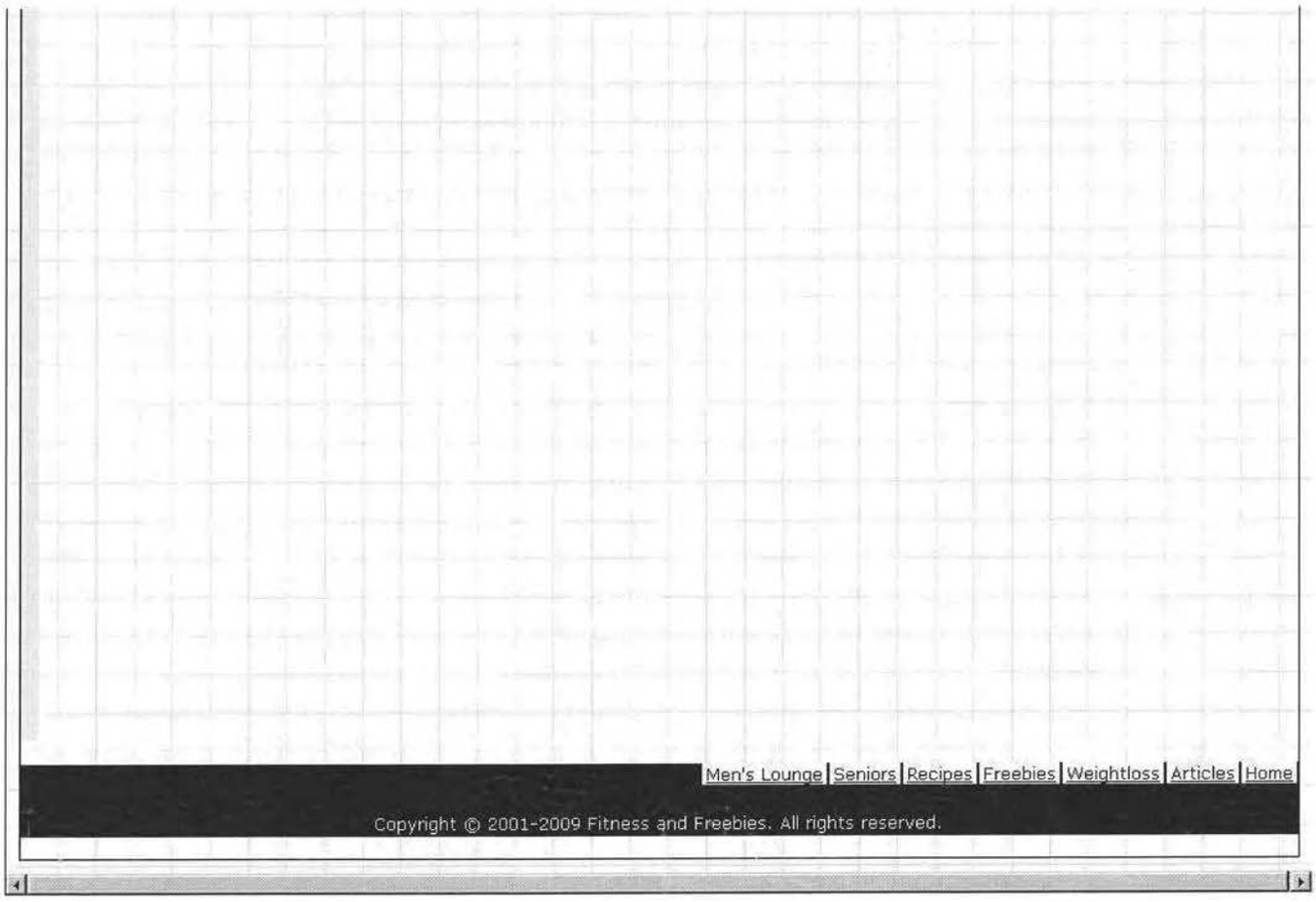
Kitchen Craftiness

After you cook in a Wok, wipe the inner surface with vegetable oil to retard any rust forming.

Put it on your site!
Courtesy of Belly Bytes

Print this Recipe E-mail This Recipe!

Back to Recipe Rumble Index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Food; ONION BAGELS, YES- AND NOW, SPINACH OR CHOCOLATE CHIP

By FLORENCE FABRICANT
Published: February 14, 1982

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Illustrations: photo of Mel Rosner

HOW do you like your bagels? Sesame? Onion? Pumpernickel? How about spinach? And are you ready for chocolate chip? Countless bagel bakeries on the Island have bagels in several flavors, but at Bagel Boss in Hicksville, the varieties definitely break new ground. Chocolate chip and spinach bagels, which they bake regularly, might appeal to the curious, ready to sample anything new.

The spinach is salt-free, slightly vegetal-tasting and good with cheese. As for the chocolate chip, it ranks fairly low on my list of culinary delights, about on a par with chocolate cream cheese.

Cinnamon raisin, on the other hand, while no longer a novelty, is given distinctive character at Bagel Boss with the cinnamon traced in deep swirls and plenty of big juicy raisins throughout. These can become addictive.

The cinnamon raisin bagels - like the chocolate chip, spinach, rich egg, savory rye and excellent whole wheat bagels - are huge, almost twice the size of a common bagel. And

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excellent whole wheat bagels - are huge, almost twice the size of a common bagel. And unlike what Mel Rosner, the owner of Bagel Boss, estimates to be 95 percent of the bagels sold today, they are made by hand, not machine.

"Someone invented a bagel machine about 15 years ago, and that changed the whole business," Mr. Rosner said. "Until then, bagels were always made by hand, but now the handmade is dying out."

The large bagels made and sold at Bagel Boss are all hand-rolled by Sol Sapadin, a baker, who estimates that he makes 72,000 bagels a week by hand to accommodate retail sales and wholesale accounts. A new vegetable flavor, combining sweet potatoes, carrots, broccoli and spinach in the dough, will be introduced shortly. Smaller bagels, the plain classic plus six other flavors (onion, garlic, salt, sesame, poppyseed and pumpernickel), are stamped out by machine.

Bagel Boss, which does a lively wholesale business, also makes minibagels and even miniature bialys, these particularly appealing for elegant brunches. Onion boards, regular bialys, bialy sticks, onion and garlic breads and caraway-flavored braided bagel rolls, ideal for sandwiches, are some other specialties.

For parties, Bagel Boss will take orders for giant bagels, two feet in diameter, that can be split and layered with various fillings to feed about a dozen guests. These are priced at $5.

Fillings for bagels - whether giant, mini, extra large or normal - include the whitefish salad, baked salmon salad or all-natural vegetable cream cheese spread also made by Bagel Boss. Bags of "bagel thins," crisp, toasted thin bagel slices, are 79 cents each. If you buy two bags, the third one is free.

Similarly, purchasing a dozen bagels, either of the hand-rolled varieties at 30 cents each or the regular ones at 20 cents, entitles you to an extra one. Minibagels and minibialys are $1.30 a dozen, and many of the other specialty items are 40 cents each.

Mr. Rosner's partners in the business are two of his sons, Randy and Jerry. A third son, Adam, who is 17 years old, is apprenticing. "We bought what was a very ordinary and not particularly well-run bagel bakery about five years ago," said Mr. R osner, who has been inthe business for 35 years. "Almost from the beginning we started adding flavor s and sizes, but it's been gradual. The salads and cheese are th e newest line."

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Bagel Boss, which also sells hot coffee, daily newspapers, dairy products and some very dreary commercial pastries that really do not deserve to be displayed alongside the bagels, is open every day, 24 hours a day. The address is 432 South Oyster Bay Road, Hicksville. The telephone number is 681-1856 or 935-9879.

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EXHIBIT 69

To the Declaration of Diana L. Rausa

To:	GRUPO BIMBO, S.A. B. DE C.V. (officeactions@brinkshofer.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 77798364 - BAGEL THINS - N/A
Sent:	6/27/11 2:23:05 PM
Sent As:	ECOM105@USPTO.GOV
Attachments:	Attachment - 1 Attachment - 2 Attachment - 3 Attachment - 4 Attachment - 5 Attachment - 6 Attachment - 7 Attachment - 8 Attachment - 9 Attachment - 10 Attachment - 11 Attachment - 12 Attachment - 13 Attachment - 14 Attachment - 15 Attachment - 16 Attachment - 17 Attachment - 18 Attachment - 19 Attachment - 20 Attachment - 21 Attachment - 22 Attachment - 23 Attachment - 24 Attachment - 25 Attachment - 26 Attachment - 27 Attachment - 28 Attachment - 29 Attachment - 30 Attachment - 31 Attachment - 32 Attachment - 33 Attachment - 34

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

APPLICATION SERIAL NO. 77798364

MARK: BAGEL THINS

77798364

CLICK HERE TO RESPOND TO THIS LETTER:
http://www.uspto.gov/trademarks/teas/response_forms.jsp

CORRESPONDENT ADDRESS:
SCOTT J. SLAVICK
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

APPLICANT: GRUPO BIMBO, S.A. B. DE C.V.

CORRESPONDENT'S REFERENCE/DOCKET NO:
N/A

CORRESPONDENT E-MAIL ADDRESS:
officeactions@brinkshofer.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 6/27/2011

THIS IS A SUBSEQUENT FINAL ACTION.

In its Request for Reconsideration, applicant argued against the Trademark Act Section 2(e)(1) refusal, claimed acquired distinctiveness under Trademark Act Section 2(f) in the alternative, and amended to the Supplemental Register in the alternative. The examining attorney carefully considered the applicant's arguments but found them unpersuasive. Therefore, on December 13, 2010, the refusal under Trademark Act Section 2(e)(1) was maintained and the findings of insufficient support for the Section 2(f) claim and genericness were made.

This Office action is in response to applicant's communication filed on June 15, 2011 in which applicant argues against the December 13, 2010 findings which the examining attorney has carefully considered but has found unpersuasive. Applicant has also amended its identification of goods to **"bakery products, not including cookies"** which is accepted and made of record but which does not resolve the outstanding refusals and does not raise any new issues.

The refusal under Trademark Act Section 2(e)(1) is now made FINAL for the reasons set forth below. *See* 15 U.S.C. §1052(e)(1); 37 C.F.R. §2.64(a). Additionally, for the reasons set forth below, the refusal is now made FINAL under Trademark Act Section 23 because the proposed mark is generic and therefore unregistrable on the Supplemental Register. *See* 15 U.S.C. §1091; 37 C.F.R. §2.64(a).

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

Registration was refused because the applied-for mark BAGEL THINS merely describes a feature of applicant's goods, "bakery products". Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); *see* TMEP §§1209.01(b), 1209.03 *et seq.* The amended identification of goods as "bakery products, not including cookies" does not obviate the refusal. 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).

The determination of whether a mark is merely descriptive is considered in relation to the identified goods, not in the abstract. *In re Abcor Dev. Corp.*, 588 F.2d 811, 814, 200 USPQ 215, 218 (C.C.P.A. 1978); TMEP §1209.01(b). To the extent that the goods are thin bagels or products that are known as "bagel thins," the mark is merely descriptive of a salient feature of the goods.

As the prior attachments indicated, BAGEL is defined as "glazed ring-shaped bread roll with a slightly chewy texture" while THIN is defined as "slim." See dictionary definitions from www.encarta.com previously attached. As such, the mark is merely descriptive of the applicant's goods, namely, slim bagels.

For applicant's convenience, the examining attorney previously attached the dictionary definition of the wording, internet evidence of the wording used in the industry, and evidence of past Office practice regarding disclaimers of the wording or registration on the Supplemental Register or the Principal Register 2(f) with respect to related goods. See, for example,

- U.S. Registration No. 3568922 which includes a disclaimer for "THINS" in connection with "cookies, gingerbread biscuits, and biscuits."
- U.S. Registration No. 2863802 which includes a disclaimer for "THINS" in connection with "cookies."
- A recipe from www.bigoven.com for "FIERY GARLIC BAGEL THINS" where bagels are sliced into fifths in order to be thin.
- A recipe from www.foodista.com for "Bagel Thins, Lo Cal, Lo Salt" where the bagels are sliced

into "very thin rounds."
- A recipe from www.fitnessandfreebies.com for "Baked Bagel Thins" where the bagels are sliced into four crosswise slices.
- An article from The New York Times published on February 14, 1982 discussing Bagel Boss offering "bags of "bagel thins," crisp, toasted thin bagel slices."

The examining attorney has previously provided evidence of third party usage of "BAGEL THINS" in connection with bakery goods such as:

- Einstein Bros offering New Bagel Thins Lunch Sandwich
- Bagel Country offering bagel thins on its menu
- New York Bagel Baking Company offering "Bagel Thins: Great for dips, spreads or just snacking. We make plain, onion, whole wheat, raisin and sea salt bagel thins."
- Barry Bagels offering Bagel Thins (Garlic, Plain, Raisin, Or Berry) on its menu
- The Delancey Street Foundation offering omelets served with bagel thins

Additional evidence where third parties refer to bagel thins generically is attached herein, such as:

- An article by Alison Sherwood, *Sweet Potato Black Bean Spread, a PCK Original*, where the author writes about a recipe for a spread used on crackers, toast, and also **bagel thins** as a generic food item.
- An article by Lauren R. Hartman, *Bakery Market Stays in the Game*, June 1, 2011 focuses on how bakers and bakeries are trying to improve their products and what they are doing to get their sales up in this economy. The article includes a portion dedicated to new bakery products that are having a "positive effect on the bakery category," which include "Sandwich rounds and **thin bagels**" and states "SymphonyIRI data supports the popularity of these items. For the latest 52 weeks ending March 20, dollar sales of sandwich rounds/thins were up 45% versus the previous year, while new **bagel thin** products drove overall bagel segment growth."
- An article titled *Slicers do more for less Baking Management,* June 23, 2011 which discusses recent bakery product machinery trends and states "Ryan has seen this reflected through a move to "thinner" bread products at retail. "Something we have noticed in past years is the move toward thinner products like **bagel thins** and hamburger bun thins," she says."
- An article *Reap Benefits from Better Food Picks*, CONSUMER REPORTS, June 2011 in which a discussion on how to eat healthier and includes advice such as "Craft a savvy sandwich. "Think of a sandwich as a chance to eat salad without a fork, and pile it high with vegetables," Greaves says. Trade a kaiser roll for a whole-grain wrap with fewer calories and more fiber. Other options include a whole-grain **bagel thin**, a mini-pita, a light English muffin, or a lettuce wrap made of two sturdy romaine leaves."
- An article *Flowers Foods Earnings Conference Call* - Final FD (Fair Disclosure) Wire May 19, 2011 discussing the company's business and stating "We are pleased with the performance of our sandwich rounds, our **bagel thins**, and our other new products."
- ABA's Shiver: *Economy Demands Action from Bakers*, SNACK FOOD & WHOLESALE BAKERY, Apr. 1, 2010 focuses on the chairman of the American Bakers Association calling for the baking industry to become more involved in economic policy. Notes consumer response to the baking industry: "'Consumer response is still strong in all segments of the baking business and recent new products such as **bagel thins** and sandwich rounds are bringing a lot of excitement to the bread aisle.'"
- Klosterman Baking Company announces the addition of Flat Bread type products including "Flat Bread, **Bagel Thins**, Sandwich Slims, Pita Breads, and Pizza Crusts."

Emphasis added for applicant's convenience. The single agreement between applicant and Einstein Noah Restaurant Group, Inc. (page 195 of applicant's exhibits) does not obviate the entire body of evidence that clearly indicates that many third parties use "BAGEL THINS" in connection with or in discussions of bakery products, not including cookies and thus the wording is descriptive if not generic.

APPLICANT'S ARGUMENTS ARE NOT PERSUASIVE

Applicant maintains its argument that the mark is inherently distinctive. Applicant first argues that various registrations and applications were allowed with a disclaimer of "THINS" or "THIN." As previously explained, the issue is not merely whether "THINS" is descriptive of "bakery products, not including cookies" but whether "BAGEL THINS" is descriptive of "bakery products, not including cookies". In this case, the evidence of record clearly shows that the phrase "BAGEL THINS" is used in connection with "bakery products, not including cookies" in a descriptive manner and thus the mark as a whole is descriptive. Reliance on the registration of "SANDWICH THINS" or any of the other marks is misplaced because (a) the issue regarding the descriptiveness of THINS was never discussed and (b) prior registrations are not conclusive on the question of descriptiveness. Each case must be considered on its own merits. An applied-for mark that is merely descriptive does not become registrable simply because other similar marks appear on the register. *In re Scholastic Testing Serv., Inc.*, 196 USPQ 517 (TTAB 1977); TMEP §1209.03(a).

Applicant has also attempted to support its argument that the USPTO does not require applicants to disclaim "THINS" when the application does not identify "cookies" in the identification of goods but this statement is irrelevant and the evidence applicant attaches (**which includes mere applications as well as cancelled registrations**) is unpersuasive. Once again, the issue is not whether the wording "THINS" is descriptive/generic when used in connection with the goods applicant has identified but whether the wording "BAGEL THINS" is descriptive/generic when used in connection with the goods applicant has identified (and which its specimen of record clearly indicates are bagels).

Even if "BAGEL THINS" or just "THINS" was once arbitrary or suggestive, a term that was once arbitrary or suggestive may lose its distinguishing and origin-denoting characteristics through use in a descriptive sense over a period of time, and may come to be regarded by the purchasing public as nothing more than a descriptive designation. *In re Digital Research, Inc.*, 4 USPQ2d 1242, 1243 (TTAB 1987); *In re Int'l Spike, Inc.* , 190 USPQ 505, 507 (TTAB 1976).

Thus, trademark rights are not static, and eligibility for registration must be determined on the basis of the facts and evidence in the record at the time registration is sought, which includes during examination and any related appeal. *In re Chippendales USA Inc.*, 622 F.3d 1346, 1354, 96 USPQ2d 1681, 1686 (Fed. Cir. 2010); *In re Morton-Norwich Prods., Inc.*, 671 F.2d 1332, 1344, 213 USPQ 9, 18 (C.C.P.A. 1982); *In re Thunderbird Prods. Corp.*, 406 F.2d 1389, 1391, 160 USPQ 730, 732 (C.C.P.A. 1969). Applicant has not demonstrated any failure to adhere to a "Consistency Pilot Program" because as the evidence of record demonstrates, the phrase "BAGEL THINS" is currently in use by many third parties to describe their "bakery products, not including cookies" and the purchasing public would not view the phrase as belonging to any one entity. At this time, the time registration is sought, the wording is found to be descriptive/generic when used in connection with the applied for goods.

Applicant concludes its argument by stating that "consumers must utilize imagination, thought, and perception to tie the "BAGEL THINS" mark to Applicant's goods sold under the mark." As previously explained, the determination of whether a mark is merely descriptive is considered in relation to the identified goods, not in the abstract. Here, applicant's own specimen shows that the mark is used on "8 Thin Pre-Sliced" bagels. It is unclear what other meaning or connotation a consumer could have when viewing the mark BAGEL THINS in connection with applicant's thin bagels.

A consumer encountering the mark BAGEL THINS in connection with applicant's goods would immediately understand the feature of the goods. Because the mark immediately and directly conveys information about the applicant's goods, registration is refused under Trademark Act Section 2(e)(1) and such refusal is hereby made FINAL.

SECTION 2(f) ACQUIRED DISTINCTIVENESS IS INSUFFICIENT TO OVERCOME REFUSALS.

Registration was initially refused under Trademark Act Section 2(e)(1) because the applied-for mark is merely descriptive of applicant's goods. 15 U.S.C. §1052(e)(1). In response, applicant amended the application to add a claim of acquired distinctiveness under Section 2(f). 15 U.S.C. §1052(f).

Registration was initially refused under Trademark Act Section 2(e)(1) because the applied-for mark is merely descriptive of applicant's goods. 15 U.S.C. §1052(e)(1). Applicant was also advised that the mark appears to be generic as well. In response, applicant amended the application to add a claim of acquired distinctiveness under Section 2(f). 15 U.S.C. §1052(f).

Registration was then refused because the applied-for mark is generic for applicant's goods. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); *see* TMEP §§1209.01(c) *et seq.*, 1209.02(a)(ii). Thus, applicant's claim of acquired distinctiveness under 15 U.S.C. §1052(f) is insufficient to overcome the refusal because no amount of purported proof that a generic mark has acquired secondary meaning can transform it into a registrable trademark. *See In re Bongrain*, 894 F.2d 1316, 1317 n.4, 13 USPQ2d 1727, 1728 n.4 (Fed. Cir. 1990); *H. Marvin Ginn Corp. v. Int'l Ass'n of Fire Chiefs , Inc.*, 782 F.2d 987, 989, 228 USPQ 528, 530 (Fed. Cir. 1986); TMEP §1212.02(i). Such a designation cannot become a trademark under any circumstances.

A two-part test is used to determine whether a designation is generic:

(1) What is the class or genus of goods and/or services at issue?; and

(2) Does the relevant public understand the designation primarily to refer to that class or genus of goods and/or services?

In re 1800Mattress.com IP LLC, 586 F. 3d 1359, 1363, 92 USPQ2d 1682, 1684 (Fed. Cir. 2009) (quoting *H. Marvin Ginn Corp.*, 782 F.2d at 990, 228 USPQ at 530); TMEP §1209.01(c)(i).

The attached evidence shows that the wording "BAGEL THINS" in the mark means thin or slim bagels. The identification is "bakery products, not including cookies"; therefore, the genus or class for the identified goods is bakery products, even those that do not encompass cookies. The wording "BAGEL THINS" in the mark is essentially the apt name for the class or genus of the goods. The relevant public would understand this designation to refer primarily to that class or genus of goods because third parties sell their slim bagels using the phrase "bagel thins" to describe their non-cookies bakery products. In fact, applicant's Exhibit B shows that on applicant's own website, the wording "BAGEL THINS" is merely a category of bakery products among other categories of other goods it sells. In other words, the website page submitted by applicant and attached herein for applicant's convenience shows that applicant's products under the heading include three categories: bagel thins, mini bagels, and traditional bagels. The next page shows one generic word following the next, i.e. the categories "Our products>Bagels>Bagel Thins>" before finally showing the source-identifying wording "Thomas' 100% Whole Wheat Bagel Thins." Clearly, bagels can come in varying sizes and shapes and even applicant uses the phrase in a descriptive manner to distinguish their "thin" bagels from their "mini" bagels and "traditional" bagels. Furthermore, it does not appear that applicant's use of the phrase "BAGEL

THINS" is ever promoted or marketed without applicant's house mark "THOMAS'". Even applicant's most recent submission of evidence shows that applicant does not use the phrase without the accompanying "THOMAS" brand along with it. Therefore, the "abundant" evidence applicant relies upon may show that the whole phrase "THOMAS' BAGEL THINS" has acquired distinctiveness in the mind of the consumers, but not the phrase "BAGEL THINS" alone.

In addition to the evidence supplied by the examining attorney in the previous Office Actions, please also see the attached to Letter of Protest Memorandums dated August 23, and October 28, 2010. The evidence therein shows use of the wording "THINS" and "BAGEL THINS" in the non-cookie bakery products industry as a generic term for baked goods sold by third parties. The articles, recipes, and blog entries attached to the October 28, 2010 Letter also demonstrate the use of the phrase "bagel thins" as generic wording for thin bagel slices. The evidence attached to Letter of Protest Memorandums are incorporated by reference herein and support the finding of genericness.

In the alternative, if the applied-for mark is ultimately determined not to be generic by an appellate tribunal, then the refusal of registration because the applied-for mark is merely descriptive of applicant's goods is maintained and continued for the reasons specified in the previous Office action. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); *see* TMEP §§1209.01(b), 1209.03 *et seq.*

In any event, applicant's claim of acquired distinctiveness is in effect a concession that the mark sought to be registered is merely descriptive of applicant's goods. *In re Leatherman Tool Group, Inc.*, 32 USPQ2d 1443, 1444 (TTAB 1994).

With respect to applicant's claim of acquired distinctiveness, the following evidence was provided in support of such claim: **a declaration from applicant's own licensee vice president, a declaration from its own marketing director, and exhibits of its marketing and promotional efforts**. *See* 37 C.F.R. §2.41.

The amount and character of evidence needed to establish acquired distinctiveness depends on the facts of each case and particularly on the nature of the mark sought to be registered. *Roux Labs., Inc. v. Clairol Inc.*, 427 F.2d 823, 829, 166 USPQ 34, 39 (C.C.P.A. 1970); *see In re Hehr Mfg. Co.*, 279 F.2d 526, 126 USPQ 381 (C.C.P.A. 1960); TMEP §1212.05(a). More evidence is generally required if purchasers seeing the applied-for mark in relation to the identified goods would be less likely to believe that it indicates source in any one party. *See, e.g., In re Bongrain Int'l Corp.* , 894 F.2d 1316, 13 USPQ2d 1727; *In re Seaman & Assocs., Inc.*, 1 USPQ2d 1657 (TTAB 1986).

If the applied-for mark is ultimately determined to be merely descriptive and not generic, the Section 2(f) evidence is insufficient because applicant has not actually used the mark in commerce for even a single year and the arguments and evidence applicant provides to support the claim are not dispositive of whether the proposed mark has acquired distinctiveness in applicant's goods alone.

Applicant has provided evidence of high sales figures and significant advertising expenditures for the goods at issue; however, such evidence is not dispositive of whether the proposed mark has acquired distinctiveness. Such extensive sales and promotion may demonstrate the commercial success of applicant's goods, but not that relevant consumers view the matter as a mark for such goods. *See In re Boston Beer Co.*, 198 F.3d 1370, 53 USPQ2d 1056 (Fed. Cir. 1999); *In re Busch Entm't Corp.* , 60 USPQ2d 1130, 1134 (TTAB 2000).

Similarly, applicant's advertising expenditures are merely indicative of its efforts to develop

distinctiveness; not evidence that the mark has acquired distinctiveness. *See In re Pennzoil Prods. Co.*, 20 USPQ2d 1753 (TTAB 1991). Regardless of the websites, magazines, in-store displays, news broadcasts, and fitness centers in which applicant's "bakery products, not including cookies" are marketed under the name "BAGEL THINS," there is no evidence of record that relevant consumers view the matter "BAGEL THINS" as a mark for applicant's goods alone. As proven in the prior Office Actions, many third parties use the phrase "BAGEL THINS" to market and advertise and even name their "bakery products, not including cookies" in a descriptive manner. Consumers submitting comments on applicant's own website regarding applicant's goods does not indicate that the proposed mark has acquired distinctiveness, that is, that it has become a distinctive source-indicator for applicant's goods alone. The comments appear more to demonstrate that consumers enjoy applicant's products and have been given an opportunity on applicant's own website to state so. The comments are not from a third-party website where consumers demonstrate that they recognize the phrase "BAGEL THINS" to refer only to applicant's products.

Applicant submits a declaration from the Vice President of Orograin Bakers Products, Inc. which uses the BAGEL THINS mark as a licensee of Applicant. Affidavits or declarations that assert recognition of the mark as a source indicator are relevant in establishing acquired distinctiveness. However, the value of the affidavits or declarations depends on the statements made and the identity of the affiant or declarant. *In re Chemical Dynamics Inc.*, 839 F.2d 1569, 5 USPQ2d 1828 (Fed. Cir. 1988) (conclusionary declaration from applicant's vice-president held insufficient without the factual basis for the declarant's belief that the design had become distinctive). Proof of distinctiveness also requires more than proof of the existence of a relatively small number of people who associate a mark with the applicant. In re The Paint Products Co., 8 USPQ2d 1863, 1866 (TTAB 1988) ("Because these affidavits were sought and collected by applicant from ten customers who have dealt with applicant for many years, the evidence is not altogether persuasive on the issue of how the average customer for paints perceives the words 'PAINT PRODUCTS CO.' in conjunction with paints and coatings."). See also In re Gray Inc., 3 USPQ2d 1558, 1560 (TTAB 1987) (affidavit of applicant's counsel expressing his belief that the mark has acquired secondary meaning accorded "no probative value whatsoever" because, among other reasons, the statement is subject to bias); In re Petersen Mfg. Co., 2 USPQ2d 2032 (TTAB 1987) (declarations from customers which stated that designs used by applicant indicate to the declarant that the applicant is the source of the goods, but which did not refer to or identify the designs with any specificity, not considered persuasive); In re Bose Corp., 216 USPQ 1001, 1005 (TTAB 1983), aff'd, 772 F.2d 866, 227 USPQ 1 (Fed. Cir. 1985) (retailer's statement that he has been in contact with many purchasers of loudspeaker systems of whom a substantial number would recognize depicted design as originating with applicant deemed competent evidence of secondary meaning); In re Flex-O-Glass, Inc., 194 USPQ 203, 206 (TTAB 1977) ("[T]he fact that the affidavits may be similar in format and expression is of no particular significance ... since the affiants have sworn to the statements contained therein."). See TMEP Section 1212.06(c).

The evidence submitted by applicant does not support the Section 2(f) claim. However, no amount of purported proof that a generic term has acquired secondary meaning can transform that term into a registrable trademark. Such a designation cannot become a trademark under any circumstances. TMEP §1212.02(i). The wording "BAGEL THINS" is generic when used in connection with "bakery products, not including cookies" and therefore applicant's Trademark Act Section 2(f) claim is rejected.

REFUSAL ON SUPPLEMENTAL REGISTER UNDER SECTION 23(C)

Registration was refused on the Supplemental Register because the applied-for mark is generic and thus, incapable of distinguishing applicant's goods. Trademark Act Section 23(c), 15 U.S.C. §1091(c); *see In re Gould Paper Corp.*, 834 F.2d 1017, 5 USPQ2d 1110 (Fed. Cir. 1987) (holding SCREENWIPE generic as applied to premoistened antistatic cloths for cleaning computer and television screens); *In re Northland*

Aluminum Prods., Inc., 777 F.2d 1556, 227 USPQ 961 (Fed. Cir. 1985) (holding BUNDT, a term that designates a type of cake, generic for ring cake mix); *In re Wm. B. Coleman Co.*, 93 USPQ2d 2019 (TTAB 2010) (holding ELECTRIC CANDLE COMPANY generic for light bulbs, lighting fixtures, and candle sleeves); TMEP §§1209.01(c) *et seq.*

Generic terms are terms that the relevant purchasing public understands primarily as the common or class name for the goods. TMEP §1209.01(c); *see In re Dial-A-Mattress Operating Corp.*, 240 F.3d 1341, 1344, 57 USPQ2d 1807, 1810 (Fed. Cir. 2001); *H. Marvin Ginn Corp. v. Int'l Ass'n of Fire Chiefs, Inc.* , 782 F.2d 987, 989, 228 USPQ 528, 530 (Fed. Cir. 1986). Generic terms are by definition incapable of indicating a particular source of the goods, and cannot be registered as trademarks; doing so "would grant the owner of the mark a monopoly, since a competitor could not describe his goods as what they are." *In re Merrill Lynch, Pierce, Fenner & Smith, Inc.*, 828 F.2d 1567, 1569, 4 USPQ2d 1141, 1142 (Fed. Cir. 1987); *see* TMEP §1209.01(c).

As explained above and as the evidence of record demonstrates, the term "BAGEL THINS" is a term that the relevant purchasing public understands primarily as the common or class name for the bakery products that are thinner-than-traditional bagels. As such, the mark is generic and refusal is made under Trademark Act Section 23(c) and such refusal is hereby made FINAL.

PROPER RESPONSE TO FINAL

If applicant does not respond within six months of the date of issuance of this final Office action, the application will be abandoned. 15 U.S.C. §1062(b); 37 C.F.R. §2.65(a). Applicant may respond to this final Office action by:

(1) Submitting a response that fully satisfies all outstanding requirements, if feasible; and/or

(2) Filing an appeal to the Trademark Trial and Appeal Board, with an appeal fee of $100 per class.

37 C.F.R. §§2.6(a)(18), 2.64(a); TBMP ch. 1200; TMEP §714.04.

In certain rare circumstances, a petition to the Director may be filed pursuant to 37 C.F.R. §2.63(b)(2) to review a final Office action that is limited to procedural issues. 37 C.F.R. §2.64(a); TMEP §714.04; *see* 37 C.F.R. §2.146(b); TBMP §1201.05; TMEP §1704 (explaining petitionable matters). The petition fee is $100. 37 C.F.R. §2.6(a)(15).

/Tasneem Hussain/
Trademark Examining Attorney
Law Office 105
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tasneem.hussain@uspto.gov

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Office action by e-mail.

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

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Post-College Kitchen

Alison Sherwood shares her struggles, triumphs, musings and more while trying new recipes and improving her kitchen skills

Sweet Potato Black Bean Spread, a PCK original

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By Alison Sherwood of the Journal Sentinel

March 23, 2011 | (1) COMMENTS

print e-mail

I am always envious of people who can whip together a fantastic meal off the top of their head - no recipe, no nothing, save a vision for what that meal will taste like.

Usually when I try to do that, it ends up tasting nowhere near as good as I envision, and I'm left with a mediocre dinner. Like the other night, for instance, I had this great vision for veggie pasta with marinara, black beans and sweet potatoes.

It didn't turn out bad by any means, but it was just kind of like... well, black beans, sweet potatoes, marinara and pasta in a bowl together. It lacked that special oomph I was hoping the combination of those great ingredients would have.

With half a sweet potato and half a can of black beans left, a new inspiration hit. And this one was not lackluster at all - hurrah!

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LATEST POST-COLLEGE KITCHEN POSTS

- Post-College Kitchen guide to wedding registries: Part Two
- Tips for planting a vegetable garden
- A delicious weekend in New York City
- Slow cooker coconut curry chicken
- Fun, yum at an afternoon American tea
- Web Bites: Wedding cake; DIY outdoor table; Creme Brulee French toast
- Kid-friendly, one-pot mac and cheese
- Pulitzer Pies
- Web Bites: Royal cake; Asparagus tortellini salad; Cinco de Mayo; Apron giveaway
- Raspberry scones for the royal wedding - or spring

This super simple sweet potato black bean spread has that sweet/savory combo that I die for. I originally intended it as dip, but it ended up thick enough to spread on crackers, wraps, sandwiches, toast, etc. Last night I made a sandwich that solely consisted of a huge slathering of this spread on a whole wheat bagel thin. It was lacking nothing.

Sweet Potato Black Bean Spread

1 medium-large sweet potato
1 15-ounce can black beans, drained and rinsed
1/4 teaspoon sea salt
1/4 teaspoon garlic powder
1/2 teaspoon chili powder
1/2 teaspoon ground cumin
3/4 teaspoon dried onion flakes
1 teaspoon dried Mexican oregano
3 to 4 tablespoons extra-virgin olive oil

Peel and chop the sweet potato into 1-inch pieces. Place in a microwave-safe bowl and cover with a damp paper towel. Microwave 5 to 7 minutes or until cooked. Alternatively you could cook the potato whole with the skin on (be sure to pierce it in a few places) and scoop out the insides once it's cooked.

Place cooked sweet potato, beans and seasonings in a food processor and pulse until combined. Add olive oil and blend until mixture sticks together in a thick paste. Serve warm or chilled, spread on crackers, as a veggie dip or on a sandwich or wrap.

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VIDEOS

Making a tortilla

An authentic margarita

Page 1 of 6

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Post-College Kitchen Here's the long awaited part two of my wedding registry advice.

Post-College Kitchen guide to wedding registries: Part Two

www.jsonline.com

I wrote a guide to wedding registries last year, and seeing as it's apparently engagement season, it's time to follow up with some more registry advice.

June 8 at 12:19pm

Post-College Kitchen In honor of all of my recently engaged friends, I'm working on a part two to my guide to wedding registries. Here's part one from last year.

Post-College Kitchen

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DevonSellers - Mar 27, 2011 3:19 PM » Report abuse 0 0

I know exactly what you mean. My original recipes never taste quite how I picture them, but this looks fantastic. Great job!

Sort by: **Oldest** | Newest | Most Thumbs Up

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ALISON'S FAVORITE RECIPES

Here are some of my favorite recipes that I've blogged about.

Breakfast

- Chocolate Peanut Butter Oatmeal
- Coconut Oatmeal Pancakes
- Cranberry, Almond & Honey Granola
- Creme Brulee French Toast
- French Toast Waffles
- Hotel Room Oatmeal
- Jamie Oliver's Granola
- Joyful Pancakes
- No-Bake Granola Bars
- Oatmeal Combinations
- Peach Scones
- Pumpkin Bread
- Pumpkin Chocolate Chip Scones

Appetizers & sides

- Baked Onion Dip
- Drew's Salad
- Egg Rolls
- Mediterranean Dip
- Minty Fruit Salad
- Oriental Salad
- Parmesan Asparagus
- Parsley Hummus
- Pear and Pomegranite Guacamole
- Roasted Red-Pepper Hummus
- Rosemary French Fries
- Strawberry, Walnut & Goat Cheese Salad
- Sun-Dried Tomato Basil Bread
- Sweet Potato Fries
- Two-Minute Creamy Guacamole
- Veggie Pizza

Soups & Chili

- Curried Pumpkin Soup
- Election Day Chili
- Green Bay Chili
- Lentil-Corn Soup
- Pumpkin Chili
- Split Pea Soup
- Sweet Potato Chorizo Soup
- Taco Soup
- Tortellini and Bean Soup

Slow Cooker

Slow Cooker

- Meat Sauce
- Memphis-style BBQ Pulled Pork
- Split Pea Soup

Main meals

- Artichoke Bow Tie Pasta
- Baked Rotini and Cheese
- Barbecue Turkey Pizza
- Black Bean Burgers
- Caramelized Mushroom Pesto Pizza
- Chicken Nuggets
- Cold Beef Tenderloin with Tarragon Cream
- Egg Rolls
- Fajitas on the Fly
- Fried Egg Noodles with Shrimp
- Garlic Scape Pesto
- Grilled Oregano Salmon
- Grilled Whole Turkey
- Island Teriyaki Marinade
- Lasagna
- Lentil Burritos
- Lentil Salad
- Lime-Marinated Shrimp with Mango Salsa
- Marinated Grilled Chicken (3 ingredients)
- Pizza Crust
- Shrimp and Pasta with Feta
- Shrimp Scampi
- Squash Lasagna
- Squash Quesadillas
- Sweet Potato Gnocchi
- Tandoori Chicken

Dessert

- Apple-Cranberry Crisp Pie
- Brownie Drops
- Carrot Cake
- Chocolate Covered Strawberries
- Cinnamon Sugar Pecans
- Crispy Packers Oat Drops
- Easy Peanut Butter Cookies
- Fresh Strawberry Cupcakes
- German Chocolate Brownies
- Guilt-Free Truffles
- Homemade Oreos
- Layers of Love Brownies
- Magic Cookie Bars
- No-Bake Oatmeal Chocolate Bars
- Oatmeal Chocolate Chip Cookies
- Oreo Bites
- Peach Crumble for One
- Peanut Butter Cup Cookies
- Red Velvet Cake

- Rhubarb Surprise Cake
- Tiramisu

THE GREAT FARMERS MARKET CHALLENGE

"I officially challenge myself, and all who wish to join me, to try a new fruit or veggie from a farmers market at least twice a month from now until the end of the summer."

- Rhubarb
- Garlic Scapes
- Patty Pan Squash
- Swiss Chard
- Okra

Farmers Market Reviews:

- Brookfield Farmers Market
- Cozumel Mercado
- Delafield Farmers Market
- New Berlin Farmers Market
- Santa Fe Farmers Market
- West Allis Farmers Market
- West Town Farmers Market

Map: Farmers markets in southeastern Wisconsin

BLOGROLL

Here's a list of some local food blogs. Wisconsin food bloggers, send me an e-mail if you'd like to be included on this list.

Wisconsin Food Blogs:

- A Duo of Chefs
- A Serving of Life
- A Taste of Life
- A Year of Inconvenience
- Anna's Recipe Box
- Backstage Pass to Health and Happiness
- Burp! Where Food Happens
- Cake Walk
- Celiac in the City
- Cook's Corner
- Cream City Cuisine
- Daily Bites
- Eat Wisconsin
- Edible Antics
- Haute Apple Pie
- Healthy Living, One Day at a Time
- Milwaukee Brunch Reviews
- On My Table
- Stream of Consciousness

Other Wisconsin Blogs I Read:

- Bananzattack
- Beer Runner
- Between the Bars
- Fit Milwaukee
- Losing It Without Losing Me
- Milwaukee Consumer
- MS Run the US
- The Creative Cooler

Other Food Blogs I Read:

- $5 Dinners
- ChiaSeedMe
- Coconut & Lime
- Dula Notes
- Eat, Live, Run
- food loves writing
- Free Samples Blog
- Healthy in College
- Healthy Tipping Point
- Iowa Girl Eats
- Leading the Good Life
- Love and Olive Oil

- Maureen Clancy
- Meals and Miles
- More Than Easy Mac
- On a Lobster Placemat
- smitten kitchen
- Tallgrass Kitchen
- The Pioneer Woman Cooks
- Whisk Her Away

LIFESTYLE BLOGS

Off the Couch
Wisconsin riders Huang, Schneider add national titles

Animal Magnetism
Milwaukee dogs and Big Guys are finalists in national contest

Taste Buds
Recipe clicks = calls home for troops

Post-College Kitchen
Post-College Kitchen guide to wedding registries: Part Two
(10)

Readers' Restaurant Picks
Mother's Day Brunch in Milwaukee
(16)

FAVORITE RECIPE SITES

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Summerfest 2011

An interactive guide to the headliners

Budget Battle

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Summer Guide

Great Milwaukee Summer

Recipe Database

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Snack Food & Wholesale Bakery

June 1, 2011

Bakery market stays in the game; STATE OF THE INDUSTRY: Overview

Hartman, Lauren R.

Whether they're playing a no-hitter or just making double plays, bakers aren't sitting on the sidelines--they're listening to consumersand making improvements to their products. Some are using non-traditional ingredients or taking a more organic approach, while others arefocusing on healthful benefits, authenticity and quality. But there's one thing they all have in common: They have been impacted by the economy and commodity price surges.

Major-league bakers are rolling with the hit of the economy, sluggish sales and soaring commodity prices and somehow see a light at theend of the tunnel oven. The economy has slugged bakery operations inthe chest over the last few years because many are institutional andrestaurant-based, and several restaurants and other facilities throughout the country have closed. "People are just now starting to go out to restaurants again--finally," observes Larry Marcucci, president of Chicago-based Alpha Baking Co. "So the economy has definitely had its affect on us. We had to sell to a lot more customers to keep the same level of volume."

"One of the biggest challenges we are seeing is volatility in commodities," admits Richard Spencer, director of new products development at Dawn Food Products, Jackson, Mich. "The degree of uncertainty isproviding new hurdles for all aspects of the organization, from procurement to product development and production to sales and customer service. From a product development standpoint, we are continuing to look at innovative ways to deliver the great taste and quality that are necessary to drive consumer purchase, but still achieve the financial requirements of the organization. It's a delicate balance that mandates honest cross-functional dialogue and a willingness to challengesometimes long-held assumptions or beliefs about a product offering."

[ILLUSTRATION OMITTED]

[ILLUSTRATION OMITTED]

Dorothy Radlicz, director of marketing at artisan bakery Chabaso Bakery in New Haven, Conn., says she believes that the more difficult economic climate may be causing a sensitivity to waste and portion control (some of which is price-point driven). "I believe this will continue to be translated into an increased interest in smaller items. At the same time, people are more inclined to treat themselves to higher quality breads, for example, then maybe some items that are perceived as not so necessary. Bread is more of a daily

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then maybe some items that are perceived as not so necessary. Bread is more of a daily staple."

Commodity costs are also a great challenge because they keep on increasing, says Alon Ozery, co-founder of Toronto-based Ozery Bakery. His company is positioned in the commercial bakery segment and also makes private-label products, as well as a recently introduced line ofpre-sliced, organic ancient grain buns made of kamut, spelt and whole wheat.

But Ozery says his company is growing and increasing its baking capacity by adding more baking equipment lines to its new facility. Bakers are definitely starting to think outside the "bread box," as consumers are very nutritionally savvy, more sophisticated and more label-conscious. Thus, new breads are being developed, and bakers are coming up with products that contain better-for-you twists, more whole grains, new inclusions, artisan styles and new shapes, including a recent plethora of rounds.

At Flowers Foods, Thomasville, Ga., the biggest challenges facing companies that compete in the bread aisle category are rising costs of commodities and fuel combined with a slow economy and tough competition in the baking category, says Janice Anderson, vice president of marketing. "This is putting a lot of pressure on wholesale bakers. Our company's response is to remain focused on continually improving the efficiency and performance of all areas of our business so we can continue to offer baked foods of quality and value to our consumers and long-term return to our shareholders."

[ILLUSTRATION OMITTED]

Healthy, wholesome players

With the new U.S. Dietary Guidelines of Americans that went into affect beginning of this year, healthy, wholesome bread products are taking on a Most Valuable Player role in the trends of 2011. Consumersare demanding less sodium, trans-fat and cholesterol and more fiber-rich ingredients, and bakers are faced with challenges to reformulateproducts, create new products or eliminate others. Studies also showthat shoppers tend to eat more of foods they believe are natural, sothe term "natural" is being adopted more and more. "I would like theindustry as a whole to commit to using less chemicals in baked goods," says Ozery.

"Right now, the industry is still riding the whole grain trend," Anderson reports. "Whole grain bakery foods continue to be popular with consumers as are products that offer portion-control, reduced calories or other types of healthy option, such as higher fiber. In the sweet goods category, consumers seem to be opting more for indulgent snacks, perhaps as a reward for healthy eating."

Anderson sites data from Chicago-based SymphonyIRI Group, for the 52 weeks ending March 20, where dollar sales of total fresh packaged breads (loaf bread, rolls, bagels and English muffins) were up 0.6%. Bread products with a whole grain claim were up 5.4% over the previous year.

"The whole nutritional issue is still out there, with front-of-pack [labeling] being pushed, and there is more focus in restaurants forthat information," adds Marcucci.

"Better-for-you products will continue their ascent," echoes Radlicz. "This is not only ingredient driven, but freshness is also an important factor."

Experts agree that whole grains are also a home run on the baking game field. "Eat whole grains more often," suggests nutrition researcher Joanne Slavin of the University of Minnesota, Minneapolis. "We are finding that things in whole grains like antioxidants and lignans and various phytochemicals may help reduce the risk of heart disease and

cancer." Harvard researchers report that research participants whoate more whole grains had a lower risk of diabetes.

"When you eat whole grains, you get more fiber and more micronutrients like folic acid, magnesium and vitamin E," says Walter Willett, chairman of the Nutrition Department at the Harvard School of Public Health, Boston.

Chabaso Bakery has been using whole grains and seeds in some of its artisan recipes for the East Coast market since it opened in the mid-1990s. Using "old-world" ovens, the best natural ingredients available and no trans-fats, founder Charles Negaro and a crew of bakers set out to match the best ciabattas, loaves, batards, rolls, baguettes and boules in the world.

[ILLUSTRATION OMITTED]

"Because whole grains are proving to be so beneficial, I'm often asked why more people don't eat them more often," reports Radlicz. "People don't know enough about them, where to find them or how to incorporate them into their diets in a reasonable way. We're very familiarwith old-world recipes and baking techniques using all-natural ingredients, but we succeed in business by being guided by our customers' choices. Whole grain bread sales have grown significantly in recent years," she explains.

"Because we trust that our customers are making smart choices, we are committed to providing a wide range of whole grain products to meet the growing demand," she says.

The tortilla industry has witnessed strong growth in the last fiveyears, making it one of the fastest growing segments in the baking industry. Tortillas made of whole grains are also being introduced. However, rising commodity prices and bad weather have affected corn crops this year, which has tortilla marketers concerned. Yet despite theproblems, tortilla manufacturers are coping by keeping up with the latest trends in the food industry.

"The cost of commodities used in making tortillas has gone up significantly, some of it due to excessive speculation among commodity traders and some of it, particularly in the case of corn, due to non-food demands such as corn ethanol as an alternative or additive to gasoline," attests Jim Kabbani, chief executive officer of the Tortilla Industry Association (TIA), Arlington, Va. "But meanwhile, this cost pressure has forced a number of changes on tortilla manufacturers, in particular small to mid-size companies. Unable to raise prices to thesame degree as rising costs, they have sought to lower other costs through increased efficiencies, both in-plant and in business, such asoptimizing distribution channels, co-packing and the movement towardlarger customers."

Still, he says, while there's great disagreement regarding the economy overall, including the nature and extent of any economic recovery, the tortilla industry has grown from $6 billion a year a few yearsago to an estimated volume of $11 billion by end of this year. "At least as big part of this grown driver has been the rapid adoption of tortilla consumption by non-Hispanic consumers," Kabbani says.

Old school is cool

Some of the sweet goods out there such as Hostess Twinkles and CupCakes, from Hostess Brands, Irving, Texas, are harking back to earlier times, with retro packaging, the reintroduction of earlier flavors or formulations or new recipes that have an old-fashioned but memorable taste.

[ILLUSTRATION OMITTED]

"Hostess set the standard for timeless treats loved from generation to generation," says

"Hostess set the standard for timeless treats loved form generation to generation," says Amy Clark, director of snack marketing for Hostess. "The 'old-school cool' packaging and retro recipe Twinkies celebrate the brand's amazing history and tap into the nostalgia consumers feel with every sweet bite."

Likewise, Flowers Foods hopes to shake things up with Blue Bird and Mrs. Freshley's treats, featuring those familiar and popular standbys--Hersbey's cocoa and chocolate chips. "Adding the great taste of Hersbey's chocolate and its strong brand recognition to delicious snack items brings something new and fun to our cake lineup," explains Anderson. "We are also targeting the portion-controlled trend with [our] Nature's Own sandwich rounds. This thinner version of a traditionalbun has been one of the more exciting new products to hit the bakerycategory in recent years. It appeals to consumers who want less bread with their sandwiches. It also has a unique texture similar to flatbread."

[ILLUSTRATION OMITTED]

Sandwich rounds and thin bagels are also having a positive effect on the bakery category. "We've found that consumers are using them for breakfast, lunch, dinner and snacks, and are purchasing them in addition to their regular bakery items," Anderson says. "SymphonyIRI data supports the popularity of these items. For the latest 52 weeks ending March 20, dollar sales of sandwich rounds/thins were up 45% versus the previous year, while new bagel thin products drove overall bagel segment growth."

Flowers is also fielding a consumer request--one of its most common received, according to Anderson--for a smaller sized loaf of bread targeted at consumers in smaller households. In the fall of 2010, thecompany rolled out a 16-oz. Nature's Own 100% Whole Wheat with Honeysoft variety bread with 11 g. of whole grains per slice.

Pitching to a younger audience

Radlicz thinks the demographics for artisan breads are beginning to expand but are "skewing" younger fans for higher-quality products from a nutritional and freshness standpoint. "This has been the stronghold of an older population in the past," she says. "There is a growing openness for various types of foods but also for better quality. Besides parents introducing these items more readily at home, some school systems for all age groups and preschools to colleges are beginning to execute better food offerings for the children via the food they are providing for daily consumption."

Cindy Lawson, vice president of trade development/foodservice at Flowers Bakeries, says that while Flowers doesn't produce true "hand-made" artisan breads, it does purchase artisan-style breads and rolls from other vendors. "Artisan breads are a niche category across retail, in-store and foodservice segments, and our research shows sales tobe relatively flat, year-over-year," she says. "But in foodservice, high-end, full-service restaurants bake artisan breads from scratch, and we believe this trend will continue. Some restaurant operators use frozen dough breads and rolls that are proofed and baked in-house, producing artisan-style products. However, as the foodservice industry continues to contract because of the economy, more restaurants may move way from frozen doughs to reduce costs."

Over the years, gluten-free products have substantially improved in taste, with bakers pitching new products that now deliver richer flavors, honey, ancient grains, sorghum and other taste-enhancing ingredients, as well a springier texture and a stronger nutritional profile. Lower-sodium product offerings are developed to have all of the flavor, quality and taste consumers still want. Single-serve and portion-controlled baked goods are allowing consumers to enjoy and indulge,but to a lesser degree.

"We continue to see interest in pretzel roll-type products," affirms Marcucci, who has noticed several bakeries making new pretzel rollproducts. "They are also showing up

noticed several bakeries making new pretzel rollproducts. They are also showing up more often in retail now. But flatbreads are still a big trend, and anything in the reduced-calorie or good-for-you variety bread line is still doing well."

Marcucci also notices that the surge in the artisan category seemsto be coming from the chain restaurants that want different but consistent offerings that can be frozen and shipped nationwide.

New at Alpha Baking is a just-installed low-stress production line, Marcucci points out. "We're just beginning to understand its capabilities. It will allow us to make product at [higher] speeds, as well as produce a greater diversity of products than we could before. We also set it up so do a variety of toppings because so many customers today are looking for that point of differentiation."

The private-label pickoff

Perhaps because of the economic slump, many private-label productscontinue to gain strength, Marcucci adds. "Some brands produce private-label products to enhance their position in the stores. Many private-label bakeries have closed up because the owners have found betterquality and more innovation from branded companies that do private-label products.

"Private label is strong in times of economic stress, and we sure are seeing that in the marketplace right now," says Radlicz. "This, of course, is driven by people's frugality, but these days they still expect good quality. Contrary to what might seem instinctive, as longas intelligence is used in product selection, coupling branded and private-label serve to raise the market, not to cannibalize it. We have found that the combinations of private label and branded strategy are indeed very complimentary."

The role of private label in the category has really grown in the past few years, evolving from offering generic "me-too" versions of successful branded offerings to helping embody and reinforce the attributes and personality of a retailer's brand itself, reports Jennifer Gardner, brand manager at Dawn Food Products. "To successfully compete, manufacturers of traditional branded offerings have to innovate--not just in the arena of product development, but also in how they interact with and respond to a customer's needs and direction."

[ILLUSTRATION OMITTED]

Those choosing the in-store bakery (ISB) over the bread aisle are in search of freshness and quality, she adds. "The most popular itemsare those that are generally consumed quickly while they are fresh. Consumers are looking for more 'indulgent' (sweets) as well as healthier products in the ISB. Those that cater to the local population arefinding good traction also."

"Store brands continue to be an important category to our retail customers and to a segment of consumers," add Anderson. "Overall, however, store brand breads, buns and rolls are declining as a category."

So what gives a product or a brand staying power? Today more than ever, authenticity of brands and core values are key. "We stick to bakery basics with whole grains," says Negaro. "Sometimes it doesn't take a drastic change or a rigorous regimen to make a positive difference." Chabaso bakers hand-mix whole grains and other wholesome ingredients, taking the time to make bread the old-fashioned way.

"We have both streamlined and expanded our operation to meet the demands of the marketplace," Radlicz explains. "Expansion has occurredin the bakery operation as well as in management, and we anticipate that will continue."

She would like to see the industry get even more inventive. "Because of my personal background as a first-generation American of parents who cook almost everything from scratch and my educational background in food and nutrition, I'd like the industry to get even more innovative as well as health-oriented."

[ILLUSTRATION OMITTED]

Bakeries are aware of the quality and authenticity mantras, Negaroattests, yet they must be careful to try not to be everything to everyone. And that's difficult, Marcucci says, because it's one of the biggest challenges facing companies that compete in the bread aisle. "Everyone wants something different, and it makes it tough to produce all of these things efficiently."

Anderson says that Flowers always looks for ways to do things better--to increase efficiencies by improving processes. "We do this by opening new bakeries, adding new production lines or closing down or relocating lines, depending on what's the best way to serve the market. Our goal is to put production where the people are. This is an operational strategy we've held for many years."

The company's most recent growth plan is to expand its direct-store-delivery territory, which currently reaches about 50% of the U.S. population. "By 2016, the goal is to expand that territory, so at least 75% of the U.S. population will have access to our fresh bakery foods through acquisitions and new bakeries."

She adds that brands and products that pass the test of time deliver on what they promise. "When it comes to food, those promises usually involve consistent quality, taste and a fair price," she says. "Between them, taste always takes precedence."

Dawn Foods' Rzeszut says he would like to change some consumers' long-held perceptions that better-for-you options cannot taste good. "Our Weight Watchers line of sweet bakery products has attempted, and succeeded in my mind, to demonstrate to consumers that it's possible to have a great tasting product that fits within their weight management program."

The bread producers are thriving today and will continue to do so in the future in order to go above and beyond home plate to score a run in innovations. They get it, and listen to their audience, which is a win-win result for everyone.

short

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Slicers do more for less Baking Management June 23, 2011

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HEADLINE: Slicers do more for less

BYLINE: By Maggie Shea, Associate Editor

BODY:

As many operators are hesitant to upgrade slicing equipment unless absolutely necessary, manufacturers are focusing on user-friendly machinery that is easy to maintain. Sandra Ryan, vice president of sales and marketing at Ryan Technology, Hillsboro, Ore., says customers will call for a quote but keep working with existing equipment if they can't justify the price. "If bakers see business growing, some will try to get by with multiple tabletop shoot slicers instead of upgrading to one of our machines," she says. "Instead of having 20 people on the shoot slicers, they could have two working the machine and the other 18 doing something else. But there is a line they have to cross to justify the cost of upgrading." For Chris Clemens, marketing manager for FoodTools Inc., Santa Barbara, Calif., operators look for cost savings through product versatility.

"Our customers want to be able to portion a wider variety of products on the same machine in order to avoid buying separate machines for each product being sliced," he says. "Our new machine models are focused on creating one platform that can perform several cutting styles. Our inline models are capable of cutting a large volume of product on high-speed conveyors." Wellness also has become a top concern among consumers; Ryan has seen this reflected through a move to "thinner" bread products at retail. "Something we have noticed in past years is the move toward thinner products like **bagel thins** and hamburger bun thins," she says. "People are more conscious of how many carbs they're eating, though they're not going without them completely, as they did with the Atkins craze. I have seen more and more of them in the store." The wellness trend also has translated to a demand for smaller portion sizes. Ryan Technology recently modified its Model 793 to accommodate growing demand for small products like slider buns. "They are a more difficult product, just because of the size," she says. "The way we did it was upgrading to a combination between hand-fed and automated. It took a little training on the customer's part." Luc Imberechts, president of Bakon USA, Torrance, Calif., agrees with the trend toward "smaller product and one-bite items...which probably is driven by a healthier approach to food and a demand for convenience and 'snackable' items." He notes that ultrasonic cutters help meet this demand–the blades' rapid vibrations reduce pressure on the product, ensuring accurate slicing of harder-to-cut small products. He forecasts that ultrasonic slicing will remain in high demand in the coming years as bakers look to turn out consistent product quickly. "I believe we will still see an increasing demand for ultrasonic cutting as this technique offers a quality of cut and a speed that one cannot achieve with other technologies," he says. Ryan says that ease of use will always rank high with operators, particularly when it comes to altering blade heights on large slicers. "A lot of people on our machines want an easier way of changing blade height," she says. "But you have to offset that with how much more they are willing to pay for additional automation." Meanwhile, Clemens predicts that the coming years will see increased importance placed on safety and sanitation, reflecting improvements in both association and industry standards, he notes. "We manufacture equipment to the safety and sanitation recommendations specified by AIB International, CE and BISSC," he says. "The developments and advances we are making with our products will reduce labor, risk and the environmental footprint, which will positively affect our customers'

advances we are making with our products will reduce labor, risk and the environmental footprint, which will positively affect our customers' bottom line with a better return on investment." [b]BETTER LOAF PORTIONING[/b] The new FoodTools Accusonic-100FS inline ultrasonic machine can slice up to 36 loaves per minute, pending product specifications. With automatic loading and unloading conveyors, this machine can improve the efficiency of a loaf portioning production line by automating the cutting process. The ultrasonic blades can cut a wide range of products at various temperatures, making it a versatile, high-production machine. [b]FoodTools
[/b] 877 836 6386
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[/b] 888 53 GROTE
www.grotecompany.com [b]SLICER, BAGGER IN ONE[/b] AMF Bakery Equipment Solutions offers the Combination Saber/Mark 75 bread slicer/bagger, improving packaging performance and reduc space requirements. By eliminating the transfer plate, the machine provides better control of the product between the slicer and bagger, resulting in increased throughput. The combined controls make operation easy, and the machine's reduced footprint minimizes required floor space. The slicer's loaf infeed conveyor allows for automatic feeding. The bagger's patented pendulum scoop drive makes for smooth scoop operation at all speeds. [b]AMF Bakery Equipment Solutions
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www.amfbakery.com [b]SLICE RECTANGULAR CAKES IN-TRAY[/b] Bakon USA's ultrasonic cutting machine for rectangular products is designed to slice cakes baked in a 600-mm by 400-mm baking tray. A conveyor belt moves the trays underneath the ultrasonic slicing blade and into the optimum position. Mounted on a servo-driven bridge, the blade can be positioned in any desired slicing position, allowing for multiple portion sizes. Individual cake portions can be controlled via the unit's LCD touch screen. [b]Bakon USA
[/b] 800 TRY BAKON
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Reap benefits from better food picks; Eating healthier doesn't have to be complicated. Consumer Reports on Health June 2011

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Consumer Reports on Health

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HEADLINE: Reap benefits from better food picks;
Eating healthier doesn't have to be complicated.

BODY:

Whether you're looking to trim your waistline, cut your cholesterol levels, or just feel better, you'd probably like to eat healthier. As tempting as it might be to swear off entire food components like carbs or fats, you'll do better by simply trading less-healthful choices for others that offer greater nutritional value.

You can benefit from making healthy food choices in many ways. But reaching your goals might seem challenging at first. Here's a meal-by-meal guide to some smart trade-offs.

BREAKFAST

Ideally, your first meal of the day should consist of foods that contain a mix of protein, carbs, and fat, which gives you plenty of options.

"The classic breakfast, a bowl of cold cereal and milk, is a great opportunity to get more nutrients," says Sari Greaves, a registered dietitian and spokeswoman for the American Dietetic Association.

Favor fiber. If you normally eat 11/2 to 2 cups of a high-sugar cereal with 2 percent or whole milk, Greaves suggests substituting a serving of whole-grain cereal with at least 5 grams of fiber and fewer than 10 grams of sugar. Replace half a cup of the cereal with a quarter-cup of raisins and a quarter-cup of almonds. Choose skim milk, which is healthier and has nine essential vitamins, as well as calcium and other minerals.

Turn up the heat. Hot cereals are another good choice. Oatmeal is high in fiber and has a low glycemic index (meaning it doesn't tend to raise blood sugar acutely). Make it in a slow cooker, suggests Jeannette Bessinger, of the website Real Food Moms (www.realfoodmoms.com), and sweeten it by cooking it in apple cider, not water.

You can also add chunks of raw pumpkin or sweet potato before cooking oatmeal for extra fiber and antioxidants. If you're in a hurry, use instant oatmeal, Cream of Rice, or Cream of Wheat. For a different take, try leftover rice or quinoa reheated and served with milk, nuts, dried fruit, and spices like cinnamon or cardamom.

Flip those flapjacks. For pancakes or waffles, use whole-grain mixes with 3 grams of fiber or more per serving. Eating a plain waffle could raise your blood sugar immediately, Bessinger warns, which can cause rebound hunger. Instead, spread a toasted waffle with nut butter and top it

your blood sugar immediately, Bessinger warns, which can cause rebound hunger. Instead, spread a toasted waffle with nut butter and top it with slices of fruit and ground flaxseed. Protein and fat from the nuts will cause the sugar to be released more gradually. For gluten-free pancakes, waffles, and quick breads, Tracee Yablon-Brenner, a registered dietitian and the other Real Food Mom, recommends using teff, a tiny grain that's high in protein and fiber. To replace toast or bagels, she suggests organic brown rice mochi, a Japanese glutinous rice cake, sliced in half, baked in a toaster oven, and served with a dollop of nut butter, jam, or cream cheese.

Try a new side. A heart-healthy move is to eat soy sausage or turkey bacon rather than beef or pork products, although sodium will still be an issue.

Boost your dairy. Low-fat cottage cheese with sliced fruit is already a healthful breakfast, and you'll get more than three times the calcium by substituting part-skim ricotta cheese.

Savor a smoothie. A breakfast smoothie is an easy nutritional bonanza if you start with a milk base (try almond or soy) or water instead of juice. To give it staying power, Bessinger says, add a scoop of whey-protein powder and some heart-healthy fat, such as flaxseed oil or avocado. You won't taste the avocado, she says, and it makes the smoothie creamy. To boost fiber, add whole raw oats or wheat germ.

LUNCH

Whether it's a major meal or grabbed on the run, lunch can be a dietary disaster or a gold mine, depending on your choices.

Start out right. If you are in a restaurant, order broth-based vegetable soup instead of appetizers like chicken wings or potato skins. It will help you feel fuller with fewer fat calories.

If you're craving, say, nachos, try a cup of bean-based chili instead with a tablespoon of shredded cheese and 10 high-fiber tortilla chips. You'll still get the cheesy flavor and crunch but also more fiber and protein, fewer calories, and less fat.

Craft a savvy sandwich. "Think of a sandwich as a chance to eat salad without a fork, and pile it high with vegetables," Greaves says. Trade a kaiser roll for a whole-grain wrap with fewer calories and more fiber. Other options include a whole-grain **bagel thin**, a mini-pita, a light English muffin, or a lettuce wrap made of two sturdy romaine leaves.

Go fish. In place of high-sodium, high-fat processed meats, Greaves suggests mixing canned salmon with dill and low-fat sour cream or mayo.

Pick poultry. At the deli, cut fat by ordering turkey bologna or turkey pastrami, although "you won't escape the sodium trap," Greaves warns. "A serving packs in 400 to 500 mg sodium, and the daily guideline is under 2,300 mg. Have only a slice or two, or buy reduced-sodium chicken breast."

Veg out. Replace meats with hearty vegetables like grilled eggplant, portobello mushrooms, or falafel, made from ground chickpeas. Tempeh, a fermented soy product, can look and taste remarkably like meat.

Super-power your salad. When building an entrée salad, create a rainbow on your plate. Toss chopped red and green peppers, carrots, and zucchini over mesclun, radicchio, or other greens. If you'd normally add pieces of high-fat cheese, boost protein and cut fat by adding in black beans, fresh edamame, garbanzo beans, shrimp, sliced chicken, or sliced lean steak.

DINNER

If the day's food choices have been less than perfect, you still have a chance to make healthy ones at dinner.

Sip your starter. If you trade the bread basket or chips and dip for a cup of broth-based soup, it will curb your appetite and give you another serving of veggies.

Build a better burger. For cardiovascular health, reduce your intake of beef or fatty pork. Make a healthier meatloaf or chili con carne using ground turkey and reduced-sodium canned tomatoes.

Swap in seafood. Serving fish high in omega-3s, like salmon, provides anti-inflammatory nutrients, cuts calories, and reduces total fats.

Power up pasta. Make sure the pasta is whole-grain. As for a sauce, Bessinger suggests using silken tofu instead of the artery-clogging cream of Alfredo sauce.

"Thin the tofu with milk, then simmer it with onions, garlic, and wine for a creamy sauce loaded with protein and fiber," she says.

SIDE DISHES

Make every bite count. Don't butter your bread; dip it in olive oil. Nix iceberg lettuce in your salad and opt for greens like spinach, which have antioxidants that might lower the risk of developing macular degeneration.

BEVERAGES

Ease up on sugar. Limit your consumption of sodas and other sugary beverages because they're linked to a number of conditions, including metabolic syndrome, heart disease, and gout, Greaves says. She recommends replacing them with diet beverages or water flavored with sliced lemons or cucumbers.

Sip wisely. Wine, in moderation, can benefit your heart. Men should have no more than two drinks a day; women no more than one.

DESSERTS

"Ideally, dessert should carry its own nutritional weight," Bessinger says. That makes fruit the perfect choice.

Fix a fruit finale. In place of cakes or pies, serve pears poached in honey and vanilla, apple or peach compotes, berry crumbles with oat-nut topping, or fruit sorbets. Sauté bananas in butter-flavored spray, then coat with sesame seeds, nuts, or a bit of maple syrup. Make strawberry shortcake with whole-grain scones.

Make over baked goods. When baking chocolate cakes, brownies, cookies, or other baked treats, use cocoa (which is lower in fat and higher in antioxidants and flavor) rather than baking chocolate.

To boost antioxidants and fiber, replace plain white cake with a sweet-potato muffin or zucchini bread. And to slash dessert calories considerably, serve angel food cake. Made of whipped egg whites and small amounts of flour and sugar, it's one cake that's fat-free. "

Use festive fruits: Instead of sweetening iced tea with sugar, opt for sliced apples, blueberries, oranges, pears, and strawberries.

Just a bit: Replace mega-helpings with petite portions. For instance, offer shot-glass servings of dark chocolate mousse or pudding.

GRAPHIC: Renewing a classic: Try making oatmeal in a slow cooker, adding chunks of raw sweet potato, pumpkin, or yam to boost fiber and antioxidants.
Use festive fruits: Instead of sweetening iced tea with sugar, opt for sliced apples, blueberries, oranges, pears, and strawberries.
Just a bit: Replace mega-helpings with petite portions. For instance, offer shot-glass servings of dark chocolate mousse or pudding.

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Q1 2011 Flowers Foods Earnings Conference Call - Final FD (Fair Disclosure) Wire May 19, 2011 Thursday

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BODY:

Corporate Participants

* Marta Jones Turner Flowers Foods - EVP of Corporate Relations * George Deese Flowers Foods - Chairman of the Board and CEO * Steve Kinsey Flowers Foods - EVP and CFO * Allen Shiver Flowers Foods - President

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Presentation

OPERATOR: Greetings. Welcome to the Flowers Foods first quarter 2011 earnings conference call and webcast. (Operator Instructions). As a reminder, this conference is being recorded.

It is now my pleasure to introduce your host, Marta Jones Turner, Executive Vice President, Corporate Relations for Flowers Foods. Thank you, Ms. Jones Turner, you may begin.

MARTA JONES TURNER, EVP OF CORPORATE RELATIONS, FLOWERS FOODS: Thank you, Rob, and good morning, everyone. Our first quarter results were released earlier today. If you need a copy, of course, you'll find that release posted on our website, www.FlowersFoods.com. During the call today, we'll be using a PowerPoint presentation to support our speaker's comments. You can access that presentation on the webcast listen page. We also filed the 10-Q this morning, so you'll find that information available with our SEC filings. As we begin, you know that I must remind you our presentation today may include forward-looking statements about our Company's performance. Although we believe our segments to be reasonable, they are subject to risks and uncertainties that could cause actual results to differ materially. And in addition to the matters we will discuss during the call, important factors relating to Flower Food's business are detailed fully in our SEC filings.

A quick review of our agenda. George Deese, Flower Foods' Chairman and CEO, will give opening remarks. Steve Kinsey, our Chief Financial Officer will give you more details on the financials we filed this morning, and the look ahead. Allen Shiver, President of Flowers Foods will report on sales and operations, and then George will finish up our prepared remarks, and open the call for your questions. I'm now pleased to turn the call over to Flowers Foods' Chairman and CEO, George Deese.

GEORGE DEESE, CHAIRMAN OF THE BOARD AND CEO, FLOWERS FOODS: Thank you, Marta. Good morning. Thank you, ladies and gentlemen,

for joining our call and for your continued interest in Flowers Foods. It was an eventful quarter. I'm very pleased to report our sales increased [this morning of]1%, and earnings per share was up 13.6%, excluding one-time charges for our bakery closing and the pending Tasty merger. As is our practice, we took pricing action ahead of our higher commodity costs and energy costs. This action did effect our volume and our branded retail channel.

I'm sure we're all aware food manufactures are impacted tremendously by higher input costs and rising energy costs. As a result, consumers are seeing more food inflation. And I think you can see that's well-publicized by the media. More specifically, we're seeing inflation in the bakery category. With high unemployment and gasoline around $4.00 per gallon, we know consumers are looking for value. We will continue to make certain our products are perceived as a good value, by offering quality products at a fair price. As previously announced, we did close an old and inefficient bakery in the quarter, which will improve our cost structure going forward.

As most of you know, we reset our long term goals at our March Analyst day for sales growth of 5% to 10% annually, which includes acquisitions as well as organic growth. We believe this will translate into double digit earnings per share growth annually, and we expect to achieve an EBITDA margin as a percent of sales of 11% to 13%. As part of resetting our goals, we told you that we did expect to reach at least 75% of the US population through our DSD network by 2016. On April 11, we announced our agreement to merge with Tasty Baking Company.

Tasty brings us access in new markets in the heart of the mid-Atlantic, where we'll introduce our Nature's Own brand. We will leverage the iconic TastyKake brand across Flowers' DSD footprint. We look forward to completing the transaction so we can get started. And with that merger, we have been talking about historically, we've been serving about 38% of US population. We said at our meeting, we had 53%. Once we started serving in this market, this will give us 61%. So, as you can see we're well on our way to the 75%.

Before Steve and Allen discuss our performance for the quarter, I want to address the questions I believe are at the top of your mind. First, when will this Tasty transaction be complete? What about other acquisition opportunities? Next, what is happening with consumers, as they face higher costs for fuel, as well as food and other goods? Third, has Flowers been impacted by recent weather events; the tornadoes in late April, and the flooding in recent weeks?

Let me give you an update on acquisitions. We expect to complete the Tasty acquisition soon. Our hope is to close the transaction within the next few weeks, so we can move forwards with integration. Steve and Allen will give you more details about the Tasty merger. We continue to see heightened activity around possible acquisitions, although we cannot predict timing, we do expect mergers and acquisitions to be an important part of our growth, as we outlined in our long-term objectives in New York.

Next, what are we seeing in the marketplace? Consumers are seeing impact of higher prices for fuel, food and other consumer goods, on top of high unemployment. The results appear to be heightened focus on value, as more consumers migrate to other channels in the food segment.

Finally, we have had a dramatic weather event, or events in recent weeks. Late in April, devastating tornadoes swept through the Southern states. Alabama had significant loss of life and property, other states also experienced losses. We have bakeries in Tuscaloosa, and Birmingham, two cities hit hard by the storm. Fortunately, our bakeries were not directly damaged, and none of our employees or distributors lost their lives. For that, we're thankful. We did have power outages in Tuscaloosa and Birmingham, and in other bakeries in the near path of the storm. Most outages were short-term. However, our Tuscaloosa bakery was without power for several days, but now back on stream, and doing well.

As you have seen in the news report, some smaller towns along the path of the storm were completely destroyed. That does cause disruptions, as some store locations are simply not there to serve. The strength of the Flowers way was evident, as our other bakers in Alabama, Georgia rallied to supply the Alabama market and other areas affected. We were able to serve our customers, but it took extra effort on the part of our team members and distributors. I want to take this opportunity to thank our team members, our distributors, our vendors, and others who truly made the impossible happen after the storms, as we serve the market, and offer help to the thousands who were directly impacted by the storm.

In addition, as you know, we now have flooding all along the Mississippi River. None of our three bakeries in Louisiana have been impacted at this point, but with the same spirit that I mentioned as our response to the tornado damage in April, our people are producing profit and our distributors are doing a great job of serving the marketplace. Now, I'm happy to turn the call over to Steve Kinsey for the financial report. Steve?

Steve?

STEVE KINSEY, EVP AND CFO, FLOWERS FOODS: Thank you, George, and good morning, everyone. As Marta said, this morning, I'll provide you a brief review of the financial information, but first I wanted to let you know that we filed our first quarter Form 10-Q with the SEC this morning, simultaneous with our earnings release.

Now, turning to the financial information. First quarter sales were up approximately 1%. As discussed in the press release, sales were driven by an increase in net price mix of 2.1%. Strong pricing actions were somewhat offset by negative mix in the quarter. Volume in the quarter was down 1.2%. The negative mix and decline in volume reflect the pressure the consumer is experiencing, as they continue to shop for that value. As George mentioned in keeping with our strategy, we took pricing actions leading into our 2011 cost increases. This action affected volume as well, as the overall category lagged our pricing initiatives.

GAAP EBIT of $61.5 million was down approximately 0.8% compared to the same quarter last year. However, excluding the one-time costs with the Bluefield plant closure, and costs associated with the pending Tasty merger, EBIT on an adjusted basis was up 9.7%, and increased to 8.5% of sales on an adjusted basis. GAAP EPS was $0.45 per share, up 2.3% over the same quarter last year. And as George mentioned, excluding the one-time cost of the plant closure and the pending merger, EPS was up 13.6% on an adjusted basis. So, overall, we're very pleased with the quarter, and the strong performance in the first quarter.

Gross margin improved in absolute dollars, as well as a percentage of sales, in the quarter compared to same quarter last year. As a percent of sales, gross margin improved 80 basis points, compared to the same quarter last year. The decline in cost was driven by reduction in input costs, offset somewhat by higher workforce-related costs. Overall, input costs which we define as ingredients, packaging, and natural gas were down approximately 3% for the quarter, driven by pricing and volume declines. As a reminder, input costs will be up 8% to 10% for the full-year.

Also included in the gross margin is cost of approximately $2.8 million or 30 basis points net of the operational savings related to the Bluefield plant closure. And as discussed at our March New York meeting, the overall effect of the Bluefield plant closure is expected to be neutral to slightly dilutive on the full-year. We are pleased that in a challenging environment, EBITDA improved to 11.2% of sales in the quarter, compared to 11% in the same quarter last year. The improvements in the EBITDA dollars and percentage was driven by the sales increase and gross margin improvements.

Negatively impacting the EBITDA margin was an increase in selling, distribution and administrative expenses, to 37.4% of sales, compared to 36.8% of sales in the same quarter last year. This increase was driven primarily by costs associated with the Bluefield plant closure, and costs associated with the pending merger of Tasty Baking Company. Excluding the effect of these items, selling, distribution and admin costs as a percent of sales would have been relatively flat quarter-over-quarter. On an adjusted basis, excluding the one-time costs, the EBITDA margin as a percent of sales would have been 11.9%.

Briefly commenting on the balance sheet and cash flow. Cash flow from operations during the quarter was strong, even though it declined slightly. The decrease of roughly $10 million in cash flows from operations quarter-over-quarter, was primarily a result of hedging activity. As you can see, we continue to execute on our strategies for uses of cash. During the quarter, we spent roughly $22 million on capital expenditures, paid $18 million in dividends to our shareholders, and also repurchased approximately $18 million of Flowers Foods shares. We believe the strength of our balance sheet continues to offer us the flexibility to continue to execute on our cash strategies, as well as provide for future growth potential.

Looking ahead in 2011. Our guidance is still in line with what I presented at the New York meeting. Sales growth of roughly 3% to 6%, forecasted down gross margins, full-year tax rate of 35% to 35.5%, and EPS growth of 5% to 10%. As a reminder, this guidance does not include the effect of the one-time cost associated with the Tasty merger, or the operations impact of the pending Tasty Baking merger. Guidance on the operation effects of the merger is included in the press release. As George said, we do anticipate the transaction to close soon. We will update guidance once the transaction is closed. Now, I'll turn the call to Allen to update you on sales and operations. Thank you.

ALLEN SHIVER, PRESIDENT, FLOWERS FOODS: Thank you, Steve, and good morning. Just a few weeks ago, at our Analyst day in New York, we shared detailed information about the category, and how our brands are positioned. We also talked in depth about our growth strategies and our operations. For that reason, my comments today are brief, and simply intended to bring you up-to-date since our Analyst day.

In the quarter, IRI reports the fresh packaged bread category in the total US was down 3% in units, and up 0.3% in dollars. In IRI South, the

In the quarter, IRI reports the fresh packaged bread category in the total US was down 3% in units, and up 0.3% in dollars. In IRI South, the fresh bakery category at retail was down 4.1% in units, and down 1.2% in dollars. In IRI South, lower sales of white bread drove the category's dollar sales decline. In the total US market, IRI shows that Flowers was down 5.6% in units and 0.1% in dollars. And IRI South shows that Flowers branded sales in reported channels were down 6.4% in units and 0.9% in dollars. Again, you will remember that we took pricing in October, for our higher input cost in 201, that impacted our units.

I am pleased to report that IRI shows that our market share holds steady in the South market. We have 22.8% share of dollars and 18.7% share of units. For the total US, Flowers dollar share is 7.9% and unit share is 7%. You might think with consumers seeking value, that store brands would be experiencing growth. That is not the case in this category. IRI shows that store brands declined 60 basis points in dollar share, 40 basis points in unit share of fresh packaged breads in IRI South.

Flowers overall store brand business increased as a result of a snack cake agreement with a key customer, and also some new store brand business in the DSC segment. Our internal sales data shows growth in channels not reported by IRI. As a reminder, IRI data only captures 48% of our retail sales, and only 24% of Flowers Foods total sales. With consumers responding to a difficult economy, we are seeing growth in alternative distribution channels, such as dollar stores, drug stores, and other limited assortment small format retailers.

In branded retail, our total soft variety business was up in dollars, and Nature's Own continues to grow. As I mentioned, our pricing action did impact units, but that is a short-term situation that we expect to improve as we go forward. We are pleased with the performance of our sandwich rounds, our **bagel thins,** and our other new products. We continue to refine our product mix, to be certain that we are offering the varieties that consumers want.

Our total food service sales were down, driven by softer sales to our quick serve customers. Industry predictions are that food service category sales will improve this year, and we are poised to grow as our food service customers grow. In the second half of the year, we have new business coming online with several new food service customers. We also will be adding additional business through expanded distribution with several of our current existing food service customers.

Our new markets are also performing well. In the first quarter, new markets contributed 3% of our total DSC sales. Growth in our new markets was in line with our goal of 0.5% to 1%. As George and Steve mentioned, we look forward to getting started on the Tasty/Flowers integration. We are developing plans for how and when we will introduce the TastyKake brand through Flowers DSC territory. At the same time, we are exploring possibilities for Nature's Own in Tasty's DSC markets, as we also evaluate options to add bread and roll production capacity. With the strength of the TastyKake brand, we will have the opportunity to gain a greater share of the $4.1 billion fresh cake category.

Tasty Cake is a 100 year old brand with loyal consumers who buy the product because of specific taste and texture characteristics. We understand this important point, and we do not plan to change the TastyKake recipes or product characteristics. We do plan to leverage Tasty's positive customer relationships, and their distribution strengths to provide a solid platform for the introduction of our Nature's Own brand in the key markets in the Northeast. In short, with our operational strengths, Flowers Foods is well-positioned in the marketplace, both for today, and more importantly for tomorrow. Thank you for your attention, and I'll now turn the call back over to George.

GEORGE DEESE: Thank you, Steve and Allen. I want to get to your questions now -- excuse me -- but before we open the line, I do want to say our team is very confident in the five-year growth plan we presented in March. As a reminder, our sales goal is for 5% to 10% annual growth, including acquisitions and mergers and organic growth. We expect that to equate to double digit earnings per share growth, and an EBITDA margin as a percent of sales of 11% to 13%. By 2016, we expect 75% of the US population to have access to Flowers Foods fresh bakery breads.

I'm sure you're asking, what makes us confident in our growth plan. I'd say that we have opportunities to grow through acquisitions. The first step is Tasty Baking, and we believe more will follow. New markets offer growth opportunities as well. In our new markets, we have room to grow, and strengthen our brands. Our product quality and our distribution network will make growth happen in those markets. And as Allen mentioned, we have new business coming on later in the year, which helps us to grow in our core markets, as well as in the new markets.

We are focused on our cost, on implementing pricing to help cover higher commodities, and on completing the Tasty merger so we can get to work on the integration, and take advantage of opportunities. I am so proud of Flowers' team. And when we face challenges brought on by natural disasters or other crisis, the Flowers spirit is a great advantage, as we work together to serve our customers, to protect our Company, and to help our fellow team members and our communities. We are determined to grow Flowers Foods, and by doing so, create value for Flowers Foods shareholders. Rob, we will now open the lines for questions, please.

value for Flowers Foods shareholders. Rob, we will now open the lines for questions, please.

Questions and Answers

OPERATOR: Thank you.

(Operator Instructions).

Thank you. Our first question is coming from the line of Farha Aslam with Stephens. Please state your question.

FARHA ASLAM, ANALYST, STEPHENS INC.: Hi, good morning.

GEORGE DEESE: Good morning, Farha.

FARHA ASLAM: George, could you comment on how the competitive dynamics are developing in the baking category as the quarter progressed?

GEORGE DEESE: I will, and I'll let Allen follow up as well. I would say, and I think that either Steve or Allen did mention in their prepared remarks, that we were ahead of the curve from a pricing standpoint. But I would report to you, that in fact two or three weeks, and I'm just -- I've got IRI report before me, I do see that in the fresh bakery category as described by IRI, in total US, that the average price per unit from prior year was up 6.1%. So I think it took a while for the inflation to come around. But as I did say in my prepared remarks, this is true with anybody that's dealing with oil and energy and grains and healthcare, and whatever the tremendous costs continue to be coming into the arena. And we are absorbing those costs, and we're doing our best to leverage that the best we can, to make sure that we recover, and try to keep our margins the best we can. So summing up that, I'd say, again, based on IRI, that category has seen quite a bit of inflation, in just the past few weeks.

FARHA ASLAM: So competitors are now following, and are also increasing pricing cost at commodities?

GEORGE DEESE: As evidenced by IRI.

FARHA ASLAM: Okay. Thank you. And Allen, you had mentioned a couple of different new business wins that you had in both retail and foodservice. Could you just help put some numbers around those, so that we can model that better?

ALLEN SHIVER: Farha, the -- we have had success in picking up some new business, both on the foodservice side, and in some other areas. But I think it probably is not appropriate on this call to be able to give you the specifics on the numbers or the details. I will tell you -- say that the overall customer opinion of the consolidation in the category I think is favorable for Flowers Foods. And a lot of the business that we have picked up, is based on the positive reputation that Flowers has built through many, many years. So we're encouraged about progress in that area.

FARHA ASLAM: Thank you very much.

OPERATOR: Thank you. Our next question is from the line of Heather Jones of BB&T Capital Markets. Please state your question.

BRETT HUNDLEY , ANALYST, BB&T CAPITAL MARKETS: Hi, good morning. This is Brett Hundley, standing in for Heather this morning. How is everyone doing?

GEORGE DEESE: Fine, Brett. Thank you.

BRETT HUNDLEY : I guess -- I wanted to go to the comment that you made, George, about increasing prices to offset higher costs going forward. And I just want you to address whether that was taking further price increases, or just getting better realization of the price increases that you've already taken?

GEORGE DEESE: Well, I think I would say both. Obviously, we did take pricing, as we stated back in October. As we know, commodities was at one price, and they're another price today. So therefore, we will be looking for future price realization. And again, as we look out, even

beyond 2011, we see there's very much volatility in the overall grain and energy market. We see more volatility in one day than we'd see in a whole year, just as an example. So it is volatile, but I think in the long-term because of weather patterns, because of more usage of grains, because of more corn going to ethanol -- in that 40% -- 38% 40% of that crop is going to ethanol, there's tremendous pressure in the overall grain markets. And therefore, we're seeing tremendous inflation on commodities. And we'll have to see more food inflation as you go down the road.

BRETT HUNDLEY : Okay. And then I wanted to look at gross margin progression, specifically as it relates to your DSD segment. Just using some of the numbers from the Q, I can back into a DSD margin of around -- over 10.5%. And clearly, pricing more than offset costs here, possibly due to favorable hedges as well. And so, I guess is it a fair assumption then, to assume as we go forward through the year again, specifically to DSD, that input costs are going to continue to rise, and thus you'll see that gross margin decrease year-on-year as we go forward?

ALLEN SHIVER: That's correct, Brett. I think if you look at -- there is a slot on gross margin in the presentation. And as you can tell, the first quarter was down somewhat -- slightly -- but as far as input cost, and the margin had improved in the quarter, but the overall full-year margin, we're forecasting to be under pressure and down, as we've said earlier. So as the year progresses, the costs do continue to increase, at the end warehouse. So both those divisions will be under some pressure.

BRETT HUNDLEY : All right, thank you. And then I guess, just my last one, George. I'd just like to get your opinion. We get a lot of questions on new market growth, and you talked a little bit about new markets for the Company. And I guess I would just like to hear your view on gaining shelf space in the mid-Atlantic northeast markets? And I'd like to get a better idea of how Tasty positions you there? And ask the question of, if quicker turns offset the need for equivalent shelf space there?

GEORGE DEESE: Yes, thank you. Number one, Tasty brings a wonderful reputation and relationship advantage to Flowers Foods. I think that's transferable. They will be having us develop the Flowers brands in the mid-Atlantic market. But I'd give evidence to shelf space, if you look back four or five years ago to northern Virginia, if you looked at Washington and Baltimore, we were basically zero. And we've -- we went in with -- based on our reputation of great service and great quality into those markets, and the customers did give us a fair shot at ample space going in, which is not a lot going in. You have to prove yourself. But we're just real pleased with what we've been able to accomplish in northern Virginia, and beginning to in the Baltimore, and the Maryland market. So we feel like with that reputation of great quality and great execution, great service, that we will have the same acceptance, as we move into the Pennsylvania and the adjoining markets in the future.

BRETT HUNDLEY : Thanks, George.

GEORGE DEESE: Thank you.

OPERATOR: Thank you. Our next question is from the line of Akshay Jagdale with KeyBanc. Please state your question.

AKSHAY JAGDALE, ANALYST, KEYBANC CAPITAL MARKETS: Good morning, thanks.

GEORGE DEESE: Good morning, Akshay.

AKSHAY JAGDALE: Hi, I just wanted to ask on the sales guidance for the year, what was your -- did the quarter come in better or worse than expected on sales? And why do you still have confidence in sales growth accelerating meaningfully over the remainder of the year, which is what is implied by your guidance? And then I have a follow-up for Allen.

GEORGE DEESE: I'll take a stab at it maybe first, and Steve can follow up if he'd like -- he or Allen, either one. I think we all know, as you can -- that we have discussed, that inflation did not go in total bakery category the first quarter. We do see total inflation, and that has hit. And we do see some differences now, that every -- the category has gone up. We had depended on new business as part of that growth. And as Allen said, we can't discuss that any further because of competitive reasons, but we have confidence in that. And as we've said, we also know they promise some more inflation coming, as a result of higher input costs. And as our footprint changes somewhat from our adjoining markets, and as we continue to get stronger day by day in those new markets that we have just been serving for less than a year or 18 months, those gain speed as we go along. So we still feel confident about the sales guidance that we've given, and longer term of the 5% to10%, we feel comfortable with, based on all of the above.

AKSHAY JAGDALE: Okay. And then just a follow-up for Allen. I mean, I would love to know what your guidance for sales implies for volume and

AKSHAY JAGDALE: Okay. And then just a follow-up for Allen. I mean, I would love to know what your guidance for sales implies for volume and pricing, but I'm assuming you're not going to go there today. But just what are you modeling, or what are you thinking of the white bread category, because the volumes have been pretty weak? Volumes generally have been pretty weak, so as pricing accelerates, you'd think volumes would get weaker. Is that included in your guidance? And what specifically are your thoughts, Allen, on the white bread category, and why it's so weak, from a volume standpoint?

ALLEN SHIVER: Akshay, that is a good question. We have been watching the white bread category decline for several years now. And there may be, it's probably a combination of reasons, but certainly the consumer who -- the demographics of the consumer who is a heavy white bread user is usually a middle to lower income individual that may be impacted more by the tough economy, than perhaps some other demographic groups. But I think the reason we have confidence, is that we do have extremely good visibility on the markets, and the areas that where we're down in our white bread category. And we plan to add some promotional activity back in those areas, so that we can make sure our volume stabilizes. But I think the overall trend we're seeing in the total white bread category will probably continue, until we see a turnaround in the overall economy situation.

AKSHAY JAGDALE: Thank you. I'll get back in line.

ALLEN SHIVER: Thanks, Akshay.

OPERATOR: Thank you. Our next question is from the line of Alton Stump of Longbow Research. Please state your question.

ALTON STUMP, ANALYST, LONGBOW RESEARCH: Yes, thank you. Good morning.

GEORGE DEESE: Good morning.

ALTON STUMP: Just on the volume front, it sounds like based on our checks, and the sum of your comments this morning, that a good portion of the [support] from your competitors on the pricing front, equates to mid to maybe late part of the first quarter. So is there any opportunity here, maybe for your volume performance to get a bit better, just off of that competitor backing in the coming quarters?

GEORGE DEESE: Yes, we always see that. Once the category does that completely, and again as evidenced in IRI, we're seeing that now. And we -- I think Allen mentioned, that in the past two or three weeks we can certainly see some changes in our unit change in the retail side of the market.

ALTON STUMP: Okay, thanks. And then just a real quick follow-up on the cost front. Was that 3% lower input cost number for the first quarter, was that embedded in your full-year mid to high single digit cost guidance?

GEORGE DEESE: It was.

ALTON STUMP: Okay. Thanks, guys.

OPERATOR: Thank you. Our next question is from the line of Tim Ramey of D.A. Davidson. Please state your question.

TIM RAMEY, ANALYST, D.A. DAVIDSON & CO.: Hi, good morning.

GEORGE DEESE: Good morning, Tim.

TIM RAMEY: I was interested your comments that in the IRI data, we aren't seeing a shift to private label. But it sounds like in your business, you may be a little bit -- and of course as you point out IRI only captures 48% of your sales I think you said. Do you think the shift to private label is occurring at the dollar stores, at the club stores, at the mass channel, or do you just think it's not happening?

ALLEN SHIVER: Tim, this is Allen. I believe that it's not happening. When we looked at our business, and those other channels are not monitored by IRI, we are really focused on branded growth. And I would say the trends in those categories are not dramatically different than what we're seeing in the overall category. If you have an individual customer who decides to introduce the private label that he might not of have had in the past, that could change things temporarily. But I don't see any big consumer change in the non-monitored categories, that we're seeing in the IRI category.

TIM RAMEY: And can you give us a sense of what you think the volume to price elasticity is? Traditionally, we thought of the bread category as not very elastic, but we are seeing some elasticity here. Do you have any studies on that, or thoughts on that?

ALLEN SHIVER: Tim, each market is very different. You've got a different set of competitors, you've got a different set of trade customers. We really don't -- the uniqueness of pricing and the impact of pricing is really a market to market situation, and I don't think any overall trends or studies would really apply.

GEORGE DEESE: Tim, I do believe this. I believe as the lower economic people in the United States has felt with unemployment and with higher costs in general to their family, I believe there's a seriousness of zero waste. I don't believe there's any pantry loading. I don't think people buy it and put it in the freezer, and pull it out later. So I will point to that area of concern. And we hope that we'll -- the consumer will have more confidence at some point in the future, but it's hard to see at this point.

We really see -- and I think this is driven by that lower income bracket as I just mentioned, that it's amazing if you look at IRI, and look at the first of the month, and see the amount of product units sold. And you follow it week by week to the end of the month, and I've heard retailers say this as well -- and I have started saying it more -- you really see a big difference between the first of the month and last of the month. And we've always seen some difference, but it's broadening more and more. So I think that's just part of the economic cycle that we were in, and we just need to hope for better to come, but I think that's part of the issue.

TIM RAMEY: Thank you.

GEORGE DEESE: Thank you, Tim.

OPERATOR: Thank you. Our next question is from the line of Mike Schwartz of SunTrust Robinson. Please state your question.

MICHAEL SCHWARTZ, ANALYST, SUNTRUST ROBINSON HUMPHREY: Hi, good morning, everyone.

GEORGE DEESE: Good morning.

MICHAEL SCHWARTZ: Could you guys just maybe quantify the impact of some of the April weather issues in the Southeast, what they had on the quarter? And was there any kind of shift effect into the second quarter, of some of that volume?

GEORGE DEESE: Let me say this. It's immaterial from a -- it was pretty tough from people -- not just pretty tough, it was devastating to the people in the eye of the storm, people who lost homes, people who lost roots, death. We'll never minimize the devastation that happened. But for Flowers Foods' benefit, it's minimal on -- and I'll let Steve follow it from a true financial standpoint.

STEVE KINSEY: And actually, Mike it came after the end of the first quarter, so there was no effect in the first quarter. It all happened in the second quarter. And other than, as George mentioned the market disruption, which we seem to have been able to manage that fairly well, I would say overall, it's fairly insignificant or immaterial, at this point on the quarter.

MICHAEL SCHWARTZ: Okay, great. Thank you.

GEORGE DEESE: Thank you.

OPERATOR: Thank you. Our next question is from the line of Amit Sharma of BMO Capital Markets. Please state your question.

AMIT SHARMA, ANALYST, BMO CAPITAL MARKETS: Thank you, good morning, everyone.

GEORGE DEESE: Good morning.

AMIT SHARMA: George, can you please provide us, what's your outlook on re-prices? I mean, we've seen prices kind of stabilize, and even come down a little bit from high levels in the first quarter. How do you see that? And I heard Steve saying that 8% to 10% caused inflation, you even stated that, but are you a little bit more secure in that number?

GEORGE DEESE: I think you said, are we secure in that number? Yes, we are secure in that number for 2011. But beyond that, I think you said

GEORGE DEESE: I think you said, are we secure in that number? Yes, we are secure in that number for 2011. But beyond that, I think you said it did go down for a while and stabilize, that's true. But I think the day before yesterday, for this week, we're probably up $0.60 or $0.70 just this week. Yesterday, I think it was up like $0.40. I think we're up again this morning. So, everything we continue to read and study, and the fact that our procurement expert is in the field in Kansas as we speak, trying to get the better handle on the longer term proposition. But again, with all of the weather issues around the world, and with the ethanol issue, and with more people eating grains and protein around the world, I think that there just will be tremendous pressure for a while on the commodities.

High prices in commodities usually brings lower prices at some point. The question is when. And I can't find anybody who thinks that's going to be short-term, short-term meaning, probably won't be there 2012, unless it could be on the new 2012 crop -- looks like it could be a boomer. But you can't certainly can't predict that yet. So we do expect, more of the same -- will be volatile. And we'll be 2 X to 3 X what it has been normally, and when I say normal, the past 35 years. So it is extremely high compared to the average of 35 years. So the new norm, three years ago, we talked about the new norm might be $5.00 to $6.00. With what is going on, the new norm could be quite a bit higher.

AMIT SHARMA: All right. Now, given your view of the higher volatility, can we expect you to increase coverage from six or nine months or a little bit longer?

GEORGE DEESE: We take opportunities, as we see them. If we think that it's a -- if all of a sudden, we saw some cheap prices, we'll probably look at it longer. But we find out that six to nine months is probably in the sweet spot for us. And sometimes you might think it's a cheap price, and go into long-term, but then if you see more downturn, sometimes you end up being uncompetitive. But what we do try to do though, is make sure that we do know our cost, so that we can make those adjustments in the marketplace, as well as continue to work on cost as always.

AMIT SHARMA: And just one more question. On the competitive environment, are you seeing some turbulence in the Sara Lee business, as that acquisition comes? Is the new business that you're getting, is it somehow related to what's happening at that competitor, or is it completely different or not?

GEORGE DEESE: Yes, I wouldn't comment on that. I don't know the Sara Lee business. And we stay focused on our business, and we're always calling on customers. And that's about as far as I would go with that.

AMIT SHARMA: Okay, I appreciate it. Thank you very much.

GEORGE DEESE: Thank you.

OPERATOR: Thank you.

(Operator Instructions).

Our next question is a follow-up from the line of Akshay Jagdale with KeyBanc Capital Markets. Please state your question.

AKSHAY JAGDALE: Thanks for taking the follow-up. George, I just wanted to -- you didn't answer my question directly, when I asked you if you were happy with this quarter's sales performance. If you would start with that, that would be great. I just want to know how the quarter compared to your internal expectations on sales?

GEORGE DEESE: Well, I'd address it this way. There's probably a reason I didn't give you at direct answer, but I will give you the direct answer this way. And to say that as you look back over the past two years, quarter-over-quarter we made improvement over the prior year. And we felt that volume as indicated was down 1%, wish it had been better. But nothing we can do about that at this point, we are just focusing on the future, and still feel comfortable at this point, with the guidance we've given.

AKSHAY JAGDALE: That's helpful. And how are this year's volume gains through new business different than last year? Because you had similar commentary earlier last year, where you said there's going to be new product wins. And I'm sure you got those, but your sales came in below what you had guided for. So I'm just trying to gauge how much more -- you must be more confident this year, probably because of the magnitude and the nature of these contracts relative to last year. That's what I'm trying to gauge.

GEORGE DEESE: Yes, Akshay, I'd say that -- and again, I've said I can't say, about the new business coming on because of competitive reasons. We are confident though, in what is coming, and what we think we'll see the rest of the year.

reasons. We are confident though, in what is coming, and what we think we'll see the rest of the year.

AKSHAY JAGDALE: Okay, great. And one last one, for Steve, on the cost side, can you give us some sense of how on a quarterly basis, the costs are going to trend? I mean, is it going to be very different in 2Q versus the back half? Because at least from my expectations, I didn't expect costs to be down as significantly as they were this quarter on the commodity and ingredients side. So I was surprised by that. I just want to help -- I need your help in modeling 2Q, in terms of understanding whether we're going to see a similar trend to what we saw in 1Q, because you did have higher wheat costs I believe in 2Q 2010. But just any guidance as to how that cost is going to flow through for the remainder of the year would be very helpful?

STEVE KINSEY: Well, what I can say, Akshay, we have said -- early on we did say the back half would really be a lot tougher than the first half. But we -- the first quarter, we had some very favorable hedges. So now those hedges have rolled off, so progressively you'll see the cost, on input costs begin to get worse. And then in the back half, it's going to be the tougher half.

AKSHAY JAGDALE: Okay. Thank you very much. I'll pass it on.

GEORGE DEESE: Thank you.

OPERATOR: Thank you. There are no further questions at this time. I would now like to turn the floor back over to Mr. Deese for closing comments.

GEORGE DEESE: Thank you, Rob for hosting this call today. And thank you for joining our call this morning. We appreciate your interest, and look forward to our next meeting. Thank you.

OPERATOR: This concludes today's teleconference. You may disconnect your lines at this time. Thank you for your participation.

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SNACK FOOD & WHOLESALE BAKERY

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Business Briefs

ABA's Shiver: Economy Demands Action from Bakers

In a year in which business, the economy and government policy seem intrinsically linked, the new chairman of the American Bakers Association calls for the baking industry to become more involved in the process.

Allen Shiver, ABA chairman and president of Flowers Foods, would like the Washington, D.C., association to bring in new members and get current members more involved to multiply its effectiveness in shaping key policy decisions that can potentially impact bakers' bottom lines.

The Employee Free Choice Act, which is also known as the Card Check bill, tops Shiver's list of key legislative and government issues. The proposed law would change how unions are allowed to organize employees, partly by taking away the secret ballot provision that is now in place.

Shiver's list of top legislative and governmental concerns also includes food safety legislation. ABA and eight other groups have teamed together to sponsor workshops on food safety and improve the sanitary design of the equipment that produces snack and bakery products. For producers of bread products, Shiver says, the issue requires ongoing vigilance.

Additionally, ABA is currently developing a sustainability scorecard that will be available later this year as a resource for both bakers and bakery suppliers.

Another vital area this year will be nutrition labeling and dietary guidelines, the latter of which is being reviewed along with the Food Guide Pyramid. In addition, First Lady Michelle Obama launched a childhood

reviewed along with the Food Guide Pyramid. In addition, First Lady Michelle Obama launched a childhood obesity initiative that could impact the industry along with efforts by the Food & Trade Commission to monitor and regulate how food companies advertise to children.

Overall, Shiver notes that he's optimistic about the year ahead, despite the economic collapse of last year and the slow road to recovery.

"If you look at the rough waters the industry navigated over the last two years, it's pretty remarkable that we've weathered the storm as well as we have," he says. "Consumer response is still strong in all segments of the baking business and recent new products such as bagel thins and sandwich rounds are bringing a lot of excitement to the bread aisle."

Supplier News

Archer Daniels Midland Co. Was ranked the most admired company in the food production industry by Fortune magazine for the second consecutive year. ADM also took the top spot in the food production industry in seven of the nine categories by which companies were evaluated by innovation, use of corporate assets, social responsibility, quality of management, fi nancial soundness, long-term investment and quality of products/services.In addition, ADM improved its overall score from its 2009 industry-leading ranking.

Bradman Lake Inc. relocated its Charlotte,
N. C., manufacturing plant to a new 40,000-sq.- ft. Factory in Rock Hill, S.C. The new address is 3050 Southcross Boulevard, Rock Hill, SC 29730. Bradman Lake manufactures a wide range of packaging machinery for the bakery, frozen food, chocolate and confectionery industries in North and South America. Bradman Lake is the U.S. production and sales operating unit of U.K.-based Bradman Lake Group, a wholly owned subsidiary of U.K. engineering group Langley Holdings plc.

Atlas Copco was named one of the Global 100 Most Sustainable Corporations in the World for the fi fth consecutive year. The Rock Hill, S.C., company was evaluated against an objective "sustainable path" standard for energy, carbon, water and waste ratios and judged by who was the most proactive in managing environmental, social and governance issues.The Global 100 Most Sustainable Corporations in the World is a project initiated by Canada's Corporate Knights magazine and Innovest Strategic Value Advisors Inc., a New York-based research firm.

Cargill's flavor footprint now extends worldwide with the opening of a manufacturing plant in Pinghu, China. The new plant has been built on the same site as Cargill's existing starches and sweeteners plant, enabling customers to benefi t from synergies in development and production and to maximize use of Cargill's wide-ranging expertise.

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How can I make more appealing school lunches?

August 31, 2010 | By CAROL VERAVANICH

Q. My fourth-grade son asked me if there were any cookbooks for kids' lunches. I think he is trying to give me a nice subtle (not!) hint that I need a little help in the lunch department. Should I let him do the school lunches? They really do not look all that healthy.

A. I might get in trouble here, but I would recommend making your child's lunch whenever possible. Kids really want to eat quickly, and standing in long lunch lines cuts down on their time to play. Also, if you are packing the lunch, you know what your child is eating and if it is healthy.

At snack time, send something nutritious and substantial, but again something the children can eat quickly so that they have time to play. Homemade granola bars make wonderful snacks. Yes these might take some time when you bake a big batch, but you can freeze them so that they are ready to grab and cool to eat by the time snack comes around.

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July 12, 2009

Find OC Moms on Facebook and follow us on Twitter @themomblog. You can also sign up for the weekly OC Moms newsletter.

Store-bought items like bagel thins with cream cheese or peanut butter, lunch meat rolled around a piece of cheese, or some fruit and yogurt would also be good examples of balanced, quick snacks. When making lunches, look at the question below for some packaging tips, but have fun with different ideas.

Your son is old enough to explore some websites with you and choose items he would like to eat, and also some he might like to make himself. My two favorite recipe sites for school lunches are **www.school-lunch-ideas.com/** and **www.amazingmoms.com/htm/baglunches.htm**.

Q. My daughter's teacher next year already posted a challenge on her webpage: Summer's end Challenge: Go Green, and show me ways you can reduce your waste this year in your school snacks and lunches. She will be in a fourth-grade GATE class and is very competitive. We are not the "greenest family," but we really wanted this teacher so now we need to embrace it. Any ideas on the angle this teacher is trying to take so we can impress her?

A. Your daughter could research starting a composting system for her school. This is a big endeavor, but your daughter could explore it with research to present to the teacher and principal.

There are some ways to "go green" when packing your child's lunch. Try wrapping your children's lunch items in aluminum foil rather than plastic baggies. When the children unwrap sandwiches in this, it makes a little plate for them so they do not get things dirty on the lunch table. Also, after, they can bring this home and recycle it.

You can also use washable containers for food rather than disposable items. We all know by now that the plastic water bottles we buy from the store are not supposed to be reused. You can recycle them, but you can also buy BPA-free plastic water bottles to use over and over.

Also, when sending lunch items, send homemade, real food rather than prepackaged items to reduce the amount of packaging waste as well as reducing the amount of preservatives your child will be eating. Even though you say your family is not very "green," I bet you are doing some of these things already.

Contact the writer at www.goasktheteacher.com.

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Quick Snacks

Try A Variety Of Flavors Made With 8g Of Whole Grain! Explore Newtons.

NabiscoWorld.com/NewtonsFruitThins

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generations of great taste.

KLOSTERMAN BAKING COMPANY

KLOSTERMAN

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...ing Company launches new flat bread line

May 11, 2011 – Klosterman Baking Company, a family-owned bakery headquartered in Cincinnati, Ohio, is proud to announce the addition of Flat Bread type products to our large variety of fresh and frozen baked goods. Our new state of the art, best of class Flat Bread line is now producing quality product at the Klosterman facility located in Springboro, Ohio. This new line has numerous capabilities including Flat Bread, Bagel Thins, Sandwich Slims, Pita Breads, and Pizza Crusts. These products are distributed fresh and frozen nationally to restaurants, co-packers, retailers, institutions and food service customers. Full text »

Ohio Bread Company Searches For The Ultimate "Family Secret"

Klosterman Baking Company launches original recipe contest

October 31, 2009 – Klosterman Baking Company, a family-owned bakery headquartered in Cincinnati, Ohio, is launching the first annual "Family Secret Recipe Contest." Throughout the month of November, consumers across the Midwest are encouraged to submit an original recipe, via Klosterman Baking Company's Facebook page, using any variety of Klosterman bread for a chance to win free Klosterman bread for a year.

FEATURED ITEM

NEW FLAT BREAD LINE

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4760 Paddock Road
Cincinnati, Ohio 45229

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pj's deli

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trays & bowls of good food

- Salad Bowls
- Meat Tray
- Bagel & Fruit Tray
- Boxed Lunches
- Other Stuff
- Bagel & Bread Choices

please allow 24hr notice on all orders

Salad Bowls

5-8 people	**23.99**
10-12 people	**29.99**

- Salad Choices:Garden, Chef, Betty's Salad
- Dressing Choices:Betty's, Ranch, Blue Cheese, Raspberry Vinaigrette, Catalina, Lite Ranch, Lite Italian, Fat Free Catalina
- Includes: 2 Dressings of your choice, bagel thins & paper products

back >>

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Prices subject to change

GUNN'S BAKERY

DID YOU KNOW...

The origin of cabbage rolls or prakes can be traced back to the hillsides of Palestine, where ripened grape leaves were stuffed with various meats and cooked slowly in the hot ashes of a fire. Holishkes in Eastern Europe and Galuptze in Russia are enjoyed all around the world.

Bagels

« Back to main Products

Breakfast, lunch, dinner, or for a snack, bagels are good at any time of the day.

While you're at it, why don't you take home a tub of cream cheese? Available in Plain, Light Plain, Garden Vegetable, Light Garden Vegetable, Spinach & Feta Cheese, Light Spinach & Feta Cheese, Garlic & Herb, and Jalapeno & Cheddar.

Below are the different kinds of bagels that we make. Please click on the item name for more information. For any information not listed here, or to order, **visit or call us at the bakery**.

* Original Egg
* Water
* Whole Wheat
* Pumpernickel
* Onion

Bagel Thins

* Onion
* Multigrain
* Philadelphia
* Toronto Sesame
* Toronto Poppyseed
* New York
* Twister
* Boston
* Cheese & Onion
* Spinach & Mozzarella
* Pizza
* Cranberry
* Cinnamon Raisin
* Mini Bagels
* Bagel Thins

Our apologies...

The photo for this item is currently being updated.

** Blueberry, Cranberry, Cinnamon Raisin, and Water bagels are low in cholesterol and have no eggs in the recipe.*
*** Original Egg, Philadelphia, New York, and Whole Wheat bagels are also available as Crusty-Top bagels. (Special Order Only)*
**** Toronto Poppyseed, Cheese & Onion, and Spinach & Mozarella bagels are available in limited quantities. Please order in advance to ensure that you recieve this product.*

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Melissa Nibbles

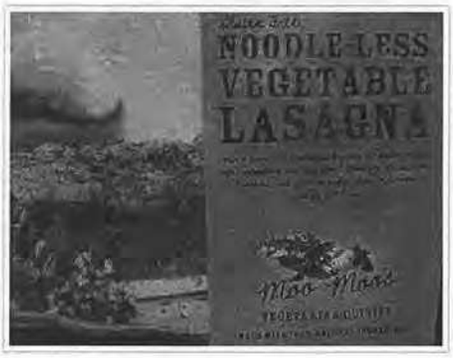
A Lazy Girl's Guide to a Healthy Lifestyle

THURSDAY, SEPTEMBER 16, 2010

Three Things Thursday

Happy Thursday to you and yours! Thanks for your supportive comments and emails on yesterday's post. I feel like I say this everyday, but you really don't know how much it means to me. Thank you!

I wasn't feeling in the mood to cook last night so I picked up a frozen meal for dinner. I chose Moo Moo's Vegetarian, Gluten Free Lasagna.



The main ingredients were eggplant, portabella mushrooms,

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zucchini, tofu, marinara, and Parmesan. Yum!

Uh...not so much. It tasted just as disgusting as it looks. The sauce wasn't bad, but there was so much water on the bottom of the dish that everything else was soaked. The very few vegetables that were in it were flavorless from so much water and whatever the heck was supposed to be the cheese on top didn't taste like cheese. The layer of tofu on the bottom looked and tasted like a soaked sweatsock. I will NOT be buying this again. Zero Jersey Shore fist pumps for Moo Moo's.

Today's Thursday and we know what that means....Three Things Thursday! If you're new to the blog, this is a post where I list three things that are annoying me this week. You get your chance in the comments.

1. **I Want My Days Off Too!** Everytime I put in for a day off at work, they tell me yes, then two days later come back and tell me no. They offer to let me leave early or come in late that day, but I need the entire day off! EVERYONE else I work with gets their requested days, comes in when they want, leaves when they want, and nevermind the fact that they don't do their work when they are here. I threw a tantrum over it this morning because I'm mature like that and they're working on it. Whatever. I'm protesting by doing nothing all day. See how they like when people don't do their work!!

2. **Sandwich And Bagel Thins.** I tweeted about this yesterday and was surprised that a lot of people actually agreed with me.

Run Eat R

check it

ABOUT ME

MELISSA
BOSTON, MA, UNITED STATES

Inspired by the many healthy living blogs that I read each day, I decided to start my own. I thought it would be a great way to keep myself on track towards my goals of maintaining a healthy, balanced, and fun life. I'm not sure what will come from this blog, but I think it will be a fun journey! Email me at melissanibbles@gmail.com

VIEW MY COMPLETE PROFILE

CHECK ME OUT ON THESE OTHER SITES!

BSW boston sports woman

featured blog urbanspoon

These piece of crap excuses for bread are a huge hit in the blog world, so I'm not sure if many of you readers will agree though. I don't want my sandwich or my bagel to be thin. I want it to be able to support all the yummy fillings I put in it. I also want my bread to be something of substance and yummy, carby goodness. I know y'all love it because "Whee! It's only 100 calories!!" God forbid ladies eat more than 100 calories! Why is 100 this magic number? Why not 120 or 110 or 90? I don't see the difference between this bread and 100 calorie snack packs. One person tweeted "At least they're not full of artificial ingredients." Well, neither is um....regular bread! These sandwich things are diet food. Why not just eat Weight Watchers bread if you're that concerned with calories? I hate seeing these things on blogs because it sends a bad message. Hey, eat what you want, but I worry young girls see the "cool" bloggers eating these things and think they should be too. I don't know when eating bread went out of style, maybe the 90s sometime? Let's bring it back.

3. No Dogs Allowed. My boyfriend doesn't want to get a dog with me. He doesn't want to put in the time and money it takes to give a dog a good home. I get where he's coming from, but I really want one. I had a pug named Borkie that died a few years ago and now I'm finally ready for another little cuddle monster to take care of. Oh well, it wouldn't be fair to the dog I guess. I'll just have a baby instead.

I really wanted to make today 20 Things Thursday because I'M BOTHERED!!! like Robert Pattinson. Oh well, now it's your turn. Let it out in the comments.

POSTED BY MELISSA AT 9:20 AM
LABELS: PRODUCT REVIEW, THREE THINGS THURSDAY

55 COMMENTS:

Dori said...

You know I am with you on the sandwich and bagel thins. And the last I looked, they did have some ingredients I do NOT agree with. Eat a normal sized portion of real whole grain or spelt bread with real ingredients and I promise you will not gain weight. Your body knows how to absorb the nutrients from products it recognizes!

BECAUSE I HAVE TOO MUCH TIME ON MY HANDS

http://melissanibbles.tumblr.com/

STALK ME ON TWITTER

I LIKE THESE PEOPLE

- A Cambridge Story
- Angry Runner
- Cheaper Than Therapy
- Delicious Dishings
- Dori's Shiny Blog
- eat, drink, run
- Fashionably Fit
- Fun and Fearless in Beantown
- Healthy and Sane
- Hollaback Health
- How Sweet It Is
- Indulge Inspire Imbibe
- MissyMaintains
- Second City Randomness...
- Shedding It & Getting It
- The Clean Plate Club
- The Cookie Battle
- the Non-Dairy Queen
- Travel, Wine, and Dine

BLOG ARCHIVE

Department of Development | **Press Room**

Press Room >> 2010 Press Releases

For Immediate Release
December 6, 2010

Patt-McDaniel Annouces State Investments

Development Financing Advisory Council Awards More Than $31.6 Million in Project Loans

Columbus, Ohio - Ohio Department of Development Director Lisa Patt-McDaniel today announced that loans valued at more than $31.6 million have been recommended by the Development Financing Advisory Council. The loans support 11 economic development projects that are expected to leverage an additional $9.3 million in capital investment. The funds, pending State Controlling Board approval, are also expected to create 368 jobs and retain 432 positions for Ohioans.

"These investments affect more than the businesses receiving them; they affect entire communities," Patt-McDaniel said. "These projects are generating opportunities to invigorate the economy and help businesses grow and thrive, creating jobs for Ohioans."

Approved through the Ohio Bipartisan Job Stimulus Plan:

Columbiana County Port Authority (Columbiana County) has been awarded a more than $4.3 million Logistics and Distribution Loan from the Ohio Bipartisan Job Stimulus Plan. The loan will be used to develop a bulk material handling system to transload limestone from the Norfolk Southern Railway to barges on the Ohio River. The more than $5.8 million project is expected to create 9,350 construction job hours and nine new full-time positions.

The Development Financing Advisory Council approved financing for additional expansion projects:

Clivus Development, LLC (Montgomery County) has been awarded $1.5 million from the Research and Development Investment Loan Fund and more than $5.1 million from the Ohio Enterprise Bond Fund. The loans will assist in the construction of a 40,000-square-foot manufacturing facility allowing Optivus to manufacture and test beam accelerator equipment. Optivus provides consulting services and technical assistance in the development and

Optivus to manufacture and test beam accelerator equipment. Optivus provides consulting services and technical assistance in the development and maintenance of the proton-beam therapy treatment center, located at Loma Linda University Medical Center. The proton-beam treatment center delivers a highly sophisticated, non-invasive proton radiation beam used in the treatment of cancer patients. The more than $7.68 million project is expected to create 78 jobs.

Columbus-Franklin County Finance Authority (Franklin County) has been awarded $3 million from the Research and Development Investment Loan Fund. The loan will be used for the purchase of machinery and equipment. The Finance Authority will purchase the XSTAR radar system from Star Dynamics and lease the system back to the company, providing the upfront cash needed to continue the development and commercialization of new technology. Star Dynamics is a defense and commercial electronics manufacturing company, specializing in radar and aerospace technology. The more than $4 million project is expected to create 20 jobs and retain 81 positions.

Hearth Grains Bakery, LLC (Warren County) has been awarded more than $5.5 million from the Ohio Enterprise Bond Fund. The loan will assist in the acquisition of a new state-of-the-art baking line for the production of flat bread products, including sandwich thins, bagel thins, and other products to be installed at Klosterman's Springboro location. Klosterman is one of the largest family owned bakeries in the Midwest, employing more than 500 people, and producing more than 400 varieties of fresh baked goods. The more than $5.5 million project is expected to create 31 jobs.

Intellinetics, Inc. (Franklin County) has been awarded $750,000 from the Innovation Ohio Loan Fund. The loan will assist in capitalizable software development costs to bolster its product line by fully commercializing its redaction software, "Redactivue," and offering it both as a system add-on and as a stand-alone document management enhancement module. Intellinetics is a content management software developer offering a product that reduces paper files and increases search capabilities within existing archived files. The $1 million project is expected to create 15 jobs and retain 25 positions.

iStatus, LLC dba Transactiv.com (Hamilton County) has been awarded $1.6 million from the Innovation Ohio Loan Fund. The loan will assist in capitalizable software development to support the development of an automated transaction system for small- to medium-sized businesses. Transactiv.com is a Limited Liability Company established to provide affordable, automated business-to-business transaction solutions to small and medium sized establishments. The more than $2.1 million project is expected to create 44 jobs and retain four positions.

Nobel County Community Improvement Corporation (Noble County) has been awarded a $453,125 Rural Industrial Park Loan and a $271,875 Rural Development Initiative Grant. The loan and grant will assist in the implementation of a long-term economic development plan that could potentially produce hundreds of sustainable jobs and promote economic growth for the community. Noble County Community Improvement Corporation is an Ohio not-for-profit corporation formed for the sole purpose of advancing, encouraging, and promoting the industrial, economic, commercial, and civic development of Noble County. This is a $1.11 million project.

Paulding-Putnam Electric Cooperative, Incorporated (Paulding County) has been awarded an $850,000 16B Direct Loan. The loan will assist the design, site preparation, purchase, and renovation of an existing facility in the Village of Paulding. Paulding-Putnam Electric is a member-owned, member-controlled, nonprofit electric distribution utility founded in 1935. The company purchases power and distributes it to residential and corporate members of the cooperative. The more than $4.4 million project is expected to create five jobs and retain 30 positions.

PRC Medical, LLC (Summit County) has been awarded more than $1.7 million from the Innovation Ohio Loan Fund. The loan will assist in capitalizable software development costs necessary to produce the next generation of a fully integrated, government-certified software application that is delivered via the Internet in a purely hosted environment. PRC is a provider of technology-driven business services to the healthcare industry, streamlining the management of clinical and billing processes. The more than $2.3 million project is expected to create 126 jobs and retain 60 positions.

Reineke Advanced Technology, Ltd. (Ashland County) has been awarded a more than $1.12 million 16B Direct Loan. The loan will assist in the

Reineke Advanced Technology, Ltd. (Ashland County) has been awarded a more than $1.12 million 166 Direct Loan. The loan will assist in the purchase of a 141,928-square-foot building on a nearly 21-acre site. Reineke Advanced is the real estate holding company for Ashland Investment Properties, which is engaged in the production and shipment of carbon and graphite products to customers worldwide. The $1.5 million project is expected to create 30 jobs and retain 74 positions.

Wilbert Plastic Services (Huron County) has been awarded $5.29 million from the Ohio Enterprise Bond Fund. The loan will assist in the purchase of an existing facility as well as machinery and equipment. Wilbert Plastic Services is a diverse, injection mold and thermoforming manufacturer, supplying highly designed and technically innovative plastic products to a wide variety of markets. The $5.29 million project is expected to create 10 jobs and retain 158 positions.

*The **Logistics and Distribution Stimulus Loan** assists in the creation of a seamless multimodal transportation infrastructure across the state as part of the **Ohio Bipartisan Job Stimulus Plan**.*

*The **Development Financing Advisory Council** approves all low-interest, long-term, fixed-asset loans for companies considering expanding in or relocating to Ohio. The **166 Direct Loan** program provides loans for land and building acquisition, expansion or renovation, and equipment purchase. The **Innovation Ohio Loan Fund** assists existing Ohio companies in developing next-generation products in industry sectors that include: advanced materials; instrument, controls, and electronics; power and propulsion; biosciences, and information technology. **Rural Industrial Park Loan** provides direct loans and loan guarantees to rural, distressed local communities and other eligible applicants committed to creating well-planned industrial parks. **The Research and Development Investment Loan Fund** provides financing for projects primarily engaging in research and development activity. **The Rural Development Initiative Fund** provides grants to eligible applicants who also qualify and receive funding under the Rural Industrial Park Loan program. **The Ohio Enterprise Bond Fund** provides funding for land and building acquisition, construction, expansion or renovation, and equipment purchases for commercial or industrial projects between $1.5 million and $10 million.*

*Working with our partners across business, state and local governments, academia, and the nonprofit sector, the **Ohio Department of Development** works to attract, create, grow, and retain businesses through competitive incentives and targeted investments. Engaged every day in marketing, innovating, investing, and collaborating, the **Ohio Department of Development** works at the speed of business to accelerate and support the teamwork that is necessary for success by providing financial, informational, and technical assistance to those making an investment in Ohio's future.*

###

Media contacts: Bethany McCorkle at (614) 466-6519
or the Communications and Marketing Office at (614) 466-2609

This page was last updated on: 6/27/2011

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RUN YOUR OWN RACE
100+ pounds lost, a lifetime to go

Grocery List

MARCH 10, 2011

Earlier in the week, I tried to give a coherent explanation of why I don't post my food on this blog regularly. One thing that I do feel comfortable with, however, is posting my current grocery list. I hate grocery shopping, so hubs and I get through there pretty quickly. I try to stay on the perimeter of the grocery store, and these are my go-to items. Hopefully the order doesn't seem too crazy- I am writing them as if I were going from one side of the store to the other!

1 6 Tweet Like

Produce:

- cucumbers
- green onions
- cilantro
- apples
- bananas
- limes
- white or yellow onions
- garlic
- spinach

New Here? Welcome!
check out these posts first

Follow my progress
but always run your own race

EmmieLoves.com
my plus size fashion blog

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I'm kind of addicted: @skinnyemmie

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I promise not to bite!

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RECENT POSTS SEARCH

- red pepper
- clementines (if in season)
- sweet potatoes
- 1 sushi roll (usually tuna and avocado in brown rice, if possible)

Natural food section:

- Bear Naked granola
- almond milk
- Blue Diamond Nut Thins
- natural peanut butter (Justin's is my fave, but will get whatever)

Baked Goods:

- bagel thins – not the crunchy ones, but the ones in the bread section- they're 110 calories and look like a squished bagel

Protein:

- ground chicken (occasionally)
- Laura's Lean ground beef (occasionally, if I want a hamburger)

Dairy:

- Chobani yogurt
- reduced fat plain cream cheese
- reduced fat (2%) shredded cheddar
- reduced fat sour cream
- eggs (I know, not dairy, but next to the dairy section!)

RECENT POSTS
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Plus Size Workout Clothes
A Battle Royale
Sunday Snippets
Email for the Soul

EMMIELOVES.COM
Nail Color: Medieval Madness
Plus Size Workout Clothes
Palette for the Face
Lucky Dress
Etsy Accessories, June 2011

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SOPHISTICATED STYLE, SIZE 1X+
LEXINGTON ATHLETIC CLUB
HEARTFIT FITNESS WITH HEART

Online Tweet 1 Like 6 Share Top Pages (12) Recent posts YouTube Videos facebook twitter POWERED BY wibiya

To:	GRUPO BIMBO, S.A. B. DE C.V. (officeactions@brinkshofer.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 77798364 - BAGEL THINS - N/A
Sent:	6/27/11 2:23:06 PM
Sent As:	ECOM105@USPTO.GOV
Attachments:	

IMPORTANT NOTICE REGARDING YOUR U.S. TRADEMARK APPLICATION

USPTO OFFICE ACTION HAS ISSUED ON 6/27/2011 FOR SERIAL NO. 77798364

Please follow the instructions below to continue the prosecution of your application:

TO READ OFFICE ACTION: Click on this **link** or go to **http://portal.uspto.gov/external/portal/tow** and enter the application serial number to **access** the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this e-mail notification.

RESPONSE IS REQUIRED: You should carefully review the Office action to determine (1) how to respond; and (2) the applicable **response time period**. Your response deadline will be calculated from **6/27/2011** (or sooner if specified in the office action).

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System Response Form.

HELP: For *technical* assistance in accessing the Office action, please e-mail **TDR@uspto.gov**. Please contact the assigned examining attorney with questions about the Office action.

WARNING

Failure to file the required response by the applicable deadline will result in the ABANDONMENT of your application.

EXHIBIT 70

To the Declaration of Diana L. Rausa

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77798364

MARK: BAGEL THINS

77798364

CORRESPONDENT ADDRESS:
RUSSELL N. RIPPAMONTI
FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

RESPOND TO THIS ACTION:
http://www.uspto.gov/teas/eTEASpageD.htm

GENERAL TRADEMARK INFORMATION:
http://www.uspto.gov/main/trademarks.htm

APPLICANT: Bimbo Hungria Zrt

CORRESPONDENT'S REFERENCE/DOCKET NO:
25030-000210
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:

THIS IS A FINAL ACTION.

This Office action is in response to applicant's communication filed on May 11, 2010 in which applicant:

1) Disclaimed the wording BAGEL;

2) Claimed ownership of U.S. Registration No. 3427797; and

3) Argued against the Trademark Act Section 2(e)(1) refusal.

Item 1 is acceptable and made part of the record; the related requirement is therefore satisfied.

Item 2 is acceptable and made part of the record; the related requirement is therefore satisfied.

With respect to Item 3, the examining attorney has carefully considered the applicant's arguments but has found them unpersuasive. For the reasons below, the refusal under Trademark Act Section 2(e)(1) is maintained and now made FINAL.

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

Registration was refused because the applied-for mark merely describes 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.*

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).

In this case, applicant intends to use the mark BAGEL THINS on or in connection with "bakery products." To the extent that the goods are thin bagels or products that are known as "bagel thins," the mark is merely descriptive of a salient feature of the goods.

As the prior attachments indicated, BAGEL is defined as "glazed ring-shaped bread roll with a slightly chewy texture" while THIN is defined as "slim." See dictionary definitions from www.encarta.com previously attached. As such, the mark is merely descriptive of the applicant's goods, namely, slim bagels.

For applicant's convenience, the examining attorney has attached the dictionary definition of the wording, internet evidence of the wording used in the industry, and evidence of past Office practice regarding disclaimers of the wording or registration on the Supplemental Register or the Principal Register 2(f) with respect to related goods. See, for example,

- U.S. Registration No. 3568922 which includes a disclaimer for "THINS" in connection with "cookies, gingerbread biscuits, and biscuits."
- U.S. Registration No. 2863802 which includes a disclaimer for "THINS" in connection with "cookies."
- A recipe from www.bigoven.com for "FIERY GARLIC BAGEL THINS" where bagels are sliced into fifths in order to be thin.
- A recipe from www.foodista.com for "Bagel Thins, Lo Cal, Lo Salt" where the bagels are sliced into "very thin rounds."
- A recipe from www.fitnessandfreebies.com for "Baked Bagel Thins" where the bagels are sliced into four crosswise slices.
- An article from The New York Times published on February 14, 1982 discussing Bagel Boss offering "bags of "bagel thins," crisp, toasted thin bagel slices."

A consumer encountering the mark BAGEL THINS in connection with applicant's goods would immediately understand the feature of the goods. Because the mark immediately and directly conveys information about the applicant's goods, registration is refused under Trademark Act Section 2(e)(1).

APPLICANT'S ARGUMENTS ARE NOT PERSUASIVE

Applicant argues:

> First, consumers would be required to use imagination, thought, and perception to reach a conclusion as to the nature of Applicant's goods. Second, Applicant's competitors do not need to use Applicant's mark to describe their goods. Third, Applicant's competitors do not use Applicant's mark.

First, no imagination is required to figure out that BAGEL THINS as used on "bakery products" describes the nature of the goods as being thin bagels. As previously explained, the determination of whether a mark is merely descriptive is considered in relation to the identified goods, not in the abstract. *In re Abcor Dev. Corp.*, 588 F.2d 811, 814, 200 USPQ 215, 218 (C.C.P.A. 1978); TMEP §1209.01(b); *see, e.g., In re Polo Int'l Inc.* , 51 USPQ2d 1061 (TTAB 1999) (finding DOC in DOC-CONTROL would be understood to refer to the "documents" managed by applicant's software, not "doctor" as shown in dictionary definition); *In re Digital Research Inc.*, 4 USPQ2d 1242 (TTAB 1987) (finding CONCURRENT PC-DOS merely descriptive of "computer programs recorded on disk" where relevant trade used the denomination "concurrent" as a descriptor of a particular type of operating system). "Whether consumers could guess what the product is from consideration of the mark alone is not the test." *In re Am. Greetings Corp.*, 226 USPQ 365, 366 (TTAB 1985). Here, applicant's own specimen shows that the mark is used on "8 Thin Pre-Sliced" bagels. It is unclear what other meaning or connotation a consumer could have when viewing the mark BAGEL THINS in connection with applicant's thin bagels.

Applicant points out that "a federal district court, a federal appellate court, and the USPTO have all confirmed that Applicant's "THINS" mark is not merely descriptive of Applicant's healthy and nutritious bakery products." The issue is not merely whether THINS is descriptive of "bakery products" but whether "BAGEL THINS" is descriptive of bakery products. In this case, the evidence of record clearly shows that the phrase "BAGEL THINS" is used in connection with bakery products and thus the mark as a whole is descriptive. Reliance on the registration of "SANDWICH THINS" or any of the other marks is misplaced because (a) the issue regarding the descriptiveness of THINS was never discussed and (b) prior registrations are not conclusive on the question of descriptiveness. Each case must be considered on its own merits. An applied-for mark that is merely descriptive does not become registrable simply because other similar marks appear on the register. *In re Scholastic Testing Serv., Inc.*, 196 USPQ 517 (TTAB 1977); TMEP §1209.03(a).

Applicant's discussion regarding *Sara Lee* is also not persuasive since the non-precedential finding of the Ninth Circuit specifically stated "We express no view on the merits of the complaint." See attached *BBU, Inc., et al. v. Sara Lee Corp., et al.*, No. 09-cv-1787 DMS (RBB) (S.D. Cal. Sept. 11, 2009). Applicant has not included any transcript of the district court's decision and therefore the examining attorney is unable to confirm or contradict applicant's description of the decision.

With respect to applicant's arguments regarding the dictionary definition evidence, applicant focuses on the "having very little body fat" language but ignores the highlighted portion of the dictionary evidence that "THIN" means "SLIM." Additionally, another definition is "make or become thinner" which is what applicant's specimen indicates it has done by slicing the bagels so they are thinner. Furthermore, to the extent the mark includes the wording "THINS" rather than "THIN," please note the fact that a descriptive word or term is not found in the dictionary is not controlling on the question of registrability. *In re Gould Paper Corp.*, 834 F.2d 1017, 5 USPQ2d 1110 (Fed. Cir. 1987); *In re Orleans Wines, Ltd.*, 196 USPQ 516 (TTAB 1977); TMEP §1209.03(b). The evidence of record clearly shows that "BAGEL THINS" is used consistently by third parties to describe their bakery products.

Applicant also argues that "there are no other live registrations or applications on the USPTO register which incorporate the term BAGEL THINS. Exhibit 3. The fact that no other parties use this term descriptively is strong evidence that "BAGEL THINS" is not widely recognized within this field to describe Applicant's bakery products." The fact that there are no live registrations or applications which incorporate the term "BAGEL THINS" actually weighs against the applicant in this case when, as the

attached x-search print out shows, there were three other applications including the wording, two of which were denied registration and one of which registered only after a disclaimer of "BAGEL THINS" was entered into the record. See U.S. Registration No. 1432125 attached herein.

Applicant claims that its competitors do not need to use and do not use "BAGEL THINS" to describe their goods but provides no evidence to support this statement. To the contrary, the examining attorney has previously provided evidence of third party usage of "BAGEL THINS" in connection with bakery goods and includes additional evidence herein such as:

- Einstein Bros offering New Bagel Thins Lunch Sandwich
- Bagel Country offering bagel thins on its menu
- New York Bagel Baking Company offering "Bagel Thins: Great for dips, spreads or just snacking. We make plain, onion, whole wheat, raisin and sea salt bagel thins."
- Barry Bagels offering Bagel Thins (Garlic, Plain, Raisin, Or Berry) on its menu
- The Delancey Street Foundation offering omelets served with bagel thins

The evidence of record clearly indicates that third parties need to and do use BAGEL THINS in connection with their bakery goods and as such the mark is descriptive and the refusal is made FINAL.

SUPPLEMENTAL REGISTER

The applied-for mark has been refused registration on the Principal Register. Applicant may respond to the refusal by submitting evidence and arguments in support of registration and/or by amending the application to seek registration on the Supplemental Register. *See* 15 U.S.C. §1091; 37 C.F.R. §§2.47, 2.75(a); TMEP §§801.02(b), 816. Amending to the Supplemental Register does not preclude applicant from submitting evidence and arguments against the refusal(s). TMEP §816.04.

PROPER RESPONSE TO FINAL

If applicant does not respond within six months of the date of issuance of this final Office action, the application will be abandoned. 15 U.S.C. §1062(b); 37 C.F.R. §2.65(a). Applicant may respond to this final Office action by:

(1) Submitting a response that fully satisfies all outstanding requirements, if feasible; and/or

(2) Filing an appeal to the Trademark Trial and Appeal Board, with an appeal fee of $100 per class.

37 C.F.R. §§2.6(a)(18), 2.64(a); TBMP ch. 1200; TMEP §714.04.

In certain rare circumstances, a petition to the Director may be filed pursuant to 37 C.F.R. §2.63(b)(2) to review a final Office action that is limited to procedural issues. 37 C.F.R. §2.64(a); TMEP §714.04; *see* 37 C.F.R. §2.146(b); TBMP §1201.05; TMEP §1704 (explaining petitionable matters). The petition fee is $100. 37 C.F.R. §2.6(a)(15).

/Tasneem Hussain/

Trademark Examining Attorney
Law Office 105
(571) 272-8273

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.

*2010 U.S. App. LEXIS 274, **

BBU, INC., a Delaware corporation; et al., Plaintiffs - Appellees, v. **SARA LEE** CORPORATION, a Maryland corporation; et al., Defendants - Appellants.

No. 09-56493

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

2010 U.S. App. LEXIS 274

December 15, 2009 **, Submitted

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

January 6, 2010, Filed

NOTICE: PLEASE REFER TO FEDERAL RULES OF APPELLATE PROCEDURE RULE 32.1 GOVERNING THE CITATION TO UNPUBLISHED OPINIONS.

PRIOR HISTORY: [*1]
Appeal from the United States District Court for the Southern District of California. D.C. No. 3:09-CV-01787-DMS-RBB. Dana M. Sabraw, District Judge, Presiding.

DISPOSITION: AFFIRMED.

COUNSEL: For BBU, INC., a Delaware corporation, BIMBO BAKERIES USA, INC., ARNOLD PRODUCTS, INC., a Delaware corporation, ARNOLD SALES COMPANY, INC., a Delaware corporation, ARNOLD FOODS COMPANY, INC., a Delaware corporation, Plaintiffs - Appellees: Andrew M. Abrams, Attorney, Juanita Rose Brooks, Attorney, Lisa M. Martens, Attorney, FISH & RICHARDSON, P.C., San Diego, CA.

For SARA LEE CORPORATION, a Maryland corporation, SARA LEE BAKERY GROUP, INC., a Delaware corporation, EARTHGRAINS BAKING COMPANIES, INC., a Delaware corporation, Defendants - Appellants: David Kleinfeld, Acting Assistant Attorney General, FOLEY & LARDNER LLP, San Diego, CA; Eileen R. Ridley, Foley & Lardner LLP, San Francisco, CA; Robert S. Weisbein, Esquire, Attorney, Foley & Lardner LLP, New York, NY.

JUDGES: Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

OPINION

MEMORANDUM *

FOOTNOTES

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

This appeal from the district court's order granting appellees' motion for a preliminary **[*2]** injunction comes to us for review under Ninth Circuit Rule 3-3. We have jurisdiction under 28 U.S.C. § 1292(a)(1), and we affirm.

We express no view on the merits of the complaint. *See Sports Form, Inc. v. United Press Intern., Inc.*, 686 F.2d 750, 752-53 (9th Cir. 1982). Our sole inquiry is whether the district court abused its discretion in granting preliminary injunction relief. *See Guzman v. Shewry*, 552 F.3d 941, 948 (9th Cir. 2009). Obtaining a preliminary injunction "requires a party to demonstrate 'that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.'" *Stormans, Inc. v. Selecky*, 571 F.3d 960, 978 (9th Cir. 2009) (quoting *Winter v. Natural Resources Defense Council*, 129 S. Ct. 365, 374, 172 L. Ed. 2d 249 (2008)). Here, the district court correctly identified the legal standards for likelihood of confusion of a trademark. *See AMF, Inc. v. Sleekcraft Boats*, 599 F.2d 341, 348-49 (9th Cir. 1979). We conclude that the district court did not abuse its discretion in concluding that appellees met the requirements needed to merit preliminary **[*3]** injunction relief. Accordingly, we affirm the district court's order granting the preliminary injunction.

AFFIRMED.

Source: Legal > / . . . / > 9th Circuit - US Court of Appeals, District & Bankruptcy Cases, Combined
Terms: name(bbu, inc and sara lee) (Edit Search | Suggest Terms for My Search)
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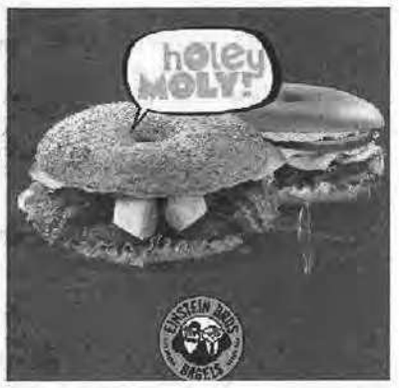
B1G1 Einstein Bros New Bagel Thins Lunch Sandwich



I am loving the new Einstein Bros coupon on Facebook! If you "like" Einstein Bros on Facebook (Go HERE), click on the "Offers" tab and you can print out your Buy One Get One Free Turkey Bacon &

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Get $25 Restaurant Gift Certificates for only $2
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Get Some Coupon Clarity!!
The Couponers Community

you can print out your Buy One Get One Free Turkey Bacon & Avocado, Tuna, or a Turkey Bagel Thin sandwich! Limit one coupon per person. Coupon is valid between 5/17 – 5/30! Go HERE to find an Einstein Bros near you!

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May 2010

Amount Spent: $64.10
Amount Saved: $563.32
Percentage Saved: 89.78%

2010 YTD Spent: $355.20
2010 YTD Saved: $4,374.49
2010 YTD Percentage Saved: 92.5%

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10% off Coupon Code: ADDICTED

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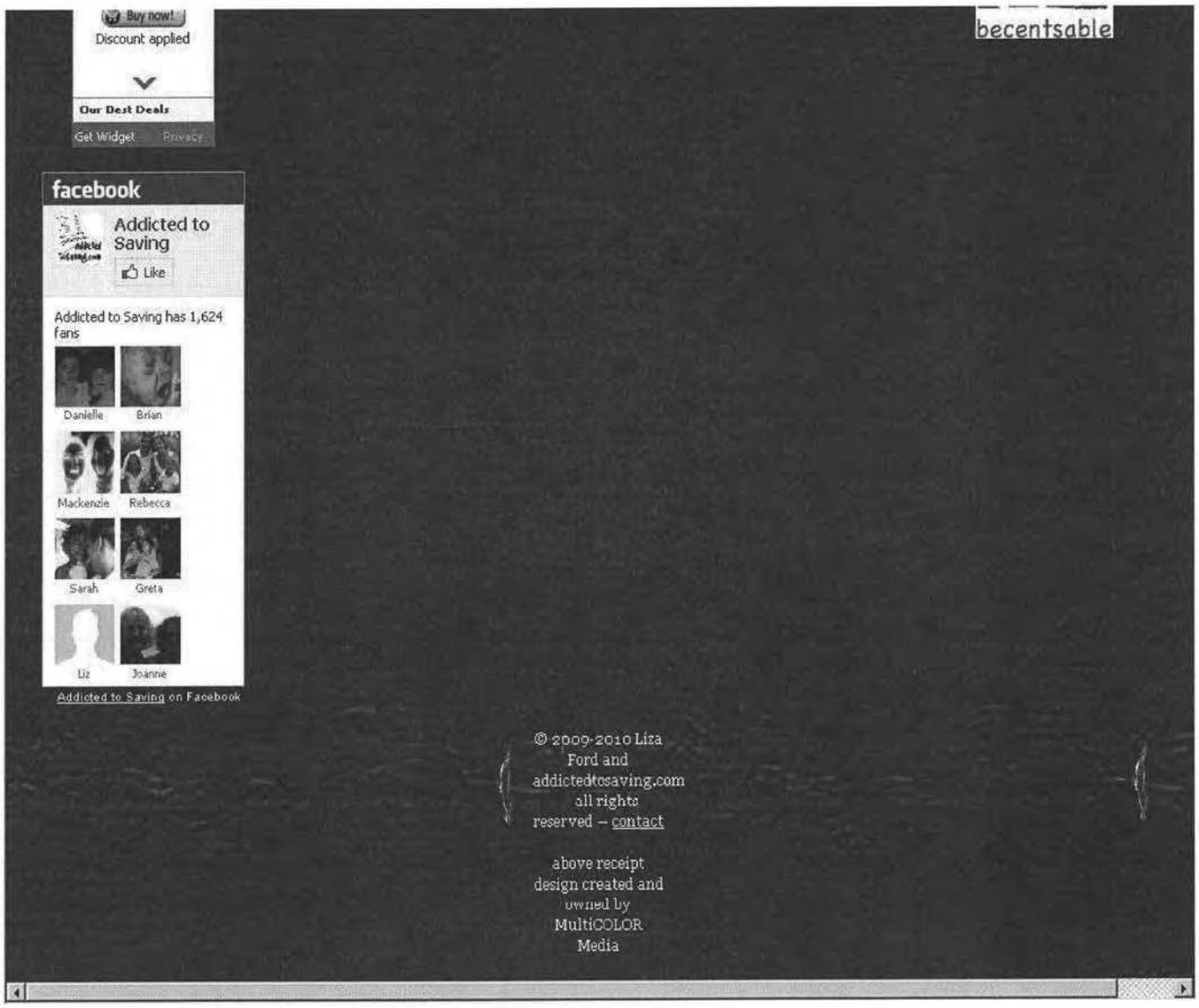

bagel country

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MENU

Bagels etc.

Bagels etc.

Bagels..... $0.75/Each; $9.00/dz
Blueberry, Caraway Rye, Chocolate Chip, Cinn. Raisin, Egg, 8-Grain, Everything, Garlic, Jalapeno, Marble, Onion, Plain, Poppy, Pumpernickel, Salt, Sesame, Sour Dough, Spinach, Whole Wheat, Zahtar, Bagel Sticks

Minis..... $0.60/Each; $7.20/dz
assorted varieties

Bialys..... $0.75/Each; $9.00/dz
plain or onion

Pretzel..... $0.85/Each; $10.20/dz

Fruit Energy Bar..... $0.85/Each; $10.20/dz
loaded with fruits, nuts, and grains

Jerusalem Bagel..... $0.85/Each; $10.20/dz
plain or whole wheat

Low Carb Roll..... $0.50/Each; $6.00/dz

Bagel Thins..... $2.99/Each
large bag

Seasoned Bagel Thins..... $3.49/Each
medium bag

Challah

Challah

Challah..... $2.75
plain, poppy & sesame

Challah..... $3.05
raisin or onion

Honey Rose..... $1.95

Challah Rolls..... $0.75

Sandwiches

Sandwiches

Peanut-Butter and Jelly..... $1.95

Plain/Low Fat Plain Cream Cheese..... $3.00

Specialty Cheese Schmeers..... $3.25
see listing

Nova Cream Cheese..... $3.85

Sliced Cheese..... $3.50
American, Mozzarella, Cheddar, or Muenster

Pizza Bagel..... $3.75

Sandwich Plates

Sandwich Plates

Sandwich Plates

Sandwich Plates

Lox and Cream Cheese $9.50
Tuna Salad $8.25
Regular or Low-fat
Tuna Melt $8.75
with choice of cheese
Tuna Reuben $9.50
with sauerkraut and choice of cheese
Mushroom Extravaganza $8.75
Mushrooms, and more mushrooms with red onions, thyme and marjoram served on an onion bagel
Egg Salad $6.75
Vegetarian Chopped Liver $7.75
Whitefish Salad $8.25
Herring $8.50
Matjes Herring, Onions, Cucumbers, and Tomatoes
Garden Delight $8.75
a mountain of fresh vegetables, topped with choice of melted cheese
Hummus $5.95
Falafel Plate $7.49

Breakfast

Breakfast

Eggel Bagel $3.95
egg with cheese and choice of bagel
Deluxe Eggel Bagel $4.95
egg with cheese, onions, green peppers and mushrooms and choice of bagel
French Toast $4.95
made with challah
Pancakes $5.25
Deluxe Pancakes $5.65
blueberry or chocolate chip
Spinach Frittata $8.25
eggs with spinach and cheese on a flour tortilla
Hash Browns $2.15
side order
Oatmeal $2.15

It's A Wrap

It's A Wrap

Lox Lu-Lu $11.95
Nova Lox with cream cheese, red onions, scallions, lettuce, and fresh tomato rolled in a flour tortilla.
Guacamole Wrap $11.75
Guacamole, cheese, lettuce, tomato, and scallions wrapped in a flour tortilla with regular salad
Ora Roll-Up $10.50
Mexican style refried beans, cheese, lettuce, and tomato wrapped in a flour tortilla.
The Cha-Cha $11.90
Mock meat, mushrooms, carrots, red and green peppers with cheese rolled in a flour tortilla.
Spinach Swirl $10.50

Spinach Swirl..... $10.50
Steamed spinach with chunks of potatoes, red and green peppers with cheese rolled in a flour tortilla.

Tuna Wrap..... $9.95
Chunk White Tuna Salad wrapped in a flour tortilla with lettuce, and tomato.

Mediterranean Wrap..... $9.95
Eggplant, red and green peppers, onions, and sun dried tomatoes in a spicy sauce wrapped in a flour tortilla

Garden Wrap..... $8.75
Lettuce, tomato, green pepper, red onion, and mushroom with a tangy cucumber dill sauce rolled in a flour tortilla.

Falafel Wrap..... $8.75
Israeli salad, hummus, tahini sauce and Mediterranean eggplant salad wrapped in a flour tortilla

Favorites

Favorites

Quesadilla Classic..... $8.65
3 kinds of cheese, scallions and tomatos in a flour tortilla

Quesadilla Deluxe..... $9.25
Same as the Quesadilla Classic but add green peppers, onions, and mushrooms.

Pasta Pizza..... $7.35
Pasta with marinara sauce loaded up with cheese, and served with a tossed salad.

Homemade Macaroni and Cheese..... $5.25

Spinach Trencher..... $10.75
Two bialys filled with creamed chopped spinach and topped with melted cheese

Homemade Cheese Blintzes..... $7.50

Stuffed Pizza Trencher..... $10.75
Two bialys filled with sauteed green peppers, onions and mushrooms with pizza sauce and topped with melted cheese.

Specialty Meals

Specialty Meals

Veggie Burger..... $8.95
Served on a Bagel of Your Choice and Salad or Fench Fries

Tuna Burger..... $7.99
Served on a Bagel of Your Choice and Salad or Fench Fries

Salmon Teriyaki..... $10.99
Grilled salmon marinated in teriyaki sesame sauce on a bed of linguini. Served with Salad.

Salmon Honey Dijon..... $12.65
Grilled Salmon Marinated in Honey Dijon Sauce on a Bed of Linguini, Served with Salad

Falafel Plate..... $8.75
Our Authentic Falafel Balls Served with Israeli Salad, Hummus, Tahini Sauce, and Mediterranean Eggplant Salad

Taco Bowls..... $8.99
Deep Fried Flour Tortilla Shells Filed with Salad, Vegetarian Mexican Meat, Guacamole and Refried Beans, Served with Salsa

Rapidos Tacos..... $8.99
Three Soft Shell Tacos Filled with Vegetarian Meat and Onions. Served with Refried Beans and Mexican Rice.

Sweet & Sour Vegetarian Meatballs..... $4.95
Served in a Sweet and Sour Sauce on a Bed of Linguini

Moroccan Cigars..... $4.95

Moroccan Cigars	$4.95

Delicious Sides

Delicious Sides

Lokshen Kugel	$1.99
Potato Kugel	$1.99
French Fries	$1.80

Soups & Salads

Soups & Salads

Soup of the Day	Small $4.00; Large $5.00
add $.50 for Veg. Chilli	
Cobb Salad	$8.95
Lettuce, tomato, red and green peppers, chopped eggs, carrots, and mozzarella cheese	
Tuna Bowl Salad	$7.50
Tossed salad with a scoop of tuna	
Garden Salad	Small $4.50; Large $6.00
lettuce with a medley of garden vegetables	
Israeli Salad	Small $3.75; Large $6.95
Marinated chopped tomatoes, red and green peppers, and cucumbers	

Pizza

Pizza

Slice of Pizza	$2.75
Jumbo	
Pizza Pie	$10.50
14 inch	

Kids Specials

Kids Specials

Tuna	$4.40
Egg Salad	$3.50
Plain Cream Cheese	$1.65

Scoop du Jour

Scoop du Jour

Single Scoop Cone	$2.19
Double Scoop Cone	$3.65
Milk Shakes	$4.39
Sundaes	Range from $3.29-$9.89
Soft Yogurt	Small $2.19; Large $3.05
Cholov Yisrael	

Homemade Sweets

Homemade Sweets

Muffins, Brownies, Danish and Cinnamon Rolls	$2.50
Large Cookies	$1.80
Homemade Cheese Cake	Plain $4.95; Flavored $5.50

Packaged Goods

Packaged Goods

Chocolate Chip, Chocolate Crinkle and Oatmeal Cookies	**$4.85**
Mini Almond Horn Cookies	**$7.95**
Walnut Brownie Cookies	**$4.95**
sugar free	
Cheesecake	**$5.29**
plain	
Low Carb "Atkins" Cheesecake	**$7.99**
Low Carb "Atkins" Spinach Souffle	**$7.99**

Cheese Schmeers

Cheese Schmeers

Plain and Low Fat Plain Cheese	**Medium $2.90; Large $5.90**
Nova Cheese Spread	**Medium $3.99; Large $7.90**
Specialty Flavors	**Medium $3.49; Large $6.90**

Chive, Low Fat Chive, Garlic-Dill, Olive, Strawberry, Low Fat Vegetable, Vegetable

Spreads

Spreads

Lox	**Medium $9.90; Large $19.90**
Tuna	**Medium $5.40; Large $10.80**
Egg	**Medium $3.25; Large $6.50**
Whitefish	**Medium $5.40; Large $10.80**
Hummus Salad	**Medium $3.50; Large $6.80**
Matjes Herring Fillet	**Each 3.50**
Vegetarian Chopped Liver	**Medium $3.80; Large $7.50**

Beverages

Beverages

Fountain Drinks, Bottled Soda or Ice Tea	**$1.65**
White or Chocolate Milk	**$0.75**
cholov yisroel	
Snapple	**$1.75**
Nantucket Juices	**$1.95**
Arizona Teas	**$1.95**
Dr. Brown's, Fresca or Bottled Water	**$1.35**
Coffee	**$2.25**
regular or flavored	
Cappuccino	**$1.95**
Hot Cocoa	**$1.95**
Hot Tea	**$1.35**
regular or flavored	

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- Home
- Our History
- Locations and Store Info
- Our Bagels and Other Products
- School Bagel Sale Fundraising
- Corporate Catering
- Wholesale to Food Service
- Dogels • The Original Doggie Bagel

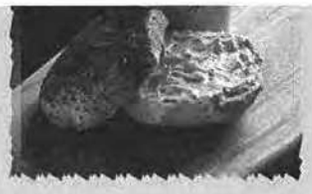
Bagels — Sandwiches — and More!

At New York Bagel, our bagels are boiled and then baked.

This process contributes to the wonderful taste and texture of our bagels.

We make the following bagel varieties from scratch.
Bagel weight is 4 oz.

- plain
- salt
- egg
- onion
- pumpernickel
- whole wheat
- blueberry
- rye



- onion
- cinnamon raisin
- sesame
- garlic
- everything
- rye
- parmesan
- salt sticks
- plain sticks

Our bagels contain **no** trans-fats, preservatives, dairy products or peanut products.

Our other fine baked products

Raisin Twists: Twisted raisin bagel dipped in a cinnamon-powdered sugar mix, baked, then drizzled with a syrup glaze.

Cinnamon Sugar: Plain bagel dipped in a cinnamon-powdered sugar mix, then baked.

Bialys: a plain bagel shaped into a disk with onion baked in the middle.

Bagel Thins: Great for dips, spreads or just snacking. We make plain, onion, whole wheat, raisin and sea salt bagel thins.

Flagels: A flattened bagel dipped in parmesan, sesame, onion or everything mix before baking.

Try Our Cream Cheese!

- plain
- plain lite
- chive
- vegetable
- strawberry
- raisin walnut
- herb garlic
- olive hot pepper
- lox (smoked salmon)
- sundried tomato

We also make **horseradish cheddar spread**

Sandwiches

- bagels and lox
- tuna salad
- chicken salad

...And More!

New York Bagel Teethers

While you are picking up your freshly baked bagels, you can get the other items on your list like:

- milk
- orange juice
- soda pop
- bottled water

Heck - we even have **homemade teethers** to keep your baby happy!

Email: howard@newyorkbagel-detroit.com

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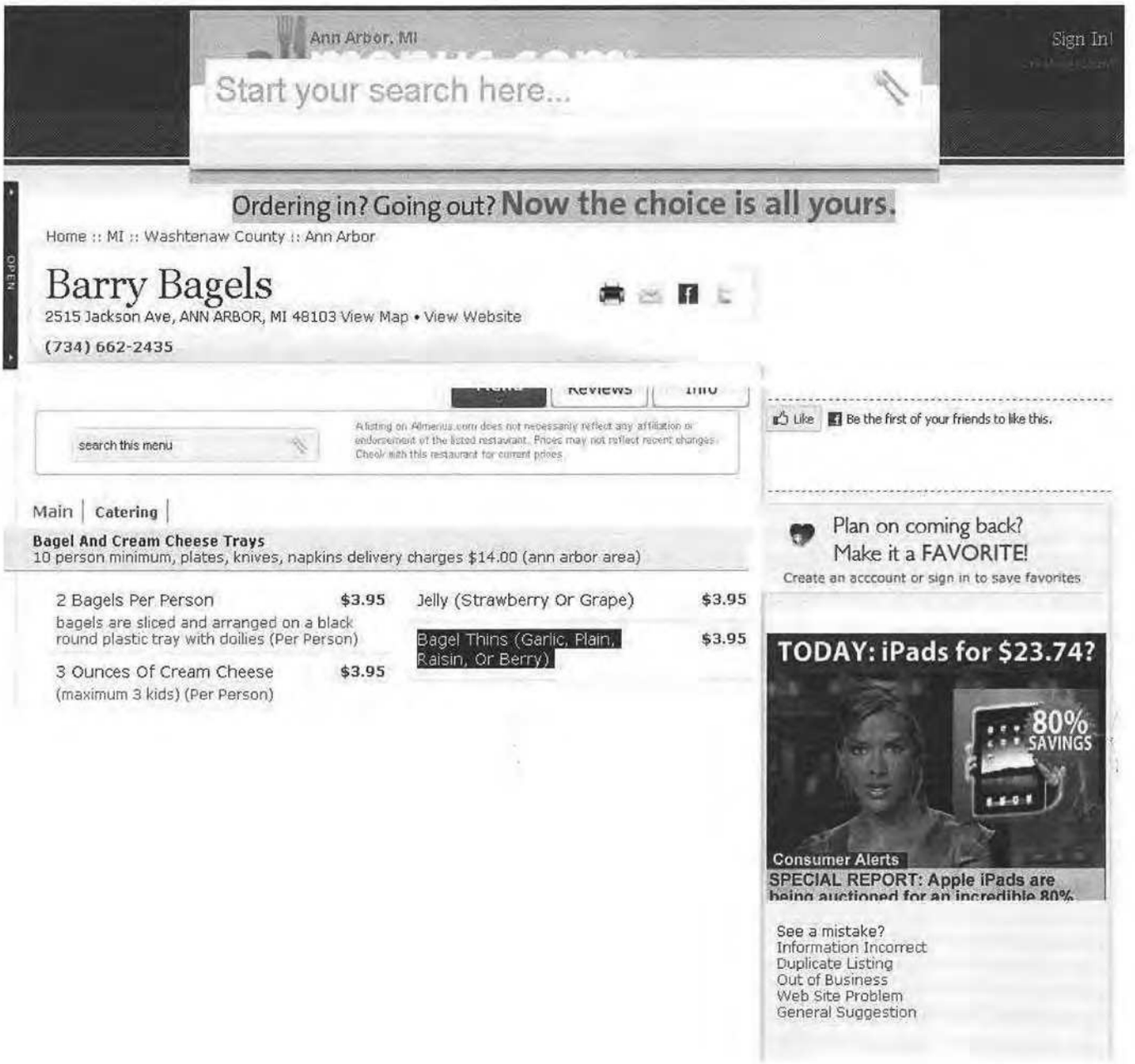
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Main | Catering |
Bagel And Cream Cheese Trays
10 person minimum, plates, knives, napkins delivery charges $14.00 (ann arbor area)
2 Bagels Per Person $3.95
bagels are sliced and arranged on a black round plastic tray with doilies (Per Person)
3 Ounces Of Cream Cheese $3.95
(maximum 3 kids) (Per Person)
Jelly (Strawberry Or Grape) $3.95
Bagel Thins (Garlic, Plain, Raisin, Or Berry) $3.95
Plan on coming back?
Make it a FAVORITE!
Create an acccount or sign in to save favorites
TODAY: iPads for $23.74?
80% SAVINGS
Consumer Alerts
SPECIAL REPORT: Apple iPads are being auctioned for an incredible 80%
See a mistake?
Information Incorrect
Duplicate Listing
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Own this restaurant?
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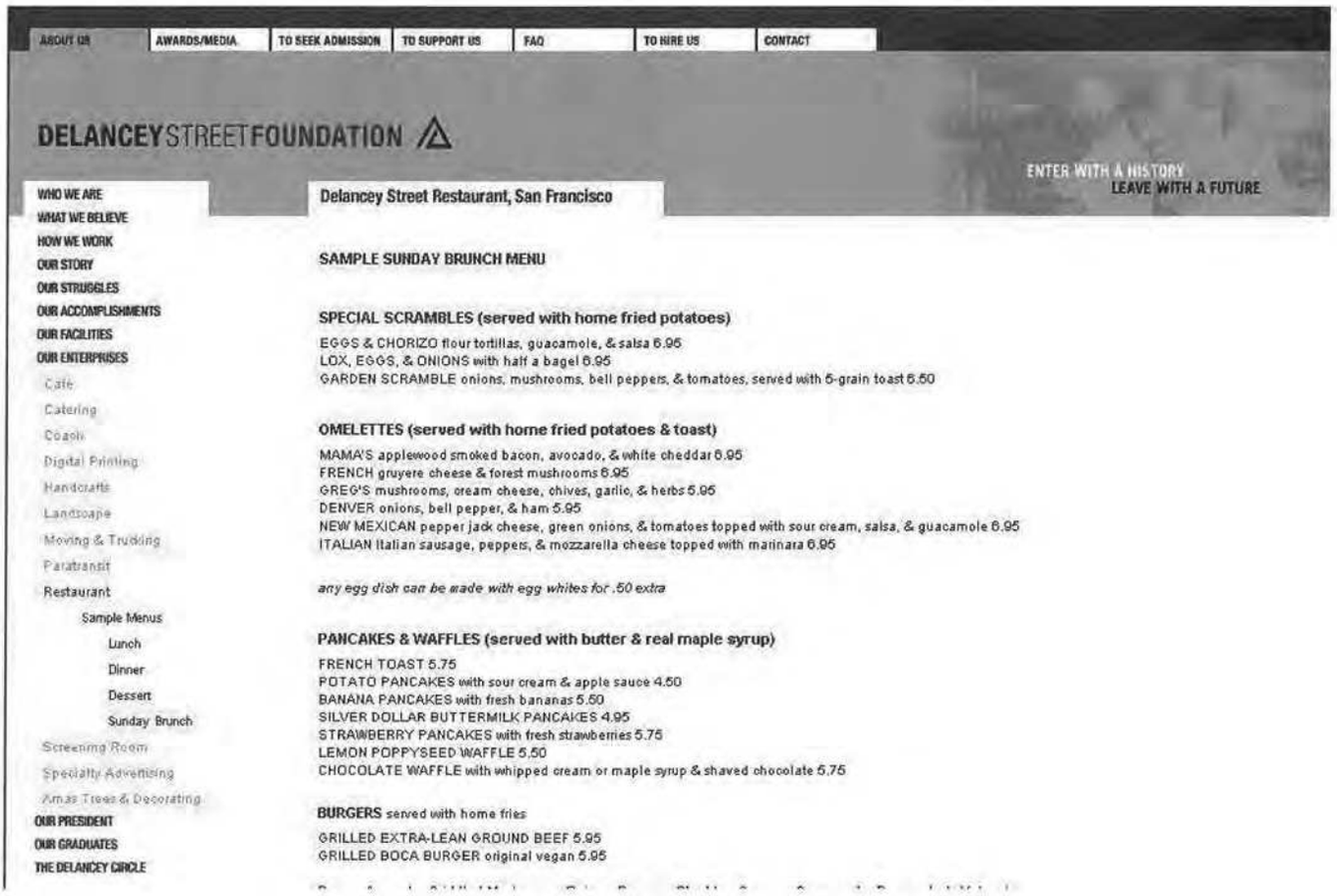

Delancey Street Restaurant, San Francisco

SAMPLE SUNDAY BRUNCH MENU

SPECIAL SCRAMBLES (served with home fried potatoes)

EGGS & CHORIZO flour tortillas, guacamole, & salsa 6.95
LOX, EGGS, & ONIONS with half a bagel 6.95
GARDEN SCRAMBLE onions, mushrooms, bell peppers, & tomatoes, served with 5-grain toast 6.50

OMELETTES (served with home fried potatoes & toast)

MAMA'S applewood smoked bacon, avocado, & white cheddar 6.95
FRENCH gruyere cheese & forest mushrooms 6.95
GREG'S mushrooms, cream cheese, chives, garlic, & herbs 5.95
DENVER onions, bell pepper, & ham 5.95
NEW MEXICAN pepper jack cheese, green onions, & tomatoes topped with sour cream, salsa, & guacamole 6.95
ITALIAN Italian sausage, peppers, & mozzarella cheese topped with marinara 6.95

any egg dish can be made with egg whites for .50 extra

PANCAKES & WAFFLES (served with butter & real maple syrup)

FRENCH TOAST 5.75
POTATO PANCAKES with sour cream & apple sauce 4.50
BANANA PANCAKES with fresh bananas 5.50
SILVER DOLLAR BUTTERMILK PANCAKES 4.95
STRAWBERRY PANCAKES with fresh strawberries 5.75
LEMON POPPYSEED WAFFLE 5.50
CHOCOLATE WAFFLE with whipped cream or maple syrup & shaved chocolate 5.75

BURGERS served with home fries

GRILLED EXTRA-LEAN GROUND BEEF 5.95
GRILLED BOCA BURGER original vegan 5.95

For Reservations:

Restaurant
415-512-5179

Private Dining
415-512-5117

The Embarcadero at
Brannan,
San Francisco, CA 94107

Bacon, Avocado, Griddled Mushrooms, Onions, Peppers, Cheddar, Gruyere, Gorgonzola, Pepper Jack, Velveeta
for each add .50

SPECIALTY MAIN COURSES

EGGS BENEDICT with home fries whole order 6.95/half order 4.25
SOUTHWESTERN CHICKEN HASH with poached eggs, salsa, & guacamole 6.75
RIB EYE STEAK & EGGS with toast & home fries 8.95
2 EGGS ANY STYLE with toast & home fries 4.75
with choice of bacon or sausage 5.75
CHEESE BLINTZES with sour cream & strawberry preserves 5.50
FRESH H&H Bagel, LOX & CREAM CHEESE served with tomatoes & red onions 6.95

HEART HEALTHY SPA SPECIALS (COOKED WITH NO FAT - under 500 calories)

3 EGGWHITE SPINACH & MUSHROOM OMELETTE with fat free garlic & chive schmear - served with bagel thins & apple butter 6.95
GRILLED SALMON FILET WITH LIGHT SOY GLAZE with salad 9.95
LATIN SCALLOP CEVICHE with lime, mango, & mint 6.95
MIXED MAKI ROLLS Chef's selection with pickled ginger & wasabi 5.95

COLD PLATTERS

ALBERTO'S ANTPASTI grilled eggplant, zucchini, roasted peppers, marinated artichoke hearts, & olives 5.95
COBB SALAD chicken bacon, avocado, gorgonzola, & tomato 7.95
SPINACH SALAD with feta cheese, bacon, red onions, Greek olives, & tomatoes 4.95
ASSORTED SMOKED FISH PLATTER served with bagels, bread, tomatoes, & red onions 8.06

SIDE DISHES

2 EGGS ANY STYLE 2.25
SHORT STACK 3.50
SIDE OF ITALIAN SAUSAGE 2.95
SIDE OF APPLEWOOD SMOKED THICK BACON 2.75
HOME FRIED POTATOES 2.25
TOAST sourdough, rye, or 5-grain 1.25
CINNAMON TOAST 1.75
FRESH H & H BAGELS plain, garlic, onion, or sesame seed with cream cheese schmears- plain, chive, garlic, or fat free garlic chive 1.95
HOMEMADE SCONES & CREME FRAICHE 2.95
FRESH FRUIT SALAD 2.25
with triple sec creme fraiche add .60

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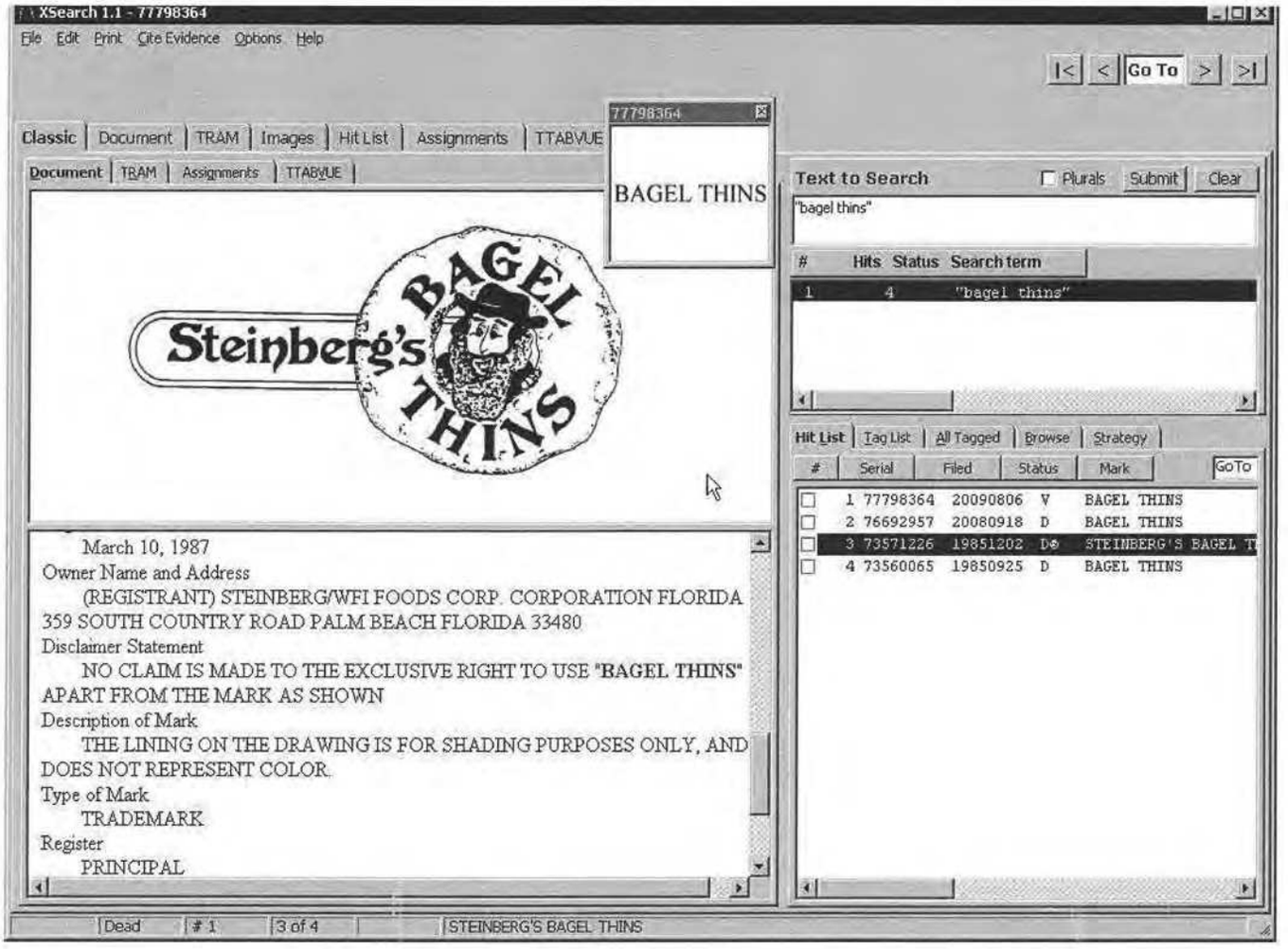
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1 77798364 20090806 V BAGEL THINS
2 76692957 20080918 D BAGEL THINS
3 73571226 19851202 D® STEINBERG'S BAGEL T
4 73560065 19850925 D BAGEL THINS
March 10, 1987
Owner Name and Address
(REGISTRANT) STEINBERG/WFI FOODS CORP. CORPORATION FLORIDA
359 SOUTH COUNTRY ROAD PALM BEACH FLORIDA 33480
Disclaimer Statement
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BAGEL THINS"
APART FROM THE MARK AS SHOWN
Description of Mark
THE LINING ON THE DRAWING IS FOR SHADING PURPOSES ONLY, AND
DOES NOT REPRESENT COLOR.
Type of Mark
TRADEMARK
Register
PRINCIPAL
Dead # 1 3 of 4 STEINBERG'S BAGEL THINS

DESIGN MARK

Serial Number
73571226

Status
CANCELLED - SECTION 8

Word Mark
STEINBERG'S BAGEL THINS

Standard Character Mark
No

Registration Number
1432125

Date Registered
1987/03/10

Type of Mark
TRADEMARK

Register
PRINCIPAL

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

Owner
STEINBERG/WFI FOODS CORP. CORPORATION FLORIDA 359 SOUTH COUNTRY ROAD PALM BEACH FLORIDA 33480

Goods/Services
Class Status -- SECTION 8 - CANCELLED. IC 030. US 046. G & S: BAGEL CHIPS AND SLICES. First Use: 1983/07/08. First Use In Commerce: 1983/07/08.

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

Lining/Stippling Statement
THE LINING ON THE DRAWING IS FOR SHADING PURPOSES ONLY, AND DOES NOT REPRESENT COLOR.

Filing Date
1985/12/02

Examining Attorney
ABATE CANDICE A

Attorney of Record
RICHARD B. TURER

Steinberg's
BAGEL
THINS

EXHIBIT 71

To the Declaration of Diana L. Rausa

To:	Bimbo Hungria Zrt (officeactions@brinkshofer.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 77798364 - BAGEL THINS - N/A
Sent:	12/13/10 11:52:42 AM
Sent As:	ECOM105@USPTO.GOV
Attachments:	Attachment - 1

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

APPLICATION SERIAL NO. 77798364

MARK: BAGEL THINS

77798364

CLICK HERE TO RESPOND TO THIS LETTER:
http://www.uspto.gov/teas/eTEASpageD.htm

CORRESPONDENT ADDRESS:
SCOTT J. SLAVICK
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

APPLICANT: Bimbo Hungria Zrt

CORRESPONDENT'S REFERENCE/DOCKET NO:
N/A

CORRESPONDENT E-MAIL ADDRESS:
officeactions@brinkshofer.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 12/13/2010

The trademark examining attorney issued a final Office action on May 25, 2010. On November 26, 2010, applicant responded by filing a notice of appeal to the Trademark Trial and Appeal Board (Board) and a request for reconsideration of the issues presented in the final Office action. The Board then suspended the appeal and remanded the application to the trademark examining attorney for consideration of the request.

Applicant's request raises a new issue that must be addressed; therefore, this nonfinal Office action is being issued to address the new issue. *See* TMEP §715.04(b). This nonfinal Office action supersedes the previously-issued final Office action.

Accordingly, applicant must respond to all refusal(s) and/or requirement(s) set forth below within six months of the date of issuance of this Office action. *See* 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a). A response to this Office action should be filed with the trademark examining attorney, and not with the Board. Applicant should not respond by filing another appeal. TMEP §715.04(b). The appeal will remain suspended while the application is on remand. TMEP §715.04. If applicant's response does not resolve all issues, the Board will be notified to resume the appeal. *Id.*

In its Request for Reconsideration, applicant argues against the Trademark Act Section 2(e)(1) refusal, claims acquired distinctiveness under Trademark Act Section 2(f) in the alternative, and amends to the Supplemental Register in the alternative. The examining attorney has carefully considered the applicant's arguments but has found them unpersuasive. For the reasons below, the refusal under Trademark Act Section 2(e)(1) is maintained and the following findings of insufficient support for the Section 2(f) claim and genericness are made.

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

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

The determination of whether a mark is merely descriptive is considered in relation to the identified goods, not in the abstract. *In re Abcor Dev. Corp.*, 588 F.2d 811, 814, 200 USPQ 215, 218 (C.C.P.A. 1978); TMEP §1209.01(b). To the extent that the goods are thin bagels or products that are known as "bagel thins," the mark is merely descriptive of a salient feature of the goods.

As the prior attachments indicated, BAGEL is defined as "glazed ring-shaped bread roll with a slightly chewy texture" while THIN is defined as "slim." See dictionary definitions from www.encarta.com previously attached. As such, the mark is merely descriptive of the applicant's goods, namely, slim bagels.

For applicant's convenience, the examining attorney previously attached the dictionary definition of the wording, internet evidence of the wording used in the industry, and evidence of past Office practice regarding disclaimers of the wording or registration on the Supplemental Register or the Principal Register 2(f) with respect to related goods. See, for example,

- U.S. Registration No. 3568922 which includes a disclaimer for "THINS" in connection with "cookies, gingerbread biscuits, and biscuits."
- U.S. Registration No. 2863802 which includes a disclaimer for "THINS" in connection with "cookies."
- A recipe from www.bigoven.com for "FIERY GARLIC BAGEL THINS" where bagels are sliced into fifths in order to be thin.
- A recipe from www.foodista.com for "Bagel Thins, Lo Cal, Lo Salt" where the bagels are sliced into "very thin rounds."
- A recipe from www.fitnessandfreebies.com for "Baked Bagel Thins" where the bagels are sliced

into four crosswise slices.
- An article from The New York Times published on February 14, 1982 discussing Bagel Boss offering "bags of "bagel thins," crisp, toasted thin bagel slices."

The examining attorney has previously provided evidence of third party usage of "BAGEL THINS" in connection with bakery goods such as:

- Einstein Bros offering New Bagel Thins Lunch Sandwich
- Bagel Country offering bagel thins on its menu
- New York Bagel Baking Company offering "Bagel Thins: Great for dips, spreads or just snacking. We make plain, onion, whole wheat, raisin and sea salt bagel thins."
- Barry Bagels offering Bagel Thins (Garlic, Plain, Raisin, Or Berry) on its menu
- The Delancey Street Foundation offering omelets served with bagel thins

The evidence of record clearly indicates that third parties use "BAGEL THINS" in connection with their bakery goods and thus the wording is descriptive if not generic (as explained below).

APPLICANT'S ARGUMENTS ARE NOT PERSUASIVE

Applicant maintains its argument that the mark is inherently distinctive. Applicant first argues that various registrations and applications were allowed with a disclaimer of "THINS" or "THIN." As previously explained, the issue is not merely whether "THINS" is descriptive of "bakery products" but whether "BAGEL THINS" is descriptive of bakery products. In this case, the evidence of record clearly shows that the phrase "BAGEL THINS" is used in connection with bakery products in a descriptive manner and thus the mark as a whole is descriptive. Reliance on the registration of "SANDWICH THINS" or any of the other marks is misplaced because (a) the issue regarding the descriptiveness of THINS was never discussed and (b) prior registrations are not conclusive on the question of descriptiveness. Each case must be considered on its own merits. An applied-for mark that is merely descriptive does not become registrable simply because other similar marks appear on the register. *In re Scholastic Testing Serv., Inc.*, 196 USPQ 517 (TTAB 1977); TMEP §1209.03(a).

Even if "BAGEL THINS" or just "THINS" was once arbitrary or suggestive, a term may lose its distinguishing and origin-denoting characteristics through use in a descriptive sense over a period of time, and come to be regarded by the purchasing public as nothing more than a descriptive designation. *In re Digital Research, Inc.*, 4 USPQ2d 1242, 1243 (TTAB 1987); *In re Int'l Spike, Inc.* , 190 USPQ 505, 507 (TTAB 1976).

Thus, trademark rights are not static, and eligibility for registration must be determined on the basis of the facts and evidence in the record at the time registration is sought. *In re Morton-Norwich Prods., Inc.*, 671 F.2d 1332, 1344, 213 USPQ 9, 18 (C.C.P.A. 1982); *In re Thunderbird Prods. Corp.*, 406 F.2d 1389, 1391, 160 USPQ 730, 732 (C.C.P.A. 1969). As the evidence of record demonstrates, the phrase "BAGEL THINS" is currently in use by many third parties to describe their bakery products and the purchasing public would not view the phrase as belonging to any one entity.

Applicant concludes its argument by stating that "consumers must utilize imagination, thought, and perception to tie the "BAGEL THINS" mark to Applicant's goods sold under the mark." As previously explained, the determination of whether a mark is merely descriptive is considered in relation to the

identified goods, not in the abstract. *In re Abcor Dev. Corp.*, 588 F.2d 811, 814, 200 USPQ 215, 218 (C.C.P.A. 1978); TMEP §1209.01(b); *see, e.g., In re Polo Int'l Inc.* , 51 USPQ2d 1061 (TTAB 1999) (finding DOC in DOC-CONTROL would be understood to refer to the "documents" managed by applicant's software, not "doctor" as shown in dictionary definition); *In re Digital Research Inc.*, 4 USPQ2d 1242 (TTAB 1987) (finding CONCURRENT PC-DOS merely descriptive of "computer programs recorded on disk" where relevant trade used the denomination "concurrent" as a descriptor of a particular type of operating system). "Whether consumers could guess what the product is from consideration of the mark alone is not the test." *In re Am. Greetings Corp.*, 226 USPQ 365, 366 (TTAB 1985). Here, applicant's own specimen shows that the mark is used on "8 Thin Pre-Sliced" bagels. It is unclear what other meaning or connotation a consumer could have when viewing the mark BAGEL THINS in connection with applicant's thin bagels.

A consumer encountering the mark BAGEL THINS in connection with applicant's goods would immediately understand the feature of the goods. Because the mark immediately and directly conveys information about the applicant's goods, registration is refused under Trademark Act Section 2(e)(1) and such refusal is hereby maintained and continued.

SECTION 2(f) ACQUIRED DISTINCTIVENESS

Registration was initially refused under Trademark Act Section 2(e)(1) because the applied-for mark is merely descriptive of applicant's goods. 15 U.S.C. §1052(e)(1). In response, applicant amended the application to add a claim of acquired distinctiveness under Section 2(f). 15 U.S.C. §1052(f).

Registration is now refused because the applied-for mark is generic for applicant's goods. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); *see* TMEP §§1209.01(c) *et seq.*, 1209.02(a)(ii). Thus, applicant's claim of acquired distinctiveness under 15 U.S.C. §1052(f) is insufficient to overcome the refusal because no amount of purported proof that a generic mark has acquired secondary meaning can transform it into a registrable trademark. *See In re Bongrain*, 894 F.2d 1316, 1317 n.4, 13 USPQ2d 1727, 1728 n.4 (Fed. Cir. 1990); *H. Marvin Ginn Corp. v. Int'l Ass'n of Fire Chiefs , Inc.*, 782 F.2d 987, 989, 228 USPQ 528, 530 (Fed. Cir. 1986); TMEP §1212.02(i). Such a designation cannot become a trademark under any circumstances.

A two-part test is used to determine whether a designation is generic:

(1) What is the class or genus of goods at issue?; and

(2) Does the relevant public understand the designation primarily to refer to that class or genus of goods?

In re 1800Mattress.com IP LLC, 586 F. 3d 1359, 1363, 92 USPQ2d 1682, 1684 (Fed. Cir. 2009) (quoting *H. Marvin Ginn Corp.*, 782 F.2d at 990, 228 USPQ at 530); TMEP §1209.01(c)(i).

The attached evidence shows that the wording "BAGEL THINS" in the mark means thin or slim bagels. The identification is "bakery products" which encompass bagels; therefore, the genus or class for the identified goods is bakery products. The wording "BAGEL THINS" in the mark is essentially the apt name for the class or genus of the goods. The relevant public would understand this designation to refer primarily to that class or genus of bakery products because third parties sell their slim bagels using the phrase "bagel thins" to describe their bakery products. In fact, applicant's Exhibit B shows that on

applicant's own website, the wording "BAGEL THINS" is merely a category of bakery products among other categories of other goods it sells. In other words, the website page submitted by applicant and attached herein for applicant's convenience shows that applicant's products under the heading include three categories: bagel thins, mini bagels, and traditional bagels. The next page shows one generic word following the next, i.e. the categories "Our products>Bagels>Bagel Thins>" before finally showing the source-identifying wording "Thomas' 100% Whole Wheat Bagel Thins." Clearly, bagels can come in varying sizes and shapes and even applicant uses the phrase in a descriptive manner to distinguish their "thin" bagels from their "mini" bagels and "traditional" bagels. Furthermore, it does not appear that applicant's use of the phrase "BAGEL THINS" is ever promoted or marketed without applicant's house mark "THOMAS'". Therefore, the evidence applicant relies upon may show that the whole phrase "THOMAS' BAGEL THINS" has acquired distinctiveness in the mind of the consumers, but not the phrase "BAGEL THINS" alone.

In addition to the evidence supplied by the examining attorney in the previous Office Actions, please also see the attached to Letter of Protest Memorandums dated August 23, and October 28, 2010. The evidence therein shows use of the wording "THINS" and "BAGEL THINS" in the bakery products industry as a generic term for baked goods sold by third parties. The articles, recipes, and blog entries attached to the October 28, 2010 Letter also demonstrate the use of the phrase "bagel thins" as generic wording for thin bagel slices. The evidence attached to Letter of Protest Memorandums are incorporated by reference herein and support the finding of genericness.

In the alternative, if the applied-for mark is ultimately determined not to be generic by an appellate tribunal, then the refusal of registration because the applied-for mark is merely descriptive of applicant's goods is maintained and continued for the reasons specified in the previous Office action. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); *see* TMEP §§1209.01(b), 1209.03 *et seq.*

In any event, applicant's claim of acquired distinctiveness is in effect a concession that the mark sought to be registered is merely descriptive of applicant's goods. *In re Leatherman Tool Group, Inc.*, 32 USPQ2d 1443, 1444 (TTAB 1994).

With respect to applicant's claim of acquired distinctiveness, the following evidence was provided in support of such claim: a declaration from applicant's own licensee vice president and exhibits of its marketing and promotional efforts. *See* 37 C.F.R. §2.41.

The amount and character of evidence needed to establish acquired distinctiveness depends on the facts of each case and particularly on the nature of the mark sought to be registered. *Roux Labs., Inc. v. Clairol Inc.*, 427 F.2d 823, 829, 166 USPQ 34, 39 (C.C.P.A. 1970); *see In re Hehr Mfg. Co.*, 279 F.2d 526, 126 USPQ 381 (C.C.P.A. 1960); TMEP §1212.05(a). More evidence is generally required if purchasers seeing the applied-for mark in relation to the identified goods would be less likely to believe that it indicates source in any one party. *See, e.g., In re Bongrain Int'l Corp.* , 894 F.2d 1316, 13 USPQ2d 1727; *In re Seaman & Assocs., Inc.*, 1 USPQ2d 1657 (TTAB 1986).

If the applied-for mark is ultimately determined to be merely descriptive and not generic, the Section 2(f) evidence is insufficient because applicant has not actually used the mark in commerce for even a single year and the arguments and evidence applicant provides to support the claim are not dispositive of whether the proposed mark has acquired distinctiveness in applicant's goods alone.

Applicant has provided evidence of high sales figures and significant advertising expenditures for the goods at issue; however, such evidence is not dispositive of whether the proposed mark has acquired distinctiveness. Such extensive sales and promotion may demonstrate the commercial success of

applicant's goods, but not that relevant consumers view the matter as a mark for such goods. *See In re Boston Beer Co.*, 198 F.3d 1370, 53 USPQ2d 1056 (Fed. Cir. 1999); *In re Busch Entm't Corp.* , 60 USPQ2d 1130, 1134 (TTAB 2000).

Similarly, applicant's advertising expenditures are merely indicative of its efforts to develop distinctiveness; not evidence that the mark has acquired distinctiveness. *See In re Pennzoil Prods. Co.*, 20 USPQ2d 1753 (TTAB 1991). Regardless of the websites, magazines, in-store displays, news broadcasts, and fitness centers in which applicant's bakery products are marketed under the name "BAGEL THINS," there is no evidence of record that relevant consumers view the matter "BAGEL THINS" as a mark for applicant's goods alone. As proven in the prior Office Actions, many third parties use the phrase "BAGEL THINS" to market and advertise and even name their bakery products in a descriptive manner. Consumers submitting comments on applicant's own website regarding applicant's goods does not indicate that the proposed mark has acquired distinctiveness, that is, that it has become a distinctive source-indicator for applicant's goods alone. The comments appear more to demonstrate that consumers enjoy applicant's products and have been given an opportunity on applicant's own website to state so. The comments are not from a third-party website where consumers demonstrate that they recognize the phrase "BAGEL THINS" to refer only to applicant's products.

Applicant submits a declaration from the Vice President of Orograin Bakers Products, Inc. which uses the BAGEL THINS mark as a licensee of Applicant. Affidavits or declarations that assert recognition of the mark as a source indicator are relevant in establishing acquired distinctiveness. However, the value of the affidavits or declarations depends on the statements made and the identity of the affiant or declarant. *In re Chemical Dynamics Inc.*, 839 F.2d 1569, 5 USPQ2d 1828 (Fed. Cir. 1988) (conclusionary declaration from applicant's vice-president held insufficient without the factual basis for the declarant's belief that the design had become distinctive). Proof of distinctiveness also requires more than proof of the existence of a relatively small number of people who associate a mark with the applicant. *In re The Paint Products Co.*, 8 USPQ2d 1863, 1866 (TTAB 1988) ("Because these affidavits were sought and collected by applicant from ten customers who have dealt with applicant for many years, the evidence is not altogether persuasive on the issue of how the average customer for paints perceives the words 'PAINT PRODUCTS CO.' in conjunction with paints and coatings."). See also *In re Gray Inc.*, 3 USPQ2d 1558, 1560 (TTAB 1987) (affidavit of applicant's counsel expressing his belief that the mark has acquired secondary meaning accorded "no probative value whatsoever" because, among other reasons, the statement is subject to bias); *In re Petersen Mfg. Co.*, 2 USPQ2d 2032 (TTAB 1987) (declarations from customers which stated that designs used by applicant indicate to the declarant that the applicant is the source of the goods, but which did not refer to or identify the designs with any specificity, not considered persuasive); *In re Bose Corp.,* 216 USPQ 1001, 1005 (TTAB 1983), aff'd, 772 F.2d 866, 227 USPQ 1 (Fed. Cir. 1985) (retailer's statement that he has been in contact with many purchasers of loudspeaker systems of whom a substantial number would recognize depicted design as originating with applicant deemed competent evidence of secondary meaning); *In re Flex-O-Glass, Inc.,* 194 USPQ 203, 206 (TTAB 1977) ("[T]he fact that the affidavits may be similar in format and expression is of no particular significance ... since the affiants have sworn to the statements contained therein."). See TMEP Section 1212.06(c).

The evidence submitted by applicant does not support the Section 2(f) claim. However, no amount of purported proof that a generic term has acquired secondary meaning can transform that term into a registrable trademark. Such a designation cannot become a trademark under any circumstances. *See In re Bongrain*, 894 F.2d at 1317 n.4, 13 USPQ2d at 1728 n.4; *H. Marvin Ginn Corp. v. Int'l Ass'n of Fire Chiefs, Inc.*, 782 F.2d 987, 989, 228 USPQ 528, 530 (Fed. Cir. 1986); TMEP §1212.02(i). The wording "BAGEL THINS" is generic when used in connection with "bakery products" and therefore applicant's Trademark Act Section 2(f) is rejected.

REFUSAL ON SUPPLEMENTAL REGISTER UNDER SECTION 23(C)

Registration is refused on the Supplemental Register because the applied-for mark is generic for applicant's goods. Trademark Act Section 23(c), 15 U.S.C. §1091(c); *see In re Gould Paper Corp.*, 834 F.2d 1017, 5 USPQ2d 1110 (Fed. Cir. 1987) (holding SCREENWIPE generic as applied to premoistened antistatic cloths for cleaning computer and television screens); *In re Northland Aluminum Prods., Inc.*, 777 F.2d 1556, 227 USPQ 961 (Fed. Cir. 1985) (holding BUNDT, a term that designates a type of cake, generic for ring cake mix); *In re Wm. B. Coleman Co.*, 93 USPQ2d 2019 (TTAB 2010) (holding ELECTRIC CANDLE COMPANY generic for light bulbs, lighting fixtures, and candle sleeves); TMEP §§1209.01(c) *et seq.*

Generic terms are terms that the relevant purchasing public understands primarily as the common or class name for the goods. TMEP §1209.01(c); *see In re Dial-A-Mattress Operating Corp.*, 240 F.3d 1341, 1344, 57 USPQ2d 1807, 1810 (Fed. Cir. 2001); *H. Marvin Ginn Corp. v. Int'l Ass'n of Fire Chiefs, Inc.* , 782 F.2d 987, 989, 228 USPQ 528, 530 (Fed. Cir. 1986). Generic terms are by definition incapable of indicating a particular source of the goods, and cannot be registered as trademarks and/or service marks; doing so "would grant the owner of the mark a monopoly, since a competitor could not describe his goods as what they are." *In re Merrill Lynch, Pierce, Fenner & Smith, Inc.*, 828 F.2d 1567, 1569, 4 USPQ2d 1141, 1142 (Fed. Cir. 1987); *see* TMEP §1209.01(c).

As explained above and as the evidence of record demonstrates, the term "BAGEL THINS" is a term that the relevant purchasing public understands primarily as the common or class name for the bakery products that are thinner-than-traditional bagels. As such, the mark is generic and refusal is made under Trademark Act Section 23(c).

If applicant has questions about its application or needs assistance in responding to this Office Action, please contact the assigned trademark examining attorney directly at the number below or at Tasneem.Hussain@uspto.gov. Please note, however, that substantive matters must be addressed in a formal manner; see below for further instructions on how to respond to this Office Action.

/Tasneem Hussain/
Trademark Examining Attorney
Law Office 105
(571) 272-8273
tasneem.hussain@uspto.gov

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WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does

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shine

Your mornings can, with help from Thomas' products. From the Original "Nooks & Crannies" English Muffins to soft, delicious Bagels and more, we have it all. See how there's a perfect breakfast match for you, no matter when you get up.

Bagels

- **Bagel Thins**
  - Thomas'® 100% Whole Wheat Bagel Thins™ Bagels (8-pack)
  - Thomas'® Cinnamon Raisin Bagel Thins™ Bagels (8-pack)
  - Thomas'® Everything Bagel Thins™ Bagels (8-pack)
  - Thomas'® Everything Bagel Thins™ Bagels (16-pack)
  - Thomas'® Plain Bagel Thins™ Bagels (8-pack)
  - Thomas'® Plain Bagel Thins™ Bagels (16-pack)
  - Thomas'® Plain Bagel Thins™ Bagels (24-pack)
- **Mini Bagels**
- **Traditional Bagels**

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To:	Bimbo Hungria Zrt (officeactions@brinkshofer.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 77798364 - BAGEL THINS - N/A
Sent:	12/13/10 11:52:48 AM
Sent As:	ECOM105@USPTO.GOV
Attachments:	

IMPORTANT NOTICE REGARDING YOUR U.S. TRADEMARK APPLICATION

USPTO OFFICE ACTION HAS ISSUED ON 12/13/2010 FOR SERIAL NO. 77798364

Please follow the instructions below to continue the prosecution of your application:

TO READ OFFICE ACTION: Click on this **link** **or** go to **http://portal.uspto.gov/external/portal/tow** and enter the application serial number to **access** the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this e-mail notification.

RESPONSE IS REQUIRED: You should carefully review the Office action to determine (1) how to respond; and (2) the applicable **response time period**. Your response deadline will be calculated from **12/13/2010** (or sooner if specified in the office action).

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WARNING

Failure to file the required response by the applicable deadline will result in the ABANDONMENT of your application.

EXHIBIT 72

To the Declaration of Diana L. Rausa

THIS OPINION IS NOT A PRECEDENT OF THE TTAB

Mailed:
August 10, 2012
Bucher

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Grupo Bimbo, S.A.B. de C.V.

Serial No. 77798364

Scott J. Slavick and Joshua S. Frick of Brinks Hofer Gilson & Lione for Grupo Bimbo, S.A.B. de C.V.

Tasneem Hussain, Trademark Examining Attorney, Law Office 105 (Thomas G. Howell, Managing Attorney).

Before Quinn, Bucher and Taylor, Administrative Trademark Judges.

Opinion by Bucher, Administrative Trademark Judge:

Grupo Bimbo, S.A.B. de C.V., a Mexican corporation, seeks registration on the Principal Register of the term **BAGEL THINS** *(in standard character format)* for "bakery products, not including cookies" in International Class 30.[1]

[1] Application Serial No. 77798364 was filed by Bimbo Hungria Zrt, a Hungarian corporation, on August 6, 2009, based upon applicant's allegation of a *bona fide* intention to use the mark in commerce. On May 6, 2010, applicant filed its Amendment to Allege Use. On January 1, 2011, the application was assigned to Grupo Bimbo, S.A.B. de C.V. as reflected in the Assignment Branch records of the United States Patent and Trademark Office, at Reel 4457/Frame 0304. No claim is made to the exclusive right to use the word "Bagel" apart from the mark as shown.

The Trademark Examining Attorney refused registration on the grounds that the term is merely descriptive under Section 2(e)(1) of the Trademark Act, 15 U.S.C. § 1052(e)(1); does not have the requisite degree of acquired distinctiveness under Section 2(f), 15 U.S.C. § 1052(f); or alternatively, the term is generic under Section 23 of the Act, 15 U.S.C. § 1091.

Applicant has clearly set out alternative positions in response to these various refusals, in each case conceding nothing about the alternate submissions. That is, applicant argues that its **BAGEL THINS** mark is inherently distinctive; or alternatively, that if deemed to be merely descriptive, the **BAGEL THINS** mark has acquired distinctiveness for applicant's goods; or alternatively, the term is entitled to registration on the Supplemental Register. *See In re E S Robbins Corp.*, 30 USPQ2d 1540, 1542 (TTAB 1992).

After the Trademark Examining Attorney made the refusals final, applicant appealed to this Board.

A term is deemed to be merely descriptive of goods or services, within the meaning of Section 2(e)(1), if it forthwith conveys an immediate idea of an ingredient, quality, characteristic, feature, function, purpose or use of the goods or services. *See In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987); and *In re Abcor Development*

Corp., 588 F.2d 811, 200 USPQ 215, 217-18 (CCPA 1978). Whether a term is merely descriptive is determined not in the abstract, but in relation to the goods or services for which registration is sought, the context in which it is being used on or in connection with those goods or services, and the possible significance that the term would have to the average purchaser of the goods or services because of the manner of its use. That a term may have other meanings in different contexts is not controlling. *In re Bright-Crest, Ltd.*, 204 USPQ 591, 593 (TTAB 1979). Moreover, it is settled that "[t]he question is not whether someone presented with only the mark could guess what the goods or services are. Rather, the question is whether someone who knows what the goods or services are will understand the mark to convey information about them." *In re Tower Tech Inc.*, 64 USPQ2d 1314, 1316-17 (TTAB 2002); *see also In re Patent & Trademark Services Inc.*, 49 USPQ2d 1537 (TTAB 1998); *In re Home Builders Association of Greenville*, 18 USPQ2d 1313 (TTAB 1990); and *In re American Greetings Corporation*, 226 USPQ 365 (TTAB 1985). If, on the other hand, a mark requires imagination, thought, and perception to arrive at the qualities or characteristics of the goods or services, then the mark is suggestive. *In re MBNA*

America Bank N.A., 340 F.3d 1328, 67 USPQ2d 1778, 1780 (Fed. Cir. 2003).

The Trademark Examining Attorney made of record dictionary definitions of the component parts of the involved term. Inasmuch as applicant's goods comprise slices of bagels, applicant has agreed, consistent with the dictionary definition of a "bagel," to disclaim this word:

> ***bagel*** (noun) a glazed ring-shaped bread roll with a slightly chewy texture [2]

The Trademark Examining Attorney also supplied a definition for the word thin, as an adjective and as a verb:

> ***thin*** (adjective) ... 3. Slim: ...
>
> ***thin*** (verb) make or become thinner [3]

In the context of the involved record, there is no disputing that eight to twenty-four "thin" bagel slices comprise each package of goods applicant is marketing. Where the Trademark Examining Attorney and the applicant disagree is what proprietary rights applicant can assert in the specific construction of the word "Bagel" followed by the word "Thins." While the word "thin" is shown above as an adjective and as a verb, the pluralized form of the word,

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[2] Encarta® World English Dictionary (North American Edition).

[3] *Id.*

"thins," as used by applicant, seems to function more as a noun.

The Trademark Examining Attorney has pointed to examples of where others who are describing thinly-sliced bagels have adopted this exact construction:

BigOven

Fiery Garlic Bagel Thins

" ... Slice bagels crosswise into fifths ..." [4]

* * * *

Foödista

Recipe: Bagel Thins, Lo Cal, Lo Salt

" ... Step 1 Using a very sharp serrated knife, slice bagel into very thin rounds. [5]

* * * *

Recipe Rumble

Baked Bagel Thins

" ... Slice each bagel into four crosswise slices... ." [6]

* * * *

The New York Times

ONION BAGELS, YES- AND NOW SPINACH OR CHOCOLATE CHIP

" ... also made by Bagel Boss. Bags of "bagel thins," crisp, toasted thin bagel slices, are 79 cents each. If you buy two bags, the third one is free. [7]

...

Bagel Thins..... $2.99/Each [8]

* * * *

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[4] http://www.bigoven.com/recipe/84440/Fiery-Garlic-Bagel-Thins

[5] http://www.foodista.com/recipe/

[6] Recipe Rumble eCookbook, http://www.fitnessandfreebies.com/

[7] http://www.nytimes.com/1982/02/14/nyregion/

[8] http://www.bagelcountry.com/fullmenu.asp as viewed by the Trademark Examining Attorney on May 25, 2010.

...

Bagel Thins: Great for dips, spreads or just snacking. We make plain, onion, whole wheat, raisin and sea salt bagel thins. [9]

* * * *

Barry Bagels

2515 Jackson Ave · Ann Arbor MI 48103 · (734) 662-2435

...

Bagel Thins (Garlic, Plain, Raisin or Berry) $3.95 [10]

* * * *

DELANCEYSTREETFOUNDATION

...

SAMPLE SUNDAY BRUNCH MENU

HEART HEALTHY SPA SPECIALS (COOKED WITH NO FAT - under 500 calories)
3 EGGWHITE SPINACH & MUSHROOM OMELETTE with fat free garlic & chive schmear, served with bagel thins & apple butter 6.95 [11]

* * * *

B1G1 Einstein Bros New Bagel Thins Lunch Sandwich

I am loving the new Einstein Bros coupon on Facebook! If you "like" Einstein Bros on Facebook (Go HERE), click on the "Offers" tab and you can print out your Buy One Get One Free Turkey Bacon & Avocado, Tuna, or a Turkey Bagel Thin sandwich! Limit one coupon per person. Coupon is valid between 5/17 – 5/30! Go HERE to find an Einstein Bros near you!
**While you are on Facebook, "Like" Addicted to Saving (go HERE) and never miss out on a deal! [12]

* * * *

---

[9] http://newyorkbagel-detroit.com/newyorkbagel-detroit_products.htm

[10] https://www.allmenus.com/ as viewed by the Trademark Examining Attorney on May 25, 2010.

[11] http://www.delanceystreetfoundation.org/enterrestbrunchsun.php

[12] http://www.addictedtosaving.com/2010/05/20/b1g1-einstein-bros-new-bagel-thins-lunch-sandwich/

The Trademark Examining Attorney also supplied a copy of the placement of this term within the composite mark of a cancelled registration from the 1980s:

[13]

According to the Trademark Examining Attorney, applicant's own website uses the term as a category of bagel products, not unlike "Mini Bagels" or "Traditional Bagels."

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[13] Registration No. 1432125 issued for "bagel chips and slices" on March 10, 1987, claiming use since at least as early as July 8, 1983; cancelled under Sec. 8 in September 1993. No claim is made to the exclusive right to use the words "Bagel Thins" apart from the mark as shown.

The Trademark Examining Attorney also points to applicant's trade dress that refers to "8 Thin Pre-Sliced" bagels in its package of "Bagel Thins."

However, applicant argues this Trademark Examining Attorney is taking a position that is totally inconsistent with decades of practice for similar marks. Applicant points to third-party registrations for goods in International Class 30 where the word "Thins" is not disclaimed for crackers or other snacks:

WHEAT THINS	for "crackers" in International Class 30;[14]
VEGETABLE THINS	for "crackers" in International Class 30;[15]
GOURMET THINS	for "crisp bread" in International Class 30;[16]

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[14] Registration No. 1022799 issued on October 14, 1975; second renewal. No claim is made to the exclusive right to use the word "Wheat" apart from the mark as shown.

[15] Registration No. 1244724 issued on July 5, 1983; renewed. No claim is made to the exclusive right to use the word "Vegetable" apart from the mark as shown.

[16] Registration No. 1339385 issued on June 4, 1985; renewed.

GARDEN CHICKEN THINS	for "bread, pastries, biscuits, cakes, snack food products, namely, crackers" in International Class 30;[17]
STONED WHEAT THINS	for "crackers" in International Class 30;[18]
PITA THINS	for "flat bread" in International Class 30;[19]
NUT-THINS	for "flour-based wafers with almonds or other nuts as an ingredient" in International Class 30;[20]
Soy Thins	for "soy-based snack foods" in International Class 30;[21]
CORN THINS	for "corn cakes" in International Class 30;[22] and
RICE THINS	for "rice cakes" in International Class 30.[23]

Applicant concludes from these extant registrations (as well as many more now-cancelled/expired registrations) that the United States Patent and Trademark Office has long

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[17] Registration No. 1590093 issued on April 3, 1990; second renewal. No claim is made to the exclusive right to use the word "Chicken" apart from the mark as shown.

[18] Registration No. 1718484 issued on September 22, 1992; renewed. No claim is made to the exclusive right to use the words "Stoned Wheat" apart from the mark as shown.

[19] Registration No. 1982930 issued on June 25, 1996; renewed. No claim is made to the exclusive right to use the word "Pita" apart from the mark as shown.

[20] Registration No. 2143587 issued on March 10, 1998; renewed.

[21] Registration No. 3044541 issued on January 17, 2006. No claim is made to the exclusive right to use the word "Soy" apart from the mark as shown.

[22] Registration No. 3931827 issued on March 15, 2011. No claim is made to the exclusive right to use the word "Corn" apart from the mark as shown.

[23] Registration No. 3931828 issued on March 15, 2011. No claim is made to the exclusive right to use the word "Rice" apart from the mark as shown.

considered the pluralized noun "Thins," when appearing as the final word in a composite mark for crackers or other snacks, to be distinctive enough to carry a mark when combined with earlier generic or highly-descriptive matter.

Applicant acknowledges that the Patent and Trademark Office may well take a different tact with "cookies," and hence, has amended its identification to exclude cookies:

for "cookies, gingerbread biscuits, and biscuits" in International Class 30;[24]

BLUE THINS for "cookies, biscuits, crackers" in International Class 30;[25] and

NEWTON'S FRUIT THINS for "cookies" in International Class 30.[26]

Applicant has its own history of prosecuting applications for composite marks ending with the word "Thins" adopted in connection with bread and other bakery

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[24] Registration No. 3568922 issued on February 3, 2009. No claim is made to the exclusive right to use the phrases "GINGER THINS DELGADITAS DE JENGIBRE" or "0 TRANS FAT" apart from the mark as shown.

[25] Registration No. 3870613 issued on November 2, 2010. No claim is made to the exclusive right to use the word "Thins" apart from the mark as shown.

[26] Registration No. 4043300 issued on October 18, 2011. No claim is made to the exclusive right to use the words "Fruit Thins" apart from the mark as shown.

products.[27] The United States Patent and Trademark Office has approved the following applications for publication without requiring a disclaimer of the word "Thins":

SANDWICH-THINS	for "bread" in International Class 30;[28]
GRILLIN' THINS	for "bread, namely, buns and rolls" in International Class 30;[29]
COUNTRY THINS	for "bakery products" in International Class 30;[30]
POCKET THINS	for "bakery goods" in International Class 30;[31]
HOT DOG THINS	for "bakery products" in International Class 30;[32] and
MUFFIN THINS	for "bakery goods" in International Class 30.[33]
PARTY THINS	for "bakery products, excluding cookies, crackers and pretzels" in International Class 30;[34]

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[27] In trying to understand the corporate relationships revealed by the ownership of these several registrations, we note from the declarations of record that applicant is the parent company of several companies, including Orograin Bakeries, Inc., which is one of the Bimbo Bakeries USA companies, and which also does business as Arnold Foods Company, Inc. (Rosas Decl. 1), and that Orograin Bakeries Inc. uses the term **BAGEL THINS** as a licensee of applicant. (Strazzella Decl. ¶1; Rosas Decl. ¶1.)

[28] Registration No. 3637950 issued on June 16, 2009.

[29] Registration No. 4013885 issued on August 16, 2011. No claim is made to the exclusive right to use the word "Grilling" apart from the mark as shown.

[30] Registration No. 4094572 issued on January 31, 2012.

[31] Registration No. 4126741 issued on April 10, 2012. No claim is made to the exclusive right to use the word "Pocket" apart from the mark as shown.

[32] Application Serial No. 85098572 published for opposition on June 7, 2011. No claim is made to the exclusive right to use the words "Hot Dog" apart from the mark as shown.

[33] Application Serial No. 85104981 published for opposition on February 8, 2011. No claim is made to the exclusive right to use the word "Muffin" apart from the mark as shown.

In divining the line between suggestiveness and mere descriptiveness, we find on this record that it takes no thought or imagination to go from "thinly-sliced bagels" to "Bagel Thins." The record shows that since at least the early eighties, bagel retailers from various parts of the country have used the term with lower case letters ("bagel thins") to describe thinly-sliced bagels. Based upon dictionary definitions and this generalized usage, we have no doubt but that the combination is merely descriptive.

On the other hand, at best, the evidence in this record, taken as a whole, presents a circumstance of mixed use. *See In re Merrill Lynch, Pierce, Fenner & Smith, Inc.*, 828 F.2d 1567, 4 USPQ2d 1141, 1143 (Fed. Cir. 1987). While "Bagel Thins" is a compound term, the record in this case is different from *In re Gould Paper Corp.*, 834 F.2d 1017, 5 USPQ2d 1110, 1111-12 (Fed. Cir. 1987), where the evidentiary burden was satisfied because the Office "produce[d] evidence including dictionary definitions that the separate words joined to form a compound have a meaning identical to the meaning common usage would ascribe to these words as a compound." Specifically, SCREEN named the object for which the WIPE was used. The counterpart in the instant

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[34] Application Serial No. 85409296 published for opposition on February 14, 2012.

case might well be a hypothetical term, "Thin Bagels." Genericness is a fact-intensive determination, and the Board's conclusion must be governed by the record that is presented to it. Although we may have concerns about the genericness of applicant's designation, the record controls the determination, not our own subjective opinions.

Here, although the adjectival form of the word "Thin" (singular) is merely descriptive of a significant characteristic of these goods, the pluralized noun, "Thins," is not derived logically from the word "Thin," and it is nowhere defined as a noun in any dictionaries of record. While "Bagel Thins" may be an apt name for thinly-sliced bagels, aptness is insufficient to prove genericness. When a proposed mark is refused registration as generic, the Trademark Examining Attorney has the burden of proving genericness by "clear evidence" thereof. *See In re Gould*, 5 USPQ2d at 1111. When assessing the capability of a term, the critical issue is to determine whether the record shows that members of the relevant public primarily use or understand the term sought to be registered to refer to the category or class of goods in question. *H. Marvin Ginn Corp. v. International Ass'n of Fire Chiefs, Inc.*, 782 F.2d 987, 228 USPQ 528, 530 (Fed. Cir. 1986); *In re Women's Publishing Co. Inc.*, 23 USPQ2d 1876, 1877 (TTAB 1992). We

find in the present case, that the Office has failed to prove genericness by "clear evidence" thereof. Any doubts raised by the lack of evidence on the question of genericness must be resolved in applicant's favor. On a different record, such as might be adduced by a competitor in a cancellation proceeding, we might arrive at a different result on the issue of genericness.

Moreover, this conclusion is reinforced by the way in which the term "Thins" has been treated by the United States Patent and Trademark Office in the past in examining composite marks for crackers, snacks and other similar bakery products in International Class 30. *See In re Waverly Inc.*, 27 USPQ2d 1620, 1623 (TTAB 1993). In placing the term **BAGEL THINS** on the continuum of distinctiveness, while we have no doubt about our finding of mere descriptiveness, this record cannot support a finding that the term "Bagel Thins" is a generic designation. Hence, the refusal to register under Section 23 of the Act is reversed

Accordingly, the sole remaining question before us is whether the term **BAGEL THINS** is entitled to registration on the Principal Register under Section 2(f) of the Act, 15 U.S.C. § 1052(f) and 37 CFR § 2.41(b), based upon the sufficiency of applicant's showing of acquired distinctiveness.

On the Section 2(f) issue, applicant has the burden of proving that its designation has acquired distinctiveness. *In re Hollywood Brands, Inc.*, 214 F.2d 139, 102 USPQ 294, 295 (CCPA 1954) ("[T]here is no doubt that Congress intended that the burden of proof [under Section 2(f)] should rest upon the applicant"). "[L]ogically that standard becomes more difficult as the mark's descriptiveness increases." *See Yamaha International Corp. v. Hoshino Gakki Co. Ltd.*, 840 F.2d 1572, 6 USPQ2d 1001, 1008 (Fed. Cir. 1988). As noted above, we find that "Bagel Thins" is an apt name for thinly-sliced bagels, and hence it is highly descriptive.

We consider factors such as: (1) advertising expenditures; (2) sales success; (3) duration of use; (4) extent and nature of use in commerce; and (5) unsolicited media coverage. *In re Tires, Tires, Tires Inc.*, 94 USPQ2d 1153, 1157 (TTAB 2009).

We turn then to the Strazzella and Rosas Declarations to determine the extent to which applicant has promoted its **BAGEL THINS** bakery products. (Strazzella Decl. ¶¶5, 6, 7, 13, 14, 15, 16, 17; Rosas Decl. ¶¶5, 6, 7, 8, 14, 15, 16, 17, 18.) Applicant claims to have made extensive use of its **BAGEL THINS** term in connection with bakery products since January 2010. (Strazzella Decl. ¶2; Rosas Decl. ¶2.) Its **BAGEL THINS** products are available nationwide at major food

retailers. Applicant spent more than five million dollars in 2010 promoting its **BAGEL THINS** bakery products. Sales of **BAGEL THINS** products in the United States generated over $61 million in retail sales in 2010 (Strazzella Decl. ¶3; Rosas Decl. ¶¶3, 4.)

Applicant markets its **BAGEL THINS** products through its **THOMAS'** brand website. (Strazzella Decl. ¶5; Rosas Decl. ¶5.) The **BAGEL THINS** portion of this website attracted over 93,000 discrete visits in a recent twelve-month period. (Rosas Decl. ¶5.) Between March 14 and April 4, 2011, applicant ran an advertising campaign on www.facebook.com that delivered more than 11 million impressions.

Advertisements promoting applicant's **BAGEL THINS** products have appeared and continue to appear in prominent publications including: (1) *People;* (2) *Martha Stewart Living;* (3) *O (the Oprah Magazine);* (4) *Every Day with Rachael Ray; (5) Real Simple;* (6) *Cooking Light; (7) Fitness;* (8) *Food Network;* (9) *Health; (10) Prevention; (11) Shape;* (12) *More;* (13) *Weight Watchers;* (14) *Women's Health;* and (15) *Family Fun* magazines, which combined, have resulted in over 90 million impressions. Advertisements promoting applicant's **BAGEL THINS** products have also appeared on prominent websites such as: (1) http://www.timeinc.com/; (2) http://www.aol.com/; (3) http://www.oprah.com/; (4)

www.weightwatchers.com/; (5) http://www.marthastewart.com/; (6) http://www.rachaelraymag.com/ (Every Day With Rachael Ray); (7) http://www.saveur.com/digitalfeast/ (Digital Feast); (8) http://www.everydayhealth.com/ (Everyday Health); and (9) http://allrecipes.com websites, which combined, have resulted in over 206 million impressions. (Strazzella Decl. ¶6; Rosas Decl. ¶6.)

Applicant has placed over four thousand in-store displays and more than 1,300 point-of-sale advertisements in food retail stores. Applicant routinely distributes retail coupons for its **BAGEL THINS** products. (Strazzella Decl. ¶14, and Exhibit J.) Applicant has organized sampling events for its **BAGEL THINS** products in retail stores that sell applicant's **BAGEL THINS** products, including such sampling events at over a hundred Costco stores. (Strazzella Decl. ¶15; Rosas Decl. ¶17.) Applicant sponsored a Healthy Living Summit in Chicago, Illinois in August 2010 where it heavily promoted its **BAGEL THINS** products to the attendees. (Strazzella Decl. ¶16, Exhibit L.) Applicant sponsored the More® Magazine Fitness® Magazine Women's Half-Marathon, which took place in New York City on April 3, 2011, where it heavily promoted its **BAGEL THINS** products during the race and the related events. (Rosas Decl. ¶14 and Exhibit G.) Applicant sent samples of its

BAGEL THINS products to the magazine editors of: (1) *Self*, (2) *Glamour*; (3) *Every Day with Rachael Ray*; (4) *Good Housekeeping*; (5) *InStyle*; (6) *O* (the Oprah Magazine); (7) *Martha Stewart Living*; (8) *Men's Fitness*; (9) *Men's Health*; (10) *More*; (11) *Parenting*; (12) *Prevention*; (13) *Real Simple*; (14) *Redbook*; (15) *SHAPE*; (16) *Family Circle*; (17) *First*; (18) *Fitness*; (19) *Food Network Magazine*; (20) *Health*; (21) *Ladies' Home Journal*; (22) *Woman's Day*; (23) *Women's World*; (24) and *Women's Health*, on four consecutive weeks in the summer of 2010. (Strazzella Dec1. ¶17).

Applicant's **BAGEL THINS** products have been featured in articles that appeared in newspapers and magazines throughout the United States, including: (1) *People*; (2) *SELF*; (3) *Health*; (4) *Fitness*; (5) *Women's Health*; (6) *OK Weekly*; (7) *Parents*; (8) *Women's Day*; (9) *The Times-Picayune* (New Orleans, LA); (10) *Desert Sun* (Palm Springs, CA); (11) *Detroit Free Press* (Detroit, MI); (12) *Arkansas Democrat-Gazette* (Little Rock, AK); (13) *Asbury Park Press* (Asbury Park, NJ); (14) *Pittsburgh Tribune Review* (Pittsburgh, PA); (15) *New Haven Register* (New Haven, CT); (16) *Las Vegas Review-Journal*; (17) *Shelby Report of the West*; (18) *Supermarket Savvy*; (19) *Los Angeles Daily News*; (20) *Fairfield County Weekly*; (21) *New Haven Advocate*; (22) *Farms Independent*; (23) *The Daily Sentinel*; (24) *Bethpage*

Newsgram; (25) *Syosset Advance;* (26) *The Brunswick News;* (27) *Garden City News;* (28) *Mid-Island Times;* (29) *Jericho Syosset New Journal;* and (30) *Port Arthur News,* which combined, resulted in over 28 million impressions. (Strazzella Decl. ¶9 and Exhibit F; Rosas Decl. ¶10 and Exhibit E.)

Since November 23, 2010, applicant's **BAGEL THINS** products have been featured in articles that appeared in online news sources including: (1) http://www.cbsnews.com/ (2) http://www.self.com/; (3) http://www.health.com/health/; (4) http://panews.com/; (5) http://www.dailynews.com/; and (6) http://www.examiner.com/, which combined, resulted in over 11 million impressions. (Rosas Decl. ¶11 and Exhibit E.)

Applicant's **BAGEL THINS** products have been featured in television and radio news broadcasts throughout the United States in cities such as: (1) Chicago, IL; (2) San Francisco, CA; (3) Las Vegas, NV; (4) Rochester, NY; (5) Norfolk, VA; (6) Salisbury, MD; (7) Ft. Myers, FL; (8) Omaha, NE; (9) Flint, MI; (10) Oklahoma City, OK; (11) Oakland, CA; (12) Minneapolis/St. Paul, MN; (13) Columbus, OH; (14) Wichita, KS; (15) Raleigh and Durham, NC; (16) Colorado Springs, CO; (17) Cincinnati, OH; and (18) Denver, CO. (Strazzella Decl. ¶10.) Additionally, since November

26, 2010, applicant's **BAGEL THINS** products have been featured on both national and local television, including on: (1) The Today Show (NBC); (2) The Early Show (CBS); (3) KNBN-TV in Rapid City; and (4) News 12 Bronx, resulting in over five million impressions. (Rosas Decl. ¶12.)

This type of promotional and sales data should be considered when analyzing whether applicant's **BAGEL THINS** mark has acquired distinctiveness in the minds of consumers. *General Foods Corp. v. MGD Partners*, 224 USPQ 479, 486 (TTAB 1984) (concluding applicant's substantial sales and advertising activities "must be credited as pertinent to the ultimate issue of achievement of acquired distinctiveness"); *Roux Labs., Inc. v. Clairol, Inc.*, 427 F.2d 823, 166 USPQ 34, 39 n.10 (CCPA 1970).

In short, the record shows that through widespread promotional activities, applicant has experienced extensive sales of its **BAGEL THINS** product. This has resulted in substantial media coverage and Internet exposure for this product.

As to applicant's claim to have been successful in policing its **BAGEL THINS** mark, we acknowledge the June 2011 agreement from Einstein Bros. June 15, 2011, p 195 of 803.

EXHIBIT 1

June 10, 2011

Applicant: Grupo Bimbo, S.A.B. DE C.V.
Mark: BAGEL THINS
Serial No.: 77/798,364
Filed: August 6, 2009
Law Office: 105
Examiner: Tasneem Hussain

Dear Examiner:

I am Rhonda Parish (signatory's name), Chief Legal Officer & Secretary (signatory's position) of Einstein Noah Restaurant Group, Inc., ("Einstein") of 555 Zang Street, Suite 300 Lakewood, Colorado 80228. Einstein previously briefly used the term "bagel thins". After being contacted by Grupo Bimbo, S.A.B. DE C.V. ("Grupo Bimbo"), the owner of U.S. Trademark Application, Serial No. 77/798,364 for the BAGEL THINS mark, Einstein and Grupo Bimbo reached an agreement whereby, among other things, Einstein agreed not to use the term "bagel thins" in its advertising or marketing. Any on-line exhibits purporting to show use of the term "bagel thins" by Einstein are not current.

Einstein is aware that Grupo Bimbo produces a line of products called BAGEL THINS.

Einstein has agreed not to use or register, and not to cause someone else to use or register, a domain name, trademark, service mark, trade name or business name that consists of or incorporates the term "bagel thins".

Sincerely,

Name: Rhonda Parish
Title: Chief Legal Officer & Secretary
Date: 6/10/11
Einstein Noah Restaurant Group, Inc.

Name: LATTI ALVA
Title: IP MANAGER
Date: 6/22/11
Grupo Bimbo, S.A.B. DE C.V.

The difficult issue before us then is acquired distinctiveness, and whether the evidence herein is sufficient to establish this conclusion. We have reviewed carefully the Declarations of Mr. Strazzella and Ms. Rosas and the exhibits thereto, illustrating applicant's wide-spread promotion and sales of its **BAGEL THINS** products along with the extensive media coverage of applicant's **BAGEL THINS** products. This reflects an impressive burst of promotional efforts by applicant. However, for a term that appears to be an apt descriptive name of the involved goods, we find the evidence in its entirety to be inadequate to prove acquired distinctiveness for this term.

A point on which applicant's evidence of acquired distinctiveness is weak is the relatively short period of time that the term has been in use. At the time the record in this case was closed, applicant had little more than a year of promotional activities and product sales.

Most of the evidence in the record is also fairly indirect on the question of consumer perceptions. For example, in much of applicant's advertisements, we cannot be sure how prospective consumer will perceive the applied-for term compared, for example, with applicant's house mark, **Thomas'**. It is entirely possible that much of the packaging and promotional efforts will effectively reinforce this house mark rather than creating trademark awareness for an apt descriptive name of the product.

As to gross sales, we have no idea where this might peg applicant's market share, i.e., whether these sales figures are miniscule or overwhelming compared with others in the retail market for packages of thinly-sliced bagels.

Finally, there is no direct evidence that applicant's efforts to create distinctiveness for its source identifier, as recently adopted, have been successful. We have no declarations or consumer surveys demonstrating that it is recognized as a trademark for applicant's goods. To the extent that third parties have continued some usage of this

exact term, an absence of "substantially exclusive use" further weakens applicant's claim that this term has acquired distinctiveness. *See, e.g., McCormick & Co. v. Summers*, 354 F.2d 668, 148 USPQ 272, 276 (CCPA 1966); and *Nextel Communications Inc. v. Motorola Inc.*, 91 USPQ2d 1393, 1408 (TTAB 2009). As such, applicant's **BAGEL THINS** mark is not entitled to registration on the Principal Register under Section 2(f) of the Lanham Act.

On the other hand, having determined that this term is capable of achieving distinctiveness, we reverse the refusal of the Trademark Examining Attorney to permit this term to issue on the Supplemental Register.

Decision: We affirm the Trademark Examining Attorney's refusal to register applicant's alleged mark, **BAGEL THINS,** on the Principal Register. The term is merely descriptive under Section 2(e)(1) of the Lanham Act, and applicant has failed to provide sufficient evidence of acquired distinctiveness under Section 2(f) of the Act. Nonetheless, we reverse the refusal grounded on genericness, and this application will be forwarded for issuance on the Supplemental Register in due course.

EXHIBIT 73

To the Declaration of Diana L. Rausa

United States Patent and Trademark Office

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BAGEL THINS

Word Mark	BAGEL THINS
Goods and Services	IC 030. US 046. G & S: bakery products, not including cookies. FIRST USE: 20100107. FIRST USE IN COMMERCE: 20100107
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77798364
Filing Date	August 6, 2009
Current Basis	1A
Original Filing Basis	1B
Date Amended to Current Register	November 8, 2012
Registration Number	**4259364**
Registration Date	December 11, 2012
Owner	(REGISTRANT) GRUPO BIMBO, S.A. B. DE C.V. CORPORATION MEXICO NO. 1000, COL. PENA BLANCA SANTA FE PROLONGACION PASEO DE LA REFORMA MEXICO CITY MEXICO 01210
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Scott J. Slavick
Prior Registrations	3427797
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BAGEL" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	SUPPLEMENTAL
Live/Dead Indicator	LIVE

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EXHIBIT 74

To the Declaration of Diana L. Rausa

To:	Bimbo Hungria Zrt (officeactions@brinkshofer.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 77798540 - BREAKFAST THINS - 14254/5
Sent:	9/10/10 4:20:38 PM
Sent As:	ECOM105@USPTO.GOV
Attachments:	Attachment - 1 Attachment - 2 Attachment - 3 Attachment - 4 Attachment - 5 Attachment - 6 Attachment - 7 Attachment - 8 Attachment - 9 Attachment - 10 Attachment - 11 Attachment - 12 Attachment - 13 Attachment - 14 Attachment - 15 Attachment - 16 Attachment - 17 Attachment - 18 Attachment - 19 Attachment - 20 Attachment - 21 Attachment - 22 Attachment - 23 Attachment - 24 Attachment - 25 Attachment - 26 Attachment - 27 Attachment - 28 Attachment - 29 Attachment - 30 Attachment - 31 Attachment - 32 Attachment - 33 Attachment - 34

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

APPLICATION SERIAL NO. 77798540

MARK: BREAKFAST THINS

77798540

CORRESPONDENT ADDRESS:
Joshua S. Frick
Brinks Hofer Gilson & Lione
P. O. Box 10395
Chicago IL 60610

CLICK HERE TO RESPOND TO THIS LETTER:
http://www.uspto.gov/teas/eTEASpageD.htm

APPLICANT: Bimbo Hungria Zrt

CORRESPONDENT'S REFERENCE/DOCKET NO:
14254/5
CORRESPONDENT E-MAIL ADDRESS:
officeactions@brinkshofer.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 9/10/2010

This Office action supersedes any previous Office action issued in connection with this application. In light of the grant of a letter of protest which is made part of the official record and upon further review, the Trademark Act Section 2(e)(1) refusal is reinstated and issued below. Furthermore, to permit proper examination of the application, two requests for information are issued as well.

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

Registration is refused because the applied-for mark merely describes a feature or characteristic 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.*

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). The determination of whether a mark is merely descriptive is considered in relation to the identified goods, not in the abstract. *In re Abcor Dev. Corp.*, 588 F.2d 811, 814, 200 USPQ 215, 218 (C.C.P.A. 1978); TMEP §1209.01(b).

In this case, applicant intends to use the marl BREAKFAST THINS on or in connection with "bakery products." To the extent that the goods are thin and are served at breakfast, the mark is merely descriptive of a salient feature or purpose of the goods. BREAKFAST is defined as "day's first meal" while THIN is defined as "shallow or narrow: of relatively small extent from surface to surface or side to side," "of small diameter," and "slim." See dictionary definitions from www.encarta.com attached to the November 11, 2009 Office Action which are incorporated by reference herein. A term that describes the shape or form of a product is merely descriptive. *In re Metcal Inc.*, 1 USPQ2d 1334 (TTAB 1986) (holding SOLDER STRAP merely descriptive of self regulating heaters in the form of flexible bands or straps); *In re H.U.D.D.L.E.*, 216 USPQ 358 (TTAB 1982) (holding TOOBS merely descriptive of bathroom and kitchen fixtures in the shape of tubes). As such, the mark is merely descriptive of the applicant's goods, namely, breakfast bakery products that are thin in size or shape or nature.

Applicant has already disclaimed the wording BREAKFAST because it is descriptive of the goods. With respect to the wording THINS, the examining attorney previously attached the dictionary definition of the wording, internet evidence of the wording used in the industry, and evidence of past Office practice regarding disclaimers of the wording or registration on the Supplemental Register or the Principal Register

2(f) with respect to related goods. For example, please note the following:

- Internet evidence from SparkRecipes providing a recipe of "Breakfast Sandwich with Oroweat Sandwich thins"
- Internet evidence from www.thedailyplate.com including information about "Breakfast Sandwich Arnold Thins"
- U.S. Registration No. 3568922 of ANNA'S GINGER THINS DELGADITAS DE JENGIBRE 0 TRANS FAT for "cookies, gingerbread biscuits, and biscuits" with a disclaimer of THINS
- U.S. Registration No. 2863802 of EMMA'S THINS for "cookies" with a disclaimer of THINS

To the extent other marks include the term "THINS" without a disclaimer, please note that a term that was once arbitrary or suggestive may lose its distinguishing and origin-denoting characteristics through use in a descriptive sense over a period of time, and come to be regarded by the purchasing public as nothing more than a descriptive designation. *In re Digital Research, Inc.*, 4 USPQ2d 1242, 1243 (TTAB 1987); *In re Int'l Spike, Inc.* , 190 USPQ 505, 507 (TTAB 1976).

Thus, trademark rights are not static, and eligibility for registration must be determined on the basis of the facts and evidence in the record at the time registration is sought. *In re Morton-Norwich Prods., Inc.*, 671 F.2d 1332, 1344, 213 USPQ 9, 18 (C.C.P.A. 1982); *In re Thunderbird Prods. Corp.*, 406 F.2d 1389, 1391, 160 USPQ 730, 732 (C.C.P.A. 1969).

Attached to the August 23, 2010 Letter of Protest, the evidence submitted therein and incorporated by reference herein indicates that the wording has become descriptive under Trademark Act Section 2(e)(1). The evidence includes additional evidence showing use of the word THINS in the baked goods industry, namely, products named:

- Potato Thins which are "like a rice cake"
- Eli Zabar's Onion Thins, Caraway Thins, Sesame Thins, Black Pepper Thins, Parmesean Thins, and Olive Rosemary Thins which are "feathery light savory wafers"
- Anna's Ginger Thins
- Almond Thins which are butter almond cookies
- Chocolate Thins which are chocolate covered butter biscuits

Attached herein is additional evidence indicating that the wording THINS has become descriptive of bakery products. See, for example:

- A www.yelp.com review of Entenmann's/Oroweat discussing a consumer's purchase of "English muffins and **breakfast thins**."
- An article from Building A Kingston Castle where the author wants to "try out something new for breakfasts: turkey sausage with cheese and **breakfast thins**, possibly with the addition of scrambled egg whites."
- A review from exquisitecandy.blogspot.com stating, "This is my first review of Zentis, a well known German food producer. They sell a lot of bakery ingredients and **breakfast thins**, as well as marzipan and nougat bars.
- A review of Trader Joe's Meyer Lemon Cookie **Thins** from Baking Bites
- A recipe for Fabulous Blackberry Brownie **Thins** from Inn Cuisine, adapted from Betty Crocker's Easy Entertaining, circa 1992
- A discussion on www.ask.metfilter.com where a poster states "Peanut butter (and maybe jelly? maybe you can get individual packets.) on crackers or flatbread, if you think bread won't withstand

the heat very well. We take the **sandwich thins or bagel thins** canoeing and they keep ok outside the cooler (although my max trip length is 3 days)."

- A variety of manufacturers of baked and bakery products using the word THINS to describe their goods such as Snyder's of Hanover Thins, Ryke's Butter Thins, On the Border's new Cantina Thins, various Sesmark Thins, Nature Valley Granola Thins and Real Foods Corn Thins.

A consumer encountering the mark BREAKFAST THINS in connection with applicant's goods would immediately understand the feature or characteristic of the goods. Because the mark immediately and directly conveys information about the applicant's goods, registration is refused under Trademark Act Section 2(e)(1).

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

Advisory Regarding Supplemental Register

A mark in an application under Trademark Act Section 1(b) is **not** eligible for registration on the Supplemental Register **until** an acceptable amendment to allege use under 37 C.F.R. §2.76 has been filed. 37 C.F.R. §§2.47(d) and 2.75(b); TMEP §1102.03. When a Section 1(b) application is amended to the Supplemental Register, the effective filing date of the application is the date of filing of the amendment to allege use. 37 C.F.R. §2.75(b); TMEP §§206.01 and 1102.03.

Although Supplemental Register registration does not afford all the benefits of registration on the Principal Register, it does provide the following advantages:

- The registrant may use the registration symbol ®;
- The registration is protected against registration of a confusingly similar mark under §2(d) of the Trademark Act, 15 U.S.C. §1052(d);
- The registrant may bring suit for infringement in federal court; and
- The registration may serve as the basis for a filing in a foreign country under the Paris Convention and other international agreements.

If applicant chooses to respond to the refusal(s) to register, then applicant must also respond to the following requirement(s).

EXPLANATION OF MARK'S SIGNIFICANCE REQUIRED

Applicant must specify whether the wording "THIN" or "THINS" has any significance in the bakery product trade or industry or as applied to the goods described in the application. *See* 37 C.F.R. §2.61(b); TMEP §§808.01(a), 814.

Further, applicant must provide additional information about this wording to enable proper examination of the application. Specifically, applicant must respond to the following questions:

- Are any of applicant's bakery products thin in size or shape or nature?
- What is the meaning of the word "thins"?
- Does applicant use the wording "thin" or "thins" to describe its goods in any advertisements, packaging, or other media available to the public?

Failure to respond to this request for information can be grounds for refusing registration. *See In re DTI P'ship LLP* , 67 USPQ2d 1699, 1701 (TTAB 2003); TMEP §814.

INFORMATION ABOUT GOODS REQUIRED

To permit proper examination of the application, applicant must submit additional product information about the goods. *See* 37 C.F.R. §2.61(b); *In re DTI P'ship LLP* , 67 USPQ2d 1699, 1701-02 (TTAB 2003); TMEP §814. The requested product information should include fact sheets, instruction manuals, and/or advertisements. If these materials are unavailable, applicant should submit similar documentation for goods of the same type, explaining how its own product will differ.

The submitted factual information must make clear how the goods are shaped, their salient features, and their prospective customers and channels of trade. Conclusory statements regarding the goods will not satisfy this requirement.

Failure to respond to a request for information is an additional ground for refusing registration. *See In re Cheezwhse.com, Inc.*, 85 USPQ2d 1917, 1919 (TTAB 2008); *In re DTI*, 67 USPQ2d at 1701-02. Merely stating that information about the goods is available on applicant's website is an inappropriate response to a request for additional information and is insufficient to make the relevant information of record. *See In re Planalytics, Inc.*, 70 USPQ2d 1453, 1457-58 (TTAB 2004).

If applicant has questions about its application or needs assistance in responding to this Office Action, please contact the assigned trademark examining attorney directly at the number below or at Tasneem.Hussain@uspto.gov. Please note, however, that substantive matters must be addressed in a formal manner; see below for further instructions on how to respond to this Office Action.

/Tasneem Hussain/
Trademark Examining Attorney
Law Office 105
(571) 272-8273
tasneem.hussain@uspto.gov

TO RESPOND TO THIS LETTER: Use the Trademark Electronic Application System (TEAS) response form at http://teasroa.uspto.gov/roa/. Please wait 48-72 hours from the issue/mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

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 Trademark Applications and Registrations Retrieval (TARR) at http://tarr.uspto.gov/. Please keep a

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Entenmann's/Oroweat

1 review

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Elite '10
52
403
nancy c.
Federal Way, WA

10/3/2009

They have great bargains and great staff! Buy my English muffins and breakfast thins for about 1/2 price plus they have a punchcard. Some things aren't a deal, so you need to know where to look (it will be full price on one shelf and 1/2 price on another shelf - yes the pull dates different but only by a day or two). They also carry, soups, honey, teas, coffee and spices (but they don't tend to be such a great deal).

Was this review ...? Useful 0 | Funny 0 | Cool 0

Bookmark | Send to a Friend | Link to This Review | Add owner comment

1 to 1 of 1

Write a Review

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BUILDING A KINGSTON CASTLE

TUESDAY, JULY 13, 2010

It's the return...

...of Meal Plan Monday (er, Tuesday)!! I haven't done MPM in quite a while and I need to get back in the habit. it makes grocery shopping easier and more efficient and we're less likely to be temped into eating junk because there isn't something laid out for us. I'm also hoping to go back to boot camp in the next few weeks here, so getting the healthy eating in line now will create less of a culture shock.

So, here we go:

Monday: I couldn't eat anything but mashed potatoes last night, as my mouth wouldn't open more than about a 1/2 inch

Tuesday: Stuffed peppers (should be easy enough to eat - my jaw is still sore)

Wednesday: Chicken and sauteed squash and zucchini

Thursday: Dos Gringos - we enjoy our weekly tradition of unwinding with tacos and Coronas. This will be my splurge meal of the week

Friday: Pot roast. We may or may not be going to Tucson this weekend. We're waffling on the plans. But if we do make it, pot roast is perfect since we can do so much with it over the weekend. Or, I can freeze it if we do go and use it next week.

Lunches will consist of salads from Fresh and Easy (love them!) and left overs (if we have them). I'm going to try out something new for breakfasts: turkey sausage with cheese and **breakfast thins**, possibly with the addition of scrambled egg whites. I'm trying to emphasize the protein in my meals and reduce bad cards where possible. Snacks will be protein and calcium-rich cottage cheese or Greek yogurt and fruit.

As always, if you have any recipes to share, please don't hesitate!

POSTED BY BROOKE AT 1:41 PM
LABELS: MEAL PLAN MONDAY

4 LEFT COMMENT LOVE:

BrownEyedGirlsMom said...

Yeah - I am glad you are eating healthy so you can help me eat more healthy.

JULY 13, 2010 2:23 PM

Salt said...

FRESH AND EASY!! I wish Maryland would get some of those stores.

I should really be doing meal plans at the beginning of each week also. My grocery shopping experiences are always such a disaster.

JULY 14, 2010 7:03 AM

fumblingtowardsnormalcy.com said...

I'm so glad you are doing this again. For me it's like positive peer pressure. Because if you can take the time to plan and shop and cook, then so can I. Basically, you are guilting me into being healthier. So thanks!

JULY 14, 2010 10:26 AM

Brooke said...

Ha, you're welcome :)

JULY 14, 2010 2:36 PM

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Bring on the pain!
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ABOUT THE KINGSTONS

BROOKE

I'm Brooke. My husband, Dan, and I were married in October 2009. We have two awesome puggles, Paisley and Clover. I love to bake, he loves motorcycles. We're just starting our amazing journey together, and excited for whatever life throws our way.

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4 months ago

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5 months ago

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exquisite candy

Archive for Zentis

Zentis Belmanda

June 22, 2010 Filed under: Zentis, chocolate, marzipan Tagged: almonds, chocolate, dark chocolate, EU, Germany, marzipan, Zentis

This is my first review of Zentis, a well known German food producer. They sell a lot of bakery ingredients and **breakfast thins**, as well as marzipan and nougat bars. Two different types are typical found near a cash in the supermarket.
This dark chocolate coated marzipan bar consists of six slightly marked containers, but basically it is a one-piece bar.

The dark chocolate is rich and firm, it crunches a little when I divided it into two parts. Still, I can sense the marzipan lying beyond it and it certainly has a rather sweet than nutty aroma. Even though this is a bitter chocolate, there is some smoothness left. I have no idea how much cocoa is in there, the wrapper just says "chocolate", but it's delicious.

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This marzipan is somehow strange. It is sweet but not sickly, goes well with the bitter chocolate coating. I definitely miss a stronger nut flavor. 37% of marzipan still is half of the mass that is filling the dark chocolate, but this certainly is not "the finest marzipan quality".

I like the firm chocolate layer in contrast to the smooth but still chewy marzipan. You cannot peal off the coating, which is good since it does not get crumbly. The top coating is a little thicker than the rest of the bar which makes the thing a little crunchier.

All in all, the marzipan bar is good, but nothing really special. There are better marzipan bars out there, but the Zentis bar is definitely worth the price. If I was short on money, I'd take this over the Niederegger Marzipan treats, as it is less expensive. A nice treat for its price!

7 out of 10

Name: Zentis Belmanda
Branch: Zentis
Price: 0.60 Euro
Calories: 455kcal per 100g
Fat: 25.8g per 100g

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These search terms are highlighted: thins Text-only version

Trader Joe's Meyer Lemon Cookie Thins, reviewed

JANUARY 27, 2009 NEW PRODUCTS, PRODUCT REVIEWS 9 COMMENTS 1 retweet

It's hard to find a good lemon cookie. Either they don't have a particularly strong or distinctive flavor to them, or the cookies have an artificial

sweetness to them due to overuse of (cheap) imitation flavoring. As a result, I was a bit reluctant to try Trader Joe's Meyer Lemon Cookie **Thins** at first, but was willing to give TJ's the benefit of the doubt because their Ginger **Thins** are quite good, so the lemon wafers seemed promising.

I wasn't disappointed.

These **thins** are bright and lemony, and are made with all natural ingredients – including butter and lemon – instead of using artificial flavorings. The wafers themselves are incredibly thin, maybe 1/8th of an inch high, and are very delicate. They break very easily in the package, despite their protective plastic case, so they must be treated with care. They almost shatter into your mouth when you bite into them, then the thin cookies seem to melt onto your tongue; it's a perfect combination of crispy and delicate.

I can't say with certainty that I could distinguish these meyer lemon **thins** from ordinary lemon **thins** if given an option, but the lemon flavor is unmistakeably zesty and fresh. The cookies are tasty and very addictive. They're good with tea and work well in place of graham crackers if you want to make a citrus tart crust.

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9 Comments

Linda

January 27, 2009 at 8:32 am

Darn, If we could only order Trader Joe's on line....closet one to me is 3 hours away! Cookies sound just like Meyer lemons...delicate.

Leigh Anne

January 27, 2009 at 11:54 am

I was just in Trader Joe's yesterday and they were giving free samples of these yummy cookies. They were serving them with blueberries covered in a little lemon curd. Yum. I bought a box of the cookies and am loving them! I am a lemon lover

megan

January 27, 2009 at 12:01 pm

I just found your blog and it looks really great! I already found quite a few things I want to make – starting, I think, with popovers. I don't think I've ever even eaten one! I just starting a cooking/baking blog as well, so you've given me some inspiration – thanks!

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thanks!

mutritious nuffins

January 27, 2009 at 12:06 pm

I love that you review products. It's nice to hear what other people think about foods in the store. I also agree that finding, or making a good lemon cookie is difficult. Perhaps it is one true test of a good cook?

Linda

January 27, 2009 at 4:37 pm

I just got a box of each of the lemon and ginger **thins** at TJs a couple of weeks ago. As you, I wasn't disappointed. The delicacy reminds me of the Moravian spice cookies we used to get in NC at Christmas time. Now they are sold all over through catalogs but still not that easy to find. I was hoping the ginger **thins** would be similar. They aren't quite as spicy but I like the little bits of candied or dried ginger you get to sample in such a thin cookie. And the lemon ones are as you say with a good natural lemon flavor–not the fake stuff in most lemon **thins**. And how many cookies give you 9 cookies in a serving?? Great blog as always!!

Shelley (Pink House)

January 27, 2009 at 10:33 pm

I"m going to have to try these next time I get to Trader Joe's. I absolutely love their 3 ginger chewy cookies that come in a clear tub. So so good with that candied ginger in there.

Rick

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March 19, 2009 at 12:56 pm

So true. It's tough to find decent lemon cookies. These sound really good. I'll have to give them a try.

Sharon

July 14, 2009 at 7:48 pm

Where is Trader Joe's located? I would love to have some of the lemon thin cookies! I agree that it is too bad that they cannot be ordered on line.

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These search terms are highlighted: **thins**

Dainty, Jammy and Delicious (Recipe: Fabulous Blackberry Brownie **Thins**)

by SANDIE *on* MARCH 6, 2009

Amazing brownie recipes: you can never have enough of them.

blackberry-brownie-thins-cut-and-served-6a

Sometimes what appeals to me most about a specific recipe is that it's a twist on a classic. If I can take a dish I'm already familiar with and mix it up a bit to reflect a change of season, mood or use for a specific event, then that twist becomes doubly

change of season, mood or use for a specific event, then that twist becomes doubly useful. And if it's doubly useful, it's doubly valuable as well.

Apply that thought to brownies: we all have recipes for them (typically in multiples) and we all love eating them. But how do you create a variation of a classic brownie without detracting from its fabulous taste or texture? Can it be done? And is creating this twist worth adding an extra recipe to your already voluptous, brownie-laden collection?

One bite of these Fabulous Blackberry Brownie **Thins** and you'll know the answer is, "Yes." Definitively, deliciously and decandently, "Yes."

blackberry-brownie-thins-cut-and-served-4a

Dainty yet dense, moist yet light, and jammy yet chocolatey (a combination second only to salty and sweet), Blackberry Brownie **Thins** are a fun, easy-to-make, from-scratch treat perfect for serving anyone, anytime, anywhere. From hosting an open-house to welcoming guests at a bed & breakfast inn, from serving at happy hour or as after-dinner treat, from picnics and tailgating, to surprising family, friends, co-workers and kids, all you need to recreate this amazing twist on brownies is 7 ingredients (plus powdered sugar for dusting), 1 medium saucepan, a spatula or spoon, a 13x9x2" baking dish and some non-stick cooking spray.

It doesn't get much easier (or tastier) than that! And the results? Divine!

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blackberry-brownie-thins-cut-and-served-2a

Fabulous Blackberry Brownie Thins

(from Inn Cuisine, adapted from *Betty Crocker's Easy Entertaining*, circa 1992)

- 1/2 cup butter
- 1/2 cup unsweetened cocoa
- 1 cup granulated sugar
- 1/4 cup seedless blackberry jam or preserves (may substitute seedless raspberry jam or preserves instead)
- 1 teaspoon pure vanilla extract
- 2 eggs, beaten
- 1/2 cup all-purpose flour
- optional – powdered sugar for dusting

Preheat oven to 350 degrees F. Thoroughly grease the bottom and sides of a 13x9x2" baking dish with non-stick cooking spray.

In a medium-sized, heavy-bottomed saucepan, melt butter over low heat. Stir in cocoa until well blended; stir in granulated sugar until well blended. Add seedless blackberry jam (or preserves), vanilla extract and beaten eggs; stir until mixture is thoroughly combined and smooth. Add flour, stirring until smooth. Pour mixture into prepared baking dish, spreading evenly if necessary. Bake at 350 degrees F for 20-22 minutes or until batter begins to pull away from the sides of baking dish and

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minutes *or* until batter begins to pull away from the sides of baking dish and toothpick inserted near center comes out clean. Remove from oven; cool on wire rack. When thoroughly cooled, cut brownie **thins** into squares of desired size. Sprinkle with powdered sugar to garnish; carefully lift and remove squares to serving plate, taking care to loosen from underneath before moving.

Enjoy!

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noble pig March 6, 2009 at 9:17 pm

It must be blackberry day on the net because I've seen so many today. These sound soooooooo good Sandie! Wow. I love blackberry and chocolate.

REPLY

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maris March 6, 2009 at 10:43 pm 2

these sound really great. usually i prefer thick, fudgy brownies but the blackberry sounds so interesting that i would give these a try in a second!

REPLY

Sandie March 7, 2009 at 12:27 am 3

Noble Pig – I haven't gone out and about much on the internet today—blackberries, huh? What's that they say about great minds thinking alike? :)
P.S. These Brownie **Thins** are excellent—the blackberry really brings out the best in the chocolate, and vice versa.

Maris – Prior to making these, I might have agreed with your choice of thick, fudgy brownies. Don't get me wrong—these are still plenty fudgy—but who would have thought a thin, dainty brownie could pack so much of a wallop?!

REPLY

nina March 7, 2009 at 2:09 am 4

I like the idea that these brownies are thin, sometimes brownies are just too thick and overwhelmingly sweet. Great job!!!

REPLY

Y March 7, 2009 at 2:15 am 5

I don't normally like fruit in my brownies, but blackberries..mmmm... I don't think I'd say no to a slice!

REPLY

Sandie March 7, 2009 at 3:06 am 6

Nina – I couldn't agree more (and thank you)! :)

Y – I can't honestly say that before this particular recipe, I had ever experimented with fruit in my brownies. That said, I'm sure glad I finally did—mmmm is an understatement!

REPLY

pigpigscorner March 8, 2009 at 7:01 am 7

They look gorgeous! Love how you made them black and white. Lovely presentation.

REPLY

Donna March 8, 2009 at 7:33 am 8

These sound so very delicious. I love the way you decorated them, GORGEOUS!

REPLY

grace March 8, 2009 at 8:42 am 9

these look like the perfect size–i think i've suddenly been converted to preferring thin brownies! and how exciting to know that blackberries are involved–yum!

REPLY

Kristen @ passion4eating March 10, 2009 at 11:37 pm 10

great combination! I would have never thought of that combination but I bet they are nice and moist. and of course tasty! Now I am craving brownies!

REPLY

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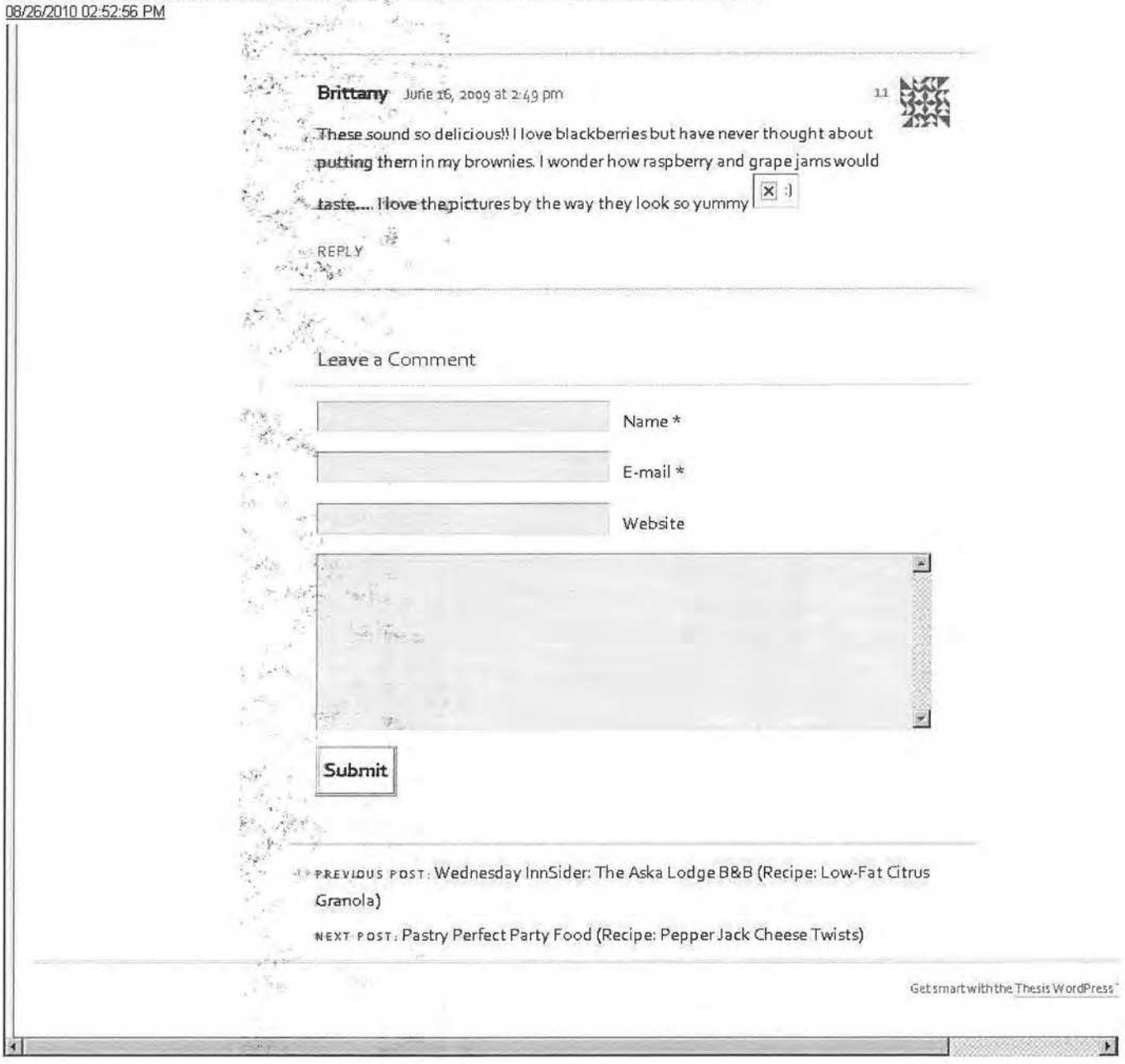

Brittany June 16, 2009 at 2:49 pm 11

These sound so delicious!! I love blackberries but have never thought about putting them in my brownies. I wonder how raspberry and grape jams would taste.... I love the pictures by the way they look so yummy :)

REPLY

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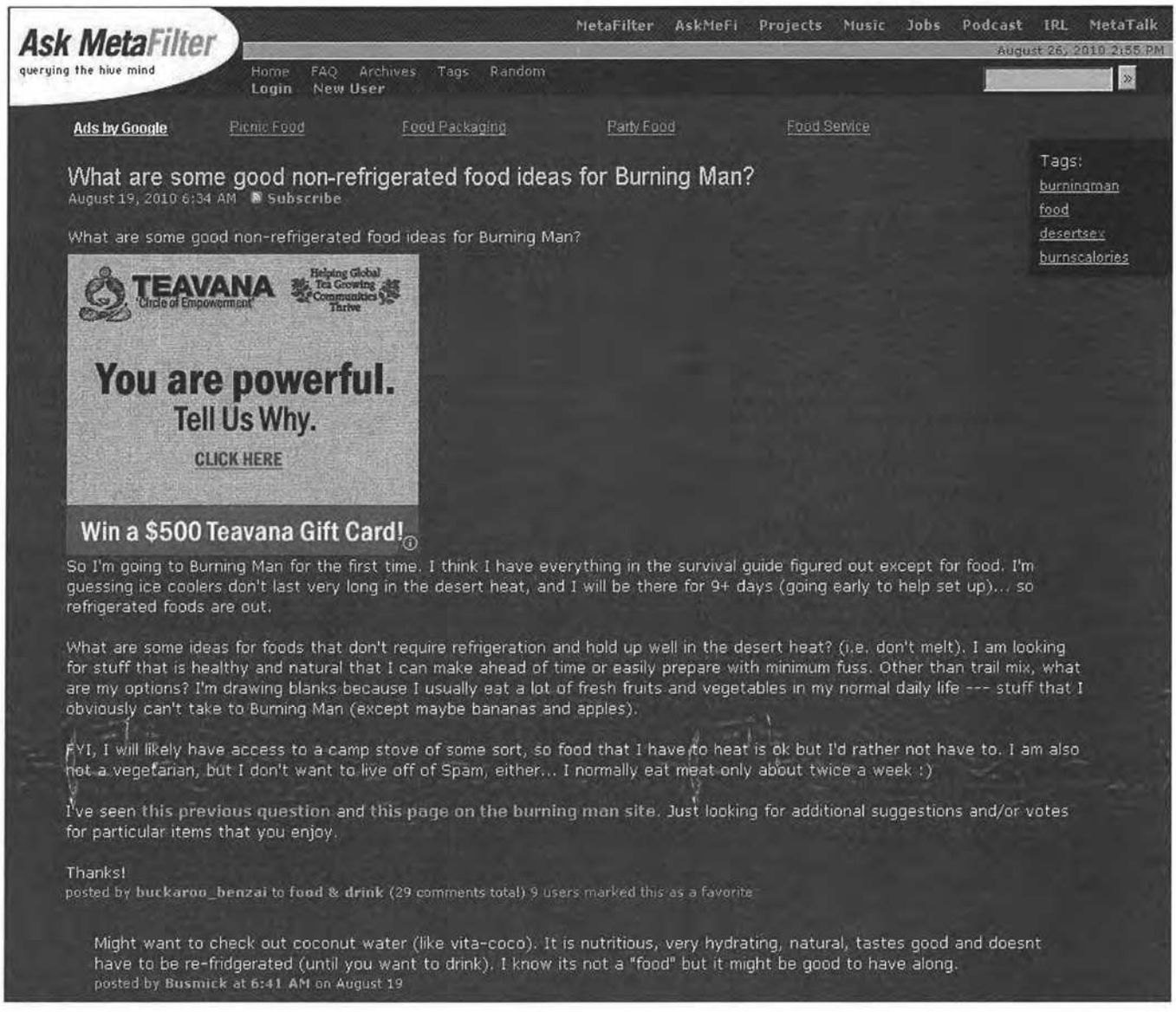

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What are some good non-refrigerated food ideas for Burning Man?

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So I'm going to Burning Man for the first time. I think I have everything in the survival guide figured out except for food. I'm guessing ice coolers don't last very long in the desert heat, and I will be there for 9+ days (going early to help set up)... so refrigerated foods are out.

What are some ideas for foods that don't require refrigeration and hold up well in the desert heat? (i.e. don't melt). I am looking for stuff that is healthy and natural that I can make ahead of time or easily prepare with minimum fuss. Other than trail mix, what are my options? I'm drawing blanks because I usually eat a lot of fresh fruits and vegetables in my normal daily life --- stuff that I obviously can't take to Burning Man (except maybe bananas and apples).

FYI, I will likely have access to a camp stove of some sort, so food that I have to heat is ok but I'd rather not have to. I am also not a vegetarian, but I don't want to live off of Spam, either... I normally eat meat only about twice a week :)

I've seen this previous question and this page on the burning man site. Just looking for additional suggestions and/or votes for particular items that you enjoy.

Thanks!

posted by buckaroo_benzai to food & drink (29 comments total) 9 users marked this as a favorite

Might want to check out coconut water (like vita-coco). It is nutritious, very hydrating, natural, tastes good and doesnt have to be re-fridgerated (until you want to drink). I know its not a "food" but it might be good to have along.
posted by Busmick at 6:41 AM on August 19

You can make an okay "Thai" green curry with a curry paste sachet, powdered coconut milk, tinned fish or chicken, freeze dried peas or corn, a little fish sauce, and a dried lime leaf leaf or two. Serve over rice and garnish with a squeeze of lime juice.

Also, a lot of convenience products from your average supermarket adapt just fine to fridge free camping. Flavored pasta packets, instant whipped/mashed potato, precooked rice, etc. If they need milk, use powdered milk, and if they need butter or margarine, use olive oil.
posted by Ahab at 6:50 AM on August 19

There is ice available at Burning Man at the 3:00 and 9:00 portals. Bring your ice chest (and some cash) and restock it daily. Bonus, you get to wash off with your icy melt water, which feels great. Ideally you'll get your ice chest elevated off the playa (a couple 2x4 scraps will do it) and if you really want to go crazy, make a cozy of insulating material to slide over it.

Oranges are great on the playa--they hold up well, and the peels aren't noxious as trash.

I had campmates that brought some kind of commercially packaged boil-in-bag food (don't recall the brand—not this, but something like this) and they ate well. I brought out some pasta salad that I had made at home—it didn't stay good quite through the whole trip (including 3-day car ride out), but I wasn't as heads-up about restocking ice as I should have been. I also had some kind of Thai noodles that was basically like Top Ramen for yuppies. Also, sandwich fixings. Again, meat didn't stay good through the end, but I was partly to blame for that.

Whatever food you bring, take into account the difficulty of cleanup and the amount of water that will be required for cleanup. Those boil-in bags are nice because you can eat straight from the bag and then throw it away, and only clean your fork. Also, bring a spray bottle of water for cleanup.
posted by adamrice at 7:00 AM on August 19

Instant oatmeal (recently tried this Better Oats brand, I think it is less gummy and chewy than Quaker instant). If you think apples will keep, chop one up and stir it in, or stir some dried fruits & nuts or granola.

Peanut butter (and maybe jelly? maybe you can get individual packets.) on crackers or flatbread, if you think bread won't withstand the heat very well. We take the sandwich thins or bagel thins canoeing and they keep ok outside the cooler (although my max trip length is 3 days).

Seconding the boil-in-a-bag backpacking meals, very handy and minimal cleanup. My only complaints are that they are kind of expensive and usually a little on the salty side. Had a decent Mountain House brand beef stroganoff whilst canoeing this summer, and last summer we had the Backpacker's Pantry pad thai, which is probably my favorite so far.
posted by sararah at 7:12 AM on August 19

We brought bagels and cream cheese and had enough ice with one replenishment in a standard cooler to last the whole time. While I was really concerned about food before the trip, looking back on it that was the easiest thing. People are just giving away food... browse around and you'll eat just fine.
posted by odinsdream at 7:13 AM on August 19

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This was nearly impossible for us. The wind made it very difficult to use a standard camp stove to heat anything. Even if you could keep it lit, the wind blew the heat away too quickly.
posted by **odinsdream** at 7:15 AM on August 19

Trader Joe's has a few great Indian Curries in a foil pouch at are shelf stable and rather good. I serve them with minute rice when I'm camping. We also have some other brands available in our local grocery chain and at Super Target of all places.
posted by **advicepig** at 7:18 AM on August 19

Another one I like on shorter hiking trips is couscous (the almost instant varieties) served with a stew made from garlic, onion, carrot, dried celery leaf or parsley, tomato paste and water, semi-dried chorizo, and a potato. As would pumpkin/squash, but I've never wanted to carry a whole one.
posted by **Ahab** at 7:22 AM on August 19 [1 favorite]

know this: you will crave salt. you will also not want to make a big fuss out of cooking. therefore, i do recommend noodle soups. also tortilla chips / pretzels / etc. pasta & sauce in a can. beef jerky. don't bother with red wine or chocolate--both turn ick in the heat. i love those little clif or odwalla bars. you will probably lose yr appetite in the first few days & those are nice to eat if you just need to choke something down.
posted by **apostrophe** at 7:27 AM on August 19

and i know you said you like to eat fresh vegetables, etc., in normal life, but your tastes will change. i am super salad face out here in the real world, but i wouldn't want that at bm.
posted by **apostrophe** at 7:30 AM on August 19

Some of the folks I know who go to Burning Man bring MREs. That may not be what they eat the whole time, but I have heard they are awfully handy towards the end, when your freshies have been eaten or gone bad.
posted by **rtha** at 7:55 AM on August 19

I'd suggest Clif Bars. Just avoid any of the bars with chocolate or peanut butter and focus on the fruit based ones?
posted by **BZArcher** at 8:13 AM on August 19

Nacho doritos and canned tuna! Also keep some canned soup in the dash of your car and it will still be hot for an evening dinner. For some reason I've never eaten it on the playa, but people also crave pickles, or anything pickled for that matter, I will bring a ton this year.

And don't bring peanut butter. You think you'll want it, but you won't.
posted by **mewmewmew** at 8:31 AM on August 19

Great suggestions... keep 'em coming! I apparently have a lot of food shopping to do this weekend :)
posted by **buckaroo_benzai** at 8:32 AM on August 19

Ditto re low appetite: you can bring less food than you think. I ate about 20% of what I brought last year.

Cereals, chips, dried fruit, nuts, Gatorade and lots of water worked fine for me. No need to fuss with a stove or ice. Center Camp sells coffee if you gotta have your morning coppa.

Big regret bringing cheese; I should've known better.

A little good beer/ale can be quite nice in the evening.
posted by **ZenMasterThis** at 8:33 AM on August 19

One more thing...

"Gifted" food items I remember receiving from random people without even trying ...

--Grill cheese sandwich

--Cookie

--Quesadilla

--Breakfast sandwich

--Bacon(?)
posted by **ZenMasterThis** at 9:37 AM on August 19

With a good cooler and regular ice restocking (every day or two) you can keep refrigerated stuff plenty cold at Burning Man. In 2008 I was there for 8 days and brought a bunch of chili and black beans I had cooked beforehand and frozen. I didn't it a lot of it on playa and it was still good when I got back!
posted by **pombo** at 9:55 AM on August 19

If you can swing it, having two coolers is an excellent idea. You keep cooler #1 with (preferably block) ice and items that you will need only occasionally / at meal time (proteins, veggies) and you keep cooler #2 iced up with beverages and snacks. The idea is that #1 keeps a deep chill and is seldom opened while #2 is your go to cooler for ice, drinks, and snacks. This works very well.

Things that I like out there:
* Tuna in a pouch (less mess, easy, requires no can opener)
* Sardines
* Instant mashed potatoes (just add water, tasty carb bomb)
* String cheese (yes requires a cooler)
* Canned things I would never eat at home, like Chef Boyardee Ravioli

If you have an adequate camp/shade/shelter then I wouldn't be too worried about being able to light a camp stove--this has never been a problem that I've seen except in the middle of a whiteout.
posted by **donovan** at 11:45 AM on August 19

Have you seen this website on **freezer bag cooking**? It has nifty recipes for trail cooking with little or no water. Some of them are really good, and some of them are meh, but I guess it all depends on your taste. Also, if you want to put the effort into it, you can make a **Zeer pot** for keeping thing cool (sans ice). I understand they work great in the desert. But since you're only gonna be there for nine days you might not want to go through all that trouble.
posted by **patheral** at 11:59 AM on August 19

A great resource to look would be backpacking sites, since it sounds like your needs are similar. Here are things I take backpacking (sorry if I repeat):

-Tuna in a pouch (goes great on crackers. I like mixing in mustard packets and hot sauce)
-Instant mash potatoes (these things are delicious! not very healthy though)
-Evaporated milk and cereal (hope you don't mind watery milk!)
-Canned stuff if your stove works
-LOTS of water, I mean a ton. Think of how much you were gonna take and double it
-Top ramen and cup noodle

As far as keeping the stove lit and happy: A great technique is if you can find a flexible and thin piece of metal about 2-3 feet long by 1-2 feet tall. You simply roll it into a cylinder, tie it to the radius that works, and put the stove in it. This will protect it from the wind and keep the heat in.
posted by **mungaman** at 12:11 PM on August 19

My favorite backpacking food is mini-bagels with peanut butter (honey is optional).

Also, the **Mountain House freeze dried meals** are really good, if not exactly what you're looking for. A **windproof stove** might be a good idea, though.
posted by **coolguymichael** at 12:49 PM on August 19

Pemmican.
posted by **Bruce H.** at 1:08 PM on August 19

I would advise against Cliff Bars, I brought a box my first year and couldn't stomach them. They require a lot of water to digest and taste like a sweater.

You're going to be tired, the wind is kicking up, your SO is flirting with some built dude in dreads and all your campmates hate you; and you're in no mood to dig your portable stove out of the bin. **You're going to want no-cook food with a high 'reward' value because after a day in the desert, a simple pleasure goes a long way.** The best food is something with a high-water content with either a high-fat, salt or sugar amount. And variety, eating the same food item everyday for a week will bring you to tears.

The Trader Joe's ready-to-eat Indian food, its also sold in other stores under its brand name Tasty Bites. They're perfect. Pair it with a 'microwave rice' pouch, you can boil them both together.

Super-spicy ramen bowls. Everything taste like dirt, you need oral stimuli.

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Spaghettios or some other Chef-boy-ardee cans. Sugary, salty, psuedo-meaty.

Canned fruit in heavy syrup. You're going to thank me for this, you will be the envy of you camp.

This one is the kicker. Powered gatorade or some salty/sugary drink powder. Drinking warm water everyday sucks the most. Gatorade makes that all better. Avoid protein powder, as it will make the water taste like chalk.

Now just before you check out, take half of what is in your cart and put it back. **You've bought too much stuff.** No one in their right mind is going to want to eat a 3lbs bag of chex mix and beef jerky. I know, I know...so you can share with your campmates, they have their own 3lbs bag of bar snacks and jerky. **Put it back.** You'll be sick of jerky before the car ride is over.
posted by MiltonRandKaiman at 1:37 PM on August 19

Oh, salami. Lots of salami.
posted by MiltonRandKaiman at 1:39 PM on August 19

better than powdered milk: horizon shelf-stable milk cartons!

also, I second the coconut water, but recommend Amy & Brian's way over Vita Coco & One and the others. it's available at whole foods and similar stores.
posted by changeling at 2:15 PM on August 19

MREs. They have a built in heater that doesn't give a damn if it's windy and they seal up nice in the trash to reduce stink. Honestly, you could bring no food at all and mooch at a different camp each meal. Everyone brings too much food. Water and liquor are different matters but food is easy to come by.
posted by chairface at 4:27 PM on August 19

You also just don't get hungry in the same way - it's too hot, and your belly is just full of water all the time (or should be!). As mentioned above, you'll crave salt, so nuts & pretzels are useful. Otherwise, some dried fruit & jerky and things like that will mostly get you through. I found one "real meal" a day was plenty, and for that I had the Tasty Bites Indian food mentioned above, and other things like that.
posted by judith at 8:56 PM on August 19

Not ideas for food, but something to keep in mind when picking it: trash/MOOP. Wherever possible try to limit the amount of trash you create that has to be hauled out at the end of the week. Stuff that comes in paper bags or cardboard boxes can be burned, as can most fresh fruit/vegetable remains (cores & peels). There'll be big fireboxes called burn piles you can toss burnable items into, scattered on the inside edge of the Esplanade.
posted by scalefree at 9:10 AM on August 20

Nthing the comments about the amount of food you'll want/need. I've had good experiences with a typical cooler and typical camp stove at BRC - eggs for breakfast, bacon for all the time, grilled cheese sandwiches for a lifesaver. Those foods, though, were used up within 4-5 days. Imagine having to eat in a car with the windows rolled up in the direct sun -- though