

ESTTA Tracking number: **ESTTA689847**

Filing date: **08/17/2015**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Paramount Farms International LLC
Granted to Date of previous extension	08/16/2015
Address	11444 W. Olympic Blvd. 7th Floor Los Angeles, CA 90064 UNITED STATES

Attorney information	Darya P. Laufer 11444 W. Olympic Blvd. 7th Floor Los Angeles, CA 90064 UNITED STATES dcriona@roll.com, mrivera@roll.com, dlaufer@roll.com, ipfiling@roll.com
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Applicant Information

Application No	86338601	Publication date	02/17/2015
Opposition Filing Date	08/17/2015	Opposition Period Ends	08/16/2015
Applicant	Dutch Valley Food Distributors, Inc. 7615 Lancaster Avenue Myerstown, PA 17067 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 029. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Snack mix consisting of processed nuts, candied nuts, chocolate covered coffee beans, and candy; Snack mix consisting of processed mixed nuts, candy, candied nuts, and chocolate covered raisins; Snack mix consisting of candied nuts, mixed nuts, sesame sticks, dried fruit, processed coconut, and cereal pieces; Snack mix consisting primarily of processed nuts, and also including candy; Spicy nuts, namely, mixed nuts; seasoned nuts; Snackmix consisting of dried fruit, processed coconut, macadamia nuts, and candied nuts; Snack mix consisting primarily of candied nuts and also including chocolatecovered coffee beans</p>
<p>Class 030. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Candy; chocolate candies; Gummy candies; Snack mix consisting of yogurt-coveredpretzels, yogurt-covered raisins, yogurt-covered dried fruit, yogurt-covered candy, dried fruit, cereal pieces, and cookies; Snack mix consisting of seasoned sesame sticks, corn sticks, pita chips, cereal pieces and almonds</p>

Grounds for Opposition

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

U.S. Registration No.	3360553	Application Date	09/14/2005
Registration Date	12/25/2007	Foreign Priority Date	NONE
Word Mark	STACH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2006/06/01 First Use In Commerce: 2006/06/01 Flavored nuts, salted nuts, shelled nuts, roasted nuts; processed nuts; snack mix consisting primarily of processed nuts Class 031. First use: First Use: 2006/06/01 First Use In Commerce: 2006/06/01 [Raw natural nuts]		

U.S. Registration No.	3295108	Application Date	09/14/2005
Registration Date	09/18/2007	Foreign Priority Date	NONE
Word Mark	ADVENTURES OF STACH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2006/06/01 First Use In Commerce: 2006/06/01 [Flavored nuts, salted nuts, shelled nuts, roasted nuts;] processed nuts [; snack mix consisting primarily of processed nuts] Class 031. First use: First Use: 2006/06/01 First Use In Commerce: 2006/06/01 Raw natural nuts		

Related Proceed-	86449205, 91222750
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Attachments	78713108#TMSN.png(bytes) 78713114#TMSN.png(bytes) Ntc of Opposition re SNAK STASH word mark.pdf(103774 bytes)

Certificate of Service

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

Signature	/s/ Darya P. Laufer /s/
Name	Darya P. Laufer
Date	08/17/2015

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

PARAMOUNT FARMS)	
INTERNATIONAL LLC d/b/a)	
WONDERFUL PISTACHIOS &)	
ALMONDS LLC,)	Opposition No. _____
)	
Opposer,)	Application Serial No. 86/338,601
)	SNAK STASH
v.)	
)	Published in the <i>Official Gazette</i> of
DUTCH VALLEY FOOD)	February 17, 2015
DISTRIBUTORS, INC.)	
)	
Applicant.		

NOTICE OF OPPOSITION

Paramount Farms International LLC, d/b/a Wonderful Pistachios & Almonds LLC (“Opposer”), a Delaware limited liability company located and doing business at 11444 W. Olympic Blvd., Los Angeles, CA 90064, believes it will be damaged by the registration of the trademark SNAK STASH and design in Class 29 for “Snack mix consisting of processed nuts, candied nuts, chocolate covered coffee beans, and candy; Snack mix consisting of processed mixed nuts, candy, candied nuts, and chocolate covered raisins; Snack mix consisting of candied nuts, mixed nuts, sesame sticks, dried fruit, processed coconut, and cereal pieces; Snack mix consisting primarily of processed nuts, and also including candy; Spicy nuts, namely, mixed nuts; seasoned nuts; Snack mix consisting of dried fruit, processed coconut, macadamia nuts, and candied nuts; Snack mix consisting primarily of candied nuts and also including chocolate covered coffee beans” set forth in Application Serial No. 86/338,601 and in Class 30 for “Candy; chocolate candies; Gummy candies; Snack mix consisting of yogurt-covered pretzels, yogurt-covered raisins, yogurt-covered dried fruit,

yogurt-covered candy, dried fruit, cereal pieces, and cookies; Snack mix consisting of seasoned sesame sticks, corn sticks, pita chips, cereal pieces and almonds” (the “Snak Stash Application”) filed by Dutch Valley Food Distributors, Inc. (“Applicant”), and hereby opposes the same.

As grounds for this Opposition, Opposer alleges:

1. Opposer is the largest grower and processor of almonds and pistachios in the world.
2. Long prior to the July 16, 2014 filing date of the Snak Stash Application,

Opposer extensively marketed and sold processed and natural nuts and nut products in interstate commerce in connection with its distinctive STACH marks (collectively the “STACH® Marks”).

3. Opposer’s STACH® Marks include the following registrations issued by the United States Patent and Trademark Office:

TRADEMARK	REG. NO.	CLASSES
STACH	3,360,553	29, 31
ADVENTURES OF STACH	3,295,108	29, 31

4. Opposer’s registrations are valid, subsisting, and owned by Opposer and Opposer hereby gives notice in accordance with Trademark Rule of Practice 2.122(d)(2) that it will rely thereon as evidence in this proceeding, and a status copy showing present title to these registrations will be introduced into evidence on its behalf during Opposer’s testimony period.

5. Opposer’s Registration number 3,360,553 is incontestable pursuant to 15 U.S.C. §§1064 and 1115(b).

6. The STACH® Marks are inherently distinctive as used in connection with Opposer’s products or, in the alternative, have acquired distinctiveness due to their secondary meaning.

7. By virtue of the popularity of Opposer's goods offered in connection with the STACH® Marks, Opposer has built and owns extremely valuable goodwill symbolized by, and associated with, the STACH® Marks.

8. The Snak Stash Application is without Opposer's consent or permission.

9. Upon information and belief, neither Applicant nor any predecessor or related company of Applicant has made actual use of "snak stash" in commerce prior to Opposer's first use in commerce date, June 1, 2006.

10. The filing date of the Snak Stash Application is July 16, 2014.

11. Applicant's registration of and intended use of 'snak stash' on Applicant's Goods will damage Opposer, its business and its goodwill.

COUNT I – LIKELIHOOD OF CONFUSION

12. Opposer incorporates the allegations of Paragraphs 1 through 11 herein by reference.

13. Applicant's use of and application for 'snak stash' for use in connection with Applicant's goods is likely to cause confusion, mistake, or deception with Opposer's STACH® Marks. Consumers are likely to believe Applicant's goods are sponsored, authorized, or licensed by, or in some other way legitimately connected with, Opposer or Opposer's STACH® products.

CONCLUSION

WHEREFORE, Opposer respectfully requests that this Opposition be sustained and that Application Serial No. 86/338,601 be denied registration.

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

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

Respectfully Submitted,

PARAMOUNT FARMS
INTERNATIONAL, LLC, d/b/a/
WONDERFUL PISTACHIOS &
ALMONDS LLC

Date: August 17, 2015

By: /s/ Darya P. Laufer /s/
Darya P. Laufer, Esq.
Danielle M. Criona, Esq.
ROLL LAW GROUP P.C.
11444 West Olympic Blvd.
Los Angeles, California 90064
Tel. (310) 966-8824
Fax (310) 966-8810
Email darya.laufer@roll.com
Attorney for Opposer

CERTIFICATE OF SERVICE

I, Mark Rivera, hereby certify that a copy of this **NOTICE OF OPPOSITION** has been served upon counsel for Applicant with whom Opposer has been corresponding:

Ms. Rebecca Finkenbinder
McNees Wallace & Nurick
100 Pine Street
Harrisburg, PA 17108

by first class mail, postage prepaid, with a courtesy copy to the email address on file with the USPTO, trademarks@mwn.com and to rfinkrbinder@mwn.com this 17th day of August, 2015.

By: /s/ Mark Rivera /s/
Mark Rivera
Roll Law Group P.C.
11444 West Olympic Blvd.
Los Angeles, CA 90064
Tel. (310) 966-8400
Fax (310) 966-8810

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Respectfully Submitted,

PARAMOUNT FARMS
INTERNATIONAL, LLC, d/b/a/
WONDERFUL PISTACHIOS &
ALMONDS LLC

Date: August 17, 2015

By: /s/ Darya P. Laufer /s/
Darya P. Laufer, Esq.
Danielle M. Criona, Esq.
ROLL LAW GROUP P.C.
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Attorney for Opposer

CERTIFICATE OF SERVICE

I, Mark Rivera, hereby certify that a copy of this **NOTICE OF OPPOSITION** has been served upon counsel for Applicant with whom Opposer has been corresponding:

Ms. Rebecca Finkenbinder
McNees Wallace & Nurick
100 Pine Street
Harrisburg, PA 17108

by first class mail, postage prepaid, with a courtesy copy to the email address on file with the USPTO, trademarks@mwn.com and to rfinkrbinder@mwn.com this 17th day of August, 2015.

By: /s/ Mark Rivera /s/
Mark Rivera
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11444 West Olympic Blvd.
Los Angeles, CA 90064
Tel. (310) 966-8400
Fax (310) 966-8810