

ESTTA Tracking number: **ESTTA698277**

Filing date: **09/25/2015**

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 | Demeter Association, Inc. |
| Granted to Date of previous extension | 10/03/2015 |
| Address | PO Box 1390 Philomath, OR 97370 UNITED STATES |

| | |
|----------------------|---|
| Attorney information | Paul W. Reidl Law Office of Paul W. Reidl 241 Eagle Trace Drive Half Moon Bay, CA 94019 UNITED STATES paul@reidllaw.com Phone:(650) 560-8530 |
|----------------------|---|

Applicant Information

| | | | |
|------------------------|--|------------------------|------------|
| Application No | 86550931 | Publication date | 08/04/2015 |
| Opposition Filing Date | 09/25/2015 | Opposition Period Ends | 10/03/2015 |
| Applicant | BYODYNE, LLC 2113 SE Williams Drive Gresham, OR 97080 UNITED STATES | | |

Goods/Services Affected by Opposition

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| Class 005. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Dietary and nutritional supplements; Dietary and nutritional supplements for endurance sports; Dietary and nutritional supplements used for weight loss; Dietary food supplements; Dietary supplement drink mixes; Dietary supplements; Dietary supplements for human consumption; Dietary supplements in the nature of weight loss powders; Herbal supplements; Nutritional supplement in the nature of a nutrient-dense, protein-based drink mix; Nutritional supplements; Nutritional supplements in the form of powders, capsules, liquids, syrups; Powdered nutritional supplement concentrate; Powdered nutritional supplement drink mix; Protein dietary supplements; Protein supplement shakes; Protein supplements; Vitamin supplements; Weight management supplements; Whey protein supplements |
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Grounds for Opposition

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| False suggestion of a connection | Trademark Act section 2(a) |
| Priority and likelihood of confusion | Trademark Act section 2(d) |
| Other | lack of bona fide intention to use at the time of filing the application |

Marks Cited by Opposer as Basis for Opposition

| | | | |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 2286984 | Application Date | 07/14/1997 |
| Registration Date | 10/19/1999 | Foreign Priority Date | NONE |
| Word Mark | BIODYNAMIC | | |
| Design Mark | BIODYNAMIC | | |
| Description of Mark | NONE | | |
| Goods/Services | Class A. First use: First Use: 1985/07/00 First Use In Commerce: 1985/07/00 agricultural products and applications,including various types of agricultural food and fiber products and processed food products | | |

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 3102570 | Application Date | 01/30/2003 |
| Registration Date | 06/13/2006 | Foreign Priority Date | NONE |
| Word Mark | BIODYNAMIC | | |
| Design Mark | BIODYNAMIC | | |
| Description of Mark | NONE | | |
| Goods/Services | Class A. First use: First Use: 1985/07/01 First Use In Commerce: 1985/07/01 Products meeting organic and as well ascertain ecological, farm diversity and other standards and guidelines, namely, processed food, unprocessed food, drinks, dietary supplements, fiber products, body care products, soil additives, manure and herbal based soil additives, essential oils for fragrance and personal use, essential oils for use in manufacturing herbal oils, skin care products, skin oils, food supplements, nutritional supplements, herbal teas, herbal products, herbs used for aroma therapy, herbal supplements, medicinal herbs, herbal extracts, herbal essences, flower essences, fleece wool, cotton, flannel, cotton yarn, wool yarn, beddings, blankets, receiving blankets, twin-size blankets, king and queen-size blankets, crib blankets, clothing, infant wear, children's clothing, women's clothing, men's clothing, booties, footed pants, baby bodywear, soft shoes, cardigan finger covers, gowns, kimonos, buntings, leggings, camisoles, shirts, pullovers, hooded shirt, sweat shirts, blouses, turtle necks, cloth diapers, diaper covers, diaper liners, dresses, footwear, infant wear, jumpers, overalls,panties, pants, playsuits, shirts, shorts, skirts, sleepwear, pants, tank tops,thermal underwear, thermal socks, tops,t-shirts, undergarments, underpants, undershirts, underwear, boxer shorts, briefs, long johns, | | |

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| | <p>hats, dolls, dolls and accessories, toys, puppets, ragdolls, stuffed toy animals, stuffed toys, play mats, floor mats, meat, poultry, lamb, bacon, beef, beef patties, stew beef, pork, fresh fruits and vegetables, preserved and dried fruits and vegetables, dried beans, dried soybeans, fruit chips, cooked fruits and vegetables, candied fruits, jellies, jams, fruit sauces, fruit spreads, preserves, eggs, milk and milk products, butter, cheese, cheese with flavorings, cheddar cheese, jack cheese, mozzarella, edam, alpine, bianca cheese, edible oil, eggs, conserves, snack food, fruit leathers, ham, glazed fruit, hamburger, jams, jerky, lard, dates, lemons, raisins, preserves, sauerkraut, sausages, sliced fruit, soups, sauces, tahini, toppings, vegetable oils, whey, yogurt, quark, coffee, tea, fresh and dried culinary herbs, spices, allspice, black pepper, cinnamon, cardamom, patchouli, vanilla beans, ylang ylang, bakery goods, bread, buns, muffins, pastries, cookies, pizza shells, scones, rolls, pitta bread, chocolate, cocoa, datesyrup, falafel mix, flour, herbal tinctures, macaroni, noodles, pasta, grains, oatmeal, cereals, edible oils, vegetable oils, olive oil, sunflower oil, pancake syrup, maple syrup, grape syrup, rice, rolled oats, rolls, salsa, sauces, vinegar, wine vinegar, grape vinegar, pastries, pickled relish, pickled ginger, processed grain, sesame bars, seeds, nuts, spaghetti, non-essential oils, bran, coffee beans, coffee substitutes, grain-based foodbeverages, live animals, livestock, apples, apricots, asparagus, avocados, basil, beans, beets, berries, blackberries, blueberries, cabbage, cacao, carrots, cherries, corn, cucumbers, eggplants, grapes, green leafy vegetables, garlic, guavas, ginger, herbs, kale, kumquats, leeks, lettuce, limes, lemons, loganberries, melons, marion berries, nectarines, nuts, oats, onions, oranges, peaches, peas, peppers, potatoes, radishes, root vegetables, scallions, strawberries, sweet potatoes, tangelos, tomatoes, turnips, wheat, squash, zucchini; cut flowers, flower seeds, live flowers, flowering plant, flower bulbs; food for animals, animal feed and foodstuffs, cattle feed; baby powder, baby oil, aroma therapy oils, unprocessed grains for planting, seeds for planting, medicinal plant seeds, almonds, walnuts, grains for food, kamut, spelt, durum, sunflowers, buckwheat, flax, rye, barley, soybeans; non-alcoholic beverages, drinks, juices, apple juice, grape juice, grape must, lemonade, sweet cider; alcoholic beverages, brandy, brandy spirits, red and white wines, alcohol for processing herbs and flower essences</p> |
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| Attachments | <p>75323736#TMSN.png(bytes) 76486056#TMSN.png(bytes) biodynenoofinal.pdf(555904 bytes)</p> |
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Certificate of Service

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

| | |
|-----------|---------------|
| Signature | /pwr/ |
| Name | Paul W. Reidl |
| Date | 09/25/2015 |

1 processing standards that emphasize minimal product manipulation, and certification of the whole
2 farm where a product's ingredients are grown (versus a particular crop or area). The BIODYNAMIC
3 certification standards require that certified products represent the highest paradigm of sustainable
4 farming, offering one of the smallest carbon footprints of any agricultural method.

5 3. Opposer is the owner of U.S. Certification Mark Registration No. 2,286,984 for the
6 mark BIODYNAMIC for "agricultural products and applications, including various types of
7 agricultural food and fiber products and processed food products" grown and processed in accordance
8 with strict natural processes and organic guidelines. This registration is valid, subsisting and
9 incontestable in accordance with 15 U.S.C. §§1065 and 1115 (b). It is attached as Exhibit 1.

10 4. Opposer is the owner of U.S. Certification Mark Registration No. 3,102,570 for the
11 mark BIODYNAMIC for "products meeting organic and as well as certain ecological, farm diversity
12 and other standards and guidelines, namely, processed food, unprocessed food, drinks, dietary
13 supplements, fiber products, body care products, soil additives, manure and herbal based soil
14 additives, essential oils for fragrance and personal use, essential oils for use in manufacturing herbal
15 oils, skin care products, skin oils, food supplements, nutritional supplements, herbal teas, herbal
16 products, herbs used for aroma therapy, herbal supplements, medicinal herbs, herbal extracts, herbal
17 essences, flower essences, fleece wool, cotton, flannel, cotton yarn, wool yarn, beddings, blankets,
18 receiving blankets, twin-size blankets, king and queen-size blankets, crib blankets, clothing, infant
19 wear, children's clothing, women's clothing, men's clothing, booties, footed pants, baby bodywear,
20 soft shoes, cardigan finger covers, gowns, kimonos, buntings, leggings, camisoles, shirts, pullovers,
21 hooded shirt, sweat shirts, blouses, turtle necks, cloth diapers, diaper covers, diaper liners, dresses,
22 footwear, infant wear, jumpers, overalls, panties, pants, playsuits, shirts, shorts, skirts, sleepwear,
23 pants, tank tops, thermal underwear, thermal socks, tops, t-shirts, undergarments, underpants,
24 undershirts, underwear, boxer shorts, briefs, long johns, hats, dolls, dolls and accessories, toys,

1 puppets, ragdolls, stuffed toy animals, stuffed toys, play mats, floor mats, meat, poultry, lamb, bacon,
2 beef, beef patties, stew beef, pork, fresh fruits and vegetables, preserved and dried fruits and
3 vegetables, dried beans, dried soybeans, fruit chips, cooked fruits and vegetables, candied fruits,
4 jellies, jams, fruit sauces, fruit spreads, preserves, eggs, milk and milk products, butter, cheese,
5 cheese with flavorings, cheddar cheese, jack cheese, mozzarella, edam, alpine, bianca cheese, edible
6 oil, eggs, conserves, snack food, fruit leathers, ham, glazed fruit, hamburger, jams, jerky, lard, dates,
7 lemons, raisins, preserves, sauerkraut, sausages, sliced fruit, soups, sauces, tahini, toppings, vegetable
8 oils, whey, yogurt, quark, coffee, tea, fresh and dried culinary herbs, spices, allspice, black pepper,
9 cinnamon, cardamom, patchouli, vanilla beans, ylang ylang, bakery goods, bread, buns, muffins,
10 pastries, cookies, pizza shells, scones, rolls, pitta bread, chocolate, cocoa, date syrup, falafel mix,
11 flour, herbal tinctures, macaroni, noodles, pasta, grains, oatmeal, cereals, edible oils, vegetable oils,
12 olive oil, sunflower oil, pancake syrup, maple syrup, grape syrup, rice, rolled oats, rolls, salsa, sauces,
13 vinegar, wine vinegar, grape vinegar, pastries, pickled relish, pickled ginger, processed grain, sesame
14 bars, seeds, nuts, spaghetti, non-essential oils, bran, coffee beans, coffee substitutes, grain-based food
15 and beverages, live animals, livestock, apples, apricots, asparagus, avocados, basil, beans, beets,
16 berries, blackberries, blueberries, cabbage, cacao, carrots, cherries, corn, cucumbers, eggplants,
17 grapes, green leafy vegetables, garlic, guavas, ginger, herbs, kale, kumquats, leeks, lettuce, limes,
18 lemons, loganberries, melons, marion berries, nectarines, nuts, oats, onions, oranges, peaches, peas,
19 peppers, potatoes, radishes, root vegetables, scallions, strawberries, sweet potatoes, tangelos,
20 tomatoes, turnips, wheat, squash, zucchini; cut flowers, flower seeds, live flowers, flowering plant,
21 flower bulbs; food for animals, animal feed and foodstuffs, cattle feed; baby powder, baby oil, aroma
22 therapy oils, unprocessed grains for planting, seeds for planting, medicinal plant seeds, almonds,
23 walnuts, grains for food, kamut, spelt, durum, sunflowers, buckwheat, flax, rye, barley, soybeans;
24 non-alcoholic beverages, drinks, juices, apple juice, grape juice, grape must, lemonade, sweet cider;

1 alcoholic beverages, brandy, brandy spirits, red and white wines, alcohol for processing herbs and
2 flower essences.” These must all be grown, mad and processed in accordance with Opposer’s
3 organic standards and ecological, farm diversity and other standards and guidelines. (Opposer’s
4 BIODYNAMIC certification marks referred to collectively hereafter as “BIODYNAMIC Mark”).
5 This registration is valid, subsisting and incontestable in accordance with 15 U.S.C. §§1065 and 1115
6 (b). It is attached as Exhibit 2.

7 5. Opposer owns extremely valuable goodwill which is symbolized by its
8 BIODYNAMIC Mark and each use of this mark substantially increases such goodwill and promotes
9 Opposer’s mission of improving the health of the planet through the use of organic and sustainable
10 farming practices. By virtue of its extensive use and promotion, Opposer’s certification mark has
11 become well known and is entitled to the broadest scope of protection.

12 6. Applicant is a limited liability company in Oregon. The application is for the word
13 mark BYODYNE. The goods specified in the application are:“Dietary and nutritional supplements;
14 Dietary and nutritional supplements for endurance sports; Dietary and nutritional supplements used
15 for weight loss; Dietary food supplements; Dietary supplement drink mixes; Dietary supplements;
16 Dietary supplements for human consumption; Dietary supplements in the nature of weight loss
17 powders; Herbal supplements; Nutritional supplement in the nature of a nutrient-dense, protein-based
18 drink mix; Nutritional supplements; Nutritional supplements in the form of powders, capsules,
19 liquids, syrups; Powdered nutritional supplement concentrate; Powdered nutritional supplement drink
20 mix; Protein dietary supplements; Protein supplement shakes; Protein supplements; Vitamin
21 supplements; Weight management supplements; Whey protein supplements.”

22 7. Opposer’s and Applicant’s marks mark are similar in sight, sound and meaning. The
23 goods are highly similar and could both contain as ingredients, constitute, or be promoted as goods
24 certified by Opposer. In the normal course of trade, Opposer's goods and Applicant's services would

1 be purchased/used by the same purchasers in the same channels of trade and would be marketed and
2 promoted in the same channels. Accordingly, consumers would inevitably be led mistakenly to
3 believe that Applicant' goods are certified, sponsored by, or affiliated with Opposer.

4 8. The registration of Applicant's mark would be inconsistent with Opposer's rights in its
5 BIODYNAMIC Mark, and would cause damage and injury to Opposer.

6 9. On information and belief, the application should also be refused because Applicant
7 did not, at the time it filed the application, have a bona fide intention to use the applied-for mark as a
8 trademark for goods originating from it.

9 **WHEREFORE**, Opposer requests that the Notice of Opposition be granted and that
10 Application no. 86/550,931 be refused. The \$300 fee has been paid at the time of this filing.

11 Respectfully submitted

12
13 Dated: September 25, 2015

LAW OFFICE OF PAUL W. REIDL

14
15 

16
17 Paul W. Reidl (CA. Bar. No. 155221)
18 241 Eagle Trace Drive
19 Half Moon Bay, CA 94019
20 (650) 560-8530
21 paul@reidllaw.com

22
23 *Attorney for Opposer,*
24 *Demeter Association, Inc.*

1 **PROOF OF SERVICE**

2 On September 25, 2015, I caused to be served the foregoing document described as follows:

3 **NOTICE OF OPPOSITION**

4 on Applicant in this action by placing a true copy thereof enclosed in an envelope, postage prepaid,
5 addressed as follows:

6 BYODYNE, LLC
7 2113 SE Williams Drive
8 Gresham, OREGON 97080

9 with a courtesy copy to:

10 CORY STENZEL
11 2113 SE Williams Dr
12 Gresham, OREGON 97080-5103

13 Executed on September 25, 2015, at Half Moon Bay, California.

14 
15 _____
16
17
18
19
20
21
22
23
24

EXHIBIT 1

Prior U.S. Cl.: A

United States Patent and Trademark Office

Reg. No. 2,286,984

Registered Oct. 19, 1999

**CERTIFICATION MARK
PRINCIPAL REGISTER**

BIODYNAMIC

DEMETER ASSOCIATION, INC. (MASSACHUSETTS CORPORATION)
BRITT ROAD
AURORA, NY 13026

FOR: AGRICULTURAL PRODUCTS AND APPLICATIONS, INCLUDING VARIOUS TYPES OF AGRICULTURAL FOOD AND FIBER PRODUCTS AND PROCESSED FOOD PRODUCTS, IN CLASS A (U.S. CL. A).

FIRST USE 7-0-1985; IN COMMERCE 7-0-1985.

OWNER OF U.S. REG. NO. 1,999,266.

THE CERTIFICATION MARK AS USED BY AUTHORIZED PERSONS CERTIFIES THAT THE ORGANIC AGRICULTURAL PRODUCTS OR APPLICATIONS HAVE BEEN GROWN AND PROCESSED IN ACCORDANCE WITH GUIDELINES SET OUT IN THE ATTACHED "GUIDELINES AND STANDARDS FOR THE GROWER FOR DEMETER BIODYNAMIC CER-

TIFICATION AND ORGANIC-IN-TRANSITION TO BIODYNAMIC." THESE GUIDELINES SET HIGH STANDARDS FOR CERTIFYING ORGANIC PRODUCTS, AND COVER MATTERS SUCH AS BUILDING NATURAL SOIL FERTILITY; USING NATURAL METHODS TO INCREASE CROP RESISTANCE TO FUNGAL, BACTERIAL AND PEST ATTACKS; RAISING LIVESTOCK; AND STORAGE AND PROCESSING. THE GUIDELINES PROHIBIT USE OF CHEMICALLY SYNTHESIZED FERTILIZERS, PESTICIDES, HERBICIDES, FUMIGANTS, HORMONES, ANTIBIOTICS, GROWTH REGULATORS OR GENETICALLY ENGINEERED ORGANISMS

SER. NO. 75-323,736, FILED 7-14-1997.

KATHERINE STOIDES, EXAMINING ATTORNEY

Prior U.S. Cl.: A

United States Patent and Trademark Office

Reg. No. 2,286,984

Registered Oct. 19, 1999

**CERTIFICATION MARK
PRINCIPAL REGISTER**

BIODYNAMIC

DEMETER ASSOCIATION, INC. (MASSACHUSETTS CORPORATION)
BRITT ROAD
AURORA, NY 13026

FOR: AGRICULTURAL PRODUCTS AND APPLICATIONS, INCLUDING VARIOUS TYPES OF AGRICULTURAL FOOD AND FIBER PRODUCTS AND PROCESSED FOOD PRODUCTS, IN CLASS A (U.S. CL. A).

FIRST USE 7-0-1985; IN COMMERCE 7-0-1985.

OWNER OF U.S. REG. NO. 1,999,266.

THE CERTIFICATION MARK AS USED BY AUTHORIZED PERSONS CERTIFIES THAT THE ORGANIC AGRICULTURAL PRODUCTS OR APPLICATIONS HAVE BEEN GROWN AND PROCESSED IN ACCORDANCE WITH GUIDELINES SET OUT IN THE ATTACHED "GUIDELINES AND STANDARDS FOR THE GROWER FOR DEMETER BIODYNAMIC CER-

TIFICATION AND ORGANIC-IN-TRANSITION TO BIODYNAMIC." THESE GUIDELINES SET HIGH STANDARDS FOR CERTIFYING ORGANIC PRODUCTS, AND COVER MATTERS SUCH AS BUILDING NATURAL SOIL FERTILITY; USING NATURAL METHODS TO INCREASE CROP RESISTANCE TO FUNGAL, BACTERIAL AND PEST ATTACKS; RAISING LIVESTOCK; AND STORAGE AND PROCESSING. THE GUIDELINES PROHIBIT USE OF CHEMICALLY SYNTHESIZED FERTILIZERS, PESTICIDES, HERBICIDES, FUMIGANTS, HORMONES, ANTIBIOTICS, GROWTH REGULATORS OR GENETICALLY ENGINEERED ORGANISMS

SER. NO. 75-323,736, FILED 7-14-1997.

KATHERINE STOIDES, EXAMINING ATTORNEY



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BIODYNAMIC

| | |
|---------------------------------|--|
| Word Mark | BIODYNAMIC |
| Goods and Services | IC A . US A . G & S: agricultural products and applications, including various types of agricultural food and fiber products and processed food products. FIRST USE: 19850700. FIRST USE IN COMMERCE: 19850700 |
| Mark Drawing Code | (1) TYPED DRAWING |
| Serial Number | 75323736 |
| Filing Date | July 14, 1997 |
| Current Basis | 1A |
| Original Filing Basis | 1A |
| Published for Opposition | July 27, 1999 |
| Registration Number | 2286984 |
| Registration Date | October 19, 1999 |
| Owner | (REGISTRANT) Demeter Association, Inc. CORPORATION MASSACHUSETTS P.O. Box 1390 Philomath OREGON 97370 (LAST LISTED OWNER) DEMETER ASSOCIATION, INC. CORPORATION OREGON P.O. BOX 1390 PHILOMATH OREGON 97370 |
| Assignment Recorded | ASSIGNMENT RECORDED |
| Attorney of Record | J. Scott Gerien |
| Prior Registrations | 1999266 |

Type of Mark CERTIFICATION MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20090923.
Renewal 1ST RENEWAL 20090923
Other Data The certification mark as used by authorized persons certifies that the organic agricultural products or applications have been grown and processed in accordance with guidelines set out in the attached "guidelines and standards for the grower for demeter biodynamic certification and Organic-in-Transition to Biodynamic." These guidelines set high standards for certifying organic products, and cover matters such as building natural soil fertility; using natural methods to increase crop resistance to fungal, bacterial and pest attacks; raising livestock; and storage and processing. The guidelines prohibit use of chemically synthesized fertilizers, pesticides, herbicides, fumigants, hormones, antibiotics, growth regulators or genetically engineered organisms

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EXHIBIT 2

Prior U.S. Cl.: A

United States Patent and Trademark Office

Reg. No. 3,102,570

Registered June 13, 2006

**CERTIFICATION MARK
PRINCIPAL REGISTER**

BIODYNAMIC

DEMETER ASSOCIATION, INC. (MASSACHUSETTS CORPORATION)
25844 BUTLER RD
JUNCTION CITY, OR 974488525

FOR: PRODUCTS MEETING ORGANIC AND AS WELL AS CERTAIN ECOLOGICAL, FARM DIVERSITY AND OTHER STANDARDS AND GUIDELINES, NAMELY, PROCESSED FOOD, UNPROCESSED FOOD, DRINKS, DIETARY SUPPLEMENTS, FIBER PRODUCTS, BODY CARE PRODUCTS, SOIL ADDITIVES, MANURE AND HERBAL BASED SOIL ADDITIVES, ESSENTIAL OILS FOR FRAGRANCE AND PERSONAL USE, ESSENTIAL OILS FOR USE IN MANUFACTURING HERBAL OILS, SKIN CARE PRODUCTS, SKIN OILS, FOOD SUPPLEMENTS, NUTRITIONAL SUPPLEMENTS, HERBAL TEAS, HERBAL PRODUCTS, HERBS USED FOR AROMA THERAPY, HERBAL SUPPLEMENTS, MEDICINAL HERBS, HERBAL EXTRACTS, HERBAL ESSENCES, FLOWER ESSENCES, FLEECE WOOL, COTTON, FLANNEL, COTTON YARN, WOOL YARN, BEDDINGS, BLANKETS, RECEIVING BLANKETS, TWIN-SIZE BLANKETS, KING AND QUEEN-SIZE BLANKETS, CRIB BLANKETS, CLOTHING, INFANT WEAR, CHILDREN'S CLOTHING, WOMEN'S CLOTHING, MEN'S CLOTHING, BOOTIES, FOOTED PANTS, BABY BODYWEAR, SOFT SHOES, CARDIGAN FINGER COVERS, GOWNS, KIMONOS, BUNTINGS, LEGGINGS, CAMISOLES, SHIRTS, PULLOVERS, HOODED SHIRT, SWEAT SHIRTS, BLOUSES, TURTLE NECKS, CLOTH DIAPERS, DIAPER COVERS, DIAPER LINERS, DRESSES, FOOTWEAR, INFANT WEAR, JUMPERS, OVERALLS, PANTIES, PANTS, PLAYSUITS, SHIRTS, SHORTS, SKIRTS, SLEEPWEAR, PANTS, TANK TOPS, THERMAL UNDERWEAR, THERMAL SOCKS, TOPS, T-SHIRTS, UNDERGARMENTS, UNDERPANTS, UNDERSHIRTS, UNDERWEAR, BOXER SHORTS, BRIEFS, LONG JOHNS, HATS, DOLLS, DOLLS AND ACCESSORIES, TOYS, PUPPETS, RAGDOLLS, STUFFED TOY ANIMALS, STUFFED TOYS, PLAY MATS, FLOOR MATS, MEAT, POULTRY, LAMB, BACON, BEEF, BEEF PATTIES, STEW BEEF, PORK, FRESH FRUITS AND VEGETABLES, PRESERVED AND

DRIED FRUITS AND VEGETABLES, DRIED BEANS, DRIED SOYBEANS, FRUIT CHIPS, COOKED FRUITS AND VEGETABLES, CANDIED FRUITS, JELLIES, JAMS, FRUIT SAUCES, FRUIT SPREADS, PRESERVES, EGGS, MILK AND MILK PRODUCTS, BUTTER, CHEESE, CHEESE WITH FLAVORINGS, CHEDDAR CHEESE, JACK CHEESE, MOZZARELLA, EDAM, ALPINE, BIANCA CHEESE, EDIBLE OIL, EGGS, CONSERVES, SNACK FOOD, FRUIT LEATHERS, HAM, GLAZED FRUIT, HAMBURGER, JAMS, JERKY, LARD, DATES, LEMONS, RAISINS, PRESERVES, SAUERKRAUT, SAUSAGES, SLICED FRUIT, SOUPS, SAUCES, TAHINI, TOPPINGS, VEGETABLE OILS, WHEY, YOGURT, QUARK, COFFEE, TEA, FRESH AND DRIED CULINARY HERBS, SPICES, ALLSPICE, BLACK PEPPER, CINNAMON, CARDAMOM, PATCHOULI, VANILLA BEANS, YLANG YLANG, BAKERY GOODS, BREAD, BUNS, MUFFINS, PASTRIES, COOKIES, PIZZA SHELLS, SCONES, ROLLS, PITTA BREAD, CHOCOLATE, COCOA, DATESYRUP, FALAFEL MIX, FLOUR, HERBAL TINCTURES, MACARONI, NOODLES, PASTA, GRAINS, OATMEAL, CEREALS, EDIBLE OILS, VEGETABLE OILS, OLIVE OIL, SUNFLOWER OIL, PANCAKE SYRUP, MAPLE SYRUP, GRAPE SYRUP, RICE, ROLLED OATS, ROLLS, SALSA, SAUCES, VINEGAR, WINE VINEGAR, GRAPE VINEGAR, PASTRIES, PICKLED RELISH, PICKLED GINGER, PROCESSED GRAIN, SESAME BARS, SEEDS, NUTS, SPAGHETTI, NON-ESSENTIAL OILS, BRAN, COFFEE BEANS, COFFEE SUBSTITUTES, GRAIN-BASED FOODBEVERAGES, LIVE ANIMALS, LIVESTOCK, APPLES, APRICOTS, ASPARAGUS, AVOCADOS, BASIL, BEANS, BEETS, BERRIES, BLACKBERRIES, BLUEBERRIES, CABBAGE, CACAO, CARROTS, CHERRIES, CORN, CUCUMBERS, EGGPLANTS, GRAPES, GREEN LEAFY VEGETABLES, GARLIC, GUAVAS, GINGER, HERBS, KALE, KUMQUATS, LEEKS, LETTUCE, LIMES, LEMONS, LOGANBERRIES, MELONS, MARION BERRIES, NECTARINES, NUTS, OATS, ONIONS, ORANGES, PEACHES, PEAS, PEPPERS, POTATOES, RADISHES, ROOT VEGETABLES, SCALLIONS, STRAWBERRIES, SWEET POTATOES, TANGELOS, TOMATOES, TURNIPS, WHEAT,

SQUASH, ZUCCHINI; CUT FLOWERS, FLOWER SEEDS, LIVE FLOWERS, FLOWERING PLANT, FLOWER BULBS; FOOD FOR ANIMALS, ANIMAL FEED AND FOODSTUFFS, CATTLE FEED; BABY POWDER, BABY OIL, AROMA THERAPY OILS, UNPROCESSED GRAINS FOR PLANTING, SEEDS FOR PLANTING, MEDICINAL PLANT SEEDS, ALMONDS, WALNUTS, GRAINS FOR FOOD, KAMUT, SPELT, DURUM, SUNFLOWERS, BUCKWHEAT, FLAX, RYE, BARLEY, SOYBEANS; NON-ALCOHOLIC BEVERAGES, DRINKS, JUICES, APPLE JUICE, GRAPE JUICE, GRAPE MUST, LEMONADE, SWEET CIDER; ALCOHOLIC BEVERAGES, BRANDY, BRANDY SPIRITS, RED AND WHITE WINES, ALCOHOL FOR PROCESSING HERBS AND FLOWER ESSENCES, IN CLASS A (U.S. CL. A).

FIRST USE 7-1-1985; IN COMMERCE 7-1-1985.

OWNER OF U.S. REG. NOS. 1,999,266 AND 2,286,984.

THE CERTIFICATION MARK AS USED BY AUTHORIZED PERSONS CERTIFIES THAT THE PRODUCTS HAVE BEEN GROWN, HANDLED AND PROCESSED IN ACCORDANCE WITH THE ATTACHED "GUIDELINES AND STANDARDS FOR THE FARMER FOR DEMETER BIODYNAMIC CERTIFICATION AND IN-CONVERSION TO DEMETER" AND "DEMETER PROCESSING GUIDELINES" WHICH SET OUT ORGANIC STANDARDS AS WELL AS CERTAIN ECOLOGICAL, FARM-DIVERSITY AND OTHER STANDARDS AND GUIDELINES.

SER. NO. 76-486,056, FILED 1-30-2003.

JASON TURNER, EXAMINING ATTORNEY



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BIODYNAMIC

Word Mark BIODYNAMIC

Goods and Services IC A . US A . G & S: Products meeting organic and as well as certain ecological, farm diversity and other standards and guidelines, namely, processed food, unprocessed food, drinks, dietary supplements, fiber products, body care products, soil additives, manure and herbal based soil additives, essential oils for fragrance and personal use, essential oils for use in manufacturing herbal oils, skin care products, skin oils, food supplements, nutritional supplements, herbal teas, herbal products, herbs used for aroma therapy, herbal supplements, medicinal herbs, herbal extracts, herbal essences, flower essences, fleece wool, cotton, flannel, cotton yarn, wool yarn, beddings, blankets, receiving blankets, twin-size blankets, king and queen-size blankets, crib blankets, clothing, infant wear, children's clothing, women's clothing, men's clothing, booties, footed pants, baby bodywear, soft shoes, cardigan finger covers, gowns, kimonos, buntings, leggings, camisoles, shirts, pullovers, hooded shirt, sweat shirts, blouses, turtle necks, cloth diapers, diaper covers, diaper liners, dresses, footwear, infant wear, jumpers, overalls, panties, pants, playsuits, shirts, shorts, skirts, sleepwear, pants, tank tops, thermal underwear, thermal socks, tops, t-shirts, undergarments, underpants, undershirts, underwear, boxer shorts, briefs, long johns, hats, dolls, dolls and accessories, toys, puppets, ragdolls, stuffed toy animals, stuffed toys, play mats, floor mats, meat, poultry, lamb, bacon, beef, beef patties, stew beef, pork, fresh fruits and vegetables, preserved and dried fruits and vegetables, dried beans, dried soybeans, fruit chips, cooked fruits and vegetables, candied fruits, jellies, jams, fruit sauces, fruit spreads, preserves, eggs, milk and milk products, butter, cheese, cheese with flavorings, cheddar cheese, jack cheese, mozzarella, edam, alpine, bianca cheese, edible oil. eggs, conserves, snack food, fruit leathers, ham, glazed fruit, hamburger, jams, jerky, lard, dates, lemons, raisins, preserves, sauerkraut, sausages, sliced fruit, soups, sauces, tahini, toppings, vegetable oils, whey, yogurt, quark, coffee, tea, fresh and dried culinary herbs, spices, allspice, black pepper, cinnamon, cardamom, patchouli, vanilla beans, ylang ylang, bakery goods, bread, buns, muffins, pastries, cookies, pizza shells, scones, rolls, pitta bread, chocolate, cocoa, datesyrup, falafel mix, flour, herbal tinctures, macaroni, noodles, pasta, grains, oatmeal, cereals, edible oils, vegetable oils, olive oil, sunflower oil, pancake syrup, maple syrup, grape syrup, rice, rolled oats, rolls, salsa, sauces, vinegar, wine vinegar, grape vinegar, pastries, pickled relish, pickled ginger, processed grain, sesame bars, seeds, nuts, spaghetti, non-essential oils, bran, coffee beans, coffee substitutes, grain-based foodbeverages, live animals, livestock, apples, apricots, asparagus, avocados, basil, beans, beets, berries, blackberries, blueberries, cabbage, cacao, carrots, cherries, corn, cucumbers, eggplants, grapes, green leafy vegetables, garlic, guavas, ginger, herbs, kale, kumquats, leeks, lettuce, limes, lemons, loganberries, melons, marion berries, nectarines, nuts, oats, onions, oranges, peaches, peas, peppers, potatoes, radishes, root vegetables,

scallions, strawberries, sweet potatoes, tangelos, tomatoes, turnips, wheat, squash, zucchini; cut flowers, flower seeds, live flowers, flowering plant, flower bulbs; food for animals, animal feed and foodstuffs, cattle feed; baby powder, baby oil, aroma therapy oils, unprocessed grains for planting, seeds for planting, medicinal plant seeds, almonds, walnuts, grains for food, kamut, spelt, durum, sunflowers, buckwheat, flax, rye, barley, soybeans; non-alcoholic beverages, drinks, juices, apple juice, grape juice, grape must, lemonade, sweet cider. alcoholic beverages, brandy, brandy spirits, red and white wines, alcohol for processing herbs and flower essences. FIRST USE: 19850701. FIRST USE IN COMMERCE: 19850701

Mark Drawing Code (1) TYPED DRAWING

Serial Number 76486056

Filing Date January 30, 2003

Current Basis 1A

Original Filing Basis 1A

Published for Opposition March 21, 2006

Registration Number 3102570

International Registration Number 0939289

Registration Date June 13, 2006

Owner (REGISTRANT) Demeter Association, Inc. CORPORATION MASSACHUSETTS 25844 Butler Rd Junction City OREGON 974488525

(LAST LISTED OWNER) DEMETER ASSOCIATION, INC. CORPORATION OREGON P.O. BOX 1390 PHILOMATH OREGON 97370

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record J. Scott Gerien

Prior Registrations 1999266;2286984

Type of Mark CERTIFICATION MARK

Register PRINCIPAL

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

Other Data The certification mark as used by authorized persons certifies that the products have been grown, handled and processed in accordance with the attached "Guidelines and Standards for the Farmer for DEMETER BIODYNAMIC Certification and In-Conversion to DEMETER" and "DEMETER Processing Guidelines" which set out organic standards as well as certain ecological, farm-diversity and other standards and guidelines.

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