

ESTTA Tracking number: **ESTTA771537**

Filing date: **09/19/2016**

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	Eden Foods, Inc.
Granted to Date of previous extension	11/30/2016
Address	701 Tecumseh Road Clinton, MI 49236 UNITED STATES
Attorney information	Christopher Kelly Wiley Rein LLP 1776 K Street, N.W. Washington, DC 20006 UNITED STATES ckelly@wileyrein.com

Applicant Information

Application No	86941357	Publication date	08/02/2016
Opposition Filing Date	09/19/2016	Opposition Period Ends	11/30/2016
Applicant	Zaccarella, Andrea Marie 668 69th Street Niagara Falls, NY 14304 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 2016/03/15 First Use In Commerce: 2016/03/15
All goods and services in the class are opposed, namely: On-line journals, namely, blogs featuring gardening and herbalism

Grounds for Opposition

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

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1440754	Application Date	03/28/1986
Registration Date	05/26/1987	Foreign Priority Date	NONE
Word Mark	EDENSOY		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 029. First use: First Use: 1983/07/00 First Use In Commerce: 1983/07/00 SOYBEAN BASED FOOD BEVERAGE

U.S. Registration No.	1452337	Application Date	09/21/1981
Registration Date	08/11/1987	Foreign Priority Date	NONE

Word Mark	EDEN
-----------	------

Design Mark	
-------------	--

Description of Mark	NONE
---------------------	------

Goods/Services	<p>Class 029. First use: First Use: 1967/03/00 First Use In Commerce: 1969/11/00 [MAYONNAISE;] PICKLED PLUMS; PROCESSED AND UNPROCESSED DRIED FRUITS; PROCESSED NUTS; PROCESSED SEEDS; VEGETABLE OILS; NAMELY, [CORN OIL,] OLIVE OIL, SAFFLOWER OIL, SESAME OIL; [FRUIT JAMS AND FRUIT MARMALADES; PEANUT BUTTER;] SNACK FOODS CONSISTING OF PROCESSED NUTS, PROCESSED SEEDS AND DRIED FRUITS</p> <p>Class 030. First use: First Use: 1967/03/00 First Use In Commerce: 1969/11/00 PROCESSED GRAINS, NAMELY, [CORN MEAL,] [TRITCALE FLOUR,] [SOY FLOUR, CHICKPEAFLOUR, BARLEY FLOUR,] WHEAT FLOUR, BUCKWHEAT FLOUR, MILLET FLOUR, RICE FLOUR, RYE FLOUR; PASTA, NAMELY, WHEAT NOODLES, [WHEAT AND EGG NOODLES, WHEAT AND SOY NOODLES,] WHEAT AND SPINACH NOODLES, WHEATAND BUCKWHEAT NOODLES, [SOY BEAN PASTA;] SOY SAUCE; [WHEAT BRAN; WHEAT GERM;] BARLEY MALT SYRUP FOR TABLE USE; [MAPLE TABLE SYRUP; HONEY; MOLASSES; CANDY;] VINEGAR; MUSTARD; TOMATO BASED SPAGHETTI SAUCE; SEA SALT FOR TABLE USE; BEVERAGE CONSISTING OF TEA AND HERBS [; BREAKFAST CEREALS CONSISTING PRIMARILY OF PROCESSED AND PARTIALLY PROCESSED GRAINS, SEEDS AND NUTS]</p> <p>Class 031. First use: First Use: 1967/03/00 First Use In Commerce: 1969/11/00 UNPROCESSED BEANS, NAMELY, ADUKI, BLACKTURTLE BEANS, [CRANBERRY BEANS,] KIDNEY BEANS, GREAT NORTHERN BEANS, GREEN LENTILS, [MUNG BEANS,] NAVY BEANS, PINTO BEANS, SOY BEANS; UNPROCESSED PEAS, NAMELY, CHICKPEAS, [SPLIT PEAS;] UNPROCESSED NUTS; UNPROCESSED EDIBLE SEEDS; UNPROCESSED GRAINS, NAMELY BARLEY, RICE, [RYE, TRITCALE,] WHEAT, BUCKWHEAT AND MILLET; UNPROCESSED CORN AND UNPOPPED POPCORN; UNPROCESSED SEA VEGETABLES, NAMELY SEA WEED</p> <p>Class 032. First use: First Use: 1967/03/00 First Use In Commerce: 1969/11/00 [Fruit Juices]</p>
----------------	--

U.S. Registration No.	1862634	Application Date	03/29/1993
Registration Date	11/15/1994	Foreign Priority Date	NONE

Word Mark	EDEN
-----------	------

Design Mark	
-------------	--

Description of Mark	NONE
---------------------	------

Goods/Services	Class 029. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00
----------------	---

	<p>vegetable oils, crushed tomatoes, sauerkraut, and processed can beans Class 030. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 pasta; pizza sauce; teas; crackers; chips; misos; and condiments; namely, mustard, sea salt, processed sesame seeds, garlic pastes, furikake, pickled beef-steakleaf powder, bonito flakes, pickled ginger, tekka, wasabi powder, tamari, and shoyu</p> <p>Class 031. First use: First Use: 1978/00/00 First Use In Commerce: 1978/00/00 unprocessed grains; namely, barley, wheat, and quinoa</p>
--	--

U.S. Registration No.	1918958	Application Date	10/25/1993
Registration Date	09/12/1995	Foreign Priority Date	NONE
Word Mark	EDENBLEND		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1994/01/14 First Use In Commerce: 1994/01/14 soy bean and rice based food beverages		

U.S. Registration No.	2229053	Application Date	05/22/1998
Registration Date	03/02/1999	Foreign Priority Date	NONE
Word Mark	EDEN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 1967/03/00 First Use In Commerce: 1969/11/00 FRUIT BUTTER AND FRUIT SAUCE Class 032. First use: First Use: 1967/03/00 First Use In Commerce: 1969/11/00 FRUIT JUICES		

U.S. Registration No.	2272652	Application Date	12/12/1996
Registration Date	08/24/1999	Foreign Priority Date	NONE
Word Mark	EDEN ORGANIC		



Description of Mark	NONE
---------------------	------

Goods/Services	<p>Class 029. First use: First Use: 1996/01/00 First Use In Commerce: 1996/01/00 vegetable oils; processed vegetables; [soybean based food beverages; soybean based misos; nut and fruit butters;] processed nuts; processed edible seeds; processed mixture consisting of any combination of fruits, nuts and seeds; [vegetable chips;] and dried fruits</p> <p>Class 030. First use: First Use: 1996/01/00 First Use In Commerce: 1996/01/00 [tea; sugar;] rice; pasta and noodles; [flour;] breakfast cereals; [honey;] syrup for table use; [candy; salt;]mustard; vinegar; sauces, namely, pizzaand spaghetti sauces, soy sauce; processed grains; [rice and grain based food beverages; herbal food beverages;] seasonings, namely, processed sesame seeds, [garlic pastes, furikake, pickled beefsteak leaf powder, bonito flakes, pickledginger, tekka, wasabi powder; crackers;brown rice chips; granola]</p> <p>Class 031. First use: First Use: 1996/01/00 First Use In Commerce: 1996/01/00 [unprocessed fruits, unprocessed vegetables, unprocessed grains, unprocessed nuts and unprocessed edible seeds]</p> <p>Class 032. First use: First Use: 1997/11/00 First Use In Commerce: 1997/11/00 [fruit juices; beverage concentrates for use in making non-alcoholic soft drinks]</p>
----------------	--

U.S. Registration No.	2326024	Application Date	01/21/1999
-----------------------	---------	------------------	------------

Registration Date	03/07/2000	Foreign Priority Date	NONE
-------------------	------------	-----------------------	------

Word Mark	EDENBALANCE
-----------	-------------



Description of	NONE
----------------	------

Mark	
Goods/Services	Class 005. First use: First Use: 1998/10/00 First Use In Commerce: 1998/10/00 a food supplement, namely, an orally ingested enzyme beneficial to human intestinal bacteria

U.S. Registration No.	2360206	Application Date	08/13/1999
Registration Date	06/20/2000	Foreign Priority Date	NONE

Word Mark	EDEN
-----------	------

Design Mark	
-------------	---

Description of Mark	NONE
---------------------	------

Goods/Services	Class 005. First use: First Use: 1998/09/30 First Use In Commerce: 1998/09/30 food supplement, namely, an orally ingested enzyme beneficial to human intestinal bacteria
----------------	--

U.S. Registration No.	2396738	Application Date	01/29/1998
Registration Date	10/24/2000	Foreign Priority Date	NONE

Word Mark	EDEN RANCH
-----------	------------

Design Mark	
-------------	--

Description of Mark	NONE
---------------------	------

Goods/Services	Class 005. First use: First Use: 1954/11/00 First Use In Commerce: 1954/11/00 Food supplements - vitamins, Minerals, food digestant aids in tablet form for human use
----------------	---

U.S. Registration No.	2475031	Application Date	08/13/1999
Registration Date	08/07/2001	Foreign Priority Date	NONE

Word Mark	EDEN BIFA 15
Design Mark	EDEN BIFA 15
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 1998/09/30 First Use In Commerce: 1998/09/30 food supplement, namely, an orally ingested enzyme beneficial to human intestinal bacteria

U.S. Registration No.	2503977	Application Date	10/18/2000
Registration Date	11/06/2001	Foreign Priority Date	NONE
Word Mark	EDEN		
Design Mark	EDEN		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1983/07/00 First Use In Commerce: 1983/07/00 dietary food supplements, namely, edible Kombu root seaweed, [garlic balls] and ume plum concentrate		

U.S. Registration No.	2905671	Application Date	04/18/2003
Registration Date	11/30/2004	Foreign Priority Date	NONE
Word Mark	EDENEWS		

Design Mark	EDENEWS		
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1999/10/00 First Use In Commerce: 1999/10/00 NEWSLETTERS IN THE FIELD OF FOOD AND FOOD-RELATED TOPICS, NUTRITION, HEALTH ANDDIET, FARMING AND AGRICULTURAL AND ENVIRONMENTAL ISSUES		

U.S. Registration No.	2977773	Application Date	10/22/2003
Registration Date	07/26/2005	Foreign Priority Date	NONE

Word Mark	EDEN
-----------	------

Design Mark	EDEN		
-------------	-------------	--	--

Description of Mark	NONE		
---------------------	------	--	--

Goods/Services	Class 030. First use: First Use: 2005/02/18 First Use In Commerce: 2005/02/18 Processed popcorn for popping		
----------------	---	--	--

U.S. Registration No.	3071337	Application Date	10/05/2001
Registration Date	03/21/2006	Foreign Priority Date	NONE

Word Mark	EDEN FOODS
-----------	------------

Design Mark	EDEN FOODS
Description of Mark	NONE
Goods/Services	<p>Class 029. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 vegetable oils; processed vegetables; soybean based food beverages; soybean based misos; nut and fruit butters; processed nuts; processed edible seeds; processed mixture consisting of any combination of fruits, nuts and seeds; vegetable chips and dried fruits</p> <p>Class 030. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 tea; sugar; rice; pasta and noodles; flour; breakfast cereals; honey; syrup for table use; candy; salt; mustard; vinegar; sauces, namely, pizza and spaghetti sauces, soy sauce; processed grains; rice and grain based food beverages; herbal food beverages; seasonings, namely, processed sesame seeds, garlic pastes, furikake, pickled beefsteak leaf powder, bonito flakes, pickled ginger, tekka, wasabi powder; crackers; brown rice chips; and granola</p> <p>Class 031. First use: First Use: 1978/00/00 First Use In Commerce: 1978/00/00 unprocessed fruits, unprocessed vegetables, unprocessed grains, unprocessed nuts and unprocessed edible seeds</p>

U.S. Registration No.	3102575	Application Date	04/18/2003
Registration Date	06/13/2006	Foreign Priority Date	NONE
Word Mark	EDEN		
Design Mark	EDEN		
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2002/06/28 First Use In Commerce: 2002/06/28 dried cherries		

U.S. Registration No.	4065063	Application Date	05/08/2009
-----------------------	---------	------------------	------------

Registration Date	12/06/2011	Foreign Priority Date	NONE
Word Mark	EDEN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 2004/12/00 First Use In Commerce: 2004/12/00 Providing recipes and information in the field of cooking and food preparation Class 044. First use: First Use: 2004/12/00 First Use In Commerce: 2004/12/00 Providing information in the field of health, nutrition, diet, beauty and organic farming techniques		

U.S. Registration No.	4171490	Application Date	11/14/2011
Registration Date	07/10/2012	Foreign Priority Date	NONE
Word Mark	EDENEWS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2006/01/00 First Use In Commerce: 2006/01/00 downloadable electronic newsletters in the field of food and food-related topics, nutrition, health and diet, farming and agricultural and environmental issues		

U.S. Registration No.	4264567	Application Date	05/14/2012
Registration Date	12/25/2012	Foreign Priority Date	NONE
Word Mark	EDEN STORE		

Design Mark	EDEN STORE		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2012/02/01 First Use In Commerce: 2012/02/01 retail and on-line store featuring foodand beverage products		

U.S. Registration No.	4264570	Application Date	05/14/2012
Registration Date	12/25/2012	Foreign Priority Date	NONE
Word Mark	EDEN		
Design Mark	EDEN		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2012/02/01 First Use In Commerce: 2012/02/01 retail and on-line store featuring foodand beverage products		

U.S. Registration No.	4272393	Application Date	07/12/2012
Registration Date	01/08/2013	Foreign Priority Date	NONE
Word Mark	EDEN FOODS		
Design Mark	EDEN FOODS		

Description of Mark	NONE
Goods/Services	Class 029. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 processed beans; processed fruits; processed tomatoes Class 030. First use: First Use: 2005/06/00 First Use In Commerce: 2005/06/00 crackers; entrees and side dishes consisting primarily of rice and beans

U.S. Registration No.	4336312	Application Date	07/27/2012
Registration Date	05/14/2013	Foreign Priority Date	NONE

Word Mark	EDEN RECIPES
-----------	--------------

Design Mark	
-------------	--

Description of Mark	NONE
---------------------	------

Goods/Services	Class 009. First use: First Use: 2011/02/02 First Use In Commerce: 2011/02/02 downloadable software in the nature of an application for obtaining news and information in the field of food and food related topics, nutrition, health and diet and related textual, audio and video content on mobile and stationary electronic devices
----------------	--

U.S. Registration No.	4431041	Application Date	08/28/2012
Registration Date	11/12/2013	Foreign Priority Date	NONE

Word Mark	EDEN
-----------	------

Design Mark	
-------------	--

Description of Mark	NONE
---------------------	------

Goods/Services	Class 003. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 tooth powder Class 005. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00
----------------	---

	<p>dietary food supplements and nutritional supplement concentrates Class 021. First use: First Use: 1995/06/00 First Use In Commerce: 1995/06/00 sushi mats Class 029. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 processed vegetables; chili; processed mushrooms; raisins; tofu; vegetable based food beverages; prepared entrees consisting primarily of beans with rice and other side dishes; Umeboshi plum paste Class 030. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 grain based food beverages; natural food sweeteners; arrowroot for use as a food thickener; rice; Ponzu sauce; prepared entrees consisting primarily of rice with beans and other side dishes; edible spices Class 032. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 concentrates for making non-alcoholic beverages Class 033. First use: First Use: 1990/00/00 First Use In Commerce: 1990/00/00 cooking wine</p>
--	---

Attachments	<p>75212401#TMSN.png(bytes) 75625362#TMSN.png(bytes) 75776221#TMSN.png(bytes) 75425698#TMSN.png(bytes) 75776220#TMSN.png(bytes) 76150542#TMSN.png(bytes) 76508343#TMSN.png(bytes) 76553947#TMSN.png(bytes) 76321613#TMSN.png(bytes) 76507547#TMSN.png(bytes) 77732286#TMSN.png(bytes) 85471918#TMSN.png(bytes) 85624653#TMSN.png(bytes) 85624703#TMSN.png(bytes) 85675110#TMSN.png(bytes) 85688791#TMSN.png(bytes) 85715085#TMSN.png(bytes) NOTICE OF OPPOSITION FILTHY EDEN.pdf(1293380 bytes)</p>
-------------	---

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	/Christopher Kelly/
Name	Christopher Kelly
Date	09/19/2016

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

EDEN FOODS, INC.,)	
)	
Opposer,)	NOTICE OF OPPOSITION
)	
v.)	Opposition No.: _____
)	
ANDREA MARIE ZACCARELLA DBA)	
FILTHY EDEN)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Eden Foods, Inc., a Michigan corporation, with principal offices located at 701 Tecumseh Road, Clinton, Michigan 49236 (“Opposer”), hereby opposes registration of the following application owned by Andrea Marie Zaccarella DBA Filthy Eden (“Applicant”) and published for purposes of opposition in the *Official Gazette* dated August 2, 2016. Opposer filed for and was granted an extension of time to oppose the application to November 30, 2016.

- App. Ser. No. 86/941,357 – FILTHY EDEN for for “on-line journals, namely, blogs featuring gardening and herbalism,” in International Class 41.

Opposer will be damaged by registration of the challenged application. The grounds for opposition are as follows:

1. Opposer is a leading producer and distributor of natural and organic food and beverage products in the United States, currently offering approximately 300 products under the EDEN brand name.
2. Opposer was founded to provide consumers with the highest quality foods and beverages available, particularly foods grown without the use of chemical herbicides, pesticides and caustic fertilizers, and was among the pioneers of organic food manufacturing and distribution in the United States.

3. Opposer regularly speaks out on a variety of agricultural and environmental issues. Moreover, as a result of Opposer's commitment to organic integrity and its position as an industry leader, Opposer frequently is called upon to provide a wide array of information and advice and other services to farmers and other growers, including both organic and conventional growers. In addition, Opposer actively disseminates news and information concerning a variety of topics and issues, including health and nutrition, farming, agriculture and the environment through its website found at EDENFOODS.COM, which receives over one million visitors annually; its newsletter, EDENEWS, which is distributed monthly to over 25,000 subscribers; and by other means.

4. Opposer also distributes recipes covering all kinds of foods, including dips, spreads, dressings, breakfast foods, lunches, dinners, snacks, main courses, entrees, side dishes, desserts and cuisine styles, including American, Asian, Mediterranean and many others. Opposer's recipes are available on Opposer's website found at <edenfoods.com>; through Opposer's downloadable software application called EDEN RECIPES; and through other means. Opposer currently offer over 1,000 recipes.

6. Opposer adopted and commenced use of EDEN as a trademark in the 1960s and has used EDEN alone and in combination with other wording without interruption to the present day.

7. Opposer's EDEN brand products are sold throughout the United States through virtually all types of merchandising outlets, including, without limitation, national and regional supermarket chains, local grocery stores, food cooperatives, health food stores, convenience stores and department stores. Opposer's products also are available through mail order outlets

and via the Internet at Opposer's website found at <edenfoods.com> as well as leading on-line retailers.

8. Opposer's EDEN brand products are sold to local, regional and national distributors for resale to retail outlets; to institutional purchasers; directly to retail outlets for resale to consumers; and directly to consumers.

9. Opposer extensively advertises and promotes its EDEN brand products through a variety of means, including in printed publications, distribution of printed promotional materials and via the Internet, including through such social networking sites as Facebook and Twitter. Opposer and Opposer's EDEN brand products are the subject of significant, favorable, unsolicited publicity. Opposer and Opposer's products also have received numerous awards for quality and excellence.

10. Over the years, Opposer has developed and adopted many EDEN formative marks, including, but not limited to, EDEN, EDEN ORGANIC, EDEN FOODS, EDENEWS and EDENBALANCE (collectively the "EDEN Marks").

11. Based on Opposer's extensive, exclusive and continuous use of the EDEN Marks in connection with its goods and services, the maintenance of premium quality standards and Opposer's efforts to protect its rights in the EDEN Marks, Opposer's EDEN Marks have come to be widely and favorably known among the consuming public as designators of origin with respect to Opposer's goods and services.

12. The strength of Opposer's EDEN Marks has been recognized by the Trademark Trial and Appeal Board in the following decisions:

- *Eden Foods, Inc. v. Ficel Marketing Corp.*, Opp. No. 91/107,487 (June 28, 2000): Opposer successfully challenged registration of the designation EDAN VALLEY for a variety products, including fruit juices and bottled water.

- *Eden Foods, Inc. v. Thomas Brenkwitz, d/b/a Brenkwitz Farms*, Opp. No. 91/151,474 (June 16, 2005): Opposer successfully opposed registration of the designation EDEN GARDEN & Design for fruit products. The Board recognized Opposer's family of EDEN marks and found EDEN strong and entitled to a broad scope of protection.
- *Eden Foods, Inc. v. Kelly Biensen*, Opp. No. 91/202,409 (May 20, 2016): Opposer successfully opposed registration of the designation EDEN FARMS NATURALLY GOOD FOOD for pork. The Board again found Opposer's EDEN marks strong and entitled to a broad scope of protection.
- *Eden Foods, Inc. v. Eden's Garden Cafe, LLC*, Opp. No. 91/209,895 (June 1, 2016): Opposer successfully opposed registration of the designation EDEN'S GARDEN CAFÉ & Design for, among other things, restaurant, café and catering services.

13. Opposer successfully enforces its trademark rights in the EDEN Marks not only against food products and within the broader foodservice industry, but also against other, related products and services, including fertilizers; shampoos; beauty products; weight reduction and wellness services; cooking shows; beauty salons; day spas; health food stores; educational services related to healthy eating and diet; and information services relating to diet and weight loss.

14. Opposer is the owner of a family of registered marks consisting in whole or part of the word EDEN, including the registrations listed below. Opposer's EDEN formative registrations cover not only its food and beverage products but also capture some of Opposer's services described above. Each of the identified registrations issued long prior to the filing date and claimed dates of first use in the opposed application.

(a) Reg. No. 1,440,754 -- **EDENSOY** for soybean based food beverages, registered on the Principal Register May 26, 1987.

(b) Reg. No. 1,452,337-- **EDEN** for pickled plums; processed and unprocessed dried fruits; processed nuts; processed seeds; vegetable oils; namely, corn oil, olive oil, safflower oil, sesame oil; snack foods consisting of processed nuts, processed seeds and dried fruits; processed grains, namely, corn meal, soy flour, chickpea flour, barley flour, wheat flour, buckwheat flour, millet flour, rice flour, rye flour; pasta, namely, wheat noodles, wheat and egg noodles, wheat and

soy noodles, wheat and spinach noodles, wheat and buckwheat noodles; soy sauce; barley malt syrup for table use; vinegar; mustard; tomato based spaghetti sauce; sea salt for table use; beverage consisting of tea and herbs; unprocessed beans, namely, aduki, black turtle beans, kidney beans, great northern beans, green lentils, mung beans, navy beans, pinto beans, soy beans; unprocessed peas, namely, chickpeas, split peas; unprocessed nuts; unprocessed edible seeds; unprocessed grains, namely barley, rice, wheat, buckwheat and millet; unprocessed corn and unpopped popcorn; unprocessed sea vegetables, namely sea weed, registered on the Principal Register August 11, 1987.

(c) Reg. No. 1,862,634 -- **EDEN** for vegetable oils, crushed tomatoes, sauerkraut, and processed canned beans; pasta; pizza sauce; teas; crackers; chips; misos; and condiments; namely, mustard, sea salt, processed sesame seeds, garlic pastes, furikake, pickled beefsteak leaf powder, bonito flakes, pickled ginger, tekka, wasabi powder, tamari, and shoyu; unprocessed grains; namely, barley, wheat and quinoa, registered on the Principal Register November 15, 1994.

(d) Reg. No. 1,918,958 – **EDENBLEND** for soybean and rice based food beverages, registered on the Principal Register September 12, 1995.

(e) Reg. No. 2,229,053 – **EDEN** for fruit butter, fruit sauce and fruit juices, registered on the Principal Register March 2, 1999.

(f) Reg. No. 2,272,652 – **EDEN ORGANIC & Design** for vegetable oils; processed vegetables; soybean based food beverages; soybean based misos; nut and fruit butters; processed nuts; processed edible seeds; processed mixture consisting of any combination of fruits, nuts and seeds; vegetable chips; and dried fruits; tea; sugar; rice; pasta and noodles; flour; breakfast cereals; honey; syrup for table use; candy; salt; mustard; vinegar; sauces, namely, pizza and spaghetti sauces, soy sauce; processed grains; rice and grain based food beverages; herbal food beverages; seasonings, namely, processed sesame seeds, garlic pastes, furikake, pickled beefsteak leaf powder, bonito flakes, pickled ginger, tekka, wasabi powder; crackers; brown rice chips; granola; unprocessed vegetables, unprocessed grains, unprocessed nuts and unprocessed edible seeds; fruit juices; beverage concentrates for use in making non alcoholic soft drinks, registered on the Principal Register August 24, 1999.

(g) Reg. No. 2,326,024 – **EDENBALANCE** for a food supplement, namely, an orally ingested enzyme beneficial to human intestinal bacteria, registered on the Principal Register March 7, 2000.

(h) Reg. No. 2,360,206 – **EDEN** for food supplements, namely, orally ingested enzymes beneficial to human intestinal bacteria, registered on the Principal Register June 20, 2000.

- (i) Reg. No. 2,396,738 – **EDEN RANCH** for food supplements - vitamins, minerals, food digestant aids in tablet form for human use, registered on the Principal Register October 24, 2000.
- (j) Reg. No. 2,475,031 – **EDEN BIFA 15** for food supplements, namely, orally ingested enzymes beneficial to human intestinal bacteria, registered on the Principal Register August 7, 2001.
- (k) Reg. No. 2,503,977 – **EDEN** for dietary food supplements, namely, edible kombu root seaweed, garlic balls and ume plum concentrate, registered on the Principal Register November 6, 2001.
- (l) Reg. No. 2,905,671 – **EDENEWS** for newsletters in the field of food and food related topics, nutrition, health and diet, farming and agricultural and environmental issues, registered on the Principal Register November 30, 2004.
- (m) Reg. No. 2,977,773 – **EDEN** for processed popcorn for popping, registered on the Principal Register July 26, 2005.
- (n) Reg. No. 3,071,337 – **EDEN FOODS** for vegetable oils; processed vegetables; soybean based food beverages; soybean based misos; nut and fruit butters; processed nuts; processed edible seeds; processed mixture consisting of any combination of fruits, nuts and seeds; vegetable chips and dried fruits; tea; sugar; rice; pasta and noodles; flour; breakfast cereals; honey; syrup for table use; candy; salt; mustard; vinegar; sauces, namely, pizza and spaghetti sauces, soy sauce; processed grains; rice and grain based food beverages; herbal food beverages; seasonings, namely, processed sesame seeds, garlic pastes, furikake, pickled beefsteak leaf powder, bonito flakes, pickled ginger, tekka, wasabi powder; crackers; brown rice chips; and granola; unprocessed fruits, unprocessed vegetables, unprocessed grains, unprocessed nuts and unprocessed edible seeds, registered on the Principal Register March 21, 2006.
- (o) Reg. No. 3,102,575 – **EDEN** for dried cherries, registered on the Principal Register June 13, 2006.
- (p) Reg. No. 4,065,063 – **EDEN** for providing recipes and information in the field of cooking and food preparation; providing information in the field of health, nutrition, diet, beauty and organic farming techniques, registered on the Principal Register December 6, 2011.
- (q) Reg. No. 4,171,490 – **EDENEWS** for downloadable electronic newsletters in the field of food and food-related topics, nutrition, health and diet, farming and agricultural and environmental issues, registered on the Principal Register July 10, 2012.

(r) Reg. No. 4,264,567 – **EDEN STORE** for retail and on-line store featuring food and beverage products, registered on the Principal Register December 25, 2012.

(s) Reg. No. 4,264,570 – **EDEN** for retail and on-line store featuring food and beverage products, registered on the Principal Register December 25, 2012.

(t) Reg. No. 4,272,393 – **EDEN FOODS** for processed beans; processed fruits; processed tomatoes” and crackers; entrees and side dishes consisting primarily of rice and beans, registered on the Principal Register January 8, 2013.

(u) Reg. No. 4,336,312 – **EDEN RECIPES** for downloadable software in the nature of an application for obtaining news and information in the field of food and food related topics, nutrition, health and diet and related textual, audio and video content on mobile and stationary electronic devices, registered on the Principal Register May 14, 2013.

(v) Reg. No. 4,431,041 – **EDEN** for tooth powder; dietary food supplements and nutritional supplement concentrates; sushi mats; processed vegetables; chili; processed mushrooms; raisins; tofu; vegetable based food beverages; prepared entrees consisting primarily of beans with rice and other side dishes; Umeboshi plum paste; grain based food beverages; natural food sweeteners; arrowroot for use as a food thickener; rice; Ponzu sauce; prepared entrees consisting primarily of rice with beans and other side dishes; edible spices; concentrates for making non-alcoholic beverages; and cooking wine, registered on the Principal Register November 12, 2013.

15. Those of the above-listed registrations more than five years old have become incontestable and are conclusive evidence of the validity of the registered mark, Opposer’s ownership thereof and of Opposer’s exclusive right to use the mark as provided by Section 33(b) of the Federal Trademark Act.

16. Based on Opposer’s extensive, exclusive and continuous use of its EDEN Marks, the relevant consuming public has come to recognize the EDEN Marks as being used by Opposer and to associate and identify the EDEN Marks with Opposer. Opposer has obtained and enjoys an exceedingly valuable reputation and goodwill symbolized by the EDEN Marks.

17. Opposer’s EDEN Marks are strong and entitled to a broad scope of protection.

18. On information and belief, Applicant uses the designation FILTHY EDEN in connection with services closely related to Opposer's services and goods offered under Opposer's EDEN Marks.

19. The designation FILTHY EDEN contained in the opposed application so closely resembles Opposer's EDEN Marks as to be likely, when applied to Applicant's services, to cause confusion, mistake and to deceive.

20. Any defect, objection or fault found with Applicant's services would injure the exceedingly valuable reputation and goodwill associated with Opposer and its products and services sold under Opposer's EDEN Marks.

21. The designation FILTHY EDEN contained in the opposed application is confusingly similar to Opposer's EDEN Marks so that its registration by Applicant would be inconsistent with and damaging to Opposer's prior and exclusive rights in its EDEN Marks in connection with the goods and services with which they are used.

22. Opposer will be damaged by the registration of the designation FILTHY EDEN.

WHEREFORE, Opposer prays that its opposition be sustained and that Applicant's mark be denied registration.

Contemporaneously with the electronic filing of this Notice of Opposition, Opposer's counsel authorizes filing fees in the amount of \$300.00 to be debited from counsel's Deposit Account No. 501129. If the amount received is insufficient and additional fees are required, the USPTO is authorized to charge Deposit Account No. 501129.

Please recognize as attorneys for Opposer in this proceeding Christopher Kelly, Christopher Mills and the firm WILEY REIN LLP, 1776 K Street, N.W., Washington, D.C. 20006.

This opposition is being filed by the undersigned attorneys at law, duly authorized to represent Opposer in this proceeding, pursuant to Trademark Rule 2.101(b).

Respectfully submitted,

EDEN FOODS, INC.

By: /Christopher Kelly/
Christopher Kelly
Christopher M. Mills
Wiley Rein LLP
1776 K Street, N.W.
Washington, D.C. 20006
Phone: (202) 719-7000
Fax: (202) 719-7049

Attorneys for Eden Foods, Inc.

Dated: September 19, 2016

EXHIBIT A

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office Reg. No. 1,440,754
Registered May 26, 1987

**TRADEMARK
PRINCIPAL REGISTER**

EDENSOY

EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH ROAD
CLINTON, MI 49236

FIRST USE 7-0-1983; IN COMMERCE
7-0-1983.

SER. NO. 590,456, FILED 3-28-1986.

FOR: SOYBEAN BASED FOOD BEVERAGE,
IN CLASS 29 (U.S. CL. 46).

ELLEN M. DEVINE, EXAMINING ATTORNEY

Int. Cls.: 29, 30, 31 and 32

Prior U.S. Cls.: 1 and 46

United States Patent and Trademark Office

Reg. No. 1,452,337

Registered Aug. 11, 1987

TRADEMARK
PRINCIPAL REGISTER

EDEN

EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH RD.
CLINTON, MI 49236

FOR: MAYONNAISE; PICKLED PLUMS; PROCESSED AND UNPROCESSED DRIED FRUITS; PROCESSED NUTS; PROCESSED SEEDS; VEGETABLE OILS; NAMELY, CORN OIL, OLIVE OIL, SAFFLOWER OIL, SESAME OIL; FRUIT JAMS AND FRUIT MARMALADES; PEANUT BUTTER; SNACK FOODS CONSISTING OF PROCESSED NUTS, PROCESSED SEEDS AND DRIED FRUITS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 3-0-1967; IN COMMERCE 11-0-1969.

FOR: PROCESSED GRAINS, NAMELY, CORN MEAL, TRITCALE FLOUR, SOY FLOUR, CHICKPEA FLOUR, BARLEY FLOUR, WHEAT FLOUR, BUCKWHEAT FLOUR, MILLET FLOUR, RICE FLOUR, RYE FLOUR; PASTA, NAMELY, WHEAT NOODLES, WHEAT AND EGG NOODLES, WHEAT AND SOY NOODLES, WHEAT AND SPINACH NOODLES, WHEAT AND BUCKWHEAT NOODLES, SOY BEAN PASTA; SOY SAUCE; WHEAT BRAN; WHEAT GERM; BARLEY MALT SYRUP FOR TABLE USE; MAPLE TABLE SYRUP; HONEY; MOLASSES; CANDY; VINEGAR; MUSTARD; TOMATO BASED SPAGHETTI SAUCE; SEA SALT FOR TABLE USE; BEVERAGE

CONSISTING OF TEA AND HERBS; BREAKFAST CEREALS CONSISTING PRIMARILY OF PROCESSED AND PARTIALLY PROCESSED GRAINS, SEEDS AND NUTS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 3-0-1967; IN COMMERCE 11-0-1969.

FOR: UNPROCESSED BEANS, NAMELY, ADUKI, BLACK TURTLE BEANS, CRANBERRY BEANS, KIDNEY BEANS, GREAT NORTHERN BEANS, GREEN LENTILS, MUNG BEANS, NAVY BEANS, PINTO BEANS, SOY BEANS; UNPROCESSED PEAS, NAMELY, CHICKPEAS, SPLIT PEAS; UNPROCESSED NUTS; UNPROCESSED EDIBLE SEEDS; UNPROCESSED GRAINS, NAMELY BARLEY, RICE, RYE, TRITICALE, WHEAT, BUCKWHEAT AND MILLET; UNPROCESSED CORN AND UNPOPPED POPCORN; UNPROCESSED SEA VEGETABLES, NAMELY SEA WEED, IN CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE 3-0-1967; IN COMMERCE 11-0-1969.

FOR: FRUIT JUICES, IN CLASS 32 (U.S. CL. 46).

FIRST USE 3-0-1967; IN COMMERCE 11-0-1969.

SER. NO. 329,107, FILED 9-21-1981.

RICHARD A. STRASER, EXAMINING ATTORNEY

Int. Cls.: 29, 30 and 31

Prior U.S. Cl.: 46

United States Patent and Trademark Office **Reg. No. 1,862,634**
Registered Nov. 15, 1994

**TRADEMARK
PRINCIPAL REGISTER**

EDEN

EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH ROAD
CLINTON, MI 49236

FOR: VEGETABLE OILS, CRUSHED TOMATOES; SAUERKRAUT; AND PROCESSED CAN BEANS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 0-0-1987; IN COMMERCE 0-0-1987.

FOR: PASTA; PIZZA SAUCE; TEAS; CRACKERS; CHIPS; MISOS; AND CONDIMENTS; NAMELY, MUSTARD, SEA SALT, PROCESSED SESAME SEEDS, GARLIC PASTES, FURIKAKE, PICKLED BEEFSTEAK LEAF POWDER, BONITO FLAKES, PICKLED

GINGER, TEKKA, WASABI POWDER, TAMARI, AND SHOYU, IN CLASS 30 (U.S. CL. 46).

FIRST USE 0-0-1975; IN COMMERCE 0-0-1975.

FOR: UNPROCESSED GRAINS; NAMELY, BARLEY, WHEAT, AND QUINOA, IN CLASS 31 (U.S. CL. 46).

FIRST USE 0-0-1978; IN COMMERCE 0-0-1978.

OWNER OF U.S. REG. NOS. 1,233,768, 1,440,754, AND 1,452,337.

SER. NO. 74-373,050, FILED 3-29-1993.

M. E. BODSON, EXAMINING ATTORNEY

Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 1,918,958

Registered Sep. 12, 1995

**TRADEMARK
PRINCIPAL REGISTER**

EDENBLEND

EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH ROAD
CLINTON, MI 49236

FIRST USE 1-14-1994; IN COMMERCE
1-14-1994.

SN 74-450,581, FILED 10-25-1993.

FOR: SOY BEAN AND RICE BASED FOOD
BEVERAGES, IN CLASS 30 (U.S. CL. 46).

MARK T. MULLEN, EXAMINING ATTORNEY

Int. Cls.: 29 and 32

Prior U.S. Cls.: 45, 46 and 48

Reg. No. 2,229,053

United States Patent and Trademark Office

Registered Mar. 2, 1999

TRADEMARK
PRINCIPAL REGISTER

EDEN

EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH ROAD
CLINTON, MI 49236

FOR: FRUIT BUTTER AND FRUIT SAUCE,
IN CLASS 29 (U.S. CL. 46).

FIRST USE 3-0-1967; IN COMMERCE
11-0-1969.

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

FIRST USE 3-0-1967; IN COMMERCE
11-0-1969.

OWNER OF U.S. REG. NOS. 1,233,768, 1,947,286
AND OTHERS.

SER. NO. 75-490,291, FILED 5-22-1998.

AMY DIXON, EXAMINING ATTORNEY

Int. Cls.: 29, 30, 31, and 32

Prior U.S. Cls.: 1, 45, 46, and 48

Reg. No. 2,272,652

United States Patent and Trademark Office

Registered Aug. 24, 1999

TRADEMARK
PRINCIPAL REGISTER



EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH ROAD
CLINTON, MI 49236

FOR: VEGETABLE OILS; PROCESSED VEGETABLES; SOYBEAN BASED FOOD BEVERAGES; SOYBEAN BASED MISOS; NUT AND FRUIT BUTTERS; PROCESSED NUTS; PROCESSED EDIBLE SEEDS; PROCESSED MIXTURE CONSISTING OF ANY COMBINATION OF FRUITS, NUTS AND SEEDS; VEGETABLE CHIPS; AND DRIED FRUITS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 1-0-1996; IN COMMERCE 1-0-1996.

FOR: TEA; SUGAR; RICE; PASTA AND NOODLES; FLOUR; BREAKFAST CEREALS; HONEY; SYRUP FOR TABLE USE; CANDY; SALT; MUSTARD; VINEGAR; SAUCES, NAMELY, PIZZA AND SPAGHETTI SAUCES, SOY SAUCE; PROCESSED GRAINS; RICE AND GRAIN BASED FOOD BEVERAGES; HERBAL FOOD BEVERAGES; SEASONINGS, NAMELY,

PROCESSED SESAME SEEDS, GARLIC PASTES, FURIKAKE, PICKLED BEEFSTEAK LEAF POWDER, BONITO FLAKES, PICKLED GINGER, TEKKA, WASABI POWDER; CRACKERS; BROWN RICE CHIPS; GRANOLA, IN CLASS 30 (U.S. CL. 46).

FIRST USE 1-0-1996; IN COMMERCE 1-0-1996.

FOR: UNPROCESSED FRUITS, UNPROCESSED VEGETABLES, UNPROCESSED GRAINS, UNPROCESSED NUTS AND UNPROCESSED EDIBLE SEEDS, IN CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE 1-0-1996; IN COMMERCE 1-0-1996.

FOR: FRUIT JUICES; BEVERAGE CONCENTRATES FOR USE IN MAKING NON-ALCOHOLIC SOFT DRINKS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 11-0-1997; IN COMMERCE 11-0-1997.

OWNER OF U.S. REG. NOS. 1,452,337, 2,040,006, AND OTHERS.

2

2,272,652

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

SN 75-212,401, FILED 12-12-1996.

CATHERINE KAISER KREBS, EXAMINING
ATTORNEY

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52

Reg. No. 2,326,024

United States Patent and Trademark Office

Registered Mar. 7, 2000

**TRADEMARK
PRINCIPAL REGISTER**

EDENBALANCE

EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH ROAD
CLINTON, MI 49236

TO HUMAN INTESTINAL BACTERIA, IN
CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).
FIRST USE 10-0-1998; IN COMMERCE
10-0-1998.

SER. NO. 75-625,362, FILED 1-21-1999.

FOR: A FOOD SUPPLEMENT, NAMELY, AN
ORALLY INGESTED ENZYME BENEFICIAL

MARLENE BELL, EXAMINING ATTORNEY

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52

Reg. No. 2,360,206

United States Patent and Trademark Office Registered June 20, 2000

**TRADEMARK
PRINCIPAL REGISTER**

EDEN

EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH ROAD
CLINTON, MI 49236

FIRST USE 9-30-1998; IN COMMERCE 9-30-1998.
OWNER OF U.S. REG. NOS. 1,233,768, 1,947,286
AND OTHERS.

FOR: FOOD SUPPLEMENT, NAMELY, AN ORAL-
LY INGESTED ENZYME BENEFICIAL TO HUMAN
INTESTINAL BACTERIA, IN CLASS 5 (U.S. CLS. 6,
18, 44, 46, 51 AND 52).

SER. NO. 75-776,221, FILED 8-13-1999.
CURTIS FRENCH, EXAMINING ATTORNEY

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52

Reg. No. 2,396,738

United States Patent and Trademark Office

Registered Oct. 24, 2000

Corrected

OG Date Apr. 30, 2002

TRADEMARK
PRINCIPAL REGISTER

EDEN RANCH

EDEN FOODS, INC. (MICHIGAN COR-
PORATION)
701 TACUMSEH ROAD
CLINTON, MI 49236, BY ASSIGNMENT
MOORE, PATRICIA (UNITED STATES
CITIZEN) TOPANGA, CA

FOR: FOOD SUPPLEMENTS - VITA-
MINS, MINERALS, FOOD DIGESTANT
AIDS IN TABLET FORM FOR HUMAN
USE, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46,
51 AND 52).
FIRST USE 11-0-1954; IN COMMERCE
11-0-1954.
SER. NO. 75-425,698, FILED 1-29-1998.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Apr. 30, 2002.*

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52

United States Patent and Trademark Office

Reg. No. 2,475,031

Registered Aug. 7, 2001

TRADEMARK
PRINCIPAL REGISTER

EDEN BIFA 15

EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH ROAD
CLINTON, MI 49236

FIRST USE 9-30-1998; IN COMMERCE 9-30-1998.

OWNER OF U.S. REG. NOS. 1,233,768, 1,947,286
AND OTHERS.

FOR: FOOD SUPPLEMENT, NAMELY, AN ORALLY
INGESTED ENZYME BENEFICIAL TO HUMAN
INTESTINAL BACTERIA, IN CLASS 5 (U.S.
CLS. 6, 18, 44, 46, 51 AND 52).

SER. NO. 75-776,220, FILED 8-13-1999.

CURTIS FRENCH, EXAMINING ATTORNEY

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52

United States Patent and Trademark Office

Reg. No. 2,503,977

Registered Nov. 6, 2001

**TRADEMARK
PRINCIPAL REGISTER**

EDEN

EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH ROAD
CLINTON, MI 49236

FIRST USE 7-0-1983; IN COMMERCE 7-0-1983.

OWNER OF U.S. REG. NOS. 1,233,768, 2,360,206
AND OTHERS.

FOR: DIETARY FOOD SUPPLEMENTS, NAME-
LY, EDIBLE KOMBU ROOT SEAWEED, GARLIC
BALLS AND UME PLUM CONCENTRATE, IN
CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

SER. NO. 76-150,542, FILED 10-18-2000.

BROOKE BEYER, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50

United States Patent and Trademark Office

Reg. No. 2,905,671

Registered Nov. 30, 2004

TRADEMARK
PRINCIPAL REGISTER

EDENEWS

EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH ROAD
CLINTON, MI 49236

FIRST USE 10-0-1999; IN COMMERCE 10-0-1999.

OWNER OF U.S. REG. NOS. 2,281,740, 2,360,206
AND OTHERS.

FOR: NEWSLETTERS IN THE FIELD OF FOOD
AND FOOD-RELATED TOPICS, NUTRITION,
HEALTH AND DIET, FARMING AND AGRICULTURAL
AND ENVIRONMENTAL ISSUES, IN
CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

SER. NO. 76-508,343, FILED 4-18-2003.

LINDA POWELL, EXAMINING ATTORNEY

Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 2,977,773

Registered July 26, 2005

TRADEMARK
PRINCIPAL REGISTER

EDEN

EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH ROAD
CLINTON, MI 49236

OWNER OF U.S. REG. NOS. 1,233,768, 2,583,453,
AND OTHERS.

FOR: PROCESSED POPCORN FOR POPPING, IN
CLASS 30 (U.S. CL. 46).

SN 76-553,947, FILED 10-22-2003.

FIRST USE 2-18-2005; IN COMMERCE 2-18-2005. LINDA POWELL, EXAMINING ATTORNEY

Int. Cls.: 29, 30, and 31

Prior U.S. Cls.: 1 and 46

United States Patent and Trademark Office

Reg. No. 3,071,337

Registered Mar. 21, 2006

TRADEMARK
PRINCIPAL REGISTER

EDEN FOODS

EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH ROAD
CLINTON, MI 49236

FOR: VEGETABLE OILS; PROCESSED VEGETABLES; SOYBEAN BASED FOOD BEVERAGES; SOYBEAN BASED MISOS; NUT AND FRUIT BUTTERS; PROCESSED NUTS; PROCESSED EDIBLE SEEDS; PROCESSED MIXTURE CONSISTING OF ANY COMBINATION OF FRUITS, NUTS AND SEEDS; VEGETABLE CHIPS AND DRIED FRUITS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 0-0-1975; IN COMMERCE 0-0-1975.

FOR: TEA; SUGAR; RICE; PASTA AND NOODLES; FLOUR; BREAKFAST CEREALS; HONEY; SYRUP FOR TABLE USE; CANDY; SALT; MUSTARD; VINEGAR; SAUCES, NAMELY, PIZZA AND SPAGHETTI SAUCES, SOY SAUCE; PROCESSED GRAINS; RICE AND GRAIN BASED FOOD BEVERAGES; HERBAL FOOD BEVERAGES; SEASONINGS, NAMELY, PROCESSED SESAME SEEDS, GARLIC PASTES, FURIKAKE, PICKLED BEEF-STEAK LEAF POWDER, BONITO FLAKES, PICK-

LED GINGER, TEKKA, WASABI POWDER; CRACKERS; BROWN RICE CHIPS; AND GRANOLA, IN CLASS 30 (U.S. CL. 46).

FIRST USE 0-0-1975; IN COMMERCE 0-0-1975.

FOR: UNPROCESSED FRUITS, UNPROCESSED VEGETABLES, UNPROCESSED GRAINS, UNPROCESSED NUTS AND UNPROCESSED EDIBLE SEEDS, IN CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE 0-0-1978; IN COMMERCE 0-0-1978.

OWNER OF U.S. REG. NOS. 1,947,286, 2,272,652, AND OTHERS.

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

SN 76-321,613, FILED 10-5-2001.

SAMUEL E. SHARPER JR., EXAMINING ATTORNEY

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,102,575

Registered June 13, 2006

TRADEMARK
PRINCIPAL REGISTER

EDEN

EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH ROAD
CLINTON, MI 49236

OWNER OF U.S. REG. NO. 2,229,053.

SER. NO. 76-507,547, FILED 4-18-2003.

FOR: DRIED CHERRIES, IN CLASS 29 (U.S. CL. 46).

FIRST USE 6-28-2002; IN COMMERCE 6-28-2002. --- LOURDES AYALA, EXAMINING ATTORNEY ---

United States of America

United States Patent and Trademark Office

EDEN

Reg. No. 4,065,063

Registered Dec. 6, 2011

Int. Cls.: 43 and 44

SERVICE MARK

PRINCIPAL REGISTER

EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH ROAD
CLINTON, MI 49236

FOR: PROVIDING RECIPES AND INFORMATION IN THE FIELD OF COOKING AND FOOD PREPARATION, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 12-0-2004; IN COMMERCE 12-0-2004.

FOR: PROVIDING INFORMATION IN THE FIELD OF HEALTH, NUTRITION, DIET, BEAUTY AND ORGANIC FARMING TECHNIQUES, IN CLASS 44 (U.S. CLS. 100 AND 101).

FIRST USE 12-0-2004; IN COMMERCE 12-0-2004.

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

OWNER OF U.S. REG. NOS. 1,233,768, 1,452,337 AND OTHERS.

SER. NO. 77-732,286, FILED 5-8-2009.

DAVID C. REIHNER, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office

EDENEWS

Reg. No. 4,171,490

Registered July 10, 2012

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH ROAD
CLINTON, MI 49236

FOR: DOWNLOADABLE ELECTRONIC NEWSLETTERS IN THE FIELD OF FOOD AND FOOD-RELATED TOPICS, NUTRITION, HEALTH AND DIET, FARMING AND AGRICULTURAL AND ENVIRONMENTAL ISSUES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-0-2006; IN COMMERCE 1-0-2006.

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

OWNER OF U.S. REG. NO. 2,905,671.

SER. NO. 85-471,918, FILED 11-14-2011.

KEVON CHISOLM, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office

EDEN STORE

Reg. No. 4,264,567

Registered Dec. 25, 2012

Int. Cl.: 35

SERVICE MARK

PRINCIPAL REGISTER

EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH ROAD
CLINTON, MI 49236

FOR: RETAIL AND ON-LINE STORE FEATURING FOOD AND BEVERAGE PRODUCTS,
IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

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

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

OWNER OF U.S. REG. NOS. 1,233,768, 2,360,206, AND 4,100,595.

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

SER. NO. 85-624,653, FILED 5-14-2012.

DAVID MURRAY, EXAMINING ATTORNEY



David J. Kyffes

Director of the United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office

EDEN

Reg. No. 4,264,570

Registered Dec. 25, 2012

Int. Cl.: 35

SERVICE MARK

PRINCIPAL REGISTER

EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH ROAD
CLINTON, MI 49236

FOR: RETAIL AND ON-LINE STORE FEATURING FOOD AND BEVERAGE PRODUCTS,
IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

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

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

OWNER OF U.S. REG. NOS. 1,233,768, 2,360,206, AND 4,100,595.

SER. NO. 85-624,703, FILED 5-14-2012.

DAVID MURRAY, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office

EDEN FOODS

Reg. No. 4,272,393

Registered Jan. 8, 2013

Int. Cls.: 29 and 30

TRADEMARK

PRINCIPAL REGISTER

EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH ROAD
CLINTON, MI 49236

FOR: PROCESSED BEANS; PROCESSED FRUITS; PROCESSED TOMATOES, IN CLASS 29
(U.S. CL. 46).

FIRST USE 0-0-1987; IN COMMERCE 0-0-1987.

FOR: CRACKERS; ENTREES AND SIDE DISHES CONSISTING PRIMARILY OF RICE AND
BEANS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 6-0-2005; IN COMMERCE 6-0-2005.

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

OWNER OF U.S. REG. NOS. 1,233,768, 2,360,206, AND 4,100,596.

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

SER. NO. 85-675,110, FILED 7-12-2012.

DAVID MURRAY, EXAMINING ATTORNEY



David J. Kyros

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

EDEN RECIPES

Reg. No. 4,336,312

Registered May 14, 2013

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH ROAD
CLINTON, MI 49236

FOR: DOWNLOADABLE SOFTWARE IN THE NATURE OF AN APPLICATION FOR OBTAINING NEWS AND INFORMATION IN THE FIELD OF FOOD AND FOOD RELATED TOPICS, NUTRITION, HEALTH AND DIET AND RELATED TEXTUAL, AUDIO AND VIDEO CONTENT ON MOBILE AND STATIONARY ELECTRONIC DEVICES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 2-2-2011; IN COMMERCE 2-2-2011.

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

OWNER OF U.S. REG. NOS. 1,233,768, 4,100,596, AND OTHERS.

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

SN 85-688,791, FILED 7-27-2012.

DAVID MURRAY, EXAMINING ATTORNEY



Lisa Street Lewis
Acting Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

EDEN

Reg. No. 4,431,041

Registered Nov. 12, 2013

Int. Cls.: 3, 5, 21, 29, 30,
32 and 33

EDEN FOODS, INC. (MICHIGAN CORPORATION)
701 TECUMSEH ROAD
CLINTON, MI 49236

TRADEMARK

PRINCIPAL REGISTER

FOR: TOOTH POWDER, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 0-0-1975; IN COMMERCE 0-0-1975.

FOR: DIETARY FOOD SUPPLEMENTS AND NUTRITIONAL SUPPLEMENT CONCENTRATES, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 0-0-1975; IN COMMERCE 0-0-1975.

FOR: SUSHI MATS, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 6-0-1995; IN COMMERCE 6-0-1995.

FOR: PROCESSED VEGETABLES; CHILI; PROCESSED MUSHROOMS; RAISINS; TOFU; VEGETABLE BASED FOOD BEVERAGES; PREPARED ENTREES CONSISTING PRIMARILY OF BEANS WITH RICE AND OTHER SIDE DISHES; UMEBOSHI PLUM PASTE, IN CLASS 29 (U.S. CL. 46).

FIRST USE 0-0-1975; IN COMMERCE 0-0-1975.

FOR: GRAIN BASED FOOD BEVERAGES; NATURAL FOOD SWEETENERS; ARROWROOT FOR USE AS A FOOD THICKENER; RICE; PONZU SAUCE; PREPARED ENTREES CONSISTING PRIMARILY OF RICE WITH BEANS AND OTHER SIDE DISHES; EDIBLE SPICES, IN CLASS 30 (U.S. CL. 46).

FIRST USE 0-0-1975; IN COMMERCE 0-0-1975.

FOR: CONCENTRATES FOR MAKING NON-ALCOHOLIC BEVERAGES, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 0-0-1975; IN COMMERCE 0-0-1975.

FOR: COOKING WINE, IN CLASS 33 (U.S. CLS. 47 AND 49).



Lisa Street Lee
Deputy Director of the United States Patent and Trademark Office

Reg. No. 4,431,041 FIRST USE 0-0-1990; IN COMMERCE 0-0-1990.

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

OWNER OF U.S. REG. NOS. 1,233,768, 4,100,596 AND OTHERS.

SER. NO. 85-715,085, FILED 8-28-2012.

TRACY WHITTAKER-BROWN, EXAMINING ATTORNEY

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of September, 2016, I served the foregoing Notice of Opposition by causing a copy thereof to be deposited in the United States Mail, postage prepaid to the following address:

Andrea Marie Zaccarella
668 69th Street
Niagara Falls, NY 14304

/Betty Davis/
Betty Davis