

ESTTA Tracking number: **ESTTA148410**

Filing date: **06/28/2007**

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	THE B. MANISCHEWITZ COMPANY, LLC
Granted to Date of previous extension	07/04/2007
Address	One Manischewitz Plaza Jersey City, NJ 07302 UNITED STATES

Attorney information	Martin J. Beran Ostrolenk, Faber, Gerb & Soffen, LLP 1180 Avenue of the Americas 7th Floor New York, NY 10036 UNITED STATES srivera@ostrolenk.com Phone:212-382-0700
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Applicant Information

Application No	78884445	Publication date	03/06/2007
Opposition Filing Date	06/28/2007	Opposition Period Ends	07/04/2007
Applicant	DAIRY FARMERS OF AMERICA, INC. 10220 N. Ambassador Drive Kansas City, MO 64153 UNITED STATES		

Goods/Services Affected by Opposition

Class 029. First Use: 2006/09/01 First Use In Commerce: 2006/09/01
All goods and services in the class are opposed, namely: Dry-mix seasoning packet sold as a component of a shredded cheese package

Grounds for Opposition

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

U.S. Registration No.	2575374	Application Date	07/13/2000
Registration Date	06/04/2002	Foreign Priority Date	NONE
Word Mark	SEASON		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	<p>Class 029. First use: First Use: 1921/09/02 First Use In Commerce: 1921/09/02 Processed garlic cloves; anchovies; anchovy paste; caviar; fish for food purposes, namely, tuna fish, sardines, mackerel, kipper snacks, and salmon; prepared meals consisting primarily of fish, namely, fish rolls, fish rolls with almonds and/or raisins, fish roll with lemon dill, fish roll with salmon</p> <p>Class 030. First use: First Use: 1994/01/00 First Use In Commerce: 1994/01/00 Chow mein noodles, duck sauce, soy sauce, teriyaki sauce, tamari sauce, capers, peppercorns; prepared meals consisting primarily of pasta, namely, manicotti with cheese, stuffed shells, cavatelli with ricotta, cheese ravioli, potato gnocchi, tortellini with cheese and smoked salmon</p>

Attachments	76088485#TMSN.gif (1 page)(bytes) 00850213.pdf (3 pages)(117911 bytes)
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Signature	/martin j beran/
Name	Martin J. Beran
Date	06/28/2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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R.A.B. Food Group, LLC by change	:	
of name from The B. Manischewitz	:	
Company, LLC,	:	
	:	Opposition No.:
Opposer,	:	
	:	
-vs-	:	Serial No.: 78/884,445
	:	
Dairy Farmers of America, Inc.,	:	
	:	
	:	
Applicant.	:	
	:	
-----X		

Commissioner of Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

NOTICE OF OPPOSITION

Sir:

In the matter of pending application Serial No. 78/884,445 filed by Dairy Farmers of America, Inc. of Kansas City, Missouri for the mark SEASON SENSATIONS for dry-mix seasoning packet sold as a component of a shredded cheese package published in the Official Gazette of March 6, 2007, R.A.B Food Group, LLC by change of name from The B. Manischewitz Company, LLC, believes that it will be damaged by the registration of the above mark and hereby gives notice of its intention to oppose the above application for registration, its grounds for opposition being as follows:

1. Opposer is a Limited Liability Company of the State of Delaware located at One Harmon Plaza, Secaucus, New Jersey 07094.
2. For more than eighty years and long prior to any date of first use or priority date upon which applicant can rely, opposer and its predecessors have used the mark

SEASON in connection with food products in interstate commerce in the United States.

3. Opposer is the owner of U.S. Registration No. 282739 issued April 28, 1931 for the mark SEASON and design. This registration is valid and subsisting and in full force and effect.
4. Opposer is the owner of U.S. Registration No. 2,575,374 issued June 4, 2002 for the mark SEASON. This registration is valid and subsisting and in full force and effect.
5. The mark SEASON is also in use for goods not covered by opposer's registrations namely, bamboo shoots, water chestnuts, stir-fried vegetables, bean sprouts, hearts of palm, artichoke hearts, baby corn, onions and mandarin oranges.
6. By virtue of the long and extensive use and promotion of the mark SEASON throughout the United States, this mark has become well known in connection with a line of food products having their origin exclusively with opposer.
7. Applicant seeks registration of the mark SEASON SENSATIONS. This mark completely incorporates opposer's mark SEASON and is visually and phonetically identical, in part, and otherwise similar to opposer's mark SEASON such that a likelihood of confusion will exist if the respective marks are used in connection with goods which are related.
8. Applicant's mark is dominated by the term SEASON which is the most prominent portion, being in the prefix thereof.
9. Applicant's goods are a dry-mix seasoning packet sold as a component of a shredded cheese package which are sufficiently related food products to opposer's goods, which include such items as garlic cloves, capers, soy sauce and the like such that a likelihood of confusion exists where the marks are confusingly similar.
10. The use and registration of SEASON SENSATIONS by applicant for its goods is likely to create confusion, mistake and deception of the trade and purchasing public into believing that applicant's goods originate with or are otherwise licensed, sponsored or authorized by opposer.
11. By reason of all the foregoing, opposer will be gravely damaged by the registration of SEASON SENSATIONS to applicant.

WHEREFORE, opposer respectfully requests that the Notice of Opposition be sustained and that registration of SEASON SENSATIONS to applicant be refused.

POWER OF ATTORNEY

Please recognize Martin J. Beran and Ostrolenk, Faber, Gerb & Soffen, LLP as attorneys to prosecute this opposition proceeding. The undersigned hereby appoints customer no. 2352, OSTROLENK, FABER, GERB & SOFFEN, LLP and the members of the firm: Samuel H. Weiner, Robert C. Faber, Max Moskowitz, James A. Finder, William O. Gray, III, Louis C. Dujmich, Charles P. LaPolla, Douglas A. Miro, and Peter S. Sloane, and of counsel Martin J. Beran, all members of the Bar of the State of New York, with offices at 1180 Avenue of the Americas, New York, New York 10036-8403, (212) 382-0700, its attorneys to prosecute this opposition with full power of substitution and revocation and to transact all business in the Patent and Trademark Office in connection therewith. Said attorneys are hereby designated its agent upon whom notices or process may be served in proceedings affecting the above-entitled mark. Please address all correspondence to:

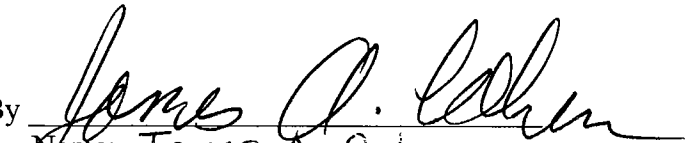
Martin J. Beran, Esq.
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Customer No. 2352

R.A.B. Food Group, LLC

June 27, 2007

[Date]

By


Name: James A. Cohen
Title: Senior Vice President -
Legal Affairs