

ESTTA Tracking number: **ESTTA148928**

Filing date: **07/02/2007**

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

Correspondence information	THE B. MANISCHEWITZ COMPANY, LLC One Manischewitz Plaza Jersey City, NJ 07302 UNITED STATES mberan@ostrolenk.com Phone:212-382-0700
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Applicant Information

Application No	78884445	Publication date	03/06/2007
Opposition Filing Date	07/02/2007	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
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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.	282739	Application Date	12/28/1928
Registration Date	04/28/1931	Foreign Priority Date	NONE
Word Mark	SEASON		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class U046 (International Class 001, 005, 029, 030, 031, 032). First use: First Use: 1926/05/20 First Use In Commerce: 1926/05/20 [CANNED APRICOTS, GOLDEN BANTAM CORN, HAWAIIAN PINEAPPLE, SPINACH, SWEET PEAS, BARTLETT PEARS, ROYAL ANNE CHERRIES, FRUITS FOR SALADS, FRESH PRUNES, STRINGLESS BEANS, CORN, SAUERKRAUT, SUGAR CORN, AND YELLOW CLING PEACHES; DRIED PEAS, LENTILS IN PACKAGES, DRIED BEANS IN PACKAGES, RICE IN PACKAGES, CANNED COFFEE AND COFFEE IN BAGS,] CANNED CALIFORNIA SARDINES, CANNED SALMON, CANNED TUNA FISH [, AND VANILLA AND LEMON EXTRACTS FOR FOOD-FLAVORING PURPOSES]
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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 Mark	NONE		
Goods/Services	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 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		

Attachments	71277291#TMSN.gif (1 page)(bytes) 76088485#TMSN.gif (1 page)(bytes) 00850760.PDF (13 pages)(412928 bytes)
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Signature	/martin beran/
Name	THE B. MANISCHEWITZ COMPANY, LLC
Date	07/02/2007

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

-----X		
The B. Manischewitz Company, LLC, :	:	
	:	
Opposer, :	:	Opposition No.:
	:	
-vs- :	:	Serial No.: 78/884,445
	:	
Dairy Farmers of America, Inc., :	:	Mark: SEASON SENSATIONS
	:	
Applicant. :	:	
	:	
-----X		

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

**MOTION TO CORRECT THE NAME AND ADDRESS OF
OPPOSER IN THE OPPOSITION AGAINST THE ABOVE APPLICATION**

Sir:

In response to the communication dated July 2, 2007 from Clara Vela, the Trademark Trial and Appeal Board is advised that The B. Manischewitz Company, LLC changed its name to R.A.B. Food Group, LLC and the change of name was duly recorded in the US Patent and Trademark Office in connection with the registrations which were in the name of The B. Manischewitz Company, LLC.


Annexed hereto and made a part hereof are TARR reports with respect to Registration No. 282739 SEASON and Design and 2575374 SEASON showing ownership thereof by R.A.B. Food Group, LLC.

Through inadvertence , the Request for Extension of Time and the Notice of Opposition against Application Serial No. 78/884,445 SEASONS SENSATIONS were filed in the name The B. Manischewitz Company, LLC even though it had changed its name to R.A.B. Food

Group, LLC. The B. Manischewitz Company, LLC and R.A.B. Food Group, LLC are one and the same company. Only the name and the current address are different.

In order to correct the records, it is respectfully requested that the opposition be instituted in the correct and current name of opposer, namely R.A.B. Food Group, LLC whose current address is One Harmon Plaza, Secaucus, New Jersey 07094.

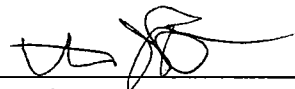
Respectfully,
R.A.B. Food Group, LLC

By:  _____

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

CERTIFICATE OF SERVICE

It is duly certified that a copy of the Motion to Correct the Name and Address of Opposer in the Opposition Against the Above Application has been forwarded by first class mail, postage paid to Michael Elbein, Hovey Williams, LLP, 2405 Grand Blvd., Suite 400, Kansas City, MO 64108-2519, this 2nd day of July, 2007.

 _____

Martin J. Beran, Esq.
OSTROLENK, FABER, GERB & SOFFEN, LLP
Attorneys for Opposer
1180 Avenue of the Americas
New York, New York 10036-8403



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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 3

Serial #: 76088485

Filing Dt: 07/13/2000

Reg #: 2575374

Reg. Dt: 06/04/2002

Registrant: B. Manischewitz Company, LLC, The

Mark: SEASON

Assignment: 1

Reel/Frame: 3032/0643

Received: 02/18/2005

Recorded: 02/18/2005

Pages: 4

Conveyance: ASSIGNMENT FOR SECURITY

Assignor: R.A.B. FOOD GROUP, LLC

Exec Dt: 02/11/2005

Formerly: FORMERLY THE B. MANISCHEWITZ COMPANY, LLC

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Assignee: JP MORGAN CHASE BANK, N.A., AS ADMINISTRATIVE AND COLLATERAL AGENT

Entity Type: A NEW YORK BANKING CORPORATION

Citizenship: NEW YORK

1166 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10036

Correspondent: PAUL ROBBINS, ESQ.

425 PARK AVENUE
C/O KAYE SCHOLER LLP
NEW YORK, NY 10022**Assignment: 2**

Reel/Frame: 3486/0134

Received: 02/22/2007

Recorded: 02/22/2007

Pages: 5

Conveyance: RELEASE OF TRADEMARK SECURITY AGREEMENT

Assignor: JPMORGAN CHASE BANK, N.A.

Exec Dt: 02/22/2007

Entity Type: BANKING INSTITUTION

Citizenship: NONE

Assignee: R.A.B. FOOD GROUP, LLC

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

444 MADISON AVENUE
SUITE 601
NEW YORK, NEW YORK 10022

Correspondent: PAUL J. SOMELOFSKE C/O KAYE SCHOLER LLP

425 PARK AVENUE
16-06
NEW YORK, NY 10022-3598**Assignment: 3**

Reel/Frame: 3486/0898

Received: 02/23/2007

Recorded: 02/23/2007

Pages: 9

Conveyance: TRADEMARK SECURITY AGREEMENT

Assignor: R.A.B. FOOD GROUP, LLC

Exec Dt: 02/22/2007

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Assignee: JPMORGAN CHASE BANK, N.A.

Entity Type: BANKING INSTITUTION

Citizenship: NONE

530 FIFTH AVENUE
NEW YORK, NEW YORK 10036

Correspondent: PAUL J. SOMELOFSKE C/O KAYE SCHOLER LLP

425 PARK AVENUE
16-06
NEW YORK, NY 10022-3598

Search Results as of: 07/02/2007 08:41 AM

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Web interface last modified: April 20, 2007 v.2.0.1

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This page was generated by the TARR system on 2007-07-02 08:41:14 ET

Serial Number: 76088485 Assignment Information

Registration Number: 2575374

Mark (words only): SEASON

Standard Character claim: No

Current Status: Registered.

Date of Status: 2002-06-04

Filing Date: 2000-07-13

Transformed into a National Application: No

Registration Date: 2002-06-04

Register: Principal

Law Office Assigned: LAW OFFICE 111

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2002-06-17

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. B. Manischewitz Company, LLC, The

Address:

B. Manischewitz Company, LLC, The
One Manischewitz Plaza
Jersey City, NJ 07302
United States

Legal Entity Type: Ltd Liab Co

State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 029

Class Status: Active

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

Basis: 1(a)

First Use Date: 1921-09-02

First Use in Commerce Date: 1921-09-02

International Class: 030

Class Status: Active

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

Basis: 1(a)

First Use Date: 1994-01-00

First Use in Commerce Date: 1994-01-00

ADDITIONAL INFORMATION

Prior Registration Number(s):

156864

282739

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2007-02-28 - Assignment Of Ownership Not Updated Automatically

2005-04-18 - Counter claim canc.for Proceeding

2002-06-04 - Registered - Principal Register

2002-03-12 - Published for opposition

2002-02-20 - Notice of publication

2001-10-30 - Approved for Pub - Principal Register (Initial exam)

2001-10-29 - Examiner's amendment mailed

2001-06-29 - Communication received from applicant

2001-01-02 - Non-final action mailed

2000-12-20 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Martin J. Beran

Correspondent

MARTIN J BERAN

OSTROLENK FABER GERB & SOFFEN LLP

1180 AVENUE OF THE AMERICAS

NEW YORK NEW YORK 10036



United States Patent and Trademark Office

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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 9

Serial #: 71277291

Filing Dt: 12/28/1928

Reg #: 282739

Reg. Dt: 04/28/1931

Registrant: EPSTEIN-MINZTER CO. INC.

Mark: SEASON

Assignment: 1

Reel/Frame: 2039/0633

Received: 03/27/2000

Recorded: 02/22/2000

Pages: 6

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: I. EPSTEIN & SONS, INC.

Exec Dt: 01/31/2000

Entity Type: CORPORATION

Citizenship: NEW JERSEY

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: MILLBROOK DISTRIBUTION SERVICES, INC.

88 HUNTOON MEMORIAL HIGHWAY
LEICESTER, MASSACHUSETTS 01524

Correspondent: PARKER CHAPIN LLP
KARL M. ZIELAZNICKI, ESQ.
405 LEXINGTON AVENUE
NEW YORK, NY 10174

Assignment: 2

Reel/Frame: 2039/0655

Received: 03/27/2000

Recorded: 02/22/2000

Pages: 4

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: MILLBROOK DISTRIBUTION SERVICES INC.

Exec Dt: 01/31/2000

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: DELAWARE LIMITED
LIABILITY COMPANY

Citizenship: NONE

Assignee: B. MANISCHEWITZ COMPANY, LLC, THE

ONE MANISCHEWITZ PLAZA
JERSEY CITY, NEW JERSEY 07302

Correspondent: PARKER CHAPIN LLP
KARL M. ZIELAZNICKI, ESQ.
405 LEXINGTON AVENUE
NEW YORK, NY 10174

Assignment: 3

Reel/Frame: 2051/0236

Received: 04/14/2000

Recorded: 03/07/2000

Pages: 6

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: B. MANISCHEWITZ COMPANY, LLC, THE

Exec Dt: 01/31/2000

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: NEW YORK

Assignee: CHASE MANHATTAN BANK, THE
600 FIFTH AVE
NEW YORK, NEW YORK 10020

Correspondent: KAYE, SCHOLER, FIERMAN ET AL.
SHERYL GITTLITZ
425 PARK AVE.
NEW YORK, NY 10022

Assignment: 4

Reel/Frame: 2119/0278

Received: 09/26/2000

Recorded: 09/26/2000

Pages: 6

Conveyance: RE-RECORD TO CORRECT NATURE OF CONVEYANCE FROM ASSIGNMENT TO READ SECURITY AGREEMENT ON A DOCUMENT PREVIOUSLY RECORDED ON REEL 2051 FRAME 0236.

Assignor: B. MANISCHEWITZ COMPANY, LLC, THE

Exec Dt: 01/31/2000

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Assignee: CHASE MANHATTAN BANK, THE

600 FIFTH AVENUE
NEW YORK, NEW YORK 10020

Entity Type: CORPORATION

Citizenship: NEW YORK

Correspondent: SCHWEITZER CORNMAN GROSS & BONDELL

MARTIN J. BERAN, ESQ.
230 PARK AVENUE, SUITE 2200
NEW YORK, NEW YORK 10169

Assignment: 5

Reel/Frame: 2139/0669

Received: 09/19/2000

Recorded: 08/17/2000

Pages: 6

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT THE BRIEF TO READ SECURITY AGREEMENT, PREVIOUSLY RECORDED AT REEL 2051 FRAME 0236.

Assignor: B. MANISCHEWITZ COMPANY, LLC, THE

Exec Dt: 01/31/2000

Entity Type: DELEWARE LIMITED
LIABILITY COMPANY

Citizenship: NONE

Assignee: CHASE MANHATTAN BANK, THE

600 FIFTH AVENUE
NEW YORK, NEW YORK 10020

Entity Type: CORPORATION

Citizenship: NEW YORK

Correspondent: SCHWEITZER, CORNMAN GROSS & BONDELL

MARTIN J. BERAN, ESQ.
230 PARK AVENUE
SUITE 2200
NEW YORK, NY 10169

Assignment: 6

Reel/Frame: 3083/0871

Received: 11/22/2004

Recorded: 11/18/2004

Pages: 4

Conveyance: CHANGE OF NAME

Assignor: THE B. MANISCHEWITZ COMPANY, LLC

Exec Dt: 10/18/2004

Entity Type: LIMITED LIABILITY
COMPANY-DELAWARE

Citizenship: NONE

Assignee: R.A.B. FOOD GROUP, LLC

444 MADISON AVENUE
ROOM 601
NEW YORK, NEW YORK 10022

Entity Type: LIMITED LIABILITY COMPANY
-DELAWARE

Citizenship: NONE

Correspondent: OSTROLENK, FABER, GERB & SOFFEN, LLP

BERAN J. BERAN
1180 AVENUE OF THE AMERIAS
NEW YORK, NY 10036-8403

Assignment: 7

Reel/Frame: 3032/0643

Received: 02/18/2005

Recorded: 02/18/2005

Pages: 4

Conveyance: ASSIGNMENT FOR SECURITY

Assignor: R.A.B. FOOD GROUP, LLC

Formerly: FORMERLY THE B. MANISCHEWITZ COMPANY, LLC

Exec Dt: 02/11/2005

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Assignee: JP MORGAN CHASE BANK, N.A., AS ADMINISTRATIVE AND
COLLATERAL AGENT

1166 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10036

Entity Type: A NEW YORK BANKING
CORPORATION

Citizenship: NEW YORK

Correspondent: PAUL ROBBINS, ESQ.

425 PARK AVENUE

C/O KAYE SCHOLER LLP
NEW YORK, NY 10022

Assignment: 8**Reel/Frame:** 3486/0134**Received:** 02/22/2007**Recorded:** 02/22/2007**Pages:** 5**Conveyance:** RELEASE OF TRADEMARK SECURITY AGREEMENT**Assignor:** JPMORGAN CHASE BANK, N.A.**Exec Dt:** 02/22/2007**Entity Type:** BANKING INSTITUTION**Citizenship:** NONE**Entity Type:** LIMITED LIABILITY COMPANY**Citizenship:** DELAWARE**Assignee:** R.A.B. FOOD GROUP, LLC

444 MADISON AVENUE

SUITE 601

NEW YORK, NEW YORK 10022

Correspondent: PAUL J. SOMELOFSKE C/O KAYE SCHOLER LLP

425 PARK AVENUE

16-06

NEW YORK, NY 10022-3598

Assignment: 9**Reel/Frame:** 3486/0898**Received:** 02/23/2007**Recorded:** 02/23/2007**Pages:** 9**Conveyance:** TRADEMARK SECURITY AGREEMENT**Assignor:** R.A.B. FOOD GROUP, LLC**Exec Dt:** 02/22/2007**Entity Type:** LIMITED LIABILITY COMPANY**Citizenship:** DELAWARE**Entity Type:** BANKING INSTITUTION**Citizenship:** NONE**Assignee:** JPMORGAN CHASE BANK, N.A.

530 FIFTH AVENUE

NEW YORK, NEW YORK 10036

Correspondent: PAUL J. SOMELOFSKE C/O KAYE SCHOLER LLP

425 PARK AVENUE

16-06

NEW YORK, NY 10022-3598

Search Results as of: 07/02/2007 08:40 AM

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Web interface last modified: April 20, 2007 v.2.0.1

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Serial Number: 71277291 Assignment Information

Registration Number: 282739

Mark



(words only): SEASON

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2002-01-12

Filing Date: 1928-12-28

Transformed into a National Application: No

Registration Date: 1931-04-28

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 837 -Post Registration

Date In Location: 2006-09-20

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. THE B. MANISCHEWITZ COMPANY, LLC

Address:
THE B. MANISCHEWITZ COMPANY, LLC
ONE MANISCHEWITZ PLAZA

JERSEY CITY, NJ 07302

United States

Legal Entity Type: Unknown

State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

U.S. Class: 046 (International Class 001, 005, 029, 030, 031, 032)

Class Status: Active

CANNED CALIFORNIA SARDINES, CANNED SALMON, CANNED TUNA FISH

Basis: 1(a)

First Use Date: 1926-05-20

First Use in Commerce Date: 1926-05-20

ADDITIONAL INFORMATION

Design Search Code(s):

02.03.25 - Fans (women holding); Hobos (women); Weapons (women carrying); Women, other women including hobos, women holding fans and armed women

06.03.01 - Beaches; Coastlines; Shores

Prior Registration Number(s):

156864

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2007-02-28 - Assignment Of Ownership Not Updated Automatically

2006-09-21 - Review Of Correspondence Complete

2006-08-23 - FAX RECEIVED

2005-04-18 - Counter claim canc.for Proceeding

2002-01-12 - Fourth renewal 10 year

2002-01-12 - Section 8 (10-year) accepted/ Section 9 granted

2001-10-23 - Combined Section 8 (10-year)/Section 9 filed

1991-08-05 - Third renewal 10 year

1991-07-18 - Section 9 filed/check record for Section 8

1971-04-28 - Second renewal

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
MARTIN J. BERAN

Correspondent
MARTIN J. BERAN
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8403
