

09-05-2002

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #11

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

The B. Manischewitz Company, LLC

Opposition No. 91151477

Petitioner-Opposer,

Serial No.: 76-144,393

vs.

TM: Four Seasons Fruit Soup

Four Seasons Fruit Soup, Corp.

Respondent-Applicant

Box TTAB No Fee
Commissioner For Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

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TRADEMARK TRIAL AND
APPEAL BOARD

**APPLICANT'S SUPPLEMENTAL ANSWERS TO
OPPOSER'S FIRST SET OF INTERROGATORIES**

Now comes Four Seasons Fruit Soup, Corp., by and through its duly authorized representative and President, Paulette D. Hardin, and supplements answers to Opposer's First Set of Interrogatories as follows:

25. Opposer failed to join the following necessary parties:

a) Epstein & Sons, Inc. based on the information offered by the Opposer in its initial complaint attached Exhibit A.

Applicant is still in the process of discovery and reserves the right to supplement this Answer as more information becomes available.

26. Applicant's business product is not the same to Opposer's products. Due to the lack of similarity, Opposer's notice of opposition is being used as a delay tactic and "fishing expedition" to impede the Applicant's process of obtaining its trademark. Opposer has produced no evidence thus far to prove that it had a fruit soup on the market at Applicant's time of application to the Trademark office nor has Opposer produced any evidence that the consumer would confuse its product with that of the Applicant's.

Applicant is still in the process of discovery and reserves the right to supplement this Answer as more information becomes available.

27. None at this time.

Applicant is still in the process of discovery and reserves the right to supplement this Answer as more information becomes available.

28. The following trademark names were discovered through Applicant's research:

a) Fruit of Four Season

Registration date 2-19-1991

Date of first use: 1-4-1968

Int'l Class 028: U.S. Class 046

Prepared fruits

b) Four Seasons

Registration Date 5-9-1989

Date of first use: 7-2-1986

Int'l Class 033: U.S. Class 047 049

Wines and a distilled spirit product, namely fruit

c) Fruit of Four Seasons

Registration Date: 5-6-1969

Date of first use: 1-4-1968

Int'l Class 029: U.S. Class 046

Fruit salad composed of orange segments, grapefruit segments, Pineapple chunks and cherries.

d) Sunrider Four Seasons

Registration Pending

Int'l Class 029: U.S. Class 046

Herbal based soups

Applicant is still in the process of discovery and reserves the right to supplement this answer as more information becomes available.

29. None at this time. The information in #28 was obtained by researching at the depository at the Ohio State University Campus. Applicant cannot find the printout documents at this time but the information obtained is available to the general public. During the research product, applicant wrote the above information from the computer search.

30. Subsequent to Opposer's Notice of Opposition, Applicant made inquiry into B. Manischewitz Company by reviewing its Exhibits offered in this litigation process and no evidence that Opposer was and/or is selling a product such as Applicant's product.

Applicant is still in the process of discovery and reserves the right to supplement this Answer as more information becomes available.

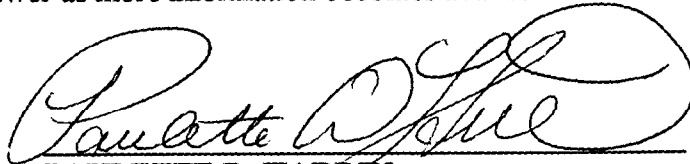
31. None at this time.

Applicant is still in the process of discovery and reserves the right to supplement this answer as more information becomes available.

32. Four Seasons Fruit Soup is descriptive. Applicant's product is a soup consisting/made out of fruit and is able to be served year round-every season.

33. None at this time.

Applicant is still in the process of discovery and reserves the right to supplement this answer as more information becomes available.



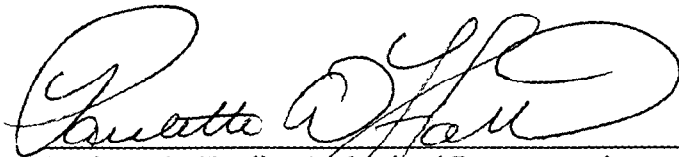
PAULETTE D. HARDIN

Authorized Representative/President
FOUR SEASONS FRUIT SOUP, CORP.
150 North Ridge Avenue
Troy, Ohio 45373
Phone: (937) 335-9796
Facsimile: (937) 497-583

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Applicant's Supplemental Answers to Opposer's First Set of Interrogatories has been faxed and Expressed mailed to the following individual on the 3rd day of September, 2002:

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



Paulette D. Hardin, Authorized Representative
FOUR SEASONS FRUIT SOUP, CORP.

TTAB

FOUR SEASONS FRUIT SOUP, CORP.
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TO: Box TTAB No Fee
Commissioner For Trademarks
2900 Crystal Drive
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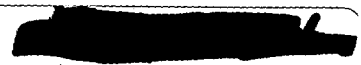
DATE: September 3, 2002

RE: The B. Manischewitz Company, LLC vs. Four Seasons Fruit Soup, Corp.
Opposition No. 91151477 Serial No.: 76-144,393

- The enclosed is for your information and files.
- If the enclosed meets with your approval, please sign and return it to my office.
- Please file the enclosed on our behalf and forward a file-stamped copy to my office.
- Please review the enclosed and contact my office.
- Please contact my office for an appointment and/or telephone conference.
- Other-

Please find the Enclosed:

- Answer and/or Counterclaim
- Agreed Judgment Entry
- Complaint
- Copy of _____
- Entry _____
- Interrogatories -- _____ Set
- Motion _____
- Notice of _____
- Request for Production of Documents
- A stamped, self-addressed envelope for your convenience.
- Other - **Applicant's Supplemental Answers to Opposer's First Set of Interrogatories (Answers 25-33)**

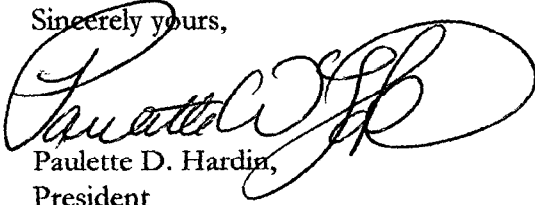


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If you have any questions, please call my office. Thank you for your attention in this matter.

Sincerely yours,


Paulette D. Hardin,
President

