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

In the matter of trademark application Serial No. 76/456,399
Filed October 3, 2002
For the mark MAPLE LEAF PRIME NATURAL and Design
Published in the Official Gazette on May 6, 2003



09-05-2003

U.S. Patent & TMO/TM Mail RcptDt. #22

MAPLE LEAF FARMS, INC.
MAPLE LEAF TECHNOLOGIES, INC.
Opposers

v. Opposition No. _____

MAPLE LEAF FOODS, INC.
Applicant

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NOTICE OF OPPOSITION

Opposers, MAPLE LEAF FARMS, INC., an Indiana corporation and doing business at Milford, Indiana, and MAPLE LEAF TECHNOLOGIES, INC., a Delaware Corporation, believe that they will be damaged by registration of the mark MAPLE LEAF PRIME NATURAL and Design of U.S. Trademark Registration Application Serial No. 76/456,399, in International Class 29, and hereby oppose same.

U.S. Trademark Registration Application Serial No. 76/456,399 was filed on October 3, 2002, under Section 1(b) of the Trademark Act, seeking registration of the mark MAPLE LEAF PRIME NATURAL and Design for "meats" in International Class

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I hereby certify that his correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 on September 2, 2003.

Clifford W. Browning
Name of Registered Representative

Clifford W. Browning
Signature

September 2, 2003
Date of Signature

U.S. Trademark Registration Application Serial No. 76/456,399 was published for opposition in the Official Gazette of May 6, 2003, and the time for Opposers to file this Notice of Opposition has been extended to and including August 31, 2003, by orders of the Trademark Trial and Appeal Board.

As grounds for opposition, it is alleged as follows:

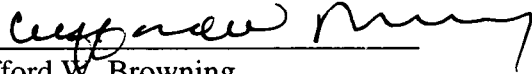
1. Since long prior to the October 3, 2002, filing date of application Serial No. 76/456,399, Opposers have been and are now using MAPLE LEAF as a trademark and as a trade name on or in connection with poultry and poultry products. Such use has been valid and subsisting since long prior to the October 3, 2002, filing date of Applicant's application Serial No. 76/456,399, and Opposers' uses have not been abandoned. Opposers' MAPLE LEAF trademarks and trade name are symbolic of extensive good will and consumer recognition that have been built up by Opposers through substantial prior sales in United States commerce and through substantial prior expenditures of time and effort in advertising and promoting Opposers' poultry and poultry products. In view of the identical sight, sound and meaning of Opposers' prior MAPLE LEAF trademarks and trade name to the MAPLE LEAF PRIME NATURAL and Design mark of Applicant's application Serial No. 76/456,399, and the closely related nature of the Opposers' poultry and poultry products to the "meats" identified in application Serial No. 76/456,399, it is alleged that Applicant's MAPLE LEAF PRIME NATURAL and Design mark for "meats" so resembles Opposers' MAPLE LEAF trademarks and trade name previously used in U.S. Commerce on or in connection with poultry and poultry products, and not abandoned, as to be likely to cause confusion, or to cause mistake, or to deceive.

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WHEREFORE, Opposers prays that their opposition to Applicant's application Serial No. 76/456,399 be sustained under Section 2(d) of the U.S. Trademark (Lanham) Act, and that Applicant be denied registration of the mark MAPLE LEAF PRIME NATURAL and Design.

Two checks, one for each Opposer, in the amount of \$300 each, for the opposition fee for one class of goods, are enclosed herewith.

Respectfully submitted,

By 
Clifford W. Browning
Woodard, Emhardt et al. LLP
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456
Attorneys for Opposers,
Maple Leaf Farms, Inc.
Maple Leaf Technologies, Inc.

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